



ACTION LAB NOTES

[Survivors Doing It For Themselves](#)

A look at survivor and worker-led models that are effecting change in the workplace

Lab Leaders

Lilia Garcia Brower, Executive Director, Maintenance Cooperation Trust Fund (MCTF)

Sandra Díaz, Vice President & Political Director, SEIU United Service Workers West

Nely Rodriguez, Senior Staff Member, Coalition of Immokalee Workers

Maria Trujillo, Promotora

Facilitator: **Elena Dineen**, Staff Attorney, Programs, Futures Without Violence

[Lights, Camera, Legislative Action](#)

Learn about current and emerging legislative and policy strategies to create safer and more equitable outcomes for workers vulnerable to experiencing sexual harassment and violence in the workplace

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Maya Raghu, Director of Workplace Equality & Senior Counsel, National Women's Law Center

Mónica Ramírez, Co-Founder & President, Alianza Nacional de Campesinas

Jessica Stender, Senior Counsel, Workplace Justice & Public Policy, Equal Rights Advocates

June Zeitlin, Senior Advisor, The Leadership Conference on Civil & Human Rights

Facilitator: **Linda A. Seabrook**, General Counsel & Director of Workplace Safety & Equity, Futures Without Violence

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[“The Office: 2018”](#)

What are employers doing and what can they do to demonstrate true leadership on this issue and promote safer workplaces?

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Sarah Fleisch Fink, Director of Workplace Policy & Senior Counsel, National Partnership for Women & Families

Angel Garcia, Human Resources Manager, Sunripe Certified Brands

Nancy Parrish, Founder, Protect Our Defenders

Facilitator: **Aaron Polkey**, Staff Attorney, Outreach & Engagement, Futures Without Violence

[Ending Sexual Harassment & Violence in and Through Unions](#)

What strategies are effective at promoting greater equity in unions and break down the structures that facilitate harassment of union members? What are some best practices for greater support for union members experiencing sexual harassment? What initiatives have unions engaged in to promote greater awareness of sexual violence, its impact, and effect changes to reduce or prevent sexual violence against low-wage workers?

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[PENDING: Change the Culture, Change the Workplace](#)

How do we influence culture, change social norms, and promote activism to ensure safer and more equitable employment environments?

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Facilitator: **Brian O'Connor**, Director of Public Education Campaigns & Programs,
Futures Without Violence

[Where's the Data?](#)

Data drives movements. What research has been conducted on sexual harassment and violence in the workplace thus far? What do we still need?

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Cynthia Hess, Associate Director of Research, Institute for Women's Policy Research

Heather McLaughlin, Assistant Professor, Oklahoma State University

Sanjay Pinto, Fellow, The Industrial & Labor Relations School at Cornell University

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Maintenance Cooperation Trust Fund (MCTF) - MCTF is a California statewide organization working to abolish illegal and unfair business practices in the janitorial industry.

- MCTF has assisted in the collection of millions of dollars in unpaid wages for janitors.
- In 2015, the Maintenance Cooperation Trust Fund and the janitors union Service Employees International Union- United Service Workers West (SEIU-USWW) recognized the urgent need to address sexual harassment and violence in the janitorial industry. MCTF reached out to CALCASA and local anti-violence advocates from the East Los Angeles Women's Center who are well established leaders in the arena of healing trauma. Together these organizations established a leadership training program that built capacity of

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women janitor workers to engage other janitors in ending violence in the industry. The program is called the Promotora Program.

Coalition of Immokalee Workers (CIW) - CIW is a worker-based human rights organization recognized for its achievements in the fields of social responsibility, human trafficking, and gender-based violence at work. Its work focuses on three overlapping spheres:

- 1) The Fair Food Program;
 - 2) Anti-Slavery Campaign; and
 - 3) Campaign for Fair Food
- The Fair Food Program has facilitated benefits for workers and helped women share and speak up about working conditions and their workers' rights.
 - The project is a collaborative of workers, corporations, and ranchers.
 - The program was possible with the support of other community organizations, consumers, and universities.
 - CIW provides worker-to-worker education on how to report sexual harassment experienced by workers in the agricultural fields.
 - With the program, workers know what conduct can be reported and there are consequences. Each new worker is shown a video about their rights and the right to report abuse.
 - CIW also helped create policies in which workers have the right to take breaks, rest, to gather as a group, and stop work if the conditions are not right (like rain or spraying of chemicals).
 - Bonuses provided to ranchers are passed down to workers.

