



HOW TO IDENTIFY, ADDRESS AND PREVENT SEXUAL HARASSMENT

Train the Trainer

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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

Learning Objectives for Today's Session

- Gain Familiarity/Facility with Module
- Build Capacity and Confidence in Delivering Training Customized for Building and Construction Trades
- Get Up-to-Date on Sexual Harassment Law/Stats and News
- Learn How to Facilitate Interactive Exercises
- Help CWIT Review/Revise the Training Guide

Module-At-A-Glance

¹ 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

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

Materials Needed

- Handouts:
 - Sexual Harassment – Myths and Facts Discussion Points
 - Is it Sexual Harassment Discussion Questions
 - Sexual Harassment Four Types
- Easel and newsprint
- Dry erase markers
- Pencils and erasers

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
 - behavior, language and body language for stereotypes and sexist generalizations
- Provide equal attention, feedback, criticism and praise
- Avoid subtle/micro inequities in the classroom

Inclusivity

Neutrality

Sensitivity

Learning Objectives for Sexual Harassment Prevention Training - Students 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 construction workplace.
- Identify who is harmed by sexual harassment.
- Describe the role of employers, unions, and workers in preventing and addressing sexual harassment.
- Demonstrate action steps to take in response to witnessing or experiencing sexual harassment.



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?"



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.

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

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.

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.



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.*

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.

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 can occur in a variety of circumstances, including but not limited to the following:

- Both men and women can be targets or perpetrators of sexual harassment.
- Sexual harassment can happen between two people of the same sex, regardless of sexual orientation.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- A victim of sexual harassment does not have to suffer from economic injury, psychological harm, or discharge for it to be unlawful conduct.

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.



Sexual Harassment: In the News

- Anita Hill
- Tailhook
- Professor Geoff Marcy
- DC Law firm - Fitzgibbon Media
- Ohio State's Band
- Peyton Manning
- Mark Foley - Republican congressman
- Paula Jones

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



General Guidelines for Addressing Sexual Harassment

- Written Policy
 - Have a written policy prohibiting illegal discrimination of all employees/union members/students/apprentices. The policy specifically addresses sexual harassment as prohibited conduct and describes steps to be taken if harassment occurs.
 - Establish a grievance procedure for reporting incidents of sexual harassment.

- Resolution: Problem Solving Investigations and Discipline
 - Have informal mechanisms that enable complainants to discuss concerns about sexual harassment without filing a formal complaint.
 - Investigations of sexual harassment complaints are handled in a fair and timely investigation manner.
 - Disciplinary process to address those found to have sexually harassed others.
 - Process to swiftly address persons or causes of sexual harassment.



General Guidelines for Addressing Sexual Harassment

Awareness Training

- People in leadership 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.
- People in leadership actively model appropriate behavior.
- 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
- If is housed or affiliated with a secondary or post secondary educational institution, sexual harassment is also protected under Title IX



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.*



What to Do If You Are the:

- Target
- Observer
- Apprenticeship Program Staff
- Employer
- Union Leader

What to Do If You Are the Target

- 1) Record all incidents of harassment.
- 2) Say 'no' and say it clearly.
- 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) Tell your supervisor about the harassment and show him or her your records. If the harasser is your supervisor, tell his supervisor.
- 5) If your employer does not investigate, or if you do not agree with the conclusions of the investigation, speak to your union steward.
- 6) File a union grievance.
- 7) If none of these steps stop the harassment, you should contact a tradeswomen's organization or a lawyer experienced with sexual harassment cases to discuss your next steps.



Overview of Section 2 and 3

Session 2: Addressing and Preventing Sexual Harassment

Session 3: Responding to Sexual Harassment

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



Goal: Become an Advocate for Women in Nontraditional Jobs

- **Examine assumptions** about dominant culture and non-dominant groups.
- **Be strategic and intentional:** plan with **targets** and benchmarks
- **Challenge** the ordinary language of work that excludes one gender
- Conduct a **scan/survey** of your program's current policy, practices and cultural competency
- **Apply a gender and race lens** to all aspects of your program
- Be an **advocate for diversity and equity**



Technical Assistance and Toolkits

[pink-green-toolkit-adding-gender-lens-](#)

[Midwest Technical Assistance Center for Women in Apprenticeable/NTO/](#)

- For the public workforce system, job training programs, community agencies
- includes presentations, trainings, webinars, curriculum modules, briefs, templates, tip sheets, and planning documents to:
 - Assist in recruiting and preparing women for nontraditional occupations;
 - Develop and add training curriculum and instructional practices that are gender neutral, inclusive and targeted.
 - Assist training programs in understanding and linking to organized labor, apprenticeships, and major employers.



CHICAGO WOMEN IN TRADES

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