

Workplace Discrimination and Harassment Training Course for Lobbyists

Email: lobbyists@utah.gov

Website: lobbyist.utah.gov

Phone: 801-538-1041

LOBBYIST NAME _____

INTRODUCTION	
<p>This training was developed in accordance with Utah Code 36-11-307 which was updated by S.B. 147 in 2019. In this training you will learn about:</p>	<ul style="list-style-type: none"> • Federal workplace discrimination and harassment prohibitions and requirements; • Utah Senate, Utah House, and Executive branch policies governing workplace discrimination and harassment prohibitions, policies, and procedures; • Utah laws relating to workplace harassment and discrimination.
<p>This training, including the educational material, will take approximately 25 minutes to complete. The intent of this training is to:</p>	<ul style="list-style-type: none"> • Help lobbyists understand that workplace harassment and discrimination is not permitted by anyone; • Prevent workplace harassment and discrimination; • Create a culture change and prevent a hostile working environment at the Capitol Hill Complex (and where that workplace may extend).
<p>Please note, per Utah Code 36-11-501, it is against the law for any lobbyist to engage in conduct that violates:</p>	<ul style="list-style-type: none"> • Federal workplace discrimination and harassment requirements; or • Utah Senate or Utah House policies governing workplace discrimination or harassment; or • Utah executive branch policies governing workplace discrimination or harassment (executive order prohibiting unlawful workplace harassment, discrimination, and retaliation); or • Any combination of the above.
<p>Please note that Utah Code 36-11-307 states that a lobbyist must pass this discrimination and harassment training:</p>	<ul style="list-style-type: none"> • Every year, <i>and</i> • Within 30 days after the day on which the lobbyist applies for a lobbying license or a lobbying license renewal, <i>and</i> • Before a lobbyist is issued their lobbying license.
<p>Please note: this discrimination and harassment training course does <i>not</i> cover materials in the separate ethics training course. Please log on to lobbyist.utah.gov to complete the ethics training course. You must complete both training courses (each with 100%) in order to be issued a lobbying license.</p>	

INTRODUCTION QUESTIONS

QUESTION:

How often is a lobbyist required to complete this discrimination and harassment training? (Check *all* that apply.)

- Quarterly
- Monthly
- Within 30 days after the day on which the lobbyist applies for a lobbying license or a lobbying license renewal
- Once each year
- Before a lobbyist is issued their lobbying license
- Once every two years

(See Utah Code [36-11-103](#) & [36-11-307](#))

QUESTION:

Does the law require a lobbyist to *read, understand, and comply with* the workplace discrimination and harassment policies adopted by the [Utah Senate](#), the [Utah House](#), and [Utah's executive branch](#)?

- Yes. In addition to complying with federal and state workplace harassment and discrimination laws, a lobbyist must also [sign a form](#) indicating they have read, understand, and will comply with Utah legislative and executive branch policies.
- No. The law only requires a lobbyist to comply with federal laws about workplace discrimination and harassment.

(See Utah Code [36-11-307](#))

QUESTION:

I understand I must submit [this form](#) within 30 days of applying for my lobbying license.

I must complete both this training *and* the ethics training course within 30 days of applying for a lobbying license.

- Yes, I understand this.
- No, I will call or email the Lieutenant Governor's Office for clarification (801-538-1041 or lobbyists@utah.gov).

(See Utah Code [36-11-307](#))

Do not contribute to a hostile work environment

RESOURCES

This training course and its study materials were created using information from the U.S. Equal Employment Opportunity Commission (EEOC), Utah State Code, an executive order issued by Governor Gary R. Herbert, an administrative rule by the Utah Department of Human Resource Management (DHRM), and the Utah State Legislature’s harassment policy.

