STOP WORKPLACE SEXUAL VIOLENCE!

Assisting Immigrant Survivors of Workplace Sexual Violence

A guide for advocates, organizers and leaders to advance immigrant women's gender equality rights in the workplace

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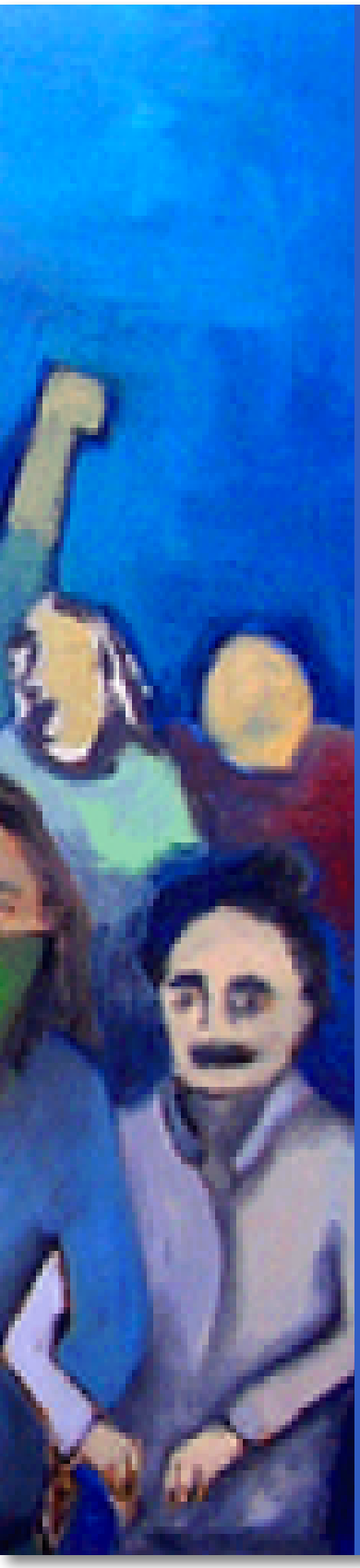
MODULE IV

WHAT EVERY ADVOCATE SHOULD KNOW TO EMPOWER SURVIVORS TO ACCESS JUSTICE



INTRODUCTION

1. Introduction

Identifying and addressing workplace sexual violence often falls through the cracks when service providers, organizers, grass-roots leaders and advocates work with survivors of domestic and sexual violence. Gaps in collaboration between key responders also contribute to under-reporting of such workplace gender violence, and the needs of those who suffer it go unidentified and unaddressed. As a result, immigrant survivors of workplace violence are invisible and marginalized.

Immigrants in the workplace often endure rape, stalking, unwanted touching, exhibitionism, and vulgar and obscene language by supervisors, employers, and others in positions of power. In an informal survey conducted by ASISTA in collaboration with IowaCASA, more than 85% of the immigrant women employed at packing plants in Iowa disclosed being victims of sexual violence in the workplace or being witness to co-workers' victimizations.[1]

This guide highlights the front line reality of immigrant of workplace sexual violence and promotes a model for multidisciplinary collaboration that is essential to addressing this problem. We hope it also encourages movement-building and systemic change, bringing women's rights and labor rights advocates together to identify and challenge this crime. Working together we can help survivors of workplace violence move from the margins to full participation in our society, giving them the tools they need to assert their right to a workplace free from gender-based violence.

The goal of this manual is to cross-train leaders, grass-roots organizers, advocates and attorneys to lead the work to identify, prevent and effectively respond to survivors of workplace sexual violence.

1. http://clas.berkeley.edu/research/immigration-rape-fields

2. About the Contributors

This guide has been prepared by organizers, union leaders, front line advocates, attorneys, psychologists and professors with the goal of encouraging users to organize around safety planning and prevention of sexual violence in the workplace against immigrant women. (See full bios on pages 14-18). We all are inspired by the desire to stop violence, preventing the crime before it happens and alleviating the consequences once it occurs. For more information about the authors please go to our next section.

The information shared in this guide is based on our personal, systemic and institutional experiences. We view this as a living document that will evolve as leaders use it, adapt it and change it for the better.

SEXUAL VIOLENCE IN THE WORKPLACE GUIDE

2016

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1. How to use this guide

This guide has four modules offering a series of tools to use with the accompanying media/interactive manual, as a whole or as a stand-alone educational and informational piece, depending on the topic and the audience.

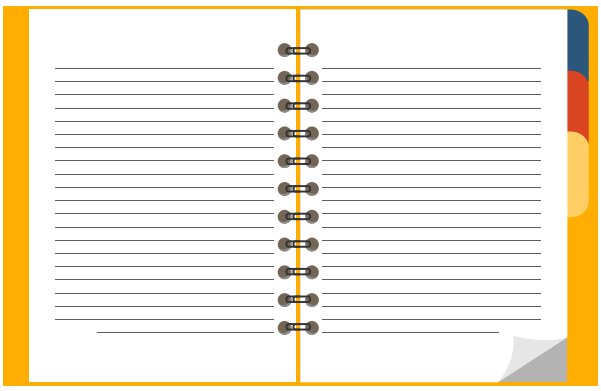
Readers may tailor how they use the guide to the background of the audience, choosing to train on all sections, or selecting specifics modules and activities depending on time, interests and goals of participants. We encourage all readers to use the media materials and skits, since they help raise awareness and start dialogue in a format that engages different adult learning styles.

The first module provides the framework and terms used when discussing gender-violence, setting the stage for exploring how sexual violence manifests in daily life and is interconnected with other forms of oppression against immigrant women. It encourages readers to consider and evaluate a survivor's whole history of victimization, which helps in evaluating how to work towards the long-term survival of traumatic experiences.

The second module addresses the dynamics of workplace sexual violence against-immigrant women. It analyzes the specific challenges and vulnerabilities, facing survivors and discuses how to talk about and develop holistic safety planning.

The third module provides strategies and steps to form coalitions or working groups,to ensure that all stakeholders are represented and develop action-plans to prevent workplace violence. It also discusses educating unions, grass-roots leaders, survivors, women's rights organizations, immigrant advocates and others who may work with this population.

The fourth module offers a summary in plain terms of possible legal remedies for workplace gender violence against immigrant women, including potential relief via criminal, civil and immigration law. It also provides an overview of the structures and options in each area, so women's rights, immigration and labor advocates can understand and navigate these different arenas. It also identifies the key government agencies and their roles. Finally, it suggest how readers may work to empower and support the survivor through the legal processes.



2. About the Author

Sonia Parras Konrad:

Sonia Parras Konrad is Co-Executive Director of ASISTA Immigrant Assistance, a nationwide program that provides immigration technical assistance to front line advocates and attorneys, and she is also in private practice at the Law Offices of Sonia Parras, PLLC.

Sonia is an activist, attorney, and educator on domestic violence issues and legal remedies for immigrant survivors of domestic violence, sexual assault, and human trafficking. She is a national and international speaker on women's rights working in Peru, Guatemala, Mexico, Costa Rica and all over the U.S. Through her work, Sonia strives to promote the organization and leadership of immigrant survivors of domestic violence and sexual assault. Sonia is the author of Rompiendo el Silencio (Breaking the Silence), a manual for Latino community activists organizing against domestic violence and sexual assault, published by the Family Violence Prevention Fund, and Defensa y Promoción de la Mujer Latina (Defense and Promotion of the Latina Woman) published by the National Latino Alliance. In 2002, Sonia worked with the EEOC to represent a number of immigrant women survivors of sexual assault in a class action lawsuit against their employer. The case resulted in a substantial financial settlement on behalf of the survivors (1.5 million dollars). In 2008, Sonia represented more than 70 immigrants detained during one of the largest raids in US history, in Postville, Iowa, filing pro bono close to 50 U visa applications, resulting in over 200 U visas for victims and their families, for which the American Immigration Lawyers Association (AILA) awarded her its 2009 Michael Maggio Memorial Pro Bono Award. Her work has been featured in the documentary "Fields of Rape." Sonia is a member of AILA, the Iowa Bar Association, member of the Board of Directors of the National Immigration Project of the National Lawyers Guild, a Board Member of the Prevent Child Abuse Iowa, an the advisory board member of the National Judicial Institute on Domestic Violence of the National Council of Juvenile and Family Court Judges. She is licensed to practice law in Spain, in Iowa and in Federal Court in the U.S.

3. About the Contributors

- **Karla Altmayer:**

Karla Altmayer is an advocate for survivors of workplace sexual violence, and an immigrant rights attorney. In 2012, Karla worked as a Staff Attorney and Equal Justice Works Fellow with LAF Chicago's Illinois Migrant Legal Assistant Project ("IMLAP") to lead a state-wide effort to empower farmworker women who were victim to workplace sexual violence. She represented clients under Title VII, the Federal Labor Standards Act, and the Migrant and Seasonal Agricultural Workers' Protection Act. In addition to federal litigation, Karla developed and conducted "Know Your Rights" workshops on workplace gender violence in the farmworker community. During her fellowship, she also co-founded the Coalition Against Workplace Sexual Violence (CAWSV). As part of CAWSV, Karla co-authored a legal guide and curriculum for labor organizers and sexual assault advocates in Chicago. Karla continues to expand the work of CAWSV and is currently representing adults in removal proceedings with the National Immigrant Justice Center ("NIJC").

- **Eunice H. Cho:**

Eunice Cho is a Staff Attorney with the Immigrant Justice Project of the Southern Poverty Law Center in Atlanta, Georgia where she focuses on immigrant rights litigation and advocacy. Previously, Eunice worked as a Staff Attorney and Skadden Fellow for the National Employment Law Project's Immigrant Worker Justice Project, and served as a law clerk for Judge Kim McLane Wardlaw of the U.S. Court of Appeals for the Ninth Circuit. Her recent publications include "U Visas for Victims of Workplace Crime: A Practice Manual," NELP (2014) and "U Visa Protections for Victims of Workplace Crime," Clearinghouse Review (2012). Eunice is a board member of Freedom University Georgia, ASISTA, and the Georgia Latino Alliance for Human Rights. Prior to law school, Eunice was the Education Director at the National Network for Immigrant and Refugee Rights.

- **Jennifer Cooley:**

Jennifer Cooley (Ph.D. The University of Iowa 1999 is an Associate Professor of Spanish and Associate Head of the Department of Languages and Literatures at the University of Northern Iowa. She has published a book and several articles on representational practices; gender and social status; and immigration. Her most recent work includes a bilingual play titled Carne Viva: Stories of Madres and Monarchs in Postville (2011) co-written with Karen Mitchell. This work is based on ethnographic research with migrant workers in the U.S. Professor Cooley has also created interactive performances based on migrants' stories which have been performed by invitation at regional and national conferences. In addition, she has published research on the use of these types of performances as a means to engage spectators in informed and empathetic discussion of issues related to immigration.

Giselle A. Hass:

Giselle A. Hass is a psychologist in the Washington D.C. area. Dr. Hass earned a Doctorate in Clinical Psychology from Nova Southeastern University (NSU in 1992. For the past 23 years, she has worked as a forensic expert in family and immigration law for local and national attorneys, non-profit and government agencies. She was an Associate Professor at Argosy University in Washington, D.C. for 15 years. She is currently an Adjunct Professor of Law at Georgetown University Law Center, Center for Applied Legal Studies. Her professional experience is with immigrant women who have been victims of domestic violence, sexual assault and/or other gender violence. Since 2000, Dr. Hass has worked in federally funded research projects regarding culturally-competent interventions for women in abusive relationships and the legal and policy aspects of domestic violence. Review of the findings from the large scale research project that generated several of her articles motivated Congress to include immigration relief in the Violence Against Women Act of 1994.

Vicky-Lynn Anderson:

Vicki-Lynn joined IowaCASA in July 2013 to assist with statewide training needs for the Coalition. Having worked in the anti-violence movement for over 17 years in the Midwest and in her native Canada, Vicki-Lynn brings with her a passion for social justice. Vicki-Lynn's experience includes both domestic violence and sexual assault services, in addition to substance abuse. She has worked as a volunteer coordinator, a SART responder/coordinator, and trainer. Before joining IowaCASA, Vicki-Lynn worked as a prevention educator in a dual-service domestic violence and sexual assault program in western Iowa.

Mónica Ramírez:

Mónica Ramírez is currently working as a Women and Public Policy Fellow at National Hispanic Leadership Agenda where she primary conducts research on Latinas in public service with a focus on Latinas in rural and non-urban communities. Mónica is a Doctor at Law (JD), from the Ohio State University Moritz College of Law. In 2015, Mónica received her Masters in Public Administration (MPA), at Harvard University, John F. Kennedy School of Government.

Mónica is the Founder of Justice for Migrant Women - first U.S. -based project dedicated to representing female farmworker victims of gender discrimination, including sexual violence; and Co-Founder of The Semillas Project. A summary of Mónica's 15-year experience as a farmworker and immigrant rights activist includes the representation of plaintiffs in employment and civil rights litigation, conducting administrative advocacy to educate policy makers and government employees about the unique needs of female farmworker and immigrant victims of workplace sexual violence; and consultations with private and public interest attorneys on the available civil legal remedies for victims of

sexual violence and strategies for litigating cases on their behalf. Mónica is a skilled public speaker, an author/editor, and a frequent conference presenter in English, Spanish and, at times, bilingually for attorneys, farmworker advocates, immigrants rights advocates, anti-sexual violence advocates and others. Mónica is also a technical assistance provider on the civil legal remedies available for farmworker and immigrant victims of workplace sexual violence. She is a subject-matter expert on workplace sexual violence against farmworker and immigrant women for the media, including newspapers, magazines, radio and television in English and Spanish.

- **Hector E. Sánchez:**

Hector E. Sánchez is the Executive Director of LCLAA (Labor Council for Latin American Advancement and the Chair of NHLA (National Hispanic Leadership Agenda. He is an indefatigable voice fighting systematic injustices against Latinos and the most vulnerable communities across the nation.

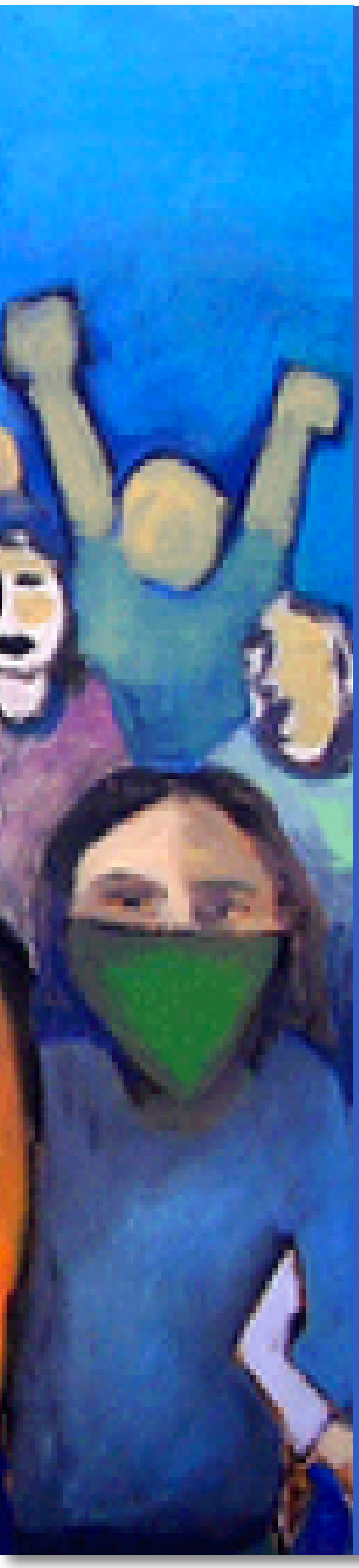
Throughout his career, Hector has worked in labor, human and civil rights, education, and non-profit organizations and has vast experience in policy, advocacy, organizing, research, and community outreach. He has launched national campaigns to improve the conditions of working families and strengthen the Latino voice on critical issues such as labor rights, women's rights (trabajadoras), immigration, civil rights, health care, education, under-representation in government, environment and hate crimes against Latinos. Sánchez is also a strong advocate for vigorous civic participation, having organized and participated in national campaigns to empower Latinos via voter registration drives, GOTV, voter education and efforts to combat voter suppression.

Sánchez plays a central role in the national Latino leadership: in 2012 he was elected Chair of the National Hispanic Leadership Agenda (NHLA), a coalition comprised of the 40 leading national Latino organizations, and he was re-elected in 2015. In 2012 the U.S. Office of Personnel Management Director John Berry appointed Sánchez as co-chair of the Hispanic Council on Federal Employment in the effort to remove barriers to recruiting, hiring, retaining, and advancing Hispanics in the Federal workforce; now he co-chairs the council with the new director of OPM Katherine Archuleta. In 2015, Hector was appointed by the AFL-CIO's President Richard Trumka to the Executive Council Committee on Immigration. In 2014, Hector was appointed by the president of the American Bar Association (ABA) to the Commission on Hispanic Legal Rights and Responsibilities. He is a member of the Kennedy Center's new Latino Advisory Council and also a board member of the Latino Victory Foundation. He frequently appears as a commentator on national and international TV networks and his opinions have been widely published by NPR, The Washington Post, The New York Times, The Wall Street Journal, The Economist, Huffington Post and several Spanish-language media outlets. He is a regular speaker at conferences across the country.

Prior to joining LCLAA, Sanchez was the DC-Mexico Policy Education Director at Global Exchange, the Policy and Community Liaison for the Education Trust, and a professor of US-Mexico Relations at the Autonomous University of the City of Juárez, Mexico. Sanchez holds a Bachelor's and Master's degree in Political Science from the University of Texas at El Paso.

- **Milly Treviño-Sauceda:**

Mily Treviño-Sauceda is the President and Co-founder of Alianza Nacional de Campesinas; representing 19 farmworker organizations and groups. She co-founded Líderes Campesinas in 1992, a statewide movement of campesina leaders advocating on behalf of campesinas. After 12 years as Executive Director she stepped down from directorship in 2009, and was named President Emeritus. As a freelance consultant since 2010 she has worked with various statewide and national organizations that focus on social, environmental, worker justice, reproductive justice and violence against women issues. She also provides technical assistance and capacity-building to non-profits and emerging groups. She trains service providers on working within the cultural context of the community they are serving. She has experience as a union member, farmworker, and organizer with the UFW in 1970s and early 1980s. She co-founded "Mujeres Mexicanas" (Mexican Women), in the Coachella Valley – a campesinas' (farmworker women) advocacy group. She earned a Bachelors' Degree in Chicano Studies and as a Rural Development Leadership Network Fellow earned a Master's Degree in Social Sciences: Rural Development and Capacity Building, Women's Leadership and Oral History at Antioch, Ohio, 2014. She sits on numerous state and national boards and task forces representing Latinas, the farmworker community and immigrant women in general on health, violence against women, labor, education, environmental and gender issues. She also represents socially disadvantaged farmers. She has received numerous awards, including "100 Heroines of the World" in 1998, Sister of Fire Award in 2003, the Ford Foundation & NYU award "Leadership for a Changing World" in 2004. She was also recognized twice in 2006, by People Magazine. She was honored by Líderes Campesinas in California for her 30+ year's distinguished leadership in 2009, the EEOC Community Service Award in 2011. Ms. Treviño-Sauceda recently received the César Chávez Legacy Award, in March 2015.



MODULE 1

Sexual Violence as Gender Violence Against Immigrant Women

MODULE I

SEXUAL VIOLENCE AS GENDER VIOLENCE AGAINST IMMIGRANT WOMEN

Authors: Giselle Hass, Sonia Parras Konrad

Editor: Jennifer Cooley, Karla Altmayer

SECTION I
DEFINITIONS AND DYNAMICS OF GENDER VIOLENCE

GOAL

To provide a framework and basic concepts of gender-based violence for participants

LEARNING OBJECTIVES

1. Define and clarify fundamental concepts of gender violence
2. Explore how gender violence manifests itself throughout a woman's lifespan

1. Clarifying terms with survivors

It may be challenging for a victims of sexual violence to disclose the fact that they are victims. Many times, immigrant survivors may not know that they have experienced sexual violence, and therefore may minimize the experience or blame themselves for the abuse. Survivors often face other challenges as well, including the lack of a proper interpreter, or having an advocate misunderstand the vocabulary they used to describe their experiences.

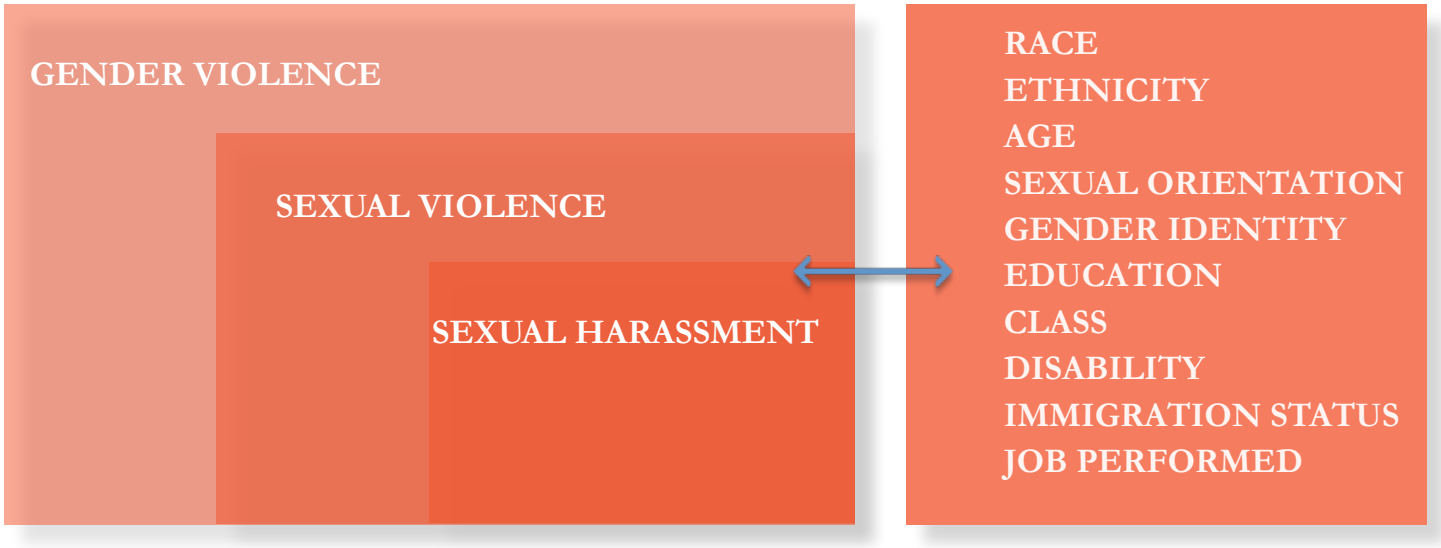
For instance, survivors may share with advocates, union leaders or providers that:

- They do not want to "have sex at work."
- They are being asked to do "things" after working hours
- The supervisor makes them do "ugly things"
- That co-worker lied, telling the survivor that he could talk to the survivor's boss to raise her hourly rate if "went out" with him and he did not

If these statements are not explored in depth, an advocate or service provider working with survivors will miss the identification of red flags that can lead to the disclosure of sexual violence. Asking to explain or describe what survivors are referring to may open the door to identifying the crime.

In order to better communicate with a survivor of sexual violence, it is essential to clarify the terms used to describe and understand sexual violence in the United States.[2] This unit will further address these issues.

2. The Framework



a. What is Gender Violence?

The World Health Organization of the United Nations defines gender-based violence as "any act of violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."[3] Raising awareness about the historical nature of gender violence confronts victim blaming, informs advocacy and empowers survivors.

b. What is Sexual Violence?

Sexual violence is the use of actions and words of sexual nature that are unwanted by and/or harmful to another person. The actor may use non-verbal, verbal, and physical sexual acts, without the consent of the person, as tools to overpower a victim.

2. Adapted from the Minnesota Coalition Against Sexual Violence, Training manual. Retrieved on May 18, 2014 from http://www.mncasa.org/what-is-sexual-violence/.
3. World Health Organization. Retrieved on August 1, 2013 from: http://www.who.int/mediacentre/factsheets/fs239/en/.

c. What is Sexual Harassment?

Employment law defines sexual harassment as unwanted sexual contact, including sexual advances; requests for sexual favors; and other verbal, nonverbal or physical conduct of a nature.[4] The sexual violence movement adopted this definition to define similar conduct in other social contexts and public spaces and recognizes that sexual harassment is often a precursor to sexual violence. Addressing sexual harassment as gender-based violence ensures all unwelcome sexual advances are treated seriously, and that prevention and education focus on all forms of violence against women.

In the workplace, sexual harassment specifically affects or interferes with a person's employment or ability to work – either directly or indirectly. The sexual harassment may also create an environment that is intimidating, hostile or offensive.

d. What is Consent?

A consensual sexual relationship exists when parties actively agree and freely engage in a sexual encounter;[5] that is, all partners have an equal voice in a specific sexual activity. The prevailing view is that consent is given for each individual sexual encounter. Therefore, only desired encounters by partners involved are considered consensual. The sexual interaction or act is not consensual when one of the parties:

- Fears the consequences if she or he does not "give in"
- Feels intimidated or threatened
- Says no, either verbally, non-verbally, or physically (i.e. crying, kicking or pushing away)
- Fails to understand what is being done or said
- Does not have the ability to make an informed choice
- Is under the legal age of consent
- Is incapacitated by alcohol or drugs
- Does not actively participate
- Forces the other party through physical violence or retaliation
- Coerces the other party

4. Equal Employment Opportunity Commission (EEOC), retrieved on November 29, 2014 from: http://www.eeoc.gov/laws/types/sexual_harassment.cfm.
5. *Acquaintance Rape and Degrees of Consent: "No" means "No," but what does "Yes" Mean?*, 117 Harv. L. Rev. 2341, May 2004.

3. Giving Consent in the Context of a Power Imbalance in the Workplace

a. Use of Force

Most state laws define force as the threat of bodily harm, which causes the individual to reasonably believe the threat could be carried out immediately, or the actual infliction of bodily harm.

Within the workplace, an assailant may use threats of violence or physical force to harm and intimidate a worker. Fearing retaliation or other severe consequences, victimized workers may tolerate certain levels of force against them in the workplace. In working with immigrant survivors of workplace sexual violence, one can help a survivor identify all of the instances of force, and reassure that psychological and physical harm meet the definition of force.

b. Use of Coercion

Several laws define coercion as words or circumstances that cause a person to do something against a person's will for fear of harm. An assailant may also use their physical size, strength, immigration status, or an unauthorized use of power to intimidate the survivor into surrendering to an unwanted sexual act.

Coercion in the workplace can take many forms, including badgering and verbal harassment; threats of "outing" the victim; threats of retaliation; rejecting promotion or a change in shift, schedule or position; and deducting wages. Assailants in the workplace have also coerced survivors by withholding basic necessities such as meal times, sleep, leave time, bathroom breaks, and even keeping victims hostage until they quit resisting.

Activity 1 - Discussing Consent: May I borrow your pencil?[6]

PURPOSE

To define consent and understand how it applies in the workplace context. The first activity starts the discussion of defining consent. After a short discussion among participants, facilitators should work with the group to create a definition of consent and draw parallels with the definition provided. Then ask participants whether consent, in general, exists in the workplace and how it can be compromised.

6. Adapted from exercises by the Northwest Project, "Break the Silence", https://nwbreakthesilence.wordpress.com/zine-project/#8 (December 11, 2015).

INSTRUCTIONS FOR FACILITATORS

1. As a facilitator, without explanation, ask one of the participants to borrow their pen or pencil. Use the writing utensil and return it to the participant. Pause to ensure this is visible to the entire group.
2. Continue talking and pretend you need to write something else. Then pause, and take the writing utensil from that same person.
3. Stop and begin discussing the following questions:
   - Did I have permission to take the pencil? When?
   - How did I establish permission?
   - (If not mentioned) How about the second time? Can I assume that the person will let me have the pencil a second time because they let me borrow it the first time?
   - Did this person deserve to have the pencil taken away?
   - How is this interaction similar to consent with sexual activity?
4. Guide the group to begin stating what they define as consent based on this activity. On a white board or flip chart, write down what participants define as consent and as a group, create a general definition.
5. Use the following definition and compare the group's definition. Ask what is similar and what may be missing. Work with the group to complete their definition of consent, ensuring that the key points are included in participant's definition.

   Definition: Consent is when parties actively agree and freely engage in a sexual encounter; all partners have an equal voice in a specific sexual activity. Any person can change their mind at any time when there's consent. Assuming someone wants to engage in sex is not enough.[7] It is a free, ongoing discussion and negotiation about what our desires are, what we want for ourselves in our lives, and what we want for the people we're intimate with or in relationships with at any level.
6. Ask participants whether consent exists in the workplace. Why or why not?

7. Definition adapted from: https://nwbreakthesilence.wordpress.com/zine-project/#8 (Last visited on December 11, 2015).

Activity 2 - What do you mean by consent?

