

“**HOW** was
your **DAY?**”

Getting Real about **BIAS, INCLUSION, HARASSMENT, and BULLYING**

***PRACTICAL ANSWERS
TO TOUGH QUESTIONS***

AN EMPLOYEE HANDBOOK

FOR PREVIEW ONLY

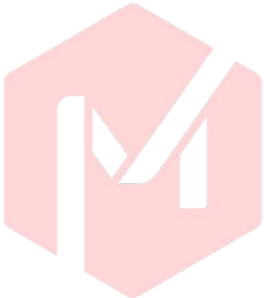
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BIAS

My co-worker told me I am biased against black people. I don't think I am. What now?

Thank your co-worker. Really.

It took a lot of courage to give you that feedback. Say, “thank you for telling me. I’m not sure I am, and I don’t want to be, so I will give it some thought.”

Yes, it’s hard. And humbling. But, it is important to consider. Are you biased against people of color, specifically, black people? Maybe yes. Maybe no. That’s for you to discern. Here’s the thing: no one wants to be biased, but we all are in different ways. Uncovering our unconscious bias takes time, humility, and patience. If someone cares enough to point out a bias to us — as painful as it might be for us to hear — it’s a gift. When you uncover a bias, you’re on your way to overcoming it.

If you are biased toward black people, or harbor any other bias, frame the bias. Look at it and own it. Then, challenge it. Or, as Verna Myers says in a TED Talk about bias, we should go after them. (See TED talk entitled “How to overcome our biases? Walk boldly toward them.”*) It’s only after we challenge our biases that we can set them aside. But, we first must be aware they exist.

Now, here’s the tricky part. What if your co-worker called you out, but unfairly? Our current culture makes it acceptable to say “that’s racist” or “that’s sexist.” And, while speaking up is important, not every claim will be true. The important thing to remember is that we need to take a look at ourselves and decide. Thanks to your co-worker, you have an opportunity to look at yourself in a different way.

**https://www.ted.com/talks/verna_myers_how_to_overcome_our_biases_walk_boldly_toward_them*

How do I uncover my unconscious biases if they are unconscious?

Good question.

The first step is awareness. be mindful of your thoughts, perceptions, and attitudes about people, especially those you don't know.

When you see someone new, what are your perceptions? What are your stereotypes? What generalizations do you make about people? When you see someone you don't know, are your immediate thoughts negative, neutral, or positive? When you think of a specific role, are your thoughts wired to imagine a certain type of person?

Think about the judgments and generalizations you make about people. Then, challenge them.

I am gay and I work alongside many other talented professionals. Why can't they see me as an equal?

Indeed, why not?

If your co-workers are well-intentioned, but don't realize they hold a bias against you, it may be helpful to enlighten them. Help them uncover their unconscious bias by saying something like, "My sexual orientation has no bearing on my ability to do my job. Please show me the same respect you show everyone else." It may feel awkward for you to say and uncomfortable for them to hear, but once you help them face their bias, you will all be the better for it.

On the other hand, if your words are met with disdain or inappropriate responses and behaviors, you may be dealing with a bigger problem. If your co-worker harasses you because of your sexual orientation and won't stop even after you speak up, talk to your manager or Human Resources.

How do I stop someone from making derogatory comments about a co-worker?

Tell them to stop.

Say something like, "You know, if someone was saying things like that about you, I wouldn't want to hear it. I don't want to hear this either." If you've been guilty of the same thing in the past, consider this instead: "You know, I've been slamming people a lot lately also and I don't want to hear these kinds of things anymore. I think we should both stop."

What if someone is making derogatory comments about me?

Tell them to stop.

It takes a lot of courage to confront someone. But speaking up is the first step to stopping it. If you need time to think about what to say, walk away. Then think about what you want to say and go back and say it. If someone is making the derogatory remarks directly to you, consider saying something like, "Your comments really bother me. Please stop."

If someone is making the derogatory remarks about you to someone else, consider saying something like, "I've heard that you've said a couple of derogatory things about me to other people. If that's true, I want you to stop."

