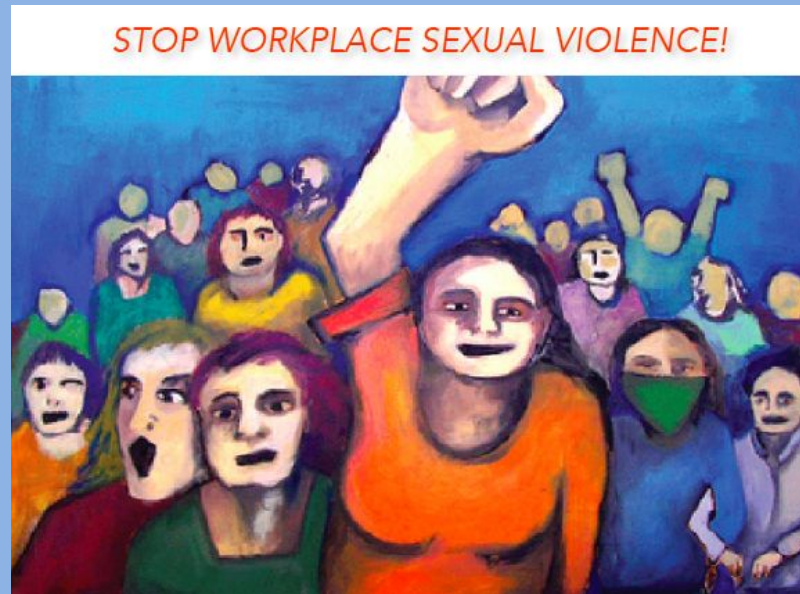


# Challenging Sexual Violence in the Workplace

## Webinar I



**Presented by:** Lauren Bonds, Jennifer Cooley,  
Giselle Hass, Sonia Parras Konrad & Debbie Smith.

This document was supported by a grant from Raliance, a collaborative initiative to end sexual violence in one generation, made possible through a commitment from the National Football League (NFL). Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the NFL.

# Overall project goal:

Forge partnerships between labor and anti-violence advocates that create models to challenge and eradicate workplace sexual violence against immigrant women.

Debbie Smith

# About the project

- **Introduction of partners**
- **Why?**
  - A collaborative effort among advocates and labor organizers provides a trauma-centered approach to empowering survivors.
  - With this partnership, advocates and organizers can work together in advocating for better workplace policies.
- **The road ahead**
  - Sexual Violence as Gender Violence Against Immigrant Women
    - Working with immigrant survivors of sexual violence in the workplace; holistic responses
    - Assessing possible legal remedies for immigrant survivors

# Today

1. Explore the basic protections against sexual violence in the workplace in general
2. Explore how sexual violence manifests itself in the lives of immigrant women
3. Review considerations when working with survivors of traumatic experiences

# **Sexual Harassment Legal 101**

**Lauren Bonds  
ACLU, Kansas**

# What is sexual harassment?

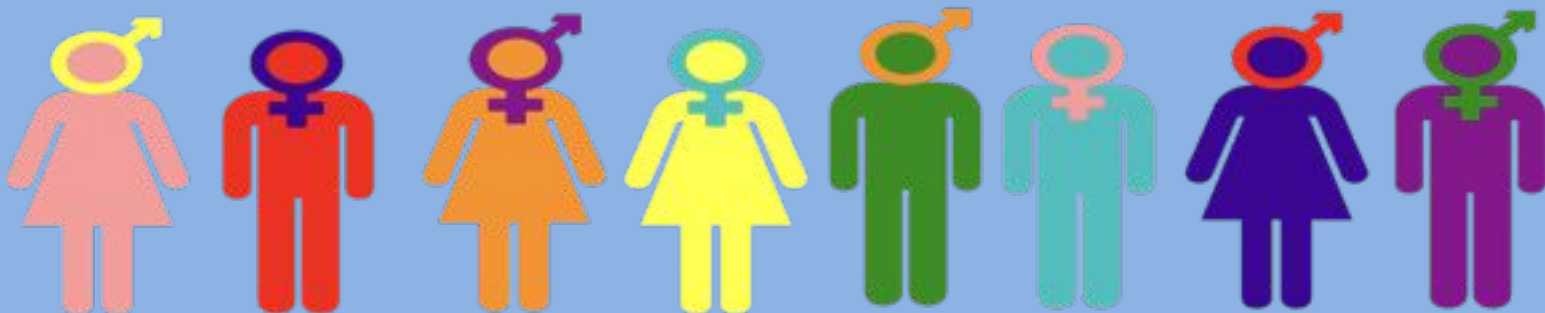
- Unwelcome sexual advances and requests for sexual favors that interfere with a worker's performance or create an intimidating, hostile, or offensive work environment

# Sexual harassment basics

- Claim you bring against company, not an individual
- Prohibited by federal law “Title VII”
- Physical, verbal, or visual
- Men can harass men, women can harass women, women can harass men, etc.