Violence against women in the life cycle

PURPOSE The goal of the activity is to help participants come to a shared understanding of what it means to consent to sexual advances. It enables people to reflect on their autonomy in sexual interactions.

INSTRUCTIONS FOR FACILITATORS[8]

1. Pass out index cards & pens
2. Ask participants to close their eyes and breathe deeply. Prompt them to concentrate on their inhaling and exhaling. Clock your visualization phrases with your own breaths. While giving short prompts with longer breaths, say:

   "Think back to a time when you felt emotionally safe in a sexual situation. If that's not available, just think about a time when you felt emotionally safe. Picture where you were, who you might have been with and what you were doing. Focus on how it felt, that feeling of safety. Notice what happens to your breathing, the movement of your eyes under your eyelids, the space between your eyebrows, and the space between your shoulder blades."

   a. Give people a few seconds to feel this. Let participants know that when they're ready, they should open their eyes and bring themselves back into the group. When the group comes back, ask them to write something on their index card that reminds them of what it feels like to feel safe.

   b. When the writing is done, let people know that the index card is for them to keep. Encourage them to keep it as a reminder of what they deserve. Emphasize that everyone deserves to feel safe.

   c. Ask participants if they want to share anything related to what made them feel safe. Tie this discussion back to workplace sexual violence.

   d. Have participants identify ways how to implement the Lifetime Spiral of Gender violence, explained below, in their work.

8. Coalition Against Workplace Sexual Violence, *Ending Sexual Violence in the Workplace: A Know Your Rights Curriculum and Guide for Community Educators*, Module II, Exercise 4 at 39 (2014). For more information on how to obtain a copy of this curriculum, please email CAWSV at endworkplacesexualviolence@gmail.com.

4. Violence Against Women In the Life Cycle

Immigrant women may experience a continuum of violence throughout their lives.[9] Although the number of immigrant survivors of sexual violence is difficult to determine due to under-reporting, it is estimated that approximately 1 in 3 immigrant women have experienced sexual violence at some point in their lives. From infancy through adulthood, this violence against women may take different forms such as economic abuse, physical abuse, intimate partner violence, and rape. This violence may result from cultural or societal structures that fuel the continued violence and oppression against women.

These gender-based acts of violence are a fundamental violation of human rights. International human rights standards demand that states consider all forms of gender based violence as crimes and to address them as such.[10] The following graph illustrates the forms of gender-based violence women may experience throughout their lives.[11]

The Lifetime Spiral reveals patterns of victimization enumerating the types of violence, vulnerabilities, and harms women and girls face. It also implicitly shows the presence of different abusers located over the course of a survivor's life. Immigrant survivors often experience sexual violence in the context of additional oppressions based on race, ethnicity, age, sexual orientation, gender identity, type of labor performed, level of education, class position, disability and immigration status.

9. See National Latin@ Network. "*Prevalence and Occurrence of IPV*" Accessible at: http://www.nationallatinonetwork.org/learn-more/facts-and-statistics/prevalence-and-occurrence (Last Accessed: Dec. 7, 2015) Although the rate is specific to the Latino population, it is estimated that the same rate of violence occurs in other ethnic groups. Barriers such as fear of retribution from the community, lack of support, lack of education, and trauma interfere with a survivor's ability to report sexual assault.
10. Amnesty International. "Six point checklist on justice for violence against women" Available at: https://www.amnesty.org/en/documents/ACT77/002/2010/en/ (Last Accessed: December 11, 2015).
11. The Lifetime Spiral was designed by the Asian Pacific Institute on Gender-Based Violence (2007). See http://www.api-gbv.org/img/lifetime-spiral-lg.png.

Activity 3 - Identifying the Experience and Naming the Violence

PURPOSE

This activity will help participants to identify gender violence and its effect in survivors including unintended consequences that lead survivors to minimize their actual victimization or be numbed.

INSTRUCTIONS FOR FACILITATORS

Have participants break into small groups and using the spiral graph, identify a list of potential abusers women can face in their lives (grandmother not feeding infant, school teacher sexually harassing student, etc.). Then ask participants to identify forms of sexual violence and discuss how they can use the graph to help survivors share their experiences and reveal the levels of victimization they have endured in their lives.

Activities:

1. What kind of perpetrators did you identify in the graphic?
2. How many forms of sexual violence did you identify?
3. How would you use the graph with your client and why?

SECTION II
SEXUAL VIOLENCE IN THE CONTEXT OF GENDER VIOLENCE

GOAL

This module will explore the causes and different forms of sexual violence that impact immigrant women's vulnerability to sexual violence.

LEARNING OBJECTIVES

As a result of this session participants will be able to:

1. Identify some causes and forms of sexual violence
2. Identify factors that impact vulnerability to sexual violence

1. The Root of Sexual Violence

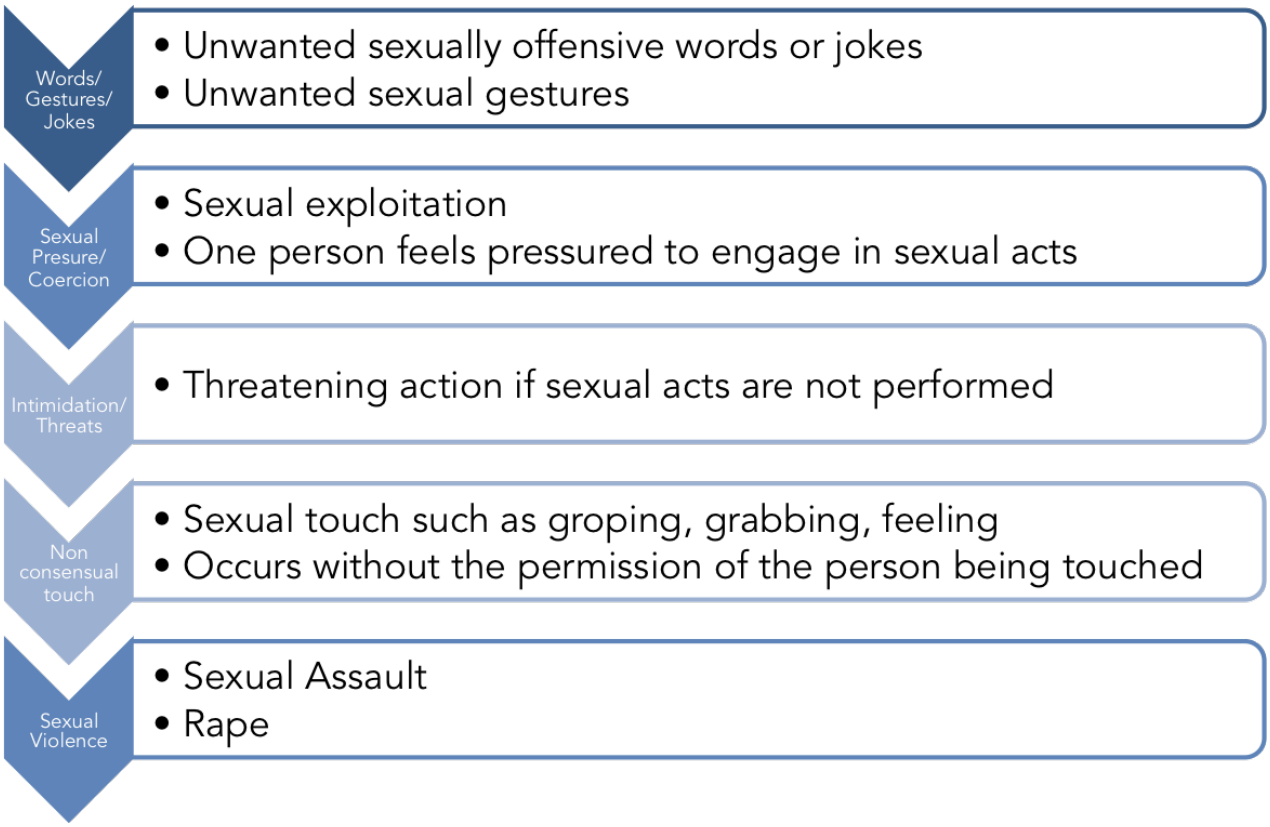
Gender-based violence results from the desire to "maintain structural gender [heterosexual] inequalities, and includes all types of violence against women, children, adolescents, gay, and trans-gender people."[12] Heterosexual gender relations influence gender-based violence and as a result, violence is encouraged as a way for an individual to demonstrate masculinity.[13] An act of sexual violence is ultimately about obtaining, and asserting power and control, over another human being.

Unfortunately, women continue to be victimized more frequently than men. A study by the U.S. Department of Justice found that 9 out of every 10 rape victims were female.[14] This alarming proportion of violence against women is rooted in the concept of patriarchy, or the "control by men with a disproportionately large share of power."[15] In our modern day society, patriarchy continues to permeate through different cultures and social structures and manifests in different forms. A more overt example of the institutionalization of patriarchy can be seen in the structures of some cultures, churches, and governments, where women do not have a voice, or men have the authority to control and even humiliate women. In other aspects of society, patriarchy is more subliminal. An example of this is in the media, where photos of women are more frequently used to generate sales, leading to the ultimate objectification of women. As a result, it is crucial that the survivor knows that regardless of the reason, sexual violence is not her or his fault.[16]

12. See "What is Gender Violence?" at http://studentaffairs.duke.edu/wc/gender-violence/what-gender-violence (Accessed on 02/25/2016.)
13. *Id.*
14. RAINN. Accessible at: https://www.rainn.org/get-information/statistics/sexual-assault-victims Accessed Dec. 7, 2015.
15. See http://www.merriam-webster.com/dictionary/patriarchy.
16. Amnesty International. "Six point Checklist on Justice for Violence Against Women." Accessed August 1, 2013 from https://www.amnesty.org/en/documents/ACT77/002/2010/en/.

2. Forms of Sexual Violence

The diagram below shows a spectrum of violence with less direct forms of sexual violence at one end and more aggressive forms at the other end.



3. Vulnerabilities specific to immigrant survivors of sexual violence

Fear of deportation may be a factor stopping immigrant women from obtaining services they needed to end an abusive situation.[17]

As a result, abusers target immigrant women because they understand their vulnerability and potential reluctance to report crimes to law enforcement. Abusers also consider other life factors to exploit women such as:[18]

- Economic vulnerability tying a woman to her employment
- Lack of authority in the workplace, creating an imbalanced power dynamic within the workplace

17. Hass, G.; Dutton, M. A. & Orloff, L. E. (Summer, 2000). Lifetime Prevalence of Violence against Latina Immigrants: Legal and policy implications. *International Journal of Victimology.* 7 (1/2/3).
18. See generally Mary Ann Dutton, Battered Women's Strategic Response to Violence: The Role of Context, in *Battered Women and their Families: Intervention Strategies. eds.* Edleson and Eisikovits. (1996). 105-124.

- Differences in race or ethnic group, particularly marginalized ethnic groups
- Lack of education or illiteracy
- Little or no English or even the use of less-common languages (such as indigenous languages) that may isolate survivors further
- Patriarchal societal, cultural, or religious beliefs where a perpetrator can exploit his perceived male authority
- Lack of community or familial support
- Patriarchal societal, cultural, or religious beliefs where a perpetrator can exploit his perceived male authority
- Poor physical health, disabilities
- Sexual orientation
- Prior trauma causing debilitating emotional pain and suffering

When large differences in power exist between a woman and a perpetrator in terms of immigration status, authority, salaries, gender, age, ethnicity, cultural values, mastery of the English language, and acculturation, abusers often exploit these differences for victimization.

Activity 1 - Diana's Vulnerabilities

PURPOSE

To identify obvious vulnerabilities but also hidden ones.

INSTRUCTIONS FOR FACILITATORS

Ask for two volunteers to read the script about Diana. Then call on participants and make a list of identified vulnerabilities. Then, ask participants to think "beyond" the skit about other vulnerabilities Diana is facing.

Video of Diana: Meatpacking. See: **Interactive Performance Tool: HERE.**

SCRIPT: DIANA: MEATPACKING[19]

DIANA: *My Story in the U.S.* (Note: This dialogue is based on a real interview with a migrant woman who suffered from sexual violence at work as well as at home.)

[Seated.] *Pues*, as soon as I got to the States I applied for a job at the plant. I got a job in the turkey slaughter area, and they put me on the line, and they said here you go, but they didn't really train me. It was cold and I only had one shirt. They said, you stand right here and then you do this. Use two fingers to grab the lungs and rip them out of the turkey. They wanted me to do it really fast. When I first started, the lungs would keep slipping away from me, and I couldn't work as fast as they wanted me to. I was so cold that first day I was numb. But little by little I learned the job. I found my way to get the lungs out of the turkeys fast, as they were coming by on the line. It was very difficult. There was always a lot of blood where I worked. They gave me a jacket to cover my clothes, but the blood seeped through.

Pues, that's pretty much how it was. Yes, there was a lot of blood, but it wasn't all animal blood.

About two years ago I found out I was pregnant. Every night when I was working on the line I would start to feel sick and kind of weak. You see it's that I'm diabetic. Some nights I just had to go to the bathroom or take a break to eat something. But the supervisor wouldn't let me stop working. I would beg, "Can I please go to the bathroom?"

MANAGER: No.

DIANA: Por favor.

19. These materials were created by Jennifer Cooley based on ethnographic research with migrant women.

MANAGER: I'm not paying you to pee. Keep working!

DIANA: One night I was in so much pain that I just walked off the line. I knew something was wrong. I went to the bathroom, and there was blood, so much blood. I fainted. They took me to the hospital, but, *el baby*… I had lost the baby.

DIANA: That was a hard time for me at home too. My husband is a very jealous man. He began to accuse me of sleeping with the manager. My husband said I had lost the baby because it wasn't his.

Later, at home…

ABEL (Diana's spouse): You bitch! You whore! You deserved it for sleeping around.

DIANA: *Pero*... (But)

ABEL: You think I don't know about you and the manager?

DIANA: *No. ¡No es cierto!* (No! It's not true!)

ABEL: Your little *americano* will never be born.

DIANA: But….

ABEL: You deserve it. You slut. *Sos una basura*. (You're a piece of garbage.)

SECTION III
THE IMPACT OF CULTURAL FACTORS IN IMMIGRANT SURVIVORS OF SEXUAL VIOLENCE WITHIN THE ECOLOGICAL MODEL

GOAL

Sexual violence against women results from the interaction of factors at different levels of the social environment. This session will explore how cultural values, beliefs, and traditions play important roles in immigrant women's lives.

LEARNING OBJECTIVES

As a result of this session participants will be able to:

1. Identify how social norms and challenges, religion and other factors place immigrant women at a greater risk of experiencing sexual violence
2. Identify factors that impact immigrant women that experience sexual violence due to barriers to seeking services.

1. The ecological model of factors associated

An ecological model approach to the analysis of gender-sexual violence argues that no one factor alone "causes" violence but rather a number of factors raise the likelihood that a particular man in a particular setting may act violently toward a woman.

Indeed there is not one factor that influences or causes sexual violence against women. Although we are going to focus more on the social factors for purposes of this module, it is important to understand that many contributing factors exist.

1. **Individual factors:** biological and personal history factors can increase the likelihood of becoming a victim or perpetrator of violence. Some of these factors are age,education, income, substance use, or history of abuse such as witnessing or being abused as a child etc.
2. **Relationship:** close relationships may increase the risk of experiencing violence as a victim or perpetrator. Cross-cultural studies identify male control of wealth and decision-making within the family and marital conflict as strong predictors of abuse.
3. **Community:** the settings, such as schools, workplaces, and neighborhoods, in which social relationships occur can help to identify the characteristics of these settings that are associated with becoming victims or perpetrators of violence. Immigrant women's isolation as newcomers, lack of social support along with male peer groups that condone violence predict higher rates of violence.

4. **Societal:** Broad societal factors can help create a climate in which violence is encouraged or inhibited. These factors include social and cultural norms. Other large societal factors include the health, economic, educational and social policies that help to maintain economic or social inequalities between groups in society.

Activity 1 - Exploring Causes of Sexual Violence Against Immigrant Women[20]

PURPOSE

To identify integrated social responses to sexual violence against immigrant women.

INSTRUCTIONS FOR FACILITATORS

Facilitator will lead a brainstorming session to create a list of common justifications for sexual violence.

- Designate participants to work in small groups and chose a reporter to write the results.
- Post the list on paper so it is visible to participants for the remainder of the training.
- Facilitator should then summarizes the results highlighting the fact that justifications for sexual violence are often based on gender norms about the "proper" role of men and women. These cultural and social norms accept men as aggressive, in control and dominant while expectation for women are reinforced as weak, nurturing, powerless and dependent upon men.

20. Activity adapted from the Minnesota Advocates for Human Rights-200321. Firoza, Chic Dabby. "Domestic Violence against API Women." Asian & Pacific Islander Institute on Domestic Violence/APIA Health Forum. (2007).

2. Cultural Beliefs and Values

Culture is the shared experiences and commonalities of a group including race, ethnicity, national origin, sexual orientation, religion, age, class, disability status, immigration status, geographic location, and other forms of identification.[21] These cultural values and attitudes can ultimately influence a person's behavior in ways that she or he may not be fully aware of. In particular, cultural beliefs frequently impact gender dynamics, and may lead to the justification of gender-based violence. It is therefore crucial to think critically and analyze how existing notions of gender affect our understanding of sexual violence.

The following overview provides only one of the many cultural contexts for gender-based violence. This is not an exhaustive review of different cultures. Some of the issues addressed may not be relevant, or may be manifested differently for other cultures.

Sexual Taboos: Many immigrant women are raised with taboos about violence against women and about sexuality and are taught many myths about sex. For instance, at a young age, girls may be told that men cannot help themselves from being forceful when they are aroused, or that women who do not protect themselves from victimization bear the brunt of the blame if a sexual assault occurs. Women may also believe that dressing a certain way or behaving in a certain manner provokes sexual violence in men. Immigrant women may have learned that sexual activity is shameful and that women are to blame if they are sexually abused regardless of the circumstances. In many situations immigrant women experience blame by family, friends and others in their cultural group after they have been sexually assaulted or victimized.

Religion: Religion and spirituality play a significant role in the lives of many immigrant women. Often religion provides a code of conduct to follow for families. Religious congregations may emphasize the value of committed relationships and family life for personal and spiritual growth. In addition, religion may promote values such as altruism and self-sacrifice, in which women are asked to give up immediate personal satisfaction and self-interest to focus on the well-being of family members.[22] Some religious teachings emphasize the need for women to be subservient and obedient, and endure the hardships in life.

Religious couples may share strong beliefs about the sanctity of marriage. Religion often reinforces these beliefs and compels women to fulfill their familial roles ahead of their personal interest. Women often trust their priests and pastors with intimate information about their challenges in life and victimization suffered at home or work. Depending

21. Firoza, Chic Dabby. "Domestic Violence against API Women." Asian & Pacific Islander Institute on Domestic Violence/APIA Health Forum. (2007).
22. Ellison, C, Trinitapli, J., Anderson, K & Johnson, B. (2007). *Race/ethnicity, religious involvement, and domestic violence.* "Violence Against Women, 13 (11), 2094-1112.

on the tenants of the religion, the response of the church authority may legitimate or condemn violence against women. Some traditional or patriarchal religious ideas that see men as the head of the family or an authority figure may justify, or at least fail to adequately prohibit gender-based violence such as sexual violence.[23]

Curanderismo, *Santería* and other traditional practices from Latin America use prayer, herbal medicine, rituals, spiritual practices dedicated to diverse deities, massage and psychic healing. Survivors may rely on these healing practices to manage victimization and violence by men. This may 1) delay survivors from seeking more practical help, 2) may provide false hope, and 3) may even help justify the victimization as being deserved by something that fate or a curse has brought into her life with a higher purpose.

Family Structures and Values: The family structure can be a vehicle for passing on culturally-based values, rituals, beliefs and world views. When families immigrate, many keep certain cultural values, including the idea that the family is the primary foundation for an individual, and a center of identity. Most immigrant families tend to be interdependent and serve as a source of emotional and financial support to nuclear and extended relatives. In Latin American culture, non-relatives are also included as family such as *compadres* and *comadres*. Extended family and non-relatives can be caregivers and supportive to their children as guardians, etc.

Family preservation is a traditional value; many immigrant women may believe their role is to maintain family unity. In some immigrant populations, family or group needs take precedence over the needs of the individual. For example, in Latin American countries, women are recognized primarily for the ability to produce life. Thus, holidays that promote this value such as Mother's Day are important in Latin American culture. As a result, women may feel cultural pressure to maintain family unity and will therefore fail to identify or disclose sexual violence for fear of harming the family structure.

Personal Values: Certain cultures may promote the chastity, purity, and martyrdom for women. For instance, some Latin American countries follow a culture of "*Marianismo*," which encourages women to follow the example of the Virgin Mary, virginal and sacrificial. Women growing up with this belief may feel that they must place the husband and children first before their own needs and aspirations. This value also pressures women to be feminine, passive, and sexually pure. Another related concept in Latin American culture is "*Machismo*," where both men and women uphold the patriarchal figure in the family, with unconditional support and respect from the other members of the family.

23. Nason-Clark, N. The battered wife: How Christians confront family violence. Louisville, KY: Westminster/ John Knox Press. (1997).

Given certain male-centric values, men who are abusers may manipulate culturally meaningful concepts to terrorize victims. For example, humiliating a woman in front of peers may be particularly damaging when the victim is from a culture that emphasizes group harmony and is especially susceptible to social shame. Accusations of homosexuality can be extremely distressing to women from cultures with extreme forms of homophobia. Using derogatory terms for a woman's ethnicity or country of origin, and emphasizing the differences and hierarchical status between perpetrator and victim is also psychologically debilitating. This type of abuse is very damaging because it harms the person's cultural identity and long-held personal values.

Activity 2 - Diana's Challenges

PURPOSE

To apply concepts learnt by identifying challenges faced by Diana, an immigrant survivor when talking about gender violence, sexual violence and the continuum of violence.

INSTRUCTIONS FOR FACILITATORS

If media capacity is available, play "Diana: Meatpacking" If the technology is not available, ask three volunteers to play the roles of Diana, her boss and her abuser. Once the skit is played, ask the audience to work in small groups and answer the following points

1. Identify all the challenges and multiple layers of gender violence experienced by Diana in her lifespan
2. Identify the factors and vulnerabilities that contribute to her multiple victimizations
3. What can you do personally to reach out to Diana?

Video of Diana: Meatpacking. See: **Interactive Performance Tool:** HERE.

HANDOUT: SCRIPT FOR "DIANA: MEATPACKING"[24]

DIANA: My background and my beginnings.

My name is Diana. I am from Guatemala. I remember when I was little, my mother got very sick. She had cancer. It made her stomach hurt and she couldn't eat. She got very weak and lived in pain for many months. Then, she passed away.

My father soon found a new woman. She came to live with us, but she only cared about her own children. She would feed them and cloth them but then there was nothing left for us. She would scream at us, and my father wouldn't even look at us. He sent us to live with our grandparents.

By the time I was 13 I had met Abel. Soon we became engaged. We started to live with his parents. Abel worked a lot of hours and was almost never home. His dad kept complementing me. He would tell me how beautiful I was and how much he wanted me. One afternoon he came into my bedroom and forced me to have sex with him. Abel came home early that day and saw his dad coming out of my room. After that, Abel changed forever. He constantly lost his temper with me and beat me for no reason. This happened almost every day. One day, he beat me so much that I thought I would die. I dragged myself from the house and returned to my grandparents. They told me that Abel was my husband and that I needed to respect him and obey him. They asked me to pray and return to him.

I went back home, but Abel's father would take me anytime he wanted. I got pregnant two times and I am embarrassed to say I do not know who the father of my children really is. At the same time, Abel's temper was getting worse every day. I know my husband felt bad about his anger. He would always apologize and tell me he loved me. He told me his job was stressful, and that he needed a change. He decided to leave us and go to the U.S. to look for work.

For two years he was there alone. He told us that he missed us, and the children missed him too. It was so hard to be bringing them up all alone. I decided to take the kids and go the United States to be with Abel. I would look for work and we would live as a family again.

DIANA: *My Story in the U.S.*

[Seated.] *Pues*, as soon as I got to the States I applied for a job at the plant. I got a job in the turkey slaughter area, and they put me on the line, and they said here you go, but they didn't really train me. It was cold and I only had one shirt. They said, you stand right here and then you do this. Use two fingers to grab the lungs and rip them out of

24. This material was created by Jennifer Cooley and is based on ethnographic research conducted with migrant women working in the U.S.

the turkey. They wanted me to do it really fast. When I first started, the lungs would keep slipping away from me, and I couldn't work as fast as they wanted me to. I was so cold that first day I was numb. But little by little I learned the job. I found my way to get the lungs out of the turkeys fast, as they were coming by on the line. It was very difficult. There was always a lot of blood where I worked. They gave me a jacket to cover my clothes, but the blood seeped through.

Pues, that's pretty much how it was. Yes, there was a lot of blood, but it wasn't all animal blood.

About two years ago I found out I was pregnant. Every night when I was working on the line I would start to feel sick and kind of weak. You see it's that I'm diabetic. Some nights I just had to go to the bathroom or take a break to eat something. But the supervisor wouldn't let me stop working. I would beg, "Can I please go to the bathroom?"

MANAGER: No.

DIANA: Por favor.

MANAGER: I'm not paying you to pee. Keep working!

DIANA: One night I was in so much pain that I just walked off the line. I knew something was wrong. I went to the bathroom, and there was blood, so much blood. I fainted. They took me to the hospital, but, *el baby*… I had lost the baby.

DIANA: That was a hard time for me at home too. My husband is a very jealous man. He began to accuse me of sleeping with the manager. My husband said I had lost the baby because it wasn't his.

Later, at home…

ABEL (Diana's spouse): You bitch! You whore! You deserved it for sleeping around.

DIANA: *Pero*... (But)

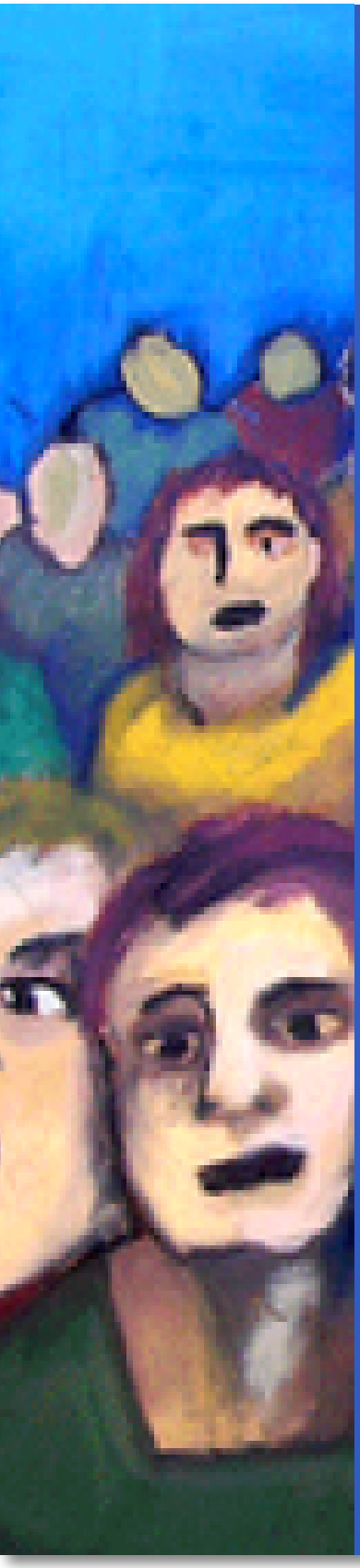
ABEL: You think I don't know about you and the manager?

DIANA: *No. ¡No es cierto!* (No! It's not true!)

ABEL: Your little *americano* will never be born.

DIANA: But….

ABEL: You deserve it. You slut. *Sos una basura*. (You're a piece of garbage.)



MODULE II

Sexual Violence Against Women In the Workplace

MODULE II

SEXUAL VIOLENCE AGAINST WOMEN IN THE WORKPLACE

Authors: Giselle Hass[25], Sonia Parras Konrad

Editors: Jennifer Cooley, Karla Altmayer, Sonia Parras Konrad

SECTION I
CORE CONCEPTS AND DYNAMICS

GOAL

To provide a framework for advocates to understand forms of sexual violence against immigrant women in the workplace, and their impact

LEARNING OBJECTIVES

1. To provide basic definitions and a clear framework of strategies for working with survivors of sexual violence in the workplace
2. To explore some of the forms and manifestations of sexual violence in the workplace.

1. Definitions of sexual violence in the Workplace

The terms sexual assault and sexual violence are often used interchangeably, however, both terms are used to describe a wide variety of sexual abuse. The term "sexual violence" is used in this guide because it encompasses a series of behaviors aimed to exercise sexual power over the victim. This is a more accurate term when we want to understand all the dynamics of sexual violence that occur in the workplace against immigrant survivors. Please refer to our glossary of terms at the beginning of this guide for more specific definitions. The following are the most common gender-based crimes in the workplace.

