

Tradeswomen's Safety: Addressing Sexual Harassment Effectively

A Guide for Tradeswomen in Pennsylvania

In 2021, the Institute of Women's Policy Research released a report analyzing the survey responses of over 2,500 tradeswomen to better understand their experiences. The findings revealed that approximately a quarter of these women consistently encounter gender and/or sexual harassment. This guide is tailored specifically for tradeswomen, offering support and resources to navigate such challenges.

What is Sexual Harassment?

Harassment occurs when you are subjected to unwanted, offensive behavior because of, or based on your sex that is severe or pervasive enough to unreasonably interfere with your work environment or ability to do your job. Sexual harassment can be physical, verbal, or visual in nature, and does not have to be based on sexual desire. It may include unwelcome sexual advances, requests for sexual favors, unwanted touching, or other sexualized conduct directed at you. It also could include making demeaning or hostile comments about women in your presence or displaying sexist or sexualized images in the workplace.

Types of Sexual Harassment and Examples of Harassment

Quid Pro Quo: Harassment by a supervisor, superintendent or other person in authority. In quid pro quo harassment, the harasser demands a sexual favor in exchange for job security, promotions, good assignments, or other job-related benefits.

Hostile Work Environment: Harassment by a co-worker that is unwanted and repeated, creating a hostile work environment.

Sexual favoritism: Supervisors reward employees who submit to their sexual demands, putting others at a disadvantage if they refuse.

Harassment By Non-Employee: Employers are responsible for harassment by non-employees if they have control or could control their actions.

Some examples of sexual harassment include:

- Making conditions of employment or advancement dependent on sexual favors, either explicitly or implicitly.
- Requests for sexual favors.
- Verbal harassment of a sexual nature, including jokes referring to sexual acts or sexual orientation.
- Unwanted touching or physical contact.
- Unwelcome sexual advances.
- Working around pictures of naked and nearly naked women.

- Remarks about their sex lives.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- All people can be targets or perpetrators of sexual harassment.
- Sexual harassment can happen between two people of the same sex, regardless of sexual orientation.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- A victim of sexual harassment does not have to suffer from economic injury, psychological harm, or discharge for it to be unlawful conduct.

What Are the Laws on Sexual Harassment?

Title VII of the Civil Rights Act

According to the Equal Employment Opportunity Commission, sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964, which states:

It is illegal to discriminate against employees because of race, color, religion, sex or national origin. It shall be an unlawful employment practice for an employer:

- a) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment because of such individual's race, color, religion, sex, or national origin or
- b) To limit, segregate, or classify their employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin.

Title VII gives employees the right to a workplace free of harassment, intimidation, insult or ridicule based on any of the statuses listed above.

Federal Registered Apprenticeship Programs Equal Employment Regulations 29 CFR part 30

As a tradeswoman in an apprenticeship program, you have certain protections under Equal Employment Regulations 29 Code of Federal Regulations Part 30. Unlawful harassment in apprenticeship programs includes discrimination based on religion, sex, race, color, national origin, sexual orientation, disability, age, or genetic information. Harassment encompasses actions or words that make apprentices feel uncomfortable, belittled, offended, threatened, or intimidated, ranging from offensive language to physical assaults. It's deemed harassment when frequent or severe, creating a hostile work environment or leading to adverse employment decisions.

The Equal Employment Opportunity Commission (EEOC) enforces laws that make discrimination illegal in the workplace. The commission oversees all types of work situations

including hiring, firing, promotions, harassment, training, wages, and benefits.

Filing a complaint with the EEOC typically involves these steps:

- **Contacting the EEOC:** You can file a complaint with the EEOC by contacting their office either in person, by phone, or through their website.
- **Providing Information:** You'll need to provide details about the alleged discrimination, including dates, times, and individuals involved.
- Generally, a complaint must be filed within 300 days of the alleged discrimination or specified failure to follow the equal opportunity standards.

Contact Information:

U.S. Equal Employment Opportunity Commission

131 M street, NE Washington, DC 2050

1-800-669-6820

<https://www.eeoc.gov>

Office of Federal Contract Compliance Programs (OFCCP)

The Office of Federal Contract Compliance Programs (OFCCP), a division of the U.S. Department of Labor, ensures that employers working with the federal government adhere to nondiscrimination laws and regulations. Tradeswomen who work for construction contractors that receive federal funding can file complaints with the OFCCP.

