

**The IBEW[®]
stands against sexual
harassment.**

a guide for defining, recognizing and confronting sexual harassment in the workplace



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Preface

Despite progress toward gender equality and inclusiveness, sexual harassment continues to be a societal problem. People of all genders can be victims of sexual harassment. Our intent is to present helpful information to all IBEW members so that they may exercise their right to work in an environment free from sexual harassment.

Although it is an employer's obligation under the law to maintain a workplace free of sexual harassment, all of us—union and management—must work together to eliminate sexual harassment. The IBEW endorses an active role by local unions in representing their members and in assisting them when claims of sexual harassment or any other form of discrimination arise. Nobody should feel that they must suffer sexual harassment in silence. Every worker must be empowered to confront such abusive behavior in the workplace.



Message from the International Officers

Each workday you face many challenges on the job: maintaining productivity, following safety and health regulations, wrestling with new equipment and techniques, and coping with the inevitable job-related “crisis” or two. One thing you should never have to cope with or tolerate is sexual harassment. However, studies reveal that many women—and an increasing number of men—have been sexually harassed at some time during their work lives. And, harassment of people on the basis of sexual orientation has become an increasing problem in the workplace.

Sexual harassment is not a new problem. It has occurred throughout the ages. Over the years, sexual harassment has been misunderstood and mischaracterized. Sexual harassment’s main motive is the wielding of power. Sexual harassers and those who fail to address sexual harassment have stigmatized the victims of the harassment (“they are just trying to cause trouble”), and have stigmatized those who have tried to stop it (“they’re not a team player”).

Sexual harassment is dehumanizing and divisive. It hinders us from achieving career goals, such as having control over our working lives and shaping our future, being treated fairly and working productively. We must learn to value our differences, and work together to take advantage of our various skills, experiences and abilities.

The IBEW is committed to eliminating all forms of discrimination and harassment from the workplace. The goals and objectives stated in the Objects of the IBEW Constitution are as relevant today as they were when they were written. These goals and objectives seek to protect our members and enable them to attain a higher standard of living in all areas of their lives: social, intellectual and moral. We have designed this booklet to provide guidance on what constitutes sexual harassment, what you should do if it occurs, and what recourse is available to you.

We can find strength in the diversity of our membership. By working together, helping each other and respecting each other, we can promote a cooperative and progressive work environment. Diversity in the workplace can provide the strength we need to organize and build the IBEW to meet the challenges of the global marketplace.



Lonnie R. Stephenson
International President



Kenneth W. Cooper
International Secretary-Treasurer

What is sexual harassment?

Harassment on the basis of sex violates Title VII of the Civil Rights Act of 1964 as amended.

Sexual harassment is against the law.

The Equal Employment Opportunity Commission (EEOC) guidelines define sexual harassment as:

- unwelcome sexual advances;
- unwelcome requests for sexual favors; or
- unwelcome verbal or physical conduct of a sexual nature, including that based on sexual orientation, gender identity or pregnancy, when:
 1. submission to such conduct is made either explicitly or implicitly a term or condition of employment;
 2. submission to or rejection of such conduct by an individual is the basis for employment decisions adversely affecting such individual; or
 3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Two General Categories of Sexual Harassment

- ▶ **Tangible employment action:** This type of sexual harassment involves someone in a position of authority making decisions that affect an employee's terms and conditions of employment based on the employee's submission to or rejection of sexual harassment. For example, demoting an employee after they reject sexual advances.
- ▶ **Hostile work environment:** Undesirable, unwanted conduct that unreasonably interferes with the victim's job performance or creates an intimidating, hostile or offensive workplace.

This type of harassment can occur when a supervisor or co-worker harasses someone solely because of gender. Such harassment makes it difficult for the victim to perform their job and creates an intimidating, hostile or offensive working environment. Normally, incidents must be persistent to prove a hostile work environment. However, a single serious incident may be sufficient to create a hostile work environment.

