



# *PROMISING PRACTICES FOR* **PREVENTING HARASSMENT** **IN THE CONSTRUCTION INDUSTRY**

## **Introduction**

The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that prohibit discrimination in the workplace based on race, color, religion, sex, national origin, age, disability, or genetic information. One of the significant issues in workplace discrimination is harassment, which remains a prevalent problem across various industries, including construction. The construction industry, in particular, faces unique challenges that make it susceptible to harassment, such as a predominantly male workforce, decentralized workplaces, and pressure to conform to traditional stereotypes.

Harassment not only affects the individuals targeted but also poses a barrier to recruiting and retaining women and people of color in the industry. It is also a safety concern, as harassment can lead to dangerous work conditions on construction sites. The EEOC's Strategic Enforcement Plan (SEP) for Fiscal Years 2024-2028 emphasizes combatting systemic harassment and focuses on industries like con-

struction where women and workers of color are underrepresented. The EEOC recommends that general contractors take a leadership role in preventing harassment across construction work sites.

This document outlines promising practices for preventing and addressing harassment in the construction industry, drawing from the EEOC's existing resources and focusing on the unique challenges faced by the industry.

## **Core Principles for Combatting Harassment**

The Co-Chair Task Force Report identified five core principles effective in preventing and addressing harassment:

- ❶ Committed and engaged leadership.
- ❷ Consistent and demonstrated accountability.
- ❸ Strong and comprehensive harassment policies.
- ❹ Trusted and accessible complaint procedures.
- ❺ Regular, interactive training tailored to the audience and the organization.

These principles are applied to the specific challenges in the construction industry in this document.

## **Leadership and Accountability**

A successful harassment prevention strategy requires consistent and demonstrated commitment from leadership at all levels. This includes project owners, general contractors, crew leads, and union stewards, who should frequently and unequivocally communicate that harassment is prohibited.

## **Holistic Approach to Harassment Prevention**

- Project owners and general contractors should prioritize site-wide collaboration to prevent harassment. They should strive to prevent harassment against all workers, even those not covered by anti-discrimination laws.
- General contractors should assist smaller subcontractors or staffing agencies that may need help with their legal responsibilities.



# A SUCCESSFUL HARASSMENT PREVENTION STRATEGY REQUIRES CONSISTENT AND DEMONSTRATED COMMITMENT FROM LEADERSHIP AT ALL LEVELS.

• Unions play a critical role in preventing and addressing harassment by committing to this in their governing documents, helping members navigate reporting channels, and supporting inclusive apprenticeship programs.

## Including Anti-Harassment Measures in Contract Bids

• Contract bids should include a plan to prevent and address workplace harassment. This could include maintaining a comprehensive harassment policy, an accessible complaint system, regular training, and a discipline policy proportional to the severity of misconduct.

## General Contractors in a Coordinating Role

- General contractors are well-positioned to coordinate harassment prevention efforts across a worksite. They can provide sitewide training, monitor subcontractor compliance, and convene a sitewide leadership committee to address emerging issues.
- They should also ensure that subcontractors follow through with their harassment-prevention commitments, and where necessary, assist in finding solutions to harassment issues.
- General contractors should acknowledge individuals who take action to prevent or address harassment.

## Evaluating Policies and Seeking Feedback

• General contractors should seek feedback from workers on the effectiveness of anti-harassment efforts, potentially through anonymous surveys or partnerships with researchers.

## Comprehensive and Clear Harassment Policies

A clear and comprehensive harassment policy outlines unacceptable behaviors, reporting procedures, and the steps an employer will take in response to harassment. These policies should be developed with input from both supervisors and workers and communicated in an accessible format to all workers.

## Key Elements of a Harassment Policy

- A clear description of who is covered by the policy.
- A clear description of prohibited conduct with examples tailored to the construction environment.
- A statement that harassment is prohibited, including conduct beyond what is explicitly covered by law.
- A description of the complaint and reporting processes.
- A commitment to prompt, impartial, and thorough investigations.
- A statement that retaliation is prohibited, with examples of potential retaliation in a construction context.

## Ensuring Accessibility of Anti-Harassment Policies

- Policies should be written and communicated in a clear, easy-to-understand format in all languages used by workers.
- Policies should be posted in consistent and easy-to-find places and made available on digital platforms.
- General contractors should ensure that policies are regularly updated and reviewed for consistency.

## Effective and Accessible Harassment Complaint System

The complexity of multiple employers on construction sites presents challenges to traditional reporting structures. However, it also offers opportunities to create a "no wrong door" environment where workers can report harassment through various channels.

## Key Features of an Effective Complaint System

- The system should be fully resourced and accessible in all languages used by workers.
- It should include multiple ways to complain, both formally and informally, and have clearly identified reporting channels.
- The system should allow complaints to be made through more than one channel, reducing the risk of retaliation.

- The complaint system should be able to handle complex situations where the identity or employer of an alleged harasser is unknown.

## Role of General Contractors in Oversight

- General contractors should ensure that all workers have multiple reporting channels.
- They should provide shared, site-wide complaint channels and require onsite employers to notify the general contractor of complaints received.
- Periodically testing the effectiveness of the complaint systems is recommended.

## Effective Harassment Training

Regular, interactive, and comprehensive training can help workers understand applicable rules, policies, procedures, and consequences of misconduct. Training should be provided in a clear, easy-to-understand format and tailored to the workforce and work environment.

## Key Elements of Effective Training

- Training should be tailored to the workforce and work environment and developed with input from worksite leaders and workers.
- Senior leaders should champion the training, which should be repeated and reinforced regularly.
- Training should be presented in brief segments throughout a project's lifecycle, reaching all workers, including those who arrive onsite later.

## Conclusion

The construction industry faces unique challenges in preventing and addressing harassment. However, by adopting the promising practices outlined in this document, including committed leadership, comprehensive policies, accessible complaint systems, and effective training, the industry can create safer, more inclusive worksites. Implementing these practices can help prevent harassment, protect workers' safety, and promote equal employment opportunities for all. 