

HOW TO SCREEN FOR AND RESPOND TO SEXUAL VIOLENCE IN THE WORKPLACE

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GOALS AND OBJECTIVES

- ▶ Recognize and evaluate the implications of sexual violence in the workplace
- ▶ Identify and examine the response to sexual violence in the workplace

WHAT IS SEXUAL VIOLENCE?

- ▶ Physical
- ▶ Verbal
- ▶ Innuendos
- ▶ Language
- ▶ Images



CASE STORIES



LARGE GROUP DISCUSSION

TYPES OF SEXUAL VIOLENCE DEFINED

- ▶ Actions taken by business owner, someone in a supervisory role, even a co-worker
- ▶ Physical Abuse:
 - ▶ Unwanted sexual touch
 - ▶ Touching someone in a sexual manner
 - ▶ Hitting someone in a sexual manner
 - ▶ Forcing someone by threat or coercion to perform a sexual act without their consent
 - ▶ Forcing someone to watch a sexual act
 - ▶ Exhibitionism
 - ▶ Rape

TYPES OF SEXUAL VIOLENCE DEFINED (CONT'D)

- ▶ Verbal
 - ▶ Descriptive words when referring to someone or their body parts
 - ▶ Requests for sexual favors – conditioning employment opportunities upon the submission of sexual favors
 - ▶ Inappropriate language that makes the recipient or those around them uncomfortable
- ▶ Innuendos
- ▶ Language

TYPES OF SEXUAL VIOLENCE DEFINED (CONT'D)

- ▶ Images
 - ▶ Pictures
 - ▶ Drawings
 - ▶ Calendars
 - ▶ Computer screen images

PERPETRATORS OF WORKPLACE SEXUAL VIOLENCE

- ▶ Foreman, supervisors, farm labor contractors, company owners
 - ▶ Anyone who possesses the power to hire and fire workers and give certain benefits.
- ▶ Co-Workers who work in an environment where sexual abuse is tolerated
- ▶ Clients or Customers
- ▶ Perpetrator can be of the opposite sex or same-sex

CONSEQUENCES OF WORKPLACE SEXUAL VIOLENCE

- ▶ Creates a hostile or offensive working environment
- ▶ Creates intimidation in the workplace
- ▶ Alters the work environment
- ▶ Can change lives

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

- ▶ Prohibits discrimination on the basis of race, color, sex, national origin and religion
- ▶ Sexual harassment is a form of sexual discrimination
- ▶ Employers have a duty to provide a safe work environment and to take prompt and corrective action once the employer is on notice that harassment may have occurred

TITLE VII PROVISIONS

- ▶ Applies to employers with 15 or more employees, state or local governments, employment agencies and labor organizations and the federal government
- ▶ Behavior must be “severe or pervasive enough to alter an employee’s working conditions”
- ▶ Harasser can be
 - ▶ Victim’s supervisor, or in supervisory position
 - ▶ Agent of the employer
 - ▶ Co-worker
 - ▶ Non-employee

HOW TO FILE A CHARGE WITH EEOC

- ▶ Must first give the employer notice that the harassment is occurring
- ▶ Victim should tell perpetrator that the behavior is unwelcome and must stop (opposition)
- ▶ If the perpetrator is the Supervisor, then the victim should go to a manager or any person that may be in a superior position
- ▶ Verbal or written notice
- ▶ Third party can give notice on behalf of the victim



PROVING SEXUAL HARASSMENT

- ▶ Corroboration through witnesses
 - ▶ Co-workers, supervisors, counselors, advocates, parents, doctors, psychologists, eye-witnesses, friends
 - ▶ Change in the victim's (charging party) behavior
 - ▶ Appearance after the assault
 - ▶ Other incidents involving other co-workers
 - ▶ Response of employer to other reports
 - ▶ Acts of retaliation against charging party or complainant
- ▶ Harasser's actions
- ▶ Employer's actions



PROTECTIONS WHEN FILING A CLAIM UNDER TITLE VII

- ▶ Employer may not take adverse action in retaliation for the following:
 - ▶ Filing a charge
 - ▶ Testifying
 - ▶ Participation in a discrimination proceeding, investigation or litigation
 - ▶ Taking action or in any way opposing discrimination
- ▶ Adverse actions include
 - ▶ Firing
 - ▶ Demoting
 - ▶ Refusal to hire
 - ▶ Denying a promotion
 - ▶ Making threats

WHO CAN FILE A CHARGE WITH THE EEOC

- ▶ U.S. Citizens
- ▶ Immigrant workers
 - ▶ Documented and Un-documented workers
 - ▶ Immigration status is not a factor
 - ▶ Non-citizens
- ▶ Third Parties
- ▶ EEOC Commissioner
- ▶ EEOC District Director

STEPS TO FILING A CHARGE

- ▶ A charge must be filed within 180 days of the discriminatory act (unless there is reasonable cause)
- ▶ Investigation
- ▶ Resolution
 - ▶ Back pay
 - ▶ Disciplinary action against the harasser
 - ▶ Conciliation
 - ▶ Punitive or compensatory damages
 - ▶ Other

IMMIGRATION RELIEF AVAILABLE

- ▶ Immigrant survivors of sexual violence in the workplace may be eligible for immigration relief under the Violence Against Women Act (VAWA)
- ▶ Survivors who file a charge with EEOC or law enforcement may be eligible for a U-Visa if they are victims of a crime enumerated in the statute, are “helpful” in the investigation of the criminal activity, and they suffered substantial injury as a result of the criminal activity

