

¡BASTA! PREVENT SEXUAL HARASSMENT IN AGRICULTURE

FACILITATOR'S GUIDE

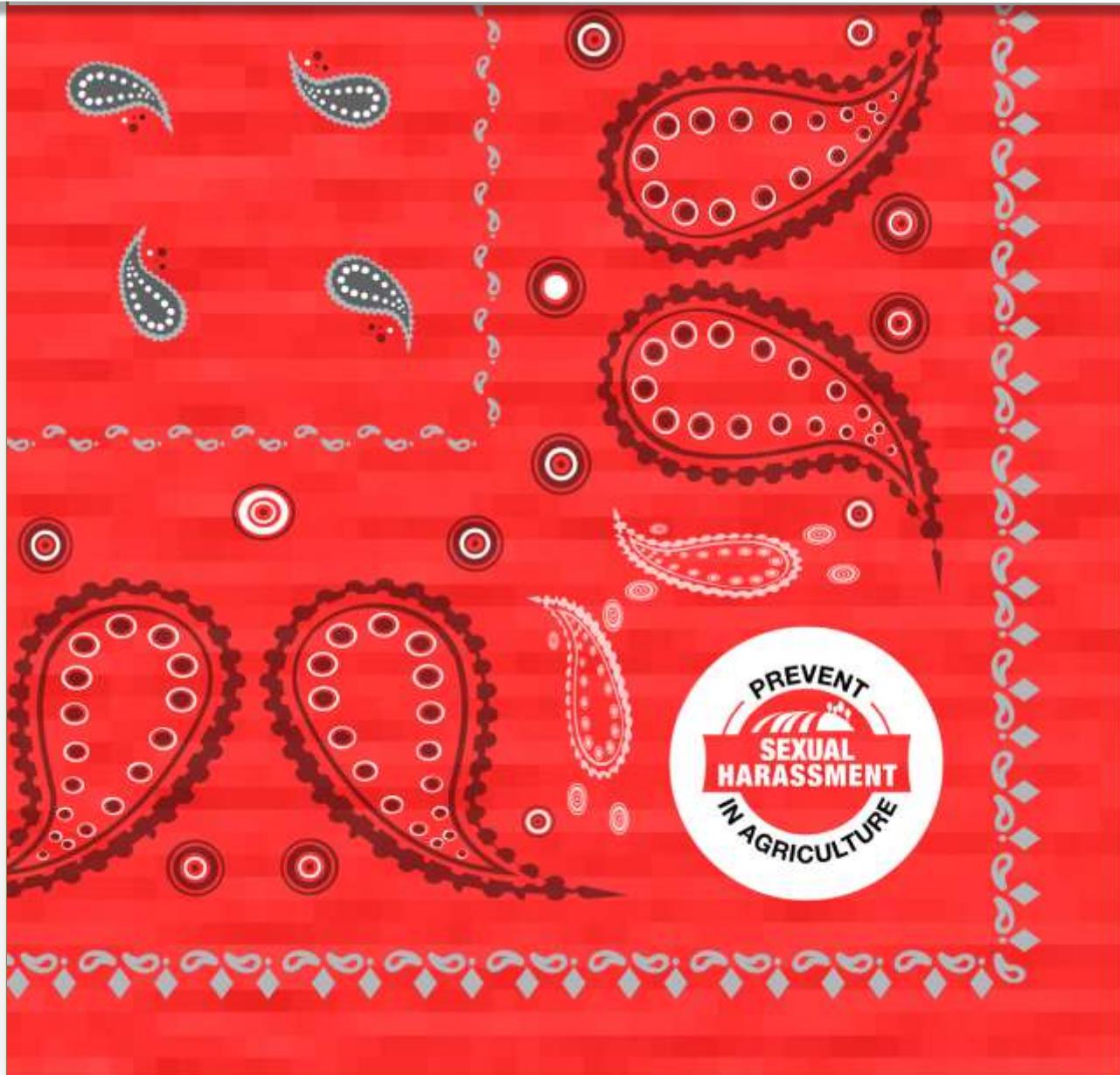


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We also thank the many generous financial contributors to this project below. We could not have produced this video and curriculum without you!

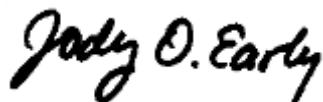
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- Benjamin Risha
- Boldly Grown Farm
- Christopher Wade
- CLS Farms, LLC
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Finally, we are humbled and inspired by the many Washington farm workers who courageously shared their stories, their strength, creativity, and determination to help us create the stories in this video and curriculum training. Your words and experiences are a part of this project and inspire others to take the actions needed to ensure a safe and healthy workplace (and society) for all.

Sincerely,



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¡BASTA! PREVENT SEXUAL HARASSMENT IN AGRICULTURE is a multi-level worksite training in Spanish and in English created by a cross-sector team led by Dr. Victoria Breckwich Vásquez and Dr. Jody Early from the University of Washington Bothell in partnership with a number of stakeholders, including: farmworkers, growers, state agencies and coalitions, human rights organizations, non-profits, labor and industry, media, government officials and representatives, and passionate volunteers. The video, facilitator's guide, and toolkit are available online on the Pacific Northwest Agricultural Safety and Health Center (PNASH) website at <https://deohs.washington.edu/pnash/sexual-harassment>. ©2019 University of Washington. All rights reserved. Materials may be replicated for educational purposes only. For more information, please contact the PNASH Center at pnash@uw.edu or call 206-616-1958.

TIPS FOR FACILITATORS

This guide is meant to accompany the video, *iBasta! Prevent Sexual Harassment in Agriculture*. It is divided up into five segments to accompany the video and provides activities and discussion prompts to enhance dialogue and active learning. In addition to this video and facilitator's guide, there is an accompanying electronic toolkit which includes supplemental materials in English and in Spanish, such as: Powerpoint® slides, workplace posters, handouts, and additional video and audio files. You can find the electronic Toolkit by visiting the Pacific Northwest Agricultural Safety and Health Center (PNASH) website at: <https://deohs.washington.edu/pnash/sexual-harassment>.

It's important for participants of this training to understand that the root causes of sexual harassment involve multiple factors that go beyond the individual (see Appendix A on *Theoretical Framework*). Therefore, this curriculum utilizes a multi-level public health prevention framework to address the numerous precipitating, enabling, and reinforcing factors that cut across multiple levels of influence.

The core message is to show **respect for others**. Promoting the dignity and the rights of others is essential to creating and maintaining a positive, healthy, and productive workplace. We applied a grass-roots, community-engaged approach in the development of this video and curriculum, involving multiple stakeholders across the agricultural sector in its development. The video script and case scenarios are authentic and were written by farmworker women in Washington State with feedback and ideas also contributed by growers and representatives from non-profits, government, education, advocacy, and human rights organizations.

While no training alone will put an end to sexual harassment or violence in the workplace, training and education still plays a powerful role in reducing the probability of it, helping to foster a safer, healthier workplace.

Based on previous research relating to what works in sexual harassment workplace prevention programs, we recommend the following for facilitating your training:

- Ideally, facilitators should have some experience facilitating sexual harassment trainings. The Washington Growers' League as well as the Pacific Northwest Agricultural Safety and Health Center can refer you to experienced sexual harassment training facilitators.
- Host separate training sessions for employees, supervisors, and growers so that employees feel more comfortable with participating in the conversations.

- If possible, arrange the room so it is more conducive to conversation and small group discussions.
- To help manage handouts, forms, and examples, prepare a folder for each participant with copies of the handouts that are listed on the *Training Preparation Checklist* on page 7 which are included as appendices in this guide.
- Strive to create a welcoming and safe atmosphere so people will feel more inclined to participate in the discussions and activities.
- Stress the seriousness of the topic and the need for sensitivity. Instruct participants to refrain from sarcasm, teasing, and rude behavior. Odds are there will be victims of sexual harassment and other forms of sexual violence in the room.
- Dialogue and engagement of participants during this training are essential not only to learning, but to behavior change. In addition to the ideas shared in this guide, consider other active learning strategies that could help engage your audience with this topic.
- Keep the tone of the training balanced so as not to “villainize” a particular group.
- If many in your group have Smart (mobile) phones, you could use polling apps such as Poll Everywhere, Kahoot!, or Quizlet to transform the pre-test and post-test into a trivia game.
- As a facilitator, you will need to decide whether to use the 60, 90, or 120-minute versions provided on page 6. Research relating to sexual harassment prevention indicates that trainings that are less than an hour are less effective than longer trainings (Miller, 2017).
- Provide a professional language interpreter to join you on the day of the event to help facilitate discussion and to translate dialogue effectively so that all understand.
- Each section provides discussion prompts and activities tailored for different groups as shown by the symbols in the symbol legend below.



Farmworker



Supervisor



Grower



Question and Answer



Facilitation/activity



Video

Symbols Legend

MATERIALS LIST

- *iBasta! Prevent Sexual Harassment in Agriculture* video file or DVD
- Folders with handouts (see Appendices and Toolkit)
- Copy of Pre-test/Post-test
- Markers
- Flip Charts or Large Sketch Pads
- *iiBasta!....* Powerpoint ® Slides (optional)
- DVD player or computer with projector

TRAINING AGENDAS AT-A-GLANCE: 60, 90, 120 MINUTES

Version	Segments	Sub-Topics	Time
60 min	Segment 1 Segment 2 Segment 3 Segment 4 Segment 5	Ice breaker Supporting a Healthy Work Environment Understanding Sexual Harassment Acting as a Bystander & Ally Reporting Sexual Harassment Preventing Sexual Harassment	5 min 10 min 15 min 10 min 10 min 10 min
	Total Time		60 min
90 min	Segment 1 Segment 2 Segment 3 Segment 4 Segment 5	Ice breaker and Pre-Test* Supporting a Healthy Work Environment Understanding Sexual Harassment w/additional scenarios Acting as a Bystander & Ally Reporting Sexual Harassment Preventing Sexual Harassment Post-Test*	15 min 15 min 20 min 10 min 15 min 10 min 5 min
	Total Time		90 min
120 min	Segment 1 Segment 2 Segment 3 Segment 4 Segment 5	Ice breaker and Pre-Test* Supporting a Healthy Work Environment Understanding Sexual Harassment w/additional scenarios for discussion Acting as a Bystander & Ally w/additional activity Reporting Sexual Harassment Preventing Sexual Harassment Post-Test*	15 min 15 min 20 min 20 min 25 min 10 min 10 min 5 min
	Total Time		120 min

*For trainings that include a pre and post-test (for training evaluation), the facilitator can read out questions and possible answers for those that need help with reading the survey items.

TRAINING PREPARATION CHECKLIST

TASKS	✓
<p>Print participant handouts and pre-training and post-training surveys:</p> <ul style="list-style-type: none"> ● <i>Know Your Employee Rights: Tips from EEOC</i> handout (Appendix B) ● <i>Pre-Test/Post-Test How Much Do You Know about Sexual Harassment?</i> (Appendix C) ● <i>Additional Sexual Harassment Scenarios</i> (Appendix D) ● <i>Responsibilities of Supervisors and Employers</i> (EEOC) (Appendix E) ● For Growers and Supervisors: Is Your Company's <i>Anti-Sexual Harassment Policy Complete?</i> (Appendix F) ● Copy of company's sexual harassment policy (Obtain from employer or use sample copy in Appendix G) ● <i>What Should You Do If You are Being Harassed at Work?</i> (Appendix H) ● Sample incident form to report sexual harassment (Appendix I) ● <i>Tips for Growers by Growers</i> (Appendix J) ● Additional Resources relating to sexual harassment (Appendix K) <p>*Note: If most of your audience uses cell phones, you could use more interactive formats to collect pre-test and evaluation responses, such as platforms such as Kahoot! or Poll Everywhere.</p>	
Prepare printed name tags or provide blank ones with pens at tables.	
Create a folder for each participant that contains all of the handouts listed above.	
Create a sign-in sheet for participants.	
(If possible) Arrange the room so participants are able to sit in smaller groups of 5-6.	
Set up screen and computer with LCD Projector or TV with DVD player.	
<u>From the <i>iBasta! Toolkit</i></u> : Load up the <i>iBasta! Prevent Sexual Harassment in Agriculture</i> training Powerpoint® slides and (optional) and/or audio file of the poem, <i>iBasta! iBasta!</i>	
(For settings where possible) Prepare group supplies for each table (folders with handouts, pens or pencils, a large sketch pad, an easel for the sketchpad, and markers for team brainstorming)	
Secure a white board and dry erase markers or a large sketchpad and easel for the facilitator to write down participant responses and important points.	

¡BASTA! ¡BASTA! ¡BASTA!

BY PAULA ZAMBRANO - YAKIMA, WA

¡Basta, Basta, ¡Basta!
Llegamos a los campos
para empezar a trabajar nuestro trabajo.
No falta quien nos diga,
'que buen trasero tienes...
¡ya ponte a trabajar!'

Enough is enough!
We arrive at the fields
to start our work.
We always hear someone saying,
'What a nice ass you have!'
Get to work already.'

¡Basta, Basta, ¡Basta!
Algunos mayordomos
te quieren conquistar
ofreciéndote más horas
para poderte manosear.
Te dicen '¿cuanto cobras?'
esperan que contestes
para poderse aprovechar.

Enough is enough!
Some supervisors they
want to
have you,
offering you more hours
so that they can put their hands all over you.
They tell you, 'How much do you charge?'
expecting you to answer,
to be able to take advantage of you.

¡Basta, Basta, ¡Basta!
Nosotras sólo queremos trabajar
sólo trabajar queremos,
el respeto, también la igualdad.
Nacieron de una mujer
¿Por qué nos tratan mal?