Forms of sexual harassment:

- ▶ propositioning
- ▶ explicit jokes
- ▶ demeaning comments
- ▶ sexual innuendoes
- ▶ discussing sexual activities
- ▶ unnecessary touching (pinching, rubbing, bumping)
- ▶ commenting on physical attributes
- ▶ reading or displaying sexually suggestive materials
- ▶ using offensive gestures
- ▶ granting job favors to those who participate in consensual sexual activity
- ▶ using crude and offensive language

Types of Sexual Harassment

Sexual favoritism: Incidents involving a supervisor playing favorites, rewarding those who respond to sexual advances. Employees who do not go along with the supervisor's demand and are denied pay raises, promotions or the best job assignments may claim harassment.

Indirect harassment: An employee who witnesses sexual harassment on the job, but is not the target, can claim sexual harassment. For example, a California court ruled that an "environment of sexual harassment" was created by a boss who grabbed workers in full view of an employee who ultimately brought charges. Although the charging employee was not directly harassed by the boss, the individual was adversely impacted by the boss' actions, which created a hostile, intimidating environment in which they were required to work.

Harassment by nonemployees: In both tangible employment action and hostile work environment cases, the employer may be held responsible for the harassment of its employees by nonemployees, like vendors, contractors or customers, if the employer knew or should have known of the conduct, failed to take immediate and appropriate corrective action, and has control or responsibility over the nonemployee.

Harassment based on gender: Behavior that is not overtly sexual, which is directed at a person because of their gender. Profanity, pranks, derogatory comments or other inappropriate behavior may be considered sexual harassment when it is based on gender.

Harassment based on sexual orientation: Harassment based on sexual orientation has become an increasing problem in the workplace. The EEOC and the federal courts have taken the position that discrimination based on sexual orientation violates Title VII when the discrimination consists of sexual stereotyping – "He doesn't act like a real man should act;" "She dresses and acts like a man." Some state and municipal anti-discrimination laws broadly prohibit all discrimination based on an individual's sexual orientation.

Are women the only victims of sexual harassment?

Anyone can be a victim of sexual harassment. The victim does not have to be of the opposite sex and may be anyone directly or indirectly affected by the offensive conduct. The harasser could be the victim's supervisor, a supervisor in another area, any other agent of the employer, a co-worker or a nonemployee.

MYTH: Sexual harassment is not widespread.

FACT: Several polls have indicated about 50 percent of working women have experienced some kind of sexual harassment yet 75 percent of claims go unreported.

Why does sexual harassment go unreported?

In many instances, victims are reluctant to complain about sexual harassment. A victim may not report sexual harassment because they do not know what to do or where to get help. They also may not report the harassment because they feel humiliated and may fear:

- Retaliation: loss of promotion; less desirable assignments; loss of job
- Ridicule from co-workers: treatment as a troublemaker; loss of respect – “They asked for it”
- Doubt: “They’re just making it up”
- Indifference: being ignored or not taken seriously

It is time to conquer the fear, break the silence and speak out promptly about abusive behavior. The union is committed to creating and fostering an environment that supports all members by educating and empowering them to speak up and promoting mutual respect.

The Impact of Sexual Harassment on the Victim

Victims of sexual harassment face a complicated dilemma. They are pressured to give in to the sexual harassment. They are distressed by the resulting emotional and psychological turmoil experienced in the work environment and may be torn by the conflict of either reporting the incident or enduring the harassment in silence.

The following is a list of some of the most serious unlawful employer actions that can confront victims of sexual harassment.

1. **Loss of wages and benefits.** When a victim objects to offensive behavior or resists sexual advances, they may be demoted, denied a promotion or given a poor performance evaluation.
2. **Forced reassignment.** The employer may respond to a complaint of sexual harassment by transferring the victim to a different job or shift – in effect, punishing the victim.
3. **Quitting.** Sexual harassment can become so severe and pervasive that the victim quits their job. They were forced to leave, which can be equivalent to an illegal firing.
4. **Firing.** The victim may be fired for refusing to submit to or for reporting sexual harassment, or the harassment may cause such distress to the victim that their job performance suffers and they are fired for poor performance.

