

**Standing Up for Our Rights:
Challenging Bullying and Sexual Harassment at Work**



**WILD in the Winter
March 6, 2010**

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Standing Up for Our Rights:
Challenging Bullying and Sexual Harassment at Work

Objectives

By the end of this workshop, participants will have:

- Discussed how to recognize bullying and sexual harassment at the workplace
- Distinguished between workplace bullying and sexual harassment on the one hand, and less serious types of disagreeable behavior on the other.
- Analyzed the commonalities and differences between workplace bullying and sexual harassment
- Reviewed what the law says about each
- Examined various strategies for putting a stop to workplace bullying and sexual harassment

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Workshop Agenda

9:45	Welcome	
Activity 1.	Introductions and Program Review	9:45 – 9:55
Activity 2.	The Respect/Disrespect Spectrum	9: 55– 10:15
Activity 3.	Recognizing Bullying or Sexual Harassment at work	10:15-10:40
Activity 4.	Bullying & Sexual Harassment: Similarities & Differences	10:40-11:10
Activity 5.	Fighting Back	11:10- 11:40
End:	11:45	

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PROGRAM

9:45 Welcome

Activity 1. Introductions and Program Review 9:45 – 9:55

A. Teacher(s) introduce selves, and then ask everyone else to introduce themselves, including:

- your name
- union or organization
- workplace, if you're working, or what you do

B. Review the objectives, the program and the materials for this workshop.

- *Minirap*: “We (WILD) believe that everyone has the right to be treated with respect in their workplaces. Today, we will be dealing with 2 forms of extreme disrespect and mistreatment that happen all too often in workplaces. They are not usually thought of together but they are actually closely related: Sexual Harassment and Workplace Bullying”
- Introduce the flip charts below. Point out that the groundrules are a way of practicing what we preach: they are meant to ensure that we respect each other in the discussion.

Chart #1A - Objectives

Chart #1B - Agenda

Chart #1C - "Jargon Buster"

Chart #1D – Parking Lot

Chart #1E - Groundrules

C. Ask: “What are your questions and comments about the program for the day?”

Activity 2. The Respect/Disrespect Spectrum 9: 55– 10:15

Chart #2 "The Workplace Spectrum" (This is actually 4 charts in a row)

A. Go over the chart with people.

- On the right is the kind of workplace we would all like, where everyone is treated respectfully
- Moving to the left, we have a workplace where 1 or more people suffers mistreatment, but most people are unaffected and unaware of the problem

- In the next step to the left, we have a workplace where the mistreatment of one or more employees poisons the atmosphere for others. Abuse is more widespread; people are afraid to speak out, etc.
- On the far left is the nightmare situation where physical or sexual violence takes place. These nightmare situations are rare, but they make the headlines. Far more common are the 2 situations in the middle. But if the abuse is not stopped at one of these earlier stages, the abuser may feel free to go ahead and actually physically or sexually assault a worker. Or a severely bullied worker may explode into violence.

B. Our experiences of mistreatment at work

- *Introduce activity:* Ask: “Who among us has never been treated disrespectfully at work?” Explain: not all disrespectful treatment is actually bullying or sexual harassment. Now we are going to examine our own experiences to help us decide where to draw the line.

Materials: Sticky notes and sharpie pens

- In pairs: Think of a time you were mistreated at work, or were aware that a co-worker was being mistreated – sexually or not. Tell your partner. Take a sticky note and briefly write the occurrence down (e.g., “Supervisor swore at me” or “Male worker pinched the ass of female worker”.) Post it on the chart in the spot where you think it belongs. If you think it was not really abuse, but just someone having a bad day, put it over near “the “respect” sign. If it was an example of real bullying or harassment, put it in one of the other signs. Do this as many times as you have examples, and we have time for,

(*Note:* if there are not enough examples, we can use some of the “scenarios” and ask people to stick them on the chart)

