



Unlawful Harassment in Apprenticeship Programs



OFFICE OF APPRENTICESHIP
UNITED STATES DEPARTMENT OF LABOR

Introduction



- Harassment can happen to anyone, in any company.
- Harassment can occur in many different contexts and can target people from many different backgrounds.

Objectives

Upon completion of this training, you will:

- Be able to define unlawful harassment
- Be able to provide examples of various types of conduct that constitute inappropriate and/or unlawful behavior
- Be aware that harassing behaviors will not be permitted
- Know how to take appropriate action if you are being harassed, or are a witness or bystander to harassment
- Know how to report harassment
- Be aware that retaliation will not be tolerated when a complaint is raised

What is Harassment?

[You may choose to play the “Introduction to Anti-Harassment in Apprenticeship Programs” video in place of this section]

What is Harassment?

Harassment occurs when the actions of one or more people creates a situation where an individual worker or group of workers feels

- Uncomfortable
- Belittled
- Offended
- Threatened
- Intimidated

Both men and women can be harassers and targets.



Examples of Harassment

Harassment may include:

- Offensive language
- Crude remarks
- Racial slurs
- Bullying
- Sexual comments
- Physical aggression
- Intimidation
- Discrimination
- Verbal abuse
- Derogatory comments

Harassment May Be Unlawful

Workplace harassment is unlawful when:

- It occurs because of someone's religion, sex, race, color, national origin, sexual orientation, disability, age or genetic information, or because they filed an EEO complaint.
- It is unwelcome and so frequent or severe that it creates a hostile or offensive work environment or results in an adverse employment decision.



Harassment Will Not Be Tolerated



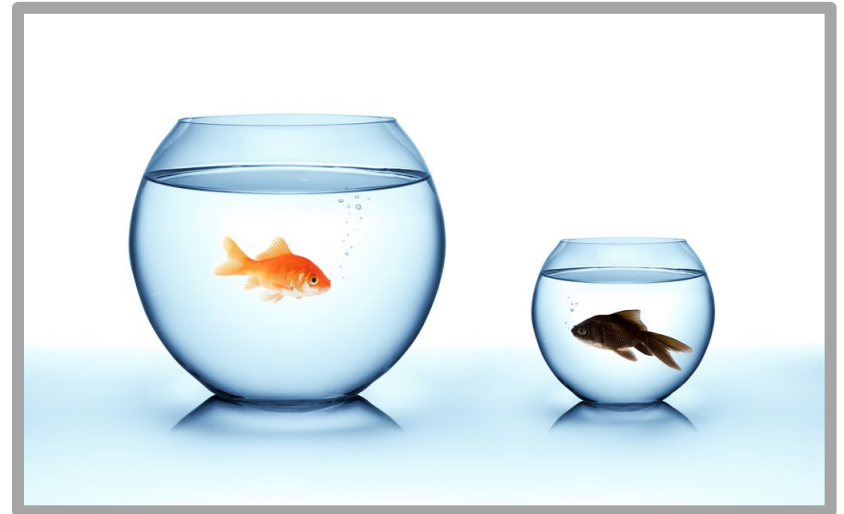
This program does not tolerate harassment of any kind...

...whether or not the conduct meets the definition of “unlawful” harassment.

Examples of Unlawful Harassment

Unlawful harassment may include

- Sexual comments
- Racial slurs
- Physical aggression or verbal abuse directed only at individuals with disabilities





What Do You Think?

- 1. In what ways might harassment affect**
 - the individual's or team's ability to work effectively?
 - the organization?
- 2. What are some potential benefits of a harassment-free workplace?**

Scenario 1

Out of Line

Scenario: Out of Line

Over the past few weeks, Kendra has been working with her manager Yosef to learn how to code technical data. Whenever they are alone, Yosef stands a little too close to Kendra and has started touching her hand and shoulders while they talk. When he asked her to have dinner with him last week, she told him she's not interested.

Today, Yosef asks Kendra to come to his office and again asks her out. When she starts to refuse, he quickly interrupts and suggests that if she stops "playing hard to get" he could approve her to move to the next level more quickly.



What Do You Think?

