

Sexual Harassment and Low Wage Immigrant Workers

2019 OVW CSSP Institute
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JUSTICE
at**WORK**



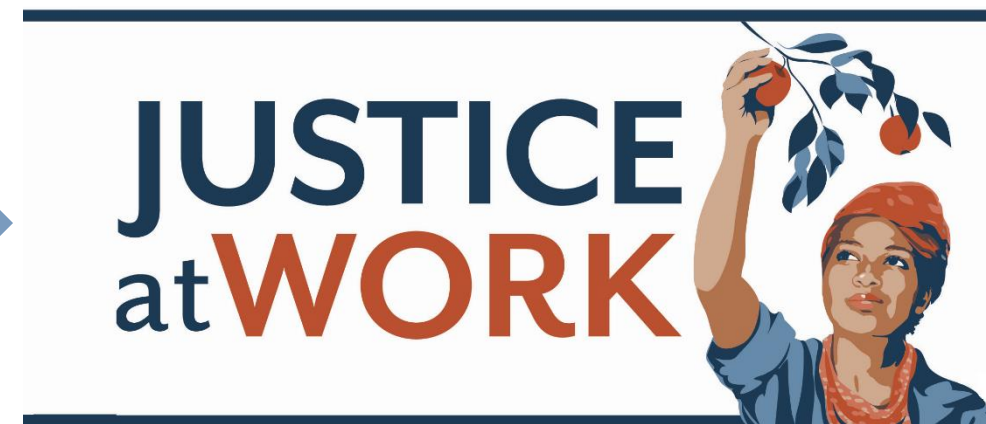
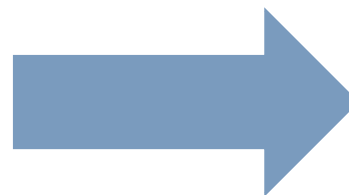
La
Puerta
Abierta

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JUSTICE
at **WORK**



FORMERLY FRIENDS OF FARMWORKERS!



**Still providing
free legal aid, community education,
and advocacy for workers**

Justice at Work

- We are a small organization with a big goal: to support Pennsylvania's low-wage workers as they defend themselves against mistreatment in the workplace.
- We advance our mission through free legal aid, advocacy, and community outreach and education.

La Puerta Abierta

- Works to ensure access to holistic, culturally and trauma-informed mental health support in the immigrant and refugee community.
- We train bilingual/bicultural clinicians, collaborate with provider systems, and provide pro bono mental health services to community members who face barriers to accessing services elsewhere.

Today's Learning Objectives

- 1) What constitutes unlawful sexual harassment? What legal remedies are available?
- 2) How can advocates help workers educate themselves about workplace rights? What creative strategies can workers use to protect themselves in the workplace?
- 3) How can non-legal services advocates support women who have experienced or who are currently experiencing workplace abuse?

What is Sexual Harassment?

- ❑ Quid Pro Quo harassment – when submission to or rejection of sexual harassment by an individual is used as the basis for employment decisions affecting the individual.
- ❑ Hostile work environment – when sexual harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

What Does Sexual Harassment Look Like?

Verbal Harassment	Visual Harassment	Physical Harassment
<ul style="list-style-type: none">● Cat calls● Disrespectful comments● Sexual jokes/ discussions about sexual practices in the workplace● Sexual comments about a person's clothes or body● Questions about a person's private life● Solicitations for sex● Invitations to go out	<ul style="list-style-type: none">● Explicit photos or videos● Explicit drawings or cartoons● Exposing private parts	<ul style="list-style-type: none">● Obstruct a person's movement● Inappropriate touching● Pinching● Hugs, kisses● Rape● Assault

Sexual Harassment in the General Population

□ 25 % of women report having experienced sexual harassment at work

□ 10 % of men report having experienced sexual harassment at work

□ 70-90% do not report

Sexual Harassment and Low-Wage Immigrant Women

- ❑ 80% of women farmworkers report having experienced harassment at work
- ❑ Over 40% report unwanted touching at work
- ❑ Over 25% threatened with job loss/demotion if they resisted SH
- ❑ 91% do not report

Human Rights Watch (2012). *Cultivating Fear: The Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment*, 23. Also, The Center for Investigative Reporting (2013), *Female workers face rape, harassment in the US agriculture industry* (infographic on Iowa data).

