

Dealing with Sexual Harassment and Discrimination

Women make up 2 - 3% of the construction industry nationally and, in many ways, are still struggling to find their place on the jobsite. It is not everyone's experience, but as women in non-traditional careers, tradeswomen report a high incidence of sexual harassment and discrimination. Although it is difficult to understand the dynamics that exist on a jobsite before you go to work, thinking about this issue beforehand can better prepare you to respond if you find yourself facing these types of issues.

What is Sexual Harassment?

Sexual harassment is unwanted, repeated sexual attention at work, or being treated in a negative way because you are a female. There are two main types of sexual harassment:

1. Quid Pro Quo Harassment

"Quid pro quo" is Latin for "this for that" which means it is a trade. A "trade" in which any of the following are implicitly or explicitly expected as a condition of employment is illegal:

- unwelcome sexual advances
- requests for sexual favors
- other verbal, nonverbal, or physical conduct of a sexual nature

Conditions of employment include:

- keeping one's job
- wages
- promotions or demotions
- vacation time
- other employment benefits

2. Hostile Environment Harassment

Harassment that creates a hostile or offensive work environment that interferes with a someone's ability to do her job is illegal. A work environment is "hostile" when unwelcome verbal, nonverbal, or physical behavior of a prohibited nature:

- is severe and pervasive enough to unreasonably interfere with someone's work, or
- creates an intimidating, hostile, or offensive environment to a "reasonable person"



A hostile environment is when someone's work environment is "poisoned" even though there might not be physical actions directed against her. A hostile environment can be created by an employer, a supervisor, or a co-worker. Individuals in positions of authority are responsible for making sure that employees do not create a hostile environment.

A single incident, or a few incidents, may not necessarily amount to illegal harassment. However, a single extreme incident could be considered prohibited discrimination or harassment. Each situation must be evaluated individually.

The following types of conduct may create a hostile environment if they are severe and pervasive enough to interfere with work or learning. They are just some of the behaviors that *could* be considered to create a hostile work environment:

- jokes or insults
- flirting
- pornography
- comments about a person's body or sex life
- sexually degrading comments
- repeated invitations for dates
- requests for sexual favors
- sexually crude hand gestures
- leering at the body
- sexually suggestive winking
- standing too close
- sexually suggestive "gifts"
- "stalking" behavior
- touching, hugging, kissing, or patting
- restraining or blocking a person's movement
- intentional and repeated brushing or bumping against a person's body
- withholding important safety information or training
- abusive language directed at a person because he or she belongs to a protected class
- display of posters, cartoons, etc. with themes that are sexually suggestive or offensive to some race, religion, etc.,

Some behaviors that might be acceptable in certain contexts are inappropriate in the workplace or classroom, especially if someone expresses an objection to them. Whether the behavior violates a law or a company policy depends upon the circumstances of each case.

In addition to sexual harassment there are other forms of harassment based on gender, ethnic background, sexual orientation, religion, or anything that might make someone "different" from the majority.



What is Not Sexual Harassment?

Behaviors that might not amount to sexual harassment include:

- dating
- friendship
- jokes that are welcome
- people who are just mean

Whether or not something could be considered sexual harassment depends in part on the context of the situation.

Roles People Play in Harassment Situations

Not every instance of harassment is the same, but there are roles people play that are common to many instances. Those roles provide a framework women can use to identify and better understand what is happening...and then take action.

Let's look at a sample story and label the roles.

Sarah is installing light fixtures on a large jobsite. Other workers pass through the space Sarah is working in, or they occasionally come by to get tools. Sarah's journeyman, Al, keeps coming up behind her as she is installing the fixtures and pretends to help, but he is really copping a feel. Lisa is a plumber working in the same area with Sarah and she notices what is happening.

Following are four roles that are common to harassment situations. Identify who, from the story above, played each role and describe the characteristics of each role. If no one played one of the roles, leave it blank.

Target:

What are typical characteristics of a Target?

Perpetrator/Bully:

What are typical characteristics of a Perpetrator/Bully?

Bystander:

What are typical characteristics of a Bystander?



Intervener/Ally:

What are typical characteristics of an Intervener/Ally:

Becoming an Intervener/Ally

The table below is divided into the four roles described above. Think of times when you experienced being in each role and write a one sentence description of what happened. If possible, write about experiences that happened in the workplace.

Target	Perpetrator/Bully



Intervener/Ally	Bystander

Get into groups of four or five and take turns describing: one of the situations you wrote about, which role you played, how each of the other people involved responded, and what the result was. Identify the Target, Perpetrator(s), Intervener(s), and Bystander(s). Describe what being in that role was like for you. What were you observing and thinking? How did it feel? What actions did you take (or not take)? What were the consequences of your actions? Who had power in the situation?