- 1. Could this be considered unlawful harassment?**
- 2. What if the manager had been a woman and the person being harassed was a man?**
- 3. What if both parties were the same sex?**

Quid Pro Quo Sexual Harassment

- “Quid Pro Quo” = “This for that”
 - The harasser is typically a manager or person of authority
 - Occurs when agreeing to or rejection of the harassing behavior could result in a tangible employment action such as hiring, firing, promotions
 - Even a single incident, if severe enough, can be evidence of unlawful harassment

- Sexual harassment includes situations in which an employee is subjected to unwelcome comments, advances, or gestures because of his or her sex
 - Makes it difficult for the person being harassed to do their job
 - Creates an offensive or intimidating work environment

Scenario 2

Same Thing, Different Day

Scenario: Same Thing, Different Day

Jorge is quietly working on a complex wiring project. Suddenly, his coworker Max rushes toward him and, as he does frequently, starts screaming loudly at him. Today, it is about an error Jorge made in finishing out the electrical work the other day. Max is furious that he is going to have to re-do Jorge's work. He gets closer and closer to Jorge's face, continuing to yell and call him names including several racial slurs.

Without waiting for Jorge's response, Max storms away, exclaiming how he will never again trust a gay Hispanic to do the job right.

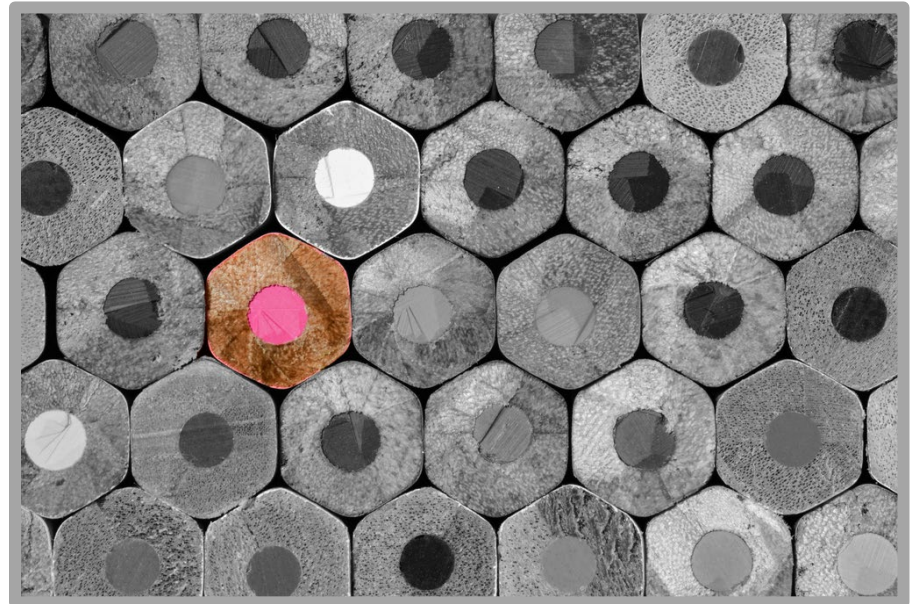


What Do You Think?

- 1. Consider Max's behavior. What are some indicators that he is unlawfully harassing Jorge?**
- 2. Is Jorge at fault here?**
- 3. What impact might this behavior have on other employees or apprentices who witness the harassment?**

Witnesses and Bystanders May Also Be Impacted

- When harassment occurs, it has a negative impact on individuals, teams, and the organization as a whole.
- Other employees who witness the harassment or become aware of it may also feel intimidated or anxious.
- This can negatively impact work performance, morale, and apprentice retention.



Scenario 3

“Harmless” Talk

Scenario:

“Harmless” Talk

Karishma, Anjie, and Chris are apprentices learning to be Computer Numerical Control (CNC) Operators and Programmers. Karishma and Anjie are good friends and they regularly go out together on the weekends. At work, they often talk and laugh together about the men they go out with, sometimes loudly sharing intimate details. In her work area, Anjie has a picture of the backsides of a line of male dancers.

Chris works near Karishma and Anjie and can't avoid overhearing their conversations. This week, he hears Anjie making sexual comments while showing Karishma some pictures on her phone.





What Do You Think?

