



Washington State Janitorial Workload Study

Appendix B:

Mistreatment of janitorial workers: A hidden health and safety issue

SHARP Publication #102-56-2020

June 30, 2020

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This work was supported by the Washington State Legislature and by the Safety and Health Assessment & Research for Prevention (SHARP) Program at the Washington State Department of Labor and Industries.

Safety and Health Assessment and Research for Prevention (SHARP)

SHARP research program at the Washington State Department of Labor & Industries is recognized as a leader in the multidisciplinary field of occupational safety and health research. Among other work, SHARP has conducted studies devoted to understanding how individual and work environment factors influence occupational safety, retention and turnover, as well as worker health and well-being. SHARP was created in 1990 by the Washington State Legislature with the mission of conducting research to prevent illness and injury in Washington workplaces.

Recommended citation:

Yragui, N. L., Pacheco, P, Sibrian, D., Chavez Santos, E. (2020). Mistreatment of Janitorial Workers: A Hidden Health and Safety Issue. Report to the Washington State Legislature. Technical Report # 102-56-2020. Washington Department of Labor & Industries, Olympia, Washington.

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Acknowledgements

We are grateful to the Washington State Legislature and the Safety and Health Assessment & Research for Prevention (SHARP) Program at the Washington State Department of Labor and Industries for supporting this study. We thank SEIU6, Entre Hermanos, Spokane Alliance, and all the other community organizations that assisted us with our recruitment efforts. Most importantly, we thank the study participants who took a great deal of time out of their busy lives to tell us about their work.

The contents of this presentation are solely the responsibility of the author and do not necessarily represent the official views of these agencies, associations, or departments.

Executive Summary

Overview

Stress in the workplace is related to increased risk for numerous physical and mental health conditions, including cardiovascular disease, depression, and anxiety. Documentation of the physiological pathways for the relationship between stress and these disease outcomes demonstrates that psychosocial work contexts matter for health (Ganster & Rosen, 2013; Heaphy & Dutton, 2008). A recent Stanford study found that job insecurity increased the odds of reporting poor health by about 50%, high job demands raised the odds of having a physician-diagnosed illness by 35%, and long work hours increased mortality by almost 20%. Mistreatment at work and related injustice perceptions are identified as contextual factors contributing to poor worker mental and physical health (Robbins et al., 2012). Therefore, it is imperative to account for health effects of workplace environments when designing policies to improve individual health outcomes.

In this report, we present findings from a qualitative interview study on conditions of janitor workplace mistreatment. Our field research and analysis of narrative data focused specifically on discriminatory harassment, sexual harassment, and the mistreatment consequences for janitor safety and health.

Purpose and Scope of the Formative Study

In alignment with an occupational health psychology perspective, our research objectives of the formative study were twofold: 1) obtain background knowledge on janitors' perceptions of workplace mistreatment experiences and work conditions that may contribute to mistreatment; and 2) provide some recommendations for the state legislature to respond to the study findings.

The primary objectives of this study were to understand questions related to:

- a) Janitors' experiences with mistreatment and harassment at work;
- b) The impact of mistreatment and harassment on worker physical and mental health; and
- c) Janitors' workplace psychosocial context and its meaning for marginalized workers.

Design and Method

SHARP researchers used purposive sampling methods to recruit for and conduct individual interviews with janitors working to clean high-rise office buildings who have been exposed to workplace mistreatment in the state of Washington. Participants (18) worked primarily in Seattle, Bellevue, Tacoma, and Spokane and included 11 janitors, 3 janitor foremen, 3 union shop stewards, and 1 union representative for janitorial workers. The participants reported an education level of elementary/middle school at 56% and high

school/some college at 44%. They also reported gender of 61% female and an average age of 47 years. All participants except one worked full time (94%) with an average of 40 hours per week with 64% working a night shift. The participants' race included African American/Black (17%), American Indian/Native Alaskan (6%), Hispanic/Latinx (67%), and White (11%). The interviews were conducted in English (28%) and Spanish (72%).

We conducted the in-person semi-structured interviews on the topics of workplace mistreatment including general harassment, sexual harassment, and violence. The Washington State Institutional Review Board (WSIRB) approved all research documents and procedures.

Qualitative Analysis

SHARP researchers applied an inductive method known as consensual qualitative research (CQR), to examine narrative data characterized by open-ended interview questions, small samples, a reliance on words over numbers, the importance of psychosocial context, an integration of multiple viewpoints, and consensus of the research team (Hill et al. 1997; 2005).

Throughout the analysis, SHARP researchers discussed emergent coding issues, developed the final coding structure and themes and planned the theme presentation and the corresponding recommendations for this report. Quotes were selected to illustrate primary and secondary themes and are presented in everyday language incorporating participants' own words to describe the psychological event, experience, or phenomenon of interest (Denzin & Lincoln, 2011).

