



RESPECTFUL WORKPLACE AND ANTI-DISCRIMINATION POLICY FREQUENTLY ASKED QUESTIONS (FAQs)	
DHR-STW-Q #: To be assigned.	Authority: 29 <u>Del. C.</u> Chapter 90D (as applicable); 19 <u>Del. C.</u> Chapters 711, 712, 716, 717 and 720 (as applicable); Merit Rule 2.1; Executive Order #30
Effective Date: July 25, 2022	Supersedes: June 24, 2019

The content in these Frequently Asked Questions (FAQs) applies to State of Delaware (State) Executive Branch cabinet agency employees. Other employers of State personnel may choose to adopt the [Respectful Workplace and Anti-Discrimination Policy](#) as well as the provisions in this FAQs. Non-cabinet agency personnel should contact their supervisor to determine whether their employer has adopted these provisions. Employees should direct questions or concerns to their supervisor or Human Resources representative.

1. What is the purpose of the Respectful Workplace and Anti-Discrimination Policy?

The State of Delaware (State) wants to create and maintain a work environment where persons are treated with dignity, decency and respect. It is of utmost importance that this goal be achieved as part of the mission of the State. The State will not tolerate any illegal discrimination or harassment. Through the education of employees and enforcement of this policy, the State wants to prevent, correct and discipline behavior that violates this policy.

2. How does the Respectful Workplace and Anti-Discrimination Policy apply to me?

This policy covers all employees, and for this policy includes unpaid interns, joint employees, and apprentices of Executive Branch Agencies. It also includes individuals not directly connected to the State (e.g., outside vendors, consultants, customers or constituents). All employees are covered by and are expected to comply with this policy and to take appropriate measures to assure that prohibited conduct does not occur. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside of the workplace, including business trips, business meetings, and business-related social events.

3. What is considered discrimination under this policy?

According to this policy, illegal discrimination is the biased or prejudiced treatment of individuals, based on their membership in a [protected class](#).

4. What is considered harassment under this policy?

Harassment is the unwelcome conduct that is based on an individual’s [protected class](#). Harassment becomes illegal when: 1) bearing the offensive conduct becomes a condition of continued employment; or 2) the conduct is severe or persistent enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.

5. What is considered sexual harassment under this policy?

Sexual harassment is characterized by unwelcome sexual advances, requests for favors, and/or other verbal or physical conduct of a sexual nature: 1) when having to accept the conduct is a condition of an employee's employment; 2) when accepting or rejecting this conduct is used for employment decisions affecting the employee; or 3) when this conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

6. What may be considered retaliation?

An employment act by an Agency representative (employer) that is meant to punish an employee or individual because s/he filed a complaint under this policy or under state or federal anti-discrimination laws may be considered retaliation.

7. What are the protected classes?

[Protected classes](#) under this policy are a person's race, protective hair style, color, national origin, gender, age, sex, creed, pregnancy, marital status, family responsibilities, sexual orientation, gender identity or expression, veteran's status, religion, genetic information, disability, status as a victim of domestic violence, sexual assault and/or stalking, or any other category protected by applicable state and/or federal laws.

8. What are my rights under this policy?

The State will treat courteously any person who invokes this complaint procedure, and the State will handle all complaints swiftly and as confidentially as possible in light of the need to conduct a fair and thorough investigation. Filing a complaint in good faith will not be used against the employee or have a negative (adverse) effect on the employee or individual's employment status. An employee who receives unwelcome conduct from another individual may attempt to communicate her/his concern of the conduct to the other individual whenever possible. If the employee is not comfortable addressing the conduct with the other individual or if that has occurred and the conduct continues, employees are encouraged to report incidents of harassment as soon as possible.

9. What if my agency has a similar policy; which one should I follow?

The terms of this policy override any statewide or related Executive Branch Agency policy and procedure.

10. Whom can I contact for more information?

If you need further assistance, talk to either your supervisor, manager, agency Equal Employment Opportunity (EEO) officer, or Agency Labor Relations (LR) or Human Resources

(HR) representative about your concerns. You may also contact the Employee & Labor Relations section of the Department of Human Resources.

