

Tools for Success - Chapter 5: Sexual Harassment: It's Not Sexy - It's Hostile and It's Against the Law

Sexual Harassment

Sexual harassment is against the law. Unfortunately, even though it is illegal, women in all professions encounter it. Women working in occupations dominated by men, however, experience it more often than women doing more traditional work.

Tradeswomen say they have been subjected to the following actions which can be considered sexual harassment:

- being touched in sexual ways,
- working around pictures of naked or nearly naked women,
- working 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, babe, fox, etc.
- being stared at constantly,
- assault, and
- rape

Sexual harassment can be very hard to deal with. It is embarrassing and frightening. Some women mistakenly believe the harassment is their fault that something they did brought it on. Some don't know how to report it or think that people won't believe them. Others want to fit in on the job and feel that they are being "bad sports" by reporting sexual harassment. Many women are afraid that they will lose their jobs and jeopardize their careers, or that the harasser will lose his job, if they report harassment.

You are, however, protected under the law. Federal guidelines issued in 1980 for Title VII of the Civil Rights Act describe sexual harassment as "unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature:

- ***when these advances or requests are a condition of employment,***

- *when whether you reject or submit to them influences what happens to you on the job,*
- *When they create an intimidating, hostile or offensive working environment.*

The law also says that your employer is liable for any sexual harassment in the workplace by your supervisor, whether or not your employer knew about the harassment. Your employer is also liable for any sexual harassment by a co-work if he or she either know about it or should have known about it.

Stopping Sexual Harassment

If you think you are being harassed, trust your instincts. You probably are. Get support from a friend, a family member or a tradeswomen's organization. Find out what your company's policies on sexual harassment are. Keep good records of the harassment, and try to find witnesses. Think about what you may want as a resolution to the problem.

Some kinds of sexual harassment are both very obvious and very threatening, for example sexual assault or threats such as "sleep with me or you'll be laid off." If you experience such extreme harassment even once, or if you're uncomfortable with any harassment, report it to a supervisor and your union immediately.

You may decide to deal with less extreme sexual harassment differently. Many tradeswomen say that some men test their reactions to comments on their appearance, requests for dates, sexual innuendoes, etc. Some tradeswomen find that they can sometimes put a stop to this less extreme harassment fairly quickly and suggest these strategies.

Your First Strategies

Many tradeswomen say that a direct, immediate response is the best one.

"Joe, my name is Alice. Don't say, 'Hey, baby.'"

"Please don't touch me."

"Thanks, but I'm not interested in going out. I don't mix work with my social life."

"I don't appreciate that kind of sexual talk and I don't want to hear it anymore."

"Dude, not cool"

Some women combine directness with humor:

"My six kids go wherever I go. Why on earth are you asking me out?"

The Next Steps

If these kinds of responses don't work and the harassment continues or increases, it's time to change tactics. Any one of these steps may stop the harassment, which is, of course, your goal. If these steps don't stop the harassment, you'll be prepared to press your case with your supervisor or take it to court. In general, courts are ruling that in instances of less extreme harassment, women must show that they made it clear to the harasser that they found his actions objectionable, that the harasser repeated these actions a number of times, and that the company took no steps to stop it.

1) Record all incidents of harassment. For each incident, record as exactly as you can:

- *the date, place and time,*
- *what was said or done, and*
- *any witnesses to the harassment*

It is difficult to remember incidents clearly later, even though you may be sure that you will when they happen. Use your notebook to write down what happened. Record only what happened, not your reactions. (Write "John said such and such", not "John said such and such and I'd like to strangle him.") If your case goes to court, you will have an accurate record of what happened.

Writing down what happened is also a very powerful tool against harassment. Taking out your notebook and writing down what has just happened will help calm you down. It is also very threatening to your harasser. He wants to see you upset, not calm, and the last thing he wants is a record of his behavior.

Make copies of your records, especially if you take them to work with you.

2) Say "no" and say it clearly. *"Don't want you to ask me out any more. This is sexual harassment and it offends me. I want you to stop right now." Try to do this when witnesses are around. Again, writing in your notebook the date, place, time and any witnesses.*

3) Write a letter to the harasser. Use your records to make it very specific. Be sure to keep a copy of the letter

"On April 2, 1993, at 2:00, on the second floor of the parking garage at State and Elm Streets, you said, 'I think your body is so fine.' On April 4th, at 3:30, on the third floor of the garage you said the same thing. I am very offended by this. You must stop. If anything like this happens again, I will report it."

4) Try to find out if other women 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.

Be prepared to answer questions like these:

- ***Are you willing to submit a written complaint?***
- ***What happened?***
- ***Who was involved?***
- ***When did it occur?***
- ***Has it happened before? How many times? How often? How long has this been going on?***
- ***Where did this take place?***
- ***Are there any witnesses?***

- ***What effect did this have on you? (economic, physical, psychological)***
- ***What have you done about this so far?***
- ***What is your relationship with the harasser outside of work?***
- ***Is anyone else having the same problem?***
- ***What do you want done about it?***

Your employer is required to investigate complaints of sexual harassment immediately and thoroughly. Most investigations begin with your confidential hearings for both victims and accused harasser. If your employer finds that your complaint is valid, he or she must make sure that the harassment stops. The harasser may be told to stop the harassment, or the harasser may be fired or transferred. You can also insist that your company establish a policy on sexual harassment and publicize it to all workers.

6) If your employer does not investigate, or if you do not agree with the conclusions of the investigation, speak to our union steward. He or she will be able to advise you about what you should do next.

7) File a union grievance. Your union steward can help you with this procedure.

8) If these steps don't stop the harassment, or if you are fired after reporting harassment, seek help from your union, a tradeswomen's organization or a lawyer. They can help you decide what to do next.

Detailed information on filing a complaint can be found in *Chapter 7: When Push Comes to Shove*.