Federal agency	U.S. Equal Employment Opportunity Commission (Enforces federal laws pertaining to workplace discrimination, including harassment.)
State agencies	<p>Utah Lieutenant Governor’s Office (Tasked with developing online training courses to educate lobbyists about workplace discrimination and harassment -- including federal prohibitions and requirements, and state executive and legislative policies -- and lobbyist ethical requirements.)</p> <p>Utah Department of Human Resource Management (Allowed to enter into an agreement with the Lieutenant Governor’s Office to assist in providing workplace discrimination and harassment training.)</p> <p>Utah Labor Commission (Enforces the Utah Antidiscrimination Act and the Utah Employment Selection Procedures Act.)</p>
Executive order	Governor, Administration: Prohibiting Unlawful Workplace Harassment, Discrimination, and Retaliation and Ordering a Mandatory Supervisor Training Program, Utah Exec. Order No. 2019-1
Utah State Code	<p>36-11 (Lobbyist Disclosure and Regulation Act)</p> <p>34A-5-106 (Discriminatory or prohibited employment practices -- Permitted practices)</p> <p>67-19-4 (Discriminatory or prohibited employment practices)</p> <p>67-19-44 (Abusive conduct)</p>
Utah Legislature policy	Workplace Discrimination and Harassment Policy

REPORTING HARASSMENT

If you are a lobbyist who is a victim of workplace discrimination or harassment, you may file a complaint.

Harassment by a legislative worker	Harassment by an executive worker
<p>If you are a victim of discrimination or harassment by a legislative worker, file a complaint in accordance with the House-Senate Joint Workplace Harassment Policy.</p> <p>According to this policy, an individual who is affected by unlawful discrimination may submit an oral or written complaint to Debbie Cragun or Victoria Ashby. Debbie and Victoria are located in the House Building in the State Capitol Complex and may be reached by telephone at 801-538-1032.</p>	<p>If you are a victim of discrimination or harassment by an executive worker, file a complaint in accordance with the state policy on Workplace Harassment Prevention.</p> <p>According to this policy, a complaint may be filed with the Department of Human Resource Management, which can be reached at 801-538-3025.</p>
<p>Please contact the Lieutenant Governor's Office if you have questions: lobbyists@utah.gov or 801-538-1041.</p>	
<p>QUESTION:</p> <p>I understand the complaint process I may pursue if I feel that I am victim of workplace discrimination or harassment (check <i>all</i> that apply):</p> <ul style="list-style-type: none"><input type="checkbox"/> I can contact Debbie Cragun or Victoria Ashby if I feel discriminated against or harassed by a legislative worker: 801-538-1032.<input type="checkbox"/> I can contact the Utah Department of Human Resource Management if I feel discriminated against or harassed by an executive worker: 801-538-3025.	

WHAT IS WORKPLACE DISCRIMINATION & HARASSMENT?

Federal	State
<p>As regulated by the U.S. Equal Employment Opportunity Commission, federal workplace discrimination and harassment law states that harassment is unwelcome conduct which is based on a protected class.</p> <p>Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).</p>	<p>According to the Utah Department of Human Resource Management, workplace harassment is unwelcome conduct based on one or more protected classes. A protected class is a group of people with a common characteristic, who are legally protected from discrimination and harassment on the basis of that characteristic.</p>
<p>Although the law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal if it is so frequent or severe that it creates a hostile or offensive work environment. Harassment becomes unlawful where:</p> <ol style="list-style-type: none"> 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. 	<p>Comments and behaviors based on protected class that are unwelcome, pervasive, demeaning, ridiculing, derisive, or coercive are against DHRM rules if they result in a hostile, offensive or intimidating work environment.</p>
<p>According to the EEOC, harassment can take the form of slurs, graffiti, offensive or derogatory comments, or other verbal or physical conduct. Sexual harassment (including unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature) is also unlawful.</p>	<p>According to Utah Administrative Code, rule R477-15, it is the policy of the State of Utah to provide a work environment free from discrimination and harassment based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, or protected activity or class under state or federal law.</p>

WHAT ARE THE PROTECTED CLASSES?

