Chapter Objectives

After studying this chapter, you will be able to

- relate current population trends to their effect on workplace diversity.
- list the benefits of diversity to an employer.
- describe ways that employers and employees can promote workplace diversity.
- provide examples of employment discrimination forbidden by law.
- explain how to take action against any sexual harassment or discrimination directed at you in the workplace.

Key Terms

- ethnic group
- assimilation
- workplace diversity
- discrimination
- criminal penalties
- stereotype
- racism
- sexual orientation
- sexual harassment
- quid pro quo harassment
- hostile environment harassment
- body language
- reprisal

Reading Advantage

Find an article on http://news.google.com that relates to the topic covered in this chapter. Print the article and read it before reading the chapter. As you read the chapter, highlight sections of the news article that relate to the text.
Key Concepts

- It is the responsibility of both employers and employees to promote diversity in the workplace.
- Several federal laws protect people from discrimination and sexual harassment in the workplace.
- There are steps individuals can take to discourage or end discrimination or harassment behavior.
The term *diversity* refers to the many factors that make people different. Diversity involves respecting people’s differences. When diversity is supported, everyone is allowed to maintain his or her individuality. People are not forced to change how they live, speak, look, or think in order to be more like those in the majority.

The United States is the most diverse country in the world because its population comes from every other nation. No other country in the world can make this claim. The diversity of the U.S. population is most evident in large cities. There you see individuals of many different backgrounds and life experiences. For people growing up in these areas, diversity is a way of life. They live, play, study, work, and develop friendships with those of different backgrounds, customs, and beliefs.

Everyone in the United States has experienced some form of diversity. If you live in an area where few differences exist among people, associating with a more diverse population may make you feel uneasy. There is a natural tendency to seek out and stay close to people who are like you. Sometimes to eliminate feelings of discomfort, people who are alike try to change those who are different. This forced change has been the cause of many clashes and conflicts between groups of people throughout history.

### Diversity Trends in the United States

A country as large and diverse as the United States can point to many factors causing population differences. Many of these factors are listed in 20-1. These factors affect society in general and, therefore, affect the workplace.

#### Cultural Heritage

Cultural heritage is one of the biggest factors affecting U.S. diversity. Cultural heritage determines what beliefs, learned behaviors, and language pass through the generations to each individual. The cultural heritage of people in the United States has been shaped by Native Americans and immigrants who settled here. As a result, all Americans are part of some ethnic group. An **ethnic group** is a group of people who share common racial and/or cultural characteristics such as national origin, language, religion, and traditions. The major ethnic groups that exist in this country are shown in 20-2.

Presently the majority of Americans have European ancestors. Increases in the number of European Americans are not keeping pace with the rapid rise in African-American, Asian-American, and Hispanic-American populations. This trend is occurring mainly in big cities and certain agricultural areas. When different
cultures associate, there is the opportunity to share the best of what each has to offer. When people are not permitted to express their culture or are forced to change it, hostility and conflicts may result.

In the past, assimilation was considered the best way to handle diverse populations. **Assimilation** is blending people into society by helping, and sometimes forcing, them to become more like the majority. Today the focus is on allowing people to preserve and express their heritage, 20-3.

Some individuals feel very strongly about preserving their cultural heritage while others do not. Some, but not all, want to be identified as a member of their cultural group. Everyone, however, wants to be treated and respected as an individual.

**Language**

Diverse languages are more common in the workplace because a growing segment of workers are first-generation immigrants who know little English. When employers, employees, and customers cannot understand one another, misunderstandings often result. Using different languages in the workplace is a growing issue and one that people feel very strongly about, no matter which position they favor. Some argue that only English should be spoken for purposes of clear communication.
Others say language is part of their cultural heritage and should be preserved. This debate is ongoing.

Religion

Religion is a private matter and, therefore, rarely discussed during work hours. Problems in the workplace usually surface when off-time is granted for observing the practices of one religion but not others. Many conflicts arise when companies have religious displays or events that express one group’s beliefs but not others’. Religious diversity is rapidly increasing for two key reasons. First, new styles of religious practices are being introduced by recent immigrants. Secondly, traditional religions are splitting into factions.

Gender

Gender, or a person’s sex, is another factor that affects the diversity of the workplace. In recent decades, millions of women took jobs outside the home, causing tremendous change in the workforce. The number of employed women increased from about 30 percent in 1970 to over 55 percent of all working-age women today.