11. How do I file a complaint?

The State has the following procedure for filing a complaint of harassment, sexual harassment, discrimination or retaliation. The State will treat all aspects of the procedure confidentially to the extent possible. Reporting of complaints as soon as possible is encouraged, so that a response and appropriate action may be taken as soon as possible. An employee (Complainant) who believes s/he has been harassed, discriminated or retaliated against may initiate the complaint process by filing a complaint in writing with any of the following:

- Supervisor
- Manager
- Agency's Equal Employment Opportunity Officer
- Agency's LR or HR representative
- Employee & Labor Relations section of the Department of Human Resources.

For this complaint procedure, the employee alleging workplace harassment, discrimination or retaliation is not required to file a complaint with the alleged offender.

12. What if I have questions about the complaint process?

You can contact the Employee Engagement section of the Department of Human Resources at (866)-462- 8411 or employee-engagement@delaware.gov.

13. Where can I find the complaint form?

The Respectful Workplace and Anti-Discrimination [Complaint Form](#) may be found on the website at <http://dhr.delaware.gov/policies/documents/respectful-workplace-complaint.pdf> or it may be obtained from your supervisor, manager, or Agency EEO Officer and/or Agency LR or HR representative.

14. How soon after I experience harassment, discrimination or alleged violation of this policy must I report?

You should report immediately to any of the above named individuals. You are encouraged to discuss with your Agency HR.

15. What is the State of Delaware's position as an employer?

The State of Delaware will not accept illegal discrimination or harassment of any kind. All Executive Branch Agency employees, regardless of their positions, are covered by, and are

expected to follow this policy, and to take appropriate measures to ensure that unacceptable conduct does not occur. All allegations of discrimination or harassment will be considered and responded to appropriately, quickly, fairly and confidentially. Appropriate disciplinary action will be taken towards any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include, but not be limited to, written reprimand, suspension or termination of employment.

16. What is the responsibility of a manager or supervisor?

Each supervisor and manager is responsible for promoting a workplace environment without discrimination and without harassment. Managers and supervisors are expected to set an example by role-modeling respectful behavior, and holding employees responsible to do the same. If a supervisor or manager becomes aware of possible harassment or discrimination, from witnessing the conduct, as a result of a Complainant's coming forward or by another individual's report, the supervisor or manager shall discuss the concern or incident with the employee and attempt to resolve the matter in consultation with Agency HR. Supervisors and managers are expected to immediately manage situations brought to their attention in an appropriate fashion, regardless of whether there has been a formal complaint filed.

17. Who is my EEO Officer?

This information is posted on the [DHR website](#) under the Division of Diversity and Inclusion, and the Division of Talent Management. <https://dhr.delaware.gov/diversity/documents/eo-contacts.pdf>

18. If I file a complaint, will it remain confidential?

During the complaint process and afterwards, the confidentiality of the information received, the privacy of the individuals involved and the wishes of the Complainant will be kept confidential to as great a degree as is possible. The wishes of the Complainant for confidentiality will be considered within the State's legal responsibility to act on complaints of discrimination, harassment or retaliation, and the State's responsibility to conduct a fair and thorough investigation. During the investigation all parties, including witnesses, will be required to maintain strict confidentiality. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential.

19. Will my employment be affected if I file a complaint?

Filing a complaint in good faith will not be used against the employee or have a negative (adverse) impact on the individual's employment status.

20. Will filing a complaint give me more time to file a grievance on the same issue?

Filing a harassment complaint pursuant to this policy will not automatically extend the time frames when an employee may file a formal complaint through the Merit Rules, the Department

of Labor Office of Anti-Discrimination, the U.S. Equal Employment Opportunity Commission (EEOC), a Collective Bargaining Agreement, if applicable, or any court or regulatory body.

21. How long will the investigation take?

The time for an investigation to be completed will vary on how much evidence needs to be gathered and how quickly it can be done.

22. I file a complaint, how will I know what is happening?

The person assigned to investigate your harassment complaint will keep you informed of the progress of the investigation. Action may be taken temporarily to assist with a current situation.

23. What if I am not happy with the outcome of the investigation?

If you are not satisfied with the outcome of an investigation, you may file a discrimination charge with the [Delaware Department of Labor Office of Anti-Discrimination](#) or the [U.S. Equal Employment Opportunity Commission](#).

24. I want to file a discrimination and/or harassment complaint externally. How do I do that?

Delaware Department of Labor Office of Anti-Discrimination outlines their process on [how to file a charge](#).

The U.S. Equal Employment Opportunity Commission outlines their process on [how to file a charge](#).