Study Findings

In the study narrative data, janitors reported mistreatment primarily from the company's managers and supervisors but also from coworkers and others working in the buildings they cleaned. The types of mistreatment included discriminatory harassment, sexual harassment, retaliation, wage and hour violations, psychological and physical abuse.

- Discriminatory harassment was reported as racist behaviors or differential treatment based, for example, on participants' race/ethnicity compared to other workers whose race matched the race of the supervisor, which was often white.
- Sexual harassment was reported as inappropriate comments, touch, video imagery, and other behaviors from supervisors, coworkers, and in one case an on-site vendor.
- Retaliation was described as a company or supervisory response to worker complaints about their work tasks and to worker formal reports of or efforts to seek outside union help with wage and hour violations, discriminatory and sexual harassment, and for worker union involvement. Common company retaliation practices included increasing a janitor's workload upon a complaint or request, and firing janitors from the job.

- Psychological harassment was the most commonly reported mistreatment behavior. This included humiliation of the worker in front of others, verbal abuse, social exclusion, harmful rumors and gossip, denying worker requests and ignoring health complaints with coercive insistence that janitors comply with supervisor demands of excessive work.
- Janitors reported wage and hour violations, and delay or denial of benefits. These incidents were described as employers taking advantage of immigrant workers' lack of knowledge of US standard business practices and worker rights. Language differences, communication difficulties and limited job opportunities also contributed to worker exposure to this type of mistreatment.

Janitors reported that their mistreatment on the job affected their health and safety in various ways, including:

- Physical and mental health strains including injuries, anxiety, distress, and physical-mental fatigue or burnout. Strains were described as linked to a high-stress work environment with psychologically abusive treatment, sexual and discriminatory harassment, and disregard for workers' needs and human rights that janitors reported as difficult to bear.
- The mental distress and depressed mood spilled over into janitors' family lives, affecting their ability to care for their children and fully engage with family, partners, and friends.
- Resilience, courage, and strength were evident in the interviews, but also, fear of and actual economic harm, dissuasion, and physical and mental health decrements. Over time, with limited resources and without adequate recourse to address their work problems, racialized and marginalized janitors, particularly immigrants with limited English proficiency and nonunion workers with limited personal financial resources or knowledge of their worker rights, reported fewer protections and greater harm.
- The primary source of social support was from the union if janitors could overcome their fear of job loss and retaliation to reach out for assistance. The union was often the only support reported as a source of information and instrumental assistance toward filing grievances, recovering lost wages, and reporting discrimination and sexual harassment.

Recommendations to prevent and address workplace mistreatment are derived from janitors' own recommendations and from our narrative data analysis and are specific to our sample of janitors:

- Labor standards enforcement - increase effectiveness to better protect workers by strengthening Labor & Industries wage/hour and worker rights enforcement program.
- Sexual harassment policy revisions to include protection related to abusive supervision (See CA AB 2053; Sub Appendix C).
- Training for workers in worker protections and rights related to wage and hour violations, discrimination, sexual harassment, psychological harassment, and retaliation.
- Training applicable to employers that mirrors the training topics for workers.
- Address social support and resilience – strengthen social programs, labor policies, and union capacity for worker programs that support problem solving and education, and build resilience and health.
- Address janitors' requests to be treated with equality, humanity, dignity and respect.

Conclusion

This study contributes new knowledge regarding the mistreatment and harassment of janitor workers. The study findings are in alignment with previous research on workplace mistreatment and our participants have confirmed as well, that it is experienced as a strong social stressor in their workplaces. Our findings also suggest that janitors' health and well-being would benefit from interventions that not only reduce mistreatment and harassment, but also increase knowledge and social support.

Our findings present participants' perceptions that their health, well-being and performance were harmed by mistreatment and harassment primarily from managers and supervisors but also from coworkers at their places of work. This research opens up an opportunity to address these psychosocial exposures and health and safety impairments that janitor's experience on the job. Toward that end, we have provided recommendations as suggestions to provide additional resources for janitors that seek recourse to prevent or limit these harms.

Finally, janitorial workers in low wage, low control, and low support jobs experience individual combinations of stressors and subsequent mental and physical health decrements -- consequences of exposures to workplace abuses such as discriminatory harassment and abusive supervision. Future research analyses from our janitor survey quantitative data are needed to fully examine and potentially corroborate the findings from the qualitative research findings presented in this report.

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Mistreatment of Janitors: A Hidden Health and Safety Issue

Overview and Research Objectives

In the janitorial sector, there is limited knowledge available from researchers about the psychosocial context of systemic mistreatment in which workplace discriminatory harassment, sexual harassment, and violence occurs in employees' work experience (Kristen, Banuelos & Urban, 2015; Wittmer et al., 2013). The small number of existing studies concerning workers report that workplace discriminatory harassment have adverse health and well-being consequences (Cortina, et al., 2013; Rospenda et al., 2009). These occur for those who are exposed to specific events, and for workers and their families whose economic well-being may be compromised as a direct negative consequence of the problem (Teran et al., 2017).