Maria Trujillo has served as an executive board member for SEIU United Service Workers West (USWW) for the past nine years, and has been a union janitor for 17 years.

- Maria was one of the first members of USWW to speak out about sexual assault and harassment in the industry.
 - Maria and other members of USWW helped pass The Property Service Workers Protection Act in California (AB 1978), which

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requires sexual harassment and sexual violence prevention training for janitors and their supervisors.

- Maria also joined USWW's Promotora program, where she was trained to counsel women who have been victims of sexual assault and violence.
- Maria decided to be a promotora because she saw the possible change it could make in her personal life and also impact her family.
- The training empowered her to respect others, be a role model in the family, and to help make changes in the culture.

SEIU United Service Workers West - SEIU USWW represents over 45,000 janitors, security officers, airport workers, and other property service workers across California.

- In 2015, SEIU won historic language in their janitorial collective bargaining agreement to address sexual harassment in the workplace. The union led a statewide campaign to pass the Property Service Workers Protection Act. The new law increases protections against sexual violence in the janitorial industry.

Small Group Discussion: **Taking Action**

- What can I do?
- What can my organization do?
- What can we do as a community?

Overlapping ideas:

- Amplify voices, share stories, and use personal stories as lenses to connect individuals to the broader issue.
- Fundraise for organizations.
- Bring different groups together, learn from each other, use each other's resources.
- Promote awareness at the consumer level.
- Support direct service organizations providing critical support to survivors.
- Share information, opportunities for training.
- Create a space in training and conversations where everyone can enter and not be judged.

Lights, Camera, Legislative Action

Learn about current and emerging legislative and policy strategies to create safer and more equitable outcomes for workers vulnerable to experiencing sexual harassment and violence in the workplace

Lab Leaders **Maya Raghu**, Director of Workplace Equality & Senior Counsel, National Women’s Law Center

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Overview of laws applicable to sexual harassment and violence:

Title VII of the Civil Rights Act of 1964 (Title VII) prohibits employment discrimination against individuals who work for companies with more than 15 employees. Sexual harassment is a form of employment discrimination on the basis of sex, and as such, any claim under Title VII is against the company, not the perpetrator. If a victim of sexual harassment or violence in the workplace wishes to pursue a claim against the company, s/he should follow the employer’s internal complaint process first if possible, but can also file a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) or a state fair employment practices agency, which initiates an investigation into the harassment. Filing an internal complaint, or a charge of discrimination, and allowing for the

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investigation to conclude, satisfies the administrative prerequisites to filing a claim in civil court under Title VII.

Many states and the District of Columbia have a statute comparable to Title VII – these are known as fair employment practices laws. The threshold for eligibility varies, so it is important to contact the state agency, or an attorney who specializes in employment litigation in the jurisdiction, to determine eligibility.

If a state has an anti-discrimination law, then a person has 300 days to file a charge of discrimination with the EEOC. If a state does not have such a law, then the time limit to file a charge is 180 days.

Title VII is a civil law, but sexual harassment may also constitute a crime, and the survivor may choose to take action through the criminal justice system as well. In such cases, for immigrant survivors, there are protections available under the Violence Against Women Act – the U-Visa – but only 10,000 visas are available each year and many survivors are awaiting their turn to be granted such a visa. In addition, many law enforcement agencies are unfamiliar with the U-Visa, so advocates may need to educate those within the criminal justice system regarding eligibility and process. Further, survivors with uncertain immigration status should be advised of potential ramifications of interacting with the civil or criminal justice system given the current state of immigration enforcement.

For acts of sexual violence committed at the workplace, depending upon the circumstances (i.e., whether the employer was aware that the perpetrator was a “known hazard”), there may also be a cause of action under the “general duty clause” of the Occupational Safety & Health Act of 1970 (OSH Act). The OSH Act limits damages, however, to what can be recovered through workers’ compensation. The OSH Act has a retaliation provision, as do Title VII and the state fair employment practices laws.

