



Nevada Equal Rights Commission

Fosters and protects the rights of all people of the State reasonably to seek, obtain and hold employment and housing, and seek and be granted services in places of public accommodation, without discrimination, distinction or restriction, as prohibited by state and federal discrimination laws.



Nevada Equal Rights Commission

Workplace Harassment



- ❑ Oversees Nevada's equal rights/equal opportunity program in employment, public accommodations, and housing
- ❑ Investigates and resolves complaints of discrimination
- ❑ Provides information and education to businesses and community groups
- ❑ Partners with the EEOC on most employment cases.

Federal Employment Discrimination Laws



- Equal Pay Act of 1963 (amended the Fair Labor Standards Act)
- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967 (ADEA)
- Americans with Disabilities Act of 1990 (ADA) and Amendments Act of 2008 (ADAAA)
- Genetic Information Nondiscrimination Act of 2008 (GINA)

State Employment Discrimination Laws



- **NRS 613 (Employment)**
 - includes explicit protection for sexual orientation and gender identity or expression

- **NRS 233 (Public Policy)**

Protected Categories

- Race
- Color
- Hair Texture
- National Origin
- Religion
- **Sex**
 - Pregnancy
 - **Sexual Harassment**
- Disability
- Age
- Genetic Information
- Sexual Orientation
- Gender Identity or Expression
- Retaliation
- Criminal Background (public employers)



Retaliation



State and federal employment discrimination laws prohibit retaliation against an individual because he or she has:

- 1) opposed an unlawful employment practice;
- 2) participated in a discrimination case, either as a complainant or as a witness in an investigation, proceeding, or hearing;
- 3) has a reasonable & “good faith” belief that the employer’s conduct was illegal – even if it turns out that the employee was mistaken.



What is Employment Discrimination?

□ Adverse employment action

A concrete action taken against an employee, motivated, at least in part, by one or more of the protected categories. Includes discipline, demotion, discharge, failure to hire, failure to promote, a change in job duties, etc.

What is Employment Discrimination?

□ Harassment

Harassment is **unwelcome** conduct that is based on one or more of the protected categories. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Workplace Harassment



- **Slurs, epithets, or derogatory comments / remarks** directed at an employee, or group of employees, because of their inclusion in a protected category, or association with someone in a protected category.
- **Derogatory or vulgar comments or remarks about entire groups** of people because of their race, national origin, religion, sex, color, sexual orientation, age, disability or gender identity or expression.

Workplace Harassment



- **Behavior** that is demeaning; intimidating; ridiculing; severe; harsh; intended as a put down; offensive; disrespectful; insensitive; and is directed at an individual due to his/her inclusion in a protected category.
- **Singling out members of a “protected class”** and berating them for mistakes; forbidding conversation in a language other than English with co-workers; pressuring an individual to quit; refusing to instruct, assist or to cooperate in work requiring a team effort.

Common Responses to Harassment



- Endure the behavior
- Avoid the harasser
- Downplay the gravity of the situation
- Seek support from family and friends
- Leave the job, if one can

Why is harassment underreported?

□ FEAR

- Humiliation
- Ostracism
- Damage to Reputation
- Damage to Career
- Retaliation
- Inaction
- Blame
- Disbelief



Harassment



- Employers should care about stopping harassment because harassment is wrong – and, in many cases, illegal.
- Employers should also stop harassment because it makes **good business sense**.

Leadership: It starts from the top down



- Values: Leaders believe harassment is wrong and should not occur in the workplace. Leaders convey a sense of urgency in stopping and preventing harassment.
- Authenticity: Workers believe that leaders mean what they say.
- Awareness: Leadership knows about the prevalence of workplace harassment: e.g., via climate surveys.
- Accountability: Leaders address harassment in a swift, effective, and proportionate manner. Leadership holds managers accountable for stopping harassment

Front Line Management is Key



- Frontline managers must be trained on how to respond to reports or observations of harassment in a swift and correct manner.
- Frontline managers must be held accountable for their responses to harassment.
- More importantly re-examine own implicit bias
- Harvard Implicit Bias Tests: <https://implicit.harvard.edu/implicit/>

Employees' Duties



- Not engage in harassing conduct
- Object to harassing conduct
- Report harassment using the employers' reporting mechanism

