

Welcome to the second year of the *EEO Focus – News You Can Use!* The quarterly EEO newsletter was designed to keep managers and supervisors informed about critical Equal Employment Opportunity (EEO) information and initiatives. Our first year of the *EEO Focus* was a success and we received tremendous positive feedback from managers. If there are any issues you would like to see addressed in our future editions please contact the EEO Office.

Preventing Bullying and Communicating Effectively “Harassers vs. Bullies”

We receive many calls regarding a hostile work environment by managers as well as employees. Often during the conversation we discover the situation being described is not unlawful harassment, but perhaps is a case of inappropriate workplace conduct. We often hear the word “bully” mentioned. Whether it’s unlawful harassment or bullying, either one is just as detrimental to unit cohesion and accomplishment of the mission.

What is the difference between unlawful harassment and bullying? Good question. Unlawful hostile work environment harassment occurs when unwelcome comments or conduct based on sex, race or other legally protected characteristics unreasonably interferes with an employee’s work performance or creates an intimidating, hostile or offensive work environment. Anyone in the workplace might commit this type of harassment – a management official, co-worker, or non-employee, such as a contractor, vendor or guest. The victim can be anyone affected by the conduct, not just the individual at whom the offensive conduct is directed. The key is the harassment is based on forms of discrimination that violate Title VII of the Civil Rights Act of 1964 and other federal authority.

The Workplace Bullying Institute defines workplace bullying as “repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators.” Bullying takes one or more of the following forms:

- Verbal abuse
- Offensive conduct/behaviors (including nonverbal) that are threatening, humiliating or intimidating
- Work interference — sabotage — which prevents work from getting done.

The Workplace Bullying Institute’s 2007 survey found that 37 percent of American workers, an estimated 54 million people, have been bullied at work. It affects half (49 percent) of American workers — 71.5 million people — when witnesses to bullying are included. In 62 percent of the cases, when made aware of bullying, employers worsen the problem by simply doing nothing, despite losing an estimated 21-28 million workers because of bullying.

Bullying sounds a lot like harassment with the exception of a Title VII or other federal authority basis. Neither speaks of a well-run organization and management should TAKE ACTION as soon as they became aware of the inappropriate behavior regardless if it is unlawful or not. No employee should ever have to hear, “you know that’s just the way they are.” Bullying and harassment stops when management takes action to make it stop. Please contact the CPAC or EEO for assistance in resolving the matter.

By Pat Rosas, EEO Specialist

Keys for Managers to Ensure a Harassment/Bullying Free Environment:

- * Think about the effect your actions have on others or on your employees.
- * Be a role model for your employees.
- * Let people know your boundaries and boundaries for the work environment.
- * Take action when you see inappropriate behavior.
- * Communicate your expectations for interaction.
- * Be consistent in your expectations.
- * Establish ground rules for communication for your employees.
- * Agree to disagree.
- * Agree on common goals.
- * Focus on the task at hand.
- * Seek assistance from EEO or MER on problem situations.

Points of Interest :

Bullying can be as simple as telling a colleague or an employee that they are a perfectionist.

Bullying and other kinds of harassment can be prevented by knowing how to approach the individual and how to communicate during a conflict.

Inside this issue:

| | |
|---|---|
| Harassers vs. Bullies | 1 |
| Communicating During Conflict | 2 |
| New Protected Basis Under Title VII - Genetic Information | 3 |
| EEO Complaint Process | 3 |
| EEO Training Corner | 4 |

Keys to Effective Communication for the New Year



- * **Look for common ground. The goal of communication is to connect with another person.**
- * **Listen. Talk only half as much as you listen.**
- * **Really listen. Seek first to understand, then to be understood.**
- * **Avoid distractions. Avoid interrupting. Let the other person finish their thought.**
- * **Clarify. Reframe the speaker's content to ensure you heard what you thought you heard.**
- * **Maintain credibility. Say what you mean and mean what you say.**
- * **Stay cool. Remain calm and collected.**
- * **Be positive. Don't talk about others behind their backs.**
- * **Align your actions with your words. It's not just what you say but how you say it.**

"Great ideas often received violent opposition from mediocre minds." Albert Einstein

Communicating through Conflict

4 Steps to Handling a Difficult Conversation Without Confrontation

Loud voices. Accusing words. Cold shoulders. Heated discussions. How we deal with these tough moments, in our actions and our language is important – not only to our ability to maintain healthy relationships with others, but also to preserve our own peace of mind and self-esteem. Here are four crucial communication skills and steps to manage a difficult conversation without detrimental confrontation.