Many women seek work to earn income needed by the household. Some female workers want the economic freedom that extra income brings. Others want the challenge of pursuing a career. In the future, women are expected to enter the labor force at about the same rate as men, 20-4.

Age

Age is fast becoming a diversity issue because the number of older workers is quickly increasing in society. The U.S. Census Bureau predicts

Compared to men, more women graduate from college but approximately the same number enter the workforce.
that between 2000 and 2040, the number of Americans ages 65 and older will more than double, to 77 million. Because the U.S. population in general is aging, older workers who can relate to this fast-growing market segment will be highly valued. Their keen insight, valuable experience, and dependable work habits will be sought. See 20-5. Older workers who might have considered retiring will be lured back to at least part-time work. These workers demonstrate the value of lifelong learning and acquiring new skills, such as computer literacy.

For older workers who have not updated their skills, the outlook is quite different. In an era when updated skills are a necessity, workers with outdated skills will be the first employees let go in economic downturns. Unskilled older workers will have difficulty keeping their jobs. If these workers ever leave or lose their jobs, they may not find replacement work.

Disability

Disability covers a wide range of physical and mental impairments. These disabilities affect about eight percent of the work population at any given time. A person with a disability still has many abilities or talents to devote to producing quality work. Workers with disabilities are more visible in the workforce because of federal law and changing attitudes. Everyone is a potential candidate for some form of disability during his or her life.

The Benefits of Diversity in the Workplace

Diversity, as applied to the workforce, is a fairly new concept. Workplace diversity means respecting the contributions of coworkers who are unlike you. Companies have found that teaching employees to value workers’ differences yields the following positive results:

- There are fewer lawsuits.—The enormous expense of money and time devoted to defending a company against charges of unequal opportunity is reduced or eliminated.
- Morale is high.—Employees feel more comfortable and at ease because the emphasis is on what they contribute, not who they are. See 20-6.
- Creativity increases.—Since all ideas are valued, people feel greater freedom to make suggestions and present alternative views.
- Productivity increases.—When people feel respected, they are committed to doing the best job possible.
Quality workers are attracted to the organization.—Most workers seek employers who respect them and value their ideas. Employers with such a reputation usually have no trouble attracting the highest quality workers.

The decision-making process improves.—When many different views are examined early and frequently during planning, the final plan is usually a sound one.

Decision-making speed improves.—When frank, open discussions are common, complex issues are explored more quickly. Sensitive issues can be raised without fear of hurting coworkers’ feelings. This leads to faster decisions.

More customers are reached.—A diverse workforce understands a wider range of customers. Consequently, market opportunities are recognized quicker and products are launched faster.

Goodwill and positive ties are formed with businesses and government groups.—Having a policy of accepting diversity can mean gaining public respect. For companies whose customers are organizations, it can also mean getting more business from the government and like-minded companies.

Promoting Diversity in the Workplace

Managing workplace diversity is extremely important to U.S. organizations wanting to sell in a global environment. World markets are growing more diverse. Experts believe that enlightened management policies emphasizing diversity will help companies serve customers better everywhere. This will especially help U.S. companies compete more effectively in worldwide markets.

What Employers Are Doing

Diversity training in the workplace is relatively new, but rapidly increasing. Large global companies have taken the lead and report that the benefits, listed earlier, far outweigh the costs. Corporate leaders agree that diversity makes good moral and economic sense. Now that diversity has been shown to make good business sense, companies without such programs are more eager to implement diversity training.

Much of today’s knowledge about what to teach and how to teach it was developed in the United States on the job through trial and error. Until recently, no courses existed on the subject, and no other country
practiced it. Consequently, each company developed its own way to handle the diversity challenges. Then, companies shared information through business conferences and learned from each other. Some of the methods that are in current use are listed in 20-7. Most companies generally review and update their programs to keep them effective and relevant.

Diversity programs began as a way for companies to avoid costly legal battles and tell employees what not to do. Gradually managers with foresight recognized that a company’s success hinged on its workforce. Workers preferred learning what to do instead of what not to do. Training programs were revised to emphasize positive behavior. The focus turned to understanding and accepting people’s differences and viewing them as a positive asset.