Activity 3. Recognizing Bullying or Sexual Harassment at work 10:15-10:40

- All together: look at the chart.
 - * Do we agree with where the post-its were placed? (Discuss how to draw the line between unfriendly personality or occasional bad temper and actual bullying; and between asking a co-worker out in an appropriate way and sexual harassment.) Move notes as needed.
- Hand out Definitions. Read or have someone read the 2 definitions. Note that the definition of sexual harassment is a legal definition, from the law outlawing sexual harassment. There is no legal definition of bullying because there is no law against it.
 - * What are your comments and questions about these definitions?
 - * How do these definitions clarify where we draw the line? Does this change where we would put any of our post-its?
- If there is time, and if you haven’t done so already, hand out the scenarios. Divide people into small groups, and assign each group 1 or 2 scenarios. Share answers and post

Handout: Scenarios

Activity 4. Bullying & Sexual Harassment: Similarities & Differences 10:40-11:10

A. (Referring to the post-its on the wall.) “Which of these examples are sexual harassment?”
Move them to the top half of the charts. Move bullying examples to bottom

B. Now lets look at some of the similarities and differences between the two

Chart #4 ”Sexual Harassment and Workplace Bullying: Similarities and Differences”

C. Ask participants for similarities and differences they see, and put them on the chart. Add things that they wouldn’t know based on the discussion they have had so far. Pass out handout and compare their answers to those on handout.

Handout ”Similarities and Differences

D. Sum up: Pass out handout.

Handout: “Bullying/Sexual Harassment/Discrimination” (2 circles)

In sum, we can think of Sexual Harassment as one particular type of bullying. Since it has been recognized as a type of discrimination on the basis of sex, it is illegal. This gives us some important tools for fighting back that we don’t have in the case of workplace bullying.

Handout: “What the Law says”

Activity 5. Fighting Back

11:10 – 11:40

A. “So how do we prevent these things from happening? And when they happen, how do we fight back?” Pass out handout.

Handout: “Strategies wheel”

The wheel shows various strategies that can be used. On the top are strategies that 1 individual can try to use to deal with her (or his) own situation. On the bottom are strategies for trying to fix the whole situation.

- What are the advantages and disadvantages of each approach for a case of sexual harassment? For a case of bullying?
- What other approaches can you think of?

B. In small groups discuss:

- Imagine you are the steward for Sonia in the scenarios. What approach would you advise her to take?
- Do the same for Gita

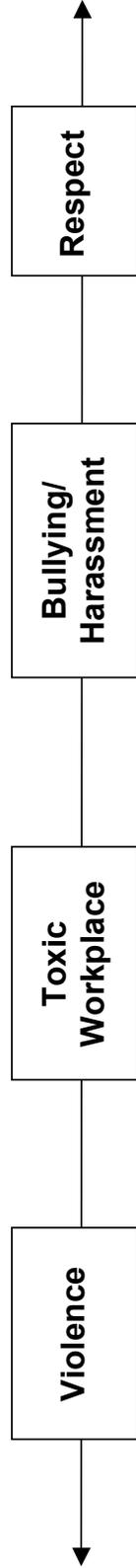
We will share our answers

C. Pass out handout

Handout: “Dealing with Sexual Harassment at Work”

- This handout was developed for people who are experiencing sexual harassment in the workplace. What are your questions and comments?
- How would you change this handout for people who are experiencing bullying?

The Workplace Spectrum



Workplace Bullying and Sexual Harassment

Definitions

Workplace Bullying

Workplace Bullying is repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators that takes one or more of the following forms:

- verbal abuse
- offensive conduct/behaviors (including nonverbal) which are threatening, humiliating or intimidating
- work interference -- sabotage -- which prevents work from getting done.

Sexual Harassment

The term "sexual harassment" shall mean sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

Is this Bullying? Is it Harassment? Scenarios

In groups, answer the following questions for each of your scenarios:

- a) Are there warning signs that bullying or harassment may be going on here? If so, what are they?**
- b) If harassment or bullying is/may be occurring, is it illegal? Why or why not?**
- c) Are there any indicators of a toxic/hostile workplace? If so, specify.**
- d) What specific evidence would you look for in this situation, and how would you get it?**

Please take notes on your conversation and be prepared to share your answers with the group.

