

Harassment Prevention in California: The Protected Groups

Support Materials



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Transcript

In addition to sexual harassment, the Fair Employment and Housing Act prohibits harassment and discrimination of certain protected groups.

While the act covers all federally protected groups, it also expands the list to include even more employees.

California employees are protected from harassment and discrimination based on their membership in the following groups.

- Race
- Religion- Which covers all aspects of religious belief, observance, and practice, including religious dress and grooming.
- Color
- National origin
- Ancestry
- Physical disability
- Mental disability
- Medical condition
- Genetic information
- Marital status
- Sex.- Which includes gender stereotypes such as assumptions about appearance or behavior or myths about a particular gender's ability or inability to perform certain tasks.
- Pregnancy, childbirth or medical conditions related to pregnancy and breast feeding.
- Gender
- Gender identity - Which is defined as a person's identification as male, female or a gender different from the person's sex at birth.
- Gender expression - Which is defined as a person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth.
- Age for employees 40 and over.
- Sexual orientation
- And military and veteran status.

In particular, managers and supervisors should take great care to not engage in harassment or discriminatory conduct that effects a tangible employment such as hiring, firing, demotion or promotion.

For example: A manager who has chosen not to promote a pregnant woman for no other reason than the fact that she is pregnant has committed illegal discrimination.

Some other examples of behaviors that could result in illegal harassment under the FEHA are:

- Requiring employees to tolerate harassment as a condition of employment. For instance, a warehouse manager who tells his employees that “they will simply have to ignore culturally offensive comments from their co-workers because they are commonplace in blue collar jobs.”
- Refusing to hire a prospective employee because of religious grooming habits.
- Retaliating against an employee for filing a harassment claim.
- Making employment decisions or comments based on stereotypes about members of a protected group. For example a manager who refuses to hire older employees for technology jobs may be committing illegal harassment if his decisions are made solely on age.
- The use of demeaning or offensive names or the use of slurs or epithets.
- Telling insensitive jokes that are demeaning or degrading to a particular race, culture, sex or any other protected group.
- Excluding or isolating someone from work-related activities and assignments because of a non work-related reason like race, religion, gender or sexual orientation.
- Texting pictures, messages or videos that offend or harass a co-worker.
- Sending offensive or harassing emails, viewing offensive websites and using social networking sites for harassment or offensive behavior.

Employee Quiz

1. (True / False) Making offensive jokes or comments about a co-worker who is over 40 years of age could result in a harassment claim based on age.
2. (True / False) An employee's genetic information is not covered as a protected group in California law.
3. (True / False) It's legal under California law to use religious dress or grooming habits as a reason not to hire a prospective employee.
4. (True / False) The Fair Employment and Housing Act prohibits harassment and discrimination of all federally protected groups and expands the list to include even more employees.
5. (True / False) Managers and supervisors should take great care to not engage in harassment or discriminatory conduct that affects tangible employment decisions such as hiring, firing, demotion or promotion.
6. (True / False) Disabled employees are only protected against harassment if they served in the military.
7. (True / False) In California, employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct.
8. (True / False) Deciding not to hire a pregnant woman simply because she is pregnant is perfectly legal since the pregnancy will almost certainly result in work absences.
9. (True / False) Hostile Environment harassment occurs when the conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
10. (True / False) California law protects employees based on sexual orientation but does not include gender identity or gender expression as protected groups.
11. (True / False) In California, a pattern of making derogatory comments about a person's sexual orientation, gender identity or gender expression could be considered illegal harassment.
12. (True / False) Pregnancy is protected from harassment under California law, however childbirth or other related medical conditions are not.

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