**What Employees Can Do**

You, as an employee, also have a role in promoting diversity. First, consider how your behavior is affected by your cultural background. Then, recognize that your value system will probably differ from that of other coworkers. All employees have a responsibility to work in harmony toward achieving company goals.

**Employer Strategies for Promoting Workplace Diversity**

- Develop a diversity policy. Include the policy in the employee handbook and discuss it in company publications.
- Recruit employees for diversity task forces and advisory councils to guide the overall diversity policy.
- Reward behavior that reinforces diversity goals.
- Evaluate manager and employee performance based on diversity measures.
- Revise existing company policies and benefits so they support diverse needs.
- Place special emphasis on recruiting individuals from populations that are missing or underrepresented in the organization.
- Promote community volunteer work that encourages employees to work with diverse populations.
- Link diversity goals to business goals.
- Provide training programs that help employees examine assumptions and past attitudes.
- Provide training programs to help managers develop skills for removing communication barriers among workers.
- Keep employees informed about diversity efforts that have benefited the company.
If working in a diverse environment is unfamiliar to you, you may find this quite challenging. You will want to broaden your outlook and adjust any negative viewpoints you have. Some ways to help you make that adjustment are listed in 20-8. Ultimately, learning to work with diverse coworkers will build your character. You will become a more valuable team member and employee.

**Diversity, Rights, and Discrimination**

A diverse population inspires many different views on every issue. On the subject of opportunities in the workplace, however, only one view is lawful—everyone has a right to fair treatment. When that right is taken away, discrimination has occurred.

Considered on its own, discrimination is a positive trait. It actually means “distinguishing one object from a similar one.” It also means “using good judgment,” as in deciding what to say in a letter of application to try to get the job you want.

When the term *discrimination* is used in the workplace, it usually has a negative meaning. *Discrimination* then means treating people on a basis other than individual merit. Generally discrimination refers to the negative treatment of one or more individuals compared to that of the larger group. Discrimination may also refer to excluding some people from a special treatment offered to others.

**20-8**

These guidelines help workers respect and appreciate their coworkers.

**Employee Actions That Encourage Workplace Diversity**

- Show flexibility in adapting to your coworkers and work environment.
- Examine your assumptions about people different from you.
- Explore different cultures through cultural events, movies, plays, books, and travel.
- Show patience in understanding and communicating with others when language barriers exist.
- Politely ask for clarification if a message or gesture does not make sense to you.
- Admit your unfamiliarity with diverse customs, but express a willingness to learn.
- Show respect for everyone’s ideas.
- Adjust your style of humor so jokes are not made at someone’s expense.
- Look beyond everyday annoyances and see the humanity in each person.
- Recognize that you are no better than your coworkers, only different.
The Law and Discrimination

Several important laws exist to promote fairness and fight discrimination in the workplace. See 20-9. The first two laws listed here were discussed briefly in Chapter 2, “Understanding Work-Based Learning.” These two laws plus the others listed here are the major laws preserving worker rights in the workplace.

- The Fair Labor Standards Act (FLSA) of 1938 forbids unfair treatment of employees by employers. This law has been amended many times to raise the minimum wage. It also reduced the number of hours worked without overtime pay and extended coverage to many low-income workers. The law also addresses child labor standards.

- The Equal Pay Act of 1963, a FLSA amendment, forbids the practice of using different pay scales for men and women. It requires that both sexes receive equal pay for jobs in similar working conditions requiring the same level of skill, effort, and responsibility.

- The 1964 Civil Rights Act banned employment discrimination on the basis of race, color, religion, sex, or national origin. For interfering with a person’s employment rights, a 1968 amendment established criminal penalties. Criminal penalties usually involve one or more of the following: serving a jail sentence, doing community service, paying a fine, and periodically reporting to a court-ordered supervisor.

- The Age Discrimination in Employment Act of 1967 banned unfair treatment of workers age 40 and older. The law was expanded by the Older Workers Benefit Protection Act of 1990, which permitted workers to sue employers over age-discrimination matters.

- The Immigration Reform and Control Act of 1986 allowed the awarding of criminal penalties to employers who discriminated against U.S. citizens born outside the country. The Immigration Act of 1990 further strengthened the law and protected these citizens by making it harder for noncitizens to obtain employment in this country.