1. Justine's manager, Neil, often speaks sarcastically to her in front of her coworkers, and uses her as the butt of his jokes. Justine used to be well-liked, but now people tend to avoid her and speak dismissively about her work. She realizes she's thinking about looking for work elsewhere.
2. Sonia has been working in the administration office of an insurance company for over a month. She likes her work, but she has had problems with her supervisor. When he comes over to assign jobs to her, he puts his hand on her shoulder and bends over close to her. He has also made remarks about her clothing and scent. Sonia does not want to lose her job, but the behavior of her supervisor is causing her stress, and making it difficult for her to concentrate on her work.
3. Krystal notices that her foreman, Patrick, singles her out for criticism much more than her co-workers. When she talks to Patrick about this, he says that since she was hired from a pre-apprenticeship program, he has to ensure her work is as good as everyone else's. "Everyone else" in the workplace is a white man; Krystal came in through a pre-apprenticeship training program for women. Krystal is African-American.
4. On completing her studies, Gita was recently promoted from her secretary position to a case-worker job in the same organization. Lara, her new boss, tells her bluntly that she doesn't think Gita can do the job. Lara assigns her the work of a newly-retired employee who handled the most difficult cases, and says that if Gita asks for help or complains, Lara will send her back to her old job.

5. Bernadine's doctor, Jeanette, is trying to determine the cause of her patient's stress. Bernadine is complaining of tearfulness, chronic headaches, and insomnia. When Jeanette asks her about work, Bernadine says that it's fine "as long as you're tough enough." She explains that she is the only woman, and the guys are constantly telling dirty jokes and telling sexist stories. They put up pictures of naked women on the walls. Bernadine doesn't dare complain; she says they'll only treat her worse if they think she is "weak".
6. Curtis, a senior employee with a lot experience and confidence, has been transferred to a new office. He now reports to Donald, who has been abrasive with him and critical of his expenses. Curtis angrily complains to his union steward that he's never been treated this way by a manager, and wants to file a grievance.
7. As Lena has become more proficient in her work, her boss, Vern, seems to resent her more. Lena has put in many requests for training and job vacancies, all of which he has denied. Instead, Vern has now assigned Lena much more menial work. She feels she's being punished for being good at her job.
8. In weekly team meetings, Bea, Yelena's shift supervisor, speaks disparagingly of Yelena's work and encourages others to also be critical. However, Bea overlooks glaring problems with others' work that impact on Yelena's duties. Yelena speaks to Bea privately about how demeaning and unfair this is, but the supervisor accuses her of being lazy.