# Sexual orientation & gender identity discrimination

- An ongoing pattern of comments and rumors about sexual orientation constitutes sexual harassment
- Harassment has also been found when the employer intentionally and persistently misgenders or deadnames a transgender worker
- EEOC will pursue cases, federal courts is still split
- Some states have passed laws protecting LGBTQI workers







-  Employment non-discrimination law covers sexual orientation and gender identity (19 states + D.C.)
-  Employment non-discrimination law covers only sexual orientation, though federal law offers some protections (see note) (3 states)
-  No employment non-discrimination law covering sexual orientation or gender identity, though federal law offers some protections (see note) (26 states)
-  State has law preventing passage or enforcement of local nondiscrimination laws

# Quid Pro Quo harassment

- Only supervisors
- Offering of a benefit in exchange for a sexual favor
- Withholding a benefit for rejecting his advances

# Hostile work environment

- Can come from a supervisor, co-worker, or a customer
- Must show:
  - Unwelcome
  - Severe OR Pervasive
  - For co-workers and customers: Management knew or should have known
  - The less severe the conduct, the more times it needs to happen
  - Groping, assault by a manager only needs to happen one time
  - Request for a date or sexual rumor generally need to happen on multiple occasions

Hypothetical

**Sexual Harassment or  
Just Really Gross?**

# Reporting harassment to the employer

## ***Faragher/Ellerth* Defense--Employer is not liable if:**

- They took reasonable steps to prevent and correct sexual harassment in the workplace (i.e. have a system for reporting and investigating)
- The employee unreasonably failed to take advantage of employer's system for reporting
- Workers should report harassment when possible
- Workers do not need to report harassment when:
  - The company lacks an anti-harassment policy
  - Worker can only report the harassment to their harasser
  - Workers should report in method prescribed by policy
  - Eg. Policy says submit form to HR, worker should submit form to HR



# Retaliation

- An independent violation of Title VII, can have a claim for retaliation even if you don't have one for sexual harassment
- Common for an employer to retaliate against workers that report harassment in an attempt to silence them
- Beware: Retaliation can be camouflaged as a remedy
- Forms
  - Reduction of hours
  - Moved to a less desirable shift
  - Demotion
  - Termination
  - Closer scrutiny of work
  - Rumors, accusations, or interrogations

# Introduction to the dynamics of SVWP



**Sonia Parras Konrad**

# Introduction to the dynamics of SVWP

- Identify survivors
- Risks of “talking”
- Dynamics
- Next webinar
  - Strategies for working with survivors
  - Selfcare
  - Collaboration