When perpetrators, targets, and bystanders observe the stressor of mistreatment in their workplace, increased reports of high levels of strains occur with impacts at the individual, workplace, and nonwork levels (Pindek & Spector, 2015). Examining janitorial worker perceptions about their workplace mistreatment and harassment allows researchers to identify unrecognized psychosocial hazard exposures that occur. This knowledge provides valuable information toward developing policies and programs that prevent or address workplace harassment and aggression.

The primary objectives of this study were to better understand:

1. Janitors' experiences with mistreatment and harassment at work;
2. The impact of mistreatment and harassment on janitors' physical and mental health; and
3. Janitors' workplace psychosocial context and its meaning for marginalized workers.

An Occupational Health Psychology View of Work Stress and Safety

Occupational health psychology (OHP) is an interdisciplinary area of psychology where the focus is on maintaining and promoting healthy workplaces and fostering the physical and mental health of workers within organizations (Schonfield & Chang, 2017; CDC; Tetrick & Quick, 2011). According to Sauter and Hurrell (1999), OHP emerged in response to three developments: "(a) the growth of and recognition of stress-related disorders as a costly occupational health problem; (b) the growing acceptance that psychosocial factors play a role in the etiology of emergent...problems such as burnout syndrome, depression and musculoskeletal disorders; and (c) recent and dramatic changes in the organization of work that result in both job stress and health and safety problems at work" (p. 177). Thus, OHP researchers seek to understand the psychological processes that guide individual behavior within the occupational, organizational, and societal contexts that influence the behavior (Johns, 2006). A contextual and social

structural approach is useful in OHP research and we draw on research throughout the report to support understanding mistreatment of janitors working in hierarchically structured organizations.

Qualitative Methods

Qualitative methods, a broad class of empirical procedures, are designed to describe and interpret the experiences of research participants in a context-specific setting such as janitorial work (Denzin & Lincoln, 2011). SHARP researchers applied an inductive method known as consensual qualitative research (CQR), to examine narrative data characterized by open-ended interview questions, small samples, a reliance on words over numbers, the importance of psychosocial context, an integration of multiple viewpoints, and consensus of the research team (Hill et al. 1997; 2005).

Participants and Procedures

SHARP researchers used purposive sampling methods to recruit for and conduct individual interviews with janitors who clean office buildings and have been exposed to workplace mistreatment in the state of Washington. Participants (18) worked primarily in Seattle, Bellevue, Tacoma, and Spokane and included 11 janitors, 3 janitor foremen, 3 union shop stewards, and 1 union representative for janitorial workers. The participants reported an education attainment of elementary/middle school at 56% and high school/some college at 44%. They also reported gender of 61% female and an average age of 47 years. All participants except one worked full time (94%) with an average of 40 hours per week and with 64% working a night shift. The participants identified themselves as African American/Black (17%), American Indian/Native Alaskan (6%), Hispanic/Latinx (67%), and White (11%). Researchers conducted the interviews in the participant's primary language of English (28%) and Spanish (72%). Of the 18 total participants, 83% were union members including one union representative.

Recruitment efforts entailed building relationships with Hispanic/Latinx community organizations, placing notices at diverse community organizations, attending community events, facilitating informational workshops and Spanish radio interviews. Recruitment also took place in meetings at SEIU Local 6 in Seattle and notices were posted at organizations in the Seattle, Bellevue, Tacoma, and Spokane areas. Recruitment notices and announcements clearly stated our purposive sampling objective of inviting potential participants to volunteer for an interview on the topic of workplace harassment, sexual harassment, and violence.

The in-person semi-structured interviews covered the topics of workplace mistreatment mentioned previously. We also asked about reporting harassment and assault, company response to incidents, sources of support, and effects of harassment on health and well-being (see instruments, Sub Appendix B). Interview participation was voluntary and lasted for 60-90 minutes. Participants received a \$25 gift card for their time and contribution to

the study. The Washington State Institutional Review Board (WSIRB) approved all research documents and procedures.

Qualitative Analysis

A professional transcription and translation service transcribed the digitally recorded interview data into text documents. Interviews conducted in Spanish were translated into English and back translated into Spanish following procedures recommended by cross-cultural researchers (Brislin, 1986). SHARP bilingual researchers verified the translated documents for meaning equivalence and accuracy. Researchers audited the interview documents and removed all personal identifiers such as names of individuals and descriptive details. Following transcription and auditing, the digital voice files were deleted. A CQR committee approach guided all analysis steps (Hill et al., 1997; 2005).

SHARP researchers coded the interview documents using an open coding approach. The research team developed a coding structure of themes and refined these themes throughout the iterative coding process. Researchers generated coding reports by theme and wrote corresponding thematic summaries. Throughout the analysis, SHARP researchers held discussions concerning emergent coding issues and developed themes and recommendations for this report. Quotes were selected to illustrate primary and secondary themes. Qualitative findings are generally presented in everyday language and often incorporate participants' own words to describe a psychological event, experience, or phenomenon of research focus (Denzin & Lincoln, 2011).