25. *Giselle Hass* is a psychologist in the Washington D.C. area. She is currently an Adjunct Professor of Law at Georgetown University Law Center, Center for Applied Legal Studies. Her professional experience is with immigrant women who have been victims of domestic violence, sexual assault and/or other gender violence. *Sonia Parras Konrad* is Co-Executive Director of ASISTA Immigrant Assistance. *Karla Altamayer* is an advocate for survivors of workplace sexual violence, and an immigrant rights attorney. Since 2012, Karla has co-leaded collaboration among sexual assault advocates and labor organizers through the Coalition Against Workplace Sexual Violence ("CAWSV") in Chicago. Karla continues to expand the work of CAWSV and is currently representing adults in removal proceedings with the National Immigrant Justice Center ("NIJC").

a. Sexual Assault

Unwanted, coerced and/or forced sexual penetration and/or touch. Similarly, contact can be sexual contact with the victim or forcing a victim to touch the perpetrator.

b. Stalking

Stalking is defined primarily by state statute and while statutes vary, stalking is usually understood as a pattern of conduct that places a person in fear for their safety. The term "stalking" is commonly used to describe patterns of behaviors or acts used by a person to harass, threaten, or intimidate another. The variety of behaviors displayed by stalkers is limited only by the creativity of the stalkers themselves. When this crime occurs in the workplace setting, perpetrators may place the victim in positions where they can be observed constantly and monitored.

When the stalker is a supervisor, the conduct often goes beyond the workplace area. The perpetrator may have access to specific confidential information such as addresses, phone numbers, family members information etc. Immigrant victims are more vulnerable because disclosing the crime may result in the loss of their jobs. Unless perpetrators are fired, they will always have access to the confidential information making it virtually impossible for victims to protect themselves.

c. Sexual Harassment

Unwanted verbal sexual advances, requests for sexual favors and other visual, verbal, or physical conduct of a sexual nature is sexual harassment. It can occur in the workplace, school and other settings (such as public transportation, shopping malls, community events, social gatherings, places of worship, health care facilities) and can create an intimidating or hostile environment for the victim. The perception of the victim, not the intent of the harasser, determines whether particular words or actions are harassing.

2. Forms of Sexual Violence in the Workplace[26]

In general, sexual violence is not an isolated form of victimization. Victimization in the workplace may include physical violence, sexual violence, psychological abuse, immigration abuse, and economic abuse. In the case of minors, negligence can be considered as an indirect form of psychological abuse. The injury suffered by victims of such victimization may manifest as physical or mental injury. Such forms of employer victimization may manifest themselves in the following ways:

26. Cho, Hass and Saucedo. Georgetown Immigration Law Journal. Vol 29 (2015) . "A New Understanding of Substantial Abuse: Evaluating Harm in U Visa Petitions for Immigrant Victims of Workplace Crime."www.academia.edu/12976705 (Accessed on Feb. 25, 2016.)

a. Examples of Sexual Abuse in the Workplace

Direct sexual abuse	Indirect sexual abuse
Increasingly aggressive harassment Attempted or completed rape vaginally or anally by physical force, threat, or blackmail Forcing a person to perform sexual favors other than intercourse by force, threat or blackmail Force nudity or forced to undress Rubbing against or getting too close physically while working Touch or pinch directly or through clothing any sexual area Unwanted caresses, groping or fondling Blackmail/threats to force victim to engage or accept unwanted sexual abuse Unwanted hugging and kissing Stalking a worker inside or outside the workplace with a sexual connotation Exploitation by requiring sexual favors in exchange for work related benefits Voyeurism of female employees, including peeping or using technology Flashing a female worker in a sexualized manner	Required to wear provocative clothes or show cleavage Make the worker flirt with a client to attract business Unwanted indecent advances Indecent proposals Sexual innuendo Indiscrete glances Intimate references* Use of sexually denigrating terms to offend a worker Denying benefits to a worker who did not respond to sexual advances Spreading rumors of the person's sexual preferences or sexual habits Threaten to out an LGBTQ worker Indirect sexual abuse Using ethnic factors or cultural values to denigrate sexually* Aftermath of rape or sexual abuse that includes: denigrating the victim, blaming the victim, making fun of the abuse.
Creating a sexualized environment (not directed to anyone in particular)	**Sexual discrimination**
Showing, displaying degrading sexual images or obscene materials Sexual jokes, innuendo and double *entendres* Talk or make allusions to sexual activity or preferences General use of obscene language or gestures Requiring to wear a provocative uniform	Discrimination against pregnant or older women workers Preference for male workers over females Disparaging comments or bias treatment to a worker who has childcare demands Failure to discipline or enforce rules against sexual harassment or assault by supervisors, co-workers or clients

Activity 1 - Identifying Risks

PURPOSE

Help participants identify the diverse range of risks or threats survivors are experiencing depending on the industry and to see where commonalities may arise regardless of the industry.

INSTRUCTIONS FOR FACILITATORS

1. Divide the audience in four groups.
2. Ask each group to think about a particular industry and looking at the table above identify what kind of risks immigrant women may be more prompt to experience in that particular industry.
3. The following four industries may be suggested for this activity:

   a. Housekeeping

   b. Food processing

   c. Farm work

   d. Restaurant

4. Guide the group through a discussion regarding what common threats or risks they find regardless of the industry and which ones may be particular of certain job settings or industries

SECTION II
THINKING ABOUT IT, TALKING ABOUT IT: STRATEGIES FOR WORKING WITH SURVIVORS

GOAL

To provide concrete tools and guidance for advocates of any field to work with a survivor's disclosure of abuse with a focus on empowering the survivor.

LEARNING OBJECTIVES

As a result of this session participants will be able to:

- Assess personal biases
- Understand the perspective of a survivor
- Create an environment of psychological safety
- Facilitate a survivor's ability to speak freely about their experience of sexual violence
- Identify questions that assess survivor's experience within the context of their life

1. Our Own Understanding Of Sexual Violence

Prior to addressing sexual violence, advocates must look inwards, and reflect on personal biases related towards sexuality. Individual experiences may impact how an advocate communicates with a survivor in a non-judgmental, compassionate, and informed manner. Biases may inadvertently affect the building of a trusting relationship with a survivor, causing further trauma. Therefore, it is important for an advocate to reflect on potential biases with the goal of gaining a better understanding of gender-based violence. Ultimately, the comfort of the advocate when discussing sexual violence is important to make the survivor feel at ease to share their experience.

Advocates must also acknowledge the difficulty a survivor faces in discussing an unwanted sexual experience. Survivors may experience extreme shame, preventing a survivor from disclosing the abuse, seeking help, or talking about the abuse in detail. Additionally, cultural identities and backgrounds may also affect how a survivor communicates about sexual violence. For example, some survivors may have little knowledge of sexuality or sexual anatomy, and therefore may use different phrases or words to describe their experience. It is important for advocates to be mindful of the difficulties a survivor faces when disclosing gender-based violence.

2. Unique Challenges In Workplace-Based Gender Violence

Survivors of workplace sexual violence experience a unique vulnerability to abuse. Often the repercussions of reporting the abuse include the real risk of retaliation, coupled with the threat or fear of further violence. As a result, survivors of workplace sexual violence struggle to balance their personal needs and providing for their families.

The economic consequences are some of the most difficult obstacles facing a survivor. As a result of immigration status, language barriers, or access to resources, survivors may face a particular challenge in finding alternative employment. Additionally, single-mothers or women without supportive structures in the home, may experience great economic need and feel like their options may be limited in addressing the abusive workplace environment. Poverty and economic necessity ultimately prevent survivors from speaking out against the sexual violence.

The threat of violence also prevents survivors of workplace sexual violence from coming forward. Threats to kill the victim or family members, threats to find the victim, or threats of deportation are only some of weapons harassers use to continue the sexual violence in the workplace.[27] Furthermore, laws against workplace sexual violence provide limited protection. For example, police stations generally consider any workplace violations as civil violations, and therefore do not respond. Additionally, civil laws provide only six-months from the date of the harassment to report it. Survivors' ability to escape violent situations is effected by fear of violence in conjunction with limited time frames and lack of protection.

With the development of temporary work and informal labor industries, like domestic work, women are more vulnerable to gender-based violence in the workplace as a result of the lack of regulation and protections.[28]

Activity 1 - Discussing Vulnerabilities

PURPOSE

To become aware of all the personal, physical, emotional, economic, legal and cultural challenges that survivors face when deciding whether to disclose the workplace violence.

27. See Human Rights Watch. "Cultivating Fear, the Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment," 23-29 (May, 2012)
28. Elizabeth J. Kennedy. Articles, "The Invisible Corner: Expanding Workplace Rights for Female Day Laborers,"31 Berkeley J. Emp. & Lab. L. 126, 138-139 (2010).

INSTRUCTIONS

1. Divide the room in 4 groups. Ask the entire audience what, in general, may be the consequences of survivors disclosing the abuse and write down their responses on a whiteboard/flip chart.
2. Ask each group to discuss in-depth and with examples what challenges survivors may face disclosing the violence depending on their different industries (restaurant, domestic work, hotels, farm working, processing plants etc.)
3. Ask the groups to report back and then close the activity by reflecting on the lengthy list of systemic barriers and challenges that survivors will face.

Photo of Survivor Discussing Her Experience

3. Creating a Safe Space For Survivors

Because of the level of trauma experienced by a survivor it is important to provide a safe space for healing. A safe space is needed for a survivor to heal, otherwise a risk of triggering a flashback exists, or other trauma can occur that could be detrimental to the health of a survivor.

A safe space begins by providing environmental safety. Prior to scheduling an appointment, assess their level of comfort in speaking with the advocate alone. For example, an advocate can ask the survivor if they need someone to wait for them or if they need a person with them during the interview.

Additionally, assess the safety of the setting. If the setting is an office, make sure the interview room is private, free from interruptions and distracting noises. If the setting is within or outside the survivor's community, make sure that the location is not the same place where the violence occurred. If the setting is outside the survivor's community, ensure the survivor has the proper support system to arrive. Take into account anything that may help the survivor during the interview, be it religious, spiritual, or cultural symbols that provide a sense of safety.

4. Interviewing Techniques

Reluctance to give details about a traumatic situation is common. Survivors may feel shame, and want to avoid reactivating traumatic memories.[29] Advocates can learn trauma-informed techniques to assist victims to remember and narrate their stories of sexual abuse. This may facilitate victims' ability to follow through with the services they need.

When directly asked about abuse, a survivor may show extreme stress, anxiety, painful memories, or anger. These are trauma-specific emotions that show that the traumatic experience has been reactivated. It is important to proceed with caution and determine the extent to which trauma issues can be discussed with the survivor without making her too upset and traumatized. If the person is having difficulty maintaining some control, then it is preferable to leave significant questions about the trauma for later.[30] It is important to note, however, that talking about traumatic memories may helpful to a survivor who finds comfort in sharing their story with a sympathetic advocate.

Advocates can begin by engaging in a preliminary dialogue with survivors that will help the provider work with the survivor and give the survivor some concrete tools to work with in the event of crisis. For example, advocates can ask survivors:

- What can trigger you or make you feel upset?
- What are some ways I would know if something were making you upset?
- What helps when you start to feel upset? How can I help you calm down and feel better?
- What does not help you when you are upset?

Photo of Survivor Recalling Her Experience

29. Agar, K., & Read, J. (2002). "What happens when people disclose sexual or physical abuse to staff at a community mental health center?" *International Journal of Mental Health Nursing*, 11, 70–79
30. Najavits, L. (2003). "Seeking Safety: A new psychotherapy for post-traumatic stress disorder and substance use disorder." In: *Trauma and Substance Abuse: Causes, Consequences, and Treatment of Comorbid Disorders* (P. Ouimette & P. Brown, Eds.), pages 147-170. Washington, DC: American Psychological Association Press.

During the actual intake or discussion of the survivor's experience, an advocate may be able to do the following to work with the survivor:

- Stop the interview and acknowledge how the survivor is feeling (i.e. upset, angry, sad).
- Ask the survivor whether she/he feels safe.
- Consider what she/he told you helps when she/he is upset and resort to these options first.
- Safety is first. Always keep yourself and the survivor safe.

After your discussion with the survivor, an advocate may want to follow the guidance below to ensure the survivor will be able to cope post-discussion:

- Debrief.
- Discuss what caused the feelings.
- Ask if she/he would like to continue.
- If continuing, ask what she/he needs to continue safely.

During the interview, advocates may follow the following guidelines:

- Ask about first, worst and last incident
- Ask in-depth questions after a survivor freely narrates the story
- For example, "and what happened next, how did you feel, what did you do next?"
- Provide prompts to get episodic memories: these are specific episodes or concrete examples.
- Provide several choices to help the survivor when they fail to have the words to describe their experience. For example, if the survivor is unable to find a word to describe how they felt, an advocate can offer suggestions like afraid, ashamed, confused, sad, disgusted, humiliated, stuck, overwhelmed, flattered, excited.
- Probe for issues that the survivor may fail to mention for any reason; For example, if the survivor is talking about running outside to escape from the abuser and it was winter, you can ask if there was snow or rain, or whether it was day or night.
- Validate but do not collude with denial or minimization. For example if the survivor says, "He didn't mean to hurt me," the advocate can say "We don't know what was on his mind."

- Support small steps.
- Get information on the exact nature of the abuse. Details are important to get the full memory and preserve the episode for future use.
- Find out about progress of the abuse. Violence against women often follows a predictable pattern of increased intensity, the survivor may mention one marker but it is likely that others forms either more or less intense of violence also happened.
- Find out about what she did, thought, felt, and experience around the abuse.
- Leave the door open for ambivalence. Do not assume that the survivor was disgusted, horrified or upset. Some survivors may feel flattered by the attention or have other feelings. All of the survivor's feelings should all be accepted without judgment.
- Ask about functioning before and after the instant incident or the first time. This is important to differentiate the impact of recent trauma from the impact of past traumatic experiences.
- Ask not only about psychological symptoms but also interpersonal, social and health-related problems. Some survivors may not feel sad or upset but start drinking, isolate themselves or have headaches.

Notice and analyze the narrative to see if the survivor used any of the traditional ways of coping with sexual violence by using:

- Denial
- Minimization
- Avoidance
- Freezing
- Ambivalence
- Embarrassment/ Shame
- Dependence/ Attachment
- Self-defense
- Substance Abuse

In spite of these defenses, at one point or another, a survivor may try to protect themselves from the sexual violence.

Advocates should explore if the survivor used any of these strategies:

Direct means:	Indirect means:
Tell someone in authority	Call in sick to avoid going to work
Quit the job	Dress dowdy
Make a report	Get a boyfriend or flirt with someone in the place of employment
Refuse to do what employer asked	Go along up to certain point
Confront the abuser	Tell someone
Fight back	Try to distract supervisor
Ask for a transfer	Try to make the work environment safer
Seek help	
Call the police	

Advocates should take care to distinguish the history of the survivor's experience of traumatic experiences, including a history of sexual violence, the recent experience of workplace violence, and/or a history of crisis caused by family members. Advocates should conduct a detailed and chronologically organized list of events, consequences, context, and coping strategies for each situation. Throughout an interaction with a survivor, advocates should create an inviting and neutral environment:[31]

- Convey and maintain a relaxed, friendly atmosphere. Do not express surprise, disgust, disbelief, or other emotional reactions to descriptions of the victimization.
- Avoid touching the survivor.
- Do not use bathroom breaks or drinks as reinforcements for cooperating during the interview. For example, never say, "Let's finish up these questions and then I'll get you a drink."
- Respect the survivors' personal space.
- Do not stare at the survivor or sit uncomfortably close.
- Do not suggest feelings or responses. For example, never say, "I know how hard this must be for you."

31. Adapted from Poole, D. A., & Lamb, M. E. (1998). Investigative interviews of children: A guide for helping professionals, Washington, DC: American Psychological Association.

- Do not make promises you cannot keep such as, "Everything will be okay"or "You will never have to talk about this again."
- Acknowledge and address the survivor's feelings if she/he becomes upset,embarrassed, or scared, but avoid extensive comments about feelings.
- Avoid correcting the survivor's behavior unnecessarily during the interview. It can be helpful to direct the survivor's attention with meaningful explanations(e.g., "I have a little trouble hearing, so it helps me a lot if you look at me when you are talking so that I can hear you") but avoid correcting nervous or avoidant behavior that is not preventing the interview from proceeding.
- Ask the survivor to repeat the comment if you have difficulty understanding by saying, "What did you say?" or "I couldn't hear that, can you say that again?" instead of guessing (e.g., "Did you say [word or phrase supplied by interviewer]?").
- Do not rush through the interview. Be tolerant of pauses in the conversation. It is appropriate to look away and give the survivor time to compose or remember.
- Take a few moments to formulate your next question.

To ultimately empower a survivor, it is important to send messages that inspire confidence in the survivor's own ability to solve her or his problems and avoid statements that may make the survivor feel resentful, dependent, or misunderstood. The following is a list of statements or "roadblocks to good communication" that are **NOT** recommended:[32]

a. Solution Messages

These are messages that communicate a lack of confidence in the survivors ability to solve their own problems. Survivors may respond by feeling resentful, dependent on the helper, and/or misunderstood.

A. Ordering, directing, commanding – Call the police right now. Stop putting yourself down. Calm down. Control yourself. Let me tell you what you should do.

B. Warning, threatening, promising – If you calm down, maybe we can talk. If you do that, you'll be sorry. I promise everything will be okay.

C. Moralizing, "should", "oughts" – You should go to the hospital. You ought not feel that way. Think of all the women who you'll let down if you don't report. It is your duty to notify the police.

32. Coalition Against Workplace Sexual Violence, *supra* note 8 at 12.

D. Advising, giving solutions – I think you should wait a few days before you decide what to do. Why don't you go find another man who you can trust? You really should leave your husband. I can tell you what to do….

E. Preaching, lecturing, giving logical arguments – Women must learn how to protect themselves. Let me tell you the way things are. What you are feeling really doesn't make sense.

b. Put-down Messages

Messages that indicate that the survivor is inferior,inadequate, subordinate, or unworthy. The survivor may feel defensive, resentful,threatened, or embarrassed.

A. Judging, criticizing, disagreeing, blaming – You're not thinking clearly. I couldn't disagree with you more. Sounds to me like you're over-reacting.

B. Name-calling, labeling, stereotyping – You're smarter than that. Well that doctor is an idiot. All men are that way. Police tend to be like that.

C. Interpreting, analyzing, diagnosing – You're not really angry, you're just tired. You feel that way because of what happened. You love him because your mother was married to a batterer. You must be the rescuer in the family. You lack self-esteem, that's what made you do that.

D. Reassuring, sympathizing, consoling – You'll feel better tomorrow. Don't worry,it will work out.

c. Avoidance Messages

These are messages that influence the survivor to stop conveying negative feelings and emotions. The survivor can feel that the person is not interested in her, does not respect her feelings, or wants her to change.

A. Judgmental praising, dishonest agreement – I'm sure you can handle this. I can see why you'd blame yourself.

B. Withdrawing, distancing, sarcasm, humoring – We discussed that already. Maybe you should just forget it. Oh, come on, it can't be that bad. You could just blow up the building. Maybe you should talk to somebody else about this. This is really out of my league.

d. Naming the Experience

As a result of the shame experienced by survivors, they may use inaccurate or confusing language to describe the sexual violence. In order to clarify the circumstances of the violence while maintaining a safe space for survivors, advocates may use the following to guide their interviews:

- Clarifying the Abuse: A survivor may use unclear or culturally foreign terms to describe the violence. For instance, some women may say, "he tried to have sex"to refer to a completed rape, or say, "he wanted me to kiss his member" to refer to being forcing upon them fellatio, or a woman may say, "He raped me" when he kissed her breasts. As a result, an advocate may ask questions that prompt responses to clarify. For instance, if a survivor said, "He tried to have sex," an advocate could ask, "did you want to have sex?" to understand whether this was rape.
- Mirroring Language: Use the survivor's words to refer to sexual concepts the survivor is describing or cannot name. For example, if the survivor says "dirty things" referring to sexual abuse, continue to use the term, "dirty things."
- Irrelevant Topics: Follow stories that may seem irrelevant because they may bean indirect introduction to greater disclosure. For instance, a survivor may say,"There was a friend who needed a day shift at work to be with her children at night because she was a single mother," as a way of introducing the topic of how she herself needed the day shift and was blackmailed into trading sex for a day shift.
- Identify Impact on Survivor: Ask the survivor what the experience may mean for her/him within the context of her/his life or cultural background. An advocate may also ask how aspects of the survivor's background or identity impact their situation. Finally, an advocate should address the survivor's potential of being ostracized in their community.

SECTION III
DO NO HARM: SAFETY STRATEGIES FOR IMMIGRANT SURVIVORS

GOAL

To facilitate a conversation about developing safety plans that respond to different industries

OBJECTIVES

1. To introduce participants to the concept and importance of safety planning
2. To identify safety concerns
3. To develop open and flexible safety planning including key responders and players that respond to immigrant survivors

1. Introduction - Safety as Defined by Immigrant Survivors

Safety is paramount when working with immigrant women at risk. This must be understood as a dynamic concept, adaptable to the particular industry and morphing to respond to different situations.

Safety as defined by immigrant workers includes a secure job and paycheck, which leads to economic independence to pay bills, to provide food, shelter and their basic needs, and those of their families.

In the workplace, women face many safety concerns, which may be related to the actual work they are performing (using sharp objects, pesticides, speed of the work, working in isolation etc.,) as well as to potential victimization from supervisors or co-workers. Often times, immigrant survivors express a desire for the abuse and violence to stop so they can keep their jobs. However, the cessation of the violence may not be enough to respond to her needs.

In the workplace, employers are mandatorily responsible for ensuring the safety of their employees. To address a survivor's safety concerns, we must first understand the threats as she experiences them.

Activity 1 - Identifying safety concerns

PURPOSE

The purpose of this activity is to increase awareness of a range of safety threats and implications for immigrant women and to become aware of the stressful environment in which sexual violence may take place.

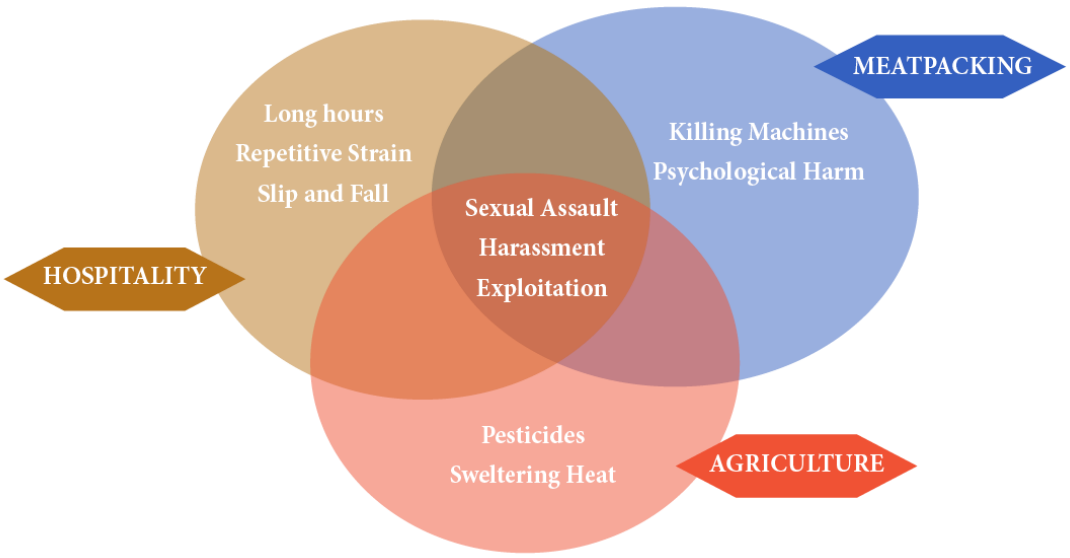
NOTE TO FACILITATORS

If you are working with a multidisciplinary audience, set the tone for call-out (what does this mean?) to be fast, not repetitive and impacting.

If the audience is from one particular field, challenge participants to think outside of their field of expertise (women's rights, immigration, worker's rights).

INSTRUCTIONS FOR FACILITATORS

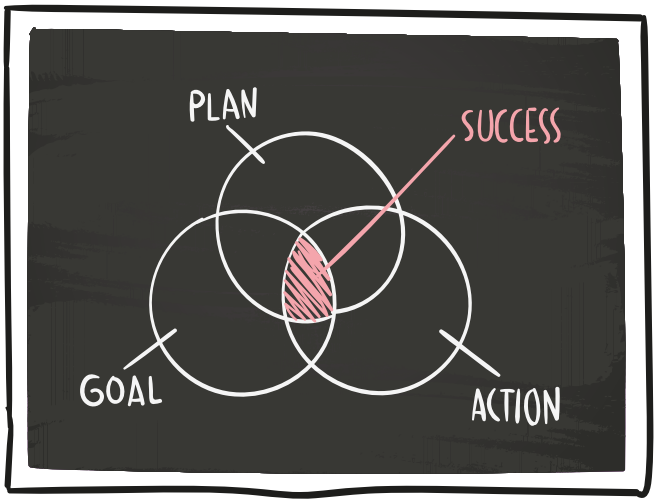
1. Ask participants to list the series of safety concerns for workers in industries in general.
2. The goal of this activity is for participants to become aware of the stressful environment in which sexual violence may take place. This is an add-on challenge to feel safe.
3. Facilitators can display the Power Point with the diagram below to incite a dialogue.
    a. Internal
    b. External



2. Perceived and Experienced Threats that Jeopardize Safety

Not all survivors experience violence and generated threats from violence in the same way. Identifying the specific threats in each case will help develop a tailored safety plan that is effective in responding to the unique needs of each survivor.

The following is a list of potential threats that may interfere with the goal of feeling safe. Challenge the audience to add to these potential threats to think about safety concerns.



Threats from the violence	Threats from perpetrator
Need for medical attention	Fire her
Not being productive at work	Fire family members
Missing work	Blacklisting her or family members so she does not work on other farms
Injuring herself from lack of concentration	Change shifts
Trauma	Change positions to harder jobs
Gaps in memory- not appearing "credible" or appearing "disturbed"	Reduce hours
	Reduce pay
	Make up lies and gossip about her to managers or co-workers
	Call immigration

Threats from co-workers	**Threats from employers:**
Ostracize her Tell her husband that she is having an affair Sexual violence from co-workers with actual or perceived power Gossip (*chisme*) Treat her like a prostitute Blame her for changes in the workplace Victim blaming attitudes	Deter her from filing employment complaints Retaliate against her for having exerted her labor and employment rights Retaliate against family members employed at the same place Stall or halt a proceeding after an investigation has begun Fire the worker Fire the family members Report the worker (or family members) to immigration Lack of clear policies prohibiting sexual harassment
Threats at home	**Threats/barriers from the criminal system**
For women facing multiple layers of victimization, disclosing the violence at work with her partner may be the difference between being beaten or not. Immigrant survivors may endure the violence at work in silence so as to avoid more violence at home. Take care of basic needs of self and children (Need to pay bills, rent, buy food)	Lack of investigation of all complaints by immigrants of sexual violence, regardless of immigration status Lack of outreach and assurance to unauthorized immigrants that people who report crimes will not be reported to immigration authorities. Appearance of enforcing immigration laws by collaborating with ICE during raids Lack of language access to facilitate reports from survivors Ability to arrest and refer to immigration authorities

Activity 2 - Multidimensional safety planning

PURPOSE

To encourage participants to think about multidimensional safety planning and with whom do they need to partner to respond to identified safety concerns

INSTRUCTIONS FOR FACILITATORS

1. Using the chart below, ask participants to mention specific safety concerns survivors may experience in different areas.
2. Once identified, ask participants to list with which agencies or organizations they need to work to respond to survivors' concerns.
3. Lastly, ask participants what is their role in addressing safety planning and concerns and what can they personally do or organize others to do.

3. Responding to Safety Concerns as Allies

To develop a comprehensive safety planning we must include key responders and partners that work with immigrant survivors. In addition, survivors may choose different actions depending on the information they have about the system. At the end of this guide, on Module IV, we have provided a series of charts, and detailed information.

a. Strategies for Creating Safer Environments with Labor Organizers and Union Leadership[33]

a. If you are a labor organizer or advocate, there are four steps you and your peers can take in order to improve your response to a survivor's safety concerns.

