

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

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



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Preface

This booklet is a tool for IBEW members to use in asserting their right to work in an environment free from sexual harassment. Despite progress toward gender equality and valuing diversity, sexual harassment continues to be a societal problem in all industries.

Women constitute the overwhelming majority of the victims of sexual harassment. However, men also are 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 the **employer's obligation** under the law to maintain a workplace free of sexual harassment, all of us—women and men, union and management—must work together to eliminate sexual harassment. In this regard, 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. Workers must be empowered with knowledge about sexual harassment so they may assert their right to a workplace free of sexual harassment. You need not suffer sexual harassment in silence, imprisoned by the fear of speaking out. Every woman and man 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 men and women 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 (“he’s just trying to cause trouble”), and have stigmatized those who have tried to stop it (“she’s not a team player”).

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

The IBEW is committed to eliminating all forms of discrimination or harassment from the workplace. The goals and objectives stated in the Preamble 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. So, 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 is nothing to fear. In fact, it can provide the strength we need to organize and to build the IBEW to meet the challenges of the global marketplace in the 21st century.



Edwin D. Hill
International President



Jon F. Walters
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 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

- ▶ **Quid pro quo** (literally, “this for that”): Submission to unwelcome conduct is explicitly or implicitly made a condition of employment or the basis for employment decisions.

This type of harassment is the most clear-cut. It involves someone in a position of authority stating or implying that the victim's job, promotion or assignment depends on submitting to sexual advances. (A one-time incident may be sufficient to prove quid pro quo harassment.)
- ▶ **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 his or her 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 demeaning or inappropriate terms, such as “babe”
- ▶ using offensive gestures
- ▶ workers of one gender ostracizing those of the other
- ▶ 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 isn't 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, she was adversely impacted by his actions, which created a hostile, intimidating environment in which she was required to work.

Harassment by nonemployees: In both quid pro quo and hostile 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 woman explicitly because she is a woman. Profanity, pranks, derogatory comments or other inappropriate behavior may be considered sexual harassment when it is based solely 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?

The majority of cases involve the sexual harassment of women. However, victims and harassers may be women or men. 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.

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 she does not know what to do or where to get help. She also may not report the harassment because she feels 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 – “She asked for it.”
- Doubt: “She’s just making it up.”
- Indifference: being ignored or not taken seriously.

It’s time to conquer the fear, break the silence and speak out promptly about abusive behavior. Women should be encouraged by the fact that courts are acknowledging that differences exist in the perception of women and men. They are returning judgments based on an understanding of the victim’s perspective, recognizing that what women find offensive may be acceptable to men. Some courts have adopted the “reasonable woman” standard: If a reasonable woman would find the conduct sufficiently severe or pervasive to affect the terms or conditions of her employment and create an offensive environment, then the conduct constitutes unlawful sexual harassment.

The Impact of Sexual Harassment On The Victim

The victim of sexual harassment faces a complicated dilemma. She is pressured to give in to the sexual harassment. She is distressed by the resulting emotional and psychological turmoil she experiences in the work environment. And she may be torn by the conflict between 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, she 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 her job. She has been forced to leave, which is 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 her job performance suffers and she is fired for poor performance.

These problems can have dire consequences for the victim and her 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 didn't want them to.
- Someone made sexual jokes or comments that you didn't like.
- Someone showed you or posted pornographic pictures.

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 perhaps 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 sexual harassment.

Example 1:

The men in Susan's workplace posted pinups from sexually explicit magazines in the break room. Susan has never heard them refer to the pictures or make sexual remarks to women in the workplace, but Susan feels 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 famous 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 other women in her workplace; but they tell her it doesn't bother them because, "He's all talk and no action."

A co-worker's conduct and comments need not offend all women working with him. If even one worker feels humiliated by persistent and unwelcome conduct, sexual harassment may exist. The fact that it may not bother the other women is not a reason to dismiss the

Courts Have Decided:

▶ To prove sexual harassment, the victim does not have to prove that she experienced psychological damage or that her job performance suffered.

▶ A woman who could not show that she suffered economic harm could still sue her employer for sexual harassment.

▶ Women entering nontraditional jobs should not have to be subjected to an abusive work environment where rough language, dirty jokes and hazing are pervasive. Courts have ruled that such gender-based harassment is illegal.

problem. Women are often reluctant to complain, especially if they are working in a male-dominated industry.

Example 3:

One male supervisor always makes a point of rubbing up against Mary when he walks past her. He always says, “Excuse me,” but the look on his face indicates that it’s no accident. Mary finds his behavior demeaning and offensive.

This falls under the category of “unwelcome physical advance” from anyone on the job or associated with the job (superior, co-worker, subordinate, customer, client, union official, etc.). Supervisors are held to higher standards because of their power and authority. Workers may be afraid to complain because of the supervisor’s power over them.

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 doesn’t involve sexually suggestive behavior.

