



## JOBS FOR THE FUTURE

# ADDING A GENDER LENS TO NONTRADITIONAL JOBS TRAINING

CREATED BY WIDER OPPORTUNITIES FOR WOMEN

APRIL 2017

## TOOL 5.3 THE FOUR TYPES OF SEXUAL HARASSMENT

This tool serves as a reference of the four legally defined types of sexual harassment. Use this tool in conjunction with Tool 5.4 for an interactive activity identifying different types and situations of sexual harassment.

*This tool is also included in the pre-apprenticeship Multi-Craft Core Curriculum of the Building and Construction Trades Department, AFL-CIO.*

### WHO SHOULD USE THIS TOOL

Occupational training instructors, with their students

### SOURCE

*This tool was originally published by Chicago Women in Trades.*

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This tool is part of Adding a Gender Lens to Nontraditional Jobs Training, created by Wider Opportunities for Women for the GreenWays initiative and revised by JFF as part of the Delivering the TDL Workforce initiative. All tools are available online at: <http://www.jff.org/newlensonjobs>.

Supported by the Walmart Foundation, Delivering the TDL Workforce expanded high-quality transportation, distribution, and logistics training programs in ten regions and promoted best practices in program design and delivery, employer engagement, and workforce partnership development. GreenWays was supported by grants from the U.S. Department of Labor through Pathways Out of Poverty and the Green Jobs Innovation Fund.

## QUID PRO QUO

Quid Pro Quo is a Latin phrase that means “this for that.” In this kind of sexual harassment, the harasser demands a sexual favor; in return, the victim keeps a job, gets a promotion or earns good assignments. This behavior can be explicit and/or implicit. Any occurrence by a supervisor is enough for this type of harassment to be a violation of the law. Employers are responsible for harassment caused by employees in supervisory positions regardless of whether they were directly aware of the incident.

## HOSTILE WORK ENVIRONMENT

A hostile work environment is a consistent, undesirable, unwanted conduct of a sexual nature that creates an intimidating, hostile or offensive workplace. This type of harassment targets someone solely because of gender and unreasonably interferes with the victim's job performance or causes the recipient discomfort, and/or creates a hostile atmosphere. The conduct may be physical, verbal, or non-verbal and this type of sexual harassment generally needs to be repeated, unwelcome, and severe; incidents must be persistent to prove a hostile work environment. However, a single serious incident may be sufficient to create a hostile work environment.

A court will review the following to decide if the conduct meets the legal definition of a hostile work environment:

- > Frequency of the discriminatory conduct
- > Severity of the conduct
- > Whether it is physically threatening or humiliating or a mere offensive utterance
- > Whether it unreasonably interferes with an employee's work performance

## SEXUAL FAVORITISM

In this type of harassment, supervisors reward only those employees who give in to their sexual demands, while other employees who are denied good training assignments or laid off can claim that they are at a disadvantage by not giving in. Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

## HARASSMENT BY NON-EMPLOYEES

An employer may also be responsible for the acts of non-employees, in regards to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. If the harassment is by co-workers or non-employees temporarily at the place of work, the employer can be held responsible if a victim has informed a supervisor or other manager of the incident and the employer has failed to take immediate and appropriate action. Many workplaces are fluid, with many different employers and work crews moving in and out. An example of a non-employee might be a truck driver bringing concrete to the worksite.

In reviewing these cases, the courts and EEOC consider the extent of the employer's control and any other legal responsibility, which the employer may have with respect to the conduct of such non-employees.