These problems can have dire consequences for the victim and their family. Although the law prohibits employers from retaliating against victims of sexual harassment, these indignities are all too often inflicted on victims. It is important for victims to confront the harassment promptly and enlist the help of the union in resisting these destructive effects.

Examples of sexual harassment

Recognizing sexual harassment can be difficult, especially when it occurs in subtle forms. To help you determine whether you have experienced sexual harassment, consider the following:

Have any of the following things ever happened to you at work?

- Someone said something about how you look and you found the comment offensive
- Someone touched you when you did not want them to
- Someone made sexual jokes or comments that you did not like
- Someone showed you or posted pornographic pictures
- Someone asked you on a date and continued to ask you even though you said you were not interested

Have these things happened frequently or repeatedly?

Were they blatantly offensive and unsolicited?

Was the conduct physical or verbal?

Was the harassment from a co-worker, a supervisor or more than one person?

Were several people victimized?

Each year many people experience sexual harassment at work. It is important to keep in mind that each situation is unique. The circumstances of each situation should be examined as a whole in determining whether sexual harassment has occurred.

Examples of Sexual Harassment Offenses

Overt sexual harassment is obvious. Recognizing subtle forms of sexual harassment can be difficult. The following scenarios are examples of overt and subtle sexual harassment.

Example 1: *The men's bathroom in Tim's workplace has posted pinups of women posing in sexually explicit positions. Tim has never heard co-workers refer to the pictures or make sexual remarks to others about the pictures in the workplace, but Tim feels uncomfortable and humiliated by the pictures.*

Sexual harassment can include anything of a sexual nature (visual as well as remarks or physical advances) that causes humiliation to a person. In this case, the employer should remove the pictures. If the employer fails to remove the pictures or to investigate the situation, the union should take action to have the pictures removed.

Example 2: *A co-worker is known for dirty jokes, sexual comments and leering. It really bothers Effie to the point where she gets headaches by late afternoon after listening to it all day. Effie talks about this with others in her workplace; but they tell her it doesn't bother them because, "He's all talk and no action."*

If even one worker feels humiliated by persistent and unwelcome conduct, sexual harassment may exist. The fact that it may not

bother others is not a reason to dismiss the problem. Women are often reluctant to complain, especially if they are working in a male-dominated industry.

Example 3: *Nick's co-worker in a senior position has asked him to meet for drinks after work on several occasions. He has also texted inappropriate comments to Nick about being lonely and needing a date when he was clearly under the influence. Nick has repeatedly rejected the co-worker's requests and advances and ignores the texts but finds they make him increasingly uncomfortable especially when he interacts with this co-worker at work.*

Sexual harassment does not have to be sexual in nature but can involve unwanted and inappropriate attention. Repeated unwelcome requests for dates and text communications can lead to the creation of a hostile work environment where they make an employee uncomfortable. Workers may be afraid to complain or to make a "big deal" out of the situation, but they should raise a concern with management about the unwanted advances so the employer is on notice of the behavior and can take steps to correct it.

Example 4: *Kathy's co-worker said that she should not have been given the dispatcher position because it was a man's job. He made derogatory comments about her work performance, which were heard by other dispatchers over the radio. He also subjected her to pranks. Other dispatchers deliberately*

used lewd language around her even though she let them know it offended her. Kathy's complaints to her supervisor did not result in any corrective action. Eventually she resigned from her job.

A court ruled that Kathy experienced sexual harassment because she suffered persistent and hostile treatment from her male co-workers. Harassment was directed at Kathy specifically because she was a woman. Behavior can be considered sexual harassment even if it does not involve sexually suggestive behavior.