Enough is enough!
We just want to work--
only work.
We want respect and also equality.
They were born of a woman, so
Why do they treat us badly?

¡Basta, Basta, ¡Basta!
No sentimos acorraladas
de éstos compañeros
de éstos mayordomos
que sólo usan su poder y autoridad.

Enough is enough!
We feel cornered by
these coworkers,
by these supervisors,
Who abuse their power
and authority.

¡Basta, Basta, ¡Basta!
Aveces quiero renunciar
pero tengo una familia
que tengo que alimentar.
Te hostigan constantemente
ya me cansé de llorar
por esas miradas que me hacen sentir mal.

Enough is enough! Sometimes
I want to quit, but I have a
family that I have to feed.
You are constantly harassed.
I'm tired of crying.
Those stares make me feel so bad.

¡Basta, Basta, ¡Basta!
Nos amenazan si hablamos
porque ellos nos quieren controlar
echándonos la culpa
que sólo venimos a coquetear.

Enough is enough!
They threaten us if we report what
happens because they want to control
us. They blame us instead of
themselves.
They tell us that we just come to flirt

¡Basta, Basta, ¡Basta!
Tenemos que hablar y denunciar
para poderlo parar.
Merecemos el respeto
y también la igualdad.

Enough is enough!
We have to speak and denounce this -to
stop this!
We deserve respect,
and we also deserve
equality.

LEARNING OBJECTIVES

OBJECTIVE	SEGMENT
1. Describe characteristics of a healthy work environment.	1
2. Explain why respect (for self, for others, for the workplace) is key to a safe and healthy work environment.	1
3. Describe harassing behaviors that lead to a hostile work environment.	1
4. Discuss strategies for creating and supporting a healthy and safe work environment.	1
5. Review employees' legal rights as outlined by the EEOC.	1
6. Define sexual harassment.	2
7. Recognize and classify different forms of sexual harassment.	2
8. Justify why sexual harassment is a serious issue that impacts everyone in the workplace.	2
9. Examine factors that influence and/or prevent sexual harassment across multiple levels of influence.	2
10. Explain how bystanders and allies play important roles in supporting a safe and healthy work environment.	3
11. Describes strategies for being an ally to someone who is experiencing sexual harassment.	3
12. Summarize action steps to take to report sexual harassment.	4
13. Review a company sexual harassment policy and EEOC guidelines.	4
14. Describe ways in which growers, supervisors, and employees can help to create a workplace environment that prevents sexual harassment.	5
15. Identify additional resources and organizations that can provide information and support for addressing sexual harassment in agriculture.	5

Facts about Sexual Harassment in Agriculture

[For Facilitators]

1. Sexual harassment is a form of sex discrimination that violates the Civil Rights Act of 1964.
2. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature.
3. Sexual harassment is a form of *sexual violence*. It is usually more about power and control than the sex.
4. Everyone, regardless of documentation status, has the right to be safe and to work in an environment that does not support sexual harassment of any kind. Know your rights!
5. Most harassment occurs from men in a position of authority, who behave in sexually inappropriate ways on the job as they often assume they are entitled to sexual favors.
6. Sexual harassment can have negative physical and mental effects on the person being harassed.
7. A victim of sexual harassment does not have to be the person harassed but could also be anyone affected by the offensive conduct.
8. Sexual harassment creates an intimidating, hostile, or offensive work environment.
9. The actual prevalence of sexual harassment is hard to determine as many incidents go unreported. However, published reports suggest its higher in agriculture than in other sectors.
10. Men and people of all gender identities are also sexually harassed in agriculture.
11. Retaliation of an employee before or after filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation involving sexual harassment is against the law and a violation of Title VII of the Civil Rights Act of 1964.
12. Everyone should know there is a company policy on sexual harassment and what it says. The policy should be made available in English and in Spanish or in the language that the employees can understand.





13. A number of factors contribute to sexual harassment, including: gender inequalities, societal attitudes about women and gender, power imbalances; racial/ethnic discrimination; negative workplace culture; working conditions (i.e., working in remote areas and in isolation with coworkers; lack of reporting processes, etc.).
14. Employers can be held liable for failing to have a sexual harassment policy posted for employees and/or lack of clear protocols in place for reporting it.
15. The most effective strategies for reducing sexual harassment in the workplace are: building a sense of community and trust among employees; providing quality worksite training and onboarding; having clear policies in place and making them known by all; providing supportive and confidential reporting practices.

Sources:

Equal Employment Opportunity Commission (EEOC). (June 2016). Report of the Select Task Force on the study of Harassment in the Workplace. Retrieved at http://www.eeoc.gov/eeoc/task_force/harassment/report.cfm.

Kominers, S. et al. (2015). Working in fear: Sexual violence against women farmworkers in the United States. Retrieved at https://s3.amazonaws.com/oxfamus/www/static/media/files/Sexual_violence_against_women_farmworkers_full_doc.pdf.

Kim, N. J., Vásquez, V. B., Torres, E., Nicola, R. M. B., & Karr, C. (2016). Breaking the silence: Sexual harassment of Mexican women farmworkers. *Journal of Agromedicine*, 21(2), 154-162. doi:10.1080/1059924X.2016.1143903.

SEGMENT 1

SUPPORTING A HEALTHY WORK ENVIRONMENT

- Time Required: 15 – 20 min
- Resources Needed: facilitator slides, markers and paper (or big sketch pads)
- Segment 1 of *iBasta! Prevent Sexual Harassment in Agriculture* video
- DVD player or computer with projector
- A copy of your company's sexual harassment policy
- **Words to Know:** *respect, workplace climate, harassment, hostile work environment*

Handouts:

"Know Your Employee Rights... ." (Appendix B)

Learning objectives

1. Identify characteristics of a healthy workplace.
2. Discuss why respect (for self, for others, for the workplace) is key to a safe and healthy work environment.
3. Describe harassing behaviors that lead to a hostile work environment.
4. Discuss strategies for creating and supporting a healthy and safe work environment.

1.1 Introductions/Icebreaker

To begin the training, introduce yourself and provide an opportunity for others to briefly introduce themselves. In larger groups (over 30), perhaps have them introduce themselves to their neighbors (2-3 people around them). For groups 30 or under, have them introduce themselves to the entire group. Depending on the size of the group, consider starting with an icebreaker or



prompt, such as asking them to provide their: *name, hometown, and a person they admire or a favorite saying.*

1.2 Establishing Ground Rules

After introductions, review some of the ground rules for the training. Introduce the topic by explaining that victims of sexual harassment can be of any race, gender, age, class, and employment level. Sexual harassment is a sensitive topic as many women, and some men, have experienced it- including those in this room. It can leave people with a range of feelings including vulnerability, lack of trust, anger, fear, frustration, and distrust.

In order to ensure everyone in the training feels safe to discuss the issue, establish and review the following ground rules:

- Show respect to others by speaking and listening attentively.
- Be an engaged and active participant.
- Put your cell phones away.

Ground Rules, cont'd

- Avoid dominating the conversation. Let others share their comments.
- Be sensitive to others' experiences. Don't joke or tease.
- Refrain from side conversations.
- Feel free to ask questions.
- Try to keep an open mind and consider what others have to say on this topic.
- If you need to leave because the conversation makes you uncomfortable, please do so and consult with your trainer and/or HR representative to connect you to supporting resources.
- Maintain the confidentiality of what is shared during this training.

1.3 Discussion: Opening Questions



[For all audiences]

 Introduce this segment by posing the following question and instruct the participants to answer the following:

 ***What does a healthy and safe workplace look like to you?***
OR
[Additional prompt]
 ***What are clues that a work setting is healthy and safe?***

Have the participants talk about this and then, as facilitator, write down their ideas or pictures that represent their ideas on a large sketch pad or white board.

To make this more conversational, have participants think of physical signs as well as the social and organizational factors that reflect a healthy work environment.



List factors offered by the participants on a white board or sketch pad.

Here are some examples:

- People work together as a team to accomplish a common goal.
- People do not feel threatened.
- Employees like coming to work.
- The work atmosphere is clean and positive.
- Federal, state, and occupational regulations and safety standards are in effect.
- Workers are trained on how to identify and address potential safety hazards.
- It is a place where people respect one another. People call you by your preferred name.
- People feel motivated to do a good job.
- Employees feel a sense of trust with their employer and with each other.
- Workers are able to raise concerns with their supervisors about problems they encounter on the job.
- Supervisors foster a safe and supportive working environment to protect and promote worker health and safety.
- Employees can attend trainings to expand their knowledge and to grow.
- Diversity is valued.
- Workers help and support one another.
- Employers, supervisors, and workers all care about each other's safety and well-being.
- Employees feel safe and valued.
- People feel respected.

1.4 Creating and Supporting a Healthy and Safe Work Environment

Explain that what they've been discussing refers to a term called "**workplace climate**" which is another way of saying the "*employees' collective opinions and feelings about the workplace.*"

1.5 It's all about R-E-S-P-E-C-T

When it comes to creating and maintaining a healthy, safe, and productive work environment, *respect* is a key ingredient. Respect was likely one of the factors already mentioned by participants. Spend a few minutes discussing this further with the group. [You will circle back to this emphasis on respect at the conclusion of this training.]



[for all audiences]

What does *respect* mean to you?

After hearing a few responses, provide the following definition of respect by Oxford Dictionary:

Respect: *A feeling of regard and consideration for someone or something; to be thoughtful toward another so as not to offend or to wrong.*

What are common acts of disrespect in the workplace that impact the organizational climate? [List them on the white board or sketch pad].

Some common disrespectful behaviors, include:

- Body language
- Sarcasm/hurtful humor/embarrassment
- Gossiping/putting others in a bad light
- Taking credit for something that someone else did

- Disrespectful listening
- Invasion of privacy/personal space
- Fault finding /Complaining
- Know it all/superior attitude
- Passive aggressive – the twist added to the message to give it a bite
- Misuse of power /position
- Bullying behavior
- Outbursts of rage /anger/temper tantrums
- indirect or direct threats
- Physical violence
- Discrimination/ harassment
- Mis-use of power: pretense that there's no power differential or misuse abusive use of power
- Inappropriate use of e-mail communication or texting
- Other

 Discuss what things can be done to support a respectful work environment and their role in creating and supporting one. Ask:



[For farmworkers] **What are ways in which you, as an employee, contribute to a healthy and safe work place?**



[For supervisors] **What can you do as a leader to create and support a healthy and safe workplace described?**



[For growers] **What are some of the steps you've taken in your business to create and support a healthy and safe workplace for all?**

Some possible strategies include:

- Refer to people by their preferred name.
- Work as a team.
- Keep the workplace clean and free of hazards.
- Give positive reinforcement to your colleagues.
- Show gratitude.

- Be on time.
- Be honest.
- Help to motivate others.
- Use positive, inclusive language (e.g. avoid cussing, never use inflammatory or discriminatory language)
- Be open to differences in opinions and ideas.
- Model and encourage positive thinking.
- Change the way you respond to situations and to others.
- Help others.
- Don't gossip.
- What else?



Ultimately, employers have the most power to establish a work environment that treats all workers equitably and with respect.

Employers can cultivate a respectful work place by:

- Referring to people by their preferred name.
- Providing clear and direct communication.
- Demonstrating honesty and integrity.
- Supporting an inclusive workplace that celebrates diversity.
- Giving encouragement and praise along with constructive feedback.
- Setting and promoting clear policies.
- Providing safety trainings.
- Ensuring those you put into positions of power demonstrate respect others.
- Creating competitive and equitable pay structures.
- Establishing more democratic vs. autocratic processes and leadership.
- Listening to your employees.
- Conducting prompt and thorough investigation of complaints.
- Reflecting on your own biases and how to deal with them.

1.6 When is it **harassment**?

 Emphasize to the participants that a disrespectful work environment can provide the "fertile soil" for future unlawful conduct, such as harassment of any form. It's

important that everyone understand what is meant by the term, harassment.

The Equal Employment Opportunity Commission (EEOC) defines harassment as follows:

Harassment - Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age, disability or genetics. Harassment becomes unlawful when: 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Harassing behaviors include such things as: *verbal insults, pestering, making offensive gestures, threatening someone physically or psychologically, or touching someone inappropriately without their consent.*

Anti-discrimination laws also prohibit harassment against individuals in **retaliation** for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

1.7 Case Example: “el Gordo”



[For all audiences]

Read the following scenario aloud:

Miguel is a 22 year- old farmworker who has been overweight since he was a child. He was bullied at school for being overweight. He is new at work. His co-workers start to refer to him as “el Gordo”, despite Miguel’s continuous requests for his colleagues to call him by his actual name. The more he asks them to stop, the worse it gets. As a result, Miguel begins to get depressed and gets anxious about going to work.



Is this a form of harassment? [Yes, this is harassment based on weight; it goes beyond joking to personal attacks that upset Miguel; it's also ongoing.]



How does name-calling impact the workplace environment for everyone?

[It creates negative feelings; leads to low morale; decreases productivity and teamwork]

Remember, joking or “kidding around” becomes harassment when it’s unwelcome, pervasive and hurtful, intimidating, and takes aim at someone’s genetics, culture, age, disability, sexuality, weight, gender, etc. Negative comments, sarcasm, and pestering can create low morale and destroy social connections.

Types of Harassment

- Age
- Gender
- Disability
- Appearance/weight
- Pregnancy
- Ethnicity/Race
- Religious
- Sexual orientation
- National origin/immigration status
- Retaliation

According to the EEOC, although the law doesn’t stop simple teasing, or offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim not wanting to come to work or impacting the victim’s performance in the workplace).