Federal	State
<p>Under federal laws enforced by the EEOC, it is illegal to discriminate against someone because of that person's:</p> <ul style="list-style-type: none"> ● Race ● Color ● Religion ● Sex (including gender identity, sexual orientation, and pregnancy) ● National origin ● Age (40 or older) ● Disability ● Genetic information 	<p>Please note, a protected class under Utah State Code includes the following (see Utah Code 34A-5-106):</p> <ul style="list-style-type: none"> ● Race ● Color ● Sex ● Pregnancy, childbirth, or pregnancy-related conditions ● Age, if the individual is 40 years of age or older ● Religion ● Disability ● Sexual orientation ● Gender identity
<p>A protected class is a group of people with a common characteristic, who are legally protected from discrimination and harassment on the basis of that characteristic. Here are a few examples:</p> <ul style="list-style-type: none"> ● You are protected from discrimination and harassment on the basis of your own disability, your association with a person who has a disability, or if you are regarded as or treated as if you are disabled whether you are or are not. ● You are also protected on the basis of your national origin; this protected class includes your birthplace, culture, and linguistic characteristics. ● Race and color are protected classes and they include any associated physical characteristics. ● Religion is a protected class. Both those with and without religious beliefs are protected from harassment and discrimination due to their beliefs. ● Age is a protected class as it forbids discrimination and harassment for those who are 40 and older. ● Another protected class is sex. Harassment based on sex includes offensive sexual jokes, discussions or images, unwelcome advances, touching, and requests for sexual favors. ● Sexual orientation is another protected class under Utah state law. It is unlawful to discriminate and/or harass an individual based on their sexual orientation. ● It is also unlawful to discriminate or harass someone due to their gender identity, which relates to a person's perception of having a particular gender, which may or may not correspond with their birth sex. 	

QUESTION:

Which of the following are protected classes under *either* federal law or Utah state law? (Check *all* that apply.)

- Age, if an individual is 40 years of age or older
- Color
- Disability
- Gender identity
- Genetic information
- National origin
- Pregnancy, childbirth, or pregnancy-related conditions
- Race
- Religion
- Sex
- Sexual orientation

**WHO IS HELD ACCOUNTABLE FOR UPHOLDING
WORKPLACE DISCRIMINATION & HARASSMENT LAWS?**

Federal	State
The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, <u>or someone who is not an employee of the employer, such as a client or customer.</u>	<u>Clients, vendors, and customers are held accountable for workplace harassment</u>
Harassment outside of the workplace may be illegal if there is a link with the workplace (e.g., if a supervisor harasses an employee while driving the employee to a meeting).	If harassment happens outside of scheduled work time, or away from work, it is still harassment.
<p>QUESTION: If harassment occurs outside of the workplace, but there is a connection to the workplace, is it illegal?</p> <ul style="list-style-type: none"> <input type="checkbox"/> It is likely illegal. For example, if a supervisor harasses an employee while they drive to a meeting, that is illegal workplace harassment. <input type="checkbox"/> It is likely legal. Workplace harassment only occurs within the physical confines of a workplace. 	
<p>QUESTION: Under federal and state law, who is held accountable for upholding the law by not engaging in workplace harassment? (Check <i>all</i> that apply.)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Employees, including staff or interns. <input type="checkbox"/> Supervisors. <input type="checkbox"/> Someone who is not an employee of the State of Utah, including a client, customer, vendor or lobbyist. 	
<p>QUESTION: An intern complains to her legislator that a lobbyist is harassing her. The legislator says she cannot address the intern's complaint because the lobbyist is not a state employee. Is this true?</p> <ul style="list-style-type: none"> <input type="checkbox"/> Yes. These laws only govern people who are directly employed by the supervisor, not those who come into contact with the employees. <input type="checkbox"/> No. Employees are protected from harassment perpetrated by customers, vendors, and outside contractors, in addition to harassment perpetrated by other employees. 	

RETALIATION PROTECTIONS

Federal and state laws set forth that employees who have filed a charge of discrimination or harassment; testified in, assisted with, and/or participated in an investigation, proceeding or hearing, or engaged in other protected activities are protected from retaliation.

Federal law provides that it is illegal to retaliate against a person because he or she:

- Complained about discrimination;
- Filed a charge of discrimination;
- Participated in an employment discrimination investigation or lawsuit.

Protected activities include:

- Filing a discrimination or harassment charge;
- Testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws;
- Opposing employment practices that one reasonably believes discriminate against individuals, in violation of the legal and policy standards.

PENALTIES

[S.B. 147](#) enacted Utah Code Title 36, Chapter 11, Part 5 (Unlawful Harassment).