Filing a complaint with the OFCCP typically involves these steps:

- **Contacting the OFCCP:** You can file a complaint by contacting their office either in person, by phone, or through their website.
- **Providing Information:** Collect all relevant information, including the name and address of the employer, a description of the discriminatory acts, dates of incidents, and any supporting documents.
- **Complete the complaint form:** You can file a complaint online using the OFCCP's electronic complaint form available on their website, or you can download Form CC-4 from the OFCCP website, fill it out, and submit it via mail or fax.
- Generally, a complaint must be filed within 180 days of the alleged discrimination, unless the time for filing is extended for good cause shown.
- The OFCCP has a “pre-complaint inquiry” process where the employer is not contacted, and the complainant gets advice to see if filing a complaint is the best course of action.
 - See more information here: <https://www.dol.gov/agencies/ofccp/contact/file-complaint>

Contact Information:

Office of Federal Contract Compliance Programs

200 Constitution Ave NW Washington, DC 20210

1-800-397-6251

<https://www.dol.gov/agencies/ofccp>

Pennsylvania Human Relations Act (PHRA)

For tradeswomen located and working in the Commonwealth of Pennsylvania, the PHRA prohibits discrimination based on race, color, religion, ancestry, age, sex, national origin, handicap and disability by employers, employment agencies, labor organizations and others. The Pennsylvania Human Relations Commission (PHRC) was created to enforce the PHRA. The PHRC's jurisdiction covers complaints of sexual harassment both in the workplace and as related to public accommodations.

Filing a complaint with the PHRC typically involves these steps:

- **Contacting the PHRC:** You can file a complaint with the PHRC by contacting their office either in person, by phone, or through their website.
- **Providing Information:** You'll need to provide details about the alleged discrimination, including dates, times, and individuals involved.
- Generally, a complaint must be filed within 180 days of the alleged act of harassment.

Contact Information:

The Pennsylvania Human Relations Commission
333 Market Street floor, Harrisburg, PA 17101
717-787-9780

<https://www.phrc.pa.gov/Pages/default.aspx>

Philadelphia Commission on Human Relations (PCHR)

For tradeswomen located and working in the City of Philadelphia, the Philadelphia Commission on Human Relations (PCHR) is the City's official civil rights agency. PCHR enforces an important set of laws that prevent discrimination and promote equality.

PCHR works to:

- Enforce anti-discrimination laws, especially the City's Fair Practices Ordinance.
- Administer the Fair Chance Hiring law, which prevents discrimination against people with criminal records.
- Investigate complaints of discrimination and violations of civil rights laws.
- Resolve community conflicts through dialogue and other dispute resolution methods.
- Educate the public on their legal rights and responsibilities.

Filing a complaint with the PCHR typically involves these steps:

- Review the list of protected categories.
 - The law defines specific categories that are protected from employment discrimination. While discrimination based on other factors may be unfair or unethical, it's not currently illegal.
- Complete the employment discrimination intake form.
- Submit your complaint in person or by mail.

Contact Information:

Philadelphia Commission on Human Relations

The Curtis Center - 601 Walnut St., Suite 300 South Philadelphia, PA 19106

215-686-4670

<https://www.phila.gov/departments/philadelphia-commission-on-human-relations/>

What to do if you are the Target of Sexual Harassment?

Action Plan for Handling Harassment

- Document all incidents of harassment, including the damage or harm the harassment has caused.
- SAY 'NO' and say it clearly. Get out of immediate danger if necessary.
- Try to find out if others have been harassed by this person.
- If attempts to stop the harassment fail, consider additional pathways for resolution (see below).

Potential Escalation Pathways:

- **Immediate Supervisor or Manager:** Report the harassment to a direct supervisor or manager, unless they are the source of the harassment.
- **Employee Policy:** Investigate your contractor's point of contact for harassment-related incidents (if available).
- **Union Representative or Shop Steward:** If you are in a union, contact a union representative or shop steward, who is responsible for advocating on behalf of union members and can assist with filing a formal grievance.
- **Business Agent:** If you are in a union, connect with your business agent.

If none of these steps stop the harassment, you may want to consider filing a formal complaint and/or contacting an advocacy organization, or a lawyer experienced with sexual harassment cases to discuss your next steps.

Where Can I Find Additional Information?

- Guide for reporting workplace harassment in the Commonwealth of Pennsylvania: <https://www.pa.gov/guides/reporting-workplace-sexual-harassment-in-pennsylvania/>
- Women in Apprenticeship - Know Your Rights Resource for Tradeswomen: <https://womeninapprenticeship.org/resources-for-tradeswomen/know-rights-resources/>
- Equal Rights Advocates - Know Your Rights at Work Sexual Harassment: <https://womeninapprenticeship.org/resources-for-tradeswomen/know-rights-resources/>
- A Future Worth Building: What Tradeswomen Say about the Change They Need in the Construction Industry, Institute of Women's Policy Research: <https://iwpr.org/a-future-worth-building-report/>

WINC Email: wincproject@philaworks.org

Webpage: <https://philaworks.org/winc/>

Facebook: <https://www.facebook.com/wincproject/>

Instagram: @wincproject_philly

Videos: https://www.youtube.com/playlist?list=PL2N9qEQ8539a_59SbGFmoBDfUV4JcS0wN