

ERMA TRAINING

5/23/2012

Manteca, City Senior Center

Creating Great Workplace Environments

Harassment, Discrimination and Retaliation Prevention

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Attendees:

Bob Durham

Deanna Hopkins

Brian Heine

Ted Ryan

Don Meidinger

David Smith

Shaoming Huang

Eddie Lucchesi

Keith Nienhuis

Required for Make-up Training:

John Vignolo

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Attendance Verified By:

Ed Jurek 5/23/12



# Creating Great Workplace Environments

*Harassment, Discrimination and Retaliation  
Prevention*



2012



**About Gerry**  
**(pronounced Jerry)**

**Gerry Preciado, JD**  
**Director, Employment Practice Consulting**

Gerry Preciado is responsible for the Employment Practices Consulting at the firm. Mr. Preciado has literally trained thousands of employees, supervisors, leads, managers, and executive teams in both the public and private sector. After spending several years as an employment law trial attorney (representing plaintiffs and defendants), Mr. Preciado realized that rather than being part of the solution to create great workplace environments, he was part of the problem. After seeing the proverbial light and error of his ways he spent several years developing an approach to leading and managing people and empowering them to positively manage and respond to conflict.



This unique approach has now empowered agencies of all sizes to develop more effective and efficient workplace environments. Effective, efficient, and harmonious workplace cultures are the byproduct of employees that understand the need to respect each other's paradigms and respond to conflict in a productive and positive manner. The solution is simple, the execution take practice, and the results always reinforce that it was worth the effort.

Mr. Preciado received his Bachelor of Arts and Juris Doctor degrees from UCLA.

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**About BICKMORE**

Bickmore is one of the largest and fastest growing independent risk management, employment practice consulting, and actuarial consulting firms in the US. We have clients in 30 states--public and private sector organizations that rely on us to protect their human and financial resources from a variety of risks and losses. We accomplish this by delivering innovative risk solutions that enhance business performance, and by developing tailored training and leadership development programs designed to create positive and harmonious workplace environments where all employees can thrive.

Bickmore is staffed with more than 100 professional and support staff, including licensed attorneys, certified human resource professionals, credentialed safety professionals, experienced pool administration managers, certified public accountants, credentialed actuaries, and certified workers' compensation professionals. The Bickmore corporate headquarters is located in Sacramento, California, and maintains offices in Long Beach, California, and Portland, Oregon.

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## Legal Duties and Responsibilities

What to do, not to do, and never do!

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### May I . . .

- › Compliment my coworkers on their sweater?
- › Hug a colleague?
- › Email a colleague sexy jokes from my personal email to their personal email?
- › Post pictures of my coworkers in bikinis and speedos on my Facebook page?

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## Sexual Harassment

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## Sexual Harassment

- ▶ Verbal, physical, or visual conduct of a sexual nature
- ▶ To violate the law, conduct must be unwelcome, offensive, and severe or pervasive

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## Examples of Inappropriate Verbal Conduct

- ▶ Inappropriate verbal conduct may consist of (but is not limited to):
  - Demands for sexual favors
  - Sexually-graphic statements
  - Demeaning jokes of a sexual nature
  - The description of an employee's anatomy or body in direct sexual or sexually-suggestive terms
  - Dirty jokes

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## Examples of Inappropriate Physical Conduct

- ▶ Inappropriate physical conduct may consist of (but is not limited to):
  - Touching
  - Grabbing, patting, or touching a body part, particularly in an area that cannot be explained as inadvertent
  - Kissing/hugging
  - Encroaching upon an individual's physical space
  - Blocking an individual's movement so he or she must brush up against someone else to pass

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### What Types of Conduct Can Create Sexual Harassment?

- Sexual conduct that is welcome is not sexual harassment.
- To constitute sexual harassment, the conduct must be unwelcome.
- I.e., the conduct you enjoy and willingly accept is not sexual harassment. HOWEVER, THIS IS ALWAYS DANGEROUS CONDUCT.

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### What is Unwelcome?

- Sexual conduct could be considered unwelcome if:
  - It was rejected initially
  - It was initially accepted but later rejected
  - It was accepted after coercion

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### What types of conduct are we talking about?

- Jokes
- Cartoons
- Flirting
- Gestures
- Leering
- Propositions
- Conversation
- Email Messages

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## Discrimination

Federal and State Law  
Prohibit Discrimination  
Based on Protected  
Classifications.

- Without reading ahead, how many classifications can you name?

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## Discrimination

Protected Classifications Include:

Age	Ancestry
Color	Religious Creed
Disability	Pregnancy Disability
Marital Status	Medical Condition
National Origin	Race
Sexual Orientation	Sex
Gender	Transgender

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## Discrimination

Discrimination Laws Prohibit the Wrongful  
Denial of Employment Opportunities Including  
the opportunity to:

- Be hired
- Keep a Job
- Receive Training
- Receive a Promotion/Job Assignment
- Receive the Same Conditions/Opportunities as Others

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### What If I . . .

- › Speak in a fake foreign accent?
- › Feign being an "emotional woman" when I speak?
- › Feign being a "thoughtless man" when I speak?

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### What if I say it or do it . . .

- › When "they" are not around?
- › But do not mean anything by it?
- › And nobody objects?
- › And I tell them they can reciprocate?

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### Retaliation

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