Researchers protected participant confidentiality by changing details in the reporting of the interview findings in ways that preserve the meaning and ensure that individual stories or situations cannot be identified. In addition, quotes presented in this report may have been slightly altered to remove details such as person and company names or positions of individuals that may be identifying. All participants had contact with janitorial-related roles in the system, for example, janitors, janitor foremen, janitor shop stewards, and a janitor union representative.

Janitors' Work Psychosocial Context, Demands, Strains and Resources

Job demands or stressors, low control on the job, low social support, and subsequent job strains are notable issues in today's workforce. The association between work stress, workload and health problems has been well documented (Belkic et al., 2004; Nappo, 2019; Warren et al., 2004). For occupational health psychology and safety researchers, a major focus has been on understanding how various elements of the physical and psychosocial work environment come together to shape health, safety and well-being. Karasek and Theorell's classic job strain model, based on psychosocial characteristics of work (Karasek, 1979; Karasek & Theorell, 1990), is one of the most researched contemporary models for describing work stress. The model depicts patterns of conditions at work where the joint effects of high job demands coupled with low control and low social support result

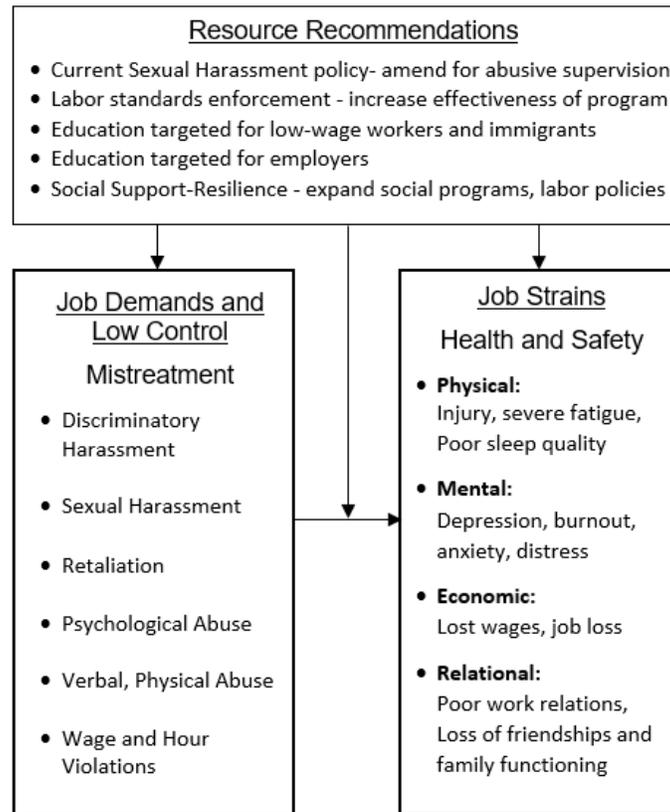
in work stress and subsequent job strain and poor health outcomes such as coronary heart disease (Kivimäki, et al., 2012; Schnall & Landsbergis, 1994).

Job demands include chronic stressors such as discriminatory harassment and pressure to work very hard and fast combined with low control over work schedule, workload, or how tasks are accomplished. The recent job demands-resources (JD-R) model extends the job strain model by expanding the number of job demands and resources considered, while holding central that a systems approach that includes the overarching *work context* remains essential to its argument (Bakker & Demerouti, 2007, 2017; Demerouti, Bakker, Nachreiner, & Schaufeli, 2001).

As the labor market continues to experience structural changes with the increasing prevalence of freelance work, scholars and policy makers need to design policy that can shape workplace policies, procedures, and practices to address abusive supervision and promote janitor workers' well-being while taking into account unique industrial characteristics, for example, female janitors performing work in isolated settings. At the end of the report resource recommendations will be made toward this end.

The Job Demands-Resources Model below represents a concise view of our research findings on workplace mistreatment as a job demand or stressor. The model reading from the left to the right includes the types of mistreatment of janitors including discriminatory harassment, sexual harassment, retaliation, psychological abuse, verbal and physical abuse, and wage and hour violations. In turn, the mistreatment leads to negative effects on janitors' job strains including physical and mental health strains as well as economic and relational impairments. The top section focuses on the resources in the form of recommendations that suggest actions to mitigate the harm from the job demands.

Figure 1. Model of Janitors' Job Demands, Strains and Resources



Study Findings for Workplace Mistreatment

Exposure to occupational hazards and injustices such as general, discriminatory, and sexual harassment, are a frequently encountered stressor at work. Researchers (Grebner et al., 2004) found that social stressors, such as conflict and abuse, comprised the most frequently reported category of workplace stressors. It is not surprising then that Keenan and Newton (1985) proposed that interpersonal conflict might be the most important workplace stressor affecting workers in organizations.

