



# **HOW TO IDENTIFY, ADDRESS AND PREVENT SEXUAL HARASSMENT**

**Train the Trainer**

# AGENDA

- Overview and Introductions
- Setting Ground Rules
- Exercise 1 – Sexual Harassment: Myths and Facts
- Sexual Harassment: the Law and Key Cases
- Discussion –Sexual Harassment in the News
- Exercise 2 – Is this Sexual Harassment
- Guidelines for Good Policy
- What to Do
- Review of Facilitator Instructions
- Review and Questions

# CHICAGO WOMEN IN TRADES

Celebrating 35 years of support, training and advocacy



# Learning Objectives for Today's Session

- Gain Familiarity/Facility with Module
- Build Capacity and Confidence in Delivering Training Customized for Male-dominated Occupations
- Get Up-to-Date on Sexual Harassment Law/Stats and News
- Learn How to Facilitate Interactive Exercises

# Module-At-A-Glance

<sup>1</sup> UNDERSTANDING SEXUAL HARASSMENT	4.50 Hours
1.1 Introduction and Overview	5 Mins.
1.2 Myths and Facts	30 Mins.
1.3 Sexual Harassment in the Trades	10 Mins.
1.4 Sexual Harassment in the News	15 Mins.
1.5 Sexual Harassment Law	15 Mins.
1.6 Understanding Types of Sexual Harassment	45 Mins.
1.7 Responsibility and Enforcement	15 Mins.
1.8 History of Sexual Harassment Awareness and Law	60 Mins.
1.9 Identifying Sexual Harassment	45 Mins.
1.10 Impact of Sexual Harassment	30 Mins.

# Module-At-A-Glance

<b>ADDRESSING AND PREVENTING SEXUAL HARASSMENT</b>	<b>90 Mins.</b>
<b>2.1 Who is responsible for addressing sexual harassment?</b>	<b>5 Mins.</b>
<b>2.2 What to do if you are a target of sexual harassment</b>	<b>25 Mins.</b>
<b>2.3 What to do if you observe sexual harassment</b>	<b>30 Mins.</b>
<b>2.4 General Guidelines for Employers, Unions and Apprenticeship Programs</b>	<b>30 Mins.</b>
<b>RESPONDING TO SEXUAL HARASSMENT</b>	<b>75 Mins.</b>
<b>3.1 Imperfect Pictures</b>	<b>60 Mins.</b>
<b>3.2 Summary and Conclusion</b>	<b>15 Mins.</b>

# Learning Objectives for Sexual Harassment Prevention Training - Participants will be able to:

- Define sexual harassment legally and identify evolution of sexual harassment laws.
- Recognize and define different forms of sexual harassment.
- Explain why sexual harassment is a problem in the workplace.
- Identify who is harmed by sexual harassment.
- Describe the role of employers, unions, apprenticeship programs, and workers in preventing and addressing sexual harassment.
- Demonstrate action steps to take in response to witnessing or experiencing sexual harassment.

# Setting Ground Rules:

- Practice attentive and active listening.
- Be respectful of other students and listen objectively to their experiences, opinions and feelings without judging.
- Be sensitive to others' experiences, sensitivity, and capacity to handle different behavior.
- Respect the feelings, comments and opinions of others.
- Keep an open mind and be open to new ideas.

# Setting Ground Rules:

- Be an engaged and active participant; do not monopolize the conversation.
- Refrain from side conversations.
- If you need to leave because the conversation makes you uncomfortable, please do so and consult with the teacher about how to address your concerns.
- Refrain from joking and teasing about this subject.
- Maintain the confidentiality of what is shared during this module.

# Guidelines for Teaching in an Inclusive Manner

- Monitor classroom dynamics to:
  - ensure discussion isn't dominated by more aggressive students
  - Allow for quieter participants to contribute
  - Observe behavior, language and body language for signs of discomfort that may relate to personal experience with the topic or feelings of re-victimization
  - Minimize or redirect stereotypes and sexist generalizations and language
  - Promote small groups that aren't limited to certain groups or previous relationships

**Inclusivity**

**Neutrality**

**Sensitivity**



# Exercise 1: Sexual Harassment: Myths and Facts

- This exercise is designed to:
  - gauge awareness and current understanding of sexual harassment.
  - start a conversation and to share beliefs, understandings and perceptions; no one will be graded or judged on right or wrong answers.
- Ask students to take 5 minutes to fill it out on their own.
- Divide the class - each group has several questions to discuss for several minutes.
- Encourage a variety of opinions and to try to reach consensus, but allow for differing views.
- Have reporters relate the consensus/discussion on each point.
- Ask the other students for their responses, things that were surprising.
- Encourage a lively discussion about opinions –respect ground rules.

