Being an Ally – Improving the Treatment of Women on the Job



Moderator: Chris Trahan Cain, CIH, Executive Director, CPWR – The Center for Construction Research and Training (CPWR)

Panelists:

- Esmeralda Aguilar, Partner, Sherman Dunn, P.C.
- Vicki O'Leary, General Organizer & Director of Diversity, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, and Chair of NABTU's Tradeswomen's Committee
- Karen Dove, Executive Director, ANEW
- Rosa Greenberg, MPH, Research Analyst, CPWR

Today's webinar is being recorded and will be posted along with slides at <u>cpwr.com/webinars</u>. For technical difficulties, send a WebEx chat to Jessica Bunting or email <u>jbunting@cpwr.com</u>.

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Discrimination and Harassment in the Workplace

ESMERALDA AGUILAR SHERMAN DUNN, P.C. 900 7TH STREET, N.W. SUITE 1000 WASHINGTON, D.C. 20001

Title VII of the Civil Rights Act of 1964

- Prohibits discrimination based on race, color, national origin, sex (including sexual orientation and gender expression) and religion.
- Protects applicants, employees, former employees
 - Covers ERs w/15 or more employees

If ER not covered by Title VII, state or local anti-discrimination laws may apply

Four Categories of Employment Discrimination

- 1. Disparate Treatment
- 2. Disparate Impact
- Harassment (i) Quid pro quo, or (ii) Hostile work environment
 Retaliation

Meritor Savings Bank v. Michelle Vinson, 477 U.S. 57 (1986)

9-0 decision

U.S. Supreme Court recognizes sexual harassment as a violation of Title VII



Two Forms of Sexual Harasment

 Economic injury (quid pro quo or "this for that")

 Perpetrator must be someone w/authority

Hostile work environment

 Perpetrator can be anyone in the workplace

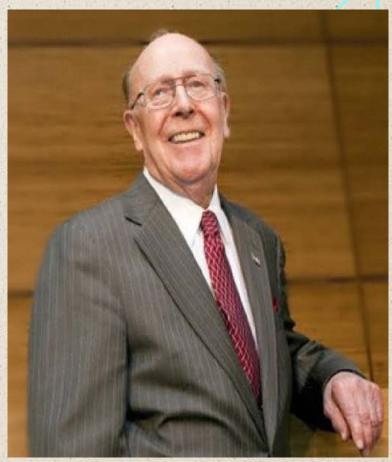
What constitutes a hostile work environment?

- Speech/conduct so "<u>severe or pervasive</u>" that it creates an intimidating or demeaning environment
- E.g., repeated sexual jokes, comments, request for dates, offensive pictures displayed
- Individual comment or occurrence may not be Penough

Swyear v. Fare Foods Corp., 911 F.3d 874 (7th Cir. 2018)

-Calls for employees to have "thick skin"

-"A hand on the thigh, a kiss on the lips, a pinch of the buttocks may be considered insufficiently abusive...when they occur in isolation."



Judge Bauer

State Laws Paving the Way

- CA, MD, NY, DC reject "severe or pervasive" standard
- Healthy Workplace Bills prohibit *workplace bullying*; 31 states have introduced but bills haven't passed
 CA & UT adopted training mandates

What about **your** state's laws? Visit the National Women's Law Center website: nwlc.org/resource/state-workplace-anti-harassment-laws-enacted-since-metoo-went-viral

Four Categories of Employment Discrimination

- 1. Disparate Treatment Obvious discrimination. ER treats EE or applicant differently bc of race, color, nat'l origin, sex, or religion.
- 2. Disparate Impact Subtle discrimination. ER's seemingly neutral policy unduly impacts EEs in a protected class, often unintentionally (e.g., physical strength test, min. height reqs.)
- 3. Harassment See slide no. 5
- 4. Retaliation Prohibits ER from retaliating when EEs or applicants complain or assist in investigation or lawsuit

Filing a Complaint

 File a "Charge of Discrimination" with EEOC w/in 180 days (300 days if compl. also covered by state/local law) Find your EEOC field office here: https://www.eeoc.gov/field-office