It is illegal for a lobbyist to engage in conduct that violates federal or state workplace discrimination and harassment laws. If a complaint is filed against a lobbyist, the lobbyist will be given notice and an opportunity to be heard.

If the Lieutenant Governor finds that a lobbyist engaged in a serious violation, or multiple violations, of 36-11-501 (Unlawful harassment -- Investigation -- Penalties), the Lieutenant Governor's Office may do either or both of the following:

- (a) impose an administrative fine against the lobbyist, not to exceed \$2,000; or
- (b) suspend the lobbyist's license for a period of up to five years.

QUESTION:

I understand that if a complaint is filed against me, I will be given notice and an opportunity to be heard. I also understand that if the Lieutenant Governor finds that I engaged in a serious violation, or multiple violations, of 36-11-501, I may (check *all* that apply):

- Be required to pay a fine up to \$2,000.
- Have my lobbyist license suspended for up to five years.

BEHAVIOR

As you engage with others at the Capitol Hill Complex and in your working relationships, it may be helpful to ask yourself:

- "Who gets to determine the impact of my behavior?" While the intent may have been to be funny, it may not be funny to the person who feels like a victim of your humor.
- "Do I know if my behavior is welcome?" If you are engaging in questionable behaviors and it appears to be making people uncomfortable, it is best to stop.

Before interacting with other individuals (such as interns, other lobbyists, legislative or executive staffers, or elected officials), you are encouraged to ask yourself:

Is the behavior I'm considering:

- Always appropriate?
- Potentially inappropriate?
- Or always inappropriate?

In the scenarios below, please check a box to indicate how appropriate or inappropriate an action is likely to be based on the stop-light scale:

- Red - The red light represents the need to stop. In other words, this behavior is almost always inappropriate.
- Yellow - The yellow light warns that caution should be exercised before exhibiting the behavior.
- Green - The green light indicates that it may be safe to proceed and that the behavior is almost always appropriate.

Only check one box per scenario.

<p>Scenario: A supervisor engages in personal discussions with an employee of the opposite sex about the supervisor's own pending divorce.</p>	<p><input type="checkbox"/> Red, the behavior is almost always inappropriate.</p> <p><input type="checkbox"/> Yellow, exercise caution before exhibiting the behavior.</p> <p><input type="checkbox"/> Green, the behavior is almost always appropriate.</p>
<p>Scenario: A legislator pats a lobbyist on the back to acknowledge an accomplishment.</p>	<p><input type="checkbox"/> Red, the behavior is almost always inappropriate.</p> <p><input type="checkbox"/> Yellow, exercise caution before exhibiting the behavior.</p> <p><input type="checkbox"/> Green, the behavior is almost always appropriate.</p>
<p>Scenario: A lobbyist compliments an executive staffer's appearance and exhibits "elevator eyes," seemingly checking out the entirety of the staffer's body.</p>	<p><input type="checkbox"/> Red, the behavior is almost always inappropriate.</p> <p><input type="checkbox"/> Yellow, exercise caution before exhibiting the behavior.</p> <p><input type="checkbox"/> Green, the behavior is almost always appropriate.</p>
<p>Scenario: A lobbyist asks a legislator about their hobbies and outside interests.</p>	<p><input type="checkbox"/> Red, the behavior is almost always inappropriate.</p> <p><input type="checkbox"/> Yellow, exercise caution before exhibiting the behavior.</p> <p><input type="checkbox"/> Green, the behavior is almost always appropriate.</p>
<p>Scenario: A lobbyist tells a sexually suggestive story about her weekend adventure.</p>	<p><input type="checkbox"/> Red, the behavior is almost always inappropriate.</p> <p><input type="checkbox"/> Yellow, exercise caution before exhibiting the behavior.</p> <p><input type="checkbox"/> Green, the behavior is almost always appropriate.</p>
<p>Scenario: A lobbyist compliments an intern's new haircut.</p>	<p><input type="checkbox"/> Red, the behavior is almost always inappropriate.</p> <p><input type="checkbox"/> Yellow, exercise caution before exhibiting the behavior.</p> <p><input type="checkbox"/> Green, the behavior is almost always appropriate.</p>