

ALASKA STATE COMMISSION FOR HUMAN RIGHTS U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION DISCRIMINATION POLICY RECOMMENDATIONS AND BEST PRACTICES

Small businesses may be able to prevent and correct discrimination without the use of formal, written employee policies. For example, you may inform employees that discrimination is prohibited and encourage employees to report discrimination to you promptly. Even so, you may decide to develop written policies. Developing and distributing clear employee policies, updating the policies as needed, and consistently enforcing the policies may:

- ▶ Help employees understand and comply with your rules and expectations;
- ▶ Help prevent problems that may result in discrimination complaints; and
- ▶ Limit your liability should a complaint arise.

Even if you decide not to have written policies, the following information may be helpful when developing your workplace rules and expectations.

GENERAL NON-DISCRIMINATION POLICY:

- ▶ State that discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, age (40 or older under Federal law), marital status, changes in marital status, parenthood, or genetic information (including family medical history) is illegal and will not be tolerated.
 - Provide definitions and examples of prohibited conduct, as needed.
- ▶ State that you will provide reasonable accommodations (changes to the way things are normally done at work) to applicants and employees who need them for medical or religious reasons, as required by law.
- ▶ Explain how employees can report discrimination.
- ▶ If possible, designate more than one person to receive and respond to discrimination complaints or questions.
- ▶ Consider permitting employees to report discrimination to any manager.
- ▶ State that employees will not be punished for reporting discrimination, participating in a discrimination investigation or lawsuit or opposing discrimination.
- ▶ State that you will protect the confidentiality of employees who report discrimination or participate in a discrimination investigation, to the greatest possible extent.
- ▶ Require managers and other employees with human resources responsibilities to respond appropriately to discrimination or to report it to individuals who are authorized to respond.
- ▶ Provide for prompt, thorough and impartial investigation of complaints.
- ▶ Provide for prompt and effective corrective and preventative action when necessary.

- ▶ Consider requiring that employees who file internal complaints be notified about the status of their complaint, the results of the investigation and any corrective and preventative action taken.
- ▶ Describe the consequences of violating the non-discrimination policy.

HARASSMENT POLICY:

- ▶ State that discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, age (40 or older under Federal law), marital status, changes in marital status, parenthood, or genetic information (including family medical history) is illegal and will not be tolerated.
 - Provide definitions and examples of prohibited conduct, as needed.
- ▶ Explain how employees can report harassment.
- ▶ If possible, designate at least one person outside an employee's chain of command who can receive harassment complaints.
- ▶ Consider permitting employees to report harassment to any manager.
- ▶ State that you will protect the confidentiality of employees who report harassment or participate in a harassment investigation, to the greatest possible extent.
- ▶ State that employees will not be punished for reporting harassment or participating in a harassment investigation or lawsuit.
- ▶ Require managers and other employees with human resources responsibilities to respond appropriately to harassment or to report it to individuals who are authorized to respond.
- ▶ Provide for prompt, thorough and impartial investigation of harassment complaints.

- ▶ Provide for prompt and effective corrective and preventative action when necessary.
- ▶ Consider requiring that employees who file internal complaints be notified about the status of their complaint, the results of the investigation and any corrective and preventative action taken.
- ▶ Describe the consequences of violating the harassment policy.

REMEMBER YOU CAN PREVENT HARASSMENT BY:

- ▶ Informing employees that harassment is prohibited;
- ▶ Identifying who employees should contact to discuss harassment questions or concerns;
- ▶ Assuring employees that they will not be punished for asking questions or sharing their concerns;
- ▶ Responding to harassment questions or concerns and investigating harassment complaints promptly and effectively; and
- ▶ Ensuring that managers understand their responsibility to stop, address and prevent harassment.

REASONABLE ACCOMMODATION POLICY:

- ▶ Specify that your business provides reasonable accommodations (changes to the way things are normally done at work) to applicants and employees who need them for medical or religious reasons, as required by law.
 - It may be helpful to provide examples of disability accommodations and religious accommodations.
- ▶ Identify and provide contact information for the individual(s) responsible for handling reasonable accommodation requests.
- ▶ Require managers to respond promptly and effectively to reasonable accommodation requests.
- ▶ Consider requiring that applicants and employees be updated on the status of their accommodation requests, especially if identification and/or provision of the accommodation takes longer than expected.
- ▶ Consider proposing temporary accommodation(s) if the agreed-upon accommodation cannot be provided immediately.
- ▶ Explain that in certain circumstances, you may need to request additional medical or religious information or documentation to establish whether the individual's medical condition or religious beliefs are protected by law, or to determine whether and what type(s) of accommodations would be effective. Encourage applicants and employees to respond to these requests promptly.
- ▶ Require managers to keep any medical information received as part of an accommodation request or during

the accommodation process confidential and in a separate medical file.

- ▶ Consider requiring that decisions to either deny accommodation requests or to provide accommodations other than the requested accommodation(s) be explained to the applicant or employee. This may help prevent misunderstandings and complaints.
- ▶ Explain how employees can report discrimination related to reasonable accommodations (such as improper denial of a reasonable accommodation request).
- ▶ Describe the consequences of violating the reasonable accommodation policy.



Were you the victim of discrimination? Need to file a complaint? Looking for guidance on a discrimination issue? Contact the Alaska State Commission for Human Rights: (907) 274-4692, or (800) 478-4692, or hrc@alaska.gov, or humanrights.alaska.gov; or the U.S. Equal Employment Opportunity Commission at (800) 669-4000 or www.eeoc.gov.