

Harassment on the Job and Your Rights as a Woman

The Women Rebuild Project of Legal Momentum works to protect the rights of women in “non-traditional” jobs, including women in the construction industry. You have the right not to be discriminated against or harassed on the job because you are a woman, and this guide will help you handle that if it happens to you.

Sex Harassment: How to Identify It

Sex harassment occurs when your employer makes work decisions on the basis of romantic or sexual involvement with you, or when someone uses unwelcome actions or talk about sex or women to make your whole work atmosphere insulting or abusive to you. You may also be harassed because of your race, national origin, religion, or sexual orientation, or any combination of these reasons. If you complain about any of the above and your employer retaliates against you for it, that is also illegal.

Keep in mind that the law is not designed to cover situations where there are only isolated comments or when someone is obnoxious to you for a reason *other* than the grounds listed above. What the law forbids is actions or words that happen repeatedly or that are severe; that are clearly unwelcome; that are aimed at embarrassing or degrading you because you’re a woman; and that your employer or union knew about and failed to stop. With very rare exceptions, you must tell your employer or union about the situation and give them a chance to fix the problem.

Keeping a Record

The most important thing you can do is to make it clear that this treatment is unwelcome. If the conduct continues, keep detailed records of what happened. Include: (a) the full name and position of the person(s) involved; (b) who/what/where/when/how long/exact words of what happened; and (c) the full name and position of anybody who saw/heard it. Don’t use this record as a place to write down your feelings or other events of the day; just record the basic facts of what happened. Start keeping a record even if you have no intention of using it, because someday it might help another woman prove a case against the same person.

How to Respond

(1) As noted above, your first line of response should simply be to make clear that the conduct is unwelcome. (2) The next level of response is to inform your supervisor or employer that you’re having a problem and ask him or her to step in. You should also inform your shop steward or business agent—it’s your union’s job to protect your rights. (3) The next level is to use your employer’s harassment policy and your union grievance procedure. (4) If none of these things works, it’s time to complain to the federal Equal Employment Opportunity Commission: call 1-800-669-4000 for the nearest location. In New York, call the New York branch of the federal Equal Employment Opportunity Commission (212-336-3620) or the New York State Division of Human Rights (212-480-2522). There are strict time limits on filing; do not delay.

When to a Lawyer and How They Can Help

A lawyer can help you figure out whether an incident is important and whether you want to do anything about it. A lawyer may also be able to assist you in using your harassment or grievance procedures. The National Employment Lawyers Association provides attorney referrals at <http://www.nela.org/other/findLaw.cfm>. In New York City, call the New York Employment Lawyers Association Referral Hotline at 212-819-9450—all information will be kept confidential.

The Most Important Things to Remember about Harassment:

- 1) You do not have to tolerate being harassed on the job because of your gender, race, religion, national origin, sexual orientation, or any combination of the above.
- 2) Harassment involves actions or words that are repeated or severe; the occasional comment isn’t enough.
- 3) Always ask your employer and your union to take action if you’re being harassed. They have an obligation to help and they can’t fix it if they don’t know.
- 4) Keep notes about every incident of discrimination or harassment; you or someone else might need them someday.