As a group, choose one of the situations to act out for the rest of the class. Assign roles and figure out how to act it out. No scripts are needed. In each role play, one person must be an intervener, even if there was not one in real life. If there are more than four people in your group, have two people play the role of perpetrator or bystander.

After each role play, discuss the first set of debrief questions. Discuss the second set of debrief questions after all the role plays have been presented.

Debrief Questions

1. What did the Intervener do that was effective?
2. What else could the Intervener have done or what could she have done differently?

Additional Debrief Questions

3. What are reasons someone would intervene when they witness an incidence of harassment?
4. What are reasons someone might not intervene when they witness an incidence of harassment?



Responding to Harassment

Dealing with harassment or discrimination directly is often the most effective way to put an end to it. There are many ways to assert yourself. Doing so does not necessarily require being aggressive or creating conflict in the workplace. The following are ways to diffuse situations that you can add to your menu of responses.

Give them Benefit of the Doubt

At the lowest level of potential discrimination or harassment someone might make a comment that you do not like, but that truly intends no harm. It might be a comment that seems particular to you but, in reality, could just be part of the overall construction culture which favors teasing and picking on each other.

Regardless of the intent or the culture, if someone says something to you that you do not like, speak up for yourself. In many cases you just need to “train” the people around you regarding how you want to be treated.

This is part of the human experience, right? There is no big rule book on what offends people because everyone has a different threshold for what bothers them. Individuals must learn how to treat one another if they want to build relationships. Not everyone is interested in learning such lessons, but you might be surprised at the response you receive if you clearly and directly speak up when something does not work for you. It can be helpful if you can do so in a charming or witty way.

Say What Does Not Work for You

It can be awkward or difficult to directly address unwanted comments or bullying at first. Often, however, if you do nothing it will only get worse and feed into the situation. Working toward being able to directly tell someone to stop can be a powerful step toward getting what you want – to be in a workplace free of harassment or discrimination. It is unfortunate that this is still part of the reality for many tradeswomen, but developing the interpersonal skills it takes to handle these types of situations will also help you be more successful in life in general. You can learn to do what you need to do! Following is an unwanted comment and three sample responses:

Comment: Honey, will you hand me the pliers?

Response #1: (Laughs) Did you just call me honey???! That does NOT work for me, man.

Response #2: (Wincing) Hey, I like working with you and all, but you can't call me that if we're going to work together.

Response #3: (Smiling) Okay, look, I'm going to hand you the pliers THIS time, but only on the condition that you SWEAR never to call me “Honey” again. Deal?



Don't Engage

When someone talks to you in a way that you do not like, and if it is someone you do not want to talk to, you are not necessarily obligated to engage with them. Learning as an apprentice can be hard enough. Save your energy for people you want to build a relationship with and do not engage with people who drain it.

Not engaging may only work for a little while, so you can use it as a stepping stone to work toward directly addressing it. One way to not engage with unwanted comments is to just ignore them, possibly under the guise of having ear plugs in. For example:

Comment: Why are you so bad at what you're doing?

Response: (No response.) You're too busy working and besides, you have ear plugs in. You never heard a word.



Redirect Them

Redirecting someone is a way to respond while signaling that you will not engage with their comment. For example:

Statement: You look hot in that shirt.

Response #1: Did you hear that Joe got laid off?

Response #2: Have you seen my Crescent wrench? It's missing.

Win Them with Wit

Witty comebacks can often gain you respect on the jobsite, but it only works if you are the kind of person who can sass back in a flash. The downside of this tactic is that you once you have chosen to engage, the game is on and you might invite further engagement. Expect the instigator to bat the ball back at you.

Portions of the following are edited/excerpted From "What to Do if You are Harassed" by Shannon Eberhart, M.A.

- A tradeswoman riding a construction elevator to the 14th floor with a group of men, overheard one man whispering loudly to his buddy, "I'd really like to get into her pants." She turned to him and said, "No thanks, I already have one asshole down there." All the other men in the elevator cracked up, and for the rest of the day, the harasser was treated to laughter, and calls of "asshole."
- After being grabbed from behind, a tradeswoman turned around and wrapped her arms around the harasser's neck and said, "the only people who get to touch me are my mama and my husband. You ain't my mama so you must be proposin'. Just to let you know, I expect a ring with at least one carat and a huge wedding." The other men in the vicinity laughed and, for weeks, asked him when the wedding was.