- The Americans with Disabilities Act (ADA) of 1990 is a wide-ranging law prohibiting discrimination of individuals with disabilities in matters involving employment, government services, and transportation. The law required public transportation services to be accessible to individuals with disabilities. It also required employers to provide such employees with reasonable accommodations in physical facilities. The law gives people with disabilities a chance to be hired for their skills rather than turned away for an unrelated disability.
The 1991 Civil Rights Act strengthened the ban against discrimination of races and sexes. It also gave protection to members of groups that had a history of receiving intentional job discrimination. In cases that go to court, this law allows victims to be awarded compensatory damages (money to pay for actual losses) and punitive damages (as payment to make an example of the wrongdoer).

Several government agencies deal with equal opportunity employment issues every day. The two federal offices that do most of the work are the following:

- The Office of Federal Contract Compliance Programs (OFCCP) actively seeks out cases of discrimination by monitoring contractors who hold federal contracts.
- The Equal Employment Opportunity Commission (EEOC) investigates charges of discrimination brought to it by individual workers and groups of employees. Created by the 1964 Civil Rights Act, the EEOC makes sure all laws, regulations, federal guidelines, executive orders, and collective-bargaining agreements that address discrimination are followed. Its mission is to assure equal opportunity in employment for everyone and prohibit discrimination. The EEOC’s authority covers all employment practices such as interviewing, hiring, promoting, transferring, training, retiring, and firing employees. See 20-10. The EEOC’s authority also covers membership opportunities in work-related groups. Important EEOC information can be accessed through the agency’s Web site (www.eeoc.gov).

In addition to the work done at the federal level to maintain equal opportunity, many state and local government agencies monitor and/or investigate discriminatory practices locally.

Types of Discrimination in the Workplace

The EEOC has handled thousands of claims of discrimination. From these cases, guidelines have been developed to help employers identify workplace behavior that is considered unlawful. Some examples of unlawful workplace behavior are discussed here. You will read about issues involving a worker’s sex, race, color, national origin, language, religion, disability, age, height, weight, or sexual orientation.

Sex Discrimination

The number of women now in the workforce almost equals that of men. At first glance, it may appear that sex discrimination, also called
gender bias, is no longer a problem. However, complaints to the EEOC show that working women still face discrimination in the following ways:

- lower pay than men working in similar jobs and occupational areas
- restricted entry to training opportunities and higher-paying jobs
- more difficulty in gaining promotions, even with more education and experience
- less value placed on skills in which women may excel, such as human relations and interpersonal communications
- a tendency to cluster women in jobs that are extensions of their expected roles as wives and mothers, such as housekeeping, child care, nursing, and teaching

It is unlawful to label any work as women’s jobs or men’s jobs unless gender is a bona fide occupational qualification (BFOQ). This means having a legitimate reason for specifying that a job should be held by one sex specifically. Examples of BFOQs include hiring male attendants for a men’s locker room and female attendants for a women’s locker room.

Much of the discrimination directed at women is due to society’s concept of what types of work are appropriate for women. Throughout history, women have been the primary providers of care for the family and the home. Men sometimes, even unconsciously, believe that women in the workplace will be distracted by home matters and motherhood and less committed to their jobs. As a result, women in some situations may not be considered for important jobs that require greater dedication and responsibility. These old notions clash with today’s women, who are willing to handle responsibilities on an equal level with men but expect fair treatment. See 20-11.

Several family-friendly policies now address the special problems of balancing responsibilities at home and work. These will be discussed in Chapter 28, “Managing Family, Work, and Citizenship Roles.” The policies permit workers to take time off for several common family challenges. However, few men take advantage of these policies because of society’s expectation that men must put their jobs first. Consequently, many men feel pressured to sacrifice time with the family in order to keep their careers on track. Labeling men who take time off to care for a sick family member as not serious about their jobs is also a form of sex discrimination.
Racial Discrimination

Discrimination based on race occurs when people belonging to a specific race are treated differently from others. Much of this is the result of stereotypes. A stereotype is a label given to a person based on assumptions held about all members of that person’s racial or cultural group. It causes persons to be judged on the basis of assumptions instead of merit or fact. The most severe form of discrimination is racism. Racism is the belief that one race is superior or inferior to all others.