In a study relevant to our current examination of janitors' work mistreatment, researchers reported 82% of low wage workers were exposed to at least one occupational hazard such as job strain or psychological demands, namely, working very hard and fast. In addition, 79% to at least one social hazard, such as discrimination and workplace abuse, with 15.4% reporting clinically significant psychological distress scores (Krieger et al., 2011). The significant associations with psychological distress occurred among men and women for workplace abuse and high exposure to racial discrimination. High exposure to stressors of occupational hazards and poverty resulted in reports of psychological distress for women but not for men.

We present the findings for discriminatory harassment, sexual harassment, retaliation, psychological abuse, and wage and hour violations. The findings have been organized by type and source of mistreatment. Table 1 below shows the source by type of mistreatment. Management is the greatest contributor of exposures in all types of mistreatment through abusive supervision.

Table 1. Number of participants reporting mistreatment type by source

Note:

Interviews conducted totaled 18. Coworkers, customers or vendors do not commit wage-hour violations.

Mistreatment Type x Source	Management/Supervisor	Coworker	Customer/Vendor
Discriminatory Harassment	13	3	1
Sexual Harassment	10	7	1
Retaliation	13	1	0
Psychological Abuse	18	4	1
Verbal and Physical Abuse	9	1	0
Wage - Hour Violations	11	--	--

Findings for Discriminatory Harassment

Management/Supervisor

The most commonly reported source of discrimination came from the janitors' company management and supervisors. Participants' perceptions of discriminatory harassment were described in two ways; either by using the terms *discrimination* or *racism* directly in their response or by noting that their company or supervisor treated them differently from others by targeting them with mistreatment based on their race/ethnicity and/or language difference. In contrast, other workers received better treatment or favoritism. Discriminatory harassment was often described by participants in language such as *favoritism, unfair, unjust, exploitation, taken advantage of, and racist*.

"I said, 'Even when we have the safety meetings, you talk in your language and the supervisor speaks to you in your language, how come nobody talks to us in our language? We are Hispanic.' I said, 'That's racism. And you shouldn't be telling me. . . that I shouldn't speak Spanish. No.'"

"He (supervisor) doesn't talk to me that way, but I feel like other people . . . I've noticed it's more of the immigrants that he speaks to in that manner . . . because he talks crazy to them."

“So, his exploitation is only towards me. Because, even the girl (coworker) that works there tells me, ‘I don’t understand why he only is like that with you. He only takes it out on you because he doesn’t come and bother me.’ I told her, ‘I don’t understand either because; I’m doing my job well.’”

Janitors reported mistreatment behaviors related to discriminatory harassment included supervisors ignoring them when asking for help, expecting them to work longer hours when others were let off early, denying overtime, denying vacation leave requests that others received, threatening them, and failing to provide safety training in Spanish.

One participant noted that their employer takes advantage of workers who speak different languages. He gave the example of the company intimidating workers to sign paperwork they do not understand because they do not speak or read English. He concluded by saying, *“That is why it’s important to have a union, to have representation.”*

A supervisor may threaten and intimidate a janitor to send the message that they should not go anywhere to seek help for worker rights violations. As one janitor stated below,

“And one time he (supervisor) told this lady to take care of fixing her immigration status before going to the union for anything. Telling her, ‘You are going to lose.’ And that was enough to stop this lady and she didn’t say anything. She stopped complaining and she had to put up with everything. . . If you are sure that the company is going to help you then maybe they would come forward. But they are not sure and they are afraid of losing their jobs.”

Participants pointed out that they had observed patterns of mistreatment and humiliation directed at immigrant janitors who fear taking action to protect themselves even when assistance is available.

“Because regardless of how much I want to help them, they are afraid (and say), ‘I don’t want to lose my job. I don’t want to lose my job. I have a family.’ and things like that. And that is why a lot of Latinxs remain silent.”

Finally, a number of immigrant, Latinx participants perceived racism in supervisors choosing to assign them the most difficult tasks, tasks that others did not want to do such as cleaning bathrooms. In some cases, companies directed their supervisors to demand excessive amounts of work that janitors could not complete during their shift even as they ran between cleaning areas and tasks, skipping breaks and meals.

“I see that the others take breaks. . . Every floor I go to, the women are resting, while I’m running. And that makes me feel bad because, I say, ‘Why can’t I do it, but they can? What can I do?’ I can’t say anything.”

“I already complained to her, and to him, and they don’t do anything. Instead of decreasing the workload, they’re giving me more. And well, I wish there were an organization that could help people like me, in the sense that they give me an excessive

amount of work. I wish someone could help me, . . . to speak for me, for someone to listen to me. Because, they honestly do not listen.”