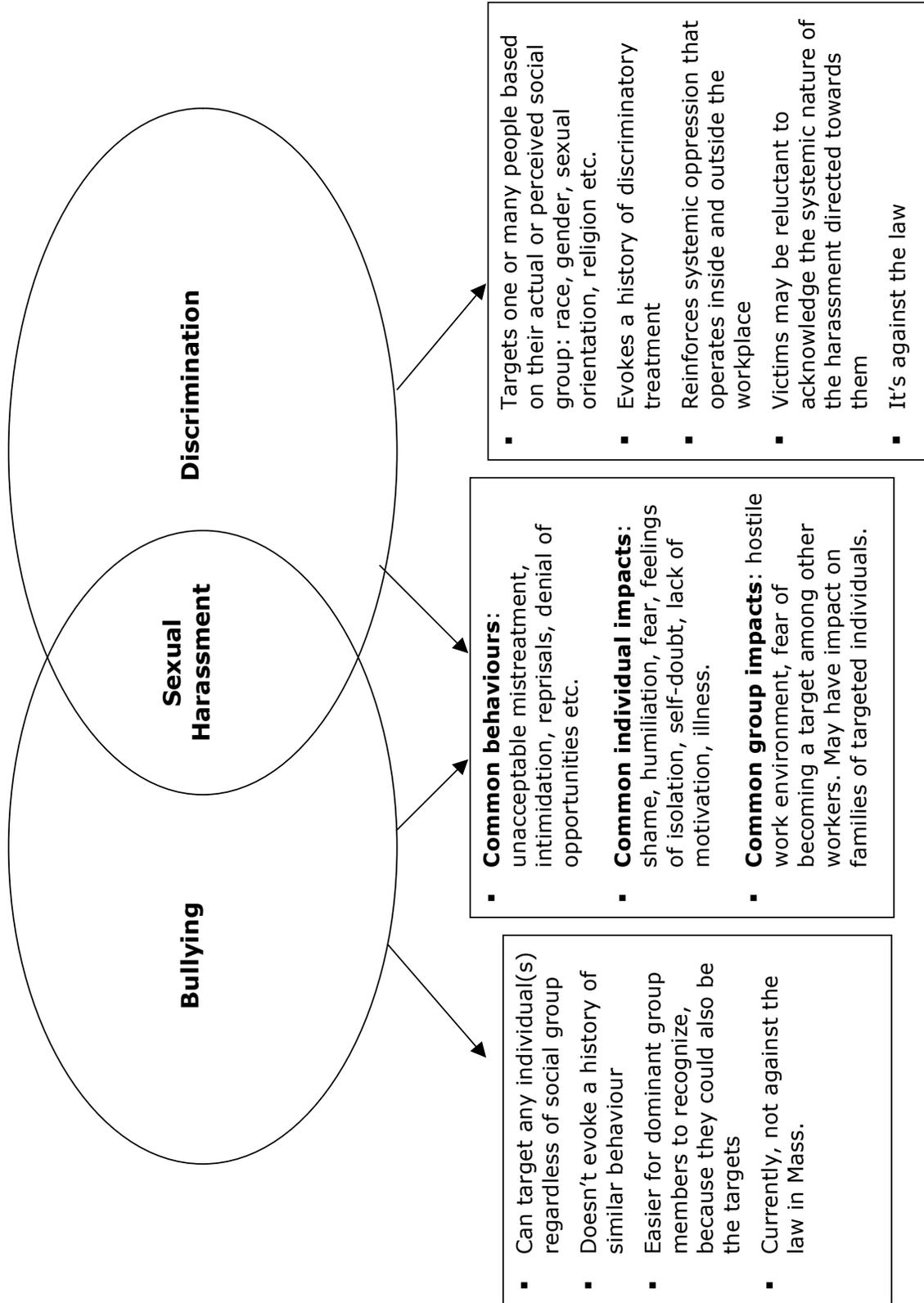
Sexual Harassment and Workplace Bullying: Similarities ...

Both

- Are usually repeating behaviors. Except in the worst cases, one incident is not enough to prove a case.
- Are abuses of power intended to subject another person or persons to the abuser's will
- Target certain individuals or groups
- Are most likely to target women
- Cause emotional and physical distress and illness in the target, making it difficult for them to do their work
- Can “poison” the work environment for all workers
- Can be committed by bosses OR by co-workers

and Differences

- ^aSexual Harassment is against the law. Bullying is not (yet)
- The great majority of sexual harassers are men. Bullies are men and women