# Sexual Harassment: History

- **1964 - Civil Rights Act** established the **EEOC**
- **1980** – The EEOC says that **unwanted sexual advances are a form of sexual discrimination**
- **1981** – Sexual insults and propositions create a **sexually hostile working environment.**
- **1986** – Supreme Court if the **employer knew of unwanted** sexual advances being made by an employee the employer is responsible to take action.

# Sexual Harassment: History

- **1990** – EEOC says **sexual favoritism is sexual harassment.**
- **1991** - the standard must be defined by perspective of a **“reasonable woman”**
- **1995** – **Congress was forced to comply** with prohibitions against sexual harassment
- **1998** - men as well as women could file same-sex harassment

# Title VII

- Gives employees the right to a workplace free of harassment, intimidation, insult or ridicule based on any of the statuses in Title VII.
- Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - Submission to or rejection of this conduct explicitly or implicitly affects an individual's employment.
  - Your submission to or rejection of such conduct is used as a basis for employment decisions about you.
  - Such conduct had the effect of unreasonably interfering with your work performance or creating an offensive, hostile or intimidating work atmosphere.

# Exercise: Describe Types of Sexual Harassment and Create an Example

- **QUID PRO QUO**
- **HOSTILE WORK ENVIRONMENT**
- **SEXUAL FAVORITISM**
- **HARASSMENT BY NON-EMPLOYEE**

# Types of Sexual Harassment

- **QUID PRO QUO –**

Harassment by a supervisor, superintendent or other person in authority. In quid pro quo harassment, the harasser demands a sexual favor; in return the victim keeps the job, gets a promotion, good assignments, or other job-related benefits.

- **HOSTILE WORK ENVIRONMENT –**

Harassment by a co-worker that is **unwanted** and **repeated**.

- **SEXUAL FAVORITISM –**

In this type of harassment, supervisors reward only those employees who give in to their sexual demands. Other employees denied good training assignments or laid off can claim that they're at a disadvantage by not giving in.

- **HARASSMENT BY NON-EMPLOYEE –**

- Employers are responsible for harassment by non-employees if they have control of or could control their actions.



# NABTU Sexual Harassment brochure states:

- "Unfortunately, some men can be pretty hard-headed about women in hardhats. And, this hard-headedness can turn into behavior that is not only unbrotherly but it can be illegal as well....
- Our Unions are harmed to the very core when a member sexually harasses another member, or when one of our members is harassed by a supervisor and her co-workers do nothing about it.
- If a union member cannot count on another member, then whom can she count on?"



# 2016 Revised 29.30

## The DOL defines HARASSMENT as:

- ❑ Actions or words that make an apprentice or group of apprentices feel uncomfortable, belittled, offended, threatened or intimidated. Harassment can range from offensive or crude language, to comments disparaging a particular racial group or an individual with a disability, to physical assaults and threats.

- ❑ **HARASSMENT IN REGISTERED APPRENTICESHIP PROGRAMS IS UNLAWFUL WHEN IT IS:**

Because of someone's religion, sex (including pregnancy and gender identity), race, color, national origin, sexual orientation, disability, age (40 or older), or genetic information, or because he or she filed an EEO complaint; • Unwelcome; and • So frequent or severe that it creates a hostile or offensive work environment or results in an adverse employment decision



# ANTI-HARASSMENT OBLIGATIONS

- Provide anti-harassment training to all individuals connected with the administration and operation of the program, including apprentices and journeymen
- The training must include participation by trainees in a training program, such as attending in-person training or completing an interactive, online training program.
- The training must, **at a minimum**, communicate:
  - That harassing conduct will not be tolerated;
  - A definition of harassment and examples of the types of conduct that would constitute unlawful harassment;
  - Notice of apprentice's right to file a harassment complaint.



## YES OR NO – CAN SEXUAL HARASSMENT INCLUDE:

- Can both men and women can be targets or perpetrators of sexual harassment. Y/N?
- Can sexual harassment happen between two people of the same sex, regardless of sexual orientation. Y/N?
- The harasser can only be the victim's supervisor, not an agent of the employer, a supervisor in another area, or a non-employee. Y/N?
- The victim has to be the person harassed. Y/N?
- Does a victim of sexual harassment have to suffer from economic injury, psychological harm, or discharge for it to be unlawful conduct. Y/N?