- Educate- encourage your staff, co-workers and stewards to increase everyone's awareness and understanding of workplace sexual violence and how it affects everyone.
- Advocate- support efforts to organize from unions or co-workers in cases when sexual violence happens in the workplace. Advocate for time off to go to doctors, therapist, to work with performance problems arising out of the traumatic experiences and ensure that actions are taken against the perpetrator.
- Refer-make sure you and your peers have a resource file developed and handy to call or help with referrals when needed.
- Secure- make sure you and your peers receive training on how to respond to a crisis or emergency situation, documenting what witnesses have observed, distribute emergency response numbers.

b. Strategies for service providers and first responders

a. Your goal as a responder or advocate is to ensure that you empower survivors through the process with information. It is also crucial to respect their decisions.

b. Remember that safety planning is a dynamic and ongoing process and that it needs to be flexible and responsive to survivors' concerns and perceptions of threats.

c. When working with survivors consider the following points:

- Protect confidentiality as much as possible.
- Assess crisis and imminent danger or severity of risk.
- Assess threats as perceived by survivor (harm to family members, reporting to immigration authorities, losing job, etc.)
- Be proactive and prepare with interpreters and basic training.
- Do not make assumptions; ask about male and female perpetrator.

33. Adapted from the "Domestic Violence: A Union Issue" manual, Family Violence Prevention Fund & Coalition of Labor Union Women, February 2001, Chapter 6, page 72.

c. Strategies for personalized safety planning among employees

a. As a co-worker, if you are aware of the victimization your peer is enduring you could (depending on your concerns for your personal safety): Confront the harasser and let him know the survivor has the support of the entire plant or worksite and everyone is watching, report anonymously with details and names if you are concerned for your safety or job security, refer your co-worker to resources so she can have more information about her rights and options,demand safety from employer so he/she is made aware of the problem or talk to your union leader when safe, organize your co-workers and supervisors leaders to demand a safe workplace free from sexual violence. Be aware of official workplace protocols for reporting. (Some workplaces have written protocols about reporting to protect workers from sexual violence.)

b. As a witness, do not ignore the crime. Be a bystander that intervenes when it is safe to do so or otherwise call for help.

c. Potential survivor individualized strategies. The following information has been provided by immigrant survivors of workplace sexual violence. Some of these strategies worked when they were too scared to talk or did not know about their rights. Also, some of these strategies are not recommended because although they may have worked at that time for the survivor, it is a dangerous strategy that could place others or themselves at a higher risk. When reviewing this information as shared by survivors, please always consider safety first:

   i. Awareness

      1. Never place yourself in a situation of being alone without talking to a co-worker or a colleague that is going to keep an eye on you or look for you if needed. Let everyone know where are you going to be and to check on you if you are taking more time than expected or have your co-worker alert a supervisor of your absence.

   ii. "Buddy" system

      1. Coordinate with coworker a "buddy system" plan. Take turns and watch each other or plan on calling each other or texting if working alone in a secluded area every so often without getting in trouble for potentially disrupting your responsibilities.

      2. If a customer is harassing you, have your "buddy" accompany you to the table or alert a supervisor as is happening.

iii. Documenting

1. Keep a diary. Document everything that is said to you, by whom and when in a diary with the names of the people you may feel free to share the information with as it is happening or names of people that saw what was happening.
2. Talk to potential witnesses to confirm they saw what happened.
3. Record video or audio
4. Take pictures

iv. Reporting when safe

1. Human resources
2. Union leaders
3. Law enforcement

v. Anonymously reporting when not safe

vi. Whistleblowing

d. Caution

The more people working together to assist the survivor, the more likely it is that a partner may inadvertently breach or violate confidentiality or privacy. Sound protocols require commitment and putting the interest of the survivor at heart. They also require continuously reviewing new protocols or developments and analyzing potential unintended consequences. The Victims Rights Law Center has created key materials and guidance to review and consider when working with multiple partners. See more at http://www.victimrights.org/resources-victims/privacy

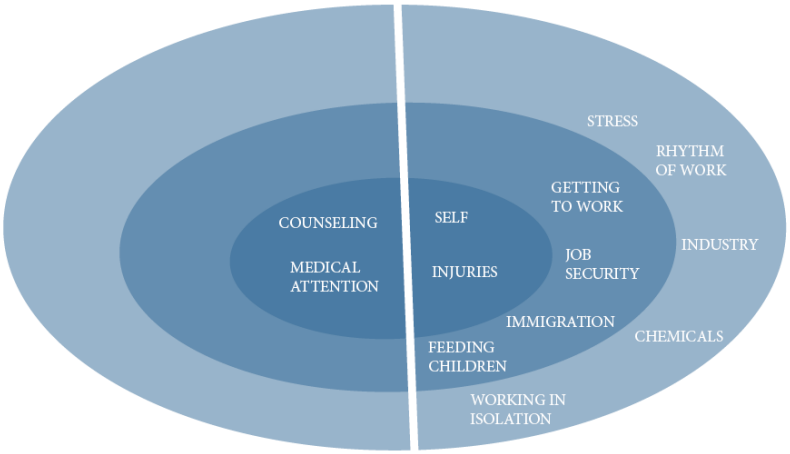
Activity 3 - The Ripple Effect

PURPOSE

The goal of the following activity is for participants to think about creative ways of addressing safety concerns that respond to the needs of immigrant survivors.

INSTRUCTIONS FOR FACILITATORS

Divide the audience in 6 groups. Assign 2 groups to each of the rings and discuss strategies and responses.



INSTRUCTIONS FOR FACILITATORS

Using a whiteboard or flip-chart paper, draw three half-circles. Divide the room in three groups. Ask to address the following three questions:

A. Left side of semi-circle- Identifying Dangers and Safety Concerns

1. Inner semi-circle: identify her perceived and experience immediate threats and safety concerns of survivors of workplace violence . i.e, physical assault,fondling, grabbing, touching, threats with assaults, quid pro quo sexual violence, etc.
2. Second half circle: identify perceived and experienced threats, safety concerns as a direct consequence of the workplace violence (calling immigration if she complains or quits, family members finding out about the abuse at work, losing job, blacklisting her or family members so they cannot find work in any other

farm or industry, not having a ride to get to work, losing her home as provided by the employer, not getting enough hours to get a paycheck enough to pay rent, food, "coyote's debts," childcare, etc.)

3. Third semi-circle: Identify perceived and experienced threats originated in the workplace itself, industry, or specific job responsibilities (rhythm of work,stress, use of chemicals and pesticides, customers demands and fewer tips,witnessing animal killings or cruelty to animals, etc.)

B. Right Side of Semi-Circle - Safety Planning Around It

1. Once they are done with step one, ask participants, to think about creative ways of responding to these concerns, such as to develop a safety plan around buddy system, not being alone, whistle-blowing, documenting, and organizing bystanders.

4. From Theory to Practice

The following section offers a series of interactive activities that the trainer can select to better convey the goal of this module. Facilitators can choose depending on their agenda, time constraints and audience to use the most effective one.

Activity 1 - Interactive Response To Vignette About Beatriz In A Workplace Setting Where Sexual Violence Is Present

"BEATRIZ: HOUSEKEEPING"[34]

INTRODUCTION

Beatriz is married and has 2 children. As she speaks about her experiences of harassment and sexual violence in the hotel where she cleans, she makes references to her children and her spouse, pointing to links between her situation at work and its impact at home and suggesting that she must stay at her job, regardless of its human costs.

1. What are some of the potential challenges involved with a job in housekeeping? (You may think about working conditions, job security, wages, health issues, etc.)

34. This segment is written by Jennifer Cooley. The scene and accompanying questions and activities stem from ethnographic research conducted with migrant women working in the U.S.

Note: The field of housekeeping offers specific challenges. Workers are required to perform tasks quickly, and high standards for perfection are in place. Workers perform tasks that require physical exertion and often use chemicals. In addition, workers are sometimes isolated from one another as they clean rooms and are encourage to be silent and to not draw attention to themselves. (It is almost as if they should be invisible.) The field is notorious for low pay and for unpredictable hours. For example, hotel rooms are only cleaned after guests have left, so sometimes workers arrive at the workplace only to be sent home if no guests have stayed. If there are unexpectedly large numbers of guests (or messy guests) workers are expected to stay until all tasks are completed and the pace and pressure to complete tasks rapidly may increase.

2. Are there risks specific to female workers in the housekeeping field?

   Note: Female workers are often isolated during work hours. Managers, workers and guests, in hotel, offices and other spaces typically expect that cleaning will be accomplished silently and invisibly. As such, women can be subject to risk because they work in places where abuse could occur with no witnesses present except for those involved.

3. What potential workplace problems can arise if partners (such as husband and wife)work for the same employer?

   Note: Workers may fear for not only their own job, but also their partner's It places undue stress on a family unit if parents are supporting children on the basis of a salary that they earn at the same workplace. In addition, a history of gender violence in the family can easily extend itself to the workplace, where an abusive dynamic can be reproduced.

4. Do workers with children face special challenges? What issues might a worker with small children think about during her workday?

   Note: Workers often leave their children with a childcare provider. The conditions and circumstances in settings where childcare is provided vary widely, but they can produce concerns about the health and emotional well-being of the child being cared for outside the family unit. Linguistic barriers may also be present if English is not the primary language in the child's household, but it is at the day-care. In addition, childcare costs money. If a worker is unsure how many paid hours she will have, paying for childcare can drain valuable resources.

Video of Beatriz: Houskeeping. See: **Interactive Performance Tool: HERE.**

"BEATRIZ: HOUSEKEEPING"

BEATRIZ: When I arrived at the hotel I had to watch a video, and then I started to work. They expected me to clean really fast, and I had no idea how to do anything. They screamed at me, but I just said to myself, if this is what I have to do to be able to provide for my children, I'll do it.

ANA: Did the other housekeepers help you... or explain things to you?

BEATRIZ: We couldn't talk at work. One of the bosses was really impatient. If he saw you talking...

HOTEL MANAGER 1: Quiet!

BEATRIZ: He would scream at you and call you names.

HOTEL MANAGER 1: Enough noise, bitch!

BEATRIZ: He would come in, and he would start saying,

HOTEL MANAGER 1: Work it! Finish your rooms! Faster bitch!

STOP TO REVIEW:

1. Describe the workplace setting. What challenges and safety concerns does this worker face due to the workplace setting for housekeeping?
2. What are some dangers related to this specific confrontation?
3. What kind of information would you share with Beatriz for her to identify potential violations of her rights and continue to disclose?
4. What kind of questions would you ask Beatriz to help her open up and feel comfortable about sharing information with you?

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35. Illustration by Randy Timm

BEATRIZ: The longer he yelled, the more he would shake... but I worked well…. Still, every day was like a nightmare when I was working there.

ANA: What in particular?

BEATRIZ: Ummm… There was also a lot of uh… how do you say, grabbing and touching, and invitations.

ANA: Sexual harassment?

BEATRIZ: Sí. So, while you were at work you never knew what could happen to you. Like another one of the managers, a man with a wife and kids… He was always chasing after the young women. He would threaten to take their jobs if they didn't do what he wanted.

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ANA: Did he ever approach you?

BEATRIZ: Yes. He invited me to go out... At first he just told me he wanted to take me out to dinner, to spend some time alone with me.... And that if I said no, I would lose my job, and so would my husband.

ANA: What did you do?

BEATRIZ: I just laughed and told him no because here weren't any restaurants in town good enough for me! But then, one night, I got off work earlier than Ángel, my husband. So, a manager followed me out to the parking lot. There was no one around. The manager came up behind me and grabbed me by the hips. He said to me,

36. Illustration by Randy Timm.

HOTEL MANAGER 2: You were just playing hard to get, but I know that you want me. You have always wanted me.

BEATRIZ: That's not true! Leave me alone!

HOTEL MANAGER 2: Do you want to lose your job?

BEATRIZ: Then some other workers came into the parking lot and saw what was happening. He just straightened up and walked away.

STOP TO REVIEW:

1. What workplace dangers played into this example of sexual violence?

ANA: Did you ever report this?

BEATRIZ: Are you kidding? I didn't want to lose my job or my husband's either.

Video of Beatriz: Houskeeping. See: **Interactive Performance Tool:** HERE.

STOP TO REVIEW:

1. What factors are perceived as limitations to Beatriz's rights?
2. What does she perceive to be limiting her ability to seek justice?
3. What does "Ana", the interviewer, do right and what can she do better in terms of her questions?
4. What are the safety concerns you can identify and with whom would you need to work to address them?

Activity 2 - Generational Tree of Violence[37]

PURPOSE

To engage in a discussion of the dynamics of women in the workplace throughout the last three generations based on the experiences of group members. The goal of the discussion is to begin identifying how sexual violence has moved throughout the generations and has emerged in the workplace.

TIME

15 – 20 minutes

MATERIALS

Large sheets of construction paper (easel paper) & markers

INSTRUCTIONS FOR FACILITATORS

1. Draw a large tree on the large piece of paper and place the sheet in the front of the room. Make sure to include enough "leaves" to write in, a wide enough trunk, and large roots to also write in.
2. Explain that each person will go around the room and introduce themselves by their name, their profession/work, the profession/work of their mother or mother figure, and the profession of their grandmother(s) or grandmother(s)figure. Write anything said including statements like, "stay at home" or "farmer's wife."

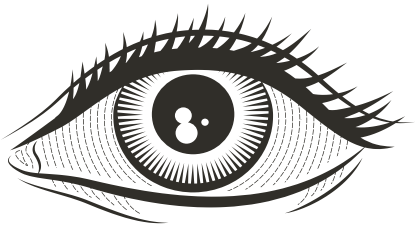
37. The Coalition Against Workplace Sexual Violence created this exercise and uses it as an icebreaker during their"train-the-trainer" sessions. The exercise could also be used with a group of workers to initiate a discussion on gender-based violence.

3. In the leaves, write the occupation of the participant.
4. In the trunk, write the occupation of the participant's mother.
5. In the roots, write the profession of the participant's grandmother(s).

DISCUSSION POINTS

1. Engage participants on their thoughts on the tree.
2. Ask participants their opinion on the change within the generations: Which generation stayed at home more and why? What are the results of women's movement?
3. Highlight patterns within the tree. For example, many grandmothers may have been"stay at home." Ask group participants: why they believe this is the case; why did women enter the workforce in the maternal generation; and what has contributed to more "professional" roles for women in our generation.
4. Engage participants on their thoughts on whether violence against women has changed when women entered the workforce. Why? If needed, remind participants there are no right or wrong answers.
5. Highlight the emergence of general gender discrimination in the workplace i.e. initially,the different positions men and women held; mobility for women in the workplace;disparity for women and men in the workplace; and sexual violence/ harassment.
6. Explain the purpose of the activity. Ask how Beatriz or other domestic workers maybe impacted by this dynamic?

Activity 3 - Understanding a survivor's perspective



PURPOSE

The goal of this brief and interactive activity is to have advocates understand the discomfort and shame a survivor may feel in disclosing her or his story. Although the activity can initiate a dialogue, please note that the conversation points of can also be asked rhetorically, with participants thinking about their reactions, or writing their reactions on paper.

TIME

5-10 minutes

INSTRUCTIONS FOR FACILITATORS

1. The facilitator should preface the activity by explaining the above information to advocates.
2. After explaining bias and the level of discomfort a survivor faces in disclosing, the facilitator will instruct participants to pair up for a partner activity.
3. Once the participants are paired, the facilitator will ask that the participant on the right take the role of the advocate. The facilitator will then ask the person on the left to disclose their last sexual encounter to the participant playing the advocate. (Please note the participants will become uncomfortable immediately!)
4. Allow no more than five seconds to pass before you tell the participants to stop. Participants will most likely laugh or express relief. Then follow the next conversation points.

    a. Ask participants disclosing the following:

        i. How did they feel about the prospect of disclosing this personal detail to the person next to them?

ii. What did it feel like to be in a position where as a participant, they had no choice but to disclose?

iii. Would the participant feel differently if they knew or trusted this person?

iv. In Beatriz's case, why was it difficult for her to tell her story?

b. Ask participants playing the role of advocate the following:

i. How did they feel receiving the information from a person they know or do not know?

ii. Were any biases triggered for participants? Which ones?

KEY POINTS

Identify that even consensual sexual interactions carry a level of shame and privacy that is multiplied when the interaction is unwanted. Explain that participants must remember this feeling of discomfort when talking to a survivor in order to understand how a survivor may be feeling during the disclosure.

Activity 4 - Effect of a disclosure

PURPOSE

Understand the factors affecting how and when a survivor of workplace sexual violence may disclose the abuse. First, the facilitator will prompt participants to write responses on their cards. Participants will then divide into small groups and discuss the questions proposed. Afterwards, the facilitator will initiate a discussion with the entire group.

TIME

35 minutes

MATERIALS

Pens; Index Cards or Paper (1 per participant)

INSTRUCTIONS FOR FACILITATORS

1. Ask participants to remember a time when they may have suffered any type of injustice in the workplace. Ask participants to write down their answers to the following questions:

a. What type of position were you in? (i.e. worker, manager, supervisor)

b. Did you have authority to change the injustice you felt? If not, why?

c. Was there a system in place where you could address your grievance?

i. If so, did you use this system? What happened?

ii. If there was not, do you think it would have helped to have one? What would you have liked to see?

d. How did the situation end?

2. After a few minutes, engage in a dialogue with all participants through the following questions:

a. What prevented them from reporting their own injustice?

b. What would prevent someone from reporting sexual violence?

c. What power dynamics were at play in their personal circumstance?

d. What power dynamic may exist when there is sexual violence in the workplace?

e. Based on their personal experiences, what challenges may a person face in reporting sexual violence?

KEY POINTS

Highlight how the power dynamics may affect the ability to report any type of injustice in the workplace, including sexual violence. Also note the difficulty in proving an injustice in the workplace, including sexual violence. Additionally, address obstacles participants faced addressing a workplace injustice and how that may translate for a survivor of sexual violence. Finally, address the systems in place to address workplace grievance and highlight the potential for a survivor's complaint to go nowhere.

SECTION IV
SELF-CARE FOR ADVOCATES

GOAL

To introduce the concept self-care for advocates, allies and organizers to improve their ability to work with immigrant survivors

LEARNING OBJECTIVES

As a result of this session participants will be able to:

1. Identify factors that may interfere with advocates' ability to work with survivors of workplace sexual violence
2. Identify tools for providers to improve their well-being and continue to serve survivors

When listening to survivors' stories of victimization, advocates may experience secondary, or vicarious trauma. Secondary trauma occurs when advocates internalize the trauma witnessed by the survivors.[38] This internalization may then manifest itself in an advocate physically or psychologically. Examples in which trauma may manifest itself in the lives of advocates can be found in the book, Trauma Stewardship. Here, the author outlines different ways in which secondary trauma may manifest itself including: nightmares or vivid impressions; an inflated sense of importance related to the work; numbing oneself to work with survivors; anger and cynicism; and even physical ailments.[39] It is important to know that many advocates experience secondary trauma but may have difficulty Identifying, or being aware of the impact secondary trauma.

As a result, advocates must practice self-care by developing an awareness of where they stand in regards to their exposure to secondary trauma, and cultivating healthy coping mechanisms. Self-care may include meeting basic needs such as sleep, activity, and appropriate nutrition. Other examples include finding social support and releasing emotions to maintain lower levels of stress. The deeper advocates connect to themselves, the more likely they may find what they need to do the work joyfully and well - "even in the face of significant hardship and obstacles."[40]

38. Laura van Dernoot Lipsky with Connie Burk, Trauma Stewardship: An Everyday Guide to Caring for Self While Caring for Others, pg. 41 (2009).
39. See Trauma Stewardship. at pg. 47-113.
40. See Trauma Stewardship. at pg. 116.

An advocate's role is to be emotionally present to support a survivor. Therefore, if the advocate has been a victim of sexual violence, it is important for the advocate to work with these issues individually and outside the relationship with the survivor. Although sharing these personal experiences with a survivor may feel like an opportunity to connect, the end result may be feelings of guilt for the survivor, who may feel like her or his story triggered something painful for the advocate; or feeling that the advocate disregarded or invalidated the experience of the survivor.

Activity 1 - Acknowledging secondary trauma[41]

PURPOSE

To have advocates identify and understand ways to take care of themselves while providing support to survivors; to identify what they may need from colleagues and their organization; to identify their own personal stressors.

TIME

1 Hour

INSTRUCTIONS FOR FACILITATOR

1. Have participants divide into small groups.
2. Ask participants to think about the impact that listening or hearing survivors' stories can have on them, and discuss in their small groups.
3. Ask participants to share thoughts by selecting a member of their small group to summarize their discussion.
4. Return to a large group. On a piece of paper, have participants write their answers to the following questions:

   a. What are your feelings about hearing their stories?

   b. What happens when you become stressed?

   c. What happens when you start to feel helpless?

   d. What do you do to cope with stress?

41. See Trauma Stewardship, pg. 116.40. Adapted from Restless Development, The Youth-Led Development Agency, Gender Based Violence Training Manual, p. 32.

5. Have participants form two circles: one facing out and one facing in so that participants are paired with each other.
6. Have the participants share with their partner what they wrote briefly. Ask the partners to reflect on things that help them manage during difficult times.
7. After 2-3 minutes, either have the inner circle or the outer circle move one step to the right or repeat the activity. Repeat the activity until you reach the original pairing.
8. At the end, have the participants share what they learned and new ways of coping that they may incorporate. Facilitate a dialogue with these new solutions.

****NOTE- This may be an impacting activity for those advocates that are now working and never took care of themselves, their feelings or vicarious/secondary trauma. It is important that the facilitator be prepared to refer participant to immediate service or a well-seasoned advocate that can talk outside of the room with the participants.*

SECTION V
DEVELOPING A RESPONSE TO WORKPLACE SEXUAL VIOLENCE

GOAL

To describe promising practices of culturally proficient responsive action steps that can be used in immigrant communities to combat workplace sexual violence.

LEARNING OBJECTIVES

1. Identify steps community workers could use to learn more about the prevalence of workplace sexual violence within the cultural context of the targeted immigrant communities.
2. Identify factors contributing towards positive responses in immigrant communities that lead towards action steps against workplace sexual violence.

Building trust with survivors and with the community is crucial to developing a response to workplace sexual violence. The steps below provide guidance in cultivating these important relationships.

1. Assessing your community's needs

In order to develop a response to workplace sexual violence, it is important to understand your organization's existing awareness of the issue in their community. It is possible the organization has attempted to work with survivors in the past or with similar issues such as domestic violence, or that the organization was not aware of the prevalence of workplace sexual violence in the workplace environment.[42] In assessing one's awareness of workplace sexual violence, it may also be valuable to understand the available resources your organization is willing to provide to work with survivors, and what resources are still missing.

Once an organization assesses its capacity to work with survivors and obtains the necessary training, the next step is to reach out to their community directly in order to develop a culturally specific response that will support the targeted immigrant population. The first step in this process is to cultivate relationships with community leaders, trained outreach workers, and other community stakeholders to learn about their experience in working with survivors of workplace sexual violence. Community stakeholders may include faith-leaders, adult-learning and elementary teachers, attorneys who work with survivors, health professionals, and worker centers or union representatives. These stakeholders may help you leverage resources or have specific expertise that can contribute towards building a response for workers. After developing these relationships, the second step is to reach out to workers through your new network and assess their particular needs. Some ways to learn about the worker community directly is by holding focus groups for workers, or asking community partners to have workers fill out surveys in their native language asking about workplace sexual violence.

2. Developing a Response

The response must be relevant to the community.. The organization needs to review the following:

- Is the prevention program prepared and developed in the language and culture of the targeted population?
- Are the materials in the language and culture of the targeted population?
- Are the images in the materials positive and empowering?
- Are the outreach people and staff from the said targeted population?
- Are the outreach people and staff qualified to speak and understand the language and culture?

42. See Kennedy, *supra* note 28, at 133-145.

- Are there specific campaigns culturally and linguistically developed that cater to immigrant communities? (ensuring diversity within and among the immigrant communities)•If utilizing graphic designers, are they qualified to linguistically and culturally develop materials with images that represent the community? (e.g., age, complexion, features, same sex couples, persons with disabilities)
- Does the organization have interpreters that can support immigrant women victims of sexual violence in a culturally, and linguistically appropriate manner that represents the community?
- Does the organization consider immigrant community leaders and advocates in their advisory capacity to oversee the culturally and linguistic program?
- Are educational campaigns and media used within the targeted immigrant population? (radio, TV, newspapers from the targeted immigrant population)
- Is graphic media used to cater to low literacy immigrant populations?
- Are proven popular education methods used to reach out to and access the targeted immigrant communities? (e.g., house meetings, theater, graphic novels, murals, music, artwork)

Popular education tools generally work best with worker communities. The benefit of popular education is that messages can transcend cultures and language, while providing a safe platform for engaging in dialogue about issues such as workplace sexual violence. One popular education tool in particular is theater, where skits can be provided to participants and participants have the opportunity to role play some of their own experiences. Through theater, survivors can grow aware of their environment, learn about their challenges, and address social justice issues while feeling safe without the pressure to identify as a victim or survivor of sexual violence. Organizations like *Lideres Campesinas*, have used theater to open dialogue in the community and build awareness on workplace sexual violence. The following is an example to use.

Activity 1- Sculpting

PURPOSE

The following activity implements the popular education tool of theater to promote active ways to combat oppression and sexual violence and develop skills as an advocate and ally.

INSTRUCTIONS FOR FACILITATORS

Follow the listed instructions per heading. Each heading identifies the video set to use for the activity below. If you do not have media capacity, you can also have the participants perform the roles identified in the script.

INTERACTIVE THEATER PIECE I: "BEATRIZ: HOUSEKEEPING"

Video of Beatriz: Houskeeping. See: **Interactive Performance Tool: HERE.**

TECHNIQUE

"Sculpting"[43]

Staging the Technique – in this set of interactive activities, "Sculpting," invite participants to assume the roles of characters that appear in the videos. Ask participants to intervene at key moments of the scene and use their bodies as a tool, a mechanism or a shield to equip or protect a victim from abuse. Invite participants to describe what idea (tool, mechanism) they embody, and ask them to articulate how they might have changed the course of the events.

43. These interactive theatre pieces and the accompanying activities were designed, written, and directed by Jennifer Cooley. The forum theatre activities are based on methods outlined by Augusto Boal in *Games for Actors and Non-Actors.*" See: **Interactive Performance: A Tool for Learning, Advocacy, and Professional Support, HERE.**

1. The trainer should cue up the DVD to the beginning of the video. The activitieswill accompany the second viewing. The audience will view the video up to the point where Manager 1 states "Faster!" If there are time constraints, the trainer may cue up directly to the aggression of Manager 2.

2. Invite a volunteer to come forward to assume the role of Beatriz. Then invite a second volunteer to assume the role of Manager I. If possible, ask the volunteers to assume the physical position that the actors in the video use.

3. Invite audience members to come forward one at a time to sculpt their own response to the situation. They should think carefully about all the information they have about Beatriz and her specific situation. They cannot sculpt the actors' bodies (or anyone else's), only their own. Ask them to sculpt in silence. Once they have assumed their pose, ask each sculpture to articulate what concept or tool they represent. Then ask them to remain frozen in their role.

4. After a number of people have come forward to sculpt a response, ask the entire group to talk about what they see: a) Are there some options (tools, ideas, mechanisms) that appear better than others in this specific case? Why? Are there some options among those we see here that are not compatible? Why?

5. Ask the group to consider all these options from the perspective of the victim. When they look at things through her eyes, what do they see? How might a victim see all these options? Is it possible to overwhelm or confuse survivors?

6. If at any point necessary, ask the sculptors if they would like to reconsider their initial position. Ask the participants to explain why they are repositioning or maybe even removing themselves from the scene. Make sure to request explanations for any movements.

7. For above points 4, 5, and 6 encourage the group to think about physical and spatial elements of what they see as well as conceptual elements. For example, facilitators may ask, "What you see in this posture?," or other questions that draw attention to the physicality of the interventions.

8. Ask the group to reflect upon what they learned about intervening in situations of violence. Are there options for intervention that look good from one perspective but may seem problematic to survivors? Are there new issues they might consider as they go to their toolbox and think about which ideas, concepts or mechanisms?

9. Return to the DVD and play out the second section of the conversation with Beatriz. View the segment that reveals sexual violence initiated by Manager 2. Repeat steps 1-7 above. If all sculptures focus exclusively on the survivor, you may draw attention to that fact and ask the audience to think about what they might sculpt near Manager 2 as a means to intervene with regard to the perpetrator.

DEBRIEFING

ask the audience to reflect on conceptual aspects of their activity. What types of tools seem most useful? Are there practices, ideas, or mechanisms that should always be present in our toolbox? Are there responses that only work in certain cases? How can we be better equipped to choose our best and most effective response in any given situation? If appropriate, remind group again about the potential physical impact of any intervention, as this activity is designed to draw attention to spatial aspects of working with people.

