

# Workplace Diversity

## **Lesson 1: Objectives**

At the completion of this course, you will be able to:

- ❖ Describe characteristics protected by anti-discrimination laws;
- ❖ Define harassment; and
- ❖ Identify how your organization responds to and corrects harassment and discrimination.

### *Introduction*

Healthcare organizations are more diverse than ever. Men and women of all race, color, religion and national origin are working together. Healthcare employees must embrace the diversity of their organization and give others the respect and dignity they deserve. Every human being is of equal worth, entitled to the same privileges and opportunities. It is illegal to discriminate or treat an individual unfairly based on race, color, sex, religion, national origin, age, disability, genetic information, pregnancy, or opposition to job discrimination or participation in an investigation or complaint process (referred to as protected activity).

## **Lesson 2: Harassment**

Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, age, disability, genetic information, or pregnancy. Harassment becomes unlawful when the offensive conduct becomes a condition of continued employment or the conduct creates a work environment that a reasonable person would consider intimidating, hostile, or abusive. Offensive conduct may include, but is not limited to, offensive jokes, slurs, name calling, physical assaults or threats, intimidation, mockery, insults, offensive pictures, and interference with work performance.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they believe discriminate against individuals, in violation of these laws.

Sexual harassment is also unlawful and includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or a non-employee. The victim does not have to be the person harassed but can be anyone affected by the offensive conduct. If you become a victim of harassment, inform the harasser directly that the conduct is unwelcome and must stop.

Quiz Question:

A harasser can be which of the following?

- a. the victim's supervisor
- b. a supervisor in another area
- c. a co-worker
- d. a non-employee
- e. **\*All of the above**

### **Lesson 3: Race and Color Discrimination**

Race discrimination involves treating an individual unfavorably because they are of a certain race or because of personal characteristics associated with their race. Color discrimination involves treating an individual unfavorably because of their skin color complexion. Race and color discrimination also involves treating an individual unfavorably because they are married to (or associated with) a person of a certain race or color or have a connection with a race-based organization or group or an organization or group that is generally associated with people of a certain color.

Quiz Question:

It is inappropriate to use derogatory terms when referring to an employee of a different race than you.

**\*True** or False

### **Lesson 4: Sex-Based Discrimination**

Sex discrimination involves treating an individual unfavorably because of their sex or their connection with an organization or group that is generally associated with people of a certain sex. The Equal Pay Act requires that men and women in the same workplace be given equal pay for equal work. The jobs must be substantially equal as determined by job content (not job titles). All forms of pay are covered by this law.

Quiz Question:

It is inappropriate to use belittling terms when referring to an employee of a different sex than you.

**\*True** or False

### **Lesson 5: Religious Discrimination**

Religious discrimination involves treating an individual unfavorably because of their religious beliefs, because they are married to (or associated with) an individual of a particular religion or have a connection with a religious organization or group. The law protects not only people who belong to traditional, organized religions, such as

Buddhism, Christianity, Hinduism, Islam, and Judaism, but others who have sincerely held religious, ethical or moral beliefs. An employer must reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause more than a minimal burden on business operations. This applies not only to schedule changes or leave for religious observances, but also to such things as dress or grooming practices. An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment. Workplace or job segregation based on religion is prohibited, such as assigning an employee to a non-customer contact position because of actual or feared customer preference.

Quiz Question:

It is inappropriate to tell jokes that focus on religion.

**\*True** or False

### **Lesson 6: National Origin and Citizenship Discrimination**

National origin discrimination involves treating an individual unfavorably because they are from a particular country or part of the world, appear to be of a certain ethnic background (even if they are not), are married to (or associated with) a person of a certain national origin, have a connection with an ethnic organization or group or because of ethnicity or accent. An employee is only required to speak fluent English if it is necessary to perform their job effectively, however a foreign accent cannot seriously interfere with job performance.

The Immigration Reform and Control Act of 1986 prohibits discrimination based upon an individual's citizenship or immigration status. It is illegal for employers to hire only U.S. citizens or lawful permanent residents unless required to do so by law, regulation or government contract.

Quiz Question:

It is inappropriate to mimic the accent of an employee of a particular national origin.

**\*True** or False

### **Lesson 7: Age Discrimination**

Age discrimination involves treating an individual less favorably because of their age. The Age Discrimination in Employment Act prohibits discrimination against people who are age 40 or older. Some states have additional laws that protect younger workers from age discrimination.

Quiz Question:

It is inappropriate to use age-related terms or phrases when referring to other employees.

**\*True** or False

### **Lesson 8: Disability Discrimination**

Disability discrimination occurs when an employer covered by the Americans with Disabilities Act (ADA) or the Rehabilitation Act treats a qualified individual with a disability (as defined by the law) unfavorably because they have a disability, have a history of disability, or is believed to have a physical or mental impairment that is not transitory and minor. An employer must provide reasonable accommodation to an employee with a disability, unless doing so would cause undue hardship. A reasonable accommodation is any change in the work environment to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. The law also protects people from discrimination based on their relationship with a person with a disability. While the federal anti-discrimination laws don't require an employer to accommodate an employee who must care for a disabled family member, the Family and Medical Leave Act (FMLA) may require an employer to take such steps.