In Washington State, supervisors being can be held liable if their own actions were discriminatory in WA State. Employees have the right to work in a workplace that is free of harassment of any form. **Pass out handout, *Know Your Employee Rights...* (Appendix B).**

Tell the group, “**Here is a great resource from EEOC about employee rights. We will discuss how to report harassment in a later in this training.**”



[For all audiences]

1.8 What is a Hostile Work Environment?

Discuss how harassment does not just affect the victim. It impacts the entire work environment and can lead to a *hostile work environment* which affects everyone. When harassing behaviors are sustained over time, and are intimidating, hostile, or offensive to a reasonable person, and these behaviors impact the individual’s employment or work performance, it creates what is called a **hostile work environment** in which people are uncomfortable and fearful.

Emphasize to participants that an employer can be held liable for failing to prevent these workplace conditions, unless it can prove that it attempted to prevent the harassment and that the employee failed to take advantage of existing harassment counter-measures or tools provided by the employer.



Play Segment 1 on video from 0 – 1:30 min. [This is the introduction and the first scene that shows Juana being harassed by men as she walks from her car to the worksite.]

[PAUSE at 1:30 which is S1P1.]



S1P1: Would you describe this scene as a hostile work environment?

[Yes, for the women being harassed].



Discuss how the whistles and cat calling in this scene are forms of disrespect; how men were laughing, not seeing this as a serious thing; women seemed upset; etc.



Then instruct the group: “Next, we will go into detail about the most common form of harassment associated with a hostile work environment: **sexual harassment**.”

SEGMENT 2

II. UNDERSTANDING SEXUAL HARASSMENT

- Time Required: 15-20 minutes
- White board and dry erase markers for facilitator
- Markers and paper or large sketch pad with easel for groups
- Segment 2 the video, *iBasta! Prevent Sexual Harassment in Agriculture*
- DVD and video player or computer to play video online.
- **Words to Know:** *sexual harassment; quid pro quo; hostile work environment*

Handouts

- Pre-test: How Much Do You Know about Sexual Harassment (Appendix C)
- [90 & 120 min versions] Additional Sexual Harassment Scenarios (Appendix D)
- [for Growers and supervisors] Responsibility and Accountability Checklist for Supervisors and Growers from EEOC" (Appendix E)
- Sample Workplace Sexual Harassment Policy (Appendix G)
- [for growers] EEOC Checklist for Sexual Harassment Work Policy (Appendix F)

Learning Objectives

1. Define sexual harassment.
Describe the two most common forms of sexual harassment, *quid pro quo* and *hostile work environment*.
2. Identify 4-5 factors that contribute to sexual harassment across multiple levels of influence (e.g. personal, interpersonal, organizational, community, and societal/public policy).

3. Explain the impact of sexual harassment on the individual, other employees, on the company, and on society.
5. Review a company's sexual harassment policy and reporting procedures.



[For all audiences]

2.1 How Much Do You Know about Sexual Harassment?



Begin this segment with a pre-test to see what people in the room know about sexual harassment.

[This pre-test activity can be implemented in several ways depending on your location and audience. It can be in the form of a handout or the facilitator can use online polling and quiz tools and apps like Kahoot! (<https://kahoot.com/>) or Poll Everywhere (<https://www.polleverywhere.com>) to turn it into a game. These are free and easy to use websites or apps that allow the audience to use their cell phones to answer questions anonymously (and the audience sees all responses). The facilitator would need to create the quiz or game on Kahoot! or Poll Everywhere prior to the training and participants can go to the website and enter in a code to join the game or respond to the quiz or poll.]



Pass out the pre-test (Appendix C) or provide instructions to the participants on how they can join the Kahoot! or online quiz, ***“How Much Do You Know about Sexual Harassment?”***

Allow the participants 5 minutes to answer the pre-test questions. (Depending on the audience, you may wish to read out the questions and the answer options.) Then go through the items together after playing Scene 3 of the video.



Pre-test content [for all audiences]



Play video from 1:30 - 2:33

Pause at 2:33 [S2P1]



S2P1: What is sexual harassment?

[According to the EEOC, **sexual harassment** is: *unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.*]



Go through the rest of the pre-test questions and facts about sexual harassment as a group.



Is sexual harassment illegal?

[Yes, sexual harassment is considered illegal sex discrimination under the Civil Rights Act of 1964 which is enforced by the EEOC. Consequences can include: Losing your job, paying fines and legal fees, losing your reputation and future employment opportunities, and in some cases, going to prison.]



How prevalent is sexual harassment in agriculture?

Sexual harassment happens in all kinds of workplaces, but it is especially common in agriculture. In fact, compared to other work settings, women who work in agriculture are more likely to be the victim of sexual harassment than women who work in other sectors. Some studies report that 80-90% of women employed in the agricultural industry (vs. 68% outside of ag) are victims of sexual harassment. (Kim et al., 2016; Komineers, 2015).



Who is most likely to be a victim of sexual harassment?

[Even though it is most commonly reported by women, sexual harassment victims can happen to *anyone*, regardless of characteristics such as: gender, ethnicity, age, social class, sexual orientation, citizenship status, and education level. However, the ACLU reports that victims of sexual harassment are more likely to be those who are most marginalized and vulnerable, such as: women of color, transgender women, those who identify as LGBTQ, individuals with lower education and income, individuals who are undocumented, and individuals working in lower wage jobs or work environments with significant power differentials between supervisors and employers, such as in agricultural and domestic services (e.g. housecleaners, home health aids, nannies, etc.).]

The EEOC also reports that:

- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, a family friend, or a nonemployee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.



What are the most common forms of sexual harassment?

According to the EEOC, there are two types of sexual harassment claims:

- 1) **Quid pro quo:** this means "this for that." In this context, it involves expressed or implied demands for sexual favors in exchange for some benefit (e.g., a promotion, pay increase) or to avoid some detriment (e.g., termination, demotion) in the workplace.

Quid pro quo harassment happens usually when someone is in a position of power or authority over another (e.g., manager or supervisor over a subordinate). A clear example of quid pro quo harassment would be a supervisor threatening to fire an employee if he or she does not have sex with the supervisor.

2) Hostile work environment:

As mentioned earlier in this training, a hostile work environment includes speech or conduct is so severe and pervasive that creates an intimidating or demeaning environment or situation that negatively affects a person's job performance. Unlike quid pro quo harassment, this type of harassment can be caused by anyone in the work environment, including a peer, supervisor, subordinate, vendor, customer or contractor.

Examples of conduct that might create a hostile work environment include: inappropriate touching, sexual jokes or comments, repeated requests for dates and a work environment where offensive pictures are displayed.

 **Play video from 2:33 – 3:45 (Scene where Pedro is harassing Juana as she's picking apples.)**

[PAUSE at 3:45 which is S2P2]

 **S2P2: Which type of sexual harassment is Juana experiencing in this scene?**
[hostile work environment; quid pro quo]

 **[For 90 minute session]** In small groups or as a larger group, select one of the additional scenarios in Appendix D [Additional Scenarios] to discuss as a small or large group. For each scenario, discuss: a) whether the situation was sexual harassment; and b) what form of sexual harassment was conveyed. **[Refer to Appendix D for "Additional Scenarios"].**

2.2 Factors that Influence Sexual Harassment



Play 3:45 – 4:32

[PAUSE at 4:32 which is S2P3]



S2P3 What are factors that influence sexual harassment in agriculture?



It's important that those in the training understand that sexual harassment is caused by many different factors. Some are at the individual level and some are at the interpersonal, community, organizational and public policy levels. Write these 5 different levels on the board.



In small groups or as a large group, take a few minutes to brainstorm all of the factors that you think influence sexual harassment in the agricultural worksite.

There are many factors that lead to and perpetuate sexual harassment. Have participants brainstorm factors in groups using the markers and paper provided. After 5-10 minutes, have each group report out 3-4 of the factors they listed. Categorize these by the 5 levels of influence, including: the individual, interpersonal, community, organizational, and societal/public policy levels.



Refer to the multi-levels of influence table(e.g. social ecological model) in Appendix A of this guide as well as on the facilitator's Powerpoint® slides.

Some example factors include, but are not limited to: **societal attitudes about women and gender** (societal/public policy level); **a person's education level** (individual level); **disrespectful behaviors modeled by peers, family and friends** (interpersonal); **gender and racial inequities**; (societal/public policy); **abuse of power in the**

workplace (organizational); **negative workplace culture** (organizational); **poor and unsafe working conditions** (i.e., working in remote areas alone with few coworkers) (organizational); **and lack of laws that require employers to provide sexual harassment policies or prevention efforts** (societal/public policy).

2.3 Workplace Policies on Sexual Harassment

 Take a few minutes to review and discuss the importance of worksite policies relating to sexual harassment. Either hand out the employer's policy or the sample EEOC policy specific to sexual harassment. [Be sure these are translated into Spanish or another language if needed or read parts or all of it aloud.]

 [for employees]

 **Are you familiar with your company's policy on sexual harassment? Let's take a look at it.**

[Pass out employer's policy and review it or sample policy- Appendix F].

  [for employees and supervisors]

 **Does your company have a sexual harassment policy? Is it posted for employees to read? Does your policy follow EEOC guidelines?**

 **Pass out the Checklist for Sexual Harassment Policy Guidelines by EEOC [Appendix F].**

2.4 Effects of Sexual Harassment



[for all audiences]

Refer the group discussion back to the last scene, and pose the question:



How do Pedro's actions threaten not only Juana's well-being but the well-being of her colleagues and the entire company?

Effects on the victim: Pedro's behavior is making Juana feel uncomfortable and is causing a hostile work environment for her. The continued threat and fear about the situation can lead to post traumatic stress for Juana as well as other negative physical and psychological effects.



Share the following with the group

The impact of sexual harassment on the victim can be physical, psychological, financial, and social. Research has shown that victims experience common physical effects such as: trouble sleeping, shaky hands, headaches, panic attacks, pain from injuries, sexually transmitted infections, and pregnancy (Kim, Breckwich-Vásquez, Torres, Nicola, & Karr, 2016; Kominers et al., 2015).

Psychological effects include post-traumatic stress disorder, depression, flashbacks, anxiety and fear, grief, guilt, eating disorders, substance abuse, suicidal thoughts. These physical and psychological effects can impact job performance and the person's usual routine putting them at risk for losing their job.

Also, being sexually harassed is an emotionally and socially isolating experience as coworkers may gossip and start rumors, blaming the victim for provoking the perpetrator. (Kim et al., 2016). The stigma women face and the lack of cohesion and support among co-workers makes it difficult for them to seek help (Kim et al., 2016).



Effects on the harasser:

Sexual harassment also impacts the harasser. The harasser's behavior is illegal and is punishable by law; the person risks losing their job, facing criminal charges, legal proceedings, and damaging their reputation as well as their relationships.

Impact on the worksite and employer:

Sexual harassment also impacts the entire workplace. Employers face legal liability and financial loss, along with a number of other negative side effects, including: damage to the company reputation; negative press and media coverage, decreased trust by employees, possible layoffs, loss of morale, employee turnover, loss of productivity, and loss of consumer trust. Disrespectful behaviors in the workplace, if left unchecked, create conditions for sexual harassment to occur.



*Note about Liability of the company:

According to the EEOC, an employer is subject to vicarious liability for unlawful harassment if the harassment was committed by "a supervisor with immediate (or successively higher) authority over the employee," or, if the company fails to promptly investigate or take action to address a complaint of sexual harassment. Employers can also be liable if they do not have a sexual harassment policy or enforce it, and/or if there is retaliation against an employee by their supervisor or administrator for filing a sexual harassment complaint.



Refer growers and supervisors to the handout, "*Checklist for Supervisors and Growers from EEOC*" in Appendix J.



[for employers and supervisors]



"How many of these strategies have you already included in your workplace?"

2.5. Confronting Sexual Harassment



[For all audiences]



Play 4:32-4:47.

Pause at 4:47 which is S2P4.



S2P4: "What's the first step someone should take if they are experiencing sexual harassment?"

[Although some may try to ignore the unwanted sexual attention, **telling a person to stop is an important first step.** It is critical to make it clear to the harasser that the behavior or actions are offensive and unwanted.]



Explain to the group, just as Juana did in this scene, looking directly at the harasser and saying, "No!" clearly and forcefully may be a

way to stop the issue from going further. However, this may not always be the case. Sometimes saying, "No" is not enough.



Play video from 4:47– 5:06.

Pause at 5:06 which is S2P5. [This is the repeated scene where Juana is telling Pedro, "No!"]



S2P5: What happens when "Saying No is not enough?" [You must then report to your supervisor, or if the harasser is your supervisor, then to human resources.]



Play 5:06 – 5:29. Pause at 5:29 which is S2P6. [Pedro persists in harassing her.]



S2P6: Why does Pedro persist in harassing her?" [Pedro is abusing his power; he thinks he can intimidate Juana to get what he wants]



Play 5:29– 5:57. Pause at Segment 3.



Wrap up this segment by saying, **"Next, we will go into more detail on what you can do to help someone you see being sexually harassed or if you are the victim."**

SEGMENT 3

III. ACTING AS A BYSTANDER & ALLY

- Time Required: 15 minutes
- Resources Needed: facilitator slides, markers and paper (or big sketch pads)
- Copy of *iBasta! Prevent Sexual Harassment in Agriculture* video or media file
- Segment 3 of the video, *iBasta! Prevent Sexual Harassment in Agriculture*
- DVD player or computer with projector
- **Words to Know:** *bystander, ally, respect, workplace climate, harassment, hostile work environment*

Handouts:

- Employer Sexual Harassment Policy or EEOC example (Appendix G)
- Responsibilities for Employers by EEOC (Appendix E)

Learning Objectives:

- Distinguish between the terms “bystander” and “ally”
- Explain how bystanders and allies play important roles in supporting a safe and healthy work environment.
- Identify factors that may prevent someone from taking action to help someone they see being sexually harassed.
- Review steps to take to assist someone who has been sexually harassed.
- Discuss why taking action and serving as an ally against sexual harassment is a benefit to everyone in the workplace.