# Sexual Harassment can be:

Women in the construction industry report a whole range of behaviors that can be considered sexual harassment, including:

Being touched in sexual ways ☐ Working around pictures of naked and nearly naked women ☐ Working in areas with sexual graffiti ☐ Requests for “dates” ☐ Comments on their appearance ☐ Remarks about their sex lives ☐ Remarks about the harasser’s sex life ☐ Whistling ☐ Leering ☐ Obscene jokes ☐ Jokes that put women down ☐ Sexual rumors ☐ “Pranks” with sexual overtones ☐ Being called sweetie, honey, baby, form etc. ☐ Being stared at constantly ☐ Assault and Rape

# Sexual Harassment: In the News

- Anita Hill
- Tailhook
- Fox News
- 45
- NYC Con Edison To Pay \$3.8 Million To Resolve Sex Discrimination / Harassment Charges
- 2017

# Just Annoying Or Sexual Harassment?

- Would a perpetrator want their family member (mother, daughter, sister, and spouse) to be the target of the behavior?
- Would the perpetrator be likely to act in this way if their spouse/partner were present?
- Would the perpetrator want the behavior to be the subject of an article in the community or religious newsletter?
- Would I do this if the parent, spouse or boyfriend of the other person was present?
- Would person act this way if they weren't in a position of power over this person, such as being a supervisor or executive?
- Does perpetrator have other kinds of power over this person such as being bigger, more seniority, or with more status?
- Is behavior reciprocated? Are there specific indications of behavior being welcome-- not just "She didn't object"?

## Sexual Harassment

## Flirting

feels bad

one-sided

is degrading

feels powerless

power-based

negative touching

unwanted

illegal

invading

demeaning

sad/angry

- feels good
- Reciprocal
  
- is a compliment
- in control
- equality
- positive touching
- wanted
- legal
- open
- flattering
- happy

# Sexual Harassment: Key Cases

- Meritor Savings Bank v. Vinson (1986)
- Harris v. Forklift Systems (1993)
- Oncale v. Sundowner Offshore Services (1998)
- In Hall v. Gus Construction Co.,
- In Robinson v. Jacksonville Shipyards, Inc.,
- *Jenson v. Eveleth Taconite Co.*



# How bad is it?

- Female miners experienced the highest rate of harassment followed by female construction workers
- Chicago Women in Trades survey of 200 tradeswomen reported that they faced the following forms of sexual harassment:
  - 88% reported pictures of naked or partially dressed women on their jobsites
  - 83% reported they experienced unwelcome sexual remarks
  - 57% reported being touched or asked for sex while on the job
- In a study of 393 women in the Teamsters Union, sixty four percent of reported similar findings to CWIT study.
- In the 2008 California Blue Ribbon Report on Women in Apprenticeship, 60% of 150 respondents reported that sexual harassment was a serious problem.



# From CA Blue Ribbon Report on Women in Apprenticeship

- 67 % of the 12 sponsors of joint apprenticeship programs said sexual harassment was not a problem
- 55% percent of women said that they had experienced sexual harassment in their trade
- The second major factor for women dropping out of apprenticeship was a hostile environment and/or discriminatory treatment.
- The avenues for resolving sexual harassment incidents remain unclear to many in the trades.
- An exceedingly high percentage of women reported they were completely misinformed or poorly informed about remedies for sexual harassment.
- While 39% said they were highly informed, many women reported that when they did file grievances, those grievances were bungled, mishandled, or not processed correctly.



# The Impact on Victims

- Physical and emotional
- **68%** of female students felt very or somewhat upset by sexual harassment they experienced; only 6% were not at all upset.
- **57%** of female students who have been sexually harassed reported feeling self-conscious or embarrassed
- **55%** of female students who have been sexually harassed reported feeling angry.
- **32%** female students who have been sexually harassed reported feeling afraid or scared.
- **16%** of female students who have been sexually harassed found it hard to study or pay attention in class.

AAUW Educational Foundation research on sexual harassment, *Drawing the Line*, at



# Lunch Break

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# Exercise 2: Is This Sexual Harassment

- Have students work individually to identify whether or not each scenario listed would constitute sexual harassment.
- When students have completed the exercise sheet, have students discuss their responses in pairs/small groups
- In the pairs / small groups, have students identify the type of sexual harassment for each scenario
- Have each pair / small group share their response to one scenario; rotate until every team has had an opportunity to report.