- 2. Request "Notice of Right to Sue" at any time
- 3. If EEOC issues "Dismissal & Notice of Rights," EE has 90 days to file lawsuit
 - If EEOC issues "Letter of Determination," EEOC will: (i) work with ER/EE on resolution ("conciliation"), (ii) sue on EE's behalf (rare), or (iii) close case and permit EE to sue w/in 90 days

'Be That One Guy'

Vicki O'Leary

General Organizer & Director of Diversity, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, and Chair of NABTU's Tradeswomen's Committee

BUT WHAT DOES DIVERSITY

HAVE TO DO WITH SAFETY?

• Harassment: How it Impacts Your Work Environment



Harassment Affects More Than Just the Victim

Bullying and harassing have a dangerous domino effect on a jobsite—it isn't just the person being harassed that is at risk.

- A harasser focusing on their target
- A victim focusing on their harasser and the fear instilled by the situation,
- Witnesses focusing on the situation as it unfolds, often distracted & upset by the events

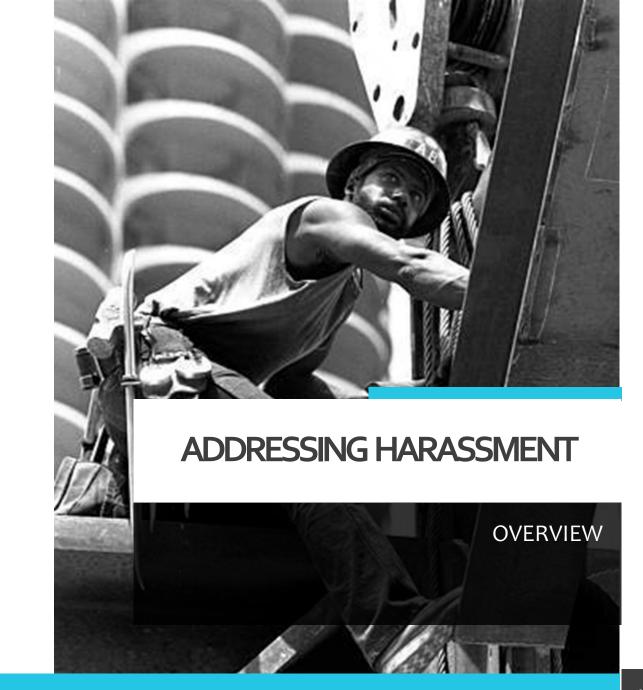
The outcome: SAFETY is COMPROMISED. A whole group of workers not putting their full attention on the work at hand.

In ironwork—that lack of focus can have deadly consequences.

Bystander Response to Harassment Situations

LEAD by Example

Learn what it means to be inclusive.
E ducate yourself & your co-workers.
Adopt inclusive behavior for yourself and
Defend your coworkers from microaggression & harassment on the job by using the 3 D's: Direct, Distract, Delegate



5 Steps to Becoming an Upstander

Iron Workers Union Interpretation of the Standardized Model for Intervention



- Model of bystander intervention:
 - Recognize the situation is a problem
 - Understand the problem is urgent & requires action
 - Take responsibility for your own authority to intervene
 - Decide how best to help
 - Choose to act.

Recognize Inappropriate Behavior

RED FLAGS:

- Unsolicited or unwelcome physical contact
- Rude, lewd or offensive jokes
 - Anything involving the "big five"—including jokes about sexual orientation, gender, religion, age or ethnicity
- Negative or aggressive behavior towards a specific person or group
- Belittling or threatening behavior
- If YOU feel uncomfortable, the targeted individual most likely does too





Don't Be a Bystander.

Step in. Step up.

Because workplace safety is everyone's business.

THE 4 D'S OF INTERVENTION

D1: DIRECT

Respond directly to the aggressor. Physically intervene if necessary.

Be confident, assertive and calm.



EXAMPLES of DIRECT INTERVENTION:

Step between harasser and target and say something non-threatening like:

"Everything ok here?"

