



Missouri Department of Labor and Industrial Relations
ADMINISTRATIVE POLICY MANUAL



POLICY TITLE EQUAL OPPORTUNITY (EO) – Non-Discrimination / Anti-Harassment Policy and Complaint Procedures		
POLICY ID: B07-22400	AUTHORIZED BY: Anna S. Hui	PAGE: 1 of 5
ISSUED: February 23, 2008	REVISED: June 16, 2021	REVIEWED:

The Department of Labor and Industrial Relations (Department) is committed to providing a work environment in which all individuals are treated with respect and dignity; and have the opportunity to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment and retaliation. Employees of the Department will treat clients, claimants, coworkers, and all parties doing business with the Department equitably and fairly regardless of age, ancestry, color, disability, genetic information, military/veteran status, national origin, pregnancy, race, religion, or sex (including sexual orientation and gender identity).

General Provisions

This policy is designed to ensure that Department employees neither engage in nor are subjected to unlawful discrimination, harassment, or retaliation involving other employees, applicants for employment, or non-employees who interact with the Department (e.g., claimants, employers, vendors, etc.).

Equal Employment Opportunity

The Department is committed to providing equal employment opportunity without unlawful discrimination or harassment on the basis of all protected categories and to promoting a work environment free from harassment, unlawful discrimination, and retaliation. The Department will make every reasonable effort to ensure all employees are familiar with these policies and are aware that complaints alleging violations of such policies will be investigated and resolved appropriately.

Any employee with questions or concerns about these policies should discuss with their chain of command or contact Human Resources.

Discrimination and Harassment

Unlawful discrimination and harassment are strictly prohibited.

Unlawful Discrimination: Any unfair treatment based on a protected category.

Sexual Harassment: Usually involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may include a range of subtle or not-so-subtle behaviors and may involve individuals of the same or different gender. Behaviors may include (but are not limited to): unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual’s body; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and, other physical, verbal, or visual conduct of a sexual nature.



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Quid Pro Quo Sexual Harassment: Behavior that involves expressed or implied demands for sexual favors in exchange for some benefit or to avoid some detriment in the workplace.

Hostile Work Environment: When unlawful discriminatory or harassing conduct creates a work environment that would be intimidating, abusive, hostile, or offensive to reasonable people, or has the purpose or effect of unreasonably interfering with an individual’s employment.

Other Harassment: Any physical or verbal conduct or actions that are inappropriate in the workplace, are based on the status of a covered individual, and:

- Has the purpose or effect of unreasonably interfering with an individual’s work performance;
- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or,
- Otherwise adversely affects an individual’s employment opportunities.

Although this policy focuses on conduct in the workplace, the policy also covers conduct that may occur outside the actual workplace at conferences, meetings, or other events (such as breaks and lunches that do not occur on state property).

Power-differentiated Relationship: Any supervisor-subordinate relationship in which one employee directly or indirectly supervises another employee or makes decisions concerning another employee’s terms, conditions, or privileges of employment.

Consensual Intimate Relationships: Managers and supervisors are prohibited from participating in intimate relationships with their subordinates or with employees involved in a power-differentiated relationship. Coworkers who engage in dating or intimate relationships are subject not only to this policy but also the [Relative, Household Member, and Workplace Relationship Policy B07-33050](#).

Retaliation

Retaliation is strictly prohibited. Retaliation occurs when an employer takes an adverse action against an individual who engaged in a protected activity.

Adverse Action: Dismissal, demotion, suspension, or other employment actions that might deter a reasonable person from engaging in protected activity. Adverse actions do not include petty slights, minor annoyances, or other activities that are not likely to discourage an employee from engaging in protected activity.

Protected Activity: Participating in an equal employment opportunity process or reasonably opposing conduct made unlawful by equal employment opportunity laws. Protected activities may include reporting harassment or discrimination to the employer or an outside party such as a regulatory agency; participating



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in an employment discrimination investigation or proceeding; or serving as a witness in an employment discrimination trial.

Any employee who retaliates or attempts to retaliate will be subject to discipline. Individuals who believe they have been subjected to retaliation should report such activity to Human Resources and their chain of command.

Complaint and Investigation Procedures

All Department employees have a responsibility to report any violation of this policy to their manager, their supervisor, or to Human Resources. Complaints should be submitted as soon as possible and preferably by a written statement on the Department's [Discrimination/Harassment Complaint Form](#).

All managers and supervisors must take immediate action when any violation of this policy occurs or is alleged to have occurred, whether or not a written complaint is received. Any supervisor or manager who observes or receives a complaint of this nature shall immediately inform Human Resources and shall not retaliate against the complainant. A manager or supervisor's failure to take immediate, appropriate action may result in disciplinary action.

Employees shall cooperate with and provide truthful responses to internal investigations of harassment, discrimination, and retaliation. Human Resources and other appropriate individuals designated by Human Resources have the authority to conduct such investigations.

In its discretion, Human Resources will prepare a confidential, written investigative report. Any investigative findings may be used to determine disciplinary action. This report shall be shared with appropriate levels of management including the Department's legal counsel and the appointing authority.

Human Resources may, in its discretion, provide the complainant and accused with written notification acknowledging the completion of the investigation, as well as the findings of the investigation.

Employees are free to discuss claims with Human Resources regardless of when those claims occurred. However, consistent with federal law, Human Resources will typically not investigate claims more than 300 days old.

False Allegations

Employees who make intentionally false and/or malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, while ultimately erroneous, were made in good faith) will be subject to appropriate disciplinary action.



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Confidentiality

Confidentiality will be maintained throughout the investigation process. This expectation applies to the content of documents and all discussions. Such confidentiality will also extend to any appropriate corrective actions taken. If it is found that participants of investigations are disclosing confidential information, disrupting the working activities of others, or spreading false information, they may be subject to disciplinary action, up to and including dismissal.

Training

It is imperative that all Department employees recognize discrimination, harassment, and retaliation, and understand their responsibilities for reporting and addressing such matters. To assist with these expectations, the following will occur:

- All Department employees will receive and participate in training related to this policy every two (2) years, or as otherwise required by the Office of Administration;
- All new employees will receive training related to this policy;
- All Department staff will sign an acknowledgement of receipt of this policy.

Employees found to be in violation of this policy may be subject to disciplinary action, up to and including dismissal.

The Equal Employment Opportunity Commission and the Missouri Commission on Human Rights

Nothing in this policy prevents any party from pursuing remedies or resolution through local, state, or federal agencies or the courts.

WIOA – Division of Employment Security

As a recipient of federal financial assistance, it is against the law for the Department to discriminate against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, sexual orientation, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation/belief, or against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity or on the basis of beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I-financially assisted program or activity.



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The Department must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- Providing opportunities in, or treatment of any person with regard to, such a program or activity;
- Making employment decisions in the administration of, or in connection with, such a program or activity.

This and other pertinent information regarding equal opportunities are available for review on the Department’s EO website at www.labor.mo.gov/EO.

Any questions regarding this policy should be directed to Human Resources at 573-751-3588.

REFERENCES

- Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri
- Executive Order 10-24
- Executive Order 15-04
- Missouri Human Rights Act, Chapter 213, Revised Statutes of Missouri
- Age Discrimination in Employment Act
- The Civil Rights Act of 1964
- Americans with Disabilities Act Amendment Act
- Genetic Information Non-Discrimination Act
- Uniformed Services Employment and Reemployment Rights Act
- Pregnancy Discrimination Act
- Equal Pay Act
- Lilly Ledbetter Fair Pay Act
- Section 105.055, Revised Statutes of Missouri