Racial discrimination can occur when individuals are treated unfairly because of inherited characteristics, such as skin color or other physical features unique to their race. Racial discrimination in employment can also occur when employees are treated differently from other employees because of attitudes on interracial dating or marriages, racially oriented expression of attitudes and beliefs, and/or membership in racially oriented groups. Employers are obligated to keep the workplace free of racial insults and threats.

Color Discrimination

Color discrimination occurs when individuals are treated differently because of skin color alone. This type of discrimination can occur among people of the same race. For example, a Mexican restaurant staffed entirely by Hispanic Americans is practicing color discrimination when it offers the best jobs to light-skinned employees. See 20-12.

National Origin Discrimination

This type of discrimination is directed at a worker because of his or her (or an ancestor’s) birth outside the United States. Equal employment opportunities cannot be denied on the basis of an individual’s (or an ancestor’s) place of origin. Also, the physical, cultural, or language qualities of people from that place of origin cannot be a basis for unfair treatment.

Criticizing or making fun of a person’s facial features and using ethnic slurs are the most common causes of complaints involving national origin discrimination. An employer has a duty to eliminate this discriminatory behavior from the workplace.
Language Discrimination

The ability to speak or read the English language may be a work requirement. Employers who make this a requirement must show that fluency in English is a business necessity for the position in question. The employer must clearly inform employees of the general circumstances requiring them to speak English only. The consequences of violating the rule must be clearly stated and understood.

Requiring employees to speak English at all times, including during work break and lunchtime, is an example of an unlawful practice. It discriminates against people whose primary language is not English. The EEOC has determined that English-only rules may be discriminatory unless required for business reasons.

Sometimes it is assumed that people who cannot speak English well lack intelligence and are not competent. This may be far from the truth, and treating them as inferior conveys a superior attitude that is discriminatory. See 20-13.

Religious Discrimination

Religious discrimination occurs when an employment role or policy requires workers to choose between a basic principle of their religion or lose an employment opportunity. The definition of religion is not restricted to well-known denominations. It covers all beliefs and even a lack of belief, or atheism. The law covers discrimination in religious observances and practices. It also extends protection to those handling church-related obligations, such as attending a business meeting called by a minister. The most common religious practices that cause complaints of discrimination in the workplace are the following:

- wearing items of dress forbidden by the company dress code, such as long hair on men or turbans
- requesting prayer breaks during work hours
- following specific dietary requirements, such as eating at times other than the designated break periods
- observing the grieving period for a dead relative by not working
- refusing to take medical examinations
Organizations are obliged to provide reasonable accommodations for the religious practices of employees and job applicants. Businesses must try to change rules or policies to accommodate employees’ religious needs. Employers are exempt from these requirements, however, if doing so presents an undue hardship.

**Discriminating Against People with Disabilities**

Attitudes are changing in favor of helping people be productive members of their companies and society. According to the law, businesses must focus on what abilities the job requires and whether an applicant has them. If an applicant has a disability that is unrelated to job performance, it cannot be held against him or her. On the other hand, businesses are not required to give special preferences to people with disabilities. The law applies to businesses with more than 15 workers.

The most common cases of discrimination occur when employers turn away qualified people who have visible disabilities. Discrimination may also occur when employers do not provide reasonable assistance to employees who become disabled while employed, 20-14.

Because having a disabled person in the workplace usually involves extra time, effort, and cost, some employers try to screen out job applicants that may have invisible disabilities. This may be done by asking questions that are not lawful. Some examples of unlawful questions are: Do you have asthma (or AIDS, alcoholism, or any other disability)? What injuries have you suffered on the job? What prescription drugs are you currently taking?

When interviewing a job candidate who has a disability, care must be taken to focus on the person’s abilities and the job’s needs. For example, a sloppy application would normally disqualify the average job applicant. For a person with a disability, however, sloppy handwriting may simply be caused by the person’s physical impairment. In this case, the appearance of the application can be considered only if excellent handwriting is a job requirement.

**Age Discrimination**

Age is the one diversity that will eventually affect everyone. Laws forbid age-related discrimination in companies toward individuals 40 to 70 years old. In the federal government, however, the law covers everyone 40 years and older.
Age discrimination is present when an older person is treated unfavorably in the terms and conditions of employment for no reason except age. Discrimination of older workers may also involve decisions regarding wages, benefits, hiring, firing, hours worked, and overtime work. A common example of age discrimination is the across-the-board firing of people over age 40 in management positions to allow lower-salaried workers to fill their jobs. Another example of age discrimination is a want ad that indirectly implies what age of worker is encouraged to apply.

