

Sexual Harassment in the Workplace:

From Hashtags
to Transformative Action



Center for Occupational and Environmental Health

- Protecting workers and communities from environmental health hazards through teaching research and service. -

LOHP

LABOR OCCUPATIONAL HEALTH PROGRAM
UNIVERSITY OF CALIFORNIA, BERKELEY

LOHP's mission is to:

- promote safe, healthy, and just workplaces
- build the capacity of workers and worker organizations to take action for improved working conditions

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- Livestream and recording:
<https://www.facebook.com/UCCOEH/>
 - Questions or comments? Please use Q&A or chat section

Agenda

- **What's new? An overview**

Alejandra Domenzain, Program Director,
UC Berkeley Labor Occupational Health Program

- **What is sexual harassment, and what are employers' responsibilities? What laws protect workers?**

Jennifer Reisch. Legal Director, Equal Rights Advocates

- **What resources are available? How can we change workplace culture?**

Elena Dineen, Staff Attorney, Futures Without Violence

What's new?



CREDIT: ANDREAS BRANCH/VARIETY/REX/SHUTTERSTOCK

“In today’s atmosphere, there would be more people who would understand my story, who would believe my story.”

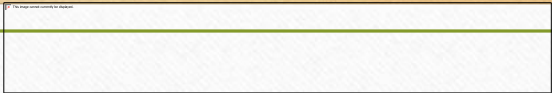
“It’s a matter of public concern....
not our personal burden to bear.”

Anita Hill, speaking at a panel coordinated by the National Women’s Law Center, Dec. 2017
<https://variety.com/2017/biz/news/anita-hill-uta-sexual-harassment-1202634689/>

1. Structural analysis of risk factors

- Isolation
- Power dynamics in the workplace
- Economic structures
- Male dominated industries
- Culture of the workplace
- Lack of accountability; retaliation

2. Focus on low-wage workers



A #MeToo moment for the poor and powerless



LA Times | By THE TIMES EDITORIAL BOARD | DEC 28, 2017 | 4:00 AM

Low-Wage Workers Aren't Getting Justice for Sexual Harassment

Despite the #MeToo movement, poor women often find that speaking out against abuse at work is too costly.