Employers' Obligations



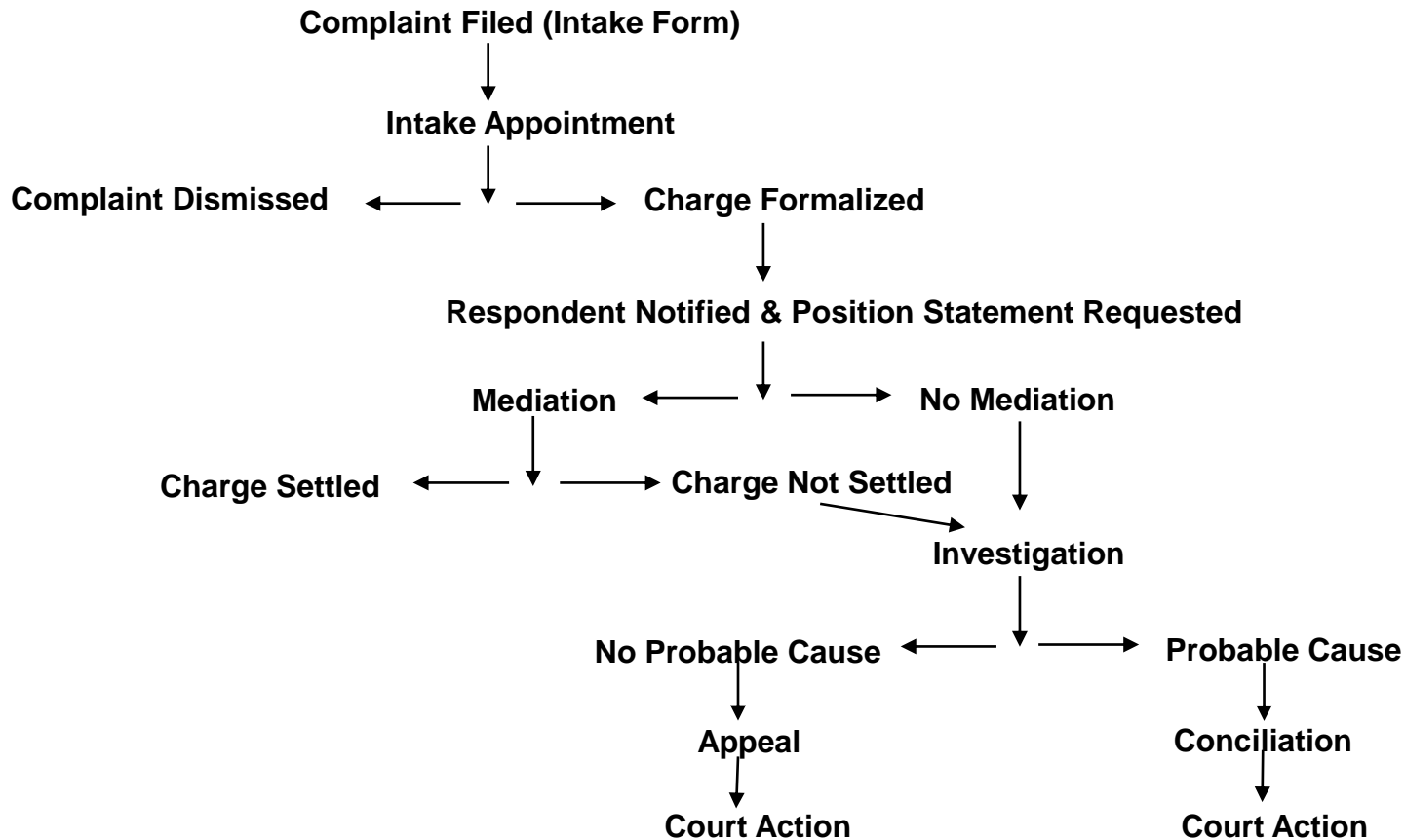
- Conduct prompt & thorough investigations
- Take appropriate remedial actions
- Document everything & don't destroy evidence
- Engage in the interactive process for disability accommodations

Changing Culture



- Embrace policies that support inclusion and protect employees
- Publish policies
- Be mindful of power dynamics

NERC Complaint Processing



Contacting NERC

WWW.DETR.NV.GOV

OR Engine search “Nevada Equal Rights Commission”

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