

CWA considers sexual harassment offensive and dehumanizing and will not tolerate it in any form in any workplace. The CWA Sexual Harassment Policy adopted by the International Executive Board clearly states that CWA will not condone or tolerate any form of sexual harassment.

SEXUAL HARASSMENT is illegal and unprofessional, yet thousands of workers each year experience sexual harassment on the job. In many instances, it is a supervisor or manager who engages in harassment. However, co-workers can also engage in sexual harassment. While the majority of harassment victims are women, men can also experience sexual harassment. A victim of harassment can be of the same or the opposite sex as the harasser.

Workers who are victims of sexual harassment are often afraid to speak up and feel powerless to do anything about their situation. When victims do seek help, they may come to the union steward. The steward is often the person closest to the problem and knows all of the parties involved. This brochure is intended to help you, the union steward, be prepared to deal with sexual harassment issues in the workplace.

►► Who is Responsible?

The employer is responsible for the acts of its agents and supervisors, as well as for the acts of co-workers and non-employees (such as vendors, customers or contractors) in circumstances where management knows, or reasonably should know, about the harassment and fails to take immediate and effective corrective action.

Most sexual harassment goes unreported because victims are made to feel ashamed about what has happened to them. They are afraid that others will say that they "asked for it" or that they will not be believed if they report the conduct. Even where the employer has a policy prohibiting sexual harassment, they may be afraid of being branded as "troublemakers" or that they will face retaliation. Rather than be embarrassed or lose their jobs, victims may either quit or take sick leave or try to move to a different job. This leaves the harasser free to victimize other workers.

►► What is Sexual Harassment?

Sexual harassment is *unwelcome*

- sexual advances;
- requests for sexual favors; or
- any other 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; or
 - 2 submission to or rejection of such conduct by an individual is used as a basis for employment decisions 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.

►► What Conduct is Considered Sexual Harassment?

Unwelcome and unwanted behavior may include:

- Touching, punching, rubbing, bumping or patting.
- Sexist remarks about a person's body, clothing or appearance.
- Propositions or explicit demands for sexual activity not mutually agreeable to both parties.
- Leering at a person's body.
- Verbal harassment or abuse.
- Using crude and offensive language or sexual innuendos.
- Granting job favors to those who participate in consensual sexual activity.
- Displaying sexually offensive or pornographic materials.
- Using offensive or sexually suggestive gestures.
- Discussing sexual activities.
- Using demeaning or inappropriate terms (e.g. "honey," "cutie," "bitch").

►► The Law Prohibits:

Quid Pro Quo Conduct: This term literally means "this for that" and covers situations where submission to unwelcome sexual activity is made a condition of employment or the basis for decisions affecting the worker's job or working conditions. The harasser will be someone in a position of authority who appears to be able to carry out the threatened consequences.

Hostile Work Environment: A hostile environment occurs when a supervisor or co-worker harasses a worker solely

►► **Sexual Harassment is Against the Law.** Sexual Harassment is Against the Law. Harassment on the basis of sex violates Title VII of the Civil Rights Act of 1964 as well as state and local anti-discrimination laws.

Sexual Harassment Violates CWA Contracts.

Virtually every CWA contract contains a non-discrimination clause, prohibiting discrimination on the basis of gender, as well as other protected classifications. Sexual harassment is discrimination based on gender. Thus, any harassment by management personnel violates the contract and **can be grieved**.

Sexual Harassment Violates CWA's Constitution.

CWA is opposed to all forms of discrimination, as a matter of principle and policy. The CWA Policy on Discrimination includes the following language: "Neither the Company nor the Union shall unlawfully discriminate against a person on account of race, color, sex, religion, age, marital/parental status, sexual orientation, national origin, or because a person is handicapped, a disabled veteran, or a veteran of the military service. This means what it says: 'No Discrimination.'"

As a steward you should always act in accordance with CWA's policy. You should make every effort to stop any harassment you observe whether or not anyone has complained about it.

Communications Workers of America,
Education Department
501 Third Street, N.W.
Washington, DC 20001-2797
www.cwa-union.org

Order more at www.cwamaterials.org

CWA

2015

because of gender. Usually, a hostile, intimidating or offensive working environment will be caused by persistent and repeated incidents of harassment. However, a single incident might create a hostile environment if the conduct involved is serious enough.