In this segment, you will help the participants understand the importance of taking action as a bystander and becoming an ally to the person being harassed.

3.1 Bystanders



Some people may not be familiar with the term “*Bystander*.” As such, you could begin the conversation by asking the following questions:



*Have you heard of the term “bystander” ?
For those who have heard of the term,
what does it mean to be a bystander?*

Allow the participants to share their thoughts for a few minutes. Then review the definition of a bystander provided below:

*A **bystander** is a person who is present when an event takes place but isn't directly involved. Bystanders might be present when sexual harassment occurs—or they could witness the circumstances that lead up to it.*

(from the *Rape, Abuse, and Incest National Network*, RAINN.org).

-  Tell participants that you are going to show them a clip from the video as an example.

Play 5:57 to 6:24.

Pause at 6:24 which is S3P1.

[This part of the video is Scene 4 where Pedro, a supervisor, is harassing Juana, while Jose, a bystander, witnesses the situation.]

-  Engage the audience in an active discussion by posing the following questions:



[For all audiences]

S3P1: Do you think Jose should do something to intervene? Why/why not?

[Answers may vary, but Jose could choose to intervene by disrupting the situation and/or reporting it to HR or appointed person at the company since Pedro is his supervisor, too.]

3.2 From Bystander to Ally: Why Say Something if You See Something?

-  Continue the conversation by asking the group:

What do you think the difference is between a bystander and an ally?

-  Allow 1-2 people to share their thoughts and then offer the following definition:

- **Ally:** *A person or organization that takes action to help and support another* (from the Merriam-Webster dictionary).

In simplest terms, an ally is someone who does more than just observe. They provide help and support.

3.3 Ways to Act as an Ally

-  Continue the conversation by posing the following question to the group:



[For all audiences]

What steps could Jose take if he wanted to take action as a bystander and serve as an ally to Juana?

-  List and discuss some of the possible ways for Jose to take action, including the following:

- First, determine if the scene is safe for you to enter, or if you need to help from a distance. Pay attention to your surroundings. Is it safe to enter the scene? If not, you can call for help, 9-1-1, or alert someone in authority at your workplace.
- If you are able to safely intervene, it may not be best to directly confront the harasser. This could escalate the situation. Instead, it may be better to *disrupt* the situation or to *distract* the harasser by asking the victim to do something else away from the scene.
- Ask the person being harassed if they are okay. Help them seek medical care if needed.
- Listen to the victim, but do not press for details. Offer to be there. Your presence can offer the support they need.

- When the time is right, encourage the victim to contact the company's HR contact to report the incident. Volunteer to go with the victim to report it. Remind the person that retaliation by the employer is against the law—regardless of documentation status.
- As a witness, file an incident report with the company's HR contact. If there is no process, or fear of retaliation, contact an outside agency or organization (such as EEOC, WA Human Rights Commission, or Legal Aid). You do not need to provide your name.
- Document what happened. Write down details from what you saw or heard as a bystander to submit when you or the person harassed files an incident report.
- Reassure the person the person harassed that they are not alone. Sometimes we don't know what to say. Here are a few ideas:
 - It's not your fault.
 - I'm sorry this happened.
 - I am here for you. You are not alone.
 - I believe you.
 - How can I help you?
- There are processes and organizations available to help them.
- Share contact information for supporting organizations outside of the company, such as the EEOC, the WA Human Rights Commission, or national organizations like RAINN.org.
- Be patient and compassionate. Remember, the individual may be suffering from depression and/or trauma. Avoid pressing them to engage in activities they aren't ready to do yet.
- Encourage the person to practice self-care during this difficult time.
- Respect your friend or loved one's privacy: Don't tell others what the person harassed tells you. It is important not to share information with others who are not involved.
- If you do need to share information for your friend's safety, get permission by letting your friend know what you will share and with whom it will be shared.



[for grower and supervisors]



What steps can you take as an employer or supervisor to act as an ally, and to ensure that employees, such as Juana and Jose feel safe to report acts of sexual harassment?

Suggested Actions:

- Provide a clear sexual harassment policy posted in English, Spanish, and/or primary language of the employees.
- Require sexual harassment prevention training.
- Hire or appoint someone who is not a supervisor to act as a HR representative or to be the point of contact for employees to file a sexual harassment incident report.
- Provide a confidential space for employees to talk with your appointed HR contact.
- Take all claims seriously.
- Consider implementing a 3rd party reporting system, such as a hotline or reporting mechanism that can be anonymous.
- Investigate all claims filed.
- Protect the identity of the people involved, and remember that retaliation of any kind is illegal.



[For growers and supervisors]



Pass out and discuss the handout, “**Responsibilities of Employers and Supervisors**—by EEOC”, in **Appendix E**.



Share with growers and supervisors that it is important that their company has a clear policy, a confidential and supportive reporting system, and a work environment that is not conducive to or tolerant of sexual harassment, or harassment of any kind. Taking these actions will lead to a healthier workplace, increase productivity, reduce employee turnover, and reduce the company’s legal liability.



Discuss how growers and supervisors can foster a more inclusive workplace by ensuring language barriers do not prevent employees from understanding what behaviors are unacceptable and their expectations to be free from harassment in the workplace. Provide tailored materials and include a facilitator that speaks the primary language of employees or an interpreter.



Play 6:24 – 7:28

Pause at 7:28 which is S3P2. Continue discussion focusing on barriers to action in 3.4.

3.4 Barriers to Taking Action against Harassment



[For all audiences]

Discuss reasons why someone (like José) would not want to intervene.



S3P2: What things might prevent someone from taking action to help someone being sexually harassed?

Possible barriers could include:

- The person might fear of losing his job.
- Face retaliation at work (e.g. reduced hours)
- Fear of deportation
- Risk of getting physically hurt by the harasser
- Fear of harming a company’s reputation
- The harasser is threatening to hurt victim or victim’s family or friends if the victim speaks out

Some thoughts that keep people from acting might include:

- “*I don’t know what to do or what to say.*”
- “*I don’t want to cause a scene.*”
- “*It’s not my business.*”
- “*I don’t want my friend to be mad at me*
- “*I’m sure someone else will step in.*”

Validate what participants are feeling especially when it comes to fear of losing their jobs. Emphasize that retaliation from the company executives, mid-level supervisors, or other employees *is illegal*. Remind employees that, no matter what their immigration status is, they have rights. The witness does not have to provide a name when reporting the incident. Their confidentiality is protected by law and retaliation against them by an employer, supervisor, or colleague is illegal. Witnesses are needed in order to bring these crimes to an end.

3.5 Protection Against Retaliation



[for all audiences]



Continue the conversation by sharing:

"Often, we don't feel right to be involved because we are afraid, or maybe because we don't feel that it is our right to get involved. Perhaps, we are afraid of losing our jobs, or that our hours will get reduced, and

sometimes, we can be afraid of being deported. We might have other reasons, but remember that it is

against the law for your employer to retaliate against you if you report something. Knowledge is power. It is important that you know your rights and how to exercise them."

If a boss or someone in HR knows about the harassment, or *should* know that you are being harassed, legally, they must take **prompt** action to try to stop the behavior, investigate the harassment, and make sure it doesn't happen again. Also, they cannot allow you to become a target of retaliation. Otherwise, this is another form of harassment that is illegal.

Refer back to the handout, ***Know Your Rights as an Employee (Appendix B).***



Play 7:28 to 7:51 (to end of segment)
Pause at 7:51 which is end of Segment 3.



S3P3: Why is reporting sexual harassment so important?

Sexual harassment is a form of sex discrimination and is illegal. Companies need to know what is happening in order to stop it as well as prevent it. By reporting it to your supervisor, to someone in HR, or to the

appointed person in the workplace, you are taking an important first step to stopping it and to preventing it from happening to others.

For justice to be done it's important to follow the company's reporting structure and to document what happened with your supervisor or the appointed HR representative.

3.6 Benefits of Allyship



End the discussion with referring back to the concept of *workplace climate* discussed in Segment 1. Then pose the following question:



How is taking action when you see someone being harassed a benefit to everyone in the workplace?

[Some possible responses include: it creates a supportive work environment where sexual harassment is not tolerated; helps to increase accountability and transparency for employer and employees; improves workplace climate; may improve productivity and the bottom line.]

Remember, things like supporting someone's account of what happened, helping someone fill out a form or serving as a witness can have a huge impact on a person's life and well-being. Your actions also support the employer and the employer's reputation when sexual harassment is addressed quickly, the process is followed, and everyone does their part.



Transition to the next segment by telling the group, something like:

"Now we will turn our attention back to the video with Juana and Jose to see what actions each decides to take."

SEGMENT 4

IV. REPORTING SEXUAL HARASSMENT

- Time Required: 15-20 minutes
- Resources Needed: facilitator slides, markers and paper (or big sketch pads)
- Segment 4 of *iBasta! Prevent Sexual Harassment in Agriculture* video
- DVD player or computer with projector
- **Words to Know:** *incident report; retaliation*

Handouts:

- Responsibility and Accountability Checklists for Employers from the EEOC in Appendix E.
- A copy of the employer's sexual harassment policy or example from EEOC in Appendix F
- Copy "What to Do If You are Harassed at Work—Tips from EEOC" in Appendix G.
- (Optional) An example incident report in Appendix H.

Learning Objectives:

- Summarize steps to take to report sexual harassment.
- Review a company's sexual harassment policy or a sample policy by the EEOC.

4.1 Reporting Sexual Harassment

In this next segment, you will engage the participants in discussion about how to report sexual harassment at the workplace, with community partners, and legal authorities.



Share the following: "Now that we have reviewed how to become an active bystander and ally, it is time to identify time to identify the reporting protocol for sexual harassment at your workplace."



Play video from 7:51 – 8:36.
Pause at 8:36 which is S4P1.



S4P1: What's the first step Juana should take to report sexual harassment?
[Report to her supervisor unless that is the Harasser.]



Review the current reporting practices for sexual harassment in the workplace.

[If the supervisor is the harasser, then, Juana should go to HR or the person appointed by the company to report sexual harassment. She could also tell someone who she trusts, like a co-worker, a friend, or a family member. It is also important to document the details.

The employer should take complaints seriously and investigate promptly while reassuring the employee filing a complaint of sexual harassment that there will be no retaliation.

It's important to document the details of what happened with your supervisor or HR contact.]



[for all audiences]

By show of hand, how many of you are familiar with procedures for reporting sexual harassment?

[It's important that you know your workplace sexual harassment policy and that your employer make it clear and available to you.]



[for all audiences]

Who is that appointed person to report sexual harassment to at your workplace?

[Identify people by name as well as by role in the workplace.]



Play 8:36 -9:23. Pause at 9:23 which is S4P2. [Juana tells manager, Miguel]



S4P2: What should Juana do next?

[Report it to human resources or to Miguel's supervisor. Or, if no one is supportive, she can report it to an outside agency, such as the EEOC, WA Human Rights commission, or NW Justice Project.]



Continue the discussion by posing the following questions:



[employers/growers] To increase prevention efforts and to reduce risk of company liability, it is best to assign and to train more than one person (not a supervisor) to be an

appointed advocate to handle sexual harassment reporting.



[to supervisors]: As a leader, it is important for you to understand and to comply with sexual harassment reporting protocols at your workplace. Take all claims seriously and file reports in a timely manner. You must keep all information confidential and do not discuss the case with anyone other than your supervisor or HR. Otherwise, you may be held responsible for violating an employee's right to privacy. This may cause the person harassed more harm or retaliation.



It's also important to acknowledge that **not all** supervisors behave like Miguel in this scene.

4.2. Employer Responsibility and Accountability



[for all audiences]



What happens to the employer if they fail to take a report of sexual harassment seriously? [The company could be held liable.]



Inform the participants that according to the EEOC, the employer is automatically liable for harassment by a supervisor that results in a negative employment action such as termination, failure to promote or hire, and loss of wages.



[for growers and supervisors]

If harassment toward the employee continues, and/or results in a hostile work environment, the employer can avoid liability only if they can

prove that: 1) it reasonably tried to prevent and promptly correct the harassing behavior; and 2) the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer.

The employer will be liable for harassment by non-supervisory employees or non-employees over whom it has control (e.g., independent contractors or customers on the premises), if the employer knew, or should have known about the harassment and failed to take prompt and appropriate corrective action.

 Refer back to Appendix E: ***“Responsibility and Accountability Checklists for Employers from the EEOC”*** (Appendix E).

4.3 Steps for Reporting Harassment

 Continue discussing steps of reporting sexual harassment.



[For all audiences]

[Answers will vary, but the next step would be for Juana to report it to HR or someone even higher up than her supervisor.

 **[Play 9:23 to 10:25. This is Juana and Jose reporting her harassment to Human Resources.**

Pause at S4P3 which is 10:25.

S4P3: Steps to Reporting from EEOC.



After watching the clip, go over the handout, ***What Should You Do If You are Being Harassed at Work-Tips from EEOC***, in Appendix H.

There is also a wallet card with helpful information about how to report harassment in the Toolkit

What Should You Do if You Are Being Harassed at Work?