Height and Weight Restrictions

Limits placed on the height and weight allowed for workers may be a form of discrimination. The employer has the burden of showing the

A Case of Hiring Discrimination?

The XYZ Publishing Company, which prints a major city newspaper, made plans for hiring two reporters. The position required the new employees to cover local business news and events as well as report on individual company successes and failures. Extensive interviewing of company employees and executives would be a key requirement.

Andre and Heidi applied for the positions. Both were college graduates with journalism degrees and similar work experience on college and hometown newspapers. For all practical purposes, their résumés reflected nearly identical abilities.

Both were interviewed during the same afternoon for nearly 30 minutes apiece. They were questioned intently on their people skills, communication skills, computer skills, and reporting experience. They were also questioned about their flexibility to work late or overtime as the work required. Both said their schedules were flexible.

Andre wore a dress shirt and tie, pressed trousers, and polished shoes to the interview. His hands and nails were well groomed and his hair was neatly combed. Heidi wore jeans, a wrinkled shirt, tennis shoes, a nose ring, and a row of four pierced earrings in each ear. She wore no makeup because of her religious beliefs.

A week later, both Andre and Heidi received a letter from the employment office, but only Andre was offered a job. Heidi believed she was the most qualified person for the position. She wondered if she was a victim of sex discrimination. She also wondered if she was a victim of religious discrimination. Heidi decided to write a letter to the president, charging the company with discrimination in its hiring practices.

Questions to Discuss

1. Do you believe that discrimination played a part in the hiring decision? Explain.
2. If you had to handle Heidi’s complaint letter, how would you respond?
3. What advice would you give Heidi for her next interview?

Reflect Further

Are there any jobs that people over 50 should not hold?
height and/or weight requirements are reasonable and necessary for the particular job. Some height and weight requirements have discriminated against foreign-born applicants who had lower height and weight averages than U.S. averages. See 20-15.

### Discrimination Based on Sexual Orientation

A person’s sexual behavior is a private matter, just as religion is. However, discrimination sometimes occurs in the workplace when an individual is thought or known to be attracted to a person of the same gender. This raises the issue of sexual orientation. Sexual orientation refers to the gender preferred when choosing someone for an emotional/sexual relationship. Since most people are heterosexual, sexual orientation becomes an issue when a person chooses a same-sex partner.

People who have their sexual orientation questioned are sometimes made fun of, rejected, and even fired. Unlike other victims of unfairness in the workforce, there are no federal laws that specifically prohibit discrimination based on sexual orientation. Several states and large cities, however, include sexual orientation in their employment-protection laws. Many employers, too, stress the importance of avoiding discrimination in any form. They remind all employees to focus on job performance instead of unrelated matters.

### Pregnancy and Maternity Leave Discrimination

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may
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not require her to remain on leave until the baby’s birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

If the employer allows temporarily disabled employees to modify tasks, perform alternative assignments, or take disability leave or leave without pay, the employer must also allow an employee who is temporarily disabled due to pregnancy to do the same.

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave.

Sexual Harassment in the Workplace

Sexual harassment is a broad term that refers to a wide variety of behaviors. Sexual harassment generally means unwelcome or unwanted advances, requests for favors, or other verbal or physical conduct of a sexual nature. See 20-16. Women are the most common victims, but both the victim and the aggressor can be either sex. Approximately eight percent of the cases handled by the EEOC involve female harassers.

Sexual harassment is primarily an issue of power since the victim is usually a subordinate or less influential person in the organization. Because sexual harassment is a deliberate attempt to take advantage of a person’s rights, it is prohibited by law. There are two basic types of sexual harassment defined by EEOC guidelines.

- **Quid pro quo harassment** occurs when one person makes unwelcome sexual advances toward another while promising certain benefits if the person complies. The promise of a promotion or pay raise is an example. The threat of firing or demotion if the victim refuses also is a form of quid pro quo harassment.

- **Hostile environment harassment** is behavior that makes an atmosphere uncomfortable enough to interfere with a person’s performance. Examples of unlawful behavior include inappropriate remarks or questions and unwanted staring or touching. It also includes posting pictures, playing music, using body language, or communicating a sexual message in any other way. **Body language** is a means of expressing a message through body movements, facial expressions, or hand gestures.