If the derogatory remarks continue even after you've asked the person to stop, then talk with your boss about it.

What if my boss is making the derogatory comments?

Good luck.

This is a tough one. Definitely walk away and think about what you want to say. Then go back and say it. It takes courage, but speaking up is important even if you're dealing with your boss. Consider carefully what you should say and try to make your point without being accusatory.

If your boss is making the derogatory remarks directly to you, consider saying something like, "I think you're probably only trying to be funny, but your comments really bother me."

If your boss is making the derogatory remarks about you to someone else, consider saying something like, "I don't know if this is true or not, but I've been told that you've said a couple of things about me to other people. If there's anything you'd like to talk with me about, I'd prefer that you say it just to me." Even if your boss denies it, saying something like this may just be enough to stop the derogatory comments.

If the derogatory comments continue, talk with another supervisor or someone in your company's Human Resources Department.

Offensive Language, Jokes, and Slurs

What if the racial or religious slurs and jokes of a co-worker offend me?

Say something.

Racial and religious comments, slurs, stories and jokes are not only rude, they can result in legal consequences in the workplace. They should never be tolerated. Don't feel like you're being rude when you interrupt your co-worker to say, "I don't want to hear that." If they don't stop, talk to your supervisor about it.

And if you're not offended, understand that demeaning people because of race or religion is out of line and rude and could get your co-workers fired. Now that you're enlightened, enlighten your co-workers about the legal ramifications of such behaviors.

What if the racial or religious slurs and jokes are directed toward me?

Don't let it go. Tell them to stop.

You might be tempted to say something like, "If you're doing this because you think it's funny, then you're just clueless!" or "If

you're doing this to be mean, then you've succeeded, and you're a jerk!"

Saying something like this may make you feel better, but it won't be very effective. Instead, consider saying something simple and to the point, like, "Your comments really bother me and I'd like you to stop."

You should never have to tolerate racial or religious slurs, stories, comments or jokes — or, for that matter, negative comments about people based on gender, age, physical disabilities, sexual orientation, or any other legally protected status — in the workplace. If they continue after you've asked your co-worker to stop, then talk with your boss.

What if my boss is making the slurs, comments and jokes?

Pretend you didn't hear it. If only it were that easy...

While that would be convenient, it probably won't be effective. Your boss may just talk louder to make sure you don't miss out on the hilarity next time.

Instead, gather your courage and approach your boss by saying something like, "It really makes me uncomfortable to hear you demean other people, even if you are only kidding." If your boss continues, talk to another supervisor or someone in your Human Resources Department.

What if the sexual comments and jokes of a co-worker offend me?

Tell the co-worker to stop.

A pattern of sexual comments, jokes and innuendo could have legal consequences. Like racial and religious comments, slurs, stories and jokes, sexual comments should never be tolerated. Don't feel as though you're being rude when you interrupt your co-worker to say, "I don't want to hear that. I don't think it's funny, and it's definitely not appropriate at work." If they don't stop, talk to your supervisor.

What if my boss is making the comments or jokes?

Tell your boss to stop. Or talk to someone else in management.

It can be embarrassing and uncomfortable to work in an environment that is charged with sexual comments, stories and innuendo and you have the right not to work in such an environment.

It's difficult enough to confront a co-worker; confronting your boss is more difficult. If you're comfortable confronting it head on, consider approaching your boss and saying something like, "It makes me uncomfortable when you talk that way. I'd appreciate it if you'd please stop." If it doesn't stop, tell someone else in management or talk to HR.

Why do I have to stop telling jokes if everyone laughs?

Because "Ha ha ha. That's a good one" may really mean "Ha ha ha. I can't believe she just said that."

Actually, telling jokes is fine as long as they aren't offensive. Everyone likes a good laugh. But sometimes co-workers may laugh even though they're cringing inside. If your jokes are sexual in nature or make fun of people for any reason, share them after hours and outside of work — or not at all.

What if I think the jokes are funny?

