



MEMBER SPOTLIGHT

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HARASSMENT AND DISCRIMINATION PREVENTION

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A federal law that doesn't often come up often in public pooling loss control discussions is Title VII, 42 U.S.C. ss 2000e. Like most public pool loss control departments, the League Association of Risk Management (LARM) loss control division focuses primarily on safety, injury prevention, and law enforcement liability. So, what is the significance of this federal code? This code is commonly referred to as Title VII and resulted from the passage of the Civil Rights Act of 1964. Title VII prohibits discrimination in the workplace based on sex, race, color, national origin, religion, age, genetic predisposition, and pregnancy. This title was further strengthened in 1986 by a 9-0 decision by the Supreme Court in Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986). This case was the first of its kind to reach the Supreme Court and redefined sexual harassment in the workplace.

In early 2022, LARM loss control staff were evaluating what more could be offered regarding risk management training, especially concerning liability issues. LARM is made up of member cities with populations of 30 thousand to villages of less than 100 people. Many of the larger-sized members have robust human resources departments and legal staff, whereas the smaller members do not have access to such resources. In a review of liability loss claims, it was noted that there were a handful of harassment claims, as defined by Title VII. We also had a request from one of our mid-sized members for harassment training for all their employees.

The loss control team met and designed an hour-long presentation on risk avoidance pertaining to workplace harassment. As with most harassment training that team members had attended in the past, the training had a heavy focus on the issues in the Meritor case. We realized those issues are serious and unacceptable in the workplace, or anywhere else for that matter, but in reviewing our claims, we also focused on age discrimination, hiring practices, out-of-office work events, and social media.

Once the presentation was put together, it was presented in three different sessions for the member who had requested it. What was unique about the presentation was that two different team members gave the same material in separate sessions. LARM loss control staff is intentional about designing presentations that any member of our team can present. We have had other members request the training and have since had the opportunity to present it to members across the state.

As with any risk management training, it takes a while to obtain data to determine if it has been effective in reducing liability claims. Ultimately, we would hope that, as a result of the training, there would be improved compliance with Title VII, zero tolerance for harassment in the workplace, and an open dialogue about these issues in the members' workplaces.