ALANA SEMUELS | DEC 27, 2017 | BUSINESS

The Fix • Analysis

The marginalized voices of the #MeToo movement





Farmworkers

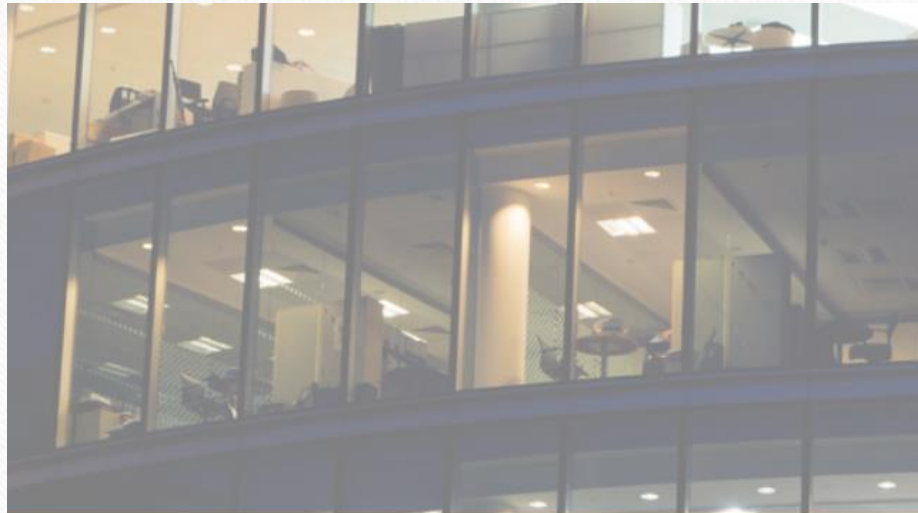
 PBS  KQED

FRONTLINE

HUMAN
RIGHTS
WATCH



Janitors

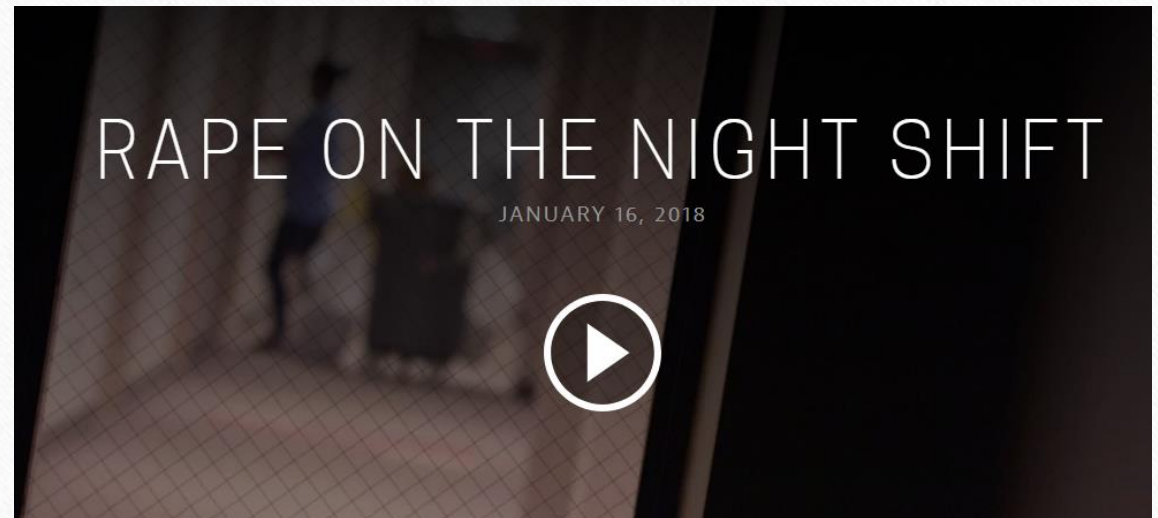


The Perfect Storm:

How Supervisors Get Away with Sexually Harassing Workers Who Work Alone at Night

Helen Chen, Alejandra Domenzain, and Karen Andrews
Labor Occupational Health Program — University of California, Berkeley

MAY 2016



 PBS  KQED

FRONTLINE



Food processing and restaurant



SPLC  **Southern Poverty Law Center**



The Glass Floor

Sexual Harassment in the Restaurant Industry

October 7, 2014

Raising the Floor for Supply Chain Workers: Perspective from U.S. Seafood Supply Chains



