

TRAINING MODULE: WORKPLACE DIVERSITY

Healthcare organizations are more diverse than ever. Men and women of all race, color, religion and national origin are working together. Healthcare employees must embrace the diversity of their organization and give others the respect and dignity they deserve. Every human being is of equal worth, entitled to the same privileges and opportunities.

It is also illegal to discriminate or treat an individual unfairly based on race, color, sex, religion, national origin, age, disability, genetic information, or opposition to job discrimination or participation in an investigation or complaint process (referred to as protected activity).

RACE AND COLOR DISCRIMINATION

Race discrimination involves treating an individual unfavorably because they are of a certain race or because of personal characteristics associated with their race. Color discrimination involves treating an individual unfavorably because of their skin color complexion. Race and color discrimination also involves treating an individual unfavorably because they are married to (or associated with) a person of a certain race or color or have a connection with a race-based organization or group or an organization or group that is generally associated with people of a certain color.

SEX-BASED DISCRIMINATION

Sex discrimination involves treating an individual unfavorably because of their sex or their connection with an organization or group that is generally associated with people of a certain sex. The Equal Pay Act requires that men and women in the same workplace be given equal pay for equal work. The jobs must be substantially equal as determined by job content (not job titles). Sex-based discrimination may take the form of sexual harassment which includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents, harassment becomes illegal when it creates a hostile or offensive work environment or when it results in an adverse employment decision.

RELIGIOUS DISCRIMINATION

Religious discrimination involves treating an individual unfavorably because of their religious beliefs, because they are married to (or associated with) an individual of a particular religion or have a connection with a religious organization or group. The law protects not only people who belong to traditional, organized religions, such as Buddhism, Christianity, Hinduism, Islam, and Judaism, but others who have sincerely held religious, ethical or moral beliefs. An employer must reasonably accommodate an employee's religious beliefs or practices, unless doing so would cause undue hardship on business operations. This applies not only to schedule changes or leave for religious observances, but also to such things as dress or grooming practices. An employee cannot be forced to participate (or not participate) in a religious activity as a condition of employment.

NATIONAL ORIGIN AND CITIZENSHIP DISCRIMINATION

National origin discrimination involves treating an individual unfavorably because they are from a particular country or part of the world, appear to be of a certain ethnic background (even if they are not), are married to (or associated with) a person of a certain national origin, have a connection with an ethnic organization or group or because of ethnicity or accent. An employee is only required to speak fluent English if it is necessary to perform their job effectively, however a foreign accent cannot seriously interfere with job performance.

The Immigration Reform and Control Act of 1986 prohibits discrimination based upon an individual's citizenship or immigration status. It is illegal for employers to hire only U.S. citizens or lawful permanent residents unless required to do so by law, regulation or government contract.

AGE DISCRIMINATION

Age discrimination involves treating an individual less favorably because of their age. The Age Discrimination in Employment Act prohibits discrimination against people who are age 40 or older. Some states have additional laws that protect younger workers from age discrimination.

DISABILITY DISCRIMINATION

Disability discrimination occurs when an employer covered by the Americans with Disabilities Act or the Rehabilitation Act treats a qualified individual with a disability unfavorably because they have a disability, had a disability in the past, or is believed to have a physical or mental impairment. An employer must provide reasonable accommodation to an employee with a disability, unless doing so would cause undue hardship. A reasonable accommodation is any change in the work environment to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment. The law also protects people from discrimination based on their relationship with a person with a disability.

GENETIC INFORMATION DISCRIMINATION

The Genetic Information Nondiscrimination Act of 2008 prohibits discrimination against employees because of genetic information including the individual's genetic tests and the genetic tests of an individual's family members. Family medical history is included because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. An employer cannot disclose genetic information about their employees.

PREGNANCY DISCRIMINATION

Pregnancy discrimination involves treating a woman unfavorably because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. If a woman is temporarily unable to perform her job due to a medical condition related to pregnancy or childbirth, the employer must treat her the same as any other temporarily disabled employee. Pregnant employees may have additional rights under the Family and Medical Leave Act.

REPORTING AND CORRECTION OF DISCRIMINATION

When your organization receives a complaint it must investigate promptly and thoroughly. Confidentiality during the investigation is ensured as much as possible. Your organization will take immediate and appropriate corrective action. Disciplinary action against the offending supervisor or co-worker, ranging from reprimand to discharge, may be necessary. The corrective action will reflect the severity of the conduct. Your organization will also make follow-up inquiries to ensure the discrimination has not resumed and you and other witnesses have not suffered retaliation. In addition to costly lawsuits, discrimination harms business operations and can cause lost productivity time due to absenteeism, turnover and employee dissatisfaction. The employer's reputation in the community may suffer as well resulting in the loss of business opportunities and good job applicants.

REFER TO THE HOSPITAL'S ANTI-HARASSMENT / NON-DISCRIMINATION POLICY located in the hospital's Personnel Policy and Procedures Manual. It is also included in the Training Modules for non-employee staff.