

Human Rights & Fair Employment Practices Division



Overview of the County's Anti-Discrimination Policy

Objective

- To ensure all County employee's understand and adhere to the County's anti-discrimination policy and complaint reporting procedures.

What HRFEP Does

Intake and investigate internal & external discrimination complaints

Provide Mediation services

Provide specialized training and participate in outreach activities

Diversity Management & Policy-Development

Fair Employment Practices Liaisons:

- Notifies HRFEP of the complaint
- Takes all complaints seriously
- Tries to resolve the issues internally
- HRFEP provides support to FEPLs
- FEPL can forward a complaint to HRFEP for investigation
- HRFEP can refer complaints based on unfair practices to FEPLs for response
- List of FEPLs for each department is available at www.miamidade.gov/humanrights/library/department-liaisons-updated.pdf

Miami-Dade County Policy

Implementing Order (IO) 7-45: Equal Employment Opportunity Policy Prohibiting Unlawful Discrimination, Harassment or Retaliation

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO7-45.pdf>

The policy of Miami-Dade County is to ensure that all employees are able to enjoy a work environment free from all forms of discrimination, including harassment and retaliation

Protected Classes

- race
- sex
- color
- national origin
- religion
- retaliation
- age
- disability
- ancestry
- marital status
- pregnancy
- sexual orientation,
- gender identity or expression
- status as a victim of domestic violence, or
- the exercise of their constitutional or statutory rights

Negative Impact

- We have a **moral and legal duty** to stop all forms of discrimination
- It is **Bad for Business!**
 - **Direct financial costs** associated with defending EEOC charges and lawsuits
 - Adverse impact on health & workplace productivity of the **target** and the **coworkers** who witness the behavior
 - **Job Turnover**
 - **Harm to the County's Reputation**

Discrimination

Discrimination is the practice of unfairly treating a person or group of people differently from another person or groups of people.

There are four types of **illegal** discrimination:

- Disparate Treatment
- Disparate Impact
- Harassment
- Retaliation

Harassment – Unlawful vs. Awful

Unlawful:

- Verbal or physical conduct
- Demeans, stereotypes, or shows hostility based on a protected class
- Unwelcome
- Can be one serious incident or several small incidents over time
- Harassers include supervisors, co-workers, or non-employees
- Intent is not a defense

Harassment – Unlawful vs. Awful

Awful:

- Inappropriate behavior
- Unwelcome and offensive
- Not related to a protected class
- Isolate or infrequent
- Can be a violation of policy even though it is not unlawful behavior

Distinction Between Harassment and Legitimate Management Actions

- Management must be able to make certain decisions and take action that may negatively impact individual employees
- If there is a legitimate reason for the action – this is not harassment

Sexual Harassment

- Unwelcome sexual advances
- Request for sexual favors
- Sex based verbal or physical acts
- Made a term or condition of employment
- Basis for employment decisions
- Can involve individuals of the same or different genders
- Again, intent is not a defense

Retaliation

Adverse actions taken against an employee because they:

- Complained about unlawful discrimination, harassment or retaliation
- Opposed unlawful discrimination, harassment or retaliation
- Participated in an internal investigation or lawsuit, including as a witness
- Associated with an individual who engaged in a protected activity

What Else is Covered

- The policy extends to conduct that occurs at any location that could be reasonably regarded as an extension of the workplace, including during travel, training conference, in a vehicle, or any other location or facility where county government business is being conducted



Social Media

- It also extends to inappropriate, discriminatory or harassing posts or communication on **personal social media**.
- Includes Social Networks (Facebook, Twitter, LinkedIn), Community Blogs (Tumblr, WordPress), Discussion forums (Reddit, Quora), Review networks (Yelp, Trip Advisor), Media Sharing (Instagram, Snapchat, YouTube), etc.



Reporting

If you experience (or witness) a policy violation:

- Tell them their behavior is offensive and ask them to stop; if they don't, report it or file a complaint
- Any employee witnessing this conduct is ***strongly encouraged*** to report it
- If you are a supervisor, reporting is **MANDATORY!!**
- Investigations are discrete and confidential
- Prompt and effective steps are taken to stop the behavior, including corrective action depending on the circumstances



Bystander Intervention

- Bystander intervention is safe and positive options that may be carried to prevent or intervene when there is a risk of discriminatory behavior
- We have all been bystanders in our lives, and we will all be in situations where we are bystanders in the future.
- Any employee who witnesses discriminatory, harassing or retaliatory conduct or becomes aware of such conduct or a violation of this policy is strongly encouraged to immediately report this information to their departmental FEPL and/or HRFEP.

You can make a difference!

Complaint Filing Methods

Complaints may be submitted to HRFEP by any of the following methods by:

- visiting our office on the 21st floor
- fax at (305) 375-2114
- e-mail at ofep@miamidade.gov
- completing an on-line complaint form available at <http://www.miamidade.gov/humanrights>

The complaint must be submitted in writing.

Anonymous Complaints

Anonymous complaints are accepted:

- Anonymous complaints can be filed through web-based reporting system at www.miamidade.gov/humanrights
- Will be investigated to greatest extent possible
- All complaints are kept confidential to the extent possible

Non-Employee Complaints

Made by or against Non-Employees:

- Includes customers, visitors, lobbyist, contractors, vendors, board members, volunteers, custodians, security
- Similar protections are given to non-employees when they are the victims
- Protects county employees from inappropriate behavior from non-employees
- Can result in notification to their employer, removal, exclusion, protective orders, etc.

Complaint Resolutions

Possible Outcomes of the Investigation:

- No Violation – the behavior did not violate this policy
- Inappropriate Behavior Not Rising to the Level of a Violation – the behavior was inappropriate and unprofessional but did not violate this policy
- Violation – HRFEP, the HR Director, and Labor Relations will make recommendations to remedy the effects and ensure it is not repeated

Appeals

Right to Appeal the Outcome:

- Request must be received within 15 days from receipt of determination.
- Request must be submitted in person, via certified mail or via email. Requests via fax or telephone are not accepted.
- Employees covered by a CBA complaining about discipline, may not be entitled to this type of appeal.
- Contact Labor Relations & Compensation at (305)375-4171 for information regarding disciplinary action appeals and/or the career service grievance process.

External Agencies

Employees also have the right to file with outside agencies:

EEOC

Miami District Office

100 S.E. 2nd Street,
Suite 1500
Miami, FL 33131
Ph: (305) 808-1745
www.eeoc.gov

FCHR

4075 Esplanade Way,
Room 110
Tallahassee, FL 32399
Ph: (800) 342-8170
fchr.myflorida.com

Mandatory Training

Specialized Training Programs:

- All County employees are required to take training regarding IO 7-45
- HRFEP also facilitates specialized training programs for departments, including:
 - Workplace Civility and Respect
 - Tackling Unconscious Bias
 - Tackling Racial Bias
 - Preventing Sexual Harassment
 - Preventing Harassment
 - Disability Etiquette
 - LGBTQ Awareness

Employee & Department Responsibilities

Think before you act...model respectful, professional conduct

- If you become aware that you have offended someone:
 - Start with an apology
 - Stop the offensive behavior immediately
- If you are a victim or a witness, take steps to stop the offensive behavior:
 - Understand the County's policy
 - Report the conduct to Supervisor/ Manager/ DPR/ Fair Employment Practices Liaison or HRFEP

Contact Information

**Human Resources Department
Human Rights and Fair Employment Practices Division
111 NW 1 Street, 21st Floor
Miami, FL 33128
(305) 375-2784
(305) 375-2114 fax
ofep@miamidade.gov
www.miamidade.gov/humanrights**