# General Guidelines for Addressing Sexual Harassment

## Policy and Leadership

- ❑ Leadership actively model, communicate and provide guidance on creating a respectful, inclusive and equitable appropriate behavior.
- ❑ People in leadership create organizational policy, engage in training, and discuss their responsibility to create a harassment-free environment.
- ❑ Review the environment to assess for respectful, safe and equitable workplace or training facility.

## Written Policy

- ❑ Have a written policy prohibiting illegal discrimination of all employees/union members/students/apprentices. Must specifically address harassment as prohibited conduct and describe steps address.
- ❑ Establish a grievance procedure for reporting incidents of sexual harassment that are clear and safe regardless of who is the perpetrator.
- ❑ Reflect policy in range of agreements, contracts, by-laws etc.



# General Guidelines for Addressing Sexual Harassment

## Awareness Training

- People in supervisory positions are required to attend training sessions regularly to review relevant laws, organizational policy, build problem-solving skills, and discuss their responsibility to create a harassment-free environment.
- Sexual harassment awareness training is conducted for employees/union members/apprentices.

## Assessing the Work Environment

- Periodically assesses, and regularly monitor, the work/school environment for issues of sexual harassment including pictures, calendars, magazines, graffiti, etc.
- The apprenticeship program has the same responsibilities as employers and unions



# Guidelines for Redressing Sexual Harassment

## Redress: Problem Solving Investigations and Discipline

- Have informal mechanisms that enable complainants to discuss concerns about sexual harassment without filing a formal complaint.
- Ensure the safety & equitable treatment of a worker/apprentice who makes a sexual harassment complaint during following investigation.
- Investigations of sexual harassment complaints are handled in a fair and timely manner.
- Maintain as much confidentiality and privacy as possible during an investigation.
- Disciplinary process to address those found to have sexually harassed others.
- Process to swiftly address persons or causes of sexual harassment.
- **GO ABOVE AND BEYOND TO CREATE AN INCLUSIVE, RESPECTFUL AND EQUITABLE WORKPLACE**



# AN EFFECTIVE APPROACH TO PREVENTING AND ADDRESSING SEXUAL HARASSMENT

- **A strong policy**, reflecting the commitment of the apprenticeship/union/contractor leadership at all levels: **concisely written and widely communicated**
- **Comprehensive, in-person training** for all on how to prevent sexual harassment and how to respond if it occurs.
- **Complaint and grievance procedures** that clearly explain how to handle sexual harassment complaints
- **Monitor** the apprenticeship program, workplace, and union environment
- **Apprenticeship/Union/Contractor** leadership should model equitable treatment.

# What to Do If You Are the Target of or Witness to Sexual Harassment

- 1) **Document** all incidents of harassment. Tell someone!
  - 2) **Say 'no'** and say it clearly. Get out of immediate danger if necessary.
  - 3) **Write a letter** to the harasser. Use your records to make it very specific.
  - 4) Try to **find out** if others have been harassed by this person.
  - 5) If attempts to stop the harassment fail, **tell your supervisor and apprenticeship coordinator** about the harassment and show them your records.
- If the harasser is your supervisor, **tell their supervisor.**

# What to Do If You Are the Target of or Witness to Sexual Harassment

- 5) Document the **damage or harm** the harassment has caused.
- 6) If the employer does not investigate, or if you do not agree with the conclusions of the investigation, speak to your union steward.
- 7) File a union grievance.
- 8) If none of these steps stop the harassment, you should contact an advocacy organization or a lawyer experienced with sexual harassment cases to discuss your next steps.

# The Teamsters Union

## STRATEGY CHECKLIST FOR VICTIMS

- Do Not Quit
- Find Support
- Be Prepared
- Confront the Harasser
- Put it in Writing
- Keep a Record
- Find Witnesses
- Find the Harasser's Other Targets."

# What to Do If You Are the:

- Apprenticeship Program Staff
- Employer
- Union Leader

# Guidelines For Apprenticeship And Pre-apprenticeship Programs

## JATC Policy West Texas

### Joint Electrical Apprenticeship and Training Committee

- The JATC does not tolerate sexual harassment of any type. Sexual harassment is unlawful and such prohibited conduct exposes not only the Committee, but also individuals involved in such conduct to significant liability under the law. The Committee expects committee employees (including instructors), employers who hire apprentices, and apprentices to treat each other with respect and dignity.
- Sexual harassment not only hurts the immediate victim, but also can result in a general atmosphere in which the purpose of the apprenticeship and training program is undermined. The Committee, therefore, is committed to vigorously enforcing this policy against sexual harassment. Committee employees or apprentices who engage in such conduct will be disciplined. Employers who engage in such conduct against apprentices will be denied access to apprentices.