Quiz Question:

It is inappropriate to joke about an employee's mental condition.

**\*True** or False

### **Lesson 9: Genetic Information Discrimination**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits discrimination against employees because of genetic information. GINA prohibits the use of genetic information, including the individual's genetic tests and the genetic tests of an individual's family members, as well as family medical history, in making employment decisions, restricts employers from requesting, requiring, or purchasing genetic information, and strictly limits the disclosure of genetic information.

Quiz Question:

It is inappropriate to disclose an employee's medical condition to others.

**\*True** or False

### **Lesson 10: Pregnancy Discrimination**

The Pregnancy Discrimination Act prohibits unfavorable treatment of a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. If a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer must treat her the same as any other temporarily disabled employee. Pregnant employees may have additional

rights under FMLA. Nursing mothers may have additional rights under the Fair Labor Standards Act. Impairments resulting from pregnancy may be disabilities under the ADA.

Quiz Question:

Pregnancy discrimination involves treating a woman unfavorably because of:

- a. Pregnancy.
- b. Childbirth.
- c. A medical condition related to pregnancy or childbirth.
- d. **\*All of the above.**

### **Lesson 11: Reporting and Correction of Discrimination**

If you become a victim of discrimination or harassment, you should promptly consult your organization's anti-discrimination or anti-harassment policy and follow the complaint procedure. When your organization receives a complaint, it must investigate promptly and thoroughly. Confidentiality during the investigation is ensured as much as possible. Your organization will take immediate and appropriate corrective action. Disciplinary action against the offending individual, ranging from reprimand to discharge, may be necessary. The corrective action will reflect the severity of the conduct. Your organization will also make follow-up inquiries to ensure the discrimination has not resumed and you and other witnesses have not suffered retaliation.

In addition to costly lawsuits, discrimination harms business operations and can cause lost productivity time due to absenteeism, turnover and employee dissatisfaction. The employer's reputation in the community may suffer as well resulting in the loss of business opportunities and good job applicants.

### **Lesson 12: Conclusion**

(NOTE: You may wish to display the contact information for the appropriate personnel within your organization.)

Employees must treat each other with courtesy and respect, regardless of their differences. If you have any questions about your organization's anti-discrimination policy and complaint procedure, contact the appropriate personnel for guidance and assistance.

## Test Questions (10 questions Pre-Test or 5 questions Post-Test)

### Pool 1 (6 or 3 questions)

#### MULTIPLE CHOICE

1. It is appropriate to treat an individual unfairly based on:
  - a. Race.
  - b. Sex.
  - c. Age.
  - d. None of the above.
  
2. Which discrimination involves treating an individual unfavorably because they have a connection with the NAACP (National Association for the Advancement of Colored People)?
  - a. Age.
  - b. Race.
  - c. Sex.
  - d. Religious.
  
3. Which Act requires that men and women in the same workplace be given equal pay for equal work?
  - a. Immigration Reform and Control Act of 1986.
  - b. Age Discrimination in Employment Act.
  - c. Americans with Disabilities Act.
  - d. Equal Pay Act.
  
4. Which discrimination involves treating an individual unfavorably because they are married to a Christian?
  - a. National origin.
  - b. Disability.
  - c. Genetic information.
  - d. Religious.
  
5. Which discrimination involves treating an individual unfavorably because they are from a particular country or part of the world?
  - a. Pregnancy.
  - b. Age.
  - c. National origin.
  - d. Religious.
  
6. The Age Discrimination in Employment Act prohibits discrimination against people who are what age?
  - a. 20 or older.
  - b. 30 or older.

- c. 40 or older.
  - d. 50 or older.
7. Disability discrimination occurs when an individual is treated unfavorably because:
- a. They have a disability.
  - b. They had a disability in the past.
  - c. They are believed to have a physical or mental impairment.
  - d. All of the above.
8. Pregnancy discrimination involves treating a woman unfavorably because of:
- a. Pregnancy.
  - b. Childbirth.
  - c. A medical condition related to pregnancy or childbirth.
  - d. All of the above.

**Pool 2 (4 or 2 questions)**

**TRUE/FALSE**

9. It is appropriate to use slang or derogatory terms when referring to an individual of a different race than you.
10. It is appropriate to use belittling terms when referring to an individual of a different sex than you.
11. It is appropriate to tell jokes that focus on religion.
12. It is appropriate to mimic the accent of an individual of a particular national origin.
13. It is appropriate to joke about an employee's *believed* mental impairment.
14. It is appropriate for an employer to disclose genetic information about their employees.
15. Sexual harassment will not be tolerated.
16. When your organization receives a complaint or otherwise learns of possible discrimination in the workplace, it must investigate promptly and thoroughly.