Gaps in the laws revealed through case scenarios discussed:

- Employees may be misclassified as “independent contractors” instead of employees, and therefore not covered under anti-discrimination laws;

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- Employers may use pre or post-employment agreements that attempt to foreclose a claimant's ability to file a charge of discrimination or internal claim, limit remedies, require confidentiality, or impact future employment opportunities;
- The company or employer may not meet the threshold of 15 employees (under Title VII), or applicable employee threshold under state laws (Note: The OSH Act does not have an employee threshold requirement);
- The harassing conduct may not meet the definition of "severe or pervasive" in order to meet the standard of a "hostile work environment;"
- Some "physical manifestation of harm" is usually necessary under Title VII to receive damages; and
- Damages available may be limited and litigation takes considerable time and expense.

Other considerations of which to be aware revealed through case scenarios:

- Immigration status of survivor and family;
- Ability to keep or pursue other employment;
- Financial security;
- Impact on career/reputation;
- Potential recovery (damages caps/limits);
- Safety; and
- Viability of claim.

Recommendations for closing gaps:

1. Expanding protection
 - a. Reducing or eliminating employee threshold
 - b. Coverage for range of employment relationships
 - c. Including workplace sexual harassment/violence as "workplace violence" and including a workplace violence standard in federal or state OSH laws
2. Access to justice
 - a. Extending the statute of limitations for these claims
 - b. Standards of liability

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- c. Broadening “severe or pervasive” standard
3. Increase Transparency
 - a. Prohibiting coerced or required non-disparagement or confidentiality clauses;
 - b. Prohibiting forced arbitration;
 - c. Requiring “know your rights” information
 - d. Requiring employers to report complaints/settlements

Proposed or Active Promising Legislation:

- [EMPOWER Act](#)
 - A bill to deter, prevent, reduce, and respond to harassment in the workplace, including sexual harassment, sexual assault, and harassment based on protected categories; to amend the Internal Revenue Code of 1986 to modify the tax treatment of amounts related to employment discrimination and harassment in the workplace, including sexual harassment, sexual assault, and harassment based on protected categories; to bar public companies from requiring employees to sign non-disclosure and [non-disparagement agreements](#) related to workplace sexual harassment; and create a confidential, federal tip hotline, etc.
- [ME TOO Congress Act](#)
 - A bill to amend the Congressional Accountability Act of 1995 to reform the procedures provided under such Act for the investigation and resolution of allegations that employing offices of the legislative branch have violated the rights and protections provided to their employees under such Act, including protections against sexual harassment, to require the updating of programs of sexual harassment prevention and response training in employment, to institute biennial employment discrimination climate surveys, and for other purposes.
- [AB-1978: Property service workers](#)
 - This relatively new state law in California requires the Division of Labor Standards Enforcement (DLSE) of the Department of Industrial Relations (DIR) to establish a requirement for

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in-person sexual violence and harassment prevention training for janitorial workers and employers by January 1, 2019. By July 1, 2017, the DLSE must convene an advisory group that includes government officials, unions and labor-management groups, sexual assault victims' advocacy groups, and other experts to assist with the development of this new requirement. AB 1978 also requires all janitorial employers to register with the DLSE beginning July 1, 2018. To register, employers must provide financial and management information, show that they do not possess certain liabilities, such as unpaid wages and certain taxes, and, beginning January 1, 2020, show that they have complied with the new sexual violence and harassment training requirement. DLSE will create a public, online janitorial employer registration database. Employers must be registered to conduct business in the state, and employers who fail to register can be subject to fines of up to \$10,000. In addition, any person or entity who contracts with an unregistered janitorial contractor will also be subject to fines of up to \$10,000 for a first-time violation, and up to \$25,000 for repeat violations. Thus, entities that hire or contract with janitorial contractors have an incentive to check the registry to ensure they are contracting with registered employers. Finally, AB 1978 requires employers to maintain accurate records for up to 3 years of payroll, scheduling, and other information regarding janitorial employees' working conditions.

- [AB-2079 Janitorial workers: sexual violence and harassment prevention training](#)
 - The “Janitor Survivor Empowerment Act”—would: (1) prohibit the California Division of Industrial Relations (DIR) from approving a janitorial service employer’s registration or a renewal that has not fully satisfied a final judgment for certain unlawful employment practices; (2) require the DIR to convene an advisory committee to develop requirements for qualified organizations and peer trainers that janitorial employers must use to provide sexual harassment prevention training; (3) require the DIR maintain a list of qualified organizations and qualified peer trainers and employers to use a qualified organization from the list; and (4) require employers, upon

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request, to provide an employee a copy of all training materials. AB 2079 builds upon AB 1978 (2016)—the Property Services Workers Protection Act, effective July 1, 2018—which established requirements to combat wage theft and sexual harassment for the janitorial industry.

