

# STEWARD

## FIRST LINE OF DEFENSE

UNITED ELECTRICAL, RADIO AND MACHINE WORKERS OF AMERICA • NOVEMBER 2017

### Stopping Sexual Harassment

“Sexual harassment is not about sex. It’s about power. It’s about the power a boss can exercise over a worker, the power a teacher can exercise over a student, and power—less concretely defined—that male co-workers can exert over their female peers. It’s a kind of power play, manifested as sex discrimination.” From *Stopping Sexual Harassment* (Camille Colatosti & Elissa Kang, *Labor Notes*: 1992).

Sexual harassment is one of the leading forms of discrimination that women and femme-identifying workers face. Surveys show that 58% of women report having experienced gender harassment at work. Sexual harassment and discrimination are against UE’s values, and they are illegal under most union contracts. It is also illegal under Title VII of the 1964 Civil Rights Act, a law that UE fought to get passed. In 1980, the Equal Employment Opportunity Commission (EEOC) issued guidelines defining sexual harassment. It is defined as:

- (1) unwelcome sexual advances; or
- (2) requests for sexual favors; or (3) any other verbal or physical conduct of a sexual



nature. Sexual harassment can occur through looks, touches, jokes, innuendoes, gestures, or direct propositions.

Such conduct constitutes sexual harassment when (a) submission is made a term or condition of employment; or (b) submission is used as a basis for employment decisions; or most broadly (c) the conduct has the purpose or effect of unreasonably interfering with an individual’s work

performance, or creating an intimidating, hostile, or offensive work environment.

Under the law, men as well as women can be victims of sexual harassment, but in reality it is women who are affected far more frequently. The victim and harasser can be the same sex. The harasser can also be a client, customer or other non-employee.

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#### Strategies

##### Fighting Back!

Every instance of sexual harassment will be unique and creating appropriate responses will require the steward to be thoughtful, sensitive, and resourceful. Below are a few suggestions that should be kept in mind when dealing with sexual harassment.

- 1) The Union should make all members aware that sexual harassment is illegal and that the union will fight on behalf of its members to stop it. It is everyone’s responsibility to create a culture where harassment is not tolerated, not that of just women

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##### Some Legal Terms

**Quid Pro Quo** is Latin for “this for that.” This simply means demanding something from a person in return for giving something. “If you go out with me I’ll make sure you get overtime” is something a boss may not say to a worker.

**Hostile environment** is any unwelcome sexual conduct that “unreasonably interferes with an individual’s job performance or creates an intimidating, hostile or offensive working environment.” This type of harassment also includes cases where a boss harasses women because he doesn’t want them working on certain jobs, or he allows men to harass the women to get them “off of the men’s jobs.”

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Sexual harassment is also making offensive comments about a person's sex; for example, making degrading comments about women in general.

So, in short, sexual harassment is any unwelcome sexual advance or a hostile work atmosphere based upon sex. The key to all this is, if a woman says "no" or "stop it," then actions that occur after that probably are sexual harassment. The "no" does not have to be verbal either. If a boss keeps demanding that a woman worker go out with him, and she walks away from him each time he does it, then that should be taken for "no." For him to keep bothering her is sexual harassment.

### *What Makes the Boss Guilty?*

The employer is liable for the actions of its employees involving sexual harassment under certain conditions. These include the following:

1) The sexual conduct was unsolicited and unwelcome. People can still talk about sex or make jokes with each other as long as

both parties don't mind it *and they keep it to themselves.*

A hostile work environment can be created by the language or actions of two consenting people if other workers find the language or behavior offensive.

2) For "hostile working conditions," the conduct must be severe or continuous.

3) The employer or someone in authority must know that a worker is being harassed. If the employer fails to take action to stop sexual harassment then their penalties can be greater.

4) It is also unlawful under Title VII for an employer or boss to retaliate against an employee for standing up for an employee who is being harassed.

The "higher" up the boss is - who is doing the harassment - then the greater is the company responsibility.

### *What About Workers Harassing Other Workers?*

As a rank-and-file union we must make it clear that we want to make working condi-

tions better for all workers, and therefore we cannot tolerate one worker or a group of workers making life miserable for other workers. This is not union behavior. Our mission is to "unite all workers on an industrial basis, and rank-and-file control, regardless of craft, age, sex, nationality, race, creed or political beliefs and pursue at all times a policy of aggressive struggle to improve our working conditions." Harassing behavior does not unite us.

While it is the boss' obligation under the law to create an environment free of harassment, the union wants to be proactive about creating a safe and inviting workspace. It may be necessary for union leaders to directly approach a member alleged to have engaged in inappropriate behavior to educate them on why their behavior is wrong. Many times, this is enough to stop them bothering another worker. If we can handle this inside the union, that is the best approach because it strengthens our organization.

The union's obligation is to make sure that everyone is treated fairly and gets a fair hearing. If the union determines in good faith that a member was wrong and was harassing another member, then the union has no obligation to defend the harasser.

### ***Fighting Back!***

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or union leaders. Teach members to intervene right away when they see or hear inappropriate behavior.

2) Make the employer post notices that sexual harassment is illegal.

3) Many women are not sure who to turn to when they are being harassed. The union can appoint several stewards (some of whom should be women) who are well-known and respected by the members to be a special committee to deal with sexual harassment. Make this committee known to all workers.

4) Take reports of alleged sexual harassment and assault seriously. You can create liabilities for the union by ignoring or prematurely dismissing a member's claims. Follow thorough investigation practices (as stewards should in any potential workplace grievance).

5) Learn the employer's harassment reporting protocols so that stewards can

help members navigate this process. If the employer's process is cumbersome or ineffective, consider using member actions such as petitions or stickers to advocate for an improved procedure.

6) Let the employer know that illegal behavior is going on. Be the buffer between the victim and the employer. Don't let a boss harass a worker into withdrawing their complaint.

7) When dealing with the issue in grievance meetings, make sure the victim isn't harassed again by the company by being made to recount what happened in front of many bosses. Make the company show some sensitivity.

8) Make the harasser pay for the crime, not the victim. Too often, the boss's solution is to move the victim off of her job to "keep her away from Joe." Make the employer fire or move the boss who was the harasser, not the worker. If the employer is moving the harasser to a different area, demand that person receive training so that their behavior does not continue, putting other employees at risk.

### ***UE Local 506's Unity Council***

UE Local 506 established a Unity Council in the local nearly two decades ago to "challenge discriminatory behavior of any kind." The local represents nearly 1,500 production and maintenance employees at the GE Transportation facility in Erie, PA.

The Unity Council works to resolve member-on-member conflicts before they escalate to the point where the company gets involved, which could lead to disciplinary action. If a member is having a problem with another member, they can contact a member of the Unity Council to report the problem. Members of the Unity Council have been trained to resolve member-on-member conflicts and harassment issues. This is one example of how a UE local is changing the culture of their workplace and their union.