Courts Have Decided:

- ▶ To prove sexual harassment, the victim does not have to prove that they experienced psychological damage or that their job performance suffered but the harassment does have to be severe and pervasive conduct that a reasonable person would find creates a hostile working environment.
- ▶ A person need not show economic harm to sue an employer for sexual harassment.
- ▶ Courts have ruled that such gender-based harassment is illegal.

What should you do if you think you are being sexually harassed?

Know your rights. Assert your rights. Do not keep it quiet—ask for help and support.

Workers must never be silent in the face of sexual harassment. Confront the issue as promptly and firmly as possible, with a healthy assertiveness based on an understanding of your rights. Only you can take action to exercise your rights. If you feel that you cannot address the problem alone, ask your union or employer for help.

Below are suggestions about how to assert your rights if you are being sexually harassed at work. Read the entire checklist. It has been designed to inform and empower you with options that you can exercise in any order appropriate in your situation. The facts of each situation will determine whether unlawful conduct has occurred but **each incident of sexual harassment is unique and each incident is one too many.**

For violent harassment...

If the harassment involves rape or assault, immediately contact your local law enforcement agency and your employer. Inform your union representative.

For other forms of harassment...

1. Object!

Tell the harasser to stop. If the harassment continues, inform your employer in writing and keep a copy for your records. Inform your shop steward or another union representative.

2. Document the harassment.

Harassers are typically repeaters, so keep notes about each event if the harassment continues. Note dates, times, places, what was said or done and names of witnesses. Keep these notes at home; they can be useful if you decide to take further action. Also keep your performance evaluations; they could help you if the harasser questions your job performance to divert the issue.

3. Talk to co-workers and your union representative.

Victims need support while confronting the indignity of sexual harassment. Victims may experience physical and psychological side effects, including depression, headaches, ulcers, nausea and sleeplessness. Take care of yourself and get support from your friends, co-workers and the union. Talk frankly with your union

MYTH: Sexual harassment is normal behavior and victims should feel complimented.

FACT: Sexual harassment is a power play—a tactic to dominate by embarrassment or degradation. It is not part of healthy relationships.

representative; you may learn that others in your bargaining unit are experiencing the same problems.

4. Learn about your rights and research your options—if your employer has a procedure for filing complaints, failure to file a prompt complaint with your employer can result in a loss of any right you may have to compensation for damages.

Obtain copies of all relevant documents: your union contract, the employee handbook and the employer's written policy and complaint procedure. Your employer should have a written policy against sexual harassment and a procedure for filing a complaint. Remember, it is the employer's obligation under the law to maintain a workplace free from sexual harassment.

5. Exercise your rights; complain to your employer.

You have valuable rights under your collective bargaining agreement and under federal and state laws. If you file a complaint and a settlement is proposed, the proposed settlement or resolution

Most collective bargaining agreements contain an anti-discrimination clause which specifically prohibits discrimination in the workplace on the basis of sex, race, color, religion, national origin and disability. Some contracts have a clause that specifically prohibits sexual harassment. Even if a collective bargaining agreement does not have an anti-discrimination or an anti-harassment clause, it will almost always have a management rights clause which authorizes the employer to set work rules. Most employers promulgate anti-discrimination and/or anti-harassment rules through the management rights clause and may discipline employees, even to the point of discharge, for violating these rules. The work rules provide a basis for discipline and also for a grievance by an employee who alleges sexual harassment by a supervisor or co-worker.

should not affect you in a negative way. You should not have to change work location, shifts or crews to avoid the harasser. The solution should be in **your** best interest and comply fully with the terms of the collective bargaining agreement. If the sexual harassment continues, exercise your rights at a higher level. Retaliation for making or filing a complaint is unlawful. Continue to keep your union informed of your actions and the actions of your employer throughout the process.