Tips from the EEOC

- 1) If you feel comfortable doing so, tell the person who is harassing you to stop.
- 2) If you do not feel comfortable confronting the harasser directly, or if the behavior does not stop, follow the steps and guidance below:
 - a. Check to see if your employer has an anti-harassment policy. This may be on the employer's website. If it's not, check your employee handbook. Finally, you can ask any supervisor (it does not have to be your supervisor) or someone in Human Resources (if your employer has an HR department) whether there is an anti-harassment policy and if so, to give you a copy.
 - b. If there is a policy, follow the steps in the policy. The policy should give you various options for reporting the harassment, including the option of filing a complaint.
 - c. If there is no policy, talk with a supervisor. You can talk with your own supervisor, the supervisor of the person who is harassing you, or any supervisor in the organization. Explain what has happened and ask for that person's help in getting the behavior to stop.
 - d. Fill out an incident report and provide it to your supervisor or HR person. If you need help reading or filling out the form, you may bring someone with you that can help, or ask your employer to do so. DO NOT sign anything you do not understand.
 - e. The law protects you from retaliation (punishment) for complaining about harassment. You have a right to report harassment, participate in a harassment investigation or lawsuit, or oppose harassment, without being retaliated against for doing so.
 - f. You always have an option of filing a charge of discrimination with the EEOC to complain about the harassment. There are specific time limits for filing a charge (180 or 300 days, depending on where you work), so contact EEOC promptly.
 - g. To file a complaint, you can contact the EEOC in person, by phone, or in writing. This conversation is confidential. You can find more information on the EEOC website.

1-800-669-4000

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

info@eeoc.gov

4.4 Details and Documentation



[for employees]



[For all audiences]



Continue the discussion by asking:



What kinds of things should someone being harassed write down to report what happened?

[Details like: name of the harasser, day, time, and location of when the incident took place. Give specifics about what happened as well as names of any witnesses you told or who saw what happened. If you need help writing it down, ask a friend or family member to assist.]



Remind participants never to sign anything they do not understand. They have the right to ask someone they trust to read and to interpret it for them.



Spend a few minutes discussing why documentation matters and to whom they should report the incident by asking the following:



Why does documentation matter so much?

[As is the case with reporting other crimes, providing as many details as you can recall in your statement will help those investigating the case determine if a particular person or party is guilty or innocent.]



Besides human resources, a supervisor, or the designated person who handles sexual harassment at your workplace, who else could someone being harassed tell? [Tell someone you trust, like a loved one or a friend.]



OPTIONAL: Share an example of a harassment incident report (see **Appendix I** and refer to **Powerpoint slide**) which can help to further demonstrate what information is typical to provide when submitting a report to your employer or to the EEOC.



Help the participants to think about who in their lives could help them.



Wrap up this segment and transition by saying:

"Let's move on to our last segment and discuss what can be done to prevent sexual harassment."

SEGMENT 5

V. PREVENTING SEXUAL HARASSMENT

- Time Required: 10 minutes
- Resources Needed: facilitator slides, markers and paper (or big sketch pads)
- Segment 5 of *iBasta! Prevent Sexual Harassment in Agriculture* video
- [for Growers] *Growers as Allies for Preventing Sexual Harassment in Agriculture* video in Toolkit
- DVD player or computer with projector.

Handouts:

- *Additional Resources Relating to Sexual Harassment* (Appendix K)

Learning Objectives:

- Describe ways in which growers, supervisors, and employees can help to prevent sexual harassment in agriculture.
- Identify additional resources and organizations that can provide information and support for addressing sexual harassment in agriculture.

5.1 Prevention Takes Teamwork



[For all audiences]

 During this last segment, the participants will explore ways to reduce the risk of sexual harassment in agriculture and learn ways to build and maintain a safe work environment for everyone.



OPTIONAL ACTIVITY (for 120 min version)

In small groups or a large group, brainstorm a list of things participants (employees, supervisors, and/or growers) can do in their role to help prevent sexual harassment. [5 min]

Ask each small group to share 1-2 of their ideas with all of the participants in the room. (10 min).



Before playing the last scenes of the video, discuss prevention strategies by posing the following question:



Who is responsible for preventing sexual harassment? [Everyone in the workplace plays a role in preventing sexual harassment. Everyone needs to do their part to guarantee that sexual harassment won't happen at work.]



Below are key strategies for growers, supervisors and employees to discuss. There may be additional ideas posed by participants.

5.2 Strategies for Growers

 Growers are key to establishing a work environment that prevents sexual harassment. The grower oversees the implementation of a sexual harassment policy and reporting process that is easy to understand by employees and followed.

Refer growers to the *Workplace Sexual Harassment Policy Checklist* by EEOC in Appendix F.

 Share the following with growers:

Establishing protocols within the company is critical to sexual harassment prevention, such as establishing an effective complaint process, and by taking immediate and appropriate action when an employee complains. Supporting organizations such as the EEOC and your state's Grower's League can help provide advice and resources for establishing protocols. Employers should ensure that each claim is investigated and that discipline for harassment is prompt, consistent, and proportionate to the severity of the circumstance.

 [for growers] Providing training to employees in order to minimize worksite hazards including sexual harassment is also a key responsibility of employers.

Providing leadership training and support for supervisors and mid-management will help to reinforce and to support the company mission, values, leadership and expectations, and help supervisors address challenging situations, including harassment in the worksite.

It's also important for growers to be mindful about who they are promoting as supervisors in the

workplace since most sexual harassment claims are against supervisors.

 Other ways to reduce sexual harassment and to improve power dynamics as well as inclusivity in the workplace are to appoint crew leaders or multiple supervisors, and to promote more women into supervisory positions.



[For growers and supervisors]



Do you have any ideas or suggestions that can help improve communication and respect in the workplace?



Allow growers and supervisors to share ideas and underscore how authentic dialogue with employees and supervisors may help to identify issues before they grow. Language barriers can be a huge barrier to reporting, and forms or worksite resources (such as posters) should be in languages understood and spoken by employees.

The *iBasta!Toolkit* provides a few posters and handouts in Spanish and English.



Share the following with growers:

 *"Implementing clear and tough consequences for perpetrators can help to eliminate sexual harassment or at least to reduce it. In the beginning, when you first implement a reporting system, you may see an increase of reporting. That's actually a GOOD thing-because it means it's working. In time, this will pay off. Providing regular anti-harassment training as well as reminders can send a clear message to your employees: sexual harassment is not allowed at your company. Remember, sexual harassment is not only illegal, it also could cost you money, productivity and hurt your business."*



Pass out the handout, ***“Tips for Growers by Growers” in Appendix I.***

Share that the list of tips were developed by growers in WA who are adopting a multi-level prevention approach.



OPTIONAL: Play video clip called, ***“Growers as Allies for Preventing Sexual Harassment in Agriculture”*** that is in the electronic toolkit. [3.45 minutes].



After growers get a chance to review some of the handout (and video clip), ask them:



Is there anything you do at your site that we have not mentioned or is not mentioned in the handout?

5.3 Strategies for Supervisors



[for supervisors]



Ask supervisors the following question:



How can you, as a supervisor, help to reduce sexual harassment in your workplace?



Facilitate a dialogue with supervisors and include the information below:



Most sexual harassment is committed by supervisors toward employees. Supervisors must not abuse their power and should model respect toward others. As a supervisor and leader, it's important to be objective and fair. If you are dating or wish to pursue a romantic

relationships with someone you supervise, you should report this to your employer.

Supervisors should attend company trainings and follow the protocols for reporting sexual harassment if they witness it or are experiencing it. They should also be very familiar with company policies and protocols and follow them.

Lack of communication or miscommunication can hinder a person from reporting sexual harassment. Do your part to ensure that those you supervise understand the company policy on sexual harassment.

Supervisors should also avoid situations where they are alone with employees or in situations where they can cause reason to be accused of sexual harassment.

Supervisors also have a responsibility to report employee claims of sexual harassment to HR or appointed persons and to keep information about the case confidential. If there is a conflict of interest (e.g. supervisor is friends with the accused harasser), that would make the reporting process seem biased, the supervisor should notify their boss/grower or HR contact to appoint someone else to work with the employee to file the claim.

5.4 Strategies for Employees



Employees should be familiar with the company policies, abide by them, and know their rights as employees [refer back to *Know Your Rights!*]

Employees can take an active role as a bystander and report any harassment they witness. They can also serve as an ally for employees who experience sexual harassment they do not witness by helping them to file a report and offering them emotional support and solidarity.



As an employee, you have the right to work in a respectful work environment. All

employees have the right to be treated with dignity and respect, and you should give this same respect to others. Refrain from gossip, provoking others, or contributing to a hostile work environment.

 If you are being harassed, you need not suffer in silence. Document your experience and report it to your HR contact or to the EEOC. [Refer to handout, “What should you do if you are being sexually harassed?” in Appendix G.]

 You also have the right to voice your concerns and to report any act of harassment to your employer without worrying about retaliation.

5.5 Reviewing a Workplace Sexual Harassment Policy



[For all audiences]

 Refer participants to the company’s sexual harassment policy or the example policy from EEOC that is in their folder (Appendix F). If needed, read the policy aloud to them. Ask them if they have any questions about the policy or how to report sexual harassment in their workplace.

5.6 Additional Resources and Wrap-Up

 Wrap up the training by sharing some additional resources to help employees with reporting and supporting someone who has experienced sexual harassment. [Refer them to the handout, “Additional Resources on Sexual Harassment” in Appendix K.]



[For all audiences]

 Play 10:25 – end of video.

 *Do you have any questions or closing thoughts about what we’ve discussed today?*

 Conclude the training by thanking everyone for participating. Explain to them that they will now have the opportunity to complete the short post-test evaluation to reflect on their learning.



Ask participants to complete the post-test survey in their folder and give it to you on their way out. They need not include their name on it.



Summarize key points presented in the last three scenes, and remind the participants that to prevent and reduce sexual harassment, everyone must do more than attend trainings: people must take action. Emphasize that reporting is important to stop these behaviors.

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APPENDIX A

FACTORS THAT INFLUENCE SEXUAL HARASSMENT: A MULTI-LEVEL PERSPECTIVE

There are many factors that contribute to sexual harassment, from a person's beliefs and attitudes about gender and violence to societal norms and public policy (or lack thereof). Therefore, it would be wrong to think that a single worksite prevention curriculum and video are going to eliminate sexual harassment at the worksite entirely. However, education and training are still powerful prevention strategies. Research has shown that one's *knowledge* about sexual harassment influences one's *attitudes* about it, and attitudes influence *intentions*, and intentions lead to *actions and behaviors*.

In order to stop sexual harassment, one must first understand the range of factors that influence it and enable it. Therefore, this curriculum and video use what is called *the social-ecological model (Figure 1)* which is a common framework used in public health and recommended by the Centers for Disease Control and Prevention (CDC).

Many sexual harassment prevention programs fail to achieve significant or lasting results because so many of them only focus on the individual-level or interpersonal factors (Miller, 2017). Research relating to sexual violence prevention has shown that applying a more social and ecological approach to prevention (involving stakeholders at multiple levels of influence) helps to reduce sexual harassment and supports long-term positive change (Banayrd, et al., 2004; Casey & Lindhorst, 2009; Heiss, 1998).

The social ecological model provides a more holistic way of looking at a particular health issue by considering the complex interaction of factors among five levels of influence, including: 1) *the individual*; 2) *interpersonal*; 3) *community*; 4) *organizational*, and 5) *policy/societal*. The overlapping rings in the model illustrate how factors at one level influence factors at another level (see Figure 1).

A brief description of each level of influence with examples are provided below:

1. Individual: A person's traits and identities such as: age, economic status, education level, attitudes, immigration status, religiosity, sexual orientation, and self-efficacy are just some of the many factors at this



Figure 1. Social Ecological Model. Adapted by the Centers for Disease Control and Prevention (CDC), The Social Ecological Model: A Framework for Prevention, <http://www.cdc.gov/violenceprevention/overview/social-ecologicalmodel.html>.

level. These factors have the capacity to affect how a person behaves or how vulnerable a person may be to victimization.

For instance, having less education, financial means, and social power may put someone more at risk for being sexually harassed. Also, a person's immigration status and economic status may prevent them from reporting sexual harassment for fear of losing their job or being deported.

2. Interpersonal: A person's relationships, family, partner/s, friends, work colleagues, and social networks are part of the interpersonal level and have great potential to influence and to prevent sexual harassment.

For example, if someone grows up with sexual violence as part of their family history or disrespect for women as a "norm" in their community or neighborhood, they may believe it is acceptable behavior. The opposite can also be true. Someone's family may be a source of support and good modeling for showing respect to others. Having that social support of friends, colleagues, and/or family may boost one's courage and self-confidence to report sexual harassment.

Furthermore, many farms in Washington State experience language and cultural differences within the workplace, which can create communication challenges between workers, and supervisors, and growers.

3. Community: This level focuses on the physical environment, resources, culture, social norms, and networks between organizations and institutions that make up the local or regional community which social relationships occur. Community factors include such things as: affordable housing options, schools, community leaders, businesses, hospitals, crime, law enforcement, childcare, community norms and collective attitudes; local campaigns, programs, and social services.

An example of a community-level factor that influences sexual harassment would be a local organization such as the Yakima Valley Occupational Industrial Complex (OIC), that provides education and resources for farm workers, growers, and the general public. Another example would be an educational prevention program implemented in middle schools and high schools on the topic on sexual harassment and bystander behavior.

4. Organizational: Institutions and organizations, such as workplaces, neighborhoods, churches, and schools in which social relationships occur also play a role in influencing sexual harassment. Organizations may establish or set policies that encourage or prevent sexual harassment. The geography and "built environment" of the workplace may also be influential.

