



ASSURING EQUAL OPPORTUNITY FOR WOMEN IN CONSTRUCTION: MODEL COLLECTIVE BARGAINING AGREEMENT (“CBA”) LANGUAGE

The Union’s Role

As advocates for members’ rights in all terms and conditions of their employment, unions have a vital role to play in assuring equal employment opportunity (“EEO”) for women workers. To that end, unions should negotiate for inclusion of antidiscrimination provisions in each collective bargaining agreement (“CBA”). As the touchstone for the union-employer relationship, the CBA is a powerful tool for contractually binding employers to meet specific EEO standards and to take specific measures. By treating EEO on par with such matters as wages, hours, safety, and job security, unions send a powerful message to employers and members alike.

Additionally, unions should take steps to assure that EEO standards apply to their members and leaders with regard to all aspects of union membership, such as training (including apprenticeship training, inside and outside the classroom), referrals, and processing grievances, and that regular EEO training is provided. If women workers are not treated equitably by the entity that should be their best advocate, the principles of unionism are substantially undermined.

Model CBA Language

The below CBA provisions should be supplemented with reference to a Model Equal Employment Opportunity Policy, which is attached as Appendix A. (Note that the Model Policy may be adapted for use by both employers and unions.)

The [employer or employer entity] and the Union commit to equal employment opportunity for all employees, without regard to race, creed, color, religion, sex, national origin, age, disability, sexual orientation, and all other characteristics and status in any group protected by city, state, and federal laws. This provision applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, benefits, compensation, training, and workplace environment.

The parties to this Agreement shall cooperate to achieve the following objectives:

1. Written equal employment opportunity (“EEO”) policies that prohibit unlawful discrimination, harassment, and retaliation, if such policies do not already exist,

in conformance with the Model Equal Employment Opportunity Policy attached hereto as Appendix A. Such policies should define specific prohibited conduct, including all forms of unlawful harassment.

2. Equitable worksite conditions for all employees, including a “zero tolerance” policy for pornography and other offensive images, and clean, private, and accessible restroom and changing facilities.

3. Effective, periodic dissemination and communication of the applicable EEO policies to all employees, such as through posting at the jobsite.

4. A complaint procedure for employees who reasonably believe they have experienced discrimination, harassment, and retaliation, which is disseminated and communicated to employees with the applicable EEO policies.

5. Regular training for all supervisory personnel, including on-site personnel, in the applicable EEO policies and complaint procedure.

6. Assurance that employee complaints are appropriately and promptly investigated, with maximum protection of complainants’ confidentiality.

7. Implementation of appropriate remedies for EEO violations, including discipline for employees found to have committed such violations.



APPENDIX A

MODEL EQUAL EMPLOYMENT OPPORTUNITY POLICY

Equal Employment Opportunity (“EEO”) Standards

1. [Union or employer] is committed to equal employment opportunity (“EEO”) for all [members or employees], without regard to race, creed, color, religion, sex, national origin, age, disability, sexual orientation, and all other characteristics and status in any group protected by city, state, and federal laws. This policy applies to all terms and conditions of [membership or employment], including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, benefits, compensation, training, and workplace and classroom environment.

2. This policy expressly prohibits any form of harassment. “Harassment” includes unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment or membership;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment or membership; or
- Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

3. This policy also protects every [member or employee] against retaliation because [the member or employee] complained of discrimination or harassment; opposed discrimination or harassment; filed a charge of discrimination; or testified, participated, or assisted in any manner in any employment discrimination claim, including claims complaining of harassment.

4. This policy applies to all incidents of alleged discrimination, harassment, or retaliation where the alleged offender is a supervisor, co-worker, co-member, co-participant in a training program, shop steward, or Union business agent or official, or even a non-[employee or member] with whom the [employee or member] has contact in the course of his or her [employment or Union membership].

EEO Complaint Procedure

All claims of discrimination, harassment, or retaliation will be promptly and thoroughly investigated and corrective action taken as warranted by the results of the investigation, including disciplinary action up to and including termination of employment.

If you believe you have experienced discrimination, harassment, and/or retaliation, promptly report the incident to [designated employer or Union representative]. You may complain orally or in writing. There is no need to follow any formal chain of command when filing a complaint. If you are not comfortable making your complaint to your [designated Union or employer representative], you may bypass that direct chain of command and file your complaint with [another Union official or employer representative].

After receiving a complaint, the [designated Union or employer representative], or someone under his or her supervision, will commence an impartial and confidential investigation in a timely manner. The investigation will include (1) review of the alleged offender's response; (2) interviews of all potential witnesses; (3) review of all documentation or other support submitted by the complaining party; (4) review of all documentation or other support submitted by witnesses; (5) review of all documentation or other support available to the [Union or employer] through its own recordkeeping measures; and (6) determination of appropriate action based on the findings of the investigation. Upon conclusion of the investigation, the [Union or employer] will promptly inform the complaining party of the results of the investigation and what remedial action, if any, is taken or planned.

The [Union or employer] will keep all complaints confidential to the maximum extent possible. Personnel who receive and/or investigate such complaints shall (1) inform the complaining party that confidentiality is of paramount concern; (2) refrain from discussing information related to a complaint with anyone other than [Union or employer] personnel with a need to know, or persons with knowledge relevant to the investigation; (3) keep his/her notes in a safe place; and (4) emphasize to the complaining party and any other [Union or employer] personnel or [members or employees] involved in the investigation, including witnesses who are interviewed, the importance of not discussing the matter with others.

If the [Union's or employer's] investigation substantiates a complaint of discrimination, retaliation, or harassment, the [Union or employer] will take prompt disciplinary action, up to and including termination of employment, to stop the conduct immediately and to prevent recurrence.