Bullying and Sexual Harassment

What the Law Says

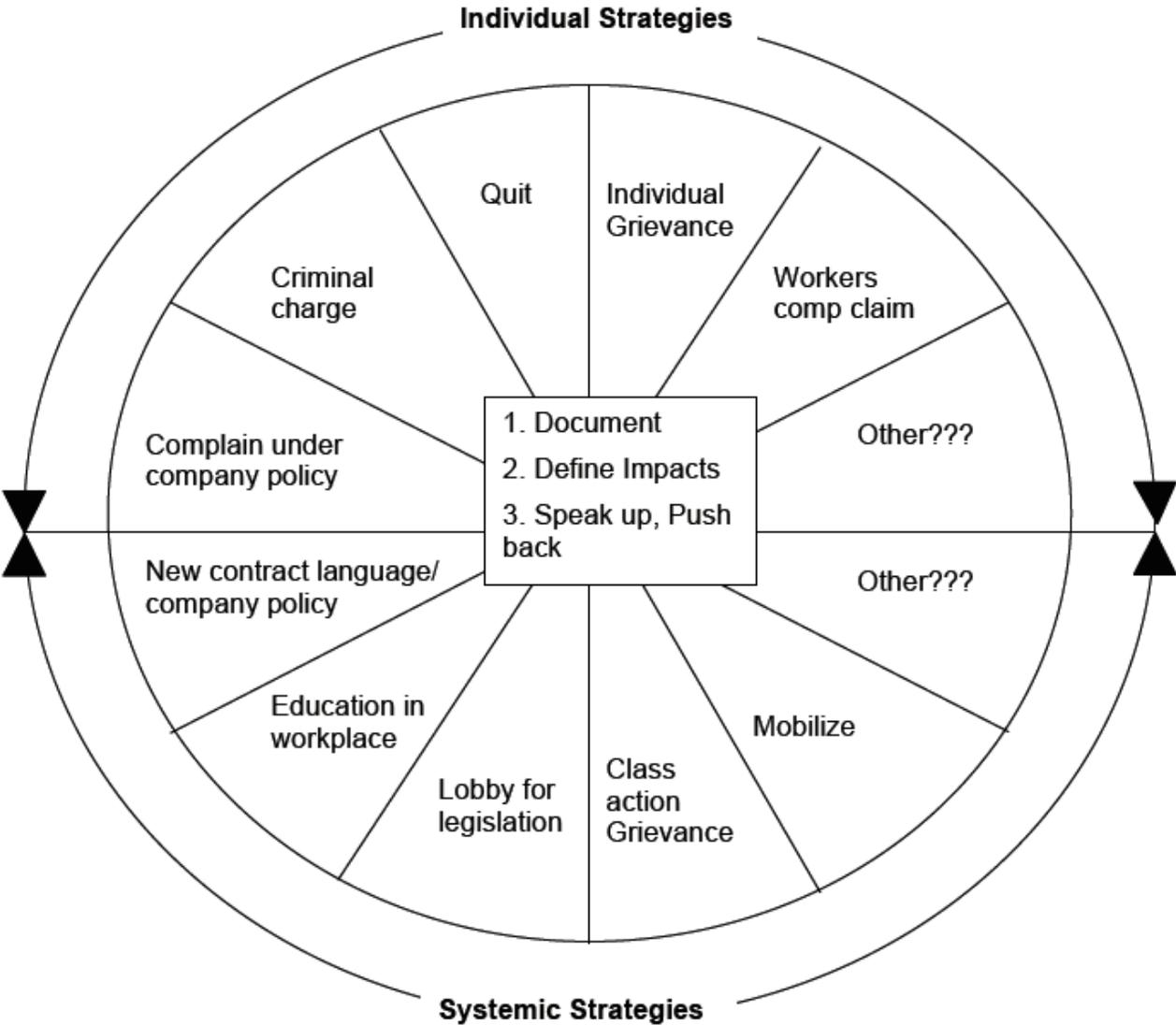
Sexual Harassment

- Massachusetts has a law against sexual harassment (MGL Chap. 151B). Cases of sexual harassment can be taken to the MCAD (Mass Commission against Discrimination) if the company does not remedy the situation
- Sexual Harassment is considered a form of discrimination, which is illegal under both Massachusetts and federal law.
- Under the Massachusetts law, employers must have policies and procedures to deal with cases of sexual harassment.
- Most union contracts prohibit discrimination, whether they explicitly mention sexual harassment or not, so union members can file a grievance for being sexually harassed.

Workplace Bullying

- There is no law against workplace bullying. Some advocacy groups have been trying to get a law passed.
- Lawyers have tried suing employers based on emotional damages, but with little success.
- The Occupational Safety and Health Act (OSHA) requires that employers provide their employees with a workplace that is free from known hazards. Since bullying can cause physical and emotional illness, bullied workers can argue that their OSHA rights have been violated.
- Very few union contracts explicitly prohibit bullying. Some contract language that a union steward might be able to hang a grievance on are:
 - “respect and dignity” language
 - health and safety language

Fighting Workplace Bullying & Sexual Harassment Strategies Wheel



Adapted from OPSEU, Canada

Dealing With Sexual Harassment at Work

If you feel that you are being sexually harassed at your workplace, here are some tips that may help you deal with the situation:

1.) Say No. You need to tell your harasser as clearly and forcefully as possible that his (or her) action is unacceptable. If you feel you cannot confront the person one-on-one, try another tactic: bring a witness, or even get a third party to tell him for you. If a verbal “no” does not do the trick, put it in writing -- and keep a copy, to establish a “paper trail”.

