



SEXUAL HARASSMENT AWARENESS & PREVENTION TRAINING



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www.CHICAGOWOMENINTRADES.org

Sexual Harassment: Points for Discussion

Use this scale to rate the statements below:

- A strongly agree
- B agree
- C disagree
- D strongly disagree
- E don't know

1. The extent of a victim's resistance is a major factor in determining if sexual harassment has occurred. _____
2. The goal of sexual harassment is power. _____
3. There must be repeated acts of harassment in order to consider it a violation of the law. _____
4. Victims can successfully resist harassers if they try. _____
5. Victims often pretend that they are sexually harassed to get attention or to cover poor work performance. _____
6. Sexual harassment will always be part of the construction or skilled manufacturing workplace because you can't change attitudes.

7. Victims invite sexual harassment by their dress and by their actions.

8. Sexual harassment is just innocent flirtation and most people are flattered by it. _____
9. Women who complain of sexual harassment are too sensitive, especially in a male-dominated industry. _____

Sexual Harassment: The Law

Sexual harassment is illegal under federal law. Title VII of the Civil Rights Act of 1964 makes it illegal to discriminate against employees because of race, color, religion, sex or national origin. This law gives employees the right to a workplace free of intimidation, insult or ridicule based on any of these factors. Some state and local laws also prohibit sexual harassment.

It shall be unlawful employment practice for an employer (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment because of such individual's race, color, religion, sex, or national origin or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin.

In 1980 the Equal Opportunity Employment Commission (EEOC), the federal agency that enforces the Civil Rights Act, issued guidelines that define sexual harassment:

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature are sexual harassment when:

- A worker must submit to implicit or explicit sexual demands in order to keep a job (quid pro quo harassment),
- whether a worker submits to implicit or explicit sexual demands affects employment decisions such as assignments and promotions, or
- the conduct creates an intimidating, hostile or offensive working environment

An employer is liable for any sexual harassment in the workplace by a supervisor, whether or not the employer knew about the harassment. An employer is also liable for any sexual harassment by a co-worker if he or she either knew about it or should have known about it.

What Is Sexual Harassment?

Sexual harassment is:

- Any unwelcome verbal or physical sexual advance,
- Sexually explicit derogatory statements,
- Sexually discriminatory remarks, made by someone in the workplace, which are offensive or objectionable to the recipient, cause the recipient discomfort, create a hostile atmosphere, or interfere with the recipient's job performance.

Sexual harassment may include:

- Verbal harassment or abuse
- Subtle pressure for sexual activities
- Unnecessary touching, patting or pinching
- Leering at a person's body
- Constant brushing against a person's body
- Demanding sexual favors accompanied by implied or overt threats concerning one's job, promotion, performance evaluation, etc.
- Displaying sexually explicit or degrading materials that others find objectionable
- Physical assault

What Is The Law?

In 1980, the U.S. Equal Employment Opportunity Commission issued guidelines which state, "Harassment on the basis of sex is a violation of Section 703 of Title VII of the Civil Rights Act of 1964."

According to these guidelines, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- You must submit to implicit or explicit demands in order to keep your job, or
- Your submission to or rejection of such conduct is used as a basis for employment decisions about you, or
- Such conduct had the effect of unreasonably interfering with your work performance or creating an offensive, hostile, or intimidating work atmosphere.

Employers are responsible for harassment caused by employees in supervisory positions regardless of whether officials of the company knew or should have known of the incident. If the harassment is by co-workers or non-employees temporarily at your place of work, the employer can be held responsible if you have informed a supervisor or other manager of the incident and the employer has failed to take immediate and appropriate action. Employers have a duty to try to prevent sexual harassment.

Both the Illinois Human Rights Act and the Chicago Human Rights Ordinance specifically prohibit sexual harassment and have similar regulations concerning employers' responsibility to prevent and appropriately handle complaints of sexual harassment.

Kinds of Sexual Harassment

There are two legal 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**. Hostile work environment harassment can be asking for dates, makes sexual remarks, or displaying offensive pictures.

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

Is This Sexual Harassment?

Mark each item with one of the following answers:

YES	If you think it is sexual harassment
NO	If you do not think it is sexual harassment
MAYBE	If you think it may be sexual harassment
?	If you are not sure

1. Male employees whistle at a female employee as she walks through the warehouse.
2. A male worker asks a female co-worker if she 'got any' over the weekend.
3. A male on a crew asks a female on the crew out for a date. She says no; she's not interested, he continues to ask.
4. A crew leader writes notes with sexual innuendos and leaves them in a female worker's locker.
5. Pin-ups of naked women are hanging in the shop.
6. A supervisor puts a hand on a worker's shoulder and says 'You're really doing a great job. Let's go out for a drink later and talk about your future with the company.'
7. A male worker puts his hand over a female worker's to demonstrate how to use a tool. He takes his hand away as soon as he finished the demonstration.
8. The guys are going out for a drink after work. They ask the female workers to come along.
9. Julio works in a large downtown office building at night. One of the guys who works late has followed him around, asking him to have a drink with him. Julio does not understand English very well and decides to avoid going to that office. He has been reprimanded for not cleaning that office.
10. Steve regularly leers at Sandra's body, focusing on her breasts, hips and butt. It disorients Sandra to the extent that she sacrifices time and energy to go out of her way to avoid Steve's workstation.