The Legal Process

- ❑ Title VII of the Civil Rights Act of 1964
 - ❑ 42 U.S. Code § 2000e
- ❑ File a Charge with the EEOC within **180 (300) days**
- ❑ EEOC Process – Investigation, Mediation, Litigation
- ❑ Right to Sue after 180 days

Potential Legal Remedies

- Reinstatement
- Transfer to different position
- Removal or transfer of harasser
- Back Pay/ Front Pay
- Compensatory Damages
- Punitive Damages
- Attorneys Fees
- Injunctive Relief Including Creation of Policies, Procedures
- U or T visa certification for immigrant clients*

Case Study - Margarita

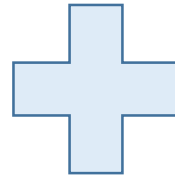


Voces de Trabajadoras (Voices of Women at Work)

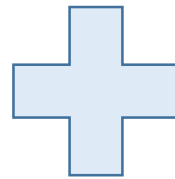
- Statewide collaborative project
- Support low-wage immigrant workers in Pennsylvania who have experienced or who might experience workplace sexual violence
- Free
- Culturally specific, Spanish language services

The *Voces de Trajabadoras* Model

Community Engagement & Education



Systems Change Advocacy



Individual Services & Victim Advocacy

Systems Change Advocacy

Support and training for first responders & service providers

- Building a network of support & empowerment for victims
- Training on immigrant-specific issues
- Case consultation
- Two-way street: partner agencies offer valuable resources to us!

Individual Services & Victim Advocacy

Legal, mental health, & victim advocacy services:

- A survivor-centered approach
- Promotora project

Community Engagement & Education

- Pláticas
 - Workplace rights
 - Workplace sexual assault and sexual harassment
 - Mental and physical well-being
 - Options and resources
- Groups are formed by:
 - Clients' social networks
 - Existing groups
 - Other community engagement