- [California SB-224 Personal rights: civil liability and enforcement](#)
 - This bill would include within the elements in a cause of action for sexual harassment when the plaintiff proves, among other things, that the defendant holds himself or herself out as being able to help the plaintiff establish a business, service, or professional relationship with the defendant or a 3rd party. The bill would eliminate the element that the plaintiff prove there is an inability by the plaintiff to easily terminate the relationship. The bill would include an investor, elected official, lobbyist, director, and producer among those listed persons who may be liable to a plaintiff for sexual harassment. This bill would also make the department responsible for the enforcement of sexual harassment claims. This bill would also make it an unlawful practice to deny or aid, incite, or conspire in the denial of rights of persons related to sexual harassment actions.
- [SB-1038 California Fair Employment and Housing Act: violations: personal liability](#)
 - This bill would impose personal liability on specified employees for certain actions in connection with violating the prohibition against discharging or discriminating against a person who has opposed any practices prohibited by these provisions or has filed a complaint, testified, or assisted in any proceeding for a violation.
- [AB-1870 Employment discrimination: unlawful employment practices](#)
 - This bill would extend the period to 3 years for which complaints alleging unlawful employment or housing practices may be filed with the department, as specified. The bill would prohibit an employer, in exchange for a raise or bonus, or as a condition of employment or continued employment, from requiring the execution of a release of a claim or right under FEHA or to require an employee to sign a nondisparagement agreement or

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other document that purports to deny the employee the right to disclose information about unlawful acts in the workplace, including, but not limited to, sexual harassment. This bill would make the above provision apply with respect to any type of harassment prohibited under FEHA of employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace. This bill would require an employer, as defined under FEHA, to provide that training to all employees in California within 6 months of their hire and once every 2 years. The bill also would require an employer to provide bystander intervention training, as specified, and to provide information to each employee on how to report harassment and how to contact the department to make a complaint. This bill would provide that a prevailing defendant is prohibited from being awarded fees and costs unless the court finds the action was frivolous, unreasonable, or totally without foundation when brought or that the plaintiff continued to litigate after it clearly became so.

- [California SB-1300 Unlawful employment practices: discrimination and harassment](#)
 - This bill would require an employer in an action alleging that a defendant failed to take all reasonable steps necessary to prevent discrimination and harassment from occurring, as described above, to show that the employer knew that the conduct was unwelcome to the plaintiff, employee, that the conduct would meet the legal standard for harassment or discrimination if it increased in severity or became pervasive, and that the defendant failed to take all reasonable steps to prevent the same or similar conduct from recurring.

- [Stop Sexual Harassment in NYC Act - Mandating anti-sexual harassment training for private employers](#)
 - This bill mandates that all private employers with 15 or more employees conduct annual anti-sexual harassment training for all employees, including supervisors and managerial staff. The New York City Commission on Human Rights, in order to help employers meet this mandate, would also be responsible for

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creating an online interactive training module to be posted on their website for access by employers.

- [Illinois HR 687](#)
 - Creates the Task Force on Sexual Discrimination and Harassment, directs the Task Force to conduct a comprehensive review of the legal and social consequences of sexual discrimination and harassment, in both the public and private sectors, and make recommendations to the General Assembly, provides specific areas of inquiry related to sexual discrimination and harassment to be addressed by the Task Force, provides for the composition of and appointments to the Task Force.

- [Maryland HB 1423](#)
 - Requires each state employee to complete at least a cumulative 2 hours of in-person or virtual, interactive training on sexual harassment prevention within 6 months after the employee's initial appointment and every 2-year period thereafter; requiring that the training include certain information; requiring the Equal Employment Opportunity Coordinator to enforce certain requirements for certain units of the Executive Branch; authorizing the Coordinator to recommend that a performance audit or review be conducted; etc.

- [New York AB8861](#) (Pending)
 - Requires the Division of Human Rights to develop and implement a uniform sexual harassment policy for all state agencies, offices and departments, the executive department, and every member, officer or employee of the legislature, provides that such policy shall define the conduct which is prohibited, establish a process for the resolution of complaints of such conduct, and provide for appropriate training for all employees of state agencies.

- [New York AB 10113](#) (Pending)
 - Establishes a joint commission on public transparency and sexual harassment to adopt, amend and rescind rules and regulations defining sexual harassment for state agencies,

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offices, and branches of government and develop recommendations for the uniform distribution of such definitions and policies, and to receive complaints and referrals alleging violations by certain state officials.