Sexual harassment is different in traditional and nontraditional jobs.

Unfortunately, sexual harassment occurs in every type of work setting. The type of work setting often affects the pattern of the harasser’s behavior. The following chart compares sexual harassment in traditional and nontraditional jobs.

	Traditional Jobs	Nontraditional Jobs
Type of harassment	Typically, sexual language, gestures and requests for dates	Clearly abusive and hostile comments and deliberate and harmful actions
Outcome if harassment is rejected	Retaliation: threat of losing pay, promotions or job; intimidation	Retaliation: intimidation; demeaning work assignments; physical danger; frequent layoffs
Motive for harassment	Dominance, power and control	Dominance, power and control
Who is harasser	Supervisors and co-workers	Supervisors and co-workers

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

Know your rights.
Assert your rights.

Don't keep it quiet. Remember to 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 can't 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. Everyone's tolerance level is different. The particular facts of each situation will determine whether unlawful conduct has occurred. **Each incident of sexual harassment is unique and each incident is one too many.** Do not allow sexual harassment to continue.

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. Women 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 human 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 of sexual harassment.

5. Exercise your rights; complain to the employer.

You have valuable rights under your collective bargaining agree-

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.

ment and under federal and state laws. If you file a complaint and a settlement is proposed, the proposed settlement or resolution 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.

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 the appendix) or your state or local fair employment practice agency. Time limitations apply, so don't delay. You don't 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 the 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 the 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 of harassment.

1. **Talk to the harasser.** Don't go along with his actions. Let him 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 where sexual harassment is discouraged:

- 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/or grievances.
- Designate and train 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.

- Negotiate language in your collective bargaining agreement prohibiting sexual harassment.
- Be sure the employer has a written policy against sexual harassment which is widely distributed to all employees. If the employer does not have a formal policy, raise the issue in labor/management meetings.

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 her or his 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.

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 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.

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.

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.

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 where 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 which 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 Human Services 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 of 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, their rights and 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 responsible 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 union work environment free of 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 non-supervisory employees and by third parties, if the union or a supervisory employee of the 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, their rights and 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.

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. Obviously, where 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 one of the most corrosive influences that can infect the workplace. It can divide the bargaining unit and pit workers against each another. It can destroy the promise of effective labor/management cooperation when power is wielded in a sexually manipulative and dehumanizing manner. Sexual harassment is illegal discrimination based on sex and has no place in a healthy work environment.

As we confront the daily challenges of the global economy in the new millennium, we in the IBEW stand for a new vision of workplace competitiveness. We want not only our IBEW members but all workers around the globe 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.

It is tragic that both subtle and overt sexual harassment persists. Co-workers may tell jokes or engage in conversations or actions that are sexual in nature, thinking that they are merely having a little 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 who know they should speak out. They become reluctant to object to behavior that everyone else seems to accept, fearing they will be labeled an outsider. Yet an unwilling participant may one day decide that “enough is enough” and file a sexual harassment complaint, even though that person previously had remained silent.

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 great weapons in fighting this form of discrimination. They are also qualities that improve our work environments and strengthen our unions.

The conspiracy of silence has to end. Assertiveness and openness can 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 must exercise their full array of legal and collective bargaining rights and battle sexual harassment for the good of all workers.

List of Selected Terms

This list defines some of the terms used in this booklet and is not intended to be a comprehensive vocabulary of sexual harassment.

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 equality of opportunity by enforcing federal laws prohibiting employment discrimination.

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.

nontraditional jobs

Occupations in which women make up 25 percent or less of the total employed.

quid pro quo sexual harassment

Latin term that means "this for that." (1) Making submission to sexual demands an implicit or explicit term or condition of employment; (2) making decisions affecting someone's employment or compensation on the basis of whether the person submits to or rejects sexual demands.

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. EEOC cautions that this standard should consider the victim's perspective and not stereotyped notions of acceptable behavior. Since this standard is based on the opinions of both men and women, it is broader than the **reasonable woman standard** discussed below.

reasonable woman standard

Since 1991 some courts have adopted this standard in evaluating sexual harassment charges. It recognizes that men and women have different viewpoints; what women consider offensive may be considered acceptable by men. A deciding factor would be whether a reasonable woman would consider certain conduct offensive in the workplace.

sex discrimination

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

List of Selected Terms (cont.)

This list defines some of the terms used in this booklet and is not intended to be a comprehensive vocabulary 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.*

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.

traditional jobs

Occupations in which women make up 75 percent or more of the total employed.

union representative

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

unwelcome conduct

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

victim

A man or woman 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/or 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.
- Don't 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 impact 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 and/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

1801 L Street, N.W.
Washington, D.C. 20507
www.eeoc.gov

1-800-669-4000

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

Please check the EEOC Web site 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
Little Rock, AR
Los Angeles, CA
Louisville, KY
Memphis, TN
Miami, FL
Milwaukee, WI
Minneapolis, MN
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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