Laugh along with the rest of them and then....

Say something like, "That's pretty funny, but I don't think we should be telling jokes like this at work. They could be offensive." If it happens again, try speaking up without laughing.

Offensive Cartoons, Posters, Pictures, and Emails

What if a co-worker tells me to take down one of my favorite posters because it's offensive?

Take it down.

Even if you'd like to tell your co-worker to get a sense of humor, the right thing to do is to take the poster down.

Your work area is your own space and should be comfortable. But it shouldn't be offensive to anyone else. There's more to you than any one poster can typify. So, if you want your work area to reflect who you are, find something that reflects one of the other many facets of you.

If you like cars, for example, consider the difference between a poster of a sleek, red Ferrari and a poster of a scantily clad woman lying on the hood of a sleek, red Ferrari.

If you want a calendar, consider the difference between photographs of people involved in extreme sports and photographs of firefighters in skimpy swimsuits.

On its own, hanging a poster, calendar, or a picture that is sexual in nature is not harassment. However, it is disrespectful and can become part of a pattern of offensive, unwanted behaviors that create a potentially hostile working environment. And, we know you don't want to be a part of that.

ASK Yourself

Here are a couple of tips to help you assess what is appropriate to display in your work area:

- Ask yourself whether the humor or message is at anyone's expense.
- Ask yourself if your freedom of expression infringes on someone else's.
- Ask yourself whether it's sexual in nature.

If you answer "yes" to any of these questions, don't display it. And, pat yourself on the back for doing your part to create a respectful work environment.

If you believe you need to be clearer, try one more time. Say something like, "I do not want to go out with you. I want you to stop asking me." Then, if it doesn't stop, talk with your manager.

What if a co-worker uses sexual innuendo as a joke?

Was it funny? Even if it was, it's still inappropriate.

Funny or not, sexual innuendo has no place at work. The dictionary defines an innuendo as "a hint." This technique is safer than overt harassment because the harasser can claim they never said anything about sex or they were only joking. But in a court of law, "intent" doesn't matter and "funny" doesn't matter. So don't feel like you have to laugh or ignore it when someone tries to make sexual comments cute. Just say something like, "I don't think that's funny and it isn't appropriate at work. Please don't talk like that around me."

What if a co-worker always stands too close or touches me?

Let him or her know that you don't like it.

People differ on the amount of personal space they need to feel comfortable when they are talking with others. Some people are perfectly fine with less space and may not realize that they are making you feel uncomfortable by standing so close. If you like a little more space around you, let people know. Most people will respect a request like, "Can you back up a couple of steps? I feel uncomfortable when you stand so close."

When it comes to others touching you, it's up to you to be clear with others about what's OK and what isn't. If you don't say anything, most people will think it's OK to touch you. If you feel a person is touching you in a sexual way, say, "I don't like it when you touch me, so please don't." If you feel the person is touching you in a friendly way but it still makes you feel uncomfortable, smile and say, "I'd rather you didn't touch me. Thanks."

If, for whatever reason, the person doesn't stop, talk to your supervisor immediately. If your boss is doing the touching, talk to his or her supervisor, or call the Human Resources Department.

What if a co-worker is always looking at my body?

Talk about awkward! Tell them to stop. Or talk to a supervisor.

What do you say? “Hey, get your eyes off my body”? Maybe some of us could say that, but most of us couldn’t. However, you can say it in a different way — and, yes, you have every right to say it. Regardless of the words you choose, it’s going to be uncomfortable, but not as uncomfortable as their unwelcome gawking, right?

So walk away, think about what you want to say, take a deep breath and then go back and say it. Try saying something like, “I’m really uncomfortable with the way you seem to be looking at my body when we’re talking.” If the offending co-worker plays innocent, follow up with something like, “Well, you may not be aware of it, but it really bothers me, so could you keep your eyes on my eyes when we talk?”