# SAMPLE UNION POLICY

- Sexual harassment is dehumanizing and divisive, and hinders us from achieving career goals, such as having control over our working lives and shaping our future, being treated fairly and working productively.
- As diversity in the workplace increases, we must learn to value our differences and similarities, and work together to take advantage of our various skills, experiences and abilities.
- Sexual harassment is one of the most corrosive influences that can infect the workplace. It can divide the bargaining unit and pit workers against each another. It can destroy the promise of effective labor/management cooperation when power is wielded in a sexually manipulative manner.



# HOW SHOULD A HARASSMENT COMPLAINT BE INVESTIGATED?

- Have informal mechanisms that enable complainants to discuss concerns about sexual harassment without filing a formal complaint.
- An employer should conduct a prompt, thorough, and impartial investigation. The alleged harasser should not have any direct or indirect control over the investigation.
- Before completing the investigation, the employer should take steps to make sure that harassment does not continue.
- The investigator should interview the employee who complained of harassment, the alleged harasser, and others who could reasonably be expected to have relevant information.

# HOW SHOULD HARASSMENT BE CORRECTED OR PERPETRATORS DISCIPLINED?

- If the parties have to be separated, then the separation should not burden the employee who has complained of harassment. An involuntary transfer of the complainant could constitute unlawful retaliation.
- Other examples of interim measures are making scheduling changes to avoid contact between the parties or placing the alleged harasser on non-disciplinary leave with pay pending the conclusion of the investigation.
- If it is determined that harassment occurred, immediate measures should be taken to stop the harassment and ensure that it does not recur.
- Disciplinary measures should be proportional to the seriousness of the offense.
- The employer/union/apprenticeship program also should correct the effects of the harassment by, for example, restoring leave taken because of the harassment and expunging negative evaluations in the employee's personnel file that arose from the harassment.



# Review and Demonstrations

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# An Ally is:

- someone who listens to as many voices of those they are allying with,
- is engaged in constant learning,
- takes ongoing (**public and collective**) action to support the communities that do not benefit from conferred privilege
- **STAND UP FOR YOUR SISTERS AS YOU WOULD YOUR BROTHERS!**

# ADVICE ON BEING AN ALLY:

- Don't think that because you worked with one woman in the past that you know about working with women.
- Talk to us. Not to people who might know us. We are all our best representatives.
- Don't assume that you are the good guy just because you want to be. It takes courage and strength and effort to be honest about privilege and the ways you are invested in keeping it.
- Call other guys out when they're being jerks.
- Remember that you wouldn't blame all men for the actions of one, nor should you do that to women.

# CONSIDERING YOURSELF AN ALLY?

- ❑ I treat everybody the same, isn't that enough?
- ❑ We're a union so everybody has the same benefits and opportunities
- ❑ We all have a fair chance to succeed, if you work hard and show up
- ❑ I don't see race! I don't see a gender, I just see people
- ❑ I'm a good guy, but I can't change other's attitudes
- ❑ If a woman doesn't complain about offensive behavior or pictures on the job, why should I?
- ❑ No one should get special treatment, that's just unfair
- ❑ I've been treated poorly too, everyone faces challenges



# LISTEN TO TRADESWOMEN!

## THEIR ADVICE IF YOU WANT TO BE AN ALLY:

- “Don't think that because you worked with one woman in the past that you know about working with women.”
- “Talk to us. Not to people who might know us. We are all our best representatives.”
- “Don't try to "school" us. Instead work with us and treat us as you would your brother.”
- “Call other guys out when they're being jerks.”
- Your advice??



# Adding a Gender Lens to Curriculum

Combating  
Discrimination and  
Sexual Harassment  
Prevention

Building Successful  
Communication and  
Interviewing Skills

Learning Cultural  
Competency

Health and Safety  
of Women in  
Construction



# BE AN ADVOCATE/ALLY FOR EQUALITY, DIVERSITY AND INCLUSION

- **Assess** your own biases, practices and cultural competency
- **Examine assumptions** about dominant culture that might not be true for non-dominant groups – i.e. HASWIC
- **Go out of your way** to support women and other underrepresented groups
- **Challenge** the ordinary language of the work world that excludes one gender
- Be an **advocate for diversity and equity** with the union, contractors and apprenticeship program



# On-Line Resources



- Resources, tools, curriculum available at:
- [www.womensequitycenter.org](http://www.womensequitycenter.org)

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[www.chicagowomenintrades.org](http://www.chicagowomenintrades.org)  
312/942-1444