1. Speak directly (with the person)

Ask for a time that is convenient for them, and agree to talk in person. It may take some courage to speak up and have a difficult conversation with someone, so practicing with a supportive friend may be helpful. Be convincing with your body language and your words. Remember that 80 percent of your communication will be non-verbal. Practice being calm, as your tone of voice is also crucial in keeping a difficult conversation from heading toward a heated confrontation.

2. Soften the conversation

John Gottman, Ph.D., suggests using a "soft start up" to prevent major arguments when differences are present, by bringing up problems gently and without blame. Making a critical remark off the bat will only cause the other person to be defensive. Also, when sharing your opinion or request, use "I" statements, say something like, "I feel frustrated/confused/not appreciated when (this) happens." Being sarcastic and using the terms "always" or "never" are likely to cause defensiveness.

3. Be a good listener

Perhaps one of the most precious and powerful gifts we can give another person is to really listen to them, to listen with quiet, fascinated attention, with our whole being, fully present. Try to withhold any judgment and do not interrupt when listening to another other person, while you are hearing all the facts and understanding his (or her) perspective. Ask questions to clarify his/her position or opinion. Working toward mutual understanding and respect is the goal, in the midst of differing opinions. Being listened to and more importantly, being heard is a fundamental need we all have.

4. Be solution-focused

In resolving conflicts, focus on one issue, one complaint, at a time. Try to agree on what the specific problem is, and then explore options to meet both people's needs. Avoiding conversations that may be difficult – because of hurt feelings or angry words spoken, may cause more problems. Each day that passes causes detachment for those involved and is a breeding ground for further misunderstandings. Calm communication during chaos, conflict, or crisis is a skill everyone needs.

Practice today these four steps to having a difficult conversation without confrontation. Greater peace in your relationships, improved health for yourself- and less stress will result!

Extracted from *The Seven Principles for Making Marriage Work*, by John M. Gottman, Ph.D. & Nan Silver. Full article can be found at: <http://www.kellyservices.ca/web/ca/services/en/pages/effectivecommunication.html>

"Commitment in the face of conflict produces character."

Mark Twain

**Title VII Civil Rights -
Protected New Basis Added**

EEO is the Law and mandated to prohibit employment decisions that are based on personal characteristics that have nothing to do with a person's ability to do the job:

- * Race/Color
- * Age (over 40)
- * Disability
- * Genetic Information (NEW)
- * Religion
- * National Origin
- * Sex/Gender

The law also protects against Reprisal for participating in EEO activities and Genetic Information.

As of November 21, 2009, a new basis of employment discrimination has been added to those over which the EEOC has jurisdiction.

Under Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), it is illegal to make employment decisions on the basis of genetic information of employees or applicants for employment. It strictly limits employers from requesting genetic information from and disclosing genetic information of employees and applicants. It also prohibits harassment of individuals on the basis of genetic information and retaliation against individuals who have initiated discrimination complaints on the basis of genetics.