- [New York SB 7337](#) (Pending)
 - Establishes a joint commission on public transparency and sexual harassment to adopt, amend and rescind rules and regulations defining sexual harassment for state agencies, offices, and branches of government and develop recommendations for the uniform distribution of such definitions and policies, and to receive complaints and referrals alleging violations by certain state officials.

- [New York SB 7848](#) (Pending)
 - Enacts comprehensive sexual harassment policies for New York State, relates to prevention of sexual harassment by state contractors (Part A), prohibits mandatory arbitration clauses based upon sexual harassment (Part B), relates to individual liability for sexual harassment (Part C), prohibits entering into confidential settlements (Part D), establishes a unit to receive and investigate sexual harassment claims (Part E), enacts uniform standards for sexual harassment policies for all branches of state.

- [Virginia SB 796/Virginia HB 371](#)
 - Establishes the Sexual Harassment Training Act, requires every legislative branch employee to complete a sexual harassment training course every two calendar years, provides that the training shall be provided online, provides that the elected members of the House and Senate shall complete the training by each respective Clerk, requires the Clerks of the House and Senate to maintain records of completed training on sexual harassment

- [Washington HB 2759](#)
 - Establishes the State Women's Commission, requires the Director of the Commission to monitor state legislation and advocate for legislation affecting women, work with state

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agencies to assess programs and policies that affect women, conduct an analysis of pay inequity based on gender among individuals employed in the Office of the Governor, coordinate with the minority commissions and human rights commissions, and work as a liaison to eliminate barriers to women's economic equity.

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“The Office: 2018”

What are employers doing and what can they do to demonstrate true leadership on this issue and promote safer workplaces?

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Objectives

1. Discuss how employers can respond to the #MeToo moment and lead efforts to change the culture within their workplace. What are the essential components of a comprehensive workplace sexual harassment prevention and response program?
2. Explore opportunities for leaders from all industries and sectors to publicly pledge support for efforts to address sexual harassment and violence, and create greater pathways for gender equity in the workplace.
3. What role could/should advocates play in engaging/pressing leadership in regard to accomplishing goals 1-2?

Context

Lab leads offered brief reflections to lay a contextual foundation on the following points:

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- Fink: In A Perfect World: Policy elements that create the safest workplaces possible
- Garcia: Leaders Are Made, Not Born: Strategies to empower leaders throughout the workplace
- Parrish: What is the role of advocates in driving improvements in the culture of the workplace?

Participants divided into three groups to further explore these elements:

In A Perfect World: Policy elements that create the safest workplaces possible

1. Prevention
 - a. Values must extend to hiring, retention, salaries, all HR areas
 - b. Broadening what “safety” means, especially in processes to investigate harassment complaints
 - c. Sustained year-round workplace campaigns, that meld into overall health and safety approaches
 - d. Building bystander capacity
 - i. Use items like “employee of the month” to highlight successes
2. Transparency
 - a. On-going data collection (semi-annual?), including salary data (could be best if posted internally?)
 - b. Balancing transparency and liability vulnerability concerns (a specialized consultancy)
 - i. Potential Solution: Peer accountability and pressure for employees to be accountable to each other and promote leadership from within.
 - c. Connecting sexual harassment on broader gender-based violence spectrum for unified policy and response
3. Industry-Specific Solutions
 - a. Continue to look for practical “panic button” opportunities, but also:
 - i. Assign employees to always work in teams

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- ii. Look at schedule, pay, promotions for equity lapses (inclusion riders)
- iii. Adopt consumer engagement models (e.g. Immokalee)

Leaders Are Made, Not Born: Strategies to empower leaders throughout the workplace

Leveraging new resources to de-corporatize HR.

1. HR Policy: Refined approaches for when an HR department is not physically present (e.g. fields, small businesses)
 - a. Videos and other training materials should actually look like the workplaces covered
2. Holding oppressors accountable from the top: Taking a look at when/how/should supervisors actually be able to carry out terminations
3. Extra Layer: Building communities/workplace wholeness and wellness
 - a. On and off site clinics and fairs (rope in broader healthcare/safety considerations)
 - b. Health and safety committees/wellness, hours, self-care, leave, mentoring
 - c. Constant auditing, surveying, evaluating
 - d. Third party groups (like CIW) are crucial to facilitate these more holistic approaches

What is the role of advocates in driving improvements in the culture of the workplace?