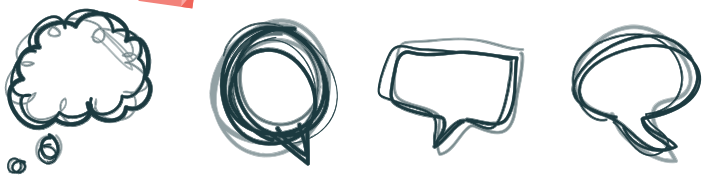
KEY POINTS

1. Generally, identify signs of violence in the workplace
2. Understand the dynamics of workplace sexual violence. In particular, explore when and how workplace violence becomes sexual violence; what factors and dynamics to look for; how to use this information to develop safety measures in the workplace
3. Understand the special vulnerabilities that exist. Explore the issues specific to immigrant survivors of sexual violence or low-wage workers. Also explore the vulnerabilities associated with family members employed in the same workplace.

INTERACTIVE THEATRE PIECE II: "SUSANA: HARVESTING"

Video of Susana: Harvesting. See: **Interactive Performance Tool: HERE.**

Activity 2- Talk back[44]



Staging the Technique – For this scene, view the entire video once through. Then begin the video a second time. During this second viewing, stop the video to allow for audience members to replace characters. The audience members will then have a chance to "talk back" to the people and factors in this scene that incite oppression and gender violence or allow it to go unchecked, and to thereby practice ways to impact the final outcome of events they have viewed. Group members will be called upon to articulate what they think are the most important words and ideas that remained silenced in the scene, but that they voiced in their responses.

The trainer will then cue up the DVD to the segment when two managers come to the field to check on workers' progress. If the trainer has time, he or she can cue the part where managers utter verbal insults and stage the following activities once at that point. If there are time constraints, the trainer may cue up to the point where a female manager exhibits sexually abusive behavior toward a female worker

KEY POINTS

1. Identify and be aware of various types of workplace threats;
   a. Discrimination
   b. Isolation
   c. Lack of solidarity among workers
2. Identify how gender violence can occur among and between people of the same sex and/or the opposite sex. Explore how same-sex violence links to workplace threats. Some examples are the discrimination, isolation, or gossip.
3. Creating a safety plan to defend, protect and/or report.
4. Identify steps to prevent violence from taking place.

44. These interactive theatre pieces and the accompanying activities were designed, written, and directed by Jennifer Cooley. The forum theatre activities are based on methods outlined by Augusto Boal in *Games for Actors and Non-Actors.*" See: **Interactive Performance: A Tool for Learning, Advocacy, and Professional Support,** HERE.

INTERACTIVE THEATER PIECE III - "DIANA MEATPACKING"

Video of Diana: Meatpacking. See: **Interactive Performance Tool: HERE.**

Activity 3- Cops in her head[45]

STAGING THE TECHNIQUE

In the technique, "Cops in her head," the participants will be called upon to voice beliefs, thoughts, and ideas of what the character, Diana, may be thinking about. In this fashion participants draw on much more intimate knowledge of scenes of sexual violence, and are called directly into action and meaningful reflection.

1. Watch the "Diana" vignette once through without stopping. As you watch, ask participants to call out "stop" whenever they feel like the survivor faces a clear incident of sexual violence in the workplace. (Note: There will be more than one possible stopping

45. These interactive theatre pieces and the accompanying activities were designed, written, and directed by Jennifer Cooley. The forum theatre activities are based on methods outlined by Augusto Boal in *Games for Actors and Non-Actors.*" See: **Interactive Performance: A Tool for Learning, Advocacy, and Professional Support, HERE.**

point for each scene, so be prepared to run the video, stop and act out and then restart the video as work continues. Trainers will have to be in tune with their time constraints and the goals of their particular session to choose how many times they will stop.)

SUGGESTED STOPPING POINTS

"I'm not paying you to pee. Keep working!" (Diana and Manager)

No! No. No es cierto! (It's not true!) (Diana and Abel at home.)

¡*Sos una basura*! (You are a piece of garbage!) (Diana and Abel at home.)

Video of Diana: Meatpacking. See: **Interactive Performance Tool: HERE.**

2. Ask the people who stopped the action in the course of watching the video to join you on "stage" as one of the characters they viewed in the scene of oppression. Also ask for a volunteer to assume the position of manager

3. Explain to the participants that they will assume the role of the survivor at the different stopping points that they signaled. Explain you will play the video again and when their stopping point comes up, you will stop the video and ask them to voice what Diana may have been thinking during this part of the scene. Explain that participants might consider Diana's upbringing, cultural background, current situation, family life, schooling, church, or other factors that could impact how Diana would perceive the violence experienced in the workplace.

4. Play the video a second time and stop the video at points where participants indicated to stop. Then ask this participant what part of Diana's background she or he represents with the words they voice. Invite other audience members to step-in and voice another response that Diana may have thought, but never said out loud in the moment of the violence. The audience members should come up to stand near Diana and speak near her. Continue this same process with each participant. Then invite others to articulate the voice of a "cop in the head" of Diana. Depending upon time constraints and the size of the group, invite up to five or six people to voice a "cop in the head" of the survivor.

5. After each person has spoken individually, explain that together, participants will recreate the level of internal and external conflict that exists in situations of abuse. Tell participants to be prepared to say their thoughts, repeatedly if necessary, very quietly and to be prepared to increase the volume of their voice as instructed by the trainer. As the participants' voices grow louder, you will decide when to signal for them to stop their statements, and become quiet.

6. The trainer "conducts" the orchestra of voices to start softly and then to increase in volume. Once the audience and spectators have fully experienced the level of noise and stress involved, they are directed to stop. Actors should freeze in their places, quietly.

DE-BRIEFING

Participants should remain in their places. The first part of their work that the spectators will analyze is the postures and physical stances of the actors. Ask the audience:

1. What do you see? What physical stances have these people assumed? Are the stances telling us something about the attitudes they embody?

2. What did you hear? What did the mixture of sounds and voices tell you about the complexity of situations of abuse? What do you learn about victims' responses to abuse?

The Staging and Debriefing activities can be repeated for the second portion of the scene, when Diana and Abel are at home. It is very important for this portion of the activity to also take into consideration the role of Abel, as the perpetrator. Add the following step to the activities listed above:

Now draw attention to the aggressor. The group may have naturally turned to look at him as a complex character with multiple motivations. If they did not, point to the fact that the group did not recognize him as an equally deep and complex human voice. Turning to Abel ask the audience, "What voices might he have heard in his head?" Invite people

to come forward to articulate those voices. They should stand near the perpetrator as they speak the words. You may invite up to up to six people to stage the "voices in the head" of Abel.

Follow this portion of the activity with "Debriefing" questions 1 and 2.

If the group stages an analysis of both the workplace sexual violence and the abuse at home, ask the group to reflect upon any differences in the types of "cops in the head" that impact the victims (and aggressors). Are they the same? Are there important differences?

Next, ask the group to reflect upon how these two scenes of confrontation work together. What is their combined impact on the survivor?

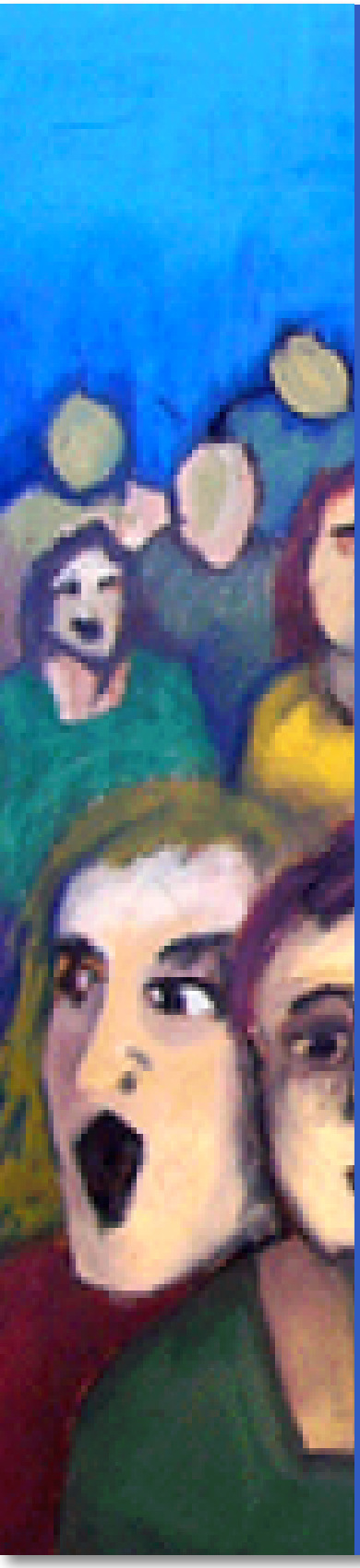
KEY POINTS

1. Explore the overlapping challenges that make survivors vulnerable. This can include events and situations from childhood, or current challenges.
2. Identify the environmental hazards that can increase risk in the workplace. Explore how industry related risks and labor violations are linked to sexual violence.
3. Identify the likelihood of a survivor speaking out. Discuss how workplace sexual violence can overlap with domestic violence. Explore how a survivor may not articulate the sexual violence experienced in the workplace. Discuss how to tailor interacting with survivors to meet their needs.

3. Professional Growth and New Goals for Advocates and/or Organizers

Ask the group to think about and discuss options from the following:

- How does today's (or this session's) activity inform your work with survivors?
- What new information or perspectives have you learned that may affect your approach as advocates? Think about what you do in the workplace and beyond.
- What are three things you will do differently when you meet with survivors now that you have taken part in these interactive scenes?
- What new complexities have been brought to light as you think about the multiple messages, voices or "cops in the head" a survivor may be hearing?
- How would you say this interaction has transformed you as a person, and as a professional?



MODULE III

Working at the Intersection: How Labor, Immigration, and Women's Rights Advocates Can Respond as Allies

MODULE III

WORKING AT THE INTERSECTION: HOW LABOR, IMMIGRATION, AND WOMEN'S RIGHTS ADVOCATES CAN RESPOND AS ALLIES

Authors: Karla Altmayer, Mili Treviño Sauceda, Sonia Parras Konrad, Hector E. Sánchez, Vicki-Lynn Anderson

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SECTION I
TRABAJADORAS ORGANIZING FOR CHANGE: SUPPORTING OUR LEADERS

GOAL

To understand how unions work and provide them with tools to support survivors of workplace sexual violence

LEARNING OBJECTIVES

1. Illustrate the importance of movement building and supporting *trabajadoras.*
2. To introduce union leaders and labor advocates to ways to support survivors and promote safe workplaces free from sexual violence.

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46. Illustration by Randy Timm.

1. The power of organizing

The prevalence of workplace sexual violence is unprecedented and compounds the exploitation faced by many immigrant workers. In 2012, one-third of all sexual discrimination claims were from within the restaurant industry – an industry known for employing many immigrant workers.[47] In the agriculture industry, a survey by the Southern Poverty Law Center reported that 77 percent of farmworker women out of almost 100

women reported sexual harassment to be a "major problem" on the job.[48] Employers who exploit low-wage laborers, such as domestic workers, farmworkers and restaurant employees, may use immigration status as a form of leverage over them. These workers may feel like they have no choice but to yield to demands of their employers in order to receive job security.

An example of a population vulnerable to exploitation is Latina workers (*trabajadoras*). Many *trabajadoras* fill traditionally underpaid occupations in industries where wages fall below poverty thresholds for families. *Trabajadoras* are the mothers of the fastest growing segment of the U.S. population. For many Latinas, the cost of life in the United States means they will hold jobs where they will be robbed of their hard-earned wages, paid less than their male and female counterparts, work in unsafe conditions, and are coerced into enduring unwanted sexual advances.

But *Foot* have started to speak out. Organizing has been a critical tool for immigrant women workers. From the grape boycotts lead by labor leader Cesar Chavez and the United Farmworkers, to the strikes against disenfranchised workers, organizing has helped Latin@ immigrants achieve measurable gains in the workplace and changed the immigration reform debate. Organizing ultimately unifies exploited communities and provides a collective voice to make change. Through a collective voice, communities can build power by mobilizing their constituency to campaign around an issue or target an institution to create change.

2. Unions: A Source of Protection for all Immigrant Workers

Unions provide an infrastructure of power and strength through numbers. Workers in unions share similar struggles, and together, they can create systematic change. Unions bring democracy to the workplace and lead the ongoing fight for workers'

47. In 2010, according to the Brookings Institute, approximately 16.4% of the United States labor force was comprised of immigrants and the percentage was growing. See https://www.bostonglobe.com/business/2014/07/02/governor-patrick-signs-domestic-workers-bill-rights-into-law/lwNJtWDjlSbvUHBGqCaquJ/story.html (Accessed Feb. 26,2016.)

48. "See "Injustice on our Plates https://www.splcenter.org/sites/default/files/d6_legacy_files/downloads/publication/Injustice_on_Our_Plates.pdf

rights, raising the standard in the workplace and linking workplace issues to the quality of life of workers and the overall well-being of the community.

Undocumented workers are also protected under labor laws in the United States. While undocumented workers can join unions and enjoy the benefits of collective bargaining, many sectors in which worker undocumented immigrants work are hard to unionize. However, whether it is through a union, worker center, or other advocacy organizations, organizing campaigns can still help defend the labor rights of immigrant workers against aggressive employer tactics.

a. What is a Union?

A union is a group of employees who come together with the shared goal of improving their working conditions and having a voice at their place of employment. In gaining coverage by a union contract through collective bargaining, workers receive a series of key benefits to which they would otherwise have limited access. The union advantage is critical for immigrant workers who face victimization and struggle to secure good jobs that offer supporting wages, health care and retirement benefits. All immigrant workers can participate in a union, regardless of documentation status.

For survivors of workplace sexual violence, unionizing may serve as an effective tool in addressing the abuse. With the support of a union, a survivor may be able to confront an abuser, knowing that the union may provide protections against retaliation.

b. What is Collective Bargaining?

Collective bargaining is a formal process of negotiation between an employer and the union to provide you a voice in decisions that affect your workplace. It provides you and your colleagues with a special relationship to your employer determining salary, benefits, hours and working conditions. Collective bargaining gives you a contract that puts these guarantees in writing, while also protecting you from unfair treatment.

A worker can take advantage of the collective bargaining period to address workplace sexual violence. When considering survivors' privacy needs, workers may bargain for reporting policies that protect the identity of the survivor in the initial stages. Workers can also advocate for protected leaves of absence so that the survivor may be able to file a complaint or seek victim services. Depending on the type of workplace, workers can think of creative ways to prevent and address workplace sexual violence during the collective bargaining period.

- Union contracts can include other specific language addressing workplace sexual violence including:
- Establish a union policy against sexual harassment

- Publish the union's anti-harassment policy and procedures, and make them available to the members periodically
- Establish a procedure within the union to handle sexual harassment complaints and/or grievances.
- Designate and train representatives to properly handle complaints, investigations and grievances.
- Tell employees who in the local union is responsible for receiving and investigating sexual harassment complaints
- Educate the membership about the issue through workshops, speakers, distribution of literature, etc.

c. The Right to Unionize

The National Labor Relations Act provides the following rights to unionize:

"Section 7. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representation of their own choosing, and to engage in other concerted activities for the purposes of collective bargaining . . . and shall have the right to refrain from any or all such activities . . . "

Further, this law protects you in exercising your rights by making it illegal for an employer to interfere:

"Section 8. (a) It shall be an unfair labor practice for an employer — (1) to interfere with, restrain or coerce employees in the exercise of the rights guaranteed in section 7; . . . and (3) by discrimination in regard to hire or tenure of employment, to encourage or discourage membership in any labor organization . . . ".

This means the United States guarantees workers the right to help organize, to join, and to support a union of your choice. This includes activities like signing a union card, getting others to sign cards, attending union meetings, wearing union buttons, passing out union literature, and talking about the union to other workers as long as it doesn't interfere with work.

It is unlawful for an employer to deduct a worker's wages, transfer a worker to a less desirable position, suspend or fire workers for union activity. If an employer violates the law, a worker is entitled to reinstatement without loss of seniority and lost wages with interest.

d. Union Benefits as an Option to Organize

Unions' benefits as an option to organize Unions can provide several benefits to union-workers including safe working conditions, secure wages, seniority status, and policies that protect workers from retaliation or discrimination.

A study by the University of Southern California at Dornsife suggests the participation in a union promotes the civic engagement of Latino immigrants, empowering them to become more involved in their communities.[49] Latino immigrants, who participated in unionizing claimed to have gained confidence to advocate, organize and hold institutions and elected officials accountable.[50]

Despite the vital role unions play in protecting workers, the share of workers represented by a union is declining due to recent legislation that has weakened unions and existing collective bargaining agreements.[51] However, Latin@ unionization rates continue to increase. In 2012, unions gained 156,000 new Latin@ members. This is due in part to including more Latin@ immigrants in the labor movement.

Unions such as the United Steel Workers (USW) have supported campaigns in California that target low-wage jobs where the majority of the workforce is Latin@. Successful campaigns to organize janitors, security guards, car wash workers, hotel workers, port trucking workers, nursing home and home health care workers have led the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) to sign historic agreements that include them as part of the federation. These agreements have shifted the attitude of organized labor toward Latin@ immigrants and shifted significant amounts of resources to organizing more low-wage sectors. These changes have ensured more Latinas, specifically in the service sector, gain more protections and better wages.

49. North-Hager, Eddie. "Unions a catalyst for civic engagement. "https://dornsife.usc.edu/news/stories/1034/unions-a-catalyst-for-civic-engagement-usc-study-finds/ (Accessed Feb. 26, 2016.)
50. Id.
51. States have started implementing "Right to Work" laws that permit workers to opt-out of union fees if they are not unionized. This has impacted the funding unions receive, making it difficult for them to maintain their ability to lobby on behalf of workers' rights.

Activity 1 - There are No Unions Here

PURPOSE

To help participants identify alternatives to organizing and responding to workplace sexual violence

INSTRUCTIONS FOR FACILITATORS

1. Have participants write down who in their communities cares about workers' and survivors' rights. (i.e. Workers' centers, churches and faith base communities, anti-violence organizations and groups, American Civil Liberty Union, survivors, local labor leaders, local grass-roots leaders, etc.)
2. Facilitate a discussion about pros and cons of identified allies as a way of transitioning into the next section.

TAKING ACTION

While unions may provide important safeguards for survivors of workplace sexual violence, many immigrant women work in sectors or states that make it hard for workers to unionize. Despite anti-union stances, non-unionized workers continue to garner the support from national advocacy groups, local labor movements, worker centers, and community activists. With the support of one of these allies, the following are tips for survivors which may help organizing efforts around issues of workplace sexual violence:

- *Object* – Tell your harasser to stop. If it continues, you may inform your employer in writing via certified mail, and keep a copy for your records.
- *Document the harassment* – it is important to keep notes, dates, times, of what was done, and names of witnesses. Document absences, performance evaluations, and any other documents related to your work. These documents will help support your claim if you choose to report.
- *Research the Policy* – Review your employee handbook and the policies. Request a copy of the policy in your native language to learn about the process for filing a complaint.
- *Complain to the Employer*– if you file a complaint and an agreement is proposed, it should not affect you in a negative way. You should not need to change shifts, work locations to avoid your harasser. If the sexual harassment continues, you may be able to file a complaint with the appropriate state, federal, or local agency.

- *File a grievance under your collective bargaining agreement (if applicable)*- A grievance is generally defined as a claim by an employee that he or she is adversely affected by the misinterpretation of misapplication of a written company policy or collectively bargained agreement. If you are unionized, you may need to follow the grievance procedure in addition to filing a formal charge.
- *File Charges* – if your employer or union cannot resolve the harassment, contact the nearest field office of the U.S. Equal Employment Opportunity Commission or your state or local fair employment practice agency. http://www.eeoc.gov/
- *Reach out to a Worker Center* – Worker centers have access to organizing tools that may be able to help you. For example, they may help you coordinate actions like sit-ins, picketing, or public shaming.
- *Consult an attorney in sexual harassment cases* – A union or your local bar association can help you locate an attorney.
- *If the harasser's behavior included assault and battery or rape, file criminal charge with police.*

3. Reaching Out to Survivors and Supporting Women Leaders[52]

Outreach builds awareness of services available to populations who might not otherwise have information or access to those services. Outreach workers travel to these communities on behalf of organizations to conduct community workshops, distribute educational materials, and provide on-site services to the community members. Through outreach, workers build trust with community members directly, and ultimately work to fill the gaps in services.

When initiating an outreach program for survivors of workplace sexual violence, outreach workers must receive culturally-specific training to work with immigrant survivors of workplace sexual violence. For example, given the prevalence of culturally-based taboos around sexual violence, outreach workers must develop relationships with community members to learn about the important values of the community. As a result, outreach workers and advocates should have familiarity with the language and culture. Outreach workers should also receive basic sexual assault training to be able to provide support during potential crises.

Trust is a crucial element in successfully reaching out to community members. Community members may initially hesitate to receive services or information from outreach workers after years of lack of services with no follow-up, or feeling that the outreach worker cannot relate to the experience of the worker. In particular, survivors of workplace sexual

52. This section was written by Mili Treviño-Sauceda. (See bios in introduction)

violence may show more hesitation in receiving services for fear of being identified as a survivor of sexual violence in the respective community. As a result, outreach workers need to establish a physical presence in places where the target population congregates such as supermarkets, social and civic festivities, parks, beauty salons, childcare and schools, community health fairs, and many other places.

Outreach workers can also implement the *promotoras* model. This model focuses on empowering women community leaders by training women as outreach workers, advocates, educators and translators. Community health programs have traditionally implemented this model to reach underserved populations. The benefit of using the *promotoras* model is that many of the *promotoras* already have relationships with community members and community organizations. The *promotoras* serve as leaders in their community and often work on community-based projects. They can also serve as liaisons between their community and the organizations, and receive additional training to improve their personal skills and leadership. Organizations can pay *promotoras* with a stipend or salary as an additional incentive. Examples of *promotoras* programs include *Lideres Campesinas*,[53] *Campesinos sin Fronteras*,[54] and community health clinics throughout the country.

The ultimate goal of the *promotoras* model is to engage *promotoras* meaningfully at a broader level to support their leadership skills within the community. For example, *promotoras* serve in some advisory committees or on boards of directors. Other opportunities include connecting *promotoras* to government actors, or providing a platform for their input.

53. Líderes Campesinas is a statewide farmworker women's community organization based in California. It is a membership-based organization governed by immigrant and migrant women. They train trainers to perform outreach in their community and build awareness and prevention of violence against women issues.
54. Campesinos sin Fronteras is a non-profit organization dedicated to educating members of the low-income, migrant, agriculture community in Yuma County to prevent chronic disease, injury, and illness associated with farm work. Their Promotoras are the heart and backbone of all programs and activities that make up CSF. It has recently reached a formal partnership between CSF and Arizona Western College (AWC), to implement a Promotora Certification Academic Program, which is now offered with credit value towards obtaining an associate's degree, and a pathway to higher education.

Activity 2 - Improving our Outreach strategies

PURPOSE

This activity will assist participants to develop first steps for meaningful outreach strategies that include grass-roots leaders and survivors

INSTRUCTIONS FOR FACILITATORS

Trainers will ask the large group to divide in small groups depending on the amount of participants. (30 minutes total; 15 minutes in small groups and 15 minutes reporting) Each group will chose a facilitator, a recorder and the person who will report to the whole group. Each group will discuss and give feedback on the following:

- Identify some service barriers faced by immigrant women victims of workplace sexual violence
- Share why an outreach program is important
- Identify who can be hired and/or trained to help with the outreach program
- Identify some actions steps to building a proficient outreach program at the individual and the programmatic level.

SECTION II
COLLABORATION AMONG SEXUAL ASSAULT ADVOCATES, LABOR, AND IMMIGRANT RIGHTS ORGANIZERS

GOAL

To encourage dialogue and collaboration among key players for movement building

OBJECTIVES

As a result of this section, participants should be able to:

1. Understand how anti-violence advocates, labor advocates and immigration advocates can work together to address workplace sexual violence.
2. Understand how confidentiality is a key issue to address when developing multi-disciplinary community support teams; and support survivors to protect their privacy and safety.

1. Understanding Sexual Violence in the Workplace. Talking to Labor Organizers and Leaders

When a person suffers any form of sexual violence, she or he may feel a profound violation of the self that disrupts the person's life. A survivor may feel like she or he has lost control over her or his life, and the resulting trauma my feel life-threatening. Some survivors may consider a sexual assault worse than: a parent's death, a family suicide, a fatal car accident, or having a child taken away by social services.[55] After a sexual assault, a survivor will likely experience rape trauma syndrome.[56] Rape trauma syndrome explains the acute and long-term symptoms a survivor experiences as a result of sexual violence. After the assault, a survivor may suffer acute symptoms such as anxiety attacks, crying spells, disorientation, or shock. After a few days to several weeks of acute symptoms, a survivor may enter the "outward adjustment" phase, where a survivor may suppress the anger and feelings resulting from the assault in an attempt to normalize the daily routine. The duration of this phase may last from weeks to years; in many cases, survivors are never able to confront the violence. However, some survivors do try to resolve the violence and enter a phase where she or he will seek support from formal or informal support systems. It is important to understand that movement through these phases is not linear or progressive and many times may not occur.

In working with survivors who may be in any of the above-mentioned stages, it is important to understand triggers and flashbacks. A trigger sets off a memory tape, or flashback, that transports the person back to the event of the original trauma.[57] Sometimes a survivor realizes they are being triggered, but not always. Triggers are extremely personal and different things trigger different people. Once triggered, a survivor will react to this flashback with similar emotional intensity as at the time of the original trauma. A person's triggers are activated through sensory memory: sight, sounds, touch, smell, and taste.

Flashbacks are memories of past traumas. They may take the form of pictures, sounds, smells, sensations, or feelings (or lack of). One may have a sense of being trapped or a feeling of powerlessness, or shame, with no memory stimulating it. During the initial crisis, the survivor had to insulate herself/himself from the emotional and physical horror of the event. In order to survive, the survivor may have been unable to experience or express the feelings or thoughts of that time. The feelings later surface and come out as a flashback, where the survivor may experience the same sensations, thoughts and feelings as if the actual traumatic event is recurring. This can be very frightening and overwhelming.[58]

55. Ann Wolbert Burgess and Lynda Lytle Holmstrom, Adaptive Strategies and Recovery from Rape, Am J. Psych. 1278-1282 (1979)
56. How Long Does it Take to Recover? https://ohl.rainn.org/online/resources/how-long-to-recover.cfm (last visited September 3, 2014).
57. Coalition Against Workplace Sexual Violence, *supra* note 8 at 9.
58. Id.

As a result of the level of trauma experienced by a survivor, rape crisis centers and sexual assault advocates focus on healing. By creating a space for privacy and healing, survivors can work through the assault. A safe space is needed for a survivor to heal, otherwise a risk of triggering a flashback exists, or other trauma can occur that could be detrimental to the health of a survivor.

A sexual assault advocate embraces the idea of empowerment from the perspective of the survivor and as a result, engages in a "trauma-centered" approach to help the survivor.[59] For example, in an initial consultation, an advocate will define the problem with the survivor's terms. It is crucial at this stage to refrain from "labeling" the problem and calling the problem "sexual harassment" or "sexual violence." Once the survivor defines a problem, advocates learn more about the survivor's safety. This is extremely important because a survivor may not feel safe physically or emotionally and if safety is the primary concern of the survivor, safety must first be addressed. After assessing safety, advocates take an opportunity to learn about a survivor's support system and resources available. After an attack, a survivor may not feel comfortable telling anyone in her or his immediate support system about the violence because of shame or fear. Advocates listen to survivors and work with them to provide support. An advocate will also help a survivor assess her or his options within the systems. Many times, survivors may not feel comfortable reporting the assault, especially if the assault occurs in the workplace. With the idea of empowering a survivor, an advocate will inform the survivor of all their options and work with the survivor to problem-solve or develop a short-term plan. However, an advocate never makes a decision for the survivor – an advocate only helps identify potential solutions and supports the survivor's decisions.

A trauma-centered approach is most effective when working with any survivor of sexual violence because the space for healing is created while a survivor takes the opportunity to reconnect with him or herself, and eventually gain empowerment.

The following activities discuss a trauma-centered approach in working with a survivor. The goal is to understand: (1) "rescuing" someone is not empowering; (2) assess our own biases and their impact in working with survivors; and (3) provide guidance on communicating with survivors to avoid triggering or victim-blaming language.

59. Coalition Against Workplace Sexual Violence, *supra* note 8 at 9.

Activity 1 - Listening is empowering - Broken Doll Story[60]

PURPOSE

This activity is designed to begin the discussion about rape crisis theory and the importance of healing for a survivor. This activity is also intended to help participants understand the importance of active listening.

TIME

5 minutes

INSTRUCTIONS FOR FACILITATORS

1. Explain the purpose of the broken doll story.
2. Read the following story aloud.

THE BROKEN DOLL (Submitted by Haven Women's Center, original source unknown)

Here's a story a friend of mine once told me, in her own words:

"One day my young daughter was late coming home from school. I was both annoyed and worried. When she came through the door, I demanded in my upset tone that she explain why she was late. She said, "Mommy, I was walking home with Julie, and halfway home, Julie dropped her doll and it broke into lots of little pieces." "Oh, honey," I replied, "You were late because you helped Julie pick up the pieces of her doll to put them back together." In her young and innocent voice, my daughter said, "No, Mommy. I didn't know how to fix the doll. I just stayed to help Julie cry."