This participant cannot defend herself because she has limited English but she is observant of workplace interactions as shown in her statement below:

“He (supervisor) wants them to do less work, and load it onto me. He’s only like that with me. . . I see that even with the rest, those of his same race that work there, he doesn’t say anything to them because he knows that they’re not going to let him. . . they get mad and they defend themselves.”

A participant described the managers of his company as racist and stated, *“They assigned you (immigrants) the worst tasks and even want to work you to death there.”* He went on to say:

“In reality, the work overload is caused by us because we stay quiet. We do the work because we need to do it. And that need only results in more work.”

“This woman who comes in the mornings is a very hard worker. She can work for two . . . If you have a problem or anything she will take care of it immediately. But since she didn’t let her (supervisor) give her a warning, she started taking it out on her. I don’t know what she has against Latinos that she can’t stand them. She humiliates us a lot. She tries to make our lives impossible. She gives us more work.”

In sum, janitorial workplaces are characterized by particular job conditions of abusive supervision, work overload, low control over schedule and tasks, and lack of support. On more than one occasion, participants described the strong work ethic of immigrant janitors as *“she or he can work for two.”* The janitor stood up for herself with her supervisor over a warning, exerting some assertive control over her job, but she paid a price for it. The heavy work overload, abusive supervision and discriminatory harassment make up a constellation of strong stressors.

Coworker

Participants had much less to report about coworker discriminatory harassment as compared to discriminatory harassment from managers and supervisors. It is possible that it is hard to detect because the discriminatory behaviors are subtle and are experienced as microaggressions or incivility. Even so, commonly occurring microaggressions cause much distress as the participant explains.

“So, that does affect me a lot. And it angers me a lot, but I can’t do anything other than sometimes crying alone, from being so upset . . . I get emotional seeing how they (managers) treat me, and they’re not like that with the rest. The others just look at me, mocking me, too, like, saying, ‘Ah, let her be treated as they want to treat her’. . . workers even laugh at me because I can’t speak English.”

A second participant described an injury caused by a coworker that appeared to be

intentional and racist. The coworker purposefully dropped a piece of heavy equipment on the janitor's leg and smiled. The pain of the injury was intense he pushed it back off his leg. This nearly caused the offending janitor to fall.

Overall, the coworker mistreatment was more often psychological aggression, namely, harmful gossip, making false complaints against a coworker, and socially excluding others. The term microaggressions refers to commonplace daily verbal, behaviors, or other situational indignities, intentional or unintentional, that convey hostile, or negative discriminatory slights and insults toward any group, and marginalized groups in particular. While the research literature on microaggressions and incivility describes milder forms of aggression as discriminatory (Cortina, 2008; Cortina et al., 2013; Sue, 2010), because it was not perceived or reported by participants as discriminatory harassment, we chose to report these findings in the later section on psychological abuse.

Findings for Sexual Harassment

Participants, female and male, reported sexual harassment primarily from supervisors, then coworkers, and in one instance from personnel working in the building and employed by another vendor. The sexual harassment behaviors described were unwanted touching, inappropriate and suggestive looks and staring, inappropriate texting, and showing sexually explicit video clips on cell phones. The findings have been organized by source of sexual harassment.

Management/Supervisor

Participants described supervisor sexual harassment as particularly difficult because of the power difference created more risk for further harmful consequences. A supervisor used this to his advantage when threatening a janitor, *"Nobody is going to believe you because I am the supervisor and I have been telling everyone that you are a liar."*

There is much uncertainty for a target that reports a supervisor for sexual harassment or assault. Some supervisors did lose their jobs consequently, but in other cases, they kept their jobs and no action was taken by the company to investigate or follow through on the report.

"I think that the owners and human resources should work harder. They should listen to us ... I have messages with my female coworker about this. We feel that nobody believes us. We feel like nobody listens to us. Who can we trust? I mean, there's no one there."

One participant admitted that women learn not to report because nothing is done by the company to help or protect them. In her case, she reported to several different managers with no result and noted that the next time she will call the union representative first, even though she believes the union is limited in what it can do. She learned later that the harasser had targeted several other immigrant janitors and that they did not report out of

fear of losing their jobs. He has kept his job. The company moved him from day to night shift, a decision that may put female janitors on the night shift at risk for harassment.

In a similar incident with a different janitor, a sexually harassing foreman, showed her a sexually explicit video on a cell phone and made suggestive comments. He had done this with several other janitors and the company moved him to another building. Even with multiple complaints filed, he remained with the company. He badmouthed the janitor who complained about him in her report. She stated, *“The company simply says, ‘Okay, we’ll talk to him,’ or, ‘We’ll move him.’ Done. Problem solved.”*

Coworker

Coworker sexual harassment was reported in a range of situations with resolutions that varied, some resolved with the harasser losing their job, others with the harasser moved to another building. Examples of incidents are given below.

A coworker described sexual harassment on her night shift by another janitor repeatedly making advances “tailgating” her until she was afraid. The harasser also saw her in a public place after work and threatened her. Mostly janitors are working separately on their own floors but may meet in a common area and *“never know when they (might) get pinned.”* The team foreman and the janitor reported the incidents and the harasser was eventually fired after harassing multiple janitors in the building.

