

BASIS OF DISCRIMINATION OR HARASSMENT

1414

(No.1 May 2015)

[Government Code § 12940](#)

[Government Code § 18500](#)

It is the policy of CAL FIRE to maintain a professional work environment free from discrimination and harassment in the workplace. This policy applies to all CAL FIRE employees, volunteers and contractors in their working relationships, including discrimination and/or harassment by co-workers, supervisors, or non-employees. No one shall be subjected to, and the Department policies prohibit, an employment decision or harassing behavior, in whole or part, due to the following protected characteristics.

Discriminatory or harassing work environment **must relate** to one or more of the protected characteristics as described below:

Basis	Definition	Examples
Age	Persons 40 years old and over. Employees 60 years of age and older are protected against discriminatory retention practices if they wish to continue their employment and are capable of performing jobs they currently hold or for which they have applied.	A 63 year old applicant seeking employment.
Ancestry*	National or cultural origin.	African-American, Hispanic, Native American, Puerto Rican.
Color*	Shade of skin within a racial group.	Light, medium, or dark skin.
Disability	A physical or mental condition which substantially limits one or more major life activities, including HIV or AIDS.	An individual who receives differential or harassing treatment due to being blind, paraplegic/amputee, or having a mental disability.
Engaged in a Protected Activity	Any unfavorable action taken as a result of one's participation in a protected act, i.e., an EEO complaint process, either as a party to the complaint, or as a witness.	An individual who receives differential or harassing treatment because he or she has filed an EEO complaint or participated as a witness.
Gender	Gender, gender identity, and gender expression.	An individual who receives differential or harassing treatment because they exhibit a non-traditional characteristic not associated with their

		gender.
Marital Status	Legal status of each adult in a relationship. Department must show there is a problem beyond the fact that person or persons are married or not.	An individual who receives differential or harassing treatment due to their marital status, i.e., divorced, married, separated, and single. (Polygamy not included.)
Medical Condition	Any health impairment related to, or associated with, a diagnosis of cancer, or a record or a history of cancer, or a genetic characteristic.	A qualified individual who has a medical condition such as cancer is treated unfavorably because of the medical condition. This includes cancer or genetic information.
National Origin*	National birth site. Citizenship is not a factor.	Chinese, Cuban, Japanese, Mexican, Vietnamese.
Political Affiliation	Partisan political or opinion affiliation; or disassociation with political but not necessarily partisan causes.	An individual who receives differential or harassing treatment because of his or her political party or opinions.
Pregnancy	Medical condition whereby a person has a developing fetus in the uterus. This category includes pregnancy, childbirth, and medical condition related to pregnancy, childbirth and breastfeeding.	Discrimination on the basis of pregnancy, childbirth, or related medical condition.
Race*	An individual belonging to one of the four accepted anthropological racial groups that refers to one's lineage.	Caucasian-White, Mongoloid-Asian, Negroid-Black, Australoid.
Religious Creed	A followed spiritual belief, not necessarily an organized group or traditional denomination. An individual's spiritual belief system or non-belief system. Includes religious dress and grooming practices.	Muslim, Catholic, Jewish, Latter Day Saints, Agnostic.
Sex	Includes sexual harassment, quid pro quo, and hostile work environment.	Female, male or transgender. An individual who receives differential or harassing treatment because of his or her sex. Sexual harassment may also include same sex, and does not have to be motivated by sexual desire.

Sexual Orientation or Preference	Direction of sexual attraction, emotional and/or physical.	An individual who receives differential or harassing treatment because of their bisexuality, heterosexuality, homosexuality.
Veterans or Military Status	An individual who previously or is currently serving in any branch of the U.S. military.	An individual who receives differential or harassing treatment because he or she has served or is serving in the U.S. military.

*These distinct protected characteristics are often a combination of one or all attributes when race discrimination or harassment occurs.

[\(see Next Section\)](#)

[\(see Handbook Table of Contents\)](#)

[\(see Forms and Form Samples\)](#)