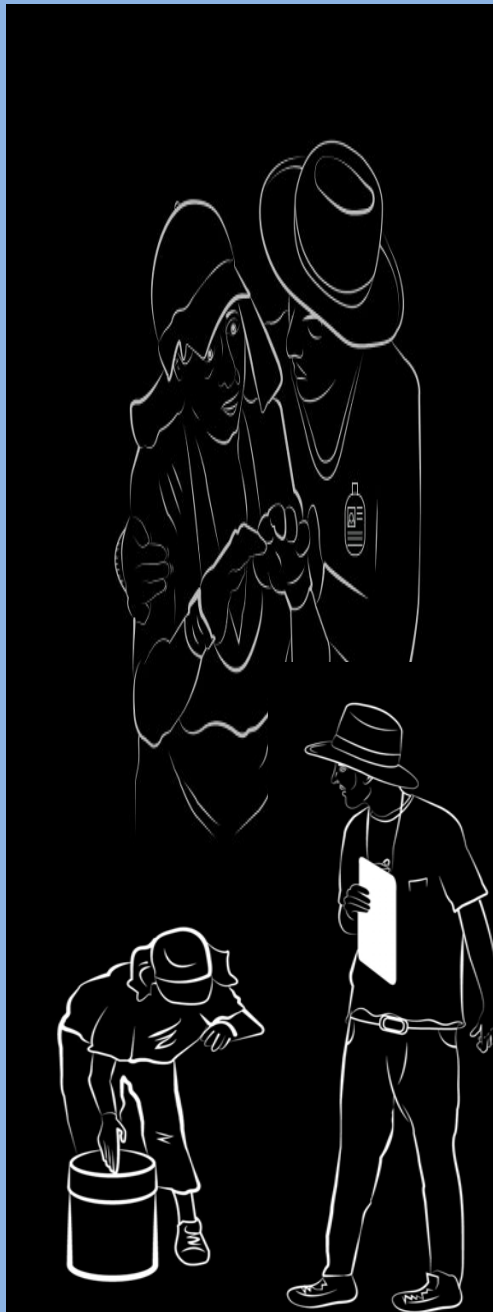


# Sexual harassment preceding sexual assault

- In DeCoster, Swift and Postville all women endured sexual harassment in silence for weeks and months before they were sexually assaulted
- The few that complained suffered retaliation and punishment through harder jobs, less hours of paid work, public humiliation etc
- Sexual harassment is a red flag for further victimization

# What are we talking about?

- Sexual harassment is a form of sexual violence and gender violence
- Sexual harassment must be addressed immediately and seriously because it is often a precursor to sexual violence in the form of rape
  - Immigrant survivors report that supervisors or co-workers perpetrators had harassed and abused them multiple times before completing a rape during a period of time



- **Why?**

- Sexual violence in the workplace is fostered by an imbalance of power between employers, supervisors and their low wage immigrant workers. (See Human Rights Watch “Cultivating Fear.”)
- Power: to hire or fire, retaliate and/or confer certain “benefits”
- Immigrant women are extremely vulnerable
- Immigrant women often face systemic barriers exacerbated by their status as blue collar workers, often unauthorized to work will NOT report these abuses nor bring perpetrators to justice