- 1. Is Anjie and Karishma's behavior appropriate in the workplace?**
- 2. Chris is a bystander and is not being targeted. But could this still be unlawful harassment?**
- 3. Does it matter if Anjie and Karishma didn't mean to offend Chris?**

Hostile Environment Harassment

- Hostile environment harassment involves unwelcome verbal or physical conduct based on a protected characteristic that significantly interferes with an individual's job performance or creates an intimidating, hostile, or offensive work environment.
- Behavior does not have to be directly targeted at any particular individual.
- A hostile work environment can affect the apprentice's ability to work effectively, or even the effectiveness of the whole team.



Intent Doesn't Matter

- Regardless of whether one person intends to offend another, a behavior can be considered unlawful harassment if it is unwelcome and has the effect of offending a reasonable person in the position of the person subjected to it.
- Clear communication that the behavior is inappropriate is often one of the most effective ways of stopping it.

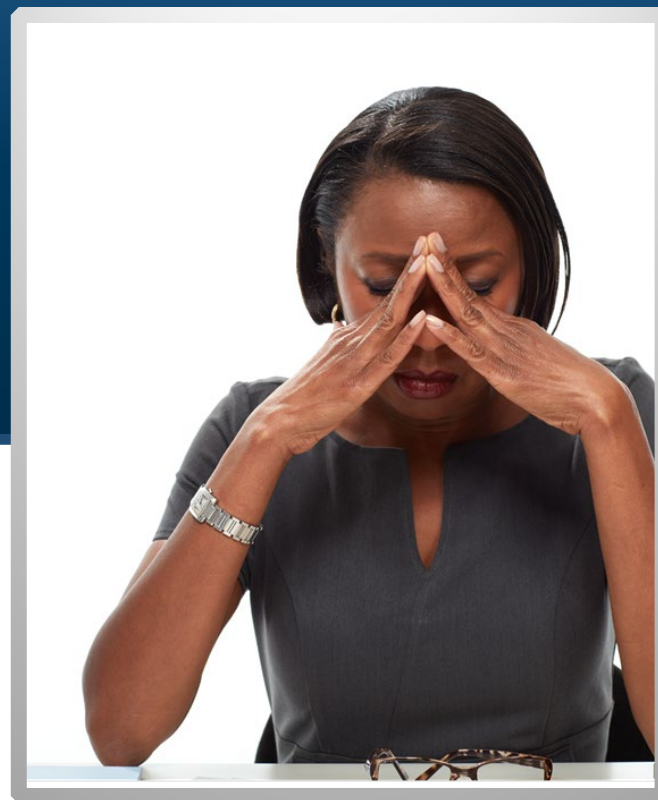


Scenario 4

Out in the Open

Scenario: Out in the Open

In preparation for gender reassignment, Cameron has recently changed his legal name to Karen and has started to dress in more feminine clothing. Many of Karen's coworkers have been supportive, but some have not. She expected that things might be a bit awkward, but was taken aback when last week she discovered that two fellow apprentices, Sharon and Rob, have been taking pictures of her and posting them on social media along with negative comments and their ideas on how to "teach Karen how to be a woman." Now, her coworkers are starting to avoid working with her.





What Do You Think?

- 1. Can unlawful harassment happen online or outside of the workplace?**
- 2. Do you think Sharon and Rob's behavior is a workplace issue?**

Unlawful Harassment Can Happen Anytime, Anywhere

- Unlawful harassment can happen
 - On social media
 - Via text and email
 - At a social event
 - While traveling
 - Outside of work hours

- It does not have to physically occur in the workplace during work hours to have a negative impact.



Bullying Can Lead to Harassment

- When an individual or a group of people is disrespected or bullied on the basis of a protected characteristic, the behavior can **escalate** and lead to unlawful harassment
- Unlawful harassment may result in lawsuits and may jeopardize the apprenticeship program.



Scenario 5

Just Let it Go?

Scenario:

Just Let it Go?

Samir joined an elevator constructor mechanic apprenticeship program about a month ago. Once or twice a week since he started, he's been finding threatening notes. One showed a drawing of a man in a turban with a big "X" on his forehead. Another suggested that a "limping old man" doesn't belong in an apprenticeship program" and he would leave if he "knew what was good for him."

