

STOP BULLYING & HARASSMENT NOW! EEOC COMPLIANT HARASSMENT TRAINING

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RECORDED CASE SCENARIOS

Below you will find several CASE SCENARIOS you can review with your attendees.

You can either:

1. Read these scenarios outloud to your attendees or
2. You can play the recordings individually or play them altogether for your attendees.

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CASE SCENARIO: Age and Naturalized Citizenship

Wilma Flinstone is habitually tardy and has received several warnings from her supervisor, Bugs Bunny. Bugs has now given her a final written warning indicating that Wilma will be terminated if she is late one more time.

Wilma is 45-years old and a naturalized citizen.

However, Wilma was late to work again on Wednesday. She then falsified her time and attendance records to hide the tardiness.

On Thursday, when Bugs discovered that Wilma falsified her time and attendance records to hide her late arrival, Bugs terminated her.

Bugs told Wilma that it was because she was late after having received a final warning and because she falsified her time and attendance records that he terminated her.

Did Bugs unlawfully discriminate against Wilma?

No. Even though Wilma is a member of at least two protected classes, because of her age and her status as a naturalized citizen, Bugs terminated her employment based on her habitual tardiness and her falsification of time and attendance records, which he has fully documented. Either one of these offenses would constitute valid reasons for termination.

However, if it could be shown that Bugs did not terminate other similarly situated employees who were habitually tardy and/or falsified time and attendance records but who were younger or not naturalized citizens, then Wilma would likely have a claim for unlawful discrimination.

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CASE SCENARIO: Pregnancy

Betty Rubble told her supervisor Bugs Bunny that she was pregnant. A week later, Bugs announced that he was promoting Jessica Rabbit to be a Project Manager, which is a position with greater responsibilities and more pay.

Betty told Bugs that she had more relevant experience than Jessica and that she had previously served as an Acting Project Manager when another employee became ill. Bugs responded, “You would do great. But our next two big projects are due during your first year back from maternity leave, and you’re going to be too busy taking your child to doctor’s appointments to take this on. I just couldn’t do that to you.”

Has Bugs unlawfully discriminated against Betty?

Yes. Regardless of Bugs’ motives, he has:

(1) denied Betty an employment opportunity (a position with greater responsibilities and more pay that she was well-qualified for) because Betty might need a reasonable accommodation due to pregnancy or childbirth, and

(2) he may even be requiring Betty to accept an accommodation when she did not request one.

What should Bugs have done?

First, he should have considered Betty’s ability to perform the position without regard to her pregnancy. If Betty is determined to be the best person for the position, then he should have discussed possible accommodations with her to find out which accommodations (if any) she would need to do the job.

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CASE SCENARIO: Military Status and Disability

Marvin the Martian is an Iraq War veteran who lost both legs to an improvised explosive device and uses a wheelchair. Growing tired of Yosemite Sam's constant questions and demeaning comments about his service in Iraq, Marvin asks to be transferred to a different unit within the State agency where they both work. Upon learning of Marvin's request for a transfer, Sam moves a filing cabinet to prevent Marvin's wheelchair from being able to reach the restroom.

Is Sam harassing Marvin?

Yes. Given that Sam's questions and demeaning comments are related to Marvin's membership in a protected class (military status as a veteran), this is clearly harassment. Sam's movement of the filing cabinet is also harassment. Even though no motive is expressed, Sam's deliberate actions to block Marvin's wheel chair directly impacts Marvin's membership in another protected class, which is as a person with a disability.

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CASE SCENARIO: Religion

Lisa Simpson is a Muslim. Lisa abstains from pork in accordance with the teachings of her faith. On those days when Montgomery Burns, her supervisor, has a pulled pork sandwich for lunch, Mr. Burns makes a point of walking by Lisa's work station while eating the sandwich and saying things like, "I bet you wish you could have one of these," and "I don't know how you can live without barbecue and bacon."

Is Mr. Burns harassing Lisa?

Yes. Although Mr. Burns never directly references Lisa's religion, his words and conduct mocking her practice of religion are harassment. This is an example of conduct that has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

Note that this same conduct by a non-supervisory co-worker would still be harassment and would likewise create an intimidating, hostile, or offensive work environment.

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CASE SCENARIO: Sexual Harassment Hostile Environment

Marge Simpson has regular contact with Lenny, who is an external consultant, as part of her job duties. After learning that Marge had recently divorced, Lenny began complimenting her physical appearance and describing his favorite sexual acts to Marge. Marge has started taking time off when she knows that Lenny will be present in her work area, or she hides in the restroom when Lenny shows up without warning. This has happened dozens of times across the last several months.

Has Lenny sexually harassed Marge?

Yes. This is an example of sexual harassment hostile work environment, because Lenny's sexual advances are unwelcome and are substantially interfering with Marge's job performance.

The fact that Lenny is not a co-worker or supervisor of Marge is irrelevant, as is that fact that she is a state employee. A hostile work environment can be created by sexually harassing words and/or conduct committed by third parties (such as by outside consultants, vendors or clients) just as easily as it can be done with co-workers or supervisors.

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CASE SCENARIO: Sexual Harassment Quid Pro Quo

Homer Simpson's unit receives merit raises scaled to their performance evaluations. Homer is one of the top performers in that unit.

His supervisor, Lois Griffin, tells Homer that his performance evaluation is looking good, but it would look even better if he slept with her.

Homer declines. Soon after, Homer receives a well-deserved and very good performance evaluation, along with the highest possible raise according to the scale.

Has Lois sexually harassed Homer?

Yes. Because Lois offered a job-related benefit in exchange for sexual favors, this is an example of quid pro quo sexual harassment.

Even though Lois gave Homer a very good performance review and the highest possible raise he could receive, the promise of a job-related benefit for sleeping with her still constitutes quid pro quo sexual harassment.

The illegal act of committing quid pro quo harassment does not go away just because Homer received the review and raise he deserved anyway.