



Know Your Rights Resources:

How the Law Defines Discrimination, Harassment and Retaliation

Discrimination in employment occurs when you are treated differently or unfairly based on a personal characteristic or status – such as your sex, race, color, national origin, religion, sexual orientation, age and/or disability. Discrimination based on “sex” includes discrimination based on pregnancy or pregnancy-related conditions as well as discrimination based on gender stereotypes, meaning beliefs or assumptions about how people of a certain sex should act or present themselves.

Some examples of discrimination based on sex:

- Your supervisor refuses to train you or assign you tasks that will allow you to develop in your trade, even though he freely allows similarly or less qualified male workers to be trained or assigned those tasks.
- You are assigned to the worst shifts, and not given overtime assignments even as similarly or less qualified male workers are given the better hours and more overtime. You are assigned the task with the shortest employment time frame.

Harassment occurs when you are subjected to unwanted, offensive behavior because of, or based on your sex that is severe or pervasive enough to unreasonably interfere with your work environment or ability to do your job. Sexual harassment can be physical, verbal, or visual in nature, and does not have to be based on sexual desire. Harassment may include unwelcome sexual advances, requests for sexual favors, unwanted touching, or other sexualized conduct directed at you. It also could include making demeaning or hostile comments about women in your presence, or displaying sexist or sexualized images in the workplace.

Some examples of sexual harassment include:

- Your boss demands that you engage in sexual acts with him in order for you to keep your job, or implies that you could get more work if you comply with his requests.
- Your co-workers direct lewd remarks at you, and frequently stare and wolf-whistle at you while you're working and despite your requests, your supervisor does not address it.

Retaliation occurs when an employer punishes someone for opposing or complaining about sexual harassment or discrimination at work, or for supporting someone else's legal claims (such as when you testify or cooperate with an employer's investigation of discrimination or harassment.) Retaliation can include firing an employee, reducing her hours, assigning her less favorable tasks or shifts, or refusing to refer her to more jobs or give her a positive



recommendation because she engaged in the “protected activity” of opposing or complaining about something at work that she reasonably believed was unlawful.

Examples:

- Shortly after you complain about harassment from coworkers to your boss, you are told there is “no more work” for you on a project or site, or you are re-assigned to a job that offers fewer hours.
- Your former employer, superintendent, foreman or shop steward gives a bad reference about you to the union or other contractors after you testify in support of your former co-worker who filed a discrimination or harassment complaint.