Sexual Favoritism: Harassment can occur when a supervisor plays favorites and rewards those who respond to sexual advances, while denying job benefits or favorable working conditions to others who are equally qualified but who are not engaging in sexual activity with the supervisor.

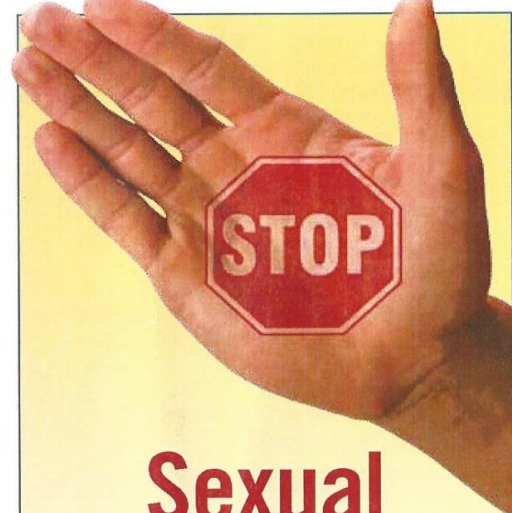
Gender-Based Harassment: Derogatory comments or offensive behavior based solely on gender may also be unlawful even if it not overtly sexual in nature. For example making derogatory comments to or playing pranks on a woman because she is a woman.

Indirect Harassment/Retaliation: Witnesses to sexual harassment at work can be victims of a hostile work environment even if they are not the targets of the harassing conduct. An employee who complains about harassment is also protected from adverse job action based on the complaint.

►► The Steward's Role: How to Handle a Sexual Harassment Complaint

If a member comes to you for help:

- 1 **Get the Facts.** Find out the specific behavior of the harasser toward the member. Get the times and places the harassment occurred, how long the problem has been going on and names of witnesses, if any. Find out if the victim told the harasser that the behavior was unwelcome or complained to management. This is important because failure to complain about the sexual harassment could be used as evidence that the sexually directed behavior was not unwelcome. Find out if the victim has complained to the supervisor or another representative of management, or if she/he has filed a complaint as set forth in company policy.
- 2 **Be Careful and Considerate in Asking Questions.** Always keep in mind that it was probably difficult for the victim to come to you with the problem and that your response will have a big effect on how comfortable she/he feels about getting it resolved. Don't make any comments that might suggest you do not believe what is being said or that the problem might be the victim's fault. (For example, don't ask,



Sexual Harassment

ON THE JOB

CWA

Education Department
Communications Workers of America

"Are you sure this really happened?" "Are you sure you aren't just over-reacting?"). Instead, emphasize that you are glad the employee came to you and that you want to help get the problem resolved but need to ask some questions to be sure you have all of the facts.

3 **Reassure the Victim** that what has happened is not their fault and they should not blame themselves. Explain that you will treat your conversation as confidentially as possible, but that you will have to talk to the accused harasser and/or the company about the situation in order to get the problem resolved in an effective way.

4 **Advise the Worker** to start keeping a diary or log of each occurrence. Include direct quotes, date, time, witnesses, descriptions of sexual pictures, etc. Make sure the worker keeps the diary in a safe place.

5 **Conduct a Preliminary Investigation.** It will be important to try to gather sufficient facts to warrant presenting the complaint to management and/or filing a grievance on behalf of the employee.

6 **Filing a Complaint and/or a Grievance.** The employer is responsible for providing a safe, harassment free workplace. It is also required by law to have an effective, well-publicized anti-harassment policy that includes a process for filing complaints, as well as effective remedies, and guarantees against retaliation. If an employee fails to follow the complaint process, the employer can argue that it should not be liable for the harassment if a lawsuit is later filed by the employee.

If, after you have gathered the necessary facts, it appears that the problem cannot be resolved informally with the parties involved, the employee should be encouraged to file a complaint with the employer under its anti-harassment complaint process. It may also be appropriate to file a grievance as well, citing the contract clause covering non-discrimination.

Where the alleged harasser is a co-worker, you should seek guidance from the appropriate local officer. In certain cases, you may be able to resolve the problem informally if the victim is interested in such a solution (e.g. an apology by the co-worker and commitment not to repeat behavior). **Keep the Local Informed.** Chances are they have dealt with this kind of problem before and can advise you and help resolve the problem.