"That joke definitely felt inappropriate."

"That's not cool."

"Hey, let's keep it professional."

"Come on, we're all part of the same union family. Let's be respectful to everyone."

THE 4 D'S OF INTERVENTION

D2: DISTRACT

A question or conversation unrelated to the harassment situation to distract either the harasser or their target is a subtle way to intervene and de-escalate a situation.

Be relaxed and creative.

EXAMPLES of DISTRACTION INTERVENTION:

Step up beside the targeted individual, make eye contact and say something like:

"The boss told me to get you. He needs you now."

"I need to talk to you about something."

"Can you come over here for a second?"

"Can you help me with this please?"

"Hey, head to the job shack. Foreman is calling you."

THE 4 D'S OF INTERVENTION

D3: DELEGATE

If you are uncomfortable with addressing the situation yourself or acting alone, enlist the help of others.

Find a positive way to intervene.



EXAMPLES of DELEGATING INTERVENTION:



Bring the situation to the attention of others in a positive way:

"I think Sue is uncomfortable, will you help me step in?"

Go get help, possibly from someone in authority: Tell the foreman, job steward or even friends of the targeted individual.

Report it!

Contact local union or employer leadership or seek assistance from the Ironworkers International Diversity Department.

THE 4 D'S OF INTERVENTION

D4: DELAYED

If you can't intervene in the moment, check in with the person being harassed afterward to let them know they are not alone.

Be supportive and encouraging.







"Are you okay?"

"Is there someone I can call for you?"

"Do you want to get a cup of coffee & talk?"

"I can go with you to the [job steward, HR, BM, etc] if you want to report it."

DOs & DON'Ts of INTERVENTION

- **DO** move closer to the person being harassed.
- If it is safe, **DO** create distance or place yourself between the person and the aggressor.
- **Do** take cues from the person being harassed. Take notice if they are engaging with the harasser or not. If they are standing up for themselves in their own way, respect that by following their lead.
- **Do** be safe. Assess your surroundings. Is there anyone who can be asked for help?

DOs & DON'Ts of INTERVENTION

- **DON'T** call the police unless the person being harassed asks you to or the situation has escalated out of control.
- **DON'T** escalate the situation. Focus on respect and professionalism as opposed to negative behavior.
- DON'T DO NOTHING. Silence is dangerous. It communicates acceptance and plays into an aggressor's hand. If you are too nervous or afraid to step in or step up, then stand your ground.





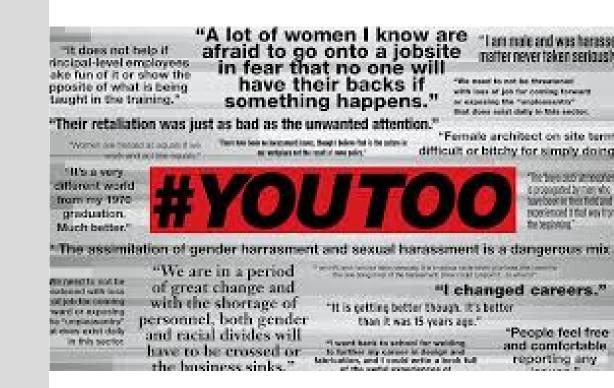
Addressing the Culture of Construction To Increase Retention



Presented By: Karen Dove Executive Director

Shifting the Status Quo Culture

- Portland State University Study
 #MeToo in Construction Industry
- Local data







How do we shift the culture?