Some examples of organizational factors are described below:

Physical environment: The physical isolation of a farm worker's job, such as picking in the fields alone, may increase their vulnerability for being sexually harassed. Workplaces may adopt strategies or work structures (such as picking in small teams) that help to reduce the risk.

Social Climate: Additionally, the social climate of an organization is another factor that may contribute to employee morale and behavior. Workplace climate can affect whether someone feels part of a team, welcomed, included, and/or safe—physically and psychologically. Environments that support aggressive attitudes and behaviors toward women can increase the likelihood of sexual harassment occurring.

Need for employee onboarding and training: Establishing and maintaining clear work policies and processes as well as on-boarding and training that support the health and well-being of employees are organizational-level factors that can help to prevent sexual harassment.

Lack of financial resources and human resources. Many farms may lack the resources and capacity required to develop, implement and manage sexual harassment prevention program. Organizational constraints, such as lack of human resources department, makes it challenging to develop workplace policies, provide internal reporting mechanisms, and investigate harassment complaints.

Third Party Contracts: More and more growers are working with farm labor contractors to recruit and hire workers for their farms. Growers need to know they can be held liable for any harassment incidents, they, the supervisors, or any contracted workers or supervisors know or should have known of the harassment and their failure to take immediate and appropriate corrective action.

5. Public Policy/Society: At the broadest level of the model is public policy and societal factors. Laws are developed at local, national and global levels and have the potential to impact large numbers of people (for better or for worse). Societal factors, such as media (e.g. television, film, social media), also influence people's knowledge, attitudes, and behaviors on sexual harassment.

For example, a U.S. law requiring employers to provide sexual harassment training in all work settings would increase the number of individuals receiving sexual harassment prevention training. Another example of a factor at the societal/public policy level is a media campaign created in partnership with farmworkers and growers to raise awareness of sexual harassment and to show how multiple stakeholders are working together to stop it.

Table 1 below provides a snapshot of the various levels of influence and factors, positive and negative, that can contribute to and/or prevent sexual harassment.

TABLE 1. MULTI-LEVEL FACTORS THAT INFLUENCE SEXUAL HARASSMENT

LEVEL	INFLUENCING FACTORS (+/-)
Individual 	<ul style="list-style-type: none"> Characteristics of a person that influence behavior or risk, including: knowledge, attitudes, intentions, family history, gender, age, ethnicity, religious identity, beliefs and rituals, cultural heritage, sexual orientation, economic status, education level, financial resources, values, goals, expectations, self-confidence, fear, etc.
Interpersonal 	<ul style="list-style-type: none"> Formal (and informal) social networks support systems that can influence individual behaviors, including: family, friends, peers, co-workers, religious networks, work supervisors and administrators, mentors, etc.
Organizational 	<ul style="list-style-type: none"> Organizations or social institutions of influence, including: organizational mission and values; workplace policies and processes; employee job satisfaction; physical and social environment; workplace climate and morale; employee onboarding and training; employee retention and turnover; multi-lingual resources and information; employee confidentiality; inclusivity and promotion of women and people of color in the workplace.
Community 	<ul style="list-style-type: none"> Relationships among organizations, institutions, and informational networks that impact social relationships and behavior, including: housing; community organizations, community leaders, schools, businesses, hospitals, and transportation; law enforcement; employment opportunities; schools; churches; prisons; workforce training; resources; local leadership and government; local advocacy and coalitions; prevention programs and campaigns.
Policy/Society 	<ul style="list-style-type: none"> The broad societal factors that help create a climate in which sexual harassment is encouraged or inhibited. Examples include: social and cultural norms around sexual violence, gender, and racism; social inequities; legislation at the local, state, and national levels; health, economic, educational, and criminal justice systems; poverty; colonization and history; misogyny; xenophobia; negative or positive representations of gender; media campaigns, journalism and advertising.

APPENDIX B

TIPS FROM EEOC

The laws enforced by Equal Employment Opportunity Commission (EEOC) provide five basic rights for job applicants and employees who work in the United States. The laws apply to applicants, employees and former employees, regardless of their citizenship or work authorization status. Full-time, part-time, seasonal, and temporary employees are protected if they work for a covered employer. All federal government agencies and most other employers with at least 15 employees are covered by our laws. Most unions and employment agencies also are covered. If you work for one of these employers, you have the right to:

Work Free of Discrimination: You have a right to work free of discrimination. This means that your employer cannot make job decisions because of your race, color, religion, sex (including pregnancy), national origin, disability, age (age 40 or older) or genetic information. This right applies to all types of job decisions, including hiring, firing, promotions, training, wages and benefits.

Complain about Job Discrimination Without Punishment: You have a right to complain about treatment that you believe is illegal job discrimination. Your employer cannot punish you, treat you differently or harass you if you report job

discrimination or help someone else report job discrimination, even if it turns out the conduct was not illegal. We call this your right to be protected from retaliation.

Request Workplace Changes for Your Religion or Disability: You have a right to request reasonable changes to your workplace because of your religious beliefs or medical condition. Although your employer does not have to grant every request, it should carefully consider each request and whether it would be possible.

Keep Your Medical Information Private: The laws enforced by EEOC strictly limit what an employer can ask you about your health. In addition, you have a right to keep any genetic information and medical information you share with your employer private. In general, your employer should not discuss your genetic information or medical information with others. There are very limited exceptions to the confidentiality requirements in the laws enforced by EEOC.

Other Rights: You may have additional workplace rights under other federal, state, or local laws or under your company's own policies. For example, other federal laws require your employer to pay you a minimum hourly wage and to provide you a safe working environment. State and local laws may offer you broader protection than the laws enforced by EEOC, especially if you work for a smaller employer or believe the unfair treatment is because of your age (if under age 40) or some other reason not covered by federal law. Ask your company for copies of any policies that apply to your job.

For more details, check out EEOC's page at <https://www.eeoc.gov/>. Or, call the EEOC at 1-800-669-400.

APPENDIX C

Training Pre-Test

[Note: Facilitator can read out questions and participants can circle their response according to the extent that they agree or disagree with the statement.]

Question	2 = strongly agree (SA) 1 = Agree (A) 0 = Not Sure (NS) -1 =Disagree (D) -2 = Strongly Disagree (SD)
1. Sexual harassment is illegal.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
2. Sexual harassment is a widespread problem in agriculture.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
3. Sexual harassment has an impact on everyone in the workplace, not just the victim.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
4. understand what sexual harassment is and all of its forms.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
5. I understand factors that contribute to sexual harassment.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
6. I understand how to intervene in situations where sexual harassment occurs.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
7. I understand how to report sexual harassment.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
8. I understand my workplace policy on sexual harassment.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
9. I would report sexual harassment if I experienced it.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
10. I would intervene or report sexual harassment if I saw it happening to someone else.	Strongly Agree Agree Not Sure Disagree Strongly Disagree
11. I understand my rights as an employee.	Strongly Agree Agree Not Sure Disagree Strongly Disagree



APPENDIX C (CONT'D)

Training Post Test

[Note: Facilitator can read out questions and participants can circle their response according to the extent that they agree or disagree with the statement.]

Question	2 = strongly agree (SA)	1 = Agree (A)	0 = Neither agree nor disagree (NA)	-1 =Disagree (D)	-2 = Strongly Disagree (SD)
1. Sexual harassment is illegal.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
2. Sexual harassment is a widespread problem in agriculture.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
3. Sexual harassment has an impact on everyone in the workplace, not just the victim.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
4. I understand what sexual harassment is and all of its forms.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
5. I understand factors that contribute to sexual harassment.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
6. I understand how to intervene in situations where sexual harassment occurs.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
7. I understand how to report sexual harassment.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
8. I understand my workplace policy on sexual harassment.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
9. I would report sexual harassment if I experienced it.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
10. I would intervene or report sexual harassment if I saw it happening to someone else.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
11. I understand my rights as an employee.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree
12. (post test only) This training has effectively increased my knowledge about sexual harassment and my willingness to report it.	Strongly Agree	Agree	Not Sure	Disagree	Strongly Disagree

APPENDIX D

Additional Scenarios to Discuss for Segment 2

(for 120-minute version)

1. Is it Sexual Harassment?

- A. Susana got a haircut and colored her hair. When she gets to work the next day and is putting on her bandana, Jesus comes up to her and says, "I like your hair. I think you look very nice." He then says to her, "I almost didn't recognize you and was about to introduce myself." They both laugh, she thanks him and they continue working. **[This is a compliment and does not meet the criteria of sexual harassment].**
- B. Lucy likes to wear yoga pants to work because they are comfortable while she pruning the trees. While they are working on the same row, Leo turns over and tells Lucy, "Those pants make your butt look good." Lucy turns to him and says, "Just do your job and don't be looking at my butt." Leo says, "Come on, it was just a compliment, don't be so uptight." She looks at him and says, "It is my right to demand respect in the workplace. Those kinds of comments are not appropriate in the workplace."

[Although this might be construed by some as a compliment, Lucy, on the receiving end, feels very uncomfortable. Discuss with the group how this situation could escalate and become sexual harassment if these comments are sustained over time or if he touches her. It could also begin a conversation about how women are silenced by telling them they are overreacting or being uptight.]

2. Do this, or else....

Estrella is working in a warehouse packing boxes. She drops an apple. While she is bending down her supervisor comes up in front of her and says, "Nice breasts!" She feels extremely uncomfortable, decides to ignore it, and continues working. She knows that if she were to anger him, he has the power to fire her.

A few days later while she is stacking the crates, Estrella's supervisor comes up again behind her, and says, "Let me help you with that." In that moment, he presses his body against hers while moving the crate over. She feels paralyzed and does not know what to do. He comes around facing her and says, *"If you want to work here in the warehouse, there are certain things you have to do. If you are not ok with it, then I am going to have to hire somebody else."*

Estrella looks down in sadness and contemplates what to do. Since she is a single mother with two children and desperately needs her job, she feels like she has no other choice than to give him what he wants so she can keep her job.



[What type of sexual harassment is occurring in this scenario?

Answer: quid pro quo, or an exchange of sexual favors.]

3. “Uno de esos....” [A situation where a male farmworker is being bullied about his sexual orientation.]

A crew of men are working out in the field. One of the men named Miguel points to a crew of women working three rows across from them, and says, “If you could take your pick, which one would it be?”

Ricardo answers, “Griselda. Have you seen her body?”

Miguel then says, “The things I would like to do to her!”

Miguel and Ricardo then turn to Carlos, a new worker. “I don’t know. I don’t want to play this game.”

Miguel then says, “What is the problem?”

Ricardo chimes in, “Oh, it’s because you are ‘one of those’!”

With a calm voice Carlos says, “I just don’t feel comfortable talking like that.”

Miguel says, “Yes, he’s gay. He must be. Why wouldn’t he want to talk about beautiful women?”

Ricardo bursts into laughter and says, “What a (offensive word to mean gay)!

Carlos does not know what to do. He’s worried Miguel and Ricardo will continue to tease him and taunt him, as well as tell other workers he is gay simply because he did not want to participate that kind of discussion about women.

* “One of those” (Uno de esos) is frequently used in some communities to refer to a member of the gay community.



What type of harassment is happening in this scene?

Answer: This is an example of harassment and a hostile work environment for Carlos, the women being discussed, and others.]

APPENDIX E

Responsibility and Accountability Checklist for Employers

FROM THE EEOC

The first step for creating a holistic harassment prevention program is for the leadership of an organization to establish a culture of respect in which harassment is not tolerated. Check the box if the leadership of your organization has taken the following steps:

- ✓ Leadership has allocated sufficient resources for a harassment prevention effort
- ✓ Leadership has allocated sufficient staff time for a harassment prevention effort
- ✓ Leadership has assessed harassment risk factors and has taken steps to minimize those risks

Based on the commitment of leadership, check the box if your organization has the following components in place:

- ✓ A harassment prevention policy that is easy-to-understand and that is regularly communicated to all employees
- ✓ A harassment reporting system that employees know about and is fully resourced and which accepts reports of harassment experienced and harassment observed
- ✓ Imposition of discipline that is prompt, consistent, and proportionate to the severity of the harassment, if harassment is determined to have occurred
- ✓ Accountability for mid-level managers and front-line supervisors to prevent and/or respond to workplace harassment
- ✓ Regular compliance trainings for all employees so they can recognize prohibited forms of conduct and know how to use the reporting system
- ✓ Regular compliance trainings for mid-level managers and front-line supervisors so they know how to prevent and/or respond to workplace harassment

Bonus points if you can check these boxes:

- ✓ The organization conducts climate surveys on a regular basis to assess the extent to which harassment is experienced as a problem in the workplace.
- ✓ The organization has implemented metrics for harassment response and prevention in supervisory employees' performance reviews.
- ✓ The organization conducts workplace civility training and bystander intervention training.
- ✓ The organization has partnered with researchers to evaluate the organization's holistic workplace harassment prevention effort.

A reminder that this checklist is meant to be a useful tool in thinking about and taking steps to prevent harassment in the workplace, and responding to harassment when it occurs. It is not meant to convey legal advice or to set forth legal requirements relating to harassment.

APPENDIX F

CHECKLIST FOR EMPLOYERS: IS YOUR COMPANY'S ANTI-HARASSMENT POLICY COMPLETE?

