
Construction Steward Training

Some Myths and Facts

MYTH: So-called sexual harassment is just natural, normal behavior. People should feel complimented that they are considered desirable and attractive.

FACT: Sexual harassment is a power play using sexually directed behavior as a weapon. It is an inappropriate way to control another person through degradation and humiliation. It is not "sexy" and is not part of healthy human relationships based on mutual caring and respect.

MYTH: Women are responsible for being sexually harassed by the way they dress and by provocative speech and behavior.

FACT: Sexual harassment victims are not limited to physically attractive people. The most common motivation for sexual harassment is power and aggression, not sexual desire. Victims who believe this myth have tried unsuccessfully to stop the harassment by making their physical appearance as unattractive as possible and otherwise behaving to discourage the harassment.

MYTH: If an employee asks another employee for a date, this could be grounds for sexual harassment charges.

FACT: There should be no sexual harassment problem in asking a coworker for a date so long as there is no coercion. The potential for sexual harassment problems arise when the person asked says no. Rejection is no cause to retaliate through sexual harassment. When a person makes it clear that the advances are unwelcome, his or her wishes must be respected.

MYTH: Women who enter a predominantly male field should expect to put up with rough language, dirty jokes and hazing. The women are not being treated any differently than the men treat each other.

FACT: This is often a myth because many times the new women in a previously all-male environment is not just treated as "one of the boys." It is not business as usual, but rather the men escalate the foul language or sexual conduct to test her or make it difficult for her to succeed. While church-picnic behavior is not necessary, intensified on-going, sexually directed conduct has been held to be sexual harassment. Being a woman in a nontraditional job is difficult. She needs support from her coworkers.

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Sexual Harassment Is Illegal

The U.S. Supreme Court has ruled that sexual harassment is illegal discrimination covered by Title VII of the Civil Rights Act. It subjects the worker to adverse employment conditions having nothing to do with job performance. Often it is accomplished by threats of adverse job actions or promises of raises or promotions. Federal guidelines state that management is responsible and liable for the actions of its employees, even nonemployees, if it knew of or should have known of the problem. Management must take immediate and appropriate corrective action.

Yet, it is not just the employer who can be liable for acts of sexual harassment. Unions themselves are vulnerable to lawsuits, either for directly engaging in sexual harassment of the union's own members, or for failing to respond to complaints of sexual harassment. The courts have found members can sue a union for sexual harassment under theories of:

- Breach of the Duty of Fair Representation;
- Employment discrimination under Title VII of the Civil Rights Act of 1964;
- Conspiracy to deprive someone of their civil rights under the Civil Rights Act of 1871;
- Violation of civil rights and intentional infliction of emotional distress under state law.