- Repeated, consistent messaging
- Culturally relevant professional development
- Training at all levels, including bystander/upstander
- Policies and procedures
- Enforcement





Program/Contract Requirements

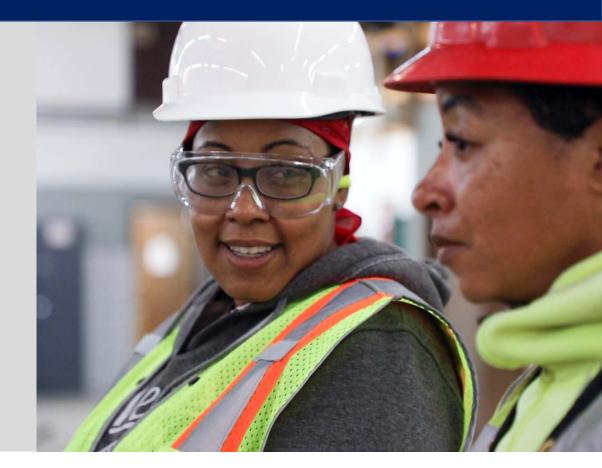
- Worker Orientation
- Field Supervisor Training
- Job Box Talks
- Signage
- Reporting Mechanism
- RISE Up Ambassadors





Enforcement

The intent of the person that appears to violate the Acceptable Work Site is not a measure of whether such behaviors are appropriate; rather the standard is whether a reasonable person should have known that such behavior would cause a worker to be humiliated, intimidated, or otherwise treated in an inappropriate, discriminatory, or differential manner.







Job Box Talks



Preventing Harassment, Bullying and Hazing

Let's define harassment, bullying and hazing.

Harassment: Aggressive pressure or intimidation EXAMPLE: Leering, staring or touching someone inappropriately

Bullying: To seek to harm, intimidate or coerce (someone perceived as vulnerable) EXAMPLE: Commenting negatively about someone's skin color or other racial/ethnic characteristics, sexual orientation

Hazing: The imposition of strenuous, often humiliating, tasks as part of a program of rigorous physical training and initiation regardless of the persons willingness to participate EXAMPLE: Assigning a menial task to someone due to sexual orientation, race or seniority

IMPACT

If you or those around you are expressing any of these behaviors, the work site may begin to feel like an unpleasant or unsafe place for those being harassed or bullied as well as other workers. Here are some of the possible impacts: People who are harassed, bullied or hazed may:

· Find it hard to focus and get work done

- Feel low, depressed or anxious which can result in loss of sleep and/or physical illness
- Experience strain in their relationships with coworkers, friends and family

People who harass, bully or haze may:

- Be removed from the worksite
- Face legal action





Preventing Harassment, Bullying and Hazing

IMPACT

possible impacts

friends and family

Face legal action

RELFECTION

QUESTICHS

KEY

RIFE

TAKEAWAY

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behaviors, the work site may begin to feel like an unpleasant or unsafe piece for those being henssed or

bullied as well as other workers. Here are some of the

· Feel low, depressed or anxious which can result in loss

Experience strain in their relationships with coworkers.

What can you do to

minimize harassment.

bullying and hazing at work?

Herassment, bullying and heating

take on a variety of forms and are

not tolerated on this worksite.

Complaints of harassment, bullying

or hazing will be investigated and

action will be taken to reasonably

ensure that the behavior stops.

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Expectations

All work sits should be free from haressment, having and bulying. Any worker who violates this policy may be removed from the worksite permanently. When witnessing any of these behaviors you are expected for

DENTIFY the issue or behavior.

ADDRESS the behavior that you are witnessing.

RESOLVE the issue by working in partnership to make sure that the situation is addressed and solved.

Preventing Harassment, Bullying and Hazing



WHAT IS IT?

Harassment: Aggressive pressure or intimidation

Hazing: The imposition of strenuous, often humiliating, tasks as part of a program of rigorous physical training and initiation

Bullying: To seek to harm, intimidate or coerce (someone perceived as vulnerable)

YOUR IMPACT

You can help to ensure that the workplace feels safe, not just for those being harassed, bullied or hazed but for all workers on the site.



TAKE ACTION

INSERT YOURSELF

Insert yourself into the situation and disrupt the status quo by speaking out "That's inappropriate" "Were you aware of how you came off in that conversation?"

ASK

0



Ask the person who was the target of the behavior if they are alright and would like your help.

AVOID

Avoid posting content that could be offensive, telling dirty jokes, commenting about someone's body or sex life, staring, gesturing or touching inappropriately, commenting on skin color or ethnic background, yelling or acting aggressively.