An anti-harassment policy is a key component of a holistic harassment prevention effort. Check the box below if your anti-harassment policy contains the following elements:

- ✓ An unequivocal statement that harassment based on any protected characteristics (e.g. gender, age, genetics, citizenship status, sexual identity, etc.) will not be tolerated
- ✓ An easy-to-understand description of prohibited conduct, including examples
- ✓ A description of a reporting system - available to employees who experience harassment as well as those who observe harassment - that provides multiple avenues to report, in a manner easily accessible to employees
- ✓ A statement that the reporting system will provide a prompt, thorough, and impartial investigation
- ✓ A statement that the identity of an individual who submits a report, a witness who provides information regarding a report, and the target of the complaint, will be kept confidential to the extent possible consistent with a thorough and impartial investigation
- ✓ A statement that any information gathered as part of an investigation will be kept confidential to the extent possible consistent with a thorough and impartial investigation
- ✓ An assurance that the employer will take immediate and proportionate corrective action if it determines that harassment has occurred
- ✓ An assurance that an individual who submits a report (either of harassment experienced or observed) or a witness who provides information regarding a report will be protected from retaliation from co-workers and supervisors
- ✓ A statement that any employee who retaliates against any individual who submits a report or provides information regarding a report will be disciplined appropriately
- ✓ Is written in clear, simple words, in all languages commonly used by members of the workforce



A reminder that this checklist is meant to be a useful tool in thinking about and taking steps to prevent harassment in the workplace, and responding to harassment when it occurs. It is not meant to convey legal advice or to set forth legal requirements relating to harassment. Checking all of the boxes does not necessarily mean an employer is in legal compliance; conversely, the failure to check any particular box does not mean an employer is not in compliance.

***Source: Equal Employment Opportunity Commission at <https://www.eeoc.gov/>**

APPENDIX G

SAMPLE SEXUAL HARASSMENT POLICY AND

REPORTING PROCEDURES

BY WA HUMAN RIGHTS COMMISSION

[EMPLOYER NAME] SEXUAL HARASSMENT POLICY

EFFECTIVE [DATE]

[Employer name] is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. [Employer name's] policy on sexual harassment is part of its overall efforts to provide a workplace free from discrimination and retaliation, pursuant to local, state and federal laws prohibiting discrimination based on age, race, color, creed/religion, national origin, honorably discharged veteran and military status, marital status, disability, sexual orientation, gender identity or expression, and sex, or any other characteristic that is protected by law. This policy is also part of [Employer name's] commitment to diversity and inclusion, and a workplace that is free from harassment, disrespect, and divisiveness.

Sexual harassment and retaliation are prohibited by the Civil Rights Act of 1964, as amended in 1991, and the Washington State Law Against Discrimination, RCW 49.60.

Policy General Provisions

- This policy applies to all employees, applicants for employment, executives, owners, board members, managers, supervisors, interns and volunteers (whether paid or unpaid), contractors, vendors, customers and all persons conducting business with [Employer name]. This policy applies to all persons regardless of their immigration status. In the remainder of this document, the term "covered persons" refers to this collective group.
- Sexual harassment will not be tolerated. Sexual harassment includes harassment on the basis of sex (including pregnancy, related medical conditions, and breastfeeding, gender identity or expression, sexual orientation, or any other category protected by applicable local, state or federal laws). Any person covered by this policy who engages in sexual harassment or retaliation will be subject to corrective action, up to and including termination from employment.

- Sexual harassment is offensive, is a violation of our policies, can be unlawful, and may subject [Employer name] to legal liability. Harassers may also be individually subject to liability, as can supervisor and managers who fail to take action. Covered persons who engage in sexual harassment, including owners, executives, managers, and supervisors, will be subject to corrective action for such misconduct.
- Owners, executives, managers, and supervisors will be subject to corrective action if they fail to take appropriate action when they receive a complaint of, observe, or otherwise become aware of sexual harassment.
- [Employer name] has an obligation to investigate and conduct a prompt and thorough investigation that ensures a fair process for all parties, whenever [Employer name] receives a complaint about sexual harassment, or otherwise becomes aware of possible sexual harassment. [Employer name] will keep the complaint and investigation confidential to the extent possible. When there is a determination that it is likely that sexual harassment occurred, effective corrective action will be taken. All covered persons are required to cooperate with any internal investigation of sexual harassment.
- Harassing behavior does not need to be illegal harassment in order for [Employer name] to take corrective action. [Employer name] will strive to create a workplace free from disrespect, divisiveness, incivility, and inappropriate behavior. Therefore, behavior that could create a harassing environment should the behavior continue or escalate will not be tolerated, and will lead to corrective action.
- Retaliation is prohibited: [Employer name] will not tolerate retaliation against anyone who reports or provides information about possible sexual harassment. Any owner, executive, manager or supervisor who takes retaliatory action against anyone who has reported sexual harassment or who has provided information about possible harassment will be subject to corrective action. Anyone covered by this policy who engages in retaliatory harassment will be subject to corrective action.
- There will be no barriers to accessing the policy or participating in enforcement. All employees will receive training on this policy and the policy will be made available in a variety of languages when necessary so that it can be used and understood by all employees. The policy will also be communicated orally to any person who does not read.

Sexual Harassment Definition

Sexual harassment is defined as unwelcome language or conduct of a sexual nature, or language or conduct that is because of sex, when:

- Such language or conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment (this can happen even if the complaining party is not the intended target of the sexual harassment);
- Such conduct is made either explicitly or implicitly a term or condition of employment; or,
- Submission to or rejection of such conduct is used as the basis for employment decisions.

Sexual harassment includes, but is not limited to, derogatory comments, jokes, or statements; sexual advances; sexually explicit language or stories; or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person even when the harassment is not sexual in nature, but rather is because of the person's gender.

Sexual harassment can include language or conduct against a person of the same sex as the harasser. Any sexually harassing conduct or language will be addressed under this policy, even if it is not a violation of the law. The list below is of examples of harassing behavior; however, it does not cover every type of harassment that will be considered to be a violation of this policy.

Examples of Language and Conduct that is Considered Prohibited Harassment:

- Physical conduct including but not limited to: sexual assault; grabbing, poking, pressing or intentionally brushing up against another person's body; blocking someone's movement or invading their space; touching someone's breast, buttocks, or between their legs; or any other unwanted and intentional physical contact.
- Visual conduct including but not limited to: leering; sexual gestures; displaying of sexually suggestive objects, pictures, cartoons, posters, screen-savers, or websites.
- Verbal conduct including but not limited to: sexually derogatory comments, epithets, slurs and jokes; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; derogatory comments related to gender or stereotypical gender roles; subtle or obvious pressure for unwelcome sexual activities; sexually suggestive or obscene letters, notes, emails, or texts; conversations, stories, comments or jokes about a person's sexuality or sexual experience; unwelcome questions about a person's sexuality or gender identity or expression.
- Asking a co-worker on a date multiple times if the request was unwelcome;
- Verbal abuse or joking concerning a person's gender characteristics such as vocal pitch, facial hair or the size or shape of a person's body.

- Offering an employment benefit (such as a raise, bonus, promotion, assistance with one's career or better working conditions) in exchange for sexual favors, or threatening an employment detriment (such as termination, demotion, worse working conditions, or disciplinary action) when a person refuses to engage in sexual activity.
- Sending sexually related, sexually derogatory, or sexually suggestive text messages, videos or messages via social media.
- Physical or verbal abuse concerning an individual's gender or the perception of the individual's gender.
- Making or threatening retaliatory action after receiving a negative response to sexual advances.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, or the status of being transgender, such as:
 - Interfering with, destroying or damaging a person's work, workstation, tools or equipment, or other interference with the individual's ability to perform the job;
 - Ignoring or ostracizing them;
 - Yelling or name-calling.
- Degrading comments in the form of sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how persons of a specific sex should act or look.
- Other actions not listed above could constitute sexual harassment and/or a violation of this policy and be subject to corrective action.

Location and Timing of Behavior

Sexual harassment is not limited to the physical workplace. It can occur during travel, at events sponsored by [Employer name], or via phone, email, text, or social media. Such behavior can also occur outside of scheduled work time. Covered persons who engage in sexually harassing conduct outside of the workplace or outside of work hours will be subject to corrective action.

Responsibilities of Persons Covered by this Policy

- Each covered person has the responsibility to refrain from sexual harassment that impacts the workplace. The harasser will be subject to corrective action up to and including termination from employment in accordance with [Employer name's] disciplinary policy.
- Any covered person who believes they have been the target of sexual harassment or witnesses sexual harassment, is encouraged to follow [Employer name's] Reporting Procedure to report the sexual harassment.

- The covered person does not need to confront the harasser in order for a complaint, investigation, and corrective action to take place. A covered person who experiences sexual harassment may, if they choose to and can do so safely, inform the harassing person that such conduct is unwelcome and offensive and must stop.
- Employees shall familiarize themselves with this Policy and the Reporting Procedure, and attend all required sexual harassment trainings.

[Employer name] Responsibilities

- [Employer name], including owners, executives, managers, and supervisors, are ultimately responsible for maintaining a workplace free from sexual harassment.
- Owners, executives, managers and supervisors must take sexual harassment seriously, and take prompt and effective action when they receive a complaint, observe harassment, or otherwise become aware of possible harassment. All management and supervisory personnel will follow [Employer name's] Investigation Procedures, and all management and supervisory personnel will cooperate with an investigation.
- Managers and supervisors are required to follow [Employer name's] Investigation Procedures when they receive a complaint, see possible harassment, or otherwise become aware of possible harassing behavior. In such circumstances where a person discloses sexual harassment but does not want to make a formal complaint, or when the complaining party changes their mind and retracts the complaint, the manager or supervisor is still obligated to act upon the information and follow the Investigative Procedures.
- Retaliation against those who report sexual harassment or who participate as a witness to a complaint is prohibited. If a supervisor or manager sees any retaliation or retaliatory harassment toward an employee, they must report this conduct to [the appropriate person or entity who receives and investigates complaints]. If an owner, executive, supervisor, or manager engages in retaliation, they will be subject to corrective action.
- Owners, executives, managers, and supervisors shall familiarize themselves with this Policy and the Reporting Procedure, and attend all sexual harassment training for managers and supervisors. Owners, executives, managers, and supervisors shall be able to understand and recognize sexual harassment, and should be able to provide information and direction to employees regarding sexual harassment, the Policy, and the Reporting Procedure.

Distribution of Policy

This Policy and Reporting Procedure shall be distributed annually to all employees and will be provided to employees upon hire and promotion. This Policy and Reporting Procedure will be distributed and displayed in multiple languages when necessary for the policy to be understood **and used by everyone, and provided orally to persons who cannot read or those who cannot read above a 6th grade reading level.**

Reporting information will be prominently posted in all work locations, shall be posted in [any applicable areas, such as the break room, locker room, etc.], and will be available online at [insert website address].

External Process

Reporting harassment to employer does not stop a covered person from also making a complaint in a different forum. All covered persons have the right to file a discrimination, harassment, and/or retaliation complaints with outside agencies, such as the Washington State Human Rights Commission (WSHRC) and the United States Equal Employment Opportunity Commission (EEOC). There may also be applicable local laws preventing harassment and county or city agencies that can investigate claims of harassment.

WSHRC www.hum.wa.gov 1-800-233-3247

EEOC www.eeoc.gov 1-800-669-4000, 1-844-234-5122 (ASL Video Phone)

Retaliation

Retaliation is unlawful under federal, state and applicable local laws. The Washington State Law Against Discrimination (RCW 49.60) protects any individual who has engaged in “protected activity”. Protected activity occurs when a person has:

- Made a complaint of sexual harassment, either internally, with an administrative anti-discrimination agency, or filed a lawsuit about harassment;
- Provided information, testified or assisted in a proceeding involving sexual harassment;
- Opposed sexual harassment by making an oral or informal complaint to management, or by simply informing a supervisor or management of harassment; or
- Reported that another employee has been sexually harassed.

Employees are protected from retaliation and retaliatory harassment from all persons covered by this Policy. Even if the alleged harassment does not rise to the level of a violation of law or of this Policy, the individual is protected from retaliation if the person who engaged in protected activity believed that the behavior was unlawful or a policy violation. However, someone who makes a complaint of harassment that they know is false may be subject to discipline.

Retaliation is any action that could discourage an employee from coming forward to make or support a sexual harassment claim. The action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence for reporting sent via social media or outside of work hours).

Examples of retaliation include but are not limited to:

- Termination or demotion;
- A decrease in hours, removing work, or denying a promotion;
- Being given more work, more difficult work, or undesirable tasks;
- Isolation or transfer to a less desirable location;
- Hyper scrutiny by a supervisor or manager or poor performance reviews;
- Threatening messages sent via social media or text;
- Retaliatory harassment by supervisors or managers, or by co-workers when the harassment is reported to or witnessed by a supervisor or manager. Examples are:
 - Leaving the person out of meetings or work-related events;
 - Refusing to communicate with the person;
 - Spreading rumors about the person;
 - Interacting with the person in a hostile manner that is different from interactions prior to the complaint;
- Disciplinary action based on pretextual reasons;
- Threatening the safety or livelihood of the complaining party's family members;
- Taking a purposefully unreasonable amount of time to investigate the complaint;
- Giving a negative reference.

[Employer name] Sexual Harassment Reporting Procedure

To ensure a workplace free from sexual harassment, everyone should take collective responsibility for ending sexual harassment in the workplace, and is encouraged to report sexual harassment. [Employer name] will not be able to prevent or correct sexual harassment unless it is aware of what is happening.

Please review the Policy and definition of sexual harassment found within it. All references to “sexual harassment” below are based on that definition.