KEY POINTS

1. Your supportive presence is the most valuable thing you have to offer.
2. Listening is a critical component in helping, and sometimes as helpful as anything we say or do. We must resist the urge to try and "fix something."
3. Our role is to assist and guide, not to rescue. Recovery is the road the victim must travel on her/his own; we're just here to accompany her/him on the journey.

60. *Id.*

Activity 2 - Cage of Oppression[61]

PURPOSE

To understand the dynamic of macro institutional oppression and privilege and discuss the power imbalance based on human differences. With the development of temporary work and informal labor industries, such as domestic work, women are more vulnerable to gender-based violence in the workplace as a result of the lack of regulation and protections available for women, and the marginalized nature of women in the modern workforce.[62] Gender-based discrimination and violence is an everyday reality for immigrant women working in these industries.

Existing federal and state laws exclude workers from the above-mentioned industries, making it difficult for any of these workers to enforce their rights.[63] However, the issue of gender-based violence within the workplace has a deeper social construct that supports the oppression of women in the social construct.

INSTRUCTIONS FOR FACILITATORS

1. Explain the purpose of the activity. The goal is to develop a deeper understanding of the roots of gender-based violence and discrimination in the workplace, and engage in a discussion of dynamics of women in the workplace.

2. Draw a diagram similar to the Cage of Oppression in the graphic (see below). You might want to start with a cage that deals with a few oppressions that are particularly relevant to your audience. For example, workers may have more familiarity with classism, racism, or ableism than anti-semitism. Make sure sexism is discussed. Sexism is the last "ism."

3. Explain why we are presenting this Cage.[64] The image serves as a platform to discuss how society is organized around human difference. Point out that this is a macro view of the systemic institutionalization of oppression and privilege. Oppression: Oppression is created and is perpetuated by individuals and communities with power, for their own benefit.[65] Oppression is most commonly

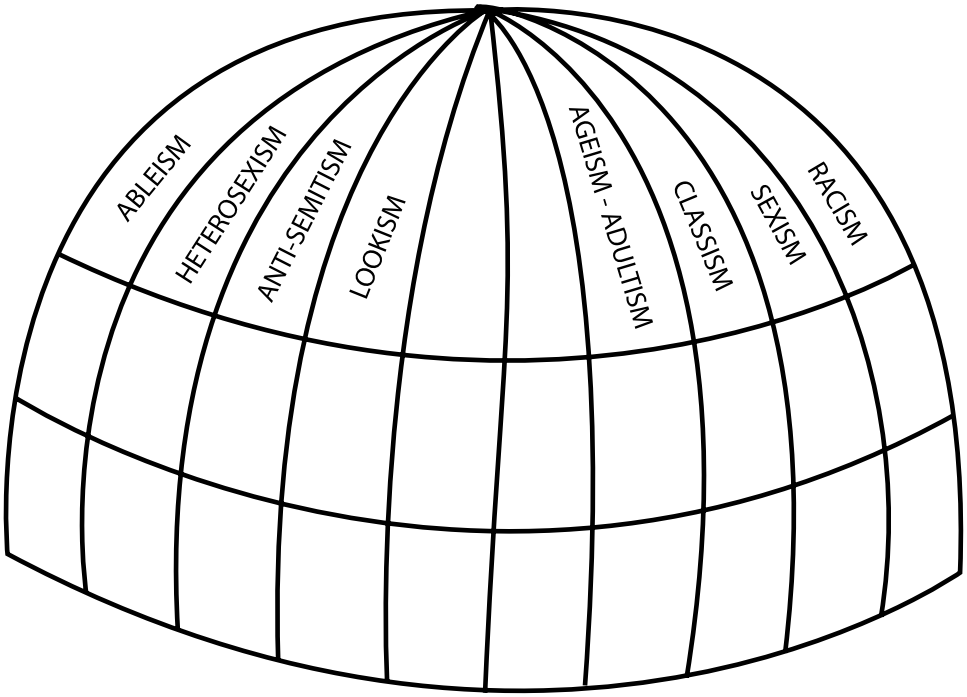
61. Coalition Against Workplace Sexual Violence, *supra* note 8 at 16-19.
62. See Kennedy, *supra* note 28, at 138-139.
63. See id. at 132-135.
64. During the exercise, it is possible for participants to show individual examples where the "ism" does not apply i.e. a statement like "I know a woman who oppresses her husband." Explain that systematically, women tend to be oppressed and to acknowledge the possibility of this individual circumstance to have other aspects of privilege or oppression in place such as race, class, etc. Attempt to pro-actively address these individual instances to work with the resistance some participants may feel.
65. Coalition Against Workplace Sexual Violence, *supra* note 8 at 19-20.

felt and expressed as a widespread, if unconscious, belief that a certain group of people are inferior."[66] These feelings result in biases that are often attributed to individuals. When feelings such as racism are integrated into social systems, this becomes systematic oppression.[67]

4. Describe the parts of the Cage. Offer basic introduction to the graphic and its components:
   - Across the top are terms for various forms of oppression, the "isms."
   - There are two rows or floors of "cells" for groups of people. The top row/floor is for what some folks name the oppressors, or the dominant group. This is the group with privilege and access to systemic power, based on human difference.
   - The bottom row/floor is reserved for the oppressed or subordinate group. This is the target group, the people who are the targets for this form of oppression.
5. Start with the least confusing "ism" such as racism or class-ism. Because the workshop is primarily focused on sexism, end with sexism.
6. For each "ism," name it and ask, "Which group of people is oppressed in this "ism" and based on what?" Then, ask which group has privilege based on that "ism." Continue defining and assigning privilege or target status for whole cage. If time, have group add other "isms" to the Cage; follow same process.
7. If time allows, emphasize the demographic naming of some groups to show the hurtful, oppressive effect of such "simple," supposedly non-prejudicial, "neutral" naming. For example, under ableism, what are the names for the group with privilege? How do we refer to people in this privilege group? Normal, healthy, whole, sane, etc. How do we refer to people in the target group? Handicapped, disabled, sick, mentally ill, crazy, retarded, learning disabled, etc. If time, this is a great place to offer memorable and point-making statistics here. For example, under racism, when the term "minority" is mentioned, ask/tell the percentage of "non-minority" people on the planet (somewhere between 11-18%).
8. Ask participants to think about where they identify within the Cage? Where do they fall in a privilege group and where in a target group? Note that our experience is of **both** privilege and oppression. Alternative Activity: Give each participant one chip for every time they fall into a privilege group. The people with the most chips have the most power, i.e., the most access to goods, resources and services.

66. Laura van Dernoot Lipsky with Connie Burk. Trauma Stewardship, an Everyday Guide to Caring for Self While Caring for Others, 60 (2009).
67. Id.

9. Ask the group the following:
    - How do you feel about this system?
    - Did you discover anything about yourself or your experience?
    - Does this seem like a fair and equitable system?
10. Close the activity by reviewing some of the key points.



KEY POINTS

1. Think about the ways we keep the target groups separate.
2. Think about how the Cage is supported:
    - We deserve no credit for our position in privilege groups, and no blame, shame or guilt for being in any target or privilege group. Help reduce participant's sense of guilt and shame and move them toward a common sense of responsibility ford is mantling the Cage.
    - Historically, privilege group members of conscience have depended on the target group to dismantle the oppression. Clearly, that has not worked. Hopefully, this allows privileged people of conscience to accept the responsibility without all the guilt.
    - Point out the need for a genuine partnership between the privilege and target groups to dismantle any form of oppression. Sexism and violence against women

and girls will not end because women say so. If that were true, it would no longer exist. Sexism and violence against women and girls will end when a significant number of men work to end it. The same for racism, et al.

2. Sexual Assault Advocates and Labor Organizers: Synergies Ripe for Collaboration

Collaboration among labor organizers and sexual assault advocates is necessary in working with survivors of workplace sexual violence because of the complexity of the circumstances a survivor faces. Organizing principles share a common bond with those of principles from sexual assault advocates in that both movements believe in the empowerment of a worker. When empowering a worker, it is crucial to look at the needs and desires of the worker. The possibilities are not measured by what exists, but by what the worker chooses to do. With a survivor of workplace sexual violence, it is clear that not all of the tools in organizing may fit with what a survivor chooses to do. It is also clear that with a pure focus on privacy and healing, a harasser may continue inflicting sexual violence on other victims in the workplace.

A collaborative effort among advocates and labor organizers provides a trauma-centered approach to empowering survivors. With this partnership, advocates and organizers can work together in advocating for better workplace policies. For instance, the recent domestic worker movement gained much of their support from partnering rape crisis centers including funding, participation in policy advocacy, and mobilizing women workers to gain protections for survivors of workplace sexual violence.[68]

Another benefit is the potential to establish a referral network for survivors. A relationship among organizers and advocates ultimately helps to connect the survivor with an organization that specializes in healing. Advocates can then connect with labor organizers who can guide and help the clients who experience various forms of labor exploitation including wage theft, retaliation, and hazardous working conditions. This referral network ultimately empowers a survivor of workplace sexual violence.

SECTION III - FROM THE MARGINS TO THE CENTER: WORKING AT THE INTERSECTION AND FINDING COMMON GROUND FROM AN ANTI-

68. See Beth Healy, Governor Patrick signs Domestic Worker Bill of Rights Into Law, July 2, 2014, available at www.bostonglobe.com/business/2014/07/02/governor-patrick-signs-domestic-workers-bill-rights-into-law/lwNJtWDjlSbv.

VIOLENCE ORGANIZATION'S PERSPECTIVE

Author: Vicki-Lynn Anderson

Editors: Jennifer Cooley, Sonia Parras Konrad

1. Why is Collaboration Among Non-Traditional Partners Challenging?

- Limited funding
- Misunderstanding about roles
- Different opinions about who has the "right" answer
- Relationship building is time consuming
- Competing priorities of organization
- Organizations may feel "territorial" over certain issues or populations
- Concerns for the survivor's safety

2. Points to Consider

- Assess your staff's or participants' capacity to identify and assist survivors.
- Review your training curriculum, volunteer training, and agency policies to ensure access to services and commitment to respond to marginalized survivors in your community.
- Assess your organization's gaps in services, access to services, training and who else can do what your organization is not doing to develop strong partnerships that complement your services.

3. Community Support

- Sexual assault victims are a diverse group and need a variety of supports in the immediate aftermath and time after the assault. Recognizing the need for a consistent wrap-around response to best respond to victims, many communities are creating or adding to existing multidisciplinary response teams. The membership of such teams varies widely across the country, but traditionally they have included some of the following:
- EMT workers and ER staff (including specially trained nurses called Sexual Assault Nurse Examiners or SANEs)

- Law enforcement
- Victim service advocates
- Prosecutors
- Forensic specialists
- Victim Witness Coordinators

Advantages of this collaborative approach can include opportunities for cross-training, increased cooperation and accountability among different systems through protocol agreements. In order to best serve immigrant women specifically, communities need to assess their capacity and could consider partnering with representatives from the following groups:

- Medical liaisons from businesses who employ a large percentage of Latino/a workers
- Local certified interpreters
- Primary Care physicians
- Bilingual therapists/counselors
- Faith-based organizations
- Workforce development staff
- Employment attorneys
- Immigration attorneys who help with U Visas and VAWA Visas

When envisioning such a group, there are many key issues on which to focus attention:

- Using a victim-centered approach
- Confidentiality
- Elements of trauma informed care
- Informed consent
- Accountability

Activity 1 - Confidentiality or Consent?

PURPOSE

The purpose of this activity is to ensure that the group understands confidentiality and consent and works towards a plan to ensure safety and the rights of survivors are preserved.

TIME

30 minutes

INSTRUCTIONS FOR FACILITATORS

Split the participants into three groups. Assign each group two to three of the possible representative partnering groups from above and one of the key issues (skip confidentiality and informed consent as Module III covers them specifically). Give each group 15 minutes to put together as many examples of the partnering groups in their communities as they know (or can find on their phones or other devices) and to come up with a minimum of three concrete examples of how you would work with victims to address that issue. Facilitate a brief larger group discussion and collect the names of the community groups to put together a list to send back out to the participants.

4. Confidentiality and Conformed Consent

A clear understanding of the importance and limits of confidentiality is of central importance for all of those working with victims of sexual assault. Confidentiality is a legal or ethical duty to protect someone else's information from disclosure against his/her will.[69] The need to work in close collaboration with multiple systems does not negate the importance of confidentiality. In fact, groups who work together and become quite familiar with one another need to be careful to maintain clear separation in the matter of confidentiality. Each player has different outcome objectives and rules governing their role and boundaries. Often people offer information that has been shared with them confidentially intending to help, correct, add or clarify issues for others in the group. Mandates like HIPPA and attorney-client privilege laws are considerations. In some states, advocates also have legal privilege that clearly outlines their expectations regarding confidentiality. We need to remember also that the information belongs to the survivor at all times. She has the right to decide whether to share the information and how much information to share. Remember that if an advocate discloses privileged communications shared confidentially without the survivors permission, the advocate may be liable for any damages resulting from the disclosure.

One of the common ways multi-disciplinary groups learn from each other, encourage

69. Aiken, Alicia."A Primer on Privilege & Confidentiality For Service Providers." (2015) J.D. & Confidentiality Institute, Inc.

accountability to established protocol and improve services, is to hold case reviews during meetings. The issue of confidentiality should be central to the discussion as groups are forming or adding to their ranks.

Immigrant survivors of sexual violence in the workplace have had their power diminished. If the goal of the group is to support survivors in building that power back up, then one of the best ways this can be done is to safeguard the information shared. The focus should be on the mechanics of the protocol, how it worked and where the gaps in service need to be addressed using general information from situations that have occurred. In order to preserve a survivor's confidentiality, no identifying information should be used within the multidisciplinary team discussions; including during case review. Important to note is that traditional identifying information like name/address/DOB is not the only problem. Care should be taken to talk in generalities about information that could clearly identify a person in other ways as well. For example, "The victim was concerned about picking up her 7 children from middle school." There may be only one family with 7 children attending middle school.

The Victim Rights Law Center (VLRC) created a series of materials to work with migrant farm workers. Among other tools, VLRC provided tips to protect victims' privacy when working in a multidisciplinary-multiagency team.[70] Advocates from different agencies and backgrounds may need to join efforts in helping a survivor in a specific case or situation. It is important to explore with the assistance of experts on confidentiality protections, as well as legal experts, whether a waiver could be crafted that will ensure the survivor's rights are protected. In order to use waivers, care must be taken to obtain signatures only with informed consent from the survivor. In order to obtain informed consent, the process would have to include sharing with them the following:

- Knowing what information will be shared and why it needs to be shared
- Who will have access to it, when and why
- If or how the information will be recorded
- Who is responsible for keeping it secure

Finally, each agency or organization working together must have an internal mechanism to protect survivor's private information.[71]

FOR VICTIMS

70. See "How can I Best Protect Farmworker Victim's Privacy" http://www.victimrights.org/sites/default/files/OVW_SocialServiceProviders.pdf

71. For more information and sample waiver or technical assistance contact the Victims Rights Law Center at http://www.victimrights.org/contact-us

It is important for you to know who in your community might be available to help you. If you choose to share personal information with any of these people it is important that they tell you what information they would share with others and why, who they might share that information with, how your information is recorded and who is responsible for keeping your private information secure.

CAUTION!

a. We cannot be too careful. The more people working together to assist the survivor the more likely it is that a partner may inadvertently breach or violate confidentiality or privacy.

b. Sound protocols require commitment and putting the interest of the survivor at heart. It also requires continuously reviewing new protocols or developments and analyzing potential unintended consequences.

c. The Victims Rights Law Center has created a key materials and guidance to review and consider when working with multiple partners. See more at http://www.victimrights.org/resources-victims/privacy

SECTION IV
SUPPORTING LEADERSHIP AMONG THE COMMUNITY OF IMMIGRANT WOMEN WORKERS

GOAL

To introduce participants to strategies and ways of supporting leadership and support/counseling groups among women leaders via networking and building connections in the areas where sexual violence services exist.

LEARNING OBJECTIVES

As a result of this session participants will be able to:

1. Explore action steps to building partnerships and develop culturally-proficient outreach programs at the individual and programmatic level.
2. Identify opportunities to provide and obtain support from leadership and support groups via networking and building non-traditional partnerships.

1. Developing collaboration and supporting Community Leaders[72]

"If you're not suffering, you are not coalescing."

-Bernice Johnson Reagon, Activist

The strength in labor organizing is direct and collective action to combat oppression in the workplace. But with workplace sexual violence, there are obvious challenges in working to organize survivors because of the resulting trauma for a survivor, the shame and fear that prevents a survivor from coming forward, and the inevitable need for privacy and healing. Although direct action and need for privacy seem to conflict, this tension is merely a space for developing creative organizing tools to combat workplace sexual violence collectively, while embracing a survivor's need for healing and privacy.

One way to build on this synergy is by developing a collaborative working group comprised of different stakeholders, which include advocates and organizers, to work together in creating a plan to work with potential survivors of workplace sexual violence in the community. Developing these community relationships before there is an emergency or a crisis, and will build trust and provide meaningful opportunities for input and recommendations aiming at developing a culturally responsive sexual violence prevention program. The following is a step-by-step outline of how to begin a collaborative working group in your community that can be discussed and modified to suit different working places:

2. Self-Assessment

If you are a main-stream sexual violence service provider, it is extremely valuable to understand your organization's existing awareness of workplace sexual violence in the worker community.[73] It is possible that the organization has attempted to work with survivors in the past or with similar issues such as domestic violence, or that the organization was not aware of the prevalence of workplace sexual violence in the worker community. In assessing one's awareness of workplace sexual violence, it may also be valuable to understand the available resources your organization is willing to provide to work with survivors, and what resources are still missing. If you work as a union leader or labor organizer, it is important to look at whether you have policies or internal protocols that respond to survivors. If not, bring it as an important agenda issue at your next meeting and encourage others to address this important issue. You could contact the Coalition of Labor Union Women (CLUW) or visit their website at http://www.cluw.org, and request that they send you their materials, brochures and protocols to be more prepared for your proposal. There are more resources available via unions, and other national agencies that you can research.

72. This section can also serve as an activity.
73. See Kennedy, *supra* note 28, at 133-145.

3. Identifying Stakeholders

After identifying the availability of resources and time, the next process is identifying potential stakeholders. It is important to identify stakeholders who have the potential to help you leverage resources and who have specific expertise that can contribute to your work. For examples, your institution may want to seriously consider partnering with a sexual assault advocate or a rape crisis center, given their expertise in working with survivors. Rape crisis centers provide free staff trainings on sexual assault 101, and can provide further insight into the problems survivors face. Other stakeholders may include attorneys who work with survivors, ESL or GED teachers, faith-leaders, public health programs from universities or colleges, government officials such as members from the Equal Employment Opportunity Commission (EEOC) or the Occupational Safety & Health Administration (OSHA), mental health professionals, representatives from worker centers and unions, and workers affected by workplace sexual violence. This list of stakeholders attempts to identify community members who have potentially encountered working with a survivor and may have an interest in working together, but it is by no means exhaustive.

There are many stakeholders to choose from so it is important to choose the right ones to begin the work. In selecting the best stakeholders, assess their understanding of workplace sexual violence, their level of commitment to working with survivors, and the skills and resources to be contributed. It is important to keep in mind that not all stakeholders may understand labor organizing, or sexual assault advocacy, but their experience in the community may be valuable in that they may have worked with survivors, or have resources they're willing to contribute to the cause. Familiar stakeholders or community partners with whom you have worked in the past are good starting points to develop collaboration.

4. Initiating a roundtable

Once you've met with your stakeholders individually and gauged their interest in working with you, the next step is to initiate a roundtable discussion. The planning and preparation of a roundtable discussion takes the form of a pyramid: You begin outlining your own final goal that you would like the group to decide on and work your way down to develop your agenda. Specific to workplace sexual violence, your end goal can include creating and developing informational tools for workers; developing and running workshops on workplace sexual violence for workers; developing a legal guide for advocates/organizers or workers to better understand protections; or advocating for better policies to protect workers. Depending on your group, your end goal may just be to consider all of the options and decide on one or two in a second meeting.

In developing your agenda, it is important to create a space where everyone's experience is valued. Your agenda may begin with an icebreaker where everyone can learn more

about each other and their motivations for participating in the group discussion. When you initiate your discussion, you may want to ask questions like:

1. What are your experiences in working with survivors of sexual assault or domestic violence?
2. What is your understanding of sexual harassment or workplace sexual violence?
3. Have you worked with survivors of workplace sexual violence?
    - If so, what did you do?
    - What were the challenges?
    - What was the outcome?
4. Has your organization tried to work on issues related to gender-based violence?
    - If so, how?
5. Does your organization see low-wage workers?
    - Does your organization ask about workplace sexual violence during intake?
    - Does your organization mention the issue when doing outreach to workers?

Allow a limited amount of time for discussing each question, (usually 15-20 minutes), and format your questions in a way that leads to a final discussion of action items and goals. The end of the roundtable is also a way to really understand which stakeholders at the table will decide to continue to work with you and in what capacity.

5. Follow through

The hope is that everyone will leave the meeting energized and ready to take the next step, decided as a collective. As you led the discussion, you most likely have taken the role to lead the next steps. Follow up with the group and use that follow up meeting to really assess people's commitments and begin sharing the responsibility of working together.

NOTE FOR THE FACILITATOR/TRAINER

Before you bring people together, make sure to ask the audience to come prepared with a "mapping of the resources in their area," or names, numbers, contact information of potential allies in their areas. At the end of this section, you can encourage partnering of participants from same areas or regions to continue the dialogue.

Activity 1 - Common ground

PURPOSE

Finding common ground is a technique for facilitating interpersonal relationships.[74] This activity will help the facilitator to start the dialogue and planning among your multi-disciplinary audience. Be aware of the different agendas participants bring to the table when working with survivors and help the group find common ground for collaboration.

WARNING

This activity can bring tensions and stress among participants. Be prepared to diffuse tensions by keeping the group focus on their common goals and how those result in safer workplaces and better opportunities for survivors to overcome trauma and access justice.

INSTRUCTIONS FOR FACILITATORS

1. Ask participants to identify themselves and how they see their role in working with survivors (organizing, legal needs, safety planning, counseling services etc.).Once grouped, ask the different groups to choose a reporter and to write down the group discussion regarding:

74. Wikipedia "Common Ground-Communication Technique" Accessible at: https://en.wikipedia.org/wiki/Common_ground_(communication_technique) (Last Accessed December 14, 2015)

a. What is their role in assisting survivors?

b. How will they assist survivors?

c. Who else should they be collaborating with to respond holistically?

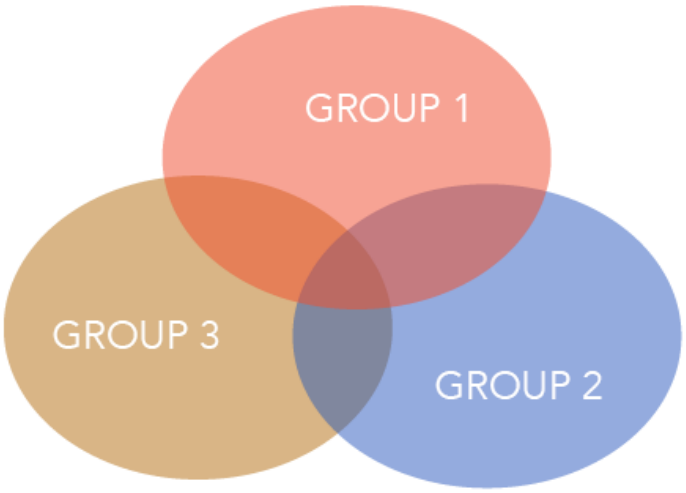
d. What are their concerns is so doing?

2. Prepare as many circles as groups and connect them in the intersection

3. Help facilitate a dialogue by writing in the intersection all their commonalities and how what they do complements each other's work and improves services to survivors.

4. Finally, facilitate a dialogue about their concerns and two or three steps they can take as a group to alleviate conflict for the common good of the services and alliances they can build to improve systemic responses and services for survivors.

	ROLE	IMPACT	WHO ELSE DO WE NEED	CONCERNS
GROUP 1				
GROUPS 2				
GROUP 3				
ETC.				



6. Promising Practices

a. Coalition Against Workplace Sexual Violence

In October 2012, a group of advocates, labor organizers, attorneys, and government officials met in Chicago, Illinois to discuss how they would work together to assist survivors of workplace sexual violence.[75] As people shared their individual experiences with workplace sexual violence two things became clear: First, all individuals who work with survivors shared frustration in the gaps that exist in the sexual harassment and criminal laws protecting victims of workplace sexual violence; Second, everyone acknowledged that they lacked knowledge of other fields and shared a desire to learn more about each other's work. There was a specific need for a better understanding of the laws, and how to work with survivors of workplace sexual violence with practices that embraced the principles of healing. As a result, two tools emerged from this collaboration. The first tool was a legal guide summarizing all of the applicable laws to survivors of workplace sexual violence. The second tool was a curriculum that embodied principles of privacy and healing with those of direct action.

The goal of the curriculum was to create a tool that empowered women workers who were vulnerable to workplace sexual violence, and to build allies within the workplace. With input and guidance from all members of the coalition, activities from both the labor organizing and sexual assault advocacy movements were included in the curriculum. The ultimate goal is to reach workers, conduct workshops based on the modules in the curriculum, and help workers initiate their own organizing strategies with a better understanding of the systemic oppression of sexual violence, its direct effects in the workplace, and tools to begin organizing strategies against workplace sexual violence.

Each module includes multiple activities, and is designed to address a specific theme related to workplace sexual violence. Some modules are for both men and women workers; other modules are for a group of women only or men only to create a space of safety and confidentiality. Listed below are two examples of activities from the curriculum.

The first activity is a role-play from Module 2A the the curriculum designed by the Coalition Against Workplace Sexual Violence. It is intended for a group of women workers only. The second activity, from Module 2B in the curriculum and is intended to develop allies among men and women workers.

For this activity, men and women can participate separately, or in a mixed-gender group. Please note that if you begin this second activity with men and women separate, they should remain separated for the duration of the activity.

75. Yana Kunichoff, "Advocates Equip Worker Centers in Fight Against Sexual Violence," In These Times. February 13, 2014 available at http://inthesetimes.com/working/entry/16279/bringing_the_fight_against_workplace_sexual_assault_into_worker_centers.

Activity 2 - Role Play[76]

PURPOSE

This activity is a skill-building training for workers. The goal of the activity is to allow participants to "rehearse" approaching their supervisors to report harassment. First, facilitators will present good and bad examples of approaching a supervisor. Then, participants will work together through Forum Theater to problem-solve. The goal of the role play is to encourage de-escalation, deterring threatening conduct from the supervisor, and establishing a concrete plan of action with the supervisor to stop the harassment (Note: the "supervisor" in the scenario should NOT be the harasser. Ensure that audience members are aware that they should always approach a third party in the workplace to report harassment.)

INSTRUCTIONS FOR FACILITATORS

Two facilitators present a "good run" of approaching a supervisor to ask them to stop a situation of workplace harassment. Below is a sample script. Facilitators should modify the script to adapt to the audience they will be performing for.

GOOD RUN

Supervisor: Hello Rosa. What would you like?

Worker: Hello, Juan. I wanted to talk with you about a private matter. Is this a good time?

Supervisor: Yes. What is the matter?

Worker: Alex has been bullying me in my workstation. While I'm putting together metal parts, he has called me names and groped me from behind. I cannot work under these conditions. I have come to you for help. Can you please tell him to stop?

Supervisor: Have you tried telling him to stop?

Worker: Yes, but it hasn't worked. I would really appreciate it if you would speak to him as his supervisor and tell him he has to stop.

Supervisor: Well, I will see.

Worker: Could we please schedule another meeting so you can tell me how it goes with

76. Coalition Against Workplace Sexual Violence, *supra* note 8 at Module II, 22, adapted from New Sanctuary Movement and the Teaching Methods of Augosto Boal in Games for Actors and Non-Actors, New York: Routledge Press, 1992

him?

Supervisor: You know if this is such a problem you can always quit.

Worker: I didn't come here to quit. I like my job. I want to do it well. I would appreciate it if you would please talk to Alex as soon as possible.

Supervisor: Could you even get another job? What's your immigration status?

Worker: I would really like to focus on this problem. Alex is making it impossible to do my job. When can I speak with you again to make sure that Alex has been spoken to?

Supervisor: Come back in a week.

- Discuss as a group some of the challenges that Rosa encountered in her conversation.
- Discuss what she did well during her conversation with the supervisor. The two facilitators now perform a "bad run."

BAD RUN

Supervisor: Hello Rosa. What would you like?

Worker: Juan I'm here about an urgent problem. Alex is bothering me and I need him to stop. Can you talk to him?