Advocates are well-positioned to leverage stories that drive change, and can be an asset to all workplace stakeholders:

- Establish partnerships with employers to provide confidential advocates to help employees navigate systems
- Consult with employers to enhance trauma-informed policies
 - Integrate teachings about social norms change

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- Act as a confidential communications backchannel to establish and execute shared goals
 - Opportunity to uplift issues of retaliation
 - Evaluation of mid-manager practices, build better expertise
- Another voice for more independent and transparent accountability
- Educational opportunities for shareholders and boards directly, investment groups (e.g. Uber, Google Manifesto)

- Broader Opportunities:
 - Promote accessibility/cultural context of tools and materials (e.g. fotonovela/graphic novels, theater)
 - Build community trust, which takes time and requires internal leadership
 - Provides an opportunity for smaller employers to access education, training, resources, and support
 - Connections to business association relationships to propagate ethical practices and industry-shared agendas
 - Educational opportunities for shareholders and boards directly, investment groups (e.g. Uber, Google Manifesto)
 - Leveraging insurance carriers for more transparent risk/culture assessment to get ahead of punitive and compensatory damages (de-silo aspects of corporate governance that are typically siloed)
 - National SH specific hotline, or other ways to get advice prior to overt harassment or formal complaint?

Ending Sexual Harassment & Violence in and Through Unions

What strategies are effective at promoting greater equity in unions and the break down of structures that facilitate harassment of union members? What are some best practices for greater support for union members experiencing sexual harassment? What initiatives have unions engaged in to promote greater awareness of sexual violence, its impact, and to effect changes to reduce or prevent sexual violence against low-wage workers?

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Violence

Background

- **Examples of Successful Union Initiatives**
 - **Unite HERE, Local 8 Seattle**
 - In Seattle alone, 53% of housekeepers surveyed said they had experienced some form of harassment over the course of their careers.
 - The union found a strong connection between harassment and workload.

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- Seattle voters passed the Hotel Employees Health and Safety Initiative in November 2016. The initiative provides employees with protections against violence, sexual harassment, and workplace injury, and promotes access to health care and job stability.
- **SEIU USWW, Los Angeles**
 - In 2015, SEIU won historic language in their janitorial collective bargaining agreement to address sexual harassment in the workplace. The union led a historic campaign to pass the Property Service Workers Protection Act (AB 1978). The new law increases protections against sexual violence in the janitorial industry.
- **Suzette Wright, Survivor & Advocate**
 - Suzette Wright shared her experience being sexually harassed as union member working at the Ford Motor Company. When she reported her experience, she was told to take the harassment as a “compliment” and felt ostracized for speaking up.
 - Unions must be a place where women feel supported and are not discouraged from reporting.

Topic: Structural systems help guarantee control and power structure How do we construct solutions?

- Think about how to partner, re-energize and make long-term structural changes. What power spheres do you have to make a difference?
- Reviewed document “**Top Ten Things Unions Can Do**”: What is missing? Who needs to be engaged?
 - Engage men as allies.
 - Promote leadership to address sexual harassment within union leadership
 - Organize
- **Who needs to be engaged?**

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- Build partnerships with other organizations, including domestic and sexual violence advocates
- Engage leadership of union

- **What else do we need to do?**
 - Make connections between economic and job security/ advancement with workforce safety and harassment
 - Promote bystander action/advocacy
 - Drive conversation about sexual harassment in our personal, occupational, and community spheres
 - Collect data, not just on the problem, but survivor-led solutions
 - Amplify survivor voices
 - Reach out to and partner with low-wage workers in your community through worker centers, religious institutions, etc.
 - Engage youth union members to address sexual harassment

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PENDING: Change the Culture, Change the Workplace

How do we influence culture, change social norms, and promote activism to ensure safer and more equitable employment environments?

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Where's the Data?

Data drives movements. What research has been conducted on sexual harassment and violence in the workplace thus far? What do we still need?