WAGES AND WORKING CONDITIONS IN ARKANSAS POULTRY PLANTS

The Northwest Arkansas Workers' Justice Center

February 1, 2016

RESEARCH AND WRITING SUPPORT

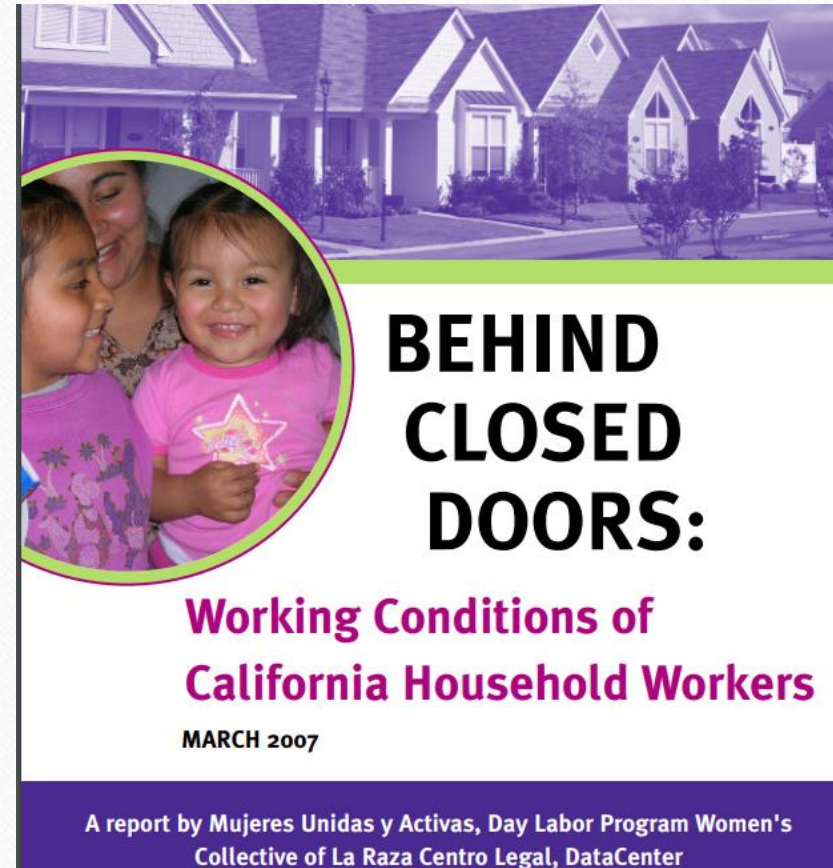
Nina Ebner, Jessica Halpern-Finnerty, and Saru Jayaraman

The Food Labor Research Center, University of California, Berkeley

Hotel housekeepers



Domestic workers



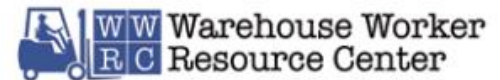
TEMPORARY WORK



PERMANENT ABUSE



NESRI
NATIONAL ECONOMIC &
SOCIAL RIGHTS INITIATIVE



realitycheck

seventeen million reasons
low-wage workers need strong
protections from harassment

W NATIONAL
WOMEN'S
LAW CENTER



**ENDING GENDER-BASED VIOLENCE
IN THE WORLD OF WORK
IN THE UNITED STATES**



FUTURES
WITHOUT VIOLENCE

AFL-CIO

**In A
Day's
Work**

The Fight to End
Sexual Violence
Against America's
Most Vulnerable
Workers

Bernice Yeung



In a Day's Work

The Fight to End Sexual Violence
Against America's Most Vulnerable
Workers

Bernice Yeung

3. Analysis of intersections

- Race
- Immigration status
- Gender expression
- Socio-economic background

4. Platforms for survivors to share their stories

5. Critical mass of survivors speaking up encourages others, normalizes it



6. Campaigns- internal and external



**UNITE
HERE!**



United Service
Workers West
SEIU



ONE FAIR WAGE

For All Workers

7. Survivor-centered solutions

- Third parties





Survivor-centered solutions (continued)

Ways to document without reporting; to file
anonymous reports

Trauma-informed approaches

Restorative justice

#Our Turn: Sexual Harassment Action Network

**Taking back workplaces for
respect and justice.**



#OurTurn Action Plan includes:

- **Webinars:** Network members will learn and develop collaborative strategies
- **Working groups:** Provide a vehicle for advancing priority campaigns and educational efforts;
- **Listserve:** Keep members informed and promote sharing of resources and tools;
- **Web-based resource clearinghouse:** will provide members with concrete tools to take action in their communities;
- **Annual assembly:** A space to review achievements, revise objectives and promote further collaboration
- **Public engagement component:** Organize meaningful opportunities for the public to learn about and support workplace and public policy campaigns and access resources.

info@nationalcosh.org



Elena Dineen,
Staff Attorney for
Programs

Futures Without Violence





About FUTURES

For more than 30 years, FUTURES has been providing groundbreaking programs, policies, and campaigns that empower individuals and organizations working to end violence against women and children around the world.