A male janitor refused a female coworker’s invitation to be in a relationship. What followed was a high level of sexual harassment by his coworkers that included making jokes about his sexual orientation and calling him gay. He notes that male janitors will be suspended when women coworkers report them for sexual harassment, but in his situation, he saw no solution. He described his response as *“keeping to himself at work,”* staying in his job because he has a family and children and, therefore, must endure frequent harassment.

Another janitor brought up her friend at work, a female janitor, who is frequently sexually harassed by coworkers and has become calloused to it. She pointed out that, *“She doesn’t report the sexual harassment because she knows she may not be believed regarding the rumors.”* In addition, it was clear from her comments that some of the sexual harassment by coworkers is thought to be verbal harassment and not understood to be sexual harassment and illegal.

An immigrant janitor reported a conversation about sexual harassment that revealed her greater vulnerability as an immigrant compared to the other janitor. Both were women.

“One day I saw the girl and I asked her, ‘I haven’t seen you in a while. Is everything okay?’ And she said, ‘They moved me from this building.’ I asked, ‘Why?’ And she said, ‘Because the guy who cleans the 21st and the 22nd floor was bothering me. He touched my butt . . . He tried to kiss me by force.’

She is a black woman. So, I asked her, ‘Who?’ She told me the name of the man. I said,

'Are you being serious?' I said, 'He also bothers me.' She told me she had to go to the police to file a report. And she said, 'You should also go.' But, since I am an immigrant, I am afraid to talk.'

Some of the situations participants reported revealed that sexual harassment exposures could be complex and evolve over time. For example, a male participant and shop steward reported that he observed a female coworker get sexually harassed, asked if she was going to report it and offered to submit a report as a witness if she needed the support. Weeks later, she could not be found on the job when their supervisor searched for her, enlisting the shop steward's help. She got a third reprimand for not being on the job. In anger at the shop steward, she falsely reported that he had sexually harassed her. He did not get suspended because he had documented events and dates including details of all his activity and whereabouts for each day. He submitted these to the supervisor (See case study, p. 12).

Customer/Vendor

Sexual harassment may occur from any individual at the worksite and one janitor participant reported an incident with another worker who worked for another company working under another company's vendor contract.

"They were employees of the facility that we were placed at. I clean bathrooms, and I didn't like when people would come inside the bathroom in non-work ways to interact with me. It made my work environment not safe. There's no reason, unless you're the supervisor, to enter the bathroom with me as a female, in a small area, and leer, look, comment. It made me uncomfortable, and I don't feel there is a system in place that you can comfortably report without retaliation, or the agency being more concerned with losing the client or contract than said complainant."

Janitors also made note of company cultures that foster sexual harassment with one participant expressing some resignation or acceptance of it as a feature of the workplace that she could not fully control.

"I feel like it's a culture where its (sexual harassment) accepted. There are a lot of males. There are more males working nights than there are females, and the females that do work nights are more of immigrant status than me. . . There is a culture where they want to keep their jobs, so you don't report. You keep your head low, you know?"

Another janitor commented on the pressure to conform to keep her work hours.

"A coworker had done that (sexually harassed) a few times. I spoke to my supervisor. He had a conversation with him. He stopped entering the bathroom, but then he was there in the hallway. It was still an atmosphere that you have to have certain toleration for. And you have to play ball if you want your hours . . . That's the atmosphere that I feel."

The participant's comment above speaks to a company climate where sexual harassment is an acceptable job condition. In order to have paid work this female worker expresses that sexual harassment was the "atmosphere" or part of the job.

Findings for Retaliation

Participants described retaliation by company managers and supervisors for standing up for their rights, reporting injuries, reporting discriminatory and sexual harassment, and for going to the union to take on a role such as shop steward or to seek assistance for employer labor violations. A janitor noted that he was "being targeted as a shop steward is because I'm pro-union."

"That's a thing about the janitor. Cover your ass. You're the lowest man on the totem pole. You are – You are replaceable. But when you have notes, and pictures, that's how you can fight back. Show up to work on time, do your job, but cover your ass or they will replace you. You are replaceable."

Companies target employees with retaliation in many ways. Janitors described retaliatory behaviors that included micromanaging, frequent shadowing, questioning every move, targeting, pushing them to work faster, and personally attacking the worker to humiliate them in front of others.

A frequently mentioned retaliation was giving extra and excessive work. The participants frequently stated that their supervisor wanted to push them into quitting the job. In one example, the participant believed it was done to prevent a report of harassment from being investigated. Participants noted that companies lied to the union about them and made fake allegations against the employee. They reported that supervisors sabotaged their work to set them up for receiving reprimands.