Some of you may be thinking, “Right. I would never be able to say something like that to one of my co-workers.” That’s OK. If the idea intimidates you or you can’t muster enough courage to talk face to face with her or him, talk to a manager. But do something about it. You may just be dealing with a co-worker who doesn’t even know he’s doing it. Or you may be dealing with someone who knows exactly what he’s doing. Either way, it’s not going to stop on its own.

What if my boss is always looking at my body?

Tell another manager about it.

We’ve all heard people say, “What can I do? He’s my boss.” Or “She’s my boss.” But this isn’t just something you put up with. If your boss is looking at you in a way that makes you feel uncomfortable or unsafe, it’s wrong and needs to stop. It’s understandable that you may not want to confront your boss yourself, but you need to tell somebody. So go to another manager or to someone in Human Resources and let that person help you deal with the problem. It won’t go away by itself, and you don’t have to put up with it.

What if a customer flirts with me?

If it bothers you, say so.

This can be sensitive because it's a customer. But if the customer's comments make you feel uncomfortable, it's important to speak up and ask him or her to stop. It's likely that the customer is unaware that there is a problem; but unless you say something, the customer will probably continue to make sexual innuendos or flirt with you each time you see one another.

Maybe it started out as innocent flirting. At the end of the day, you were flattered. Perhaps you even flirted back. Let's face it; it's natural to feel good when someone notices us — especially if it's based on our sexuality. But if that flirting turns into a sexual advance, or goes beyond your comfort zone — even if you encouraged it — you have every right to speak up and stop it.

Say something like, "It makes me feel uncomfortable when you talk to me that way. Let's just stick to business." Or "I know we've both flirted a little, but now I feel uncomfortable. I'd like to just focus on business." It may be a little embarrassing for both of you at first, but with time, your business relationship will become more comfortable. However, if the customer continues to make you feel uncomfortable, talk with your boss.

What if a vendor flirts with me?

Again, speak up. If it bothers you, say so.

If it continues after you've said something, talk with your boss or someone in the Human Resources Department.

About Harassment

What are the basics of harassment?

It doesn't have to be intentional to be illegal.

Harassment often isn't intentional, but it doesn't have to be intentional to be illegal. Men can harass men, women can harass women, women can harass men, and men can harass women. It's the behavior that counts, not the gender of the participants.

A person can feel harassed even if he or she is not the intended target of the behavior but overhears or witnesses it in an environment that permits such inappropriate behaviors. It can be co-worker to co-worker, boss to employee, customer to employee, or vendor to employee. It can be a one-time quid pro quo situation or a pattern of unwanted, offensive behaviors that create a hostile work environment.

Courts define harassment in terms of protected classes. While not all harassing behaviors meet the standard of illegal conduct, any workplace harassment is inappropriate and should not be tolerated.

PROTECTIONS

It is inappropriate, and potentially illegal, to bother or make fun of someone because of the following:

- Age
- Color
- Disability
- Gender identity
- Genetic information (including family history)
- National origin
- Race
- Religion
- Sex (including pregnancy)
- Sexual orientation
- Veteran status

What is quid pro quo sexual harassment?

Literally, it means “this for that.”

Quid pro quo harassment is usually a request for sexual favors with the understanding that submission to, or rejection of, the request may result in a job consequence. Unlike other types of harassment, which require a pattern to be against the law, one instance of quid pro quo is illegal. In addition, quid pro quo harassment requires a differentiation in job status or power (for example, manager to employee).

The job consequence can be direct, indirect or implied due to the manager’s level of authority. That means a manager who asks an employee for a date and says, “No strings attached” may be just as open to accusation of quid pro quo harassment as the manager who directly says, “I see a promotion in the near future for you” or “Saying ‘no’ jeopardizes your job with me.”

What is hostile work environment harassment?

When an employee dreads coming to work because of harassment.

Hostile work environment harassment refers to a pattern of unwelcome behaviors — quite often sexual in nature — that creates an environment in which the employee has difficulty working. For example, a co-worker who continually makes lewd comments and asks for intimate details of your sex life even after you’ve asked him or her to stop may be creating a hostile work environment.