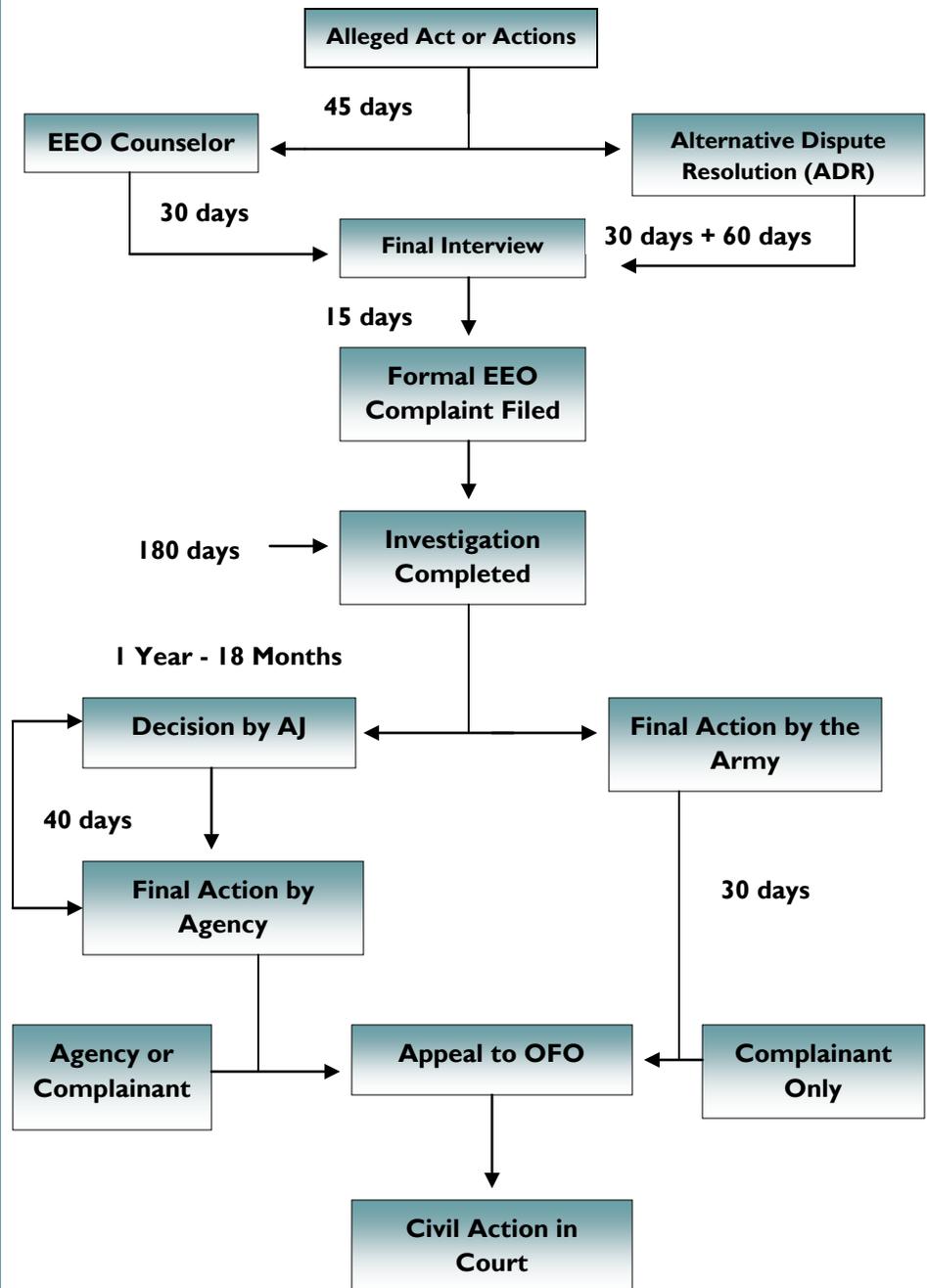
"Genetic information" includes information about diseases, conditions and disorders from genetic testing of individuals and their family members, as well as family medical history. The use of genetic information in employment decisions is prohibited because it bears no relation to an individual's current ability to work.

Employers are not prohibited from requesting this type of information or medical documentation (as appropriate and in accordance with law) with respect to current, existing medical conditions in situations such as when an employee or applicant requests a reasonable accommodation for a disability or when required for purposes of the Family Medical Leave Act.

For more information on GINA, please see the Equal Employment Opportunity Commission's GINA web page. <http://www.eeoc.gov/laws/types/genetic.cfm>.