6. File a grievance under your collective bargaining agreement.

After consulting with your union representative and reviewing all applicable provisions of the collective bargaining agreement, initiate a grievance, if applicable.

7. File EEOC charges.

You may file charges in person, by phone or by mail. Contact the nearest field office of the U.S. Equal Employment Opportunity Commission (see Appendix B) or your state or local fair employment practice agency. Time limitations apply, so do not delay. You do not need a lawyer to file a charge, but you may want to talk to an attorney experienced in such cases. Contact the state bar association or the women's bar association in your area for a referral.

Focus on your goal—to stop the harassment.

Many people have fought sexual harassment and other forms of discrimination, thereby improving the work environment for themselves and their co-workers. The first step to achieving justice is to know your rights under your contract and under the law, and then to confidently and promptly assert those rights.

MYTH: Asking someone for a date could result in a charge of sexual harassment.

FACT: Unwelcome, unwanted and uninitiated are key words in the definition of sexual harassment. Harassment occurs when conduct is persistent and unwelcome.

CHECKLIST

What to do if you are being sexually harassed

For violent harassment...

1. Contact law enforcement.
2. Contact your employer.
3. Inform your union representative.

For other forms of harassment...

1. Object!
2. Document the harassment.
3. Talk to co-workers for support and your union representative for help.
4. Learn about your rights and research your options.
5. Exercise your rights; complain to your employer.
6. File a grievance under your collective bargaining agreement.
7. File EEOC charges.

CHECKLIST

What to do if you witness sexual harassment

If you witness the sexual harassment of a co-worker, DO NOT laugh, joke or otherwise participate in or condone the inappropriate conduct. Likewise, DO NOT IGNORE IT OR REMAIN SILENT. TAKE A STAND AGAINST SEXUAL HARASSMENT. Co-workers can help create a work environment where all workers are respected and free from harassment.

1. **Talk to the harasser.** Do not go along with their actions. Let them know that you find the behavior offensive and inappropriate for the workplace; or
2. **Report it** to the employer and the shop steward. Request that the behavior be stopped so that the situation does not get worse.
3. **Support the person being harassed.** The victim may feel powerless, humiliated and overwhelmed. Your support can make a real difference in the life of your co-worker.

What is the union's role as an exclusive bargaining representative?

Workers look to their local union for protection against any form of harassment or violation of their rights and dignity in the workplace.

As the exclusive bargaining representative, the union has a duty to fairly and thoroughly investigate all claims. Union representatives must take sexual harassment complaints seriously; handle such complaints with sensitivity and as much confidentiality as possible; listen sympathetically; avoid prejudgments before all the facts are gathered; ensure that information provided is accurately recorded and documented; evaluate the information in good faith; and if it is determined that harassment has occurred, promptly initiate appropriate action.

Local unions can take several actions to create an environment in which sexual harassment is discouraged:

- Negotiate language in your collective bargaining agreement **prohibiting sexual harassment**.
- Be sure the employer has a written policy against sexual harassment that is widely distributed to all employees. If the employer does not have a formal policy, raise the issue in labor-management meetings
- Establish a union policy against sexual harassment.
- Publish the union's anti-harassment policy and procedures and make them available to the members periodically.
- Establish a procedure within the union to handle sexual harassment complaints and grievances.
- Designate and train at least two representatives to properly handle complaints, investigations and grievances.
- Tell employees who in the local union is responsible for receiving

and investigating sexual harassment complaints.

- Educate the membership about the issue through workshops, speakers, distribution of literature, etc.
- Determine the extent of the problem. An anonymous survey of the membership may be useful, but the confidentiality of information received must be assured.

Taking action against unlawful harassment is not only the **right** thing to do, it is also the **smart** thing to do. If an employee complains to their local union about unlawful harassment and the local union fails to take steps to stop it, even though the responsibility to prevent harassment is the employer's, the local union may nevertheless be held liable for the harassment under federal and state discrimination statutes or for a violation of the duty of fair representation. In either case, the results can be costly. Recommended policies against sexual harassment for local unions in the United States are available on the Local Connections section of the IBEW website.