What is third-party hostile work environment sexual harassment?

Think of it as second-hand smoke.

Just as a nonsmoker in the same room with a smoker can be adversely affected, so too can a person be offended even if that person isn’t the target of the conversation, remarks, jokes, etc.

For example, an employee who is within earshot of constant conversation about a co-worker's sexual exploits, sexual innuendo, and off-color jokes and who finds it difficult to work because the environment is degrading and intimidating may be working in a hostile work environment.

BULLYING

What if someone is telling rumors about me and making me look bad in front of my boss?

Recognize that you did nothing to bring it on.

The most important thing to remember is that it's not you. Bullies thrive on power and control. They try to overcome their own insecurities by latching on to a target who they can bully so they feel more powerful. What can you do? If you're comfortable doing so, speak up. Keep it calm, keep it clear, and ask them to stop. If that doesn't work, document everything and then talk to HR.

My friend said HR won't do anything because bullying isn't against the law. So, now what?

Talk to HR anyway.

More and more states are passing legislation against workplace bullying. And, even if bullying is not against the law in your state, it may be against company policy. Here's the thing: you can't control the outcome, but you can do your part to affect change.

Accept that you did nothing to bring on the bullying. Call it what it is: bullying. And, go to your manager and HR and shine a light on what the bully is doing to you. It takes courage, but regardless of the outcome, you can stand tall knowing you did everything you could to stop the bullying.

What if someone is always mean to me?

It depends on how closely you work together.

If someone is always mean to you and you have absolutely no idea why, they may just be a mean person. It's a sad fact of life, but no matter where you go, you're going to find people who are mean, rude, selfish, or all of the above. Some are bullies. Some are just disgruntled, unhappy people. So, how you deal with the person depends on how closely you work together and whether the person is just plain mean to everyone, or someone who has targeted you to bully.

It may be easier to ignore someone who is mean to everyone. But, if someone is bullying you, that's a different story. The power and control tactics the bully uses will escalate over time and things will get worse for you. So, speak up. Keep it calm. Keep it clear. And, document everything so you're prepared to go to your manager and HR.

What if I see someone being bullied? Won't I become the target if I speak up?

Maybe. Maybe not.

Remember, there is strength in numbers. If you speak up, then you shine a spotlight on what is happening and bring it out of the shadows. It takes courage to be an upstander instead of a bystander, but when good people do and say nothing, the bad behavior continues unchecked.

HARASSMENT AND BULLYING COMPLAINTS AND REPORTING

Am I responsible if I just witness harassment, but I'm not part of it?

In a word, yes.

As a fellow human being and a respectful co-worker, you are very responsible for trying to stop harassment. Wouldn't you want someone to help you or a member of your family if they were being harassed? And, yes, from a legal standpoint, you may very well be held responsible for your knowledge and witnessing of an illegal act. You don't need to step into the middle of it yourself, but you certainly need to tell your supervisor or someone else in authority.

What should I do if I feel I've been harassed?

Take action.

If you are comfortable confronting the person who is harassing you, then that should be your first step. Say something like, "I am uncomfortable when you and I don't like it. Please stop." If that doesn't work and the harassment continues, talk with your supervisor, your supervisor's boss, the department head or someone in the Human Resources Department. Whatever you do, don't put up with it.

What if I'm told a harassment complaint has been filed against me?

Ask about the incident and, if necessary, change your behaviors.

If it's a valid complaint and it was intentional, you need to make sure it never happens again or you could face legal consequences.

If it's a valid complaint and it was unintentional, explain that you didn't mean to offend. Although it's the impact that matters and not your intention, at least you'll feel better explaining yourself. However, you'll still have to make sure it doesn't happen again.

If it's invalid, you don't have anything to worry about. But, you can still learn from the experience. Think about the complaint.

Take time to reflect on your overall behaviors and whether there's room for improvement. Think before you act. And, make sure to use your "Guest Filter" and behave as you would if you were a guest in someone's personal space.