EEO Complaint Process

The EEO Complaint process can be daunting. Below is a flow chart that outlines the various stages of an EEO complaint, from an initial pre-complaint through the formal stages of investigation, administrative hearing, final agency decision, and appeal. At any stage in the process, mediation is offered and recommended as a means to resolve the complaint through a win-win solution. Should an EEO complaint be filed in your organization, the EEO staff is available to explain each step in more detail to ensure you understand your role in the complaint



Training Corner

TYPE OF TRAINING

EEO for Supervisors and Managers. This training is critical for the agency to ensure that managers and supervisors know how to maintain a workplace free from harassment and discrimination. Leaders set the tone and enforce the agency's zero tolerance policy. This course provides detailed instruction on how to meet this requirement.

DESIRED OUTCOME

Supervisors gain an understanding of their role regarding supervisory authority and prohibited personnel practices outlined in Title VII.

WHEN/WHERE

- * **4 Feb:** 1400 - GMC, Bldg 1118
- * **9 Feb:** 0900, 1100, 1400, McMahon Theater
- * **4 Mar:** 1400 - GMC, Bldg 1118
- * **1 Apr:** 1400 - GMC, Bldg 1118
- * **4 May:** 0900, 1100, 1400, McMahon Theater
- * **3 Jun:** 1400, GMC, Bldg 1118
- * **11 Aug:** 0900, 1100, 1400, McMahon Theater
- * **2 Sep:** 1400 - GMC, Bldg 1118

TYPE OF TRAINING

Reasonable Accommodation (RA) Process Training for Supervisors/Managers and interested employees. This training will cover the policies and laws that define an individual with a disability and focuses on the reasonable accommodation request procedures. The course provides detailed instruction on how to process an employee's RA request.

DESIRED OUTCOME

Educate the workforce on the RA process; leave with the understanding of what is a disability, legal requirements, and employee's and supervisor's responsibilities in the interactive accommodation process.

WHEN/WHERE

- * **4 Feb:** 1300, 1500 - GMC, Bldg 1118
- * **4 Mar:** 1300, 1500 - GMC, Bldg 1118
- * **1 Apr:** 1300, 1500 - GMC, Bldg 1118
- * **3 Jun:** 1300, 1500 - GMC, Bldg 1118
- * **2 Sep:** 1300, 1500 - GMC, Bldg 1118

**TYPE OF TRAINING**

Anti-harassment/EEO Annual Required Training for Civilian Employees. DA requires that all civilian employees and all managers of civilian employees receive EEO training annually to address anti-harassment/prevention of harassment in the workplace. This training used to be known as "POSH (Prevention of Sexual Harassment)" but has been expanded to address all forms of illegal harassment.

DESIRED OUTCOME

Employees recognize appropriate and professional workplace behavior; know how to address issues in the workplace; and where to turn for assistance.

WHEN/WHERE

- * **9 Feb:** 0800, 1000, 1300, McMahon Theater
- * **4 May:** 0800, 1000, 1300, McMahon Theater
- * **11 Aug:** 0800, 1000, 1300, McMahon Theater

ONLINE!
In February
Anti-harassment training
will also be available
through LMS.

Department of the Army mandates NO FEAR Act Training every two years. Public (Law 107-174), requires that all Federal employees receive training regarding their rights and remedies under Federal antidiscrimination and whistleblower protection laws. Employees will gain understanding of the purpose of the No FEAR Act, know their rights and remedies and how they can exercise their rights under these laws. This training will be available online through LMS during the first week of February 2010. Look for the flyer coming your way with access instructions.



EEO policy letters are available at:

[http://www.carson.army.mil/EEO/new% 20site/index.html](http://www.carson.army.mil/EEO/new%20site/index.html)



It's a requirement to post all EEO Policy letters on all employees bulletin boards.

**EEO - IT MAKES
GOOD BUSINESS
SENSE**

EEO OFFICE: 1626 Ellis St., Bldg 1118 (Corner of Ellis and Wetzel) 526-4413/9672