Sexual harassment undermines employment relationships. It also affects morale and interferes with workplace productivity. Victims are likely to suffer stress, depression, and inability to focus on their work. The employer suffers, too, since both the victim and the aggressor are less effective in their jobs.
Sexual Harassment and the Law

Although it has existed throughout history, not until 1986 was sexual harassment considered unlawful. In that year the U.S. Supreme Court ruled that EEOC guidelines for preventing sexual harassment must be treated as law. The Civil Rights Act of 1991 further strengthened victim's rights by allowing victims a trial by jury and eligibility for receiving compensatory and punitive damages. Unlike other cases involving crimes, however, sexual harassment victims must prove they did not welcome or encourage the offensive behavior.

Recognizing Sexual Harassment

Obvious acts of sexual harassment, such as threats and inappropriate physical contact, are easy to identify. However, some behavior that seems fairly innocent may still leave a person wondering. In the case of sexual harassment, there are several questions to ask to help clarify any confusion. See 20-17.

A key component of sexual harassment is *not* considering the feelings of the person receiving the aggressive behavior. If the victim does not want certain sexual behaviors to occur and says so, yet the behaviors continue, he or she is being sexually harassed. Some aggressors may try to make the matter seem less serious by saying they were simply joking. It is important for everyone to know that their behavior is not only wrong, but also illegal. The person being harassed is not at fault for the aggressor's actions.

On the other hand, if a person is comfortable with aggressive behavior or encourages it, then he or she is not considered a victim. In this case, the behavior would not be considered sexual harassment even though others would regard it as such if it happened to them.

Another factor that is considered in deciding a claim of sexual harassment is the setting. Certain behaviors that do not involve sexual contact are considered acceptable for some settings but not others. For example, gestures such as “blowing” kisses and “looks of desire” are inappropriate in the workplace. At a party or on a date, of course, these actions would not be considered sexual harassment. However, these same
gestures at a restaurant dinner may be considered sexual harassment when a supervisor and his assistant are on a business trip. The reason is that the dinner is not a date, but an extension of the workplace. See 20-18.

Students in work-based learning experiences should immediately discuss any harassment they receive with their school coordinator. That person is most qualified to help determine the next steps to take. After graduation, however, you may find it helpful to discuss the problem and sort through the facts with a trusted friend who is not involved in the matter.

**Facing Sexual Harassment or Discrimination**

Most employers have programs in place to prevent sexual harassment and discrimination, but no workplace is immune to it. If you should ever believe that you are a victim of either form of unlawful behavior, prepare to take steps to stop it. Letting time go by and hoping that the aggressor will stop rarely works.

**Discouraging the Behavior**

If you believe that a person’s actions may be illegal, you will want to discourage that person from showing any further personal attention. Follow these suggested guidelines:

- Familiarize yourself with your right to a workplace free of illegal behavior.
Know your company’s policy and reporting procedure.

Be businesslike at all times. For example, always dress appropriately for the workplace and work-related events, 20-19. Avoid circumstances that leave you alone with the aggressor or that imply you want the individual’s personal attention.

Make your intentions clear and correct any misinterpretations. Let the aggressor know that you want the offensive conduct to stop.

**Taking Action**

When a person is the victim of discrimination or sexual harassment, there is a danger of becoming too emotional to effectively do the work that must be done. The first priority is to remain professional as you handle the following steps:

1. **Tell the aggressor to stop.** Let the person know that you consider his or her conduct illegal. Insist that the conduct stop. If it continues, write the person a letter explaining what you want stopped and why. Keep a copy and preserve it in your files. Send the letter by certified mail, return receipt requested to get signed proof the person received the letter.

2. **Keep detailed records.** Maintain a journal, describing each incident and its date. Start with the event that convinced you to tell the aggressor to stop. Explain the who, what, when, where, and how of each incident. Be prepared to provide names of witnesses or others who can support your claim.

3. **Report the offense.** If your company has a written policy, be sure to follow it. If not, your supervisor is generally the one to hear your complaint and receive your report unless he or she is the aggressor. In that case, go to the person’s supervisor or someone of higher authority. See 20-20.