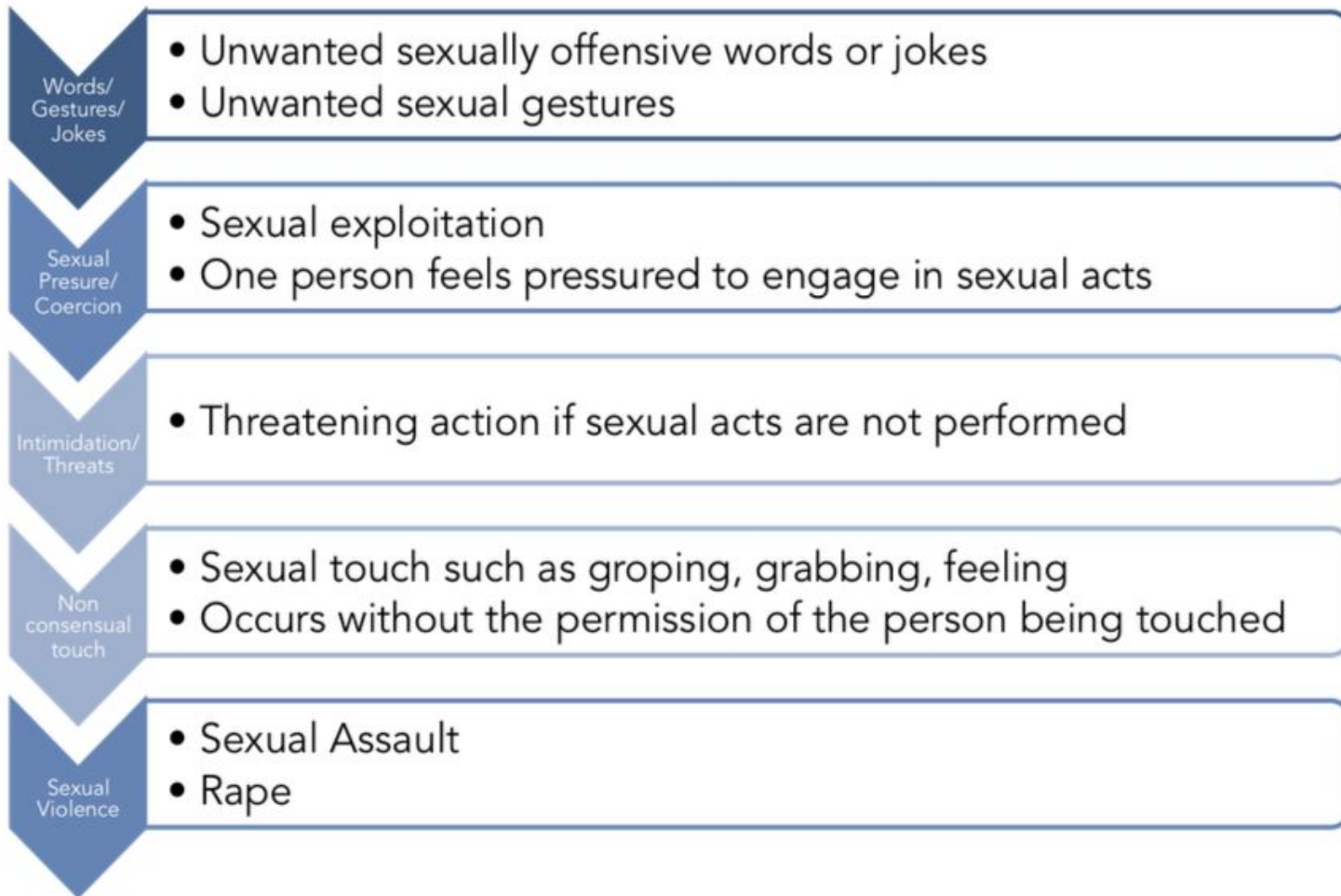
# Parties

- Perpetrator may be
  - man or woman
  - of same sex
  - supervisor, agent of
  - employer, co-worker, third party
- Victim can be affected by the hostile work environment

# Manifestations of SV in the workplace

- My friend told me that...

# Sexual violence in the context of gender violence



<i>Direct sexual abuse</i>	<i>Indirect sexual abuse</i>	<i>Creating a sexualized environment (not directed to anyone in particular)</i>	<i>Sexual discrimination</i>
<p>Increasingly aggressive harassment</p> <p>Attempted or completed rape vaginally or anally by physical force, threat, or blackmail</p>	<p>Required to wear provocative clothes or cleavage</p> <p>Make the worker flirt with a client to attract business</p>	<p>Showing, displaying degrading sexual images or obscene materials</p> <p>Sexual jokes, innuendo and double entendres</p>	<p>Discrimination against pregnant or older women workers</p> <p>Preference for male workers over females</p>

Test your Knowledge...

<i>Direct sexual abuse</i>	<i>Indirect sexual abuse</i>	<i>Creating a sexualized environment (not directed to anyone in particular)</i>	<i>Sexual discrimination</i>
<p>1. Forcing a person to perform sexual favors other than intercourse by force, threat or blackmail</p> <p>2. Force nudity or forced to undress</p> <p>3. <b>Rubbing against or getting too close physically while working</b></p> <p>4. Touch or pinch directly or through clothing any sexual area</p> <p>5. Unwanted caresses, groping or fondling</p> <p>□ □ Blackmail/threats to force victim to engage or accept unwanted sexual abuse□</p>	<p>1. Unwanted indecent advances</p> <p>2. Indecent proposals</p> <p>3. Sexual innuendo</p> <p>4. Indiscrete glances</p> <p>5. Intimate references*</p> <p>5. Use of sexually denigrating terms to offend a worker</p> <p>7. Denying benefits to a worker who did not respond to sexual advances</p> <p>8. <b>Spreading rumors of the person's sexual preferences or sexual habits</b></p> <p>9. <b>Threaten to out an LGBTQ worker</b></p>	<p>c) Talk or make allusions to sexual activity or preferences</p> <p>ci) General use of obscene language or gestures</p> <p>cii) Requiring to wear a provocative uniform</p>	<p>e) Disparaging comments or bias treatment to a worker who has childcare demands</p> <p>f) Failure to discipline or enforce rules against sexual harassment or assault by supervisors, co-workers or clients</p>



# She “consented” ...?

- **Control** is influencing someone to do something they would not otherwise do.
- **Coercion** is the act of getting someone to act or think in a particular way by using or threatening with negative consequences for noncompliance.
  - \* Better pay-raise
  - \* Improve working conditions
  - \* Scheduling
  - \* Getting/keeping a job for a family member
  - \* Not getting “punished”
  - \* *Chisme*
  - \* Avoid physical harm to self or others