About Workplaces Respond

Workplaces Respond to Domestic and Sexual Violence: A National Resource Center (Workplaces Respond) educates and builds collaborations among workplace and non-workplace stakeholders – employers, worker associations, unions, and anti-violence advocates – to prevent and respond to domestic violence, sexual harassment and violence, trafficking, stalking, and exploitation impacting the workplace.

The project is a public-private partnership led by Futures Without Violence, and funded by the U.S. Department of Justice's Office on Violence Against Women (OVW).

NATIONAL RESOURCE CENTER

Creating Workplaces Free from Domestic Violence, Sexual Harassment & Violence, and Stalking

Workplaces Respond provides resources, training, and technical assistance to employers, survivors, co-workers, and advocates to prevent and respond to domestic violence, sexual harassment & violence, trafficking, and stalking impacting the workplace.

[Visit the Resource Library](#)



www.workplacesrespond.org



**1 in 3 women ages 18 to 34
has been sexually harassed
at work.**

Cosmopolitan Survey



**81% surveyed had experienced
some form of verbal harassment
in the workplace.**

Cosmopolitan Survey



Top Ten Things

Victims – Employers – Unions – Men

Can Do Right Now to Address Sexual Harassment in the
Workplace

10 Acciones Principales Para Enfrentar Al Acoso Sexual en el
Sitio de Trabajo

En Español

Sample Tools: Assessing Climate

HOW-TO GUIDE

Workplace Climate Surveys

The best prevention-oriented climate surveys are anonymous, confidential, and explore workplace culture and environment in order to identify employee needs, gaps in response, and workplace expectations.

Assessment Categories

Click each category for more information & sample questions

Prevalence

Frequency, nature & impacts of workplace sexual harassment & violence

Equity

Belief in access to equal opportunity & fair treatment. Identifies that underpinnings of misconduct.

Accountability

Belief and confidence that the process protects victims & strives to eliminate harassment

Prevalence

Establish a safe space

Frame broad & inclusive questions

Determine which behaviors to assess

Equity

Inclusivity

Job/Workplace Satisfaction

Opportunities for Advancement

Empowerment

Accountability

Victim's Perspective

Perpetrator Accountability

Satisfaction with Complaint Process

Deterred Victims

Prevention requires a year-round, holistic approach.

- Consistent awareness-raising activities;
- Effective, evaluated trainings including bystander intervention trainings;
- Assessments of workplace climate;
- Peer networks;
- Confidential complaint procedures;
- Updated policies and resources available for employees;
- Close gaps in gender equity; and
- **Accountability and Enforcement.**

Worker-led Solutions for Accountability and Enforcement

**Pilot Site:
Immokalee, Florida**



- Coalition of Immokalee Workers
- Fair Food Standards Council
- Vida Legal Assistance
- Pacific Tomato Growers
- FUTURES

Questions?

Jennifer Reisch



Legal Director of Equal Rights Advocates since September 2012

Helped pass the strongest equal pay law in the nation, the California Fair Pay Act of 2015 (SB 358)

Represented thousands of low wage and immigrant workers challenging sex discrimination and sexual harassment, including retail workers in *Dukes v. Wal-Mart*, shipyard workers in *Aviles v. BAE Systems Norfolk Ship Repair*; janitorial worker in *Bojorquez v. ABM Industries, Inc.* (case resulting in \$812,001 verdict, featured in *Rape on the Night Shift* documentary)

Named to Daily Journal Top 75 Labor & Employment Lawyers in California, 2015-2017

Recognized in Super Lawyers as Rising Star in employment litigation, 2009-2012

Adjunct Professor, U.C. Hastings College of the Law (2009-2013), USF School of Law (2007)

Appointed to serve on [California Pay Equity Task Force](#) and the [DFEH Task Force on the Prevention of Sexual Harassment in the Workplace](#).

Helped to found the Ya Basta! Coalition to support janitorial workers in their fight to end sexual violence and harassment, serves on DIR Advisory Committee on the Property Service Workers Protection Act (AB 1978)



About Equal Rights Advocates



Legislative
Advocacy



Strategic Litigation



Advice & Counseling



Community Education



Sexual harassment: a short history



Sexual harassment has been around for centuries...