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Posters, Hard Hat Stickers, Jobsite Banner





www.RISEUp4equity.org



Additional Resources

Rosa Greenberg, MPH

Research Analyst, Research to Practice Program, CPWR



Support Resources



Employee Assistance Programs (EAP) Member Assistance Programs (MAP)



Support Resources

National Sexual Assault Hotline

www.rainn.org 1-800-656-HOPE (4673) Anonymous & Confidential Help 24/7

National Domestic Violence Hotline

www.ndvh.org 1-800-799-SAFE (7233) Anonymous & Confidential Help 24/7



You are never alone.

National Domestic Violence Hotline advocates are here for you 24/7/365.

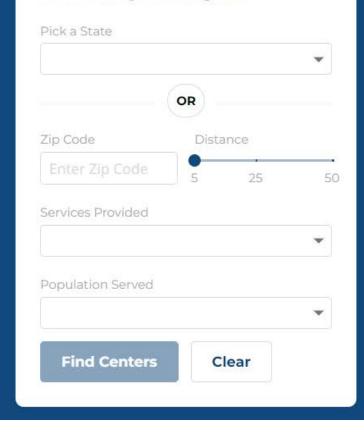
- Call: 1.800.799.SAFE (7233)
- TTY: 1.800.787.3224
- Text: "START" to 88788
- Chat: thehotline.org



THE CENTER FOR CONSTRUCTION **RESEARCH AND TRAINING**

Support Resources

Find help near you







https://tinyurl.com/2ba3fb9c

Legal Resources

- <u>Time's Up Legal Defense Fund</u> provides support for people who have experienced sexual harassment or retaliation at work
- <u>State Guide on Employment Rights for</u> <u>Survivors of Domestic Violence, Sexual</u> <u>Assault, & Stalking</u>
 - Anti-discrimination protections
 - Reasonable accommodations protections
 - Leave protections
 - Unemployment insurance eligibility





Additional Resources for Workers, Unions, & Employers

- Trainings
 - <u>Model Training Curriculum for Unions on</u> <u>Workplace Gender-Based Violence</u>
 - <u>Supervisors Can Make A Difference Training</u> <u>Video</u>
 - <u>Interact With a Virtual Employee Training</u> <u>Module</u>
- Tools
 - <u>Trauma-Informed Strategies for Responding to</u> <u>Gender-Based Violence in the Labor Movement</u> <u>Toolkit</u>
 - <u>Rapid Response Toolkit</u>
 - Model Workplace Policy Tool
- Factsheets & Guides
 - <u>Starting the Conversation Guide for Co-Workers</u>
 - Factsheet on Workplace Gender-Based Violence

NATIONAL RESOURCE CENTER

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

https://www.workplacesrespond.org/





Resources on Compassion Fatigue

- <u>Core Concept Education</u>
 - Burnout
 - Compassion Fatigue
 - Compassion Satisfaction
 - Moral Distress

• <u>Support Tools</u>

- Better Sleep
- Boundaries
- Breathing
- Grounding Techniques
- Mindfulness
- Progressive Muscle Relaxation
- Visualization



Professional Quality of Life



Additional CPWR Resources on Women in Construction

- PPE for Women
 <u>Construction Workers</u>
 <u>Resources</u>
- YouTube Playlist for
 Women in Construction
 Series
- COMING SOON: Physician's Alert for Pregnant Workers

CPWR PERSONAL PROTECTIVE EQUIPMENT FOR THE CENTRE FOR CONSTRUCTION WOMEN CONSTRUCTION WORKERS

In 2021, women accounted for only 3.7% of blue-collar occupations in construction, which is about onefourth the level of women in blue-collar jobs across all industries

(https://www.cpwr.com/research/data-center/data-dashboards/women-in-construction/). One of the challenges facing women and non-binary people in the construction industry is finding personal protective equipment (PPE) that fits properly. This is a serious issue because PPE that does not fit properly will not adequately protect against occupational hazards and may increase the risk for illnesses, injuries, and death. For example, oversized protective clothing can lead to tripping hazards or get caught in machinery and result in a serious injury. Poorly fitted fall protection harnesses may lead to other injuries or may not be effective in the event of a fall. Similarly, gloves that are too big put a worker at risk of coming in contact with chemicals that can cause dermatitis or other skin diseases.