Dressing in a professional manner can send the nonverbal message to coworkers that your relationship is strictly business.
Sometimes employees who resist harassment or discrimination fear reprisal from their supervisor or employer. **Reprisal** is the revenge-motivated act of retaliating, or “getting back at” someone. Workers have been demoted, transferred, and even fired for challenging harassment or discrimination. It is important to know the EEOC considers such acts of reprisal unlawful. Workers are protected from retaliation when they file discrimination complaints, oppose illegal practices, or participate in related investigations.

**20-20**
The person in charge of handling EEOC complaints at your company will treat all information you provide confidentially.

**Thinking It Through**
Are you familiar with your employer’s sexual harassment policy? Does your school have one?
The U.S. population is the most varied on earth. A variety of ethnic characteristics as well as differences in age, gender, and other factors all contribute to these differences. When differences among people are not respected, conflicts can occur. When these differences are respected, everyone benefits.

In the workplace, the benefits of diversity include higher employee morale, more productivity, and better ideas. The company also reaches more customers faster. Promoting workplace diversity as a corporate policy is a relatively new goal. This goal is very important to companies trying to succeed in the global market. Both employers and employees have a responsibility to promote workplace diversity.

The emphasis on workplace diversity grew as a response to avoiding discriminatory practices. Past cases of discrimination involved unfair treatment of workers based on various factors. These factors involved a worker’s sex, race, color, national origin, language, religion, disability, age, height, weight, or sexual orientation. Government guidelines help employers identify workplace behavior that is unlawful.

Sexual harassment is another example of behavior that is unlawful in the workplace. People who become victims of sexual harassment must take steps to stop the action because harassers do not stop on their own.

Summary

1. List seven factors that cause diversity in the U.S. population.
2. Name eight benefits of workplace diversity.
3. What organizations have taken the lead in developing policies and programs that promote workplace diversity?
4. List six guidelines that help employees promote diversity.
5. Which law established criminal penalties for interfering with a person’s employment rights?
6. Which law gives people with disabilities a chance to be hired for their skills?
7. What is the primary government agency that investigates charges of discrimination brought by individuals and groups?
8. Explain the relevance of bona fide occupational qualifications to the issue of sex discrimination.
9. Explain why color discrimination is different from racial discrimination.
10. What beliefs do religious discrimination laws cover?
11. Explain why a person who is blind cannot be turned away from a job as music conductor on the basis of a vision disability.
12. Identify and describe the two types of sexual harassment.
13. List six questions that help a person decide if a behavior is sexual harassment.
14. What three steps are important in taking action against sexual harassment and discrimination?
Chapter 20  Diversity and Rights in the Workplace

Developing Your Academic Skills

1. **English.** Write a paper on your family’s cultural background. When did family members first come to the United States? What traditions did your family members bring with them that have been passed down to your generation?

2. **Social Studies.** Research and write reports on one of the laws listed on pages 413-414 in the text. Include conditions that existed before the law was passed. Also state a famous case in which the law was cited.

Applying Your Knowledge and Skills

1. **Ethics and Legal Responsibilities.** Role-play an example of sex discrimination.

2. **Academic Foundations.** Search newspapers or news magazines to find a news story related to discrimination in the workplace.

3. **Problem Solving and Critical Thinking.** List sociability skills teens need to become accepting of others their age from different backgrounds and ethnic groups.

4. **Communications.** Conduct a survey in your classroom and determine the number of ethnic origins represented by your classmates. Discuss the differences represented by mannerisms and dress due to these various ethnic origins.

Information Technology Applications

1. Interview an older working relative, friend, or neighbor. Ask the person what new technology skills they have had to learn in order to stay competitive as an employee and whether the person found learning these skills difficult.

2. Explore the EEOC Web site (www.eeoc.gov) including links to mediation, filing charges of employment discrimination, and current enforcement statistics.

Developing Workplace Skills

Work with three classmates to plan an employee picnic for ABC Company. Imagine the company includes employees from India and Saudi Arabia as well as some who follow Jewish dietary laws. Your team is in charge of food, activities, and scheduling the event. Decide when the event will be held; what food will be served; and what sports, games, or other activities to arrange. Your plans must be sensitive to employees’ customs, traditions, and religious beliefs. Research the topics necessary for developing a plan and report it to the class. Explain the factors that prompted your decisions.