But only recently recognized as a form of unlawful discrimination

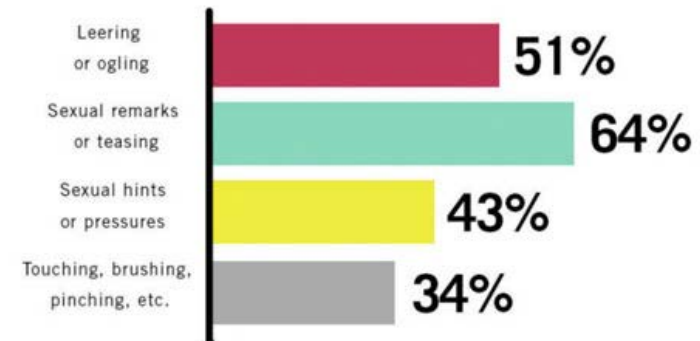
Yet from 1976 to 2016...

redbook

The Results of a 1976 Survey of Women About Sexual Harassment At Work Remain Virtually Unchanged In 2017



Which of the following have you experienced with male co-workers or supervisors?





Sexual Harassment: Common examples



What **Assault**
Classifies **Staring**
Sexual **Honking**
Harassment **Whistling**
Stalking **Verbal Comments**
Groping
Sexist Comments **Noises**
Kissing **Comments**





Sexual Harassment:

Legal definitions

Quid pro quo

(This for that)

- ▶ Someone in a position of **power**
- ▶ Who demands a sexual **favor**
- ▶ **In exchange** for a **benefit** or for not imposing a negative **consequence**

Hostile work environment

- ▶ **Unwelcome** conduct
- ▶ Of a sexual nature or **based on sex** or gender
- ▶ So **severe or pervasive** that it
- ▶ Affects terms and conditions of employment so as to create a **hostile or abusive work environment**



Sexual Harassment:

What laws protect workers?

California:

- Fair Employment & Housing Act (**FEHA**)
 - 1+ employee (for SH)
 - Interns, volunteers, contractors covered
 - Prohibits discrimination based on sex + gender, gender ID & expression
 - Enforced by **DFEH**
-

Federal:

- Title VII of the Civil Rights Act (**Title VII**)
 - 15+ employees
 - Prohibits discrimination based on sex
- Enforced by **EEOC**



Sexual Harassment: What Duties Do Employers Have?

- **DO NOT DISCRIMINATE** against any employee or applicant based on sex!
 - **DO NOT RETALIATE** against any employee who reports, objects to, or helps another employee exercise rights with respect to sexual harassment
 - (in California) **TAKE REASONABLE STEPS TO PREVENT** sexual harassment and retaliation
 - ☑ Policy against discrimination that includes (and defines) harassment
 - +
 - ☑ Clear procedure for employees to report, complain
 - +
 - ☑ Notice to employees and supervisors
 - **PROMPTLY INVESTIGATE & EFFECTIVELY RESPOND**
** Even if behavior doesn't meet legal definition **
 - (in California) **TRAIN SUPERVISORS** - at least two hours once every 2 years
-

Sexual Harassment:

Resources for workers & advocates



For workers:

- Equal Rights Advocates, Know Your Rights: Sexual Harassment at Work ([English](#))
- Equal Rights Advocates, Conozca Sus Derechos: Acoso Sexual en el Trabajo ([Español](#))
- DFEH [Workplace Sexual Harassment Pamphlet](#)

For worker advocates & organizers:

- Equal Rights Advocates, [Sexual Harassment in the Workplace Toolkit for Advocates & Organizers](#)
 - National Women's Law Center, [Six Ways Unions Can Help Prevent and Address Sexual Harassment at Work](#)
 - National COSH - [Sexual Harassment Action Network Resources](#)
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