Although OSHA Construction Standards for PPE do not currently require employers to ensure that the PPE provided fits each employee, doing so will ensure their employees, including women and nonbinary workers, are protected. The following list of examples of commercially available PPE has been compiled to help employers and women in the trades find PPE that accommodates their anthropometry.

Check https://cpwr.com/femalePPE for the most up-to-date links.

COMPANIES FOCUSED EXCLUSIVELY ON WOMENSWEAR:

- Xena Workwear for Women
- Libaerty
- Juno Jones Safety Boots
- Dovetail Workwear
- Red Ants Pants
- Seraphina Safety Apparel
- EMBHER
- <u>Covergalls Workwear</u>
 Dawson Workwear for Her
- Dawson Workwear for Her
- <u>Safety Girl</u>
- <u>Charm and Hammer</u>
 <u>See Her Work</u>

CONSTRUCTION FOOTWEAR:

- Carhartt Footwear Wellington Boot ASTM 2413-18 EH compliant
- Caterpillar ECHO Steel Toe Boots
- Chippewa Tinsley Black Insulated Steel Toe Work Boot L73050 ASTM F2413 compliant
- Thorogood 6" Lace-up Work Boot MaxWear Wedge 814-4203
- Various Work Boots and Shoes by Timberland
- Various Brands of Work Boots and Shoes at Ariat
- Various Brands of Work Boots and Shoes at Lehigh Outfitters
- Various Brands of Work Boots and Shoes at SafetyGirl



recruitment and retention!

Woman's Committee

TradesFutures
 Trades Women Build Nations

We are changing the pipeline for

Technical Assistance to Councils

 Partnership with federal, state, and local government (IUA)



Women in Construction

CPWR – The Center for Construction Research

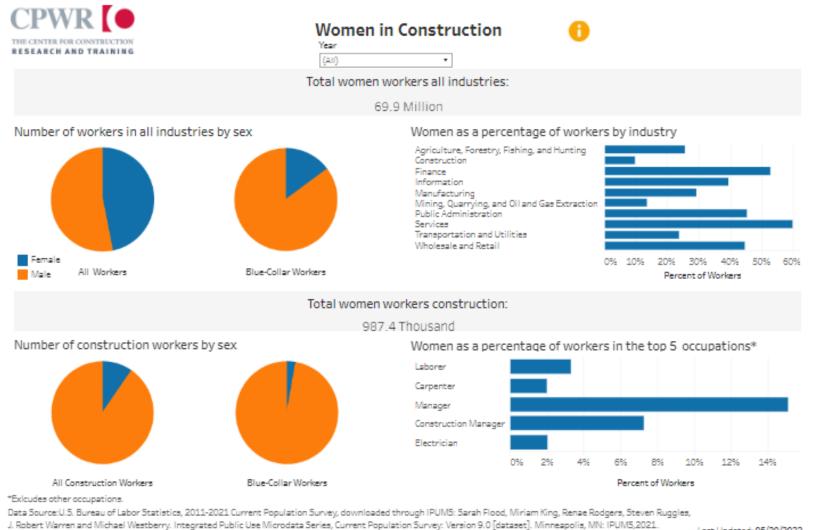
2 videos 5 views Last updated on Mar 9, 2023



💢 Shuffle



Additional CPWR Resources on Women in Construction



https://doi.org/10.18128/D030.V9.0. Calculations by the CPWR Data Center.

Last Updated: 05/20/2022



https://www.cpwr.com/research/data-center/data-dashboards/women-in-construction/

Additional CPWR Resources

- Workplace Stress Toolbox Talk
- Mental Health Resources Page







Thank you!

