

EmPower HR

A Guide To Crafting An Anti-Discrimination Policy



EmPower HR

7 Elements Of An Effective Anti-Discrimination Policy

Workplace discrimination, when it occurs, can be very damaging to a business, both financially and reputationally. Discrimination affects your bottom line as well as your employment brand, employee engagement and company culture.

One of the key tools employers can use to mitigate the risk of discrimination claims is a solid anti-discrimination policy. This policy should be reviewed regularly and distributed to and acknowledged by all employees.



- 1** Clear explanation of prohibited conduct
- 2** Clearly articulated and accessible complaint procedure(s)
- 3** An effective process for investigation
- 4** Protection from retaliation against individuals making complaints or assisting in investigations
- 5** An assurance of confidentiality to the extent possible
- 6** An assurance of action once complaint of conduct is found to have occurred
- 7** Consequences for policy violations

Below are a few types of discrimination and harassment that should be included in your business' overall policy.

Equal Opportunity

Your equal opportunity policy should include a section that outlines your business' commitment to the principles of equal employment. Sample language should include statements about your commitment to:

- Complying with all federal, state and local laws providing equal employment opportunities, and all other employment laws and regulations.
- Maintaining a work environment that is free of harassment, discrimination or retaliation because of age (40 and older), race, color, national origin, ancestry, religion, sex, pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed service member status, or any other status protected by federal, state, or local laws.

Your equal opportunity policy should be inclusive to all aspects of employment, including but not limited to recruiting, hiring, placement, transfer, training, promotion, rates of pay and other compensation, termination, and all other terms, conditions, and privileges of employment.

Workplace Harassment



A best practice for businesses is to develop a strict policy against all types of workplace harassment

Including sexual harassment and other forms of workplace harassment based upon an individual's age (40 and older), race, color, national origin, ancestry, religion, sex, pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed service member status, or any other status protected by federal, state or local laws.

The policy should clearly outline that these forms of harassment of or by employees, vendors, visitors, customers and clients are strictly prohibited and will not be tolerated.

Sexual Harassment

Sexual harassment is one type of workplace harassment and is often defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; (2) submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

While it is not possible to identify every act that constitutes or may constitute sexual harassment, the following are some examples:

- Unwelcome requests for sexual favors
- Lewd or derogatory comments or jokes
- Comments regarding sexual behavior or the body of another
- Sexual innuendo and other vocal activity such as catcalls or whistles
- Obscene letters, notes, emails, invitations, photographs, cartoons, articles or other written or pictorial materials of a sexual nature

- Repeated requests for dates after being informed that interest is unwelcome
- Retaliating against another for refusing a sexual advance or reporting an incident of possible sexual harassment to the company or any government agency
- Offering or providing favors or employment benefits such as promotions, favorable evaluations, favorable assigned duties or shifts, etc. in exchange for sexual favors
- Any unwanted physical touching or assaults or blocking or impeding movements

Other Harassment

Other workplace harassment includes verbal or physical conduct that insults or shows hostility or aversion toward an individual because of the individual's age (40 and older), race, color, national origin, ancestry, religion, sex, pregnancy (including childbirth, lactation, and related medical conditions), physical or mental disability, genetic information (including testing and characteristics), veteran status, uniformed service member status, or any other status protected by federal, state, or local laws.

Again, while it is not possible to list all the circumstances that may constitute other forms of workplace harassment, the following are some examples of conduct that may constitute workplace harassment:

- The use of disparaging or abusive words or phrases, slurs, negative stereotyping or threatening, intimidating, or hostile acts that relate to the above protected categories
- Written or graphic material that insults, stereotypes or shows aversion or hostility toward an individual or group because of one of the above protected categories and that is placed on walls, bulletin boards, email, voicemail or elsewhere on premises, or circulated in the workplace
- A display of symbols, slogans or items that are associated with hate or intolerance toward any select group



Reporting + Managing Discrimination And Harassment

Get Help With Workplace Anti-Discrimination Policy

Our team at EmPower HR is well-versed in the effective development and implementation of anti-discrimination policies and procedures. Contact us today to learn how we can help your business at empowerhr.com.

Ensure that all employees receive (and have easy access to) your anti-discrimination policies, as well as signed acknowledgement that they have read and will adhere to them.

Likewise, make sure employees who feel they have witnessed or have been subjected to any form of discrimination or harassment know the process for reporting it.

Finally, outline a plan or plans for how to management discrimination or harassment reports so you are prepared if or when they are made.

Note: *These are basic policies and overviews and may not be applicable in all states. Many states have additional protected categories and other language necessary for compliant policy.*

How EmPower HR Can Help

EmPower HR offers a variety of human resource services tailored to your business needs. Let us handle the HR administrative tasks so you can focus on your business and employees.

Learn more at empowerhr.com

The information in this publication is presented “as is” and carries no warranties. It is solely for informational purposes and should not be considered legal, financial, accounting or tax advice. EmPower HR does not warrant or guarantee the accuracy, reliability and completeness of the content in this publication. (Our lawyers made us add this.)

Copyright © EmPower HR 2021, Inc. All rights reserved.