# Type of abuse/exploitation:

## PHYSICAL

- Rape
- Sexual assault
- Sexual Harassment
- Retaliation
- Sex Trafficking
- Stalking
- Domestic Violence
- Pregnancies/ Ownership
- Pornography

## OTHER

- Threats with physical harm
- Voyeurism
- Hostility
- Intimidation, Verbal abuse
- Black listing
- Family Members as targets
- Recruitment under false pretenses-Fraud Recruitment
- Heterosexual, Homosexual sex
- Secondary trauma by other workers who are not target
- Use of legal systems to control

# Identifying the risks



# Exercise

## Identifying the risks

Think about these particular industries and looking at the next table identify what kind of risks immigrant women may be more prompt to experience in that particular industry.

- a. Housekeeping
- b. Food processing
- c. Farm work
- d. Restaurant

Threats from the violence	Threats from perpetrator
Need for medical attention Not being productive at work Missing work Injuring herself from lack of concentration Trauma Gaps in memory- not appearing "credible" or appearing "disturbed"	Fire her Fire family members Blacklisting her or family members so she does not work on other farms Change shifts Change positions to harder jobs Reduce hours Reduce pay Make up lies and gossip about her to managers Call immigration
Threats from co-workers	Threats from employers:
Ostracize her Tell her husband that she is having an affair Sexual violence from co-workers with actual or perceived power Gossip (chisme) Treat her like a prostitute Blame her for changes in the workplace Victim blaming attitudes	Deter her from filing employment complaints Retaliate against her for having exerted her labor and employment rights Retaliate against family members employed at the same place Stall or halt a proceeding after an investigation has begun Fire the worker Fire the family members Report the worker (or family members) to immigration Lack of clear policies prohibiting sexual harassment
Threats at home	Threats/barriers from the criminal system

# Safety first!



# Risks of reporting





**“INTERVIEWING TECHNIQUES”**  
**Talking about it!**



# Dealing with workplace challenges

- Does the survivor want to disclose?
- What does the survivor need/want?
- What are the relevant laws/policies that can help?
- Who in the workplace will be an ally? An obstacle?
- What is possible within the context of the particular workplace?



**The beginning of  
“talking about it,”  
What do I need to know?**

**Giselle Hass**

# Invite the survivor to write/tell her story

- You have to provide a safe environment, without judgment
- Bear witness to her experiences
- Provide support and validation