More Scenarios for Identifying Types of Sexual Harassment

1. Nancy and Isabel work in the same office. Whenever Nancy is near Isabel, she make a point of touching her or brushing up against her. Isabel doesn't like it and has told Nancy that it upsets her. Nancy persists.
2. Steve is a forklift operator. All of her co-workers are female. He is young and attractive and the women take turns teasing him about his physique and making suggestive remarks. As a result, Steve often finds it hard to concentrate on his work. This has led to errors, and Steve has been given a warning by his boss. Steve has now asked the women to stop, but they treat it as a big joke and continue.
3. Pictures of naked women are displayed all over Sandra's workplace. One picture features a naked woman with the words "USDA Choice" stamped across her body as if she were a piece of meat. A dartboard in the supervisor's office is decorated with a drawing of a woman's breast, with the nipple as the bull's eye.
4. A foreman has to choose who to lay off. He tells a female worker that if she agrees to go out with him she won't get laid off.
5. A female trainee at a tool and die shop complains to her trainer that she does not like him rubbing up against her when they are working together. The trainer tells her that it comes with working in this field.
6. Tony, a volunteer, reported that Eric, the supervisor, has been allegedly cornering him into a room every moment he gets and asking him to perform sexual favors. Tony informed Eric of his discomfort and informed Eric's superior.
7. The Administrative Associate stated that he is being approached by an external delivery woman every time she makes a delivery to the organization, which happens to be every week. He informed her that he was not interested and that she should no longer ask him out again, yet the delivery person continues.

IT'S NOT FUNNY.

IT'S NOT FLATTERY.

IT'S NOT YOUR FAULT.

IT'S SEXUAL HARASSMENT.

IT'S AGAINST THE LAW.

Coalition of
Labor Union Women

What To Do if You Are Harassed

If you think you are being harassed, trust your instincts. You probably are. Get support as you deal with the harasser, 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 for a resolution to the problem (perhaps a transfer to a different area, a transfer for the harasser, or firing of the harasser). Then try these steps for an informal resolution.

Your First Strategies

Many tradeswomen say that some men test their reactions to low-level sexual harassment almost immediately. This kind of testing includes comments on their appearance, requests for dates, sexual innuendoes, etc. A direct, immediate response is the best one:

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

Some women combine directness with humor:

- "I can't cook to save my soul."
- "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 take action. Any one of these steps may stop the harassment, which is, of course, your goal.

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

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

It's difficult to remember incidents clearly later, even though you're sure that you will when they happen. Use the notebook you keep for times like this 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 has 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.

"I 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, write 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, 1992, at 2:00 p.m. on the 2nd floor of the parking garage at State and Elm Streets, you said 'I'd love to get into your pants.'" On April 5th, at 3:30 p.m. 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 have to report it."

4) Try to find out if other women have been harassed by this person.

There is strength in numbers, and/or it's possible that there may already be a case against him or her, in which case management may be more cooperative and accommodating.

5) Tell your supervisor about the harassment and show him or her your records. If the harasser is your supervisor, tell his or her supervisor.

Be prepared to answer questions like these:

Are you willing to submit a written complaint?

What happened?

Who was involved?

When did the action occur?

Has it happened before? How many times? How often? How long has this been going on?

Where did this take place?

Were 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 confidential hearings for both the victim and the accused harasser. If your employer finds that your complaint is valid, he or she must make sure that the harassment stops. If you have suffered financially or emotionally as a result of the harassment, they are liable for monetary damages.

6) If your employer does not investigate, or if you do not agree with the conclusions of the investigation, speak to your 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 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 legal options. They can help you decide your next step.

Chicago, Illinois Municipal Code on Sexual Harassment

1-1-04

“Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or (b) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (c) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. Chicago Municipal. Code, §2-160-010(l). See also Subpart 340.100, Reg. 420.170 & Reg. 520.140.

You Have a Right to a Safe and Healthful Workplace.

IT'S THE LAW!

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in the inspection.
- You can file a complaint with OSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.
- You have a right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.

The Occupational Safety and Health Act of 1970 (OSH Act), P.L. 91-596, assures safe and healthful working conditions for working men and women throughout the Nation. The Occupational Safety and Health Administration, in the U.S. Department of Labor, has the primary responsibility for administering the OSH Act. The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency, or seek OSHA advice, assistance, or products, call 1-800-321-OSHA or your nearest OSHA office: • Atlanta (404) 562-2300 • Boston (617) 565-9860 • Chicago (312) 353-2220 • Dallas (214) 767-4731 • Denver (303) 844-1600 • Kansas City (816) 426-5861 • New York (212) 337-2378 • Philadelphia (215) 861-4900 • San Francisco (415) 975-4310 • Seattle (206) 553-5930. Teletypewriter (TTY) number is 1-877-889-5627. To file a complaint online or obtain more information on OSHA federal and state programs, visit OSHA's website at www.osha.gov. If your workplace is in a state operating under an OSHA-approved plan, your employer must post the required state equivalent of this poster.

1-800-321-OSHA

www.osha.gov

- Occupational Safety and Health Administration • OSHA 3165 U.S. Department of Labor

LEGAL HELP!

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

100 WEST RANDOLPH
CHICAGO, ILLINOIS
(312) 814-6200

Covers sexual harassment claims for employees of any size firm (for other discrimination cases, at least 15 employees are required.) Must file within 180 days of alleged violation.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

536 SOUTH CLARK STREET
CHICAGO, ILLINOIS
(312) 353-2713 TDD: (312) 353-2421

Only covers employers with at least 15 employees. Must file within 300 days of alleged violation.

CHICAGO COMMISSION ON HUMAN RELATIONS

510 NORTH PESHTIGO
CHICAGO, ILLINOIS
(312) 744-4111 TDD: (312) 744-1088

Violation must have occurred in Chicago. No minimum number of employees. Must file within 180 days of alleged violation.

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 WEST WASHINGTON, SUITE 2900
CHICAGO, ILLINOIS 60602
(312) 603-1100 TDD: (312) 443-6050