Samir hasn't seen anyone leave the notes, but he has noticed that a small group of his coworkers seem to be watching him closely. He talks to his coworker Brendan about the situation but otherwise, he's been doing his best to just ignore it.

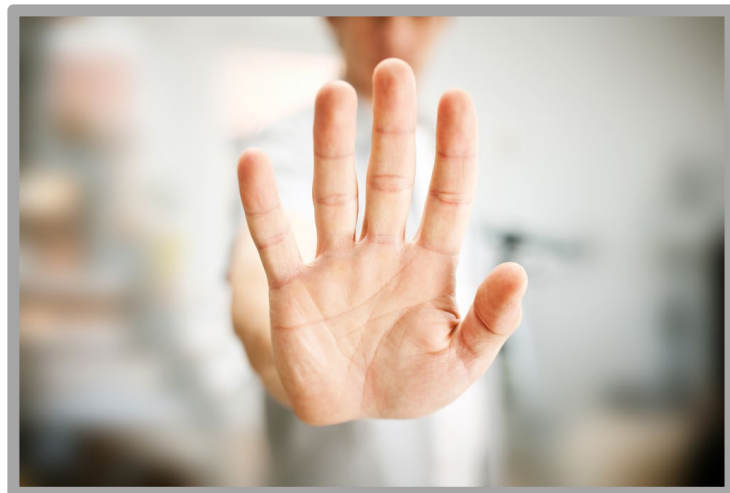


What Do You Think?

- 1. What characteristic or characteristics is Samir being harassed because of? Is discrimination based on this/these characteristic(s) unlawful?**
- 2. Samir is not certain who is trying to intimidate him. What could he do?**
- 3. Should he just ignore this situation? Why or why not?**
- 4. Brendan hasn't actually witnessed the harassment. Is there anything he can do?**
- 5. Is Samir protected from retaliation if he reports the harassment? Is Brendan?**

Speak Up!

- Ignoring it or letting the behavior continue could result in it escalating to something more serious.
- If you are being harassed or are aware of an unlawful harassment situation, you can report it to your manager or other appropriate organization resource.



Retaliation Is Unlawful and Will Not Be Tolerated

- A participant in an apprenticeship program may not be intimidated, threatened, coerced, retaliated against, or discriminated against because the individual has:
 - Filed an EEO complaint;
 - Opposed a practice prohibited by Federal or State equal opportunity law;
 - Assisted or participated in any manner in any proceeding under any Federal or State equal opportunity law; or
 - Otherwise exercised any rights and privileges protected by the apprenticeship EEO regulations.
- Such retaliation is unlawful and will not be tolerated.
- Our program will investigate and take appropriate action if we learn of such retaliation.

Report It!

Report it!

If you are being harassed or are aware of a harassment situation, you are encouraged to report it to

- Your manager
- Another appropriate organization resource

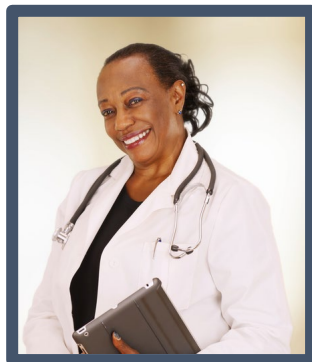
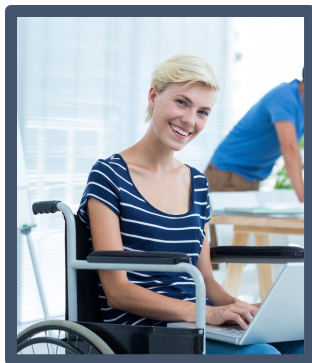


Report it!

If you are harassed because of your race, color, national origin, sex, religion, disability, sexual orientation, age (40+), or genetic information, you also have the right to file a complaint with the Registration Agency associated with the apprenticeship program.

➤ *[insert name and contact information for the Registration Agency with which the apprenticeship program is registered]*

Your Right and Your Responsibility



- All employees, including apprentices, have the right to work in an environment that is free of unlawful harassment, intimidation and retaliation.
- We all have responsibility to contribute to an environment where all workers are valued and respected.

Questions?