Supervisor: What is he doing?

Worker: He's giving me a hard time.

Supervisor: Well, can't you talk to him?

Worker: I've tried. Are you going to help me or not?

Supervisor: I'll see what I can do. When does your work permit expire anyways?

Worker: In six months. Why?

Supervisor: Well do you want this job or not? Maybe you shouldn't cause so much trouble.

Worker: I'm sorry. I really want this job. I'll figure something out.

- Discuss how this run differed from the first run.
- Discuss what Rosa could have done better.
- Ask for a volunteer from the audience. That volunteer will play Rosa in the final run.
- Begin the conversation the same way as the first two runs. Then, improvise together. If other audience members want to participate, they should tap Rosa

on the shoulder and step into her place, and/or tell her from the audience what to consider and say. Tell the audience to add comments or issues they're worried they will receive from their workplace.

- Discuss the final run. Ask participants what lessons they learned from each other. Ask them whether they have more concerns and fears about approaching their supervisor. Discuss possible strategies for dealing with these lingering fears.

Activity 3 - Box of Masculinity and Good Girl Box[77]

PART I, BOX OF MASCULINITY

PURPOSE

To show how gender stereotypes hurt everyone and limit men and women's ability to express their full selves.

INSTRUCTIONS FOR FACILITATORS

1. Draw a box on a sheet of chart paper
2. Ask the group to think of words that describe a "real" man. Write these words inside the box
3. Ask the group what words are used to describe men who do not have the qualities inside the box. Put those words outside the box.
4. Discuss the things men do to get inside the box if they feel they are not a "real man."
5. Discussion points:
    - How does the categorization of men into the box of masculinity hurt them?
    - How does it cause them to hurt other people?
    - Why is telling a man he is like a woman, or outside the box of masculinity, so offensive?

77. Id.

PART II. "GOOD GIRL" BOX

PURPOSE

Engage participants to think about how societal pressures keep girls/women boxed in by virtue of their gender and to critically examine the real, often violent, consequences for not fitting inside the box. This activity can be used independently or as an introduction to a lecture on rape culture.

INSTRUCTIONS FOR FACILITATORS

1. Ask participants to brainstorm response to the following questions:
    - What does it mean to be a "good woman/girl" in our culture?
    - What words or expectations do you think of when you picture an image of a "good girl?"
2. List participant response on a flipchart. Possible responses may include: Nice, submissive, passive, nurturing, feminine, accommodating, virtuous, etc.
3. Draw a box around the list and say: "This is the "good girl box."
    - Girls/women learn to conform to these very specific role expectations as they grow up being female in our society.
4. Ask participants to name characteristics (or labels) of girls/women who step outside the box. Possible responses usually include: bitch, dyke, masculine, angry, whore, etc.
5. Write participant responses outside of the box.
6. Ask participants how the labels and names reinforce the "good girl box."
7. Review the Key Points.

KEY POINTS

- Girls/women are restricted by the box and punished in our culture if they do not fit in.
- There are historical roots for this "good girl box" in the rape culture

b. Coalition of Immokalee Workers

The Coalition of Immokalee Workers' (CIW) Fair Food Program in the Florida tomato industry has created an innovative non-litigious approach to tackling sexual violence and other abuses in the fields. This "unique partnership among farmers, farmworkers, and retail food companies ensures humane wages and working conditions for the workers who pick fruits and vegetables on participating farms. It harnesses the power of consumer demand to give farmworkers a voice in the decisions that affect their lives, and to eliminate the longstanding abuses that have plagued agriculture for generations."[78]

A third party, The Fair Food Standards Council (FFSC), implements and monitors CIW's Code of Conduct which requires Florida growers participating in the Fair Food Program "to agree to a set of standards for their workers, including a right to work free from sexual harassment, and to earn a fair wage."

Among other standards, growers that join the program must provide sexual harassment training and undergo regular external audits. The program officially began in January 2011 after 90% of tomato growers in Florida had signed on. Whole Foods, Trader Joe's and, most recently, Walmart, have joined. Before Walmart joined, the Fair Food Program covered less than 5% of farmworkers nationwide. However, Walmart, which sells 20% of the nation's fresh tomatoes year-round, has pledged to expand the program's standards to its tomato suppliers in several other states beyond Florida and also hopes to apply the standards to its Michigan and Washington apple orchards and its strawberry fields in numerous states.

78. See http://www.fairfoodstandards.org/resources/fair-food-code-of-conduct/.

FFSC hires monitors to conduct announced and unannounced audits of farms to monitor their compliance with the Fair Food Program Code of Conduct. The audits involve intensive worker interviews, an assessment of whether the company has systems in place to comply with the Code of Conduct and whether they are being implemented. Violators are given an opportunity to correct violations and are suspended from the program if they fail to resolve them. Employees found by the Council to have committed sexual harassment involving physical contact must be fired immediately and cannot work at any Fair Food farm for at least two seasons with a second offense resulting in a lifetime ban. Although, litigation continues to be a way for women farmworkers to stand up against employer misconduct, it can be a long and difficult process. The Fair Food Program in Florida is an example of how non-litigious workers' rights initiatives can lead to more immediate responses and attempt to systematically improve conditions for farmworkers.[79]

The Fair Food Program truly represents a "win-win-win" for workers, growers, and retailers:

- Workers receive protection of their human rights in the workplace and increased wages;
- Growers gain an effective risk management system, a more stable workforce and a means to distinguish their product in an increasingly competitive marketplace; and
- Retailers receive a system that protects their brands from the reputational risks of supply chain labor abuses by eliminating those abuses and not papering them over, a far more effective means to protect their interests than the traditional model of corporate social responsibility.


The New York Times
April 25, 2014

"This is the best workplace-monitoring program I've seen in the U.S.," said Janice R. Fine, a labor relations professor at Rutgers. "It can certainly be a model for agriculture across the U.S. If anybody is going to lead the way and teach people how it's done, it's them."

"When I first visited Immokalee, I heard appalling stories of abuse and modern slavery," said Susan L. Marquis, dean of the Pardee RAND Graduate School, a public policy institution in Santa Monica, Calif. "But now the tomato fields in Immokalee are probably the best working environment in American agriculture. In the past three years, they've gone from being the worst to the best."

Additionally, the CIW and FFSC have had a longstanding collaboration with VIDA (Voices for Immigrant Defense and Advocacy) Legal Assistance, Inc., an organization dedicated to advancing the rights of immigrant survivors. VIDA provides expert legal representation, local and national advocacy and connection to resources to immigrant survivors of domestic violence, sexual violence, human trafficking and other violent crimes. VIDA works with marginalized and vulnerable populations to end the cycle of

79. Sheila Bapat, "Effort to protect farmworkers from sexual assault gaining momentum," Aljazeera America, April14, 2014, available at http://america.aljazeera.com/articles/2014/4/17/farmworkers-sexualassault.html.

violence and exploitation. In addition to providing legal immigration representation, VIDA partners with community organizations to provide further advocacy, referrals, care coordination, emergency relief funding and services, shelter, life skills training, health care access, empowerment support groups, counseling, and other legal services which fully support survivors and encourage self-sufficiency. In a formal partnership with Futures Without Violence, FFSC, CIW and Pacific Tomato Growers, VIDA has collaborated in the development and delivery of a training curriculum and materials on domestic and sexual violence, including sexual harassment, specifically tailored for supervisors and employees working in the agricultural industry.

SECTION V

FUTURES WITHOUT VIOLENCE LOW WAGE, HIGH RISK PROJECT

In 2014, Futures Without Violence, in partnership with the U.S. Department of Justice, launched "Low Wage, High Risk," a pilot site project to address the vulnerability of low-wage workers to gender-based violence and exploitation. The project focuses primarily on sectors where workers often earn less than the national average wage, endure unsafe and exploitative working conditions, and may have uncertain immigration status. FUTURES works collboratively with worker and community associations, employers, and leading anti-violence advocates to raise awareness about the effects of gender-based violence in the workplace, and to develop and promote replicable promising practices that prevent and respond to domestic and sexual violence and stalking. At each site, FUTURES and its partners enhance ongoing efforts by developing (1) a workplace policy, (2) engaging, relevant trainings for employees, and (3) educational materials to prevent and respond to violence. Low Wage, High Risk also seeks to strengthen collaboration across sectors and movements to ensure workers' safety and economic security.

CURRENT LOW WAGE, HIGH RISK PILOT SITES INCLUDE

IMMOKALEE, FLORIDA

There are an estimated 1.4 million crop workers in the United States, the majority of whom are foreign born. Florida's tomato fields supply 90 percent of the nation's winter tomato crop, making it a hub for agricultural workers. Low wages and wage theft, as well as hazardous working conditions-including sexual harassment and violence-are rife in the industry. The Fair Food Program, a unique partnership between farm workers, Florida tomato growers, and participating retail buyers-including Subway, Whole Foods, and Wal-mart, serves as a ground-breaking model for using the power of the market to ensure workers receive fair wages and are free from sexual violence and human trafficking.

Partners

- Coalition of Immokalee Workers
- Fair Food Standards Council
- Pacific Tomato Growers, Ltd.
- VIDA Legal Assistance, Inc.

TOWSON, MARYLAND

Health care is the fastest-growing sector of the U.S. economy, employing over 18 million workers. Women are nearly 80 percent of the health care work force. Hospitals and other health care facilities employ doctors and nurses as well as maintenance, security, patient transport, food service, and technicians. The nature of the health care industry leaves workers vulnerable to high rates of workplace violence and harassment from patients, visitors, co-workers and supervisors. Sexual harassment is a major challenge facing health care organizations. And while health care professionals may screen patients for domestic violence, they can often overlook the signs in their own coworkers.

Partners:

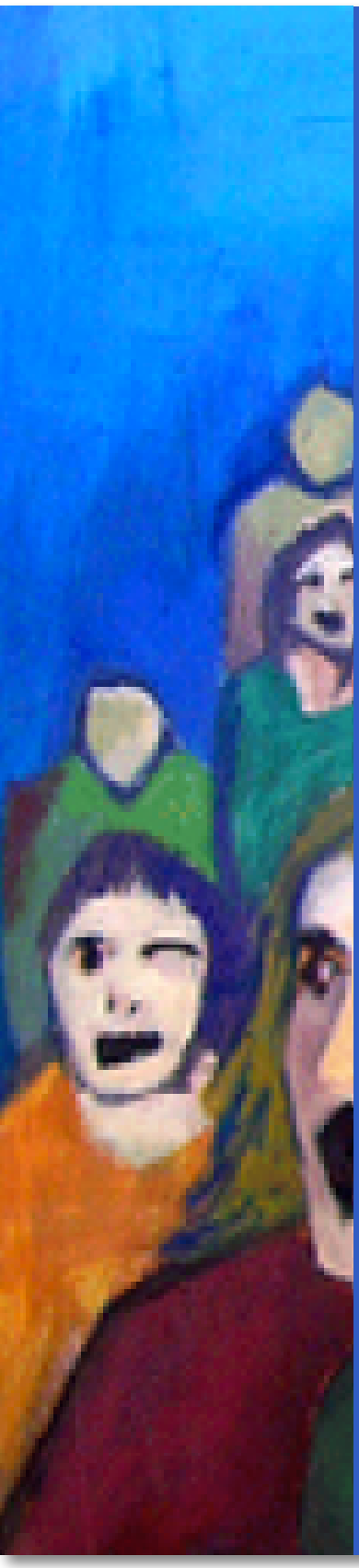
- University of Maryland-St. Joseph Medical Center
- House of Ruth Maryland
- TurnAround, Inc.
- St. Ambrose Housing Aid Center

NEW YORK CITY, NEW YORK

Nearly 11 million individuals work in the restaurant industry, one of the fastest growing sectors of the US economy. Many are employed as tipped workers, including women, who constitute 66 percent of all tipped restaurant workers, leaving them vulnerable to discrimination, harassment, stolen tips and wages by employers and customers. The restaurant industry is also the largest source of federal sexual harassment claims, and workers experience high rates of sexual harassment, violence, and exploitation.

Partners:

- Restaurant Opportunities Centers United (ROC United) and ROC-NY
- Connect NYC
- Amali
- Colors NYC Restaurant



MODULE IV

What Every Advocate and Organizer Should Know to Empower Survivors to Access Justice

MODULE IV

WHAT EVERY ADVOCATE SHOULD KNOW TO EMPOWER SURVIVORS TO ACCESS JUSTICE

Authors: Karla Altmayer, Sonia Parras Konrad, Maria Lazzarino,
Eunice Cho, Mónica Ramírez

Editors: Sonia Parras Konrad, Jennifer Cooley

GOAL

To introduce anti-violence, immigration and labor advocates and organizers to agencies, organizations and structures from each field. This will improve their skills in ensuring that immigrant survivors access justice.

SECTION I - INTRODUCTION TO AGENCIES THAT CAN PROTECT WORKERS FEDERAL, STATE AND LOCAL LABOR ORGANIZATIONS AND AGENCIES

The following provides information on labor agencies that provide protections for survivors of workplace sexual violence or can work with the survivor to explore options.

1. United Stated Department of Labor

WHO IS THE U.S. DEPARTMENT OF LABOR?

The U.S. Department of Labor is a federal department that fosters, promotes, and develops the welfare of the wage earners and job seekers in the United States and assures work-related benefits and rights. The Department is divided into several agencies including the Wage & Hour Division ("WHD") and the Occupational Safety & Health Administration ("OSHA"). [80]

80. http://www.dol.gov/dol/aboutdol/

WAGE & HOUR DIVISION

The Wage & Hour Division enforces federal minimum wage, overtime pay, record keeping, and child labor requirements of the Fair Labor Standards Act ("FLSA").[81] It also enforces the Migrant and Seasonal Agricultural Worker Protection Act ("AWPA"), the Family and Medical Leave Act ("FMLA"), wage garnishment, and employment standards.[82]

The WHD may bring charges against any employer in the United States.[83] Workers must file complaints within two years from last date of a violation.[84]

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

OSHA "gives employees and their representatives the right to file a complaint and request an OSHA inspection of their workplace if they believe there is a serious hazard or their employer is not following OSHA standards."[85] OSHA also gives complainants the right to remain anonymous.

It is against the law for an employer to fire, demote, transfer, or discriminate in any way for a worker filing a complaint exercising their labor rights.

2. What is USDOL's role in Protecting Survivors of Workplace Sexual Violence

WAGE & HOUR DIVISION

The Division's role is to investigate charges of wage violations and litigate cases against employers in federal court. If successful, the WHD may obtain civil remedies that include attorneys' fees, expert witness fees, court costs, and back wages.

The WHD is also a certifying agency for the U Visa for survivors of employment discrimination that rises to the level of a U Visa qualifying crime.

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

Under OSHA, employers have a general duty to provide a place of employment that is "free from recognizable hazards that are causing or likely to cause death or serious

81. http://www.dol.gov/whd/about/mission/whdmiss.htm
82. http://www.dol.gov/whd/about/mission/whdmiss.htm
83. Certain workers are not protected under the FLSA such as farmworkers and nursery workers. The FLSA also does not provide protections regarding vacation, holiday pay or sick pay; meal or rest periods; pay raises or fringe benefits;or wage payment or collection procedures.
84. http://www.dol.gov/wecanhelp/faq.htm
85. https://www.osha.gov/as/opa/worker/complain.html

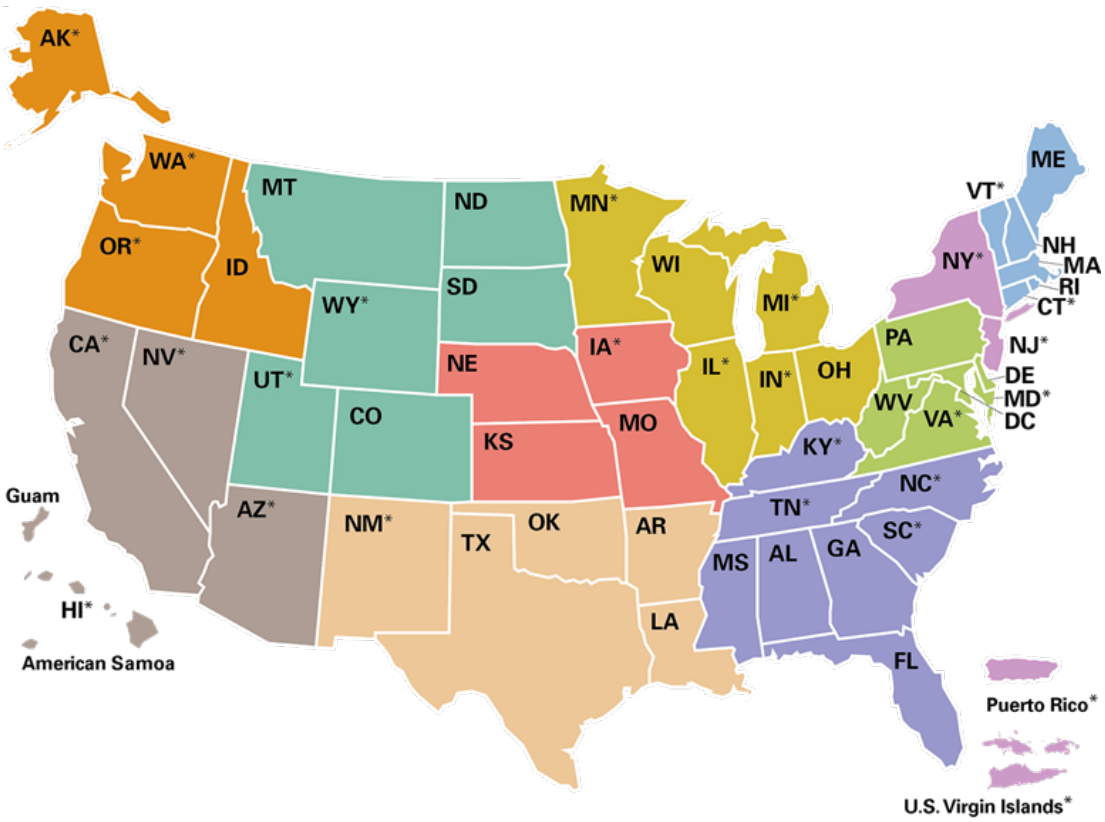
harm to employees."[86] This provision includes protection against workplace violence, including sexual violence. A worker has the right under the Act to request an inspection, receive information and training in their language, get copies of medical records, and review records of work-related injuries and illnesses.[87]

OSHA's role is to issue a citation and fine the employer. OSHA may also require the employer to implement policies that prevent future harm. An OSHA complaint and investigation may be a powerful tool to later prove the employer had knowledge of the violence if the employer fails to act.

WHERE ARE THEY LOCATED?

For the Wage & Hour Division, please refer to the district office page found here: http://www.dol.gov/whd/WHD_district_offices.pdf.

For OSHA, please visit their website at https://www.osha.gov/html/RAmap.html to find your local office. Below is a map of the 10 OSHA regions:



86. https://www.osha.gov/SLTC/workplaceviolence/standards.html
87. https://www.osha.gov/workers/index.html

HOW DO THEY WORK?

Generally, when a complaint is filed with USDOL, the investigator will follow up with the survivor for additional information. Based on that information, USDOL may pursue the employer. It is important to remain in contact with the investigator in order to ensure the investigation continues. It is also important to note that individuals do not have to go through USDOL to file a complaint - a complaint may be filed in court without going through the agency.

3. What can I do as an Advocate/Organizer to help Survivors Access the USDOL

WAGE & HOUR DIVISION

To file a complaint, you may either contact your local Wage & Hour Division office or call (866)487-9243 to be directed to the nearest office. When contacting the Division, beprepared to provide the following information:[88]

- Name, address, and phone number of complaining worker
- Name, address, and phone number of the company
- Name of the owner and manager
- Small description of the type of work done
- Description of how and when one was paid (i.e. cash or check, weekly)

Evidence a worker should provide includes copies of pay stubs or checks, individually kept records such as a journal or calendar with hours worked, photographs, and written testimony from co-workers.

OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION

To file a complaint, either you or the worker may contact OSHA at (800) 321-OSHA or fill out a form online at https://www.osha.gov/pls/osha7/eComplaintForm.html. The following are examples of the type of information that would be useful to OSHA when receiving a complaint. It is not necessary to have the answers to all these questions in order to file a complaint. The list is provided here as a guide to help you provide as much complete and accurate information as possible:[89]

88. http://www.dol.gov/wecanhelp/info.htm
89. https://www.osha.gov/as/opa/worker/complain.html

- How many employees work at the site and how many are exposed to the hazard?
- How and when are workers exposed?
- What work is performed in the unsafe or unhealthful area?
- What type of equipment is used? Is it in good condition?
- What materials and/or chemicals are used?
- Have employees been informed or trained regarding hazardous conditions?
- What process and/or operation is involved?
- What kinds of work are done nearby?
- How often and for how long do employees work at the task that leads to their exposure?
- How long (to your knowledge) has the condition existed?
- Have any attempts been made to correct the problem?
- On what shifts does the hazard exist?
- Has anyone been injured or made ill as a result of this problem?
- Have there been any "near-miss" incidents?

Evidence to provide to an investigator includes testimony, medical records, and a written journal or diary of events that occurred.

4. Equal Employment Opportunity Commission

WHAT IS THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ("EEOC")?

The EEOC is a federal agency tasked with enforcing Title VII of the Civil Rights Act. This Act protects victims of employment discrimination on the basis of race, color, religion, sex, national origin, pregnancy, age and disability. Sexual harassment is considered sex discrimination.

The EEOC may bring charges against any employer in the United States who has 15 or more employees. Workers must file complaints within 300 days from the last date of discrimination if the worker's state or local agency also has a statute prohibiting the same type of discrimination. If there is no state or local statute, a worker has only 180 days from the last date of discrimination to file a charge with the EEOC.

WHAT IS THE EEOC'S ROLE IN PROTECTING SURVIVORS OF WORKPLACE SEXUAL VIOLENCE?

The EEOC prohibits unwanted sexual conduct in the workplace that is "quid pro quo" or creates a "hostile work environment." Quid pro quo harassment results in tangible employment decisions such as hiring, firing, or promoting as a direct result of a worker either submitting or rejecting unwelcome sexual conduct. A hostile work environment is where the unwanted sexual conduct is so severe or pervasive, that it creates a hostile or offensive work environment.

The EEOC's role is to investigate charges and litigate cases against employers in federal court. If successful, the EEOC may obtain civil remedies that include attorneys' fees, expert witness fees, court costs, compensatory damages including out-of-pocket expenses caused by discrimination and emotional harm. Punitive damages may be awarded for malicious or reckless conduct by the employer. The EEOC may also provide temporary injunctive relief for a survivor if the violence is on-going.

The EEOC is also a certifying agency for the U Visa for survivors of employment discrimination that rises to the level of a U Visa qualifying crime.

WHAT CAN I DO AS AN ADVOCATE/ORGANIZER TO HELP SURVIVORS ACCESS THE EEOC?

Before filing a complaint, it is important to first review the employer's policy for filing a sexual harassment complaint. If the employer does not have a policy in place and the harasser is a co-worker, the employee must still take steps to report the harassment to a supervisor who has hiring or firing power. If the harasser is a supervisor, an employee may then file a complaint directly with the EEOC. However, if the employer does have a policy, a worker must follow that policy to report the sexual harassment before going to the EEOC. Ensure that copies of complaints are kept and a log of dates, interviews, and employer actions. If an employer fails to protect the worker or retaliates against a worker for filing a complaint, then a worker may file a complaint with the EEOC.

To file a complaint, you may either contact your local EEOC office or call the National Contact Center at (800) 669-4000. When contacting the EEOC, be prepared to provide the following information:

- The name, address, and telephone number of the person filing the charge
- The name, address, and telephone number of the company and number of employees
- A short description of the event with any supporting documents

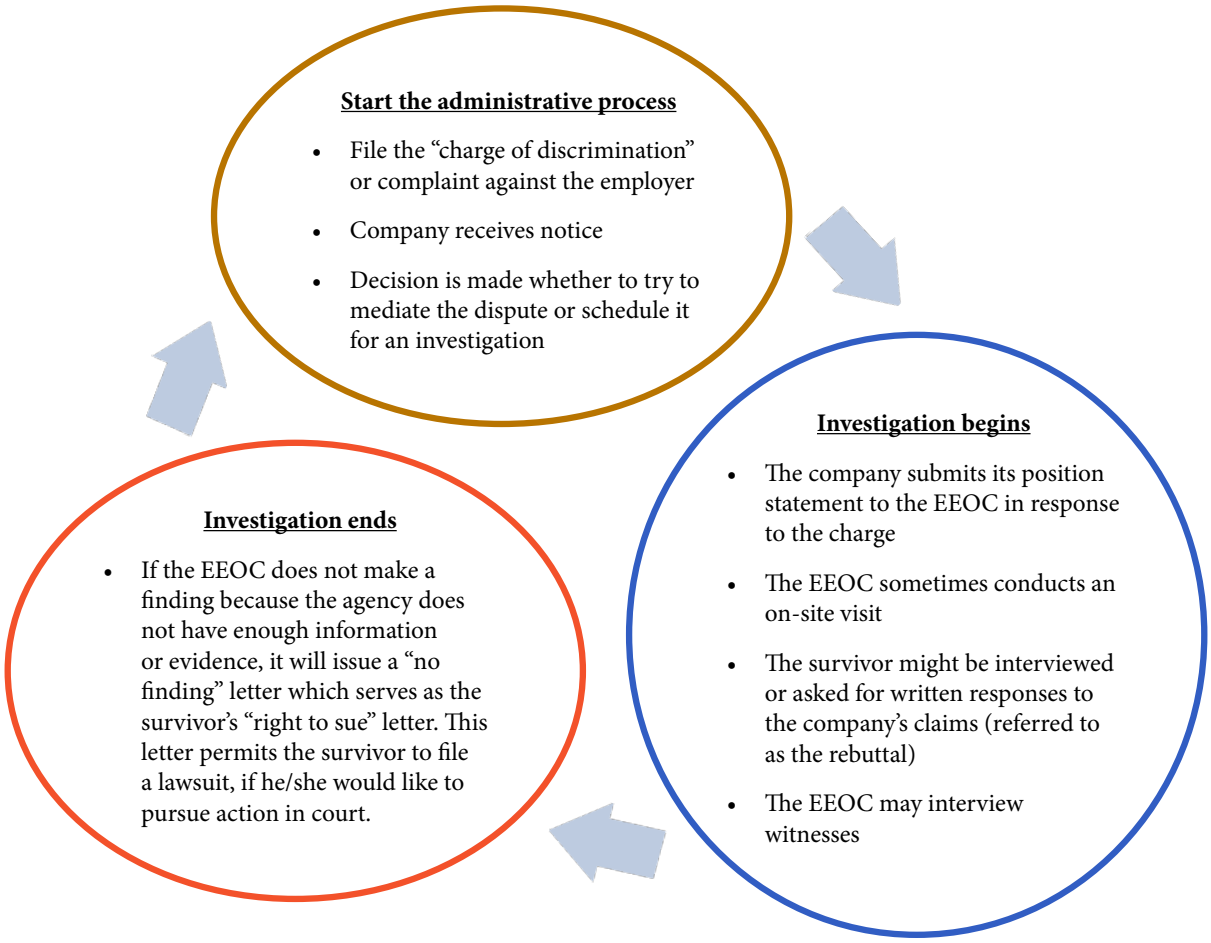
- The dates the event took place
- The names, addresses, and telephone numbers of any witnesses
- Information on whether a state or local charge was also filed
- The name, address, and telephone number of a person who can contact theperson filing the charges

Credibility is the key many of these cases since the case relies primarily on the testimony of the survivor. As a result, it will be important to provide any evidence to support the survivor's charges and testimony. Evidence may include a diary or log of events, photographs, letters from witnesses, or records of previously filed complaints.

STATE HUMAN RIGHTS ORDINANCES

Many states have human rights ordinances that provide similar protections as Title VII of the Civil Rights Act. Some of these agencies will have cross-filing agreements with the EEOC. That means that whenever you file with the EEOC, a copy may be sent to your local agency. However, if you file with the state, you may need to request the state or local agency to file a copy with the EEOC. Below are examples of state acts in Illinois, California, and New York. Note the differences in types of discriminations protected and time limitations for filing a complaint.

	THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS	NEW YORK STATE DIVISION OF HUMAN RIGHTS	CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING
TYPES OF DISCRIMINATION PROTECTED	Discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, ancestry, age, order of protection status, marital status, physical/mental disabilities, military status, arrest records	Discrimination on the basis of race, creed, color, national origin, sexual orientation, military status, sex, age, marital status, domestic violence victim status, disability, predisposing genetic characteristics or prior arrest or conviction record	Discrimination on the basis of ancestry, age, color, disability, genetic information, gender, gender identity, and gender expression, marital status, medical condition, national origin, race, religion, sex (including childbirth, pregnancy, breastfeeding, or related medical condition), and sexual orientation
JURISDICTION & REQUIREMENTS	In general, employer must employ 15 or more employees *Sexual harassment or disability discrimination, employer needs to employ only 1 or more employees	Employer must have at least four employees or more	No number of employees required Note: The Unruh Act and Ralph Act permit victims of certain types of discrimination to sue the employer directly
FILING DEADLINES	Within 180 days from the last discriminatory act	Within one year of the last act of discrimination/ harassment	Within one year of the last act of discrimination/ harassment
REMEDIES	Civil remedies and U Visa certification available	Civil remedies and U Visa certification available	Civil remedies and U Visa certification available
STATUTE	http://www.ilga.gov/legislation/ilcs/ilcs5	http://www.dhr.ny.gov/law	http://www.dfeh.ca.gov/Publications_FEHADescr.htm



CRIMINAL

- Action taken against the perpetrator from crime(s) committed against the survivor
- Sometimes a criminal defense attorney is needed to help protect the rights of the survivor

CIVIL

- Complaint and investigation by the Equal employment Opportunity Commissionor Fair Employment Practices Agency
- Lawsuit against the employer and/or the perpetrator

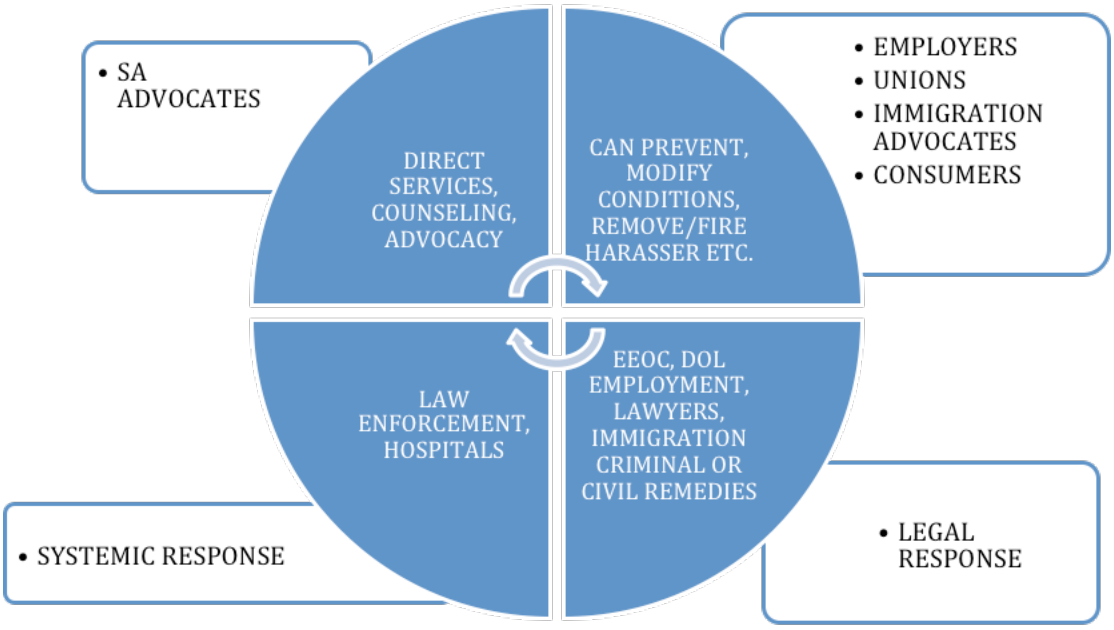
IMMIGRATION

- Petition filed to obtain immigration relief for the qualifying survivor
- Immigration defense of survivor in deportation proceedings
- Relief for survivor's family members

INTEGRATION OF SERVICES AND WORKING AT THE CROSSROADS

There is not one solution or one agency or organization that will by itself respond fully to preventing and eradicating workplace sexual violence. We must create meaningful systemic and cultural change to reduce gender violence in the workplace.

The following matrix offers a blueprint for participants from different backgrounds and fields to identify their own strengths, what they individually and collectively as an agency or organization bring to the table, and how they can become stronger by identifying what others can do with them.



SECTION II - WHAT EVERY LABOR ADVOCATE SHOULD KNOW ABOUT ANTI-VIOLENCE ORGANIZATIONS AND HELP

1. Victim Advocates

a. What is a victim advocate?[90]

- What Is It?
- Roles and Training
- How Advocates Work with Victims
- If You are a Victim

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WHAT IS IT?

Victim advocates are professionals trained to support victims of crime. Advocates offer victims information, emotional support, and help finding resources and filling out paperwork. Sometimes, advocates go to court with victims. Advocates may also contact organizations, such as criminal justice or social service agencies, to get help or information for victims. Some advocates staff crisis hotlines, run support groups, or provide in-person counseling. Victim advocates may also be called victim service providers, victim/witness coordinators, or victim/witness specialists.

b. Roles and Training

Advocates' responsibilities vary depending on their job description and where they work. Typically, the role of an advocate may include:

- Providing information on victimization
- Providing information on crime prevention
- Providing information on victims' legal rights and protections
- Providing information on the criminal justice process
- Providing emotional support to victims
- Helping victims with safety planning
- Helping victims with victim compensation applications
- Helping victims submit comments to courts and parole boards
- Intervening with creditors, landlords, and employers on behalf of victims
- Helping victims find shelter and transportation
- Providing referrals for other services for victims
- Helping to arrange funerals
- Notifying victims of inmates' release or escape

c. Locations

Some advocates work in the criminal justice system (in police stations, prosecutor's offices, courts, probation or parole departments, or prisons). They may also be part of private nonprofit organizations such as sexual assault crisis centers or domestic violence programs. Some advocates are paid staff, and others are volunteers. Many advocates

have academic degrees that prepare them to work with victims. They may have studied social work, criminal justice, education, or psychology. Advocates often receive significant additional training on the specific knowledge and skills they need on the job.

d. How Advocates Work with Victims

Advocates offer victims information about the different options available to them and support victims' decision-making. Advocates do not tell victims what to do. Advocates are committed to maintaining the highest possible levels of confidentiality in their communications with victims. However, the level of confidentiality they can observe depends on their position, education, licensure, and the laws in each state. An advocate in a police department may have to share any information related to an investigation with officers. Yet an advocate at a domestic violence program may be able to keep most victims' confidences private. However, all advocates unless specifically doing only legal work with attorneys and protected by attorney-client privilege, must report certain types of information to the authorities. For example, they have to report any type of threat to a person (such as clients threatening to hurt themselves or someone else), and they have to report the abuse or neglect of children. It is important for victims to ask about confidentiality rules before they begin working with an advocate.

e. If You are a Victim

It may be difficult for you to reach out for help. But you may find that victim advocates can offer you information, support, and access to helpful services you might not know about. Victims are often relieved to know that agencies in their community want to make sure they are safe and have the help they need to recover from the impact of the crime.

2. The Value of Local Help

a. Why is Local Help Important?

It is helpful to have support in your own community after a sexual assault. Local services providers make it easy the access care, and they are knowledge about the laws in the area and local resources that can assist a survivor of sexual violence.

Sexual assault service providers have highly trained staff that can offer assistance in moments of crisis as well as resources for ongoing support related to sexual violence. Their services are usually free or low cost. They can offer information and resources including:

- Individual counseling
- Group counseling/support groups
- Medical attention and hospital accompaniment
- Legal/criminal justice system advocacy
- Crime victim assistance advocacy
- Community education
- Professional education
- Casework/practical assistance
- Emergency shelter

b. Working with Local Advocates

1. **The National Sexual Violence Resource Center (NSVRC)** enjoys a strong partnership with state, territory and tribal anti-sexual assault coalitions and national allied organizations. The online directory includes many organizations and projects working to eliminate sexual violence, including recognized coalitions and national organizations.

   http://www.nsvrc.org/organizations/state-and-territory-coalitions

   The National Sexual Assault Hotline: National hotline, operated by **The Rape, Abuse & Incest National Network (RAINN)** provides immediate support, and survivors can reach the local RAINN affiliate at any time, 24/7, by calling the National Sexual Assault Hotline. It automatically routes the caller to their nearest sexual assault service provider

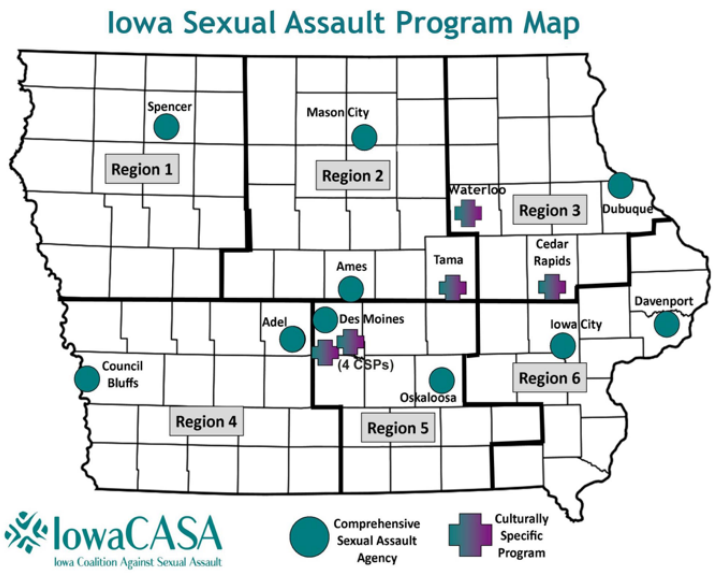
   Hotline: 800-656-HOPE, Menu options available in both Spanish and English.

   http://centers.rainn.org/

EXAMPLE OF RECORDS LOCATED FROM THE STATE OF IOWA:

The RAINN centers link will provide a map with all sexual assault organizations, its physical addresses, and a chart (for example, please see the chart for Iowa below), listing all organizations in the state that provide services to survivors of sexual violence.

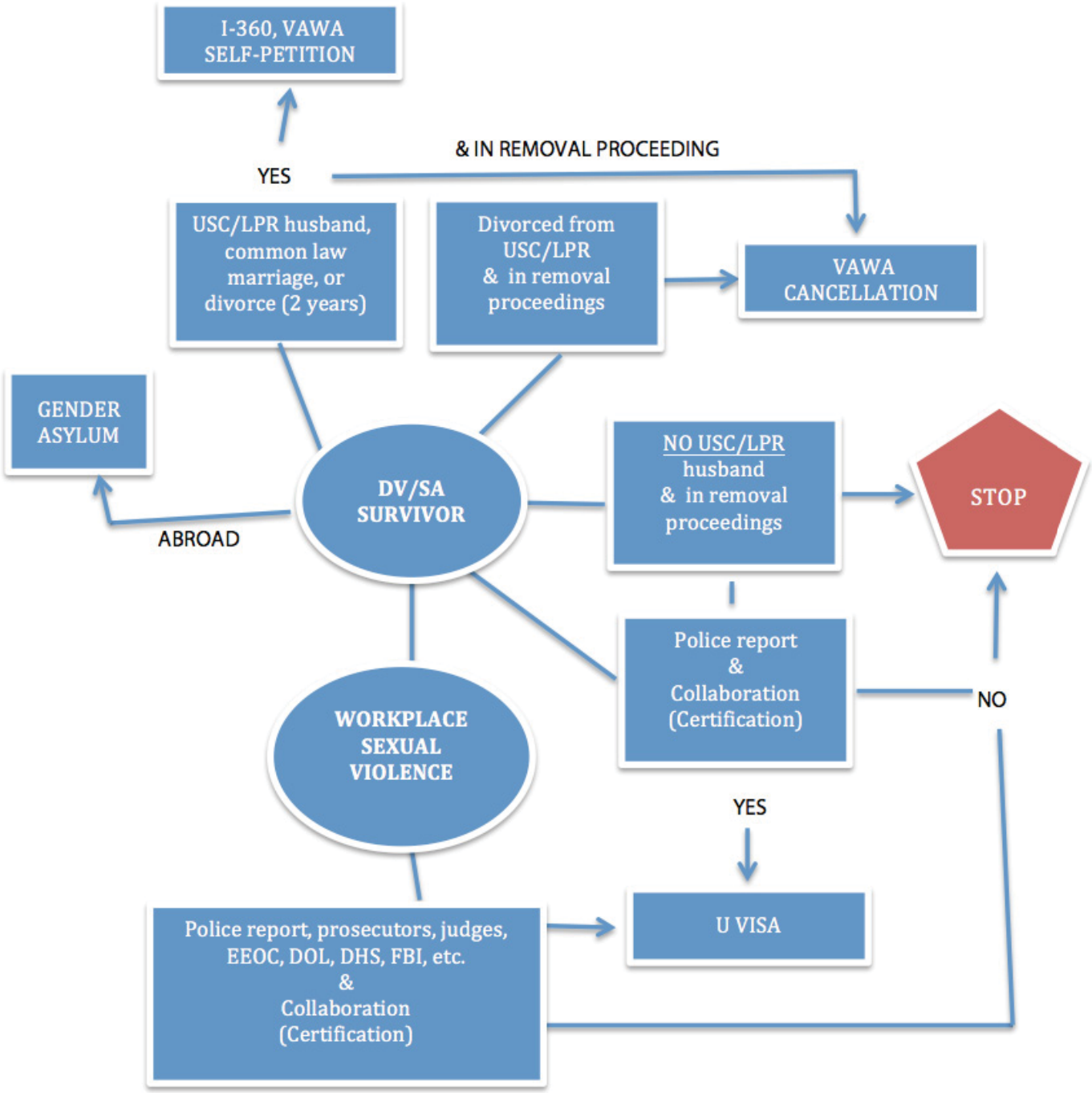
ORGANIZATION	LOCATION
Crisis Intervention & Advocacy Center	Adel, IA 50003
ACCESS	Ames, IA 50014
Family Crisis Center of Northwest Iowa	Carroll, IA 51401
Riverview Center	Cedar Rapids, IA 52401
Catholic Charities DV/SA Program	Council Bluffs, IA 51503
SafePath Survivor Resources	Davenport, IA 52803
Riverview Center	Decorah, IA 52101
Riverview Center	Dubuque, IA 52003
Rape Victim Advocacy Program	Iowa City, IA 52240
Riverview Center	Manchester, IA 52057
Crisis Intervention Service	Mason City, IA 50402
Crisis Center & Women's Shelter	Ottumwa, IA 52501
Family Crisis Center	Sioux Center, IA 51250
Centers Against Abuse & Sexual Assault (CAASA)	Spencer, IA 51301
Riverview Center	Waterloo, IA 50702



3. Available Legal Protections

By Eunice Cho & Maria Lazzarino

a. A graphic summary for advocates



b. Criminal remedies

POSSIBLE CRIMINAL REMEDY	WHAT IS IT?	WHO QUALIFIES?	LAW ENFORCEMENT AGENCIES INVOLVED
POLICE REPORTS	Record of criminal activity reported to local law enforcement agencies.	Any victim of a crime in the United States. A police report must be filed in the state and municipality where the crime was committed.	Local police or federal law enforcement agencies; state prosecutors or the attorney general; courts and judges.

c. Civil remedies[91]

POSSIBLE CIVIL REMEDY	WHAT IS IT?	WHO QUALIFIES?	LAW ENFORCEMENT AGENCIES INVOLVED
PROTECTION OR RESTRAINING ORDERS	A civil court order to protect a survivor of domestic, relational, or sexual violence.	A person can file a restraining order against a spouse, ex-spouses, parents of the same child, co-workers, or a roommate who subjected them to gender-based violence or threatened harm.	Civil court, judges.
WAGE AND HOUR VIOLATIONS	Violations of labor standards (Fair Labor Standards Act), including failure to provide minimum wage, overtime, meal and rest breaks; failure to maintain accurate records; unlawful deductions from wages; and violations of child labor laws. State and local law may provide additional protections for employees.	Employees who have failed to receive the minimum wage, overtime, or meal and rest breaks; have not had accurate records; or unlawful deductions of wages. All workers, including undocumented workers, are protected by the Federal Labor Standards Act (FLSA). The FLSA, however, does not equally apply to domestic or agricultural workers, but some states have broader protections for these workers.	U.S. Department of Labor's Wage and Hour Division; state and local departments of labor. Wage and hour violations may also be enforced through private civil lawsuits. Claims under the FLSA for non-willful violations must be brought within 2 years; within 3 years for willful violations. This may be different for state laws.

91. These remedies and orders may have different names in different jurisdictions.

ANTI-DISCRIMINATION VIOLATIONS	Sexual harassment is a form of sex discrimination in violation of federal law (Title VII). State law may also have added protections for employees.	Employees who have been subject to hostile, intimidating, or intimidating behavior that created an abusive working environment; or employees who have refused a supervisor's request for sexual favors or to tolerate a sexually charged work environment and whose employer has retaliated as a result. All workers, regardless of immigration status, may bring a Title VII claim.	The Equal Employment Opportunity Commission, or state agencies that enforce state anti-discrimination laws. An anti-discrimination claim must be filed with the EEOC within 300 days of the discriminatory act (state agencies may be different). Anti-discrimination violations may also be enforced through private civil lawsuits.
TORT CLAIMS	Tort claims allow workers to recover damages for distress suffered, and to punish the employer.	Tort claims for employees may include: • Intentional or negligent infliction of emotional distress • False imprisonment • Assault • Battery • Negligence • Violation of contract claims	Tort claims are enforced through private civil lawsuits. Claims must generally be filed within a year (but may differ depending on the state).

d. Potential Immigration legal remedies

- AFFIRMATIVE APPLICATIONS -

POSSIBLE POTENTIAL RELIEF	WHAT IS IT?	REQUIREMENTS	LAW ENFORCEMENT AGENCIES INVOLVED
U VISA	Visa for victims of crimes of violence who are helpful in the investigation and/or prosecution of the crime. U visa provides: • Legal status for up to 4 years • Eligibility to become a lawful permanent resident after 3 years of continuous physical presence in USA • Work authorization • U visas for certain family members.	• Victim of a crime of violence* • Crime occurred in USA, USA territories or violates USA laws • Victim has suffered substantial physical or mental abuse • Victim has being, is being, or will be useful in investigation and/or prosecution • Required to have Certification from law enforcement Qualifying crimes: **abusive sexual contact**, extortion, **felonious assault**, fraud in foreign labor contracting, involuntary servitude, obstruction of justice, peonage, prostitution, **rape, sexual assault, sexual exploitation**, trafficking, witness tampering, others. *For a full list of crimes: www.uscis.gov: Form I-918 Supplemental B, U Nonimmigrant Status Certification. Other crimes may also be considered.	U.S. Citizenship and Immigration Services (USCIS) of the Department of Homeland Security (DHS) processes U visa applications at the Vermont Service Center (VSC). A complete application must include: "certification" from a law enforcement agency stating that the applicant was a victim of crime and was/is or will be helpful in the investigation and/or prosecution. Certifying agencies include: local police departments, district attorneys, judges, the U.S. DOL, EEOC, NLRB, FBI, DHS, some state departments of labor, etc.

T VISA	Visa for victims of "severe forms of trafficking", such as sex trafficking: inducing a commercial sex act by force, fraud, or coercion; or labor trafficking: involuntary servitude, peonage, debt bondage, or slavery. T Visa provides: • Legal status for up to 4 years • Eligibility to become a lawful permanent resident • Work authorization • Eligibility for public benefits (including housing, food, income, and health care assistance) • T visas for certain family members.	• Victim is physically present in USA or USA territories, or any port of entry on account of trafficking • Cooperation with federal, state, or local law enforcement • Victim will suffered extreme hardship if removed form USA	USCIS at the VSC processes T visa applications. Applicants can also obtain an endorsement from a law enforcement agency, including police departments, district attorneys, ICE, and labor agencies, that the individual is a victim of a serious form of trafficking.

VAWA, (I-360 SELF-PETITION)	Application for victims of domestic abuse, child abuse, or elder abuse. A VAWA Self-petition provides: • Work authorization • Deferred action (protection from deportation) • Can include certain derivatives • Approved immigrant petition to apply for lawful permanent residency.	• Married to USC or LPR - If Divorce or lost LPR status (2 years window) - Common law marriage depends on state of residency • Parent of USC (USC +21 years) • Child or stepchild of abusive USC parent (if child is between 21 and 25 years of age, they may still file as child but must show connection with late filing and abuse AND • Good faith marriage • Residency together • Good moral character • Victim of battery and/or extreme cruelty	USCIS at the VSC processes VAWA Self-Petitions. Applicants may include evidence from other law enforcement agencies, including local police, Child Protective Services, and Adult Protective Services, to show that they are victims of abuse.

POTENTIAL IMMIGRATION LEGAL REMEDIES

- DEFENSIVE APPLICATIONS -

POSSIBLE POTENTIAL RELIEF	WHAT IS IT?	REQUIREMENTS	LAW ENFORCEMENT AGENCIES INVOLVED
VAWA CANCELLATION OF REMOVAL	A defensive application from removal or deportation proceedings VAWA Cancellation of removal provides: • Work authorization while pendency of case • Removal proceedings terminated • Legal permanent residency • Can include certain family members	Applicant must be in removal proceedings and have been battered or suffered extreme cruelty by • USC or LPR spouse, • UCS or LPR, ex-spouse or • Intended spouse of USC or LPR (bigamy), or be an • Abused child of a USC or LPR, **or** • Non-abusive parent of a child who is or was subjected to domestic violence or extreme cruelty by a USC or LPR parent. (The parent herself need not be abused), **and** • 3 years of continuous physical presence in USA • Good moral character • Extreme hardship if removed	The Immigration Court of the Executive Office for Immigration Review (EOIR) that has jurisdiction over the case.

GENDER ASYLUM	An application to request asylum in the United States and for withholding of removal. A gender asylum application provides: • Work authorization while the pendency of case • Removal proceedings terminated • Can include certain family members if they are in USA and included in the application • Approved petition to apply for lawful permanent residency after 1 year	• Physically present in the USA • Well-founded fear of persecution, on account of: -Race -Religion -Nationality -Membership in a particular social group -Political opinion. • Or, that she experienced such persecution in the past.	The Immigration Court of the Executive Office for Immigration Review (EOIR) that has jurisdiction over the case, or if filing with USCIS, filing place depends of state of residency
PROSECUTORIAL DISCRETION	Administrative decision by Immigration and Customs Enforcement (ICE) to decide to release an individual from detention; close or dismiss a removal proceeding; or stay a final order of removal, among other actions.	Purely discretionary, but ICE pays particular attention to victims of domestic violence, human trafficking, and other serious crimes, as well as workers who are involved in legal proceedings against their employers.	Immigration and Customs Enforcement (ICE)

4. Resources for Advocates[92]

LABOR ORGANIZERS AND WORKER CENTERS:

1. AFL-CIO: http://www.aflcio.org/About/Worker-Center-Partnerships
2. ARISE Chicago: http://arisechicago.org
3. Coalition Against Workplace Sexual Violence ("CAWSV"): https://www.facebook.com/cawsv.chicago. Please read FAQ to learn more about curriculum materials.
4. Coalition of Immokalee Workers: http://www.ciw-online.org
5. Interfaith Worker Justice: http://www.iwj.org
6. Latino Union: http://www.latinounion.org
7. National Day Laborer Organizing Network: http://www.ndlon.org/en
8. National Domestic Workers Alliance: http://www.domesticworkers.org
9. New Orleans Workers' Center for Racial Justice: http://nowcrj.org
10. Raise the Floor Alliance: http://www.raisetheflooralliance.org
11. Restaurant Opportunities Centers ("ROC") UNITED: http://rocunited.org
12. The Garment Worker Center: http://garmentworkercenter.org/about
13. UCLA Labor Center: http://www.labor.ucla.edu
14. Warehouse Workers for Justice: http://www.warehouseworker.org
15. Worker Justice Center of New York: http://www.wjcny.org

LABOR RESOURCES

1. Equal Employment Opportunity Commission: www.eeoc.gov
2. Legal Aid Society-Employment Law Center: http://www.las-elc.org/sexual-harassment
3. Massachusetts Labor Extension Program: http://umasslep.prometheuslabor.com/overview
4. National Employment Law Project: http://www.nelp.org/

92. This list of resources was complied as of 2016 and may not reflect the current information.

5. Workplaces Respond to Domestic and Sexual Violence: http://www.workplacesrespond.org/learn/the-facts/the-costs-of-sexual-violence
6. Chicago Alliance Against Sexual Exploitation ("CAASE"): http://caase.org/ http://www.workplacesrespond.org/learn/the-facts/the-costs-of-sexual-violence

FARMWORKER ORGANIZATIONS

1. California Rural Legal Assistance, Inc. http://www.crla.org
2. Illinois Migrant Legal Assistance Project ("IMLAP"): http://www.lafchicago.org
3. Lideres Campesinas: http://www.liderescampesinas.org/english/index.php
4. List of resources from the Frontline: http://www.pbs.org/wgbh/frontline/film/rape-in-the-fields/
5. Southern Poverty Law Center: http://www.splcenter.org

ANTI-VIOLENCE (AGAINST SEXUAL ASSAULT) ORGANIZATIONS

1. Arte Sana: http://www.arte-sana.com/arte_sana_first.htm
2. Asian Pacific Islander Institute on Domestic Violenence http://www.apiidv.org
3. Casa de Esperanza: https://www.casadeesperanza.org
4. Futures Without Violence: http://www.futureswithoutviolence.org
5. IowaCASA: http://www.iowacasa.org
6. Resource sharing project: http://www.resourcesharingproject.org
7. National Center on Domestic and Sexual Violence: http://www.ncdsv.org
8. National Sexual Violence Resource Center: http://www.nsvrc.org

   Link for their workplace project: http://www.nsvrc.org/projects/sexual-violence-workplace/sexual-violence-and-workplace-onlince-special-collection#overlay-context=sexual-violence-and-the-workplace-information-for-employers
9. VAWnet: http://www.vawnet.org
10. Victim Rights Law Center: http://www.victimrights.org

IMMIGRATION ORGANIZATIONS

1. ASISTA: http://www.asistahelp.org
2. Ayuda: http://www.ayudainc.org/template/index.cfm
3. Immigration Advocates Network: http://www.immigrationadvocates.org
4. National Immigration Law Center: http://nilc.org
5. National Immigration Project of the National Lawyers Guild: http://www.nationalimmigrationproject.org

WOMEN'S RIGHTS ORGANIZATIONS

1. Legal Momentum: http://www.legalmomentum.org
2. National Immigrant Women's Advocacy Project (NIWAP): http://www.niwap.org/
3. Tahirih Justice Center: http://www.tahirih.org/about-us

RESOURCES FOR SURVIVORS

1. Casa de Esperanza: https://www.casadeesperanza.org
   - 24-hour crisis line, Spanish and English
   - 651-772-1611
2. Houston Area Women's Center: http://www.hawc.org/en/sexual-assault-services/
   - Sexual Assault Hotline: 713-528-RAPE (7273) or 1-800-256-0661
   - English and Spanish
3. National Center for Victims of Crime: http://www.victimsofcrime.org
   - Connect Directory: This directory helps victims find local assistance: http://www.victimsofcrime.org/help-for-crime-victims/find-local-assistance---connect-directory
4. National Center on Domestic and Sexual Violence: http://www.ncdsv.org
   - 1-800-799-SAFE (7233), national DV hotline

5. National Domestic Violence Hotline: http://www.thehotline.org 1-800-799-SAFE (7233), 1-800-799-7233 or 1-800-787-3224 (TTY)
6. National Hotline: Rape Abuse and Incest National Network
   - http://www.rainn.org/get-help/national-sexual-assault-hotline
   - http://centers.rainn.org
   - 1-800-656-HOPE
   - Menu options available in both Spanish and English
7. National Latin@ Network: http://www.nationallatinonetwork.org
   - Project of Casa de Esperanza
8. National Organization for Victim Assistance: http://www.trynova.org/Office for Victims of Crime: http://ovc.ncjrs.gov/findvictimservices
   Safe Horizon: http://www.safehorizon.org
   - NYC area
   - SA and rape hotline: 212-227-3000
   - DV hotline: 1-800-621-HOPE (4673)
9. Virginia Family Violence & Sexual Assault Hotline: https://www.vdh.virginia.gov/ofhs/Prevention/dsvp/projectradarva/documents/2012/pdf/PregnancyWheel.pdf 1-800-838-8238

OTHER NATIONAL HOTLINES AND HELPFUL LINKS

1. Gift from Within (Not a hotline. A helpful link for survivors of trauma and victimization): http://www.giftfromwithin.org (207) 236-8858
2. National Suicide Prevention Lifeline: http://www.suicidepreventionlifeline.org 1-800-273-TALK (8255) – (24/7 hotline)
   - 1-888-628-9454 (Spanish)
   - 1-800-799-4889 (TTY)

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Walter Abrego

Araceli Castañeda

Glenda Christensen

Jorge DeLeón

Elizabeth Duckworth

Vanessa Espinoza

Joshua Hamzehee

Claudia Rodríguez

Evan Shares

The complementary document to this guide:
Interactive Performance: A Tool for Learning, Advocacy, and Professional Support, can be accessed: HERE.