

RISK COMMUNIQUÉ

Harassment and Discrimination Prevention Training— Risk Management for Management Liability & Employment Practices

Harassment and discrimination claims continue to plague emergency service organizations (ESOs). Costly and high-profile lawsuits damage the reputation, morale, and financial well-being of ESOs nationwide. Overall, your ESO is held to a legal standard to make reasonable efforts to prevent and promptly respond to work-related harassment and discrimination. Nothing communicates an ESO's zero-tolerance policy for unlawful harassment more than effective training sessions led by credible and knowledgeable professionals.

This Communiqué offers risk management guidelines to assist your ESO in providing harassment and discrimination training to all employees and volunteers.

Periodic Training

All employees and volunteers should periodically attend mandatory training to prevent harassment and discrimination. Consistent training helps demonstrate that the ESO's harassment and discrimination prevention policy doesn't simply "sit on the shelf gathering dust," but is instead an active policy. Training should be conducted frequently enough to help demonstrate the ESO's commitment to provide a safe and productive work environment.

Participation Is Crucial

All employees and volunteers should attend harassment and discrimination training. Too often, top administrators fail to participate in educational sessions, sending the wrong message to the rest of the ESO members. Those holding top positions and rank within your ESO should lead the organization when it comes to preventing harassment and discrimination, and attending training themselves sends a clear message about its importance. Those from administration with supervisory and managerial responsibilities must demonstrate their leadership qualities when it comes to providing a safe and productive work environment, free from wrongdoing.

Tracking employee and volunteer participation is necessary to ensure everyone is receiving a consistent message about workplace behaviors. Upon completion of a training session, ESO members should read and sign forms acknowledging their:

- Participation in the educational program.
- Understanding of the ESO's multiple avenues of internal complaint.
- Expectation that the ESO will promptly and thoroughly investigate allegations of wrongdoing while keeping matters as confidential as possible.
- Understanding that the ESO may utilize an outside third-party investigator to help resolve allegations of harassment and discrimination.

Methods of Training

There are a variety of methods available for training to prevent harassment and discrimination. An ESO may utilize training programs in video format, computer-based education, or written materials. There is no substitution, however, for live training before ESO members. This allows for question- and-answer sessions, so issues specific to a particular ESO or jurisdiction may be addressed. When feasible, in-person training from a third-party professional or a well-respected member of the ESO is preferred.

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Qualify the Trainer

In order to comprehensively cover important issues, many ESOs find educating and training employees on personnel-related topics is best accomplished by an outside professional. The following checklist can aid in qualifying the right trainer for an ESO:

- Request a resume/biography to learn of experience and education in employment law and/or human resources.
- Ensure that the trainer is familiar with the operations and unique working environment of an ESO.
- Ask to sit in on a sample training session to observe firsthand the presenter's communication style, effectiveness and interaction with an audience.
- Ask for a brief mock presentation on relevant subject matter if it's not possible for you to observe another training session.
- Contact a number of references and find out their level of satisfaction.
- Request samples of handout materials to ensure quality and professionalism.

If an ESO uses one of its own employees or volunteers to facilitate training, ensure the individual is relatively knowledgeable about relevant laws, court decisions and trends surrounding harassment and discrimination. Also, make sure any in-house trainer is not one of the "worst offenders" of inappropriate behavior. Credibility of the trainer is crucial in communicating the importance of preventing harassment and discrimination in your work environment.

Training Topics

In order to strengthen working relations and reduce exposure to harassment and discrimination claims, consider the important training topics below for all employees and supervisors:

- Jurisdictional-specific legal review
- Definitions and examples of what constitutes unlawful behavior, using scenarios specific to ESOs
- Legally protected groups or classes
- Sexual harassment covered in detail
- A review of the ESO's implemented harassment and discrimination policy
- Multiple avenues of internal reporting for ESO members
- Appropriate usage of electronic communication systems (i.e., Internet and email)
- Retaliation prevention for those making allegations or participating in an investigation
- The ESO's procedures for taking prompt action to investigate allegations, stop wrongdoing, and prevent future occurrences
- The right of the ESO to utilize an outside third-party investigator to respond to allegations of harassment and discrimination
- The intent of the ESO to keep matters as confidential as possible while still allowing for a prompt and thorough investigation and resolution of allegations

Supervisory Training

Supervisory training can decrease exposures to harassment and discrimination claims by providing tools to help prevent, detect and properly respond to workplace wrongdoing. Increased legal responsibilities fall on those with supervisory authority. Therefore, additional training is recommended for persons at all levels of supervision.