What is the shop steward's role?

Shop stewards are usually the first contact members have with the local union. Shop stewards must lead by example to promote a work environment where dignity and respect are afforded to all workers. Members need to feel confident that the steward will represent them fairly. To effectively represent workers who report harassment, stewards must be trained to understand the victim's dilemma, to take sexual harassment complaints seriously and to handle the complaints with sensitivity.

MYTH: Giving a compliment to someone could result in an accusation of sexual harassment.

FACT: Compliments in general are not considered sexual harassment unless they become an unwanted pattern of behavior.

Shop stewards must remain objective and impartial as they process the sexual harassment complaint. Confidentiality is an important aspect of this process, since reputations and livelihoods are at stake. Stewards should restrict all information obtained in the handling of the complaint to those with a legitimate need to know. By doing these things, the steward will, by example, help create a work environment in which sexual harassment is not tolerated.

Stewards may also be asked to represent an alleged harasser, since at least half of all sexual harassment complaints involve co-workers. At best, this is a difficult situation—one that can create havoc in the workplace and undermine solidarity within the union when both parties are members. Because of the conflicting interests of the parties, it may be necessary to assign another union representative to represent the alleged harasser.

The IBEW offers anti-harassment training through its Civic and Community Engagement Department, New Business Manager Orientation and steward training programs.

CHECKLIST What to do if you are a shop steward

1. Get the facts about the incident. Listen carefully. Be objective and impartial. Recognize the sensitive nature of the complaint.
2. Document and retain pertinent information.

3. Advise the victim to keep a diary or log of each occurrence.
4. Conduct a prompt, thorough and fair investigation. Try to resolve the problem informally.
5. Inform the employer and the local union.
6. Try to stop any harassment you observe.
7. If the investigation warrants it, file a grievance.

What is the employer's responsibility?

An employer is responsible for providing a work environment free from harassment and for the:

- acts of agents and supervisors;
- acts of co-workers, if management knows and fails to take prompt and appropriate corrective action;
- acts of nonemployees, if management knows and fails to take prompt and appropriate corrective action.

An employer is more likely to be found legally liable if it does not have an explicit policy against sexual harassment and an effective complaint procedure available to employees. Unions can work with management to develop such written policies and procedures. These policies and procedures should be widely distributed and posted throughout the workplace. This ensures that all employees know the consequences for inappropriate conduct, know their rights and know their recourse. An employer is also responsible for ongoing training of its supervisory and management employees about sexual harassment.

What is the union's role as an employer?

Courts and the EEOC Have Decided:

- ▶ An employer is legally responsible for the sexually harassing acts of its supervisory employees without regard to the employer's specific authorization or knowledge of such acts. Where the supervisor's harassment is tied to the granting or denial of a tangible employment action (e.g., job promotion, wage increase), the employer will be held liable. Where a supervisor's sexually harassing behavior is not tied to a tangible employment action, but creates a hostile work environment, the employer can avoid liability only if it can prove it exercised reasonable care to prevent and promptly correct the behavior, and the employee unreasonably failed to take advantage of the preventive and corrective opportunities offered by the employer, or to avoid harm otherwise.
- ▶ An employer is legally responsible for the harassing acts of its nonsupervisory employees and of third parties (e.g., vendors who visit the premises) where the employer or one of its supervisory employees knows or should have known of the conduct, unless the employer or supervisor has taken reasonable steps to prevent harassment from occurring and takes prompt corrective action.
- ▶ In addition to compensatory damages, punitive damages may be awarded where the employer acted willfully or with reckless disregard for the victim's legal rights (i.e., knew or suspected that the act was a violation of law).