# Coercion

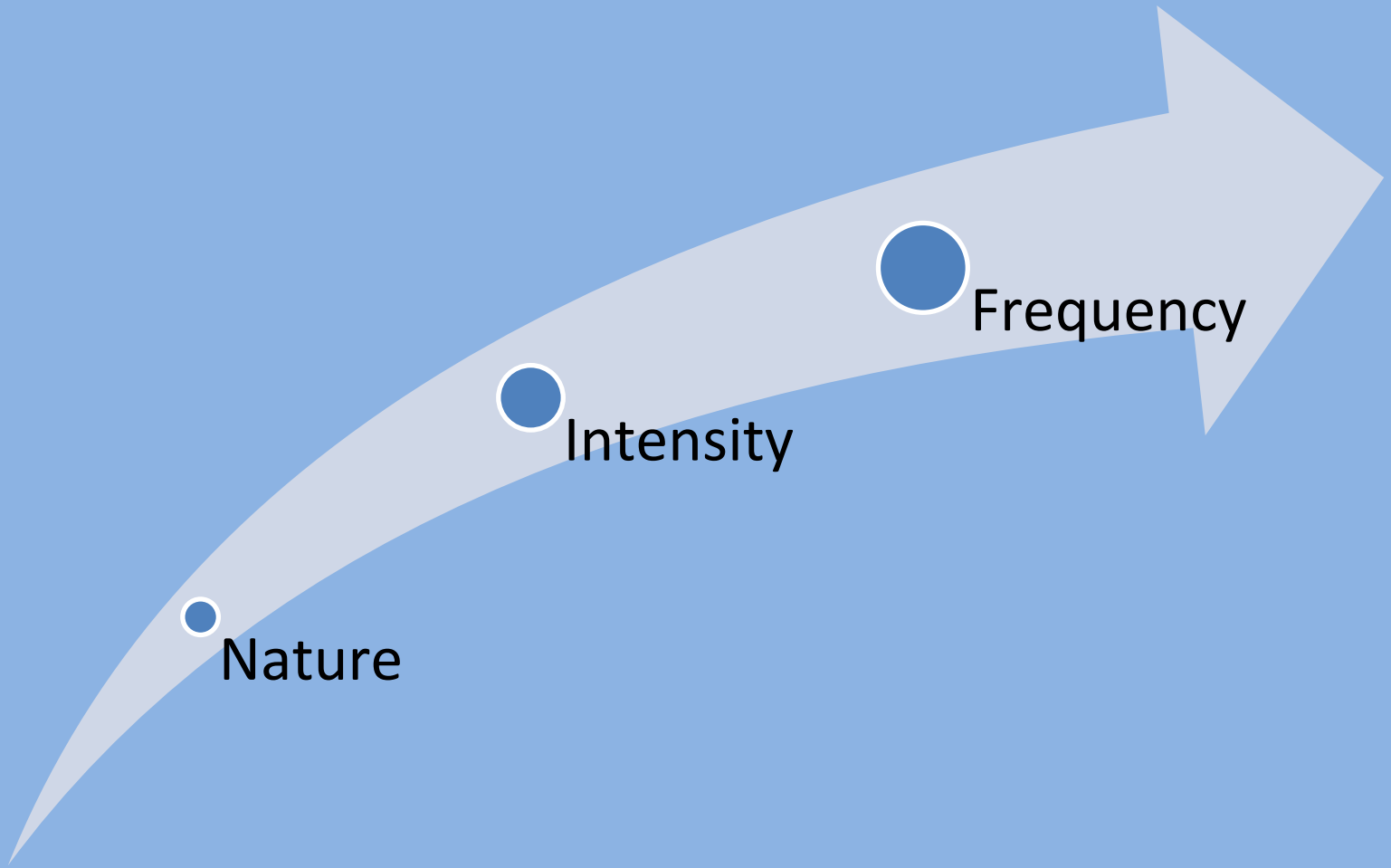
- Perpetrators of coercion intimidate victims by creating fears --credible to the victim-- of disastrous consequences if they do not obey or acquiesce to the abuse. This creates a great deal of anxiety and fear.

# Key principles

- Being victimized or exposed to victimization is stressful for everyone.
- Undergoing a stressful situation leaves consequences: positive and/or negative.



# Distress from abuse accumulates



- **Pre-trauma vulnerability:**

- previous trauma,
- mental health,
- personality traits,
- age,
- gender,
- culture,
- physical health and impairments



- Preparedness for the event
- Sequential stressors
- Quality of the immediate and term responses:
  - social support
  - Institutional response
- Post-event recovery factors



# What is trauma?

- Symptoms that reflect a person's inability to come to terms with real experiences that have overwhelmed their capacity to cope
- Stress of extreme proportions
- “The critical element that makes an event traumatic is the subjective assessment by the victim” (of how threatened and helpless they felt).





