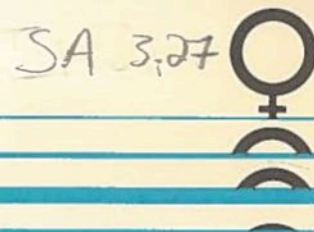


Equal Partners for Change: Women and Unions



Speak Up: Sexual Harassment on the Job

The most common and least-discussed occupational health hazard for women is sexual harassment. At least once in their working lives, most women will be victims of unwelcome advances on the job.

Sexual harassment can range from leering, pinching, unnecessary physical contact and verbal abuse to the extreme of rape. In their book *The Secret Oppression*, Constance Backhouse and Leah Cohen define sexual harassment as "any sexually-oriented practice that endangers a woman's job, that undermines her job performance, and threatens her economic livelihood."

Surveys have shown that from 70 to 88% of working women have been victims of sexual harassment. It is shared by every job level and every occupation. Lawyers, factory workers, clerical staff and hospital workers all report cases of sexual harassment.

It is the victim, not the harasser, who pays the price. In a major survey, 48% of women responding had been harassed until they quit or were fired, or they knew someone who had been. Few women reported the harassment officially and those that did were often dismissed, transferred or given poor personnel reports. It was rare for the harasser to be dismissed, moved or otherwise penalized.

For the women who are the victims of sexual harassment, the costs are high. Sexual harassment places women under severe emotional stress which can cause psychological problems such as depression or physical symptoms such as insomnia, headaches or stomach upsets. Many women who refuse sexual advances on the job pay the price professionally in lost job opportunities or lost promotions. For the many women who are forced to leave the job to avoid the harassment, the financial losses are heavy: lost wages, pension benefits and fringe benefits such as medical coverage, life insurance or dental care.

The attitudes to the victims of sexual harassment explain why it is not taken seriously as an occupational problem. Rather than being seen as a victim of unwelcome abuse, the woman is assumed to have been willing or have encouraged the advances. She is made

to feel that she could stop the harassment if she really wanted to, or she is accused of over-reacting or being vindictive. If the harassment is clearly documented, the harasser will often be excused on the ground that it was "an isolated incident."

Sexual harassment is not only a personal threat. It is also economic blackmail. The harassers are in a position to impose job-related reprisals on their victims. Refusing or complaining about sexual advances brings the threat or the fact of dismissal, demotion or poor job record. Sexual intimidation on the job forces most women into quitting to get away from the harassment.



The Remedies:

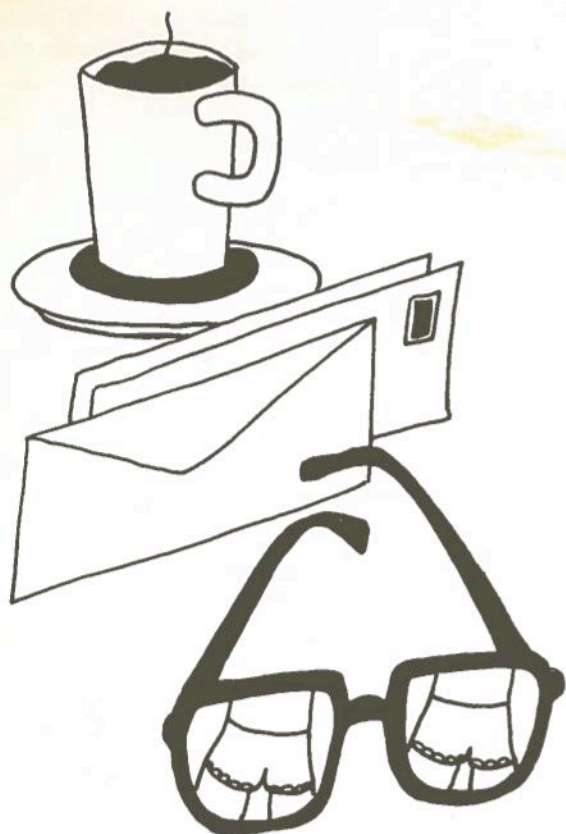
Many women look to the law for help. Under criminal law only the most extreme case of harassment witnessed by others or concerning several women would ever get to trial. Civil suits for wrongful dismissal may be a way for women who have been fired for refusing advances to recover financial losses. However, in Canada the person losing the legal suit usually pays the costs for both sides, making civil action risky and expensive.

Federal and provincial human rights commissions cover sex discrimination but many are still refusing to hear cases of sexual harassment. In addition, complaints to these commissions take a long time to be settled and usually win only token compensation for the victim.



The woman worker has her best and least expensive remedy against sexual harassment through her union. Some unions have taken up the cause although few have any protection from sexual harassment, for women in their contracts.

Women workers can begin by reporting cases of harassment to their union. Many harassers are "repeaters" harassing several women. Telling others you are being harassed may turn up a pattern of sexual intimidation by the offender.



Improving union protection for women workers begins with educating union officials and union members about sexual harassment. Union officials should be made aware of how widespread sexual harassment on the job really is. Women workers should be encouraged to report all cases of sexual harassment to the union, even if no contract provisions protect them. By reporting all cases and discussing the problem at union meetings, all workers can understand the importance of putting protective language in their next contract.

All contracts should have a comprehensive clause dealing with sexual harassment, and detailed grievance procedures to be followed when a complaint is

received. Because many women have found that they have greater success in grieving in groups rather than as individuals, unions could help women launch group action.

Unions can also support women who have been victims of sexual harassment to seek remedies through outside agencies such as human rights commissions or by providing legal counsel for victims. Through their unions, women workers can effectively lobby for change in legislation or carry out surveys and further research to document the number of women who are victims of harassment.

For women workers, sexual harassment is a "power" issue, with those having the power to hire and fire them using sexual intimidation to drive them from their jobs and their livelihood.

For Discussion:

1. Have any female workers in your workplace complained of sexual harassment? Have they made official complaints to management or the union? How was the complaint handled? Was the harasser or the victim transferred or penalized? If no official complaint was made, did the harassment stop?
2. Ms. T. complained that her manager, a man, constantly made suggestive remarks to her and joked about her physical appearance with other men in her company. Her supervisor does not deny the complaint but merely says that Ms. T. "comes on" to him. Ms. T. has brought the complaint to the union. How do you think your union would handle this complaint? What attitudes towards women would be expressed by the way the union deals with the complaint? In what way could your contract and grievance procedures protect Ms. T.?
3. Does legislation in your province protect women against sexual harassment? Does your human rights commission act on sexual harassment cases? Could your union do anything to change the legal protection for sexually-harassed workers?