Reporting Methods

1. If an employee feels that they are being sexually harassed or witnesses sexual harassment by another employee, owner, executive, manager, supervisor, or any other person covered by this Policy, they are encouraged to immediately contact one of the following to make a complaint:
 - a. [supervisor/ human resources/other job title at telephone number/email]
 - b. [supervisor/ human resources/other job title at telephone number/email]
 - c. [Names and titles and phone numbers/emails of additional contact persons.

It is a best practice to include multiple avenues for reporting, one of which is *outside of the company*].

- d. [800 complaint line, drop box, or on-line complaint reporting method] An employee can make an anonymous report. Anonymous reports will be investigated with the same procedure and timeliness as other reports. However, **[Employer name's]** ability to investigate and respond to allegations and to provide feedback may be limited in a situation involving an anonymous complaint.
2. Any owner, executive, manager, supervisor, or human resources representative can also receive the complaint.
3. All complaints of sexual harassment, including an oral complaint, or a complaint in a language other than English, will be investigated. **[Employer name]** will make a complaint form available for employees to report and file complaints. However, a complaint will still be investigated when the form is not used.
4. Any complaining party or witness who believes that they are being retaliated against for making a complaint or participating in an investigation is encouraged to follow the Reporting Procedure set forth above to make a complaint of retaliation.

APPENDIX H

What Should You Do if You Are Being Harassed at Work?

Tips from the EEOC

- 1) If you feel comfortable doing so, **tell the person who is harassing you to stop.**
- 2) If you do not feel comfortable confronting the harasser directly, or if the behavior does not stop, follow the steps and guidance below:
 - a. **Check to see if your employer has an anti-harassment policy.** This may be on the employer's website. If it's not, check your employee handbook. Finally, you can ask any supervisor (it does not have to be your supervisor) or someone in Human Resources (if your employer has an HR department) whether there is an anti-harassment policy and if so, to give you a copy.
 - b. **If there is a policy, follow the steps in the policy.** The policy should give you various options for reporting the harassment, including the option of filing a complaint.
 - c. **If there is no policy, talk with a supervisor.** You can talk with your own supervisor, the supervisor of the person who is harassing you, or any supervisor in the organization. Explain what has happened and ask for that person's help in getting the behavior to stop.
 - d. **Fill out an incident report and provide it to your supervisor or HR person.** If you need help reading or filling out the form, you may bring someone with you that can help, or ask your employer to do so. DO NOT sign anything you do not understand.
 - e. **The law protects you from retaliation (punishment) for complaining about harassment.** You have a right to report harassment, participate in a harassment investigation or lawsuit, or oppose harassment, without being retaliated against for doing so.
 - f. **You always have an option of filing a charge of discrimination with the EEOC to complain about the harassment.** There are specific time limits for filing a charge (180 or 300 days, depending on where you work), so contact EEOC promptly.
 - g. **To file a complaint, you can contact the EEOC in person, by phone, or in writing.** This conversation is confidential. You can find more information on the EEOC website.

1-800-669-4000

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

info@eeoc.gov

Other state contacts: WA Human Rights Commission (800) 233-3247 & Northwest Justice Project: 888-201-1014



APPENDIX I

EXAMPLE INCIDENT FORM FOR REPORTING WORKPLACE SEXUAL HARASSMENT OF FARMWORKERS

INSTRUCTIONS: Information shared with the organizations included in this will remain strictly confidential to the extent allowed by law.

Some organizations such as state agencies and educators are required to disclose identifying information. After you complete the following form, send a copy of the referral form with a date and county of the referral for record tracking purposes to the WA Human Rights Commission.

(Please provide all available information for the informant/victim)

Name: _____

Mailing Address: _____

Telephone number: _____

Email address: _____

Sexual Identity: Female Male Transgender Gender Fluid

(Please provide information about the person completing the referral)

Name: _____ Agency/Office: _____

Telephone number: _____ Email address: _____

PROBLEM(S): (Mark all that apply):

- Sexual Violence: Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work.
 - Sexual violence includes a wide range of acts, from sexual harassment to forced sexual penetration or a variety of acts of coercion that can include social pressure and threats of use physical violence.
- Sexual Assault: any sexual contact that occurs without the express consent of the recipient. Whether the recipient is physically forced, or coerced to participate, or has refused or is unable to give consent, sexual assault is a serious crime.
 - As a violent crime, sexual assault includes acts of rape, forced kissing or fondling, other non-consensual sexual acts, and child sexual abuse. To explore this concept, consider the following sexual assault definition.
- Harassment: the repetitive unwanted attention of a sexual nature or recurring unwanted attention based on sex. Sexual harassment can be spoken, bodily, or visual. It can happen to women, men, transgender, and nongender-conforming people, and it is not constrained by sexual orientation.
 - Examples of sexual harassment include any unwelcome comments, demeanor, or actions regarding sex, gender, or sexual orientation. Sexual harassment in the workplace is a type of discrimination.
- Threats
- Prefer Not to Say

Keeping in mind the privacy and safety of the victim, please check the preferred method of referral contact. Check all that apply.

The informant/victim prefers to be contacted by:

- Telephone / Text Message
- With a message from someone that says the call is from an agency/office that can offer help
- With a message from someone that says the call is from an agency/office that can offer help
- With a message from someone who only leaves their name and telephone number
- Only a phone call with no voicemail or text message
- Email
- Have an agency/office that can offer help visit the victim
- The person that completed this form, or someone that the victim trusts and can be a safe contact:

Name of support person: _____

Mailing Address: _____

Telephone number: _____

Email: _____

The informant/victim prefers to receive no contact and only wants to make an anonymous tip.

COMMENTS (Provide a general details):

APPENDIX J

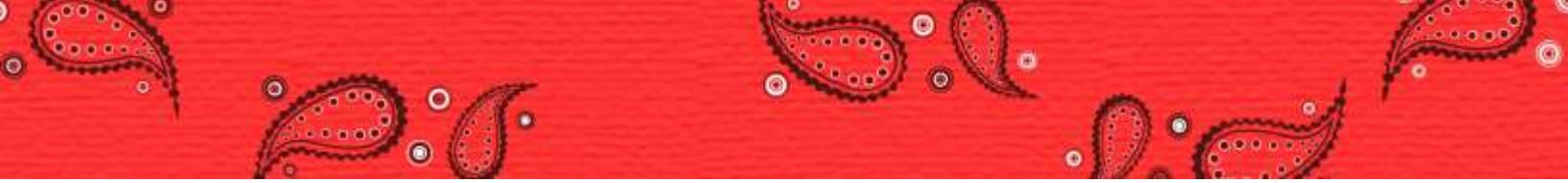
PREVENT SEXUAL HARASSMENT IN THE WORKPLACE:

TIPS FOR GROWERS BY GROWERS*

1. Provide a clear standard operating procedure (SOP) manual, describing policies regarding sexual harassment, work rules and expectations.
2. Create and facilitate a consistent onboarding process for employees, that includes a SOP manual and sexual harassment policies.
3. Keep in mind, most conflicts in the workplace are because of miscommunication:
 - a. Be clear about ways to communicate with one another in order to avoid miscommunication.
 - b. Respect and acknowledge different cultural perspectives.
 - c. Be mindful of your own implicit bias and attitudes toward factors such as: gender, age, ethnicity, religion, education, skills, income, weight, sexual orientation, physical appearance, etc., and how this bias may influence your decision making or treatment of others.
4. Refer to employees by their legal or preferred names and require employees and supervisors to use an individual's preferred name. Nicknames assigned by others can be negative and disrespectful.
5. To help facilitate your employee trainings and onboarding, hire an experienced bilingual facilitator or interpreter who has worked in agriculture to help facilitate training sessions with employees so everyone may fully understand policies, expectations, and guidelines.
6. When providing training on sexual harassment to your employees, ask someone who has experience leading sexual harassment trainings, preferably someone who is bi-lingual and who has expertise. This individual may need to be someone outside of your organization, not your staff. If needed, contact your local Grower's League or EEOC for recommendations.
7. Conduct annual sexual harassment training for everyone, including supervisors/crew leaders.
8. Keep sexual harassment training for employees and supervisors separate.
9. Improve power dynamics at the worksite by appointing multiple crew leaders rather than one person.
10. Host regular supervisor meetings to improve worksite communication, discuss any potential problems, and ensure that crew leaders are clear about knowledge and enforcement of policies.

11. Utilize services and expertise from organizations such as the Equal Employment Opportunity Commission (EEOC) and the Washington Grower's League. They can help you navigate policies and regulations.
12. Consider how the physical work environment and social environment may influence sexual harassment in the workplace and make adjustments:
 - Consider crew structure and how it may influence harassment (e.g. creating family crews).
 - Strive to reduce worker isolation.
 - Consider implementing some kind of alert system for workers in the field.
 - Include posters (from the Toolkit) in the workplace at drinking spots or bathrooms as reminders.
 - Encourage bystander support for reporting sexual harassment.
 - Avoid alcohol on site; provide limit of drinks for work events.
 - Prohibit photos, pictures and posters displayed in the workplace that may contribute to a hostile work environment.
 - During onboarding, emphasize that taking or viewing sexually-oriented images, videos or text during working hours is prohibited.
13. Establish and maintain clear processes for addressing problems in the workplace, including sexual harassment reporting and investigation:
 - Post the company's sexual harassment policy somewhere where everyone can read it (in multiple languages as needed).
 - Appoint someone in the workplace (e.g. HR rep., trusted employee, promotora, etc.) who is not a supervisor, owner, or manager to serve as a contact person or advocate for employees to report concerns or incidents.
 - Provide a confidential/ safe place at the worksite to discuss employee matters of a private nature.
 - Provide employees with an incident reporting form that includes information such as the time of incident, date, place, employees involved, and witnesses.
 - Ensure reporting and investigation process ensure objectivity and confidentiality.
 - Ensure there is follow-up with the employee after a report is filed, by appointed the HR representative or assigned advocate or third party to keep the employee updated about the status of the investigation.
14. Provide equal enforcement of policies among all employees:
 - a. Do not give preferential treatment or uphold policy for some but not others.
 - b. Set the example for your employees as a leader and uphold workplace policies.
15. Listen. Take every complaint or concern seriously and follow established processes for investigation.
16. Strive to create a sense of community and a healthy, supportive work environment for all employees.

**Thanks to Perrault Farms, Zirkle Fruit Company, and WA Grower's League for sharing their insights.*



APPENDIX K

LOCAL AND NATIONAL RESOURCES ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE

Below are several organizations available in the United States that help individuals who have experienced sexual harassment and sexual assault:

Local (Washington State)

- **WA State Human Rights Commission** – Call to report sexual harassment discrimination: (800)233-3247
- **Equal Employment Opportunity Commission (EEOC) (Seattle Office)**--the government agency responsible for enforcing federal laws that make it illegal to sexually harass anyone in the workplace.

Federal Office Building, 909 First Ave, Suite 400, Seattle, WA 98104-1061
M-F 8 am – 3 pm Phone: (206) 220-6884 or +1 (800) 669-4000
- **Northwest Justice Project:** Washington's largest publicly funded legal aid program for those with financial need. There are offices all across Washington State. <https://nwjustice.org>
Call or text (509)225-0026 (text using WhatsApp).
- **Outside of King County**, call 1-888-201-1014 weekdays between 9:15 am - 12:15 pm.
In King County call 2-1-1. 211 is open weekdays 8:00 am - 6:00 pm. 211 will identify and refer you to the appropriate legal aid provider.
- **Yakima Valley Farm Workers Clinic Behavioral Services** - 918 East Mead Avenue, Yakima, WA 98903; Phone: (509) 453-1344
- **Lower Valley Crisis & Support Center Hotline**: (509) 837-6689/ Office: 509-837-6689
- **Comprehensive Healthcare's Aspen Victim Advocacy Services**: Provides services and assistance to victims of domestic violence, sexual assault, human trafficking. (509) 452-9675
- **Other local resources** [write in by HR or training facilitator]:

NATIONAL RESOURCES

- **Rape/Sexual Violence crisis hotlines:**
 - Casa de Esperanza. Hotline: 651.772.1611. En español: Hotline: 800-799-SAFE (7233)
 - Safe Horizon. Hotline: 212.227.3000
- **RAINN (Rape, Abuse & Incest National Network):** The nation's largest anti-sexual violence organization. Call their National Sexual Assault Hotline at: 800.656.4673 (HOPE). Callers will be automatically routed to their nearest sexual assault service provider. Support is available in English and Spanish.
- **National Sexual Violence Resource Center:** <https://www.nsvrc.org/> This site offers a wide variety of information relating to sexual violence including a large legal resource library.
- **National Human Trafficking Hotline-** The National Human Trafficking Hotline connects victims and survivors of sex and labor trafficking with services and supports to get help and stay safe. The National Hotline also receives tips about potential situations of sex and labor trafficking and facilitates reporting that information to the appropriate authorities in certain cases. can be reached at 888.373.7888.
- **National Legal Aid Organizations**
 - National Employment Law Project 212-285-3025
 - Southern Poverty Law Center at 334-956-8200
- **National Farm Worker Ministry-** educate and mobilizes member and supporting organizations, faith communities, groups, and individuals to support farm worker led campaigns that aim to improve farmworkers' working and living conditions. You can find resources and subscribe to their action alerts on their website: <http://nfwm.org> Contact them at: 314-726-6470
- **National Organization for Victim Assistance:** <https://www.trynova.org/> Founded in 1975, NOVA is the oldest national victim assistance organization of its type in the United States as the recognized leader in this noble cause.
- **National Online Resource Center on Violence Against Women:** VAWnet, a project of the National Resource Center on Domestic Violence hosts a resource library home of thousands of materials on violence against women and related issues, with particular attention to its intersections with various forms of oppression. <http://www.vawnet.org/>