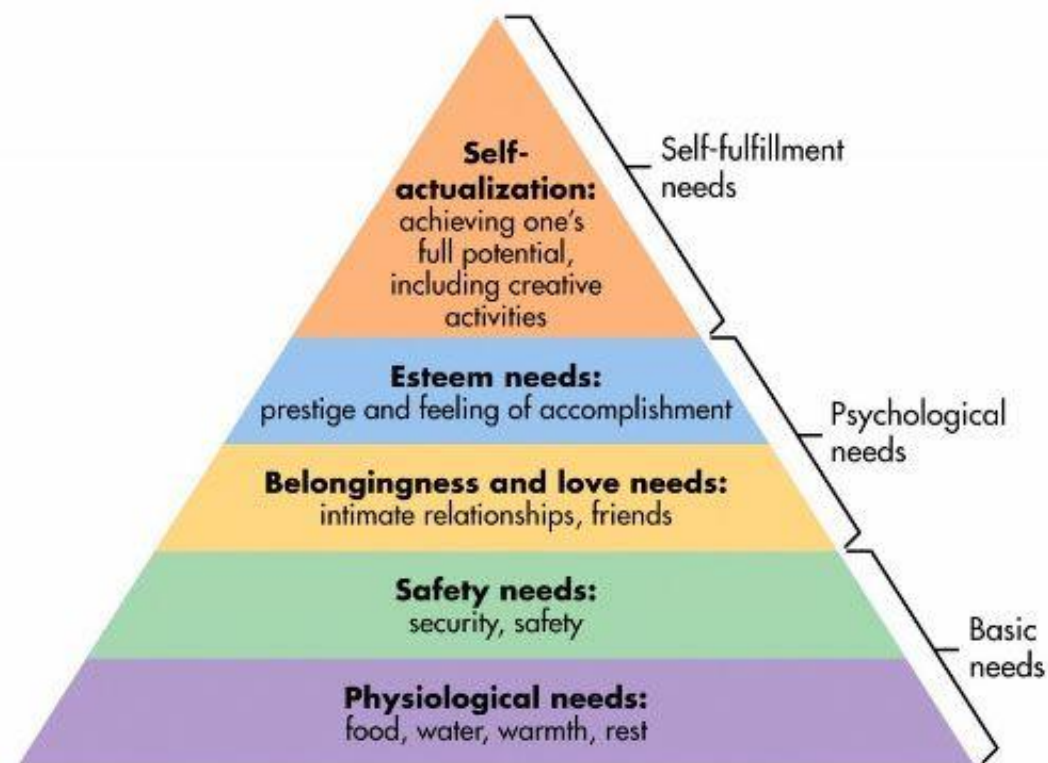
Role-Play

Advising clients who have experienced sexual harassment

- Report the harassment/ make it clear the conduct is unwelcome
- If there is a company protocol, follow it
- Document any reports of harassment made
- Document employer's response
- Talk to a lawyer

Attend to Whole Person

- Case management for medical, housing & other basic needs
- Safety planning
- Mental health
- Attention to family, culture & community context



McLeod, S. (2016). Maslow's Hierarchy of Needs [Digital image]. Retrieved June 30, 2017, from <https://www.simplypsychology.org/maslow.html>

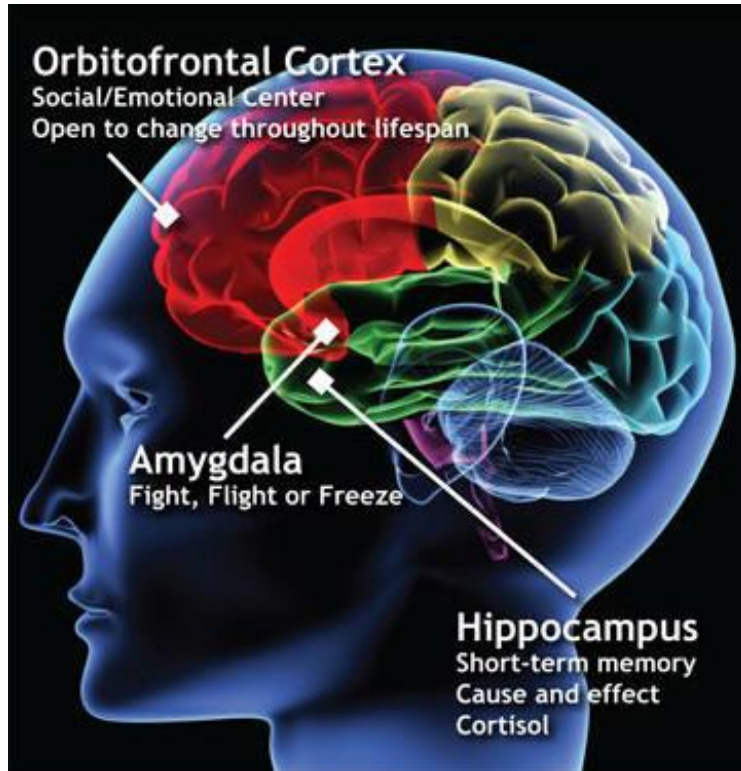
Recognize & Address Barriers

- Immigration status
- Language access
- Cultural understanding
- Family dynamics, cultural & societal messaging
- Normalization

Support Client Restoration & Empowerment

- Trauma is relational – people are hurt & healed in relationship
- Staff-client relationship is critical
- Trauma informs how clients interact with you; it must inform how you undertake even the basic tasks of the staff-client relationship

Trauma-Informed Services



- Understand polyvictimization & trauma triggers
- Avoid re-traumatization
- Recognize trauma's impact on client behavior & goals
- Center client decision making; create space & support for client feelings

Tu Casa, Inc. . (n.d.). Understanding Trauma Responses [Digital image]. Retrieved June 30, 2017, from <http://www.slv Tucasa.net/understanding-trauma-responses#>

Provider Recommendations

- Screen: “Has anyone ever made you feel unsafe at work?”
- Be trauma informed
- Share information about options
- Consider eligibility & accessibility to services
- Respect clients’ choices
- Develop partnerships
- Invest in community engagement