Confront The Bully & Demand That It Stop

Depending on the level of the offense, you might just go straight to making a stand for yourself. Or, perhaps you have tried some of the responses above and the offensive behavior has not stopped. You must decide what is appropriate for you and your situation knowing the consequences of each, but confronting the harasser directly often works to stop the harassing behavior. Let the harasser know that you object to what is being said or done. Be specific about the behavior that is objectionable to you. Frame your objection in terms of the fact that you are there to do a job. It can be helpful to practice beforehand or write down what you want to say in a note or memo. Here are some sample responses:

Response #1: (Stop what you are doing. Turn and face the bully with a stern face.) Don't talk to me like that. I'm here to learn and to work. Back off.

Response #2: "That is the second time you have put your hands on my shoulders. I don't like it and don't want you to do it anymore."



Response #3: “I don’t like it when you...”

Response #4: “That is not the first time you have said things like that. It’s offensive and many would call it sexual harassment.”

From here, if the harassment continues, consider the following courses of action.

Keep Records

As soon as a problem seems to be developing, keep a log or journal. Write everything down:

- the time and place of the incident(s)
- what the harasser did and said
- what you did and said
- whether there were witnesses

Be explicit about the details, no matter how crude or embarrassing. Spell out every word and action. Do this as soon as you get home each day (not at work) so you can remember the details.

If Things Escalate

Get Emotional Support

You are faced with something that could threaten your health, your confidence, and your livelihood. You need all the support you can get. However, not everyone understands the problems and effects of harassment. Choose your support system carefully. Organizations like Oregon Tradeswomen, Inc. can help.

Find Witnesses and Corroboration at Work

Did anyone witness the harassment? Many harassers are repeat offenders. Have you heard rumors about your harasser? Witnesses and multiple accusations are harder to ignore.

Go Over the Harasser’s Head

If the harasser does not stop after your confrontation, consider going to your job steward, union representative, supervisor, training coordinator, or the personnel office. Check out the grievance procedures within your program or company and follow them.

Protect Your Job

Continue to perform to the best of your ability. If the stress is getting to you, get some help. When talking to authority figures in the company or union, be factual and straight forward in describing the behavior. Do not call names or make threats. You are a reasonable person with a grievance.



Take Legal Action

If confronting the harasser and pursuing the matter through the proper channels does not work, you could decide to take legal action. You might want to contact the Equal Employment Opportunity Commission (1-800-669-3362) or hire an attorney to file a civil suit. Sometimes this is the only recourse. Keep in mind that filing a suit, either privately or through the government, is a lengthy process that might take years to resolve; doing so carries a large personal price in terms of stress and pressure. Before pursuing a lawsuit, make sure you have the resources and support to carry through.

Looking at Real Situations

For each of the examples below, work with your group to determine who is the Target, Intervener, Perpetrator and Bystander. There might not be an Intervener or Bystander in every story. Describe what the Target or Intervener could do and say to help resolve the situation. It is important to take this activity seriously and be real with your suggestions so they will be ones that your colleagues can really use. Have someone be the note taker for your group so you can share your suggestions in the discussion afterward.

1. Angela's foreman makes leering remarks full of sexual innuendo when they are alone together. He has been teaching her a lot about being a plumber, which she is really grateful for because her other co-workers have not been willing to teach her anything. Despite his comments, he has never touched her. She does not know how to tell him how much his comments bother her. She has started to get stomach aches every morning before work just thinking about how frightened and uncomfortable his comments make her feel. What strategies could Angela use?
2. Jorge is an apprentice carpenter. His journeyman, Sam is very reckless. He wants Jorge to walk out on narrow beams 50' high without any fall protection. When Jorge tells him "no," Sam starts calling him a sissy. At lunch time, with the rest of the crew around, Sam keeps up his heckling. What could Jorge do?
3. The lunch shack is the only warm and dry place on the job to eat lunch. There are a couple of guys who like to tell the raunchiest stories of their sexual conquests in loud voices. Shonda and Pete are really bothered by it. What could they do?



What is Gender Discrimination?

Gender discrimination means treating an employee or employees differently because of their gender. Whenever this discrimination affects the terms or conditions of employment, it is illegal. "Terms or conditions of employment" means just about anything relating to someone's job, including:

- keeping one's job
- wages
- promotions or demotions
- vacation time
- other employment benefits

Whether or not a person is hired is also considered a term or condition of employment. Discrimination and harassment typically go hand in hand. Where there is discrimination in the workplace, there is usually also harassment in the workplace.

Resources

US Equal Employment Opportunity Commission (EEOC)	1-800-669-4000
Oregon Bureau of Labor and Industry (BOLI)	971-673-0761
Oregon Tradeswomen, Inc.	503-335-8200
National Labor Relations Board (NLRB)	206-220-6300
Office of Federal Contract Compliance Programs (OFCCP)	202-693-0101