With respect to its own employees, unions as employers are responsible for providing a work environment free from harassment. In its capacity as an employer, a local union can be held liable just like any other employer. Thus, the union is responsible for the acts of its supervisors. It is also responsible for harassment by nonsupervisory

employees and by third parties, if the local union or a supervisory employee of the local union knows, or should know, of the harassment but fails to take prompt corrective action.

A local union, in its role as an employer, is more likely to be found legally liable if it does not have an explicit policy against sexual harassment and an effective complaint procedure available to employees. The policy and procedure should be widely and periodically distributed and posted throughout the workplace. This ensures that all employees know the consequences of inappropriate conduct, know their rights and know their recourse. In addition, meetings should be held with all local union employees who supervise other employees, including the local union business manager and other officers. The purpose of the meetings should be to impress upon them the importance of complying with the local union policy. The local union should investigate all complaints of harassment thoroughly and promptly. At least seven states (California, Connecticut, Delaware, Illinois, Maine, New York and Washington) require sexual harassment training for private employers. Check to ensure your policies are in compliance with state and local laws. Some cities may also have specific training requirements.

To the fullest extent practicable, the local union should keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, the local union should take prompt corrective action, including such discipline as is appropriate up to and including termination of employment. When a union officer is accused of sexual harassment, that officer should not be involved in investigating the complaint, determining whether harassment has occurred or deciding what discipline to impose.

Sexual harassment divides the workplace and weakens the union.

Sexual harassment is illegal discrimination based on sex and has no place in a healthy work environment. When power is wielded in a sexually manipulative and dehumanizing manner, it can divide a bargaining unit and pit workers against each other. It can destroy the promise of effective labor and management cooperation.

As we confront the daily challenges of the global economy, the IBEW wants its members and all workers around the world to be valued and respected as human beings, as well as for their knowledge, skills and abilities. The Declaration of the IBEW commits each one of us to fight for “human justice, human rights, and human security,” which includes the commitment to work together to end sexual harassment.

Unfortunately, both subtle and overt sexual harassment persist. Co-workers may tell jokes or engage in conversations or actions that are sexual in nature, thinking that they are merely having fun and entertaining themselves or their listeners. However, the fact that individuals participate in such workplace behavior does not necessarily indicate that all are willing participants. A culture of silence and peer

pressure can engender fear in people. They may be reluctant to object to behavior that everyone else seems to accept, fearing that they will be labeled an outsider or that someone will take an action against them for objecting.

How can we eradicate sexual harassment? The first step is to educate people about the problem. Then, we must foster a work environment where co-workers feel free to express their opinions when they find certain behaviors offensive. The willingness to speak out—and the willingness to listen and understand all viewpoints—are helpful in fighting this form of discrimination. Assertiveness, openness and respect are qualities that improve our work environments, strengthen our unions and can help prevent the circumstances that give rise to sexual harassment, particularly in cases where no offense may have been intended. Through frank discussions, many situations can be promptly resolved and corrected without formal complaints. When that tactic fails, workers should exercise their legal and collective bargaining rights to address sexual harassment for the good of all workers.

List of Selected Terms

Equal Employment Opportunity Commission (EEOC)

An independent agency of the U.S. government, created by Title VII of the Civil Rights Act of 1964 to ensure equal opportunity by enforcing federal laws prohibiting employment discrimination.

harassment

Any behavior that degrades, demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome.

hostile work environment

A pattern of undesirable, unwanted conduct that is so severe and pervasive that it unreasonably interferes with the person's job performance or creates an intimidating, hostile or offensive workplace.

reasonable person standard

A standard used by courts to judge whether certain challenged conduct and alleged hostility in the workplace would be offensive to a reasonable person. The EEOC cautions that this standard should consider the victim's perspective and not stereotyped notions of acceptable behavior.

sex discrimination

Sex discrimination exists when employment decisions are based on an employee's gender or an employee is treated adversely because of their gender.

subtle sexual harassment

Unwelcome conduct that creates feelings of humiliation and abuse in the victim. May be disguised as "casual" or unintentional physical contact, comments, gestures, visual displays, etc. Any nonsexual, gender-based conduct that creates an environment that any reasonable person would consider hostile could rise to the level of sexual harassment.

supervisor

Any individual who exercises supervisory authority in the workplace. Individuals in the following classifications **may** be supervisors: *plant manager, lead person, subforeman, foreman, general foreman, superintendent, manager, director, technical director, field technical manager, producer, etc.*

List of Selected Terms (cont.)