STATISTICS

- ▶ Farmworker women - 80% of Farmworker women in California's Central Valley indicated they had experienced sexual harassment – *Examining the Sexual Harassment Experiences of Mexican Immigrant Farmworking Women**
- ▶ In 2011, there were 11,364 charges of sexual harassment filed with the EEOC, 84% were filed by women**

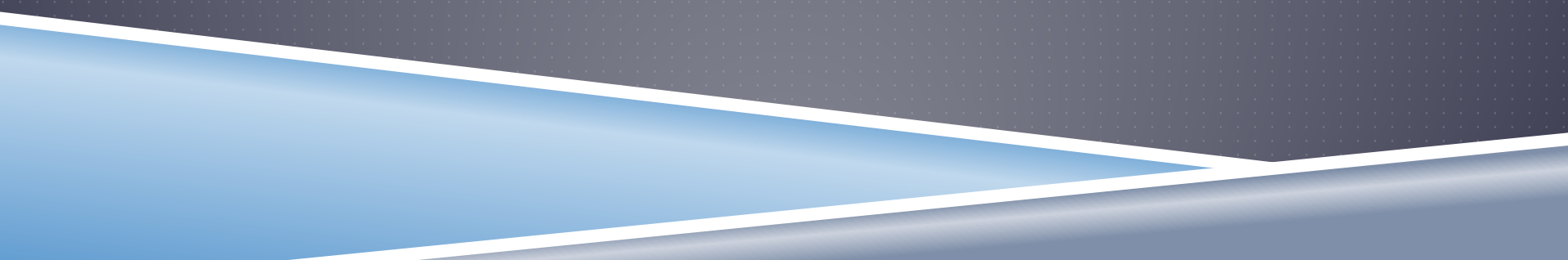
* Morales Waugh, Irma, "Examining the Sexual Harassment Experiences of Mexican Women," Violence Against Women, January 2010, 11.

**Sexual Harassment Charges - EEOC & FEPA's Combined: FY 1997 - FY 2011

http://www1.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment.cfm



RESPONSES TO SEXUAL VIOLENCE IN THE WORKPLACE

- ▶ Advocates, attorneys and medical personnel should be aware of the rights of victims of sexual violence
 - ▶ Service providers working with victims of sexual violence should be aware of the procedures for filing a charge with EEOC
 - ▶ Cultural competency
 - ▶ Language interpreters
- 



CASE STORY



LARGE GROUP DISCUSSION

BARRIERS FACED BY IMMIGRANT SURVIVORS

- ▶ Fear of reporting for fear of losing job
- ▶ Fear that her partner will not believe her
- ▶ Fear of deportation
- ▶ Cultural stigma, shame and isolation
- ▶ Peer pressure or cultural pressure
- ▶ Fear of rejection from family, friends, and co-workers
- ▶ Lack of knowledge of rights and available resources in the community such as social services available
- ▶ Lack of knowledge of US legal System
- ▶ Language barriers

WORKING WITH VICTIMS OF SEXUAL VIOLENCE IN THE WORKPLACE

- ▶ Crisis intervention
 - ▶ Provide support, resources, information
 - ▶ Safety planning
- ▶ Safety planning throughout the delivery of services
- ▶ Emotional recovery
 - ▶ Therapists
 - ▶ Psychologists
 - ▶ Help the survivor develop a support system (family, friends, case worker)
- ▶ Factors to keep in mind
 - ▶ The harasser will have access to the victim's personal information available through the personnel file

COMMON RESPONSES TO SEXUAL VIOLENCE BY SURVIVORS

- ▶ Fear and anxiety
- ▶ Depression and sadness
- ▶ Anger
- ▶ Guilt, shame, self-blaming
- ▶ Emotional swings
- ▶ Negative thoughts
- ▶ Relationship difficulties
- ▶ Physical pain and health problems
- ▶ Flashbacks, intrusive memories of the attack(s)

WORKING WITH IMMIGRANT SURVIVORS

- ▶ Understand the common responses that survivors may experience
- ▶ Understand the dynamics of sexual violence and how they impact immigrant survivors
- ▶ Understand cultural responses and ensure services are culturally appropriate
- ▶ Ensure interviews are conducted with an interpreter when necessary
- ▶ Ensure services are accessible – conduct outreach at all levels
- ▶ Ensure you are non-judgmental (remember you may be the first person the survivor confides in, your reactions will determine whether the survivor continues to seek assistance and recovers)
- ▶ Validate the survivor's feelings and experiences

WRAPPING IT UP

- ▶ Understanding sexual assault and sexual violence is the first step in identifying when it occurs
- ▶ Identifying resources and partners in the community will help in guiding the survivor to services and recovery
- ▶ Understanding the immigrant community in the area you work will help you assist the survivor in developing a safety plan and a plan of action
- ▶ Always remember... you may be the first person the survivor confides in, be prepared to listen

RESOURCES

- ▶ National Immigrant Women's Advocacy Project (NIWAP) - <http://niwaplibrary.wcl.american.edu>
- ▶ National Sexual Violence Resource Center – www.nsvrc.org
- ▶ Equal Employment Opportunity Commission – www.eeoc.gov