ASK Yourself

Ask yourself whether your words and actions are appropriate. Consider your behaviors and change your ways if you do any of the following:

- Make fun of people for who they are or what they believe.
- Tell off-color or demeaning jokes or stories.
- Share intimate details of your sex life with anyone who will listen.
- Ask others for intimate details about their sex life or personal life.
- Ask out co-workers even after they've told you they're not interested.
- Ask out subordinates.

What should I do when I am offended by something at work or I witness something inappropriate toward a co-worker?

Confront it and feel good about being part of the solution.

It takes courage to speak up, and it's often tough to do in the moment. So don't worry about being quick on your feet. In fact, don't worry about saying anything then and there. If you need to, just walk away. Then think about what you want to say and go back and say it.

What if I'm threatened about "squealing?"

Retaliation for reporting any type harassment or for cooperating in an investigation is illegal.

Federal law protects employees who file a discrimination or harassment complaint from retaliation of any kind. A harasser or manager who retaliates against a harassment complainant or someone cooperating with a harassment investigation is breaking the law.

Federal law protects employees from retaliation when employees complain — either internally or to an outside body like the Equal Employment Opportunity Commission (EEOC) — about workplace discrimination or harassment. In addition, some state laws prohibit employers from retaliating against employees, but it rarely becomes a police matter. On the other hand, threatening bodily harm to you or anyone else is a criminal offense as well as grounds for immediate termination in most cases. (See your company's harassment and/or bullying policy).

Can I remain anonymous if I file a complaint or help with a harassment investigation?

Maybe, but there's no guarantee.

Each investigation is different. Your company is going to be very sensitive to protect the identity and reputation of everyone involved in a complaint until all the facts are known and proven. But there are no guarantees of anonymity. If you were suddenly charged with harassment or bullying, wouldn't you feel you had the right to know who was making the charges? It takes courage to file a complaint of harassment or bullying and it takes the same courage to stand with someone who's been hurt and speaks up.

What are my company's policies on harassment and bullying?

Talk to your Human Resources Department for the specific policy.

Your company is committed to maintaining a work environment that is respectful and free from discrimination, harassment, and bullying. In keeping with this commitment, your company will not tolerate discrimination, harassment or bullying.

All employees are responsible to help assure that everyone can do their jobs in a respectful work environment. If you feel that you have experienced or witnessed workplace harassment or bullying, notify the Human Resources manager, your department head or your supervisor. The company forbids retaliation against anyone for reporting harassment or bullying, assisting in making a harassment or bullying complaint or cooperating in an investigation. If you feel you have been retaliated against, notify the Human Resources manager, your department head or your supervisor.

Your company's policy is to investigate all such complaints thoroughly and promptly. To the fullest extent practicable, the company will keep complaints and the terms of their resolution confidential. If an investigation confirms that a violation of the policy has occurred, the company will take corrective action, including discipline, up to and including immediate termination of employment.

What is my company's policy on sexual harassment?

Talk to your Human Resources Department for the specific policy.

Your company fully supports laws and regulations designed to prevent sexual harassment within the work environment. Sexual harassment consists of unwelcome sexual conduct, sexual advances, requests for sexual favors and other visual, verbal or physical conduct of a sexual nature that is a term or condition of employment. It is sexual harassment when submission to or rejection of such conduct is used as a basis for employment decisions, such as hiring, scheduling or continued employment. It is also sexual harassment when such conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment will not be tolerated and will result in disciplinary action, including possible termination. If you feel that you are being subjected to sexual harassment, promptly contact your immediate supervisor, your supervisor's supervisor, the Human Resources manager or any appropriate corporate officer or company representative.

ABOUT THIS BOOK

This book is a simple and very basic handbook about the ways in which we can show respect toward the people with whom we work. It is designed to provide employees with quick and practical advice for creating and maintaining a respectful workplace. It's important to note, however, that the ideas presented here are not a substitute for legal counsel or personal advice from a licensed professional.

We're proud of this handbook. We hope that every employee in your organization can have one.

ABOUT THE PUBLISHER

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