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Heather McLaughlin, Assistant Professor, Oklahoma State University

Sanjay Pinto, Fellow, The Industrial & Labor Relations School at Cornell University

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Topics

1. What kinds of data would be helpful in grasping the barriers to reporting workplace sexual harassment? Any ideas on research strategies that could be used to collect such data? (Heather)
2. What do we need to understand better about how women of color, immigrant women, and those in low-wage industries/occupations experience workplace sexual harassment? Are there specific populations for whom data is particularly sparse? (Sarah)
3. Are there costs associated with workplace sexual harassment that existing research doesn't sufficiently capture - including costs to individuals, families, businesses, and society-at-large? (Cyndi)

4. What sorts of data would be useful to better understand the current landscape of policy/organizing around workplace sexual harassment, the efficacy of different strategies, and the scalability/applicability of these strategies across varying contexts? (Sanjay)

Barriers to Reporting

- Looking at settlements to collect data
 - Anonymous reporting to reduce fear of retaliation
- Mapping gender regarding the ways in which people are reporting stories – political issue versus health issue. For example:
 - Climate surveys
 - Organizational data is not easily accessible – data is kept internal

Marginalized Workers

- Gaps in the retail industry, casino workers, indigenous people
 - Survey need to capture the intersection of race, gender, and sex identity
- Sex-based harassment in addition to sexual harassment
 - Changing the legal definition so it is broader and more inclusive
- Workplace power structures – climate surveys
- Male dominated industries
- Too much focus on harassment and missing the violence aspects
- Need better information on the economic costs
- Intersection of workplace violence and IPV
 - Understanding how workers define harassment
- Measuring retaliation against women of color, low-wage workers, etc...
 - Gig economy/informal work

Associated Costs

- Decreased productivity at work needs to be expanded – capturing how addressing violence can help increase productivity
- The data on having a perpetrator in the workplace
- Snapshot of one year versus the long-term/life-long impacts

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- How work requirements (SNAP/TANF) contribute to violence and abuse – power dynamics
- UI eligibility

Data for Organizing

- Gap in understanding employees administrative infrastructure
- Model of success Fair Food Program – Immokalee Workers – building a HR infrastructure
- Salesforce data platform – workplace turnover
- Past litigation and settlement and the cost of defense
- Qualitative and quantitative data – need focus groups and prevalence data
 - Must include underrepresented groups
 - Harnessing supply and demand, building empowerment within workers

Discussion Points

- How do we create a scorecard to assess how companies are doing on these issues – is there a model of what we need to collect and how to do that?
- Employers are convinced that they want to take action but they need more data on what works in their industries/company size – we need more data what solutions actually work – evaluation of various models
- Highlighting the experiences of women of color at the intersection of race and gender identity must be lifted up – for example are Black women being sexually harassed because they are Black
- Data that has self-analysis – how are organizing and policy advocacy coming together?
- Data on gatekeepers, power structure, so we can better understand how to address power dynamics that contribute to sexual harassment and violence

ACTION LAB NOTES

- Companies are so afraid of liability that they are unwilling to share data on sexual harassment – there has been some movement on wage transparency, so how can we move this forward.

Next Steps

- What are internal data needs for your own agenda:
 - Who are people reporting to and how can we strengthen their capacity to report?
 - Business case for having women in power
 - Impact of having policies and standards in place to foster positive culture on businesses
 - Analysis of settlements by company or public agency
 - Understanding variables that predict sexual harassment reporting
 - Broader costs to support policy
 - Evaluation of peer to peer training/promotora models in workplaces
 - Studies of interventions that work for those who have harassed
 - Comprehensive list of reasons for complaint
 - Third party public forum to talk about experience (e.g. Glassdoor/We Said Enough)
 - The connection between sexual harassment and ACEs impacts
 - Data on unreported cases
 - Reasons victims report
 - Prevalence data for specific communities (e.g. Pacific Islanders)
 - Stories of impact/harms and the difference good policies make
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- What we data to we need to collect/what are our priorities:
 - Best practices in building worker power to address sexual harassment/violence in the workplace – clearinghouse on training and data
 - Stronger relationships between academia and advocacy groups and survivors
 - Coordinating research efforts
 - Evidence based interventions – need to evaluation impact – is there a way to capture this in a rapid response way
 - Multi-prong strategies that work
 - Case studies

ACTION LAB NOTES

- Having a network of experts/practitioners to help address data needs/rapid response
- Women's media center has experts to help
- Data on retaliation against workers/how employees and employers are disincentivizing workers from
- Demonstrating the cost benefit analysis of prevention efforts
- Impact on women's working life/economic security
- Data on the impact of training as an intervention
- How can we move OVC to use their discretionary funds to do research on this area
- Sharing research and funding opportunities via listserv