Title VII

Part of the Civil Rights Act of 1964 that prohibits employment discrimination based on race, color, religion, sex or national origin by private employers, state and local governments, private and public employment agencies, labor organizations and joint labor-management committees for apprenticeship and training.

tangible employment action

A decision made by a person in a position of authority that affects an employee's terms and conditions of employment and that is based on the employee's submission to or rejection of sexual harassment.

union representative

Any union official who advises and assists a victim of sexual harassment in exercising their rights (for example, a local union's business manager or president, a steward, a business representative).

unwelcome conduct

Behavior regarded by the victim as unwanted, offensive, undesirable and unsolicited.

victim

A person subjected to sexual harassment by members of their own or the opposite sex.

Appendix A

What should you do if *you* are accused of sexual harassment?

1. Take a look at your behavior and language.

Accusations of sexual harassment must be taken seriously. Even if you did not intend to offend anyone, the victim's perception can be the deciding factor. Something you consider to be harmless may be highly offensive to others.

- Pay attention to how others respond to what you do and say.
- Do not assume that your co-workers or employees enjoy comments about their appearance; hearing sexually oriented jokes or comments; or being touched, stared at or propositioned.
- Think about the effect of your words and actions on the attitudes of other people about work, job performance and self-esteem.

2. Know and exercise your rights.

If you are unsure about what constitutes sexual harassment, check the company and union policies, and ask your union representative for guidance. A frank discussion might correct the problem before a complaint is filed.

3. Talk to your union representative.

If a sexual harassment accusation leads to the filing of a formal complaint or a grievance, remember that the union must represent all employees in the bargaining unit. A union representative may be assigned to investigate the charges against you and decide what course of action to pursue.

Appendix B

U. S. Equal Employment Opportunity Commission (EEOC) Offices

131 M Street, NE
Washington, DC 20507
www.eeoc.gov

1-800-669-4000

TTY (Hearing Impaired): 1-800-669-6820

Please check the EEOC website or call the toll-free number to confirm office locations and obtain local telephone numbers.

Albuquerque, NM
Atlanta, GA
Baltimore, MD
Birmingham, AL
Boston, MA
Buffalo, NY
Charlotte, NC
Chicago, IL
Cincinnati, OH
Cleveland, OH
Dallas, TX
Denver, CO
Detroit, MI
El Paso, TX
Fresno, CA
Greensboro, NC
Greenville, SC
Honolulu, HI

Houston, TX
Indianapolis, IN
Jackson, MS
Kansas City, KS
Las Vegas, NV
Little Rock, AR
Los Angeles, CA
Louisville, KY
Memphis, TN
Miami, FL
Milwaukee, WI
Minneapolis, MN
Mobile, AL
Nashville, TN
Newark, NJ
New Orleans, LA
New York, NY
Norfolk, VA

Oakland, CA
Oklahoma City, OK
Philadelphia, PA
Phoenix, AZ
Pittsburgh, PA
Raleigh, NC
Richmond, VA
St. Louis, MO
San Antonio, TX
San Diego, CA
San Francisco, CA
San Jose, CA
San Juan, PR
Savannah, GA
Seattle, WA
Tampa, FL
Washington, DC

This booklet is not intended to serve as a substitute for advice that you may obtain from your local union representative or from legal counsel. By preparing and issuing this booklet, the IBEW does not assume the employer's legal responsibility for acts of sexual harassment in the workplace.





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