2.) Keep Records. Write down each incident that occurs, including date, time, place, and any witnesses, and the details of what took place-- including actual words used. Write down your response, as well as what the harasser did. Also, keep copies of any relevant documents.

3.) Look for Corroboration and/or Witnesses. Many harassers are repeat offenders. Someone who is harassing you may very likely have harassed others in the workplace before you. Ask around; see if anyone else has either experienced or witnessed sexual harassment by this person.

Remember, it is not your fault; it is the abuser who is to blame.

4.) Find Emotional Support for Yourself. Sexual harassment can cause a crisis in your career and your health, as well as your peace of mind. You need someone to talk to about what is going on. Although it may be embarrassing to talk about what has happened, it is well worth the effort.

5.) Check Out Your Options. Have a plan before taking action. There are several possible avenues to pursue for redress:

- The company’s own sexual harassment policy
- The union, if there is one where you work
- The legal system: the enforcement agencies and the courts
- Your co-workers: organize for collective action

Each has its advantages and disadvantages. Which one(s) you choose will depend on the circumstances, and on what you want to accomplish. In general, it is best to exhaust your “in-house” channels before going to court.

Flip Charts for Bullying/Sexual Harassment Workshop

Chart #1A Objectives

Objectives

By the end of this workshop, participants will have:

- Discussed how to recognize bullying and sexual harassment
- Distinguished between workplace bullying/sexual harassment on the one hand, and less serious types of bad behavior on the other.
- Analyzed the commonalities and differences between workplace bullying and sexual harassment
- Reviewed what the law says about each
- Examined strategies for stopping workplace bullying and sexual harassment

Chart #1B Agenda

Workshop Agenda

9:45 Welcome
Activity 1. Intro & Program Review
Activity 2. The Respect/Disrespect Spectrum
Activity 3. Recognizing Bullying or Sexual Harassment
Activity 4. Bullying & Sexual Harassment: Similarities & Differences
Activity 5. Fighting Back
11:45 End: Lunch break

Chart #1C Jargon Buster *(title only)*

Chart #1D Parking Lot *(title only)*

Chart #1E Groundrules

Groundrules

- Respect each other
- Cell phones off
- Share the air
- Confidentiality

Chart #2 The Workplace Spectrum: 4 charts

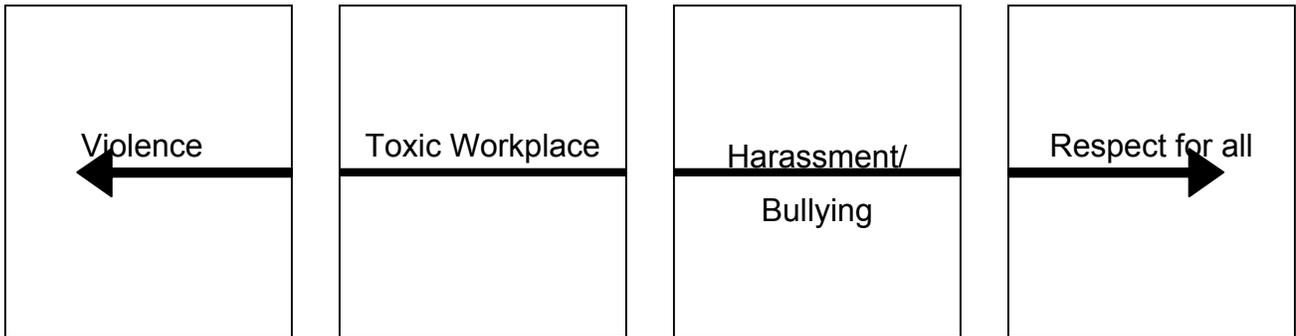


Chart #4 Similarities and Differences

Similarities and Differences	
Bullying	Harassment