# Emotional consequences

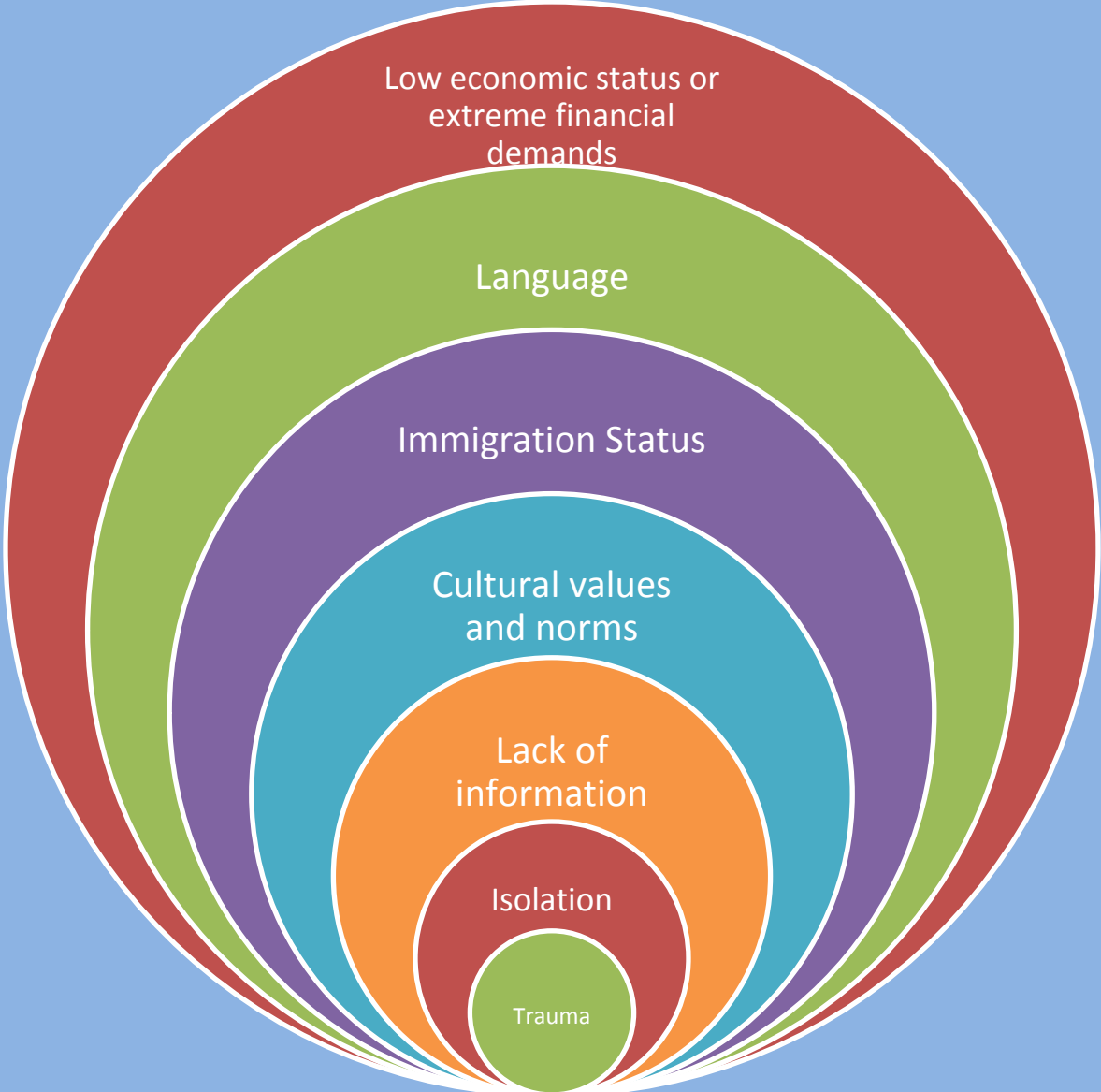
- Anxiety symptoms: panic, dissociation, fragmentation of bodily experience
- Flashbacks, memories, acting as if threat was still occurring
- Hypervigilance and heightened arousal
- Increased risk of alcohol/drug use
- Poor impulse control-problems with irritability or anger
- Depression likely to follow

# Long-term consequences

- Low self-esteem
- Impaired self-perception
- Tendency for somatization
- Difficulties with decision-making
- Difficulties to manage emotions
- Irrational thoughts
- Difficulties to trust others
- Behavioral problems



# Complications that may impact the traumatic response for immigrant women



# Women cope with interpersonal violence by using:

- Denial
- Minimization
- Avoidance
- Freezing
- Ambivalence
- Embarrassment/  
Shame
- Dependence/  
Attachment
- Self-defense
- Substance Abuse



# Direct and indirect ways of coping with the abuse

## Direct

- Tell someone in authority
- Quit the job
- Made a report
- Refused to do what employer asked
- Confronted the abuser
- Fought back
- Ask for a transfer
- Sought help
- Call the police

## Indirect

- Call in sick to avoid going to work
- Dress dowdy
- Get a boyfriend or flirt with someone in the place of employment
- Go along up to certain point
- Tell someone
- Try to distract supervisor
- Try to make the work environment safer

# What is next?

- Webinar II
  - FEB. 12, 2018. 1:00- 2:30 EASTERN TIME
    - » WORKING WITH IMMIGRANT SURVIVORS OF SEXUAL VIOLENCE IN THE WORKPLACE: HOLISTIC RESPONSES
- Webinar III
  - MARCH 8, 2018. 1:00- 2:30 EASTERN TIME
    - » ASSESSING POSSIBLE LEGAL REMEDIES FOR IMMIGRANT SURVIVORS