

ILLINOIS CRAFT BREWERS GUILD

BEST PRACTICES TO PROTECT AGAINST WORKPLACE HARASSMENT

INVESTIGATIONS
L A W G R O U P

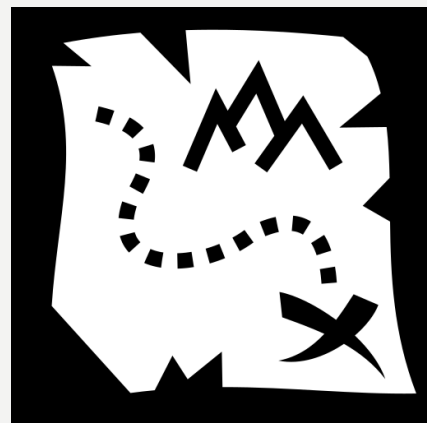


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ROADMAP

- Part One: Recognize Bias
- Part Two: Legal Compliance
- Part Three: Policy Considerations
- Part Four: Training
- Part Five: Special Considerations for Brewers





- Music Producer
- Actress
- Musician
- Model
- TV Producer
- Company Founder
- Rocket Scientist
- NYC Cop
- Masseuse
- Actor
- Coal Miner
- Serial Killer
- Professional skateboarder
- Spelling Bee Winner
- Murderer
- TV Anchor
- CEO
- Syndicated Advice Columnist
- Nobel Laureate




- Music Producer
- Actress
- Musician – 9 Matisyahu
- Model
- TV Producer - 10 Shonda Rhimes
- Com'y Founder – 8 Steve Wozniak
- Rocket Scientist – 6 Mary Morgan
- NYC Cop
- Masseuse – 3 Amber Frey
- Actor
- Coal Miner
- Serial Killer - 1 Son of Sam
- Prof'l skateboarder – 7 Jerome
- Spelling Bee Winner
- Murderer – 2 Scott Peterson
- TV Anchor
- CEO – 5 Suhas Gopinath
- Syndicated Advice Columnist
- Nobel Laureate – 4 Wole Soyinka





LEGAL COMPLIANCE

A brief overview of
some key laws



ANTI-DISCRIMINATION LAWS

- Federal laws
 - Title VII
 - ADA
 - ADEA
- State laws
- Local ordinances





THE LAW

Local, state and federal law prohibit
 Discrimination, harassment and retaliation in the
 workplace
 based on certain **protected classes**
 (characteristics).



G L V F U L P I Q D W L R Q

TREATING SOMEONE DIFFERENTLY **BECAUSE OF**
RACE, COLOR, **SEX**, **GENDER**, RELIGION, **NATIONAL**
ORIGIN, DISABILITY, AGE, SEXUAL ORIENTATION,
 GENETIC IDENTITY, VETERAN STATUS,
 PREGNANCY OR ANY OTHER PROTECTED CLASS.



K D U D V V P H Q W

SUBJECTING SOMEONE TO SEVERE OR PERVASIVE
 UNWELCOME CONDUCT **BECAUSE OF** RACE,
 COLOR, SEX, GENDER, RELIGION, NATIONAL
 ORIGIN, DISABILITY, AGE, SEXUAL ORIENTATION,
 GENETIC IDENTITY, VETERAN STATUS,
 PREGNANCY OR ANY OTHER PROTECTED CLASS.



“BUT THAT’S NOT WHAT I MEANT . . .”

- Intent is **not important**.
- Unintentional behavior can lead to discrimination and harassment claims and can violate policy.
- As far as the law is concerned, **harassment depends on how the conduct was received**, not on the intent.
- Sarcasm, banter, teasing, horseplay based on stereotypes or protected characteristics is **not okay**.

“She can’t take a joke.”

“You’re overreacting.”

“I have friends who are Black.”

“I didn’t mean it that way!”

~~“I didn’t mean it that way!”~~



In FY 2017, the most common charge filed with the

EEOC was **retaliation**

(41,097 charges – **48.8%** of all charges filed)



POLICIES

AUTHENTIC
THOROUGH
ACCESSIBLE



WHAT POLICIES SHOULD BE IN PLACE?

- Equal Employment Opportunity
- Sexual Harassment / Hostile Work Environment
- Whistleblower
- Retaliation
- Accommodation



WHAT IS A 'GOOD' POLICY?

- Authentic
- More than the Law requires
- Includes non-employees:
Vendors, Customers,
Contractors
- Protects against retaliation
- Clearly defines reporting
process



Sample EEO policy

At Craft Brewers, we value people and are committed to creating an environment where our employees, customers and vendors can enjoy the craft of our trade in an inclusive and safe environment.

Equal Employment Opportunity

Craft Brewers prohibits unlawful discrimination and harassment based upon a person's age (40+), race, sex, color, religion, national origin, disability, military status, marital status, genetic information, sexual orientation (**including gender identity**), creed, ancestry, or any other status protected by applicable law.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, offensive or hostile work environment.

This applies to all employees including managers and coworkers, and **non-employees such as customers, vendors, and contractors.**



**MAKE SURE
IT'S
ACCESSIBLE**



CLEAR REPORTING PROCESS



TRAINING

POLICY REVIEW
CIVILITY
BYSTANDER AWARENESS
ASSERTIVENESS



- **Recognizing** common ground with others
- **Understanding** and appreciating differences
- **Fostering** an inclusive environment
- **Communication**
- **Cooperation** to achieve common goals
- **Personal responsibility** for maintaining a respectful environment and questioning inappropriate conduct that may occur

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IF YOU SEE SOMETHING SAY SOMETHING

- ❖ This can be in the moment -
 - ❖ Hey knock it off
 - ❖ That joke wasn't funny
- ❖ OR after the fact.
 - ❖ That wasn't cool what you said to Heidi ...
 - ❖ I'm not sure if you know how that came across ...
- ❖ Interrupt the situation
 - ❖ Drop a great big book
 - ❖ Call your colleague into a conference room
- ❖ Talk to the recipient
 - ❖ Were you okay with that?
 - ❖ If not, go with him or her to Management



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ASSERT A BOUNDARY

- Assertiveness is NOT AGGRESSION
- Assertiveness is firm communication setting a boundary
- Give yourself permission to create boundaries at work around appropriate behavior
- Don't apologize for setting a boundary
- When saying "no" or "stop" be decisive.
- Use I statements
- Address the behavior, don't attack the person
- Address the behavior I-I, and not in front of the team
- Use verbs that convey firmness. "will" instead of "could"; "want" instead of "need"
- Maintain eye contact
- Escalate the situation if your request is not respected



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SPECIAL CONSIDERATIONS

**SOME
CONSIDERATIONS
IN YOUR
INDUSTRY**



SPECIAL CONSIDERATIONS AND CONTEXTS

- **CONDUCT BY NON-EMPLOYEE MEMBERS**
- **INCIDENTS AT SPONSORED-EVENTS**



RISK FACTORS

- Homogeneous workforce
- Workplaces where some employees do not conform to workplace norms
- Cultural and language differences in the workplace
- Coarsened Social Discourse Outside the Workplace
- Workplaces with “high value” employees
- Workplaces with significant power disparities
- Workplaces that rely on customer service or client satisfaction
- Workplaces where work is monotonous or tasks are low-intensity
- Isolated workplaces
- **Workplaces that tolerate or encourage alcohol consumption**
- Decentralized workplaces

- EEOC Select Task Force on the Study of Harassment in the Workplace



QUESTIONS?

For a copy of the presentation, go to:

www.ilgdenver.com/illinoisCBG