Janitors described supervisors making subtle threats and warnings, blaming the janitor for a supervisor's failure to provide job resources, manipulating teams and pitting one worker against another, suspending a worker's schedule for days or weeks, and firing the worker. The message these retaliatory actions send to observant janitors is clear and their response is fear.

"So, where is the confidence given to us for us to be able to do that? Where are they? They tell you, "Don't be afraid, and this and that..." Okay. So, educate us or help us to lose that fear. It's not just saying "Lose the fear." Because, I'm talking about me, I, for example, from the community I come from, those who speak up get killed. Those who speak up, get put in jail. So, subconsciously, even though I'm in United States, here, subconsciously, when you're told "Speak up," my mind gets blocked. I can't because I'm afraid of losing my job. And when you say something, there's always an action behind it. There's always an action from what you say. Let's say, the action can be harassment. It can be more work. It can be getting fired. But they always find it."

Supervisors also deny vacation time, lie and claim the worker already took vacation. One

worker denied for three years asked again for vacation time and the supervisor replied, *“No, because I don’t want to. What if another person wants to take them, then they should have them.”*

Finally, one final janitor gave an account of his company’s supervisory practice of enlisting their foremen to make workers’ lives miserable. This included giving an excessive workload and ordering them not to speak to the union. He also described intimidation with one supervisor saying to him, *“No one can do anything to me.”*

Findings for Psychological Abuse

Psychological abuse can include behaviors that are overt (e.g., yelling, insulting swearing, put downs, hostile teasing), or covert (manipulation, intimidation, threats, social isolation). These tactics often result in negative emotions for the target such as fear, humiliation, shame, guilt, and anger. Over time, the psychological distress may reach clinical diagnosable levels and mental health conditions can develop, such as depression, anxiety, low self-esteem, and trauma.

Our analysis revealed that managers and supervisors were the primary instigators of psychological abuse and almost all participants gave accounts of these behaviors. The behaviors reported included the overt and covert behaviors mentioned above and supervisory-specific behaviors such as blaming workers for supervisor responsibilities, punishing workers with extra work to set them up for failure, sabotaging janitor’s work to give a written reprimand, refusing to comply with employee requests for paperwork, telling workers they are disposable, and exerting excessive control micromanaging – holding a worker to an extremely high standard of cleaning that other workers are not held to. An often-mentioned supervisory tactic was increasing the workload to set up an employee for failure, then criticizing, reprimanding them, and firing them.

A participant conveyed that the companies harass their workers by telling them not to talk to the union or they will get in trouble with the company. *“If she comes here again, don’t talk to her. Don’t take any of her phone calls.”*

A janitor told of a professional photographer who had set up a photo shoot in the building and damaged the lobby floor requiring expensive repairs. Even though video evidence showed otherwise, the company management blamed and humiliated the janitor for the damage. His sense of injustice was keen. He later learned, the company insurance covered it.

The supervisor’s tell the workers they are disposable and replaceable, and janitors experienced this as humiliating.

“. . . after several years that they have worked for the company, after having made a great effort to do their job, many of them have told me that the supervisor told them, ‘If you leave,

fine. Four or five other workers will show up here.' It's humiliating because when you say that to a worker you are telling them that you don't value the work they are doing."

Another participant noted that the union helped and still, the company has shifted from aggressive to passive aggressive behavior related to a sexual harassment investigation. For example, they would not respond to her phone calls or give her a company document she requested that stated she would be paid for time away from work due to the investigation that ruled in her favor.

"I thought we, as a culture, had come further than this. I didn't realize they just figured out another way to do it. . . And I'm going to be honest, I'm less likely to report it (sexual harassment) in future."

An injustice that was particularly hard to bear was supervisor favoritism of some employees and mistreatment of others. The favorites were allowed to chat with others, take longer breaks, and were given a lighter workload. Favoritism was a frequent observation of participants about their workplace and was called out as unfair and demeaning.

"So, another thing, he wouldn't go to work much and so the boss would tolerate that, too. He was one of his favorites. But then, that's why I said that the boss always wins. Even if he's found out, he always tries to find a way to cover everything up."

Negative behavior role modeled by managers and supervisors can spread throughout a team to create a culture of abuse as this participant observed. He went on to describe what targeting looks like; after cleaning an area then taking a break, workers come back to sabotaged work with planted fingerprints and debris, then get singled out (with disciplinary action). He described this as bullying.

"Managers put the fear, place blame, belittle and knock down workers on a daily basis. It's your word versus mine, and then the whole company tags in. Then you're targeted, and then your whole team is targeted."

The primary behavior from coworkers was harmful gossip. A janitor reported coworkers always talking, gossiping cruelly about another janitor who eventually quit because of it. *"They did hurt her. They hurt her psychologically because of how they were talking."*

In conclusion, the findings for psychological abuse, if taken as single incidents, do not seem to be the cause of much harm. However, the harm from microaggressions, covert discriminatory acts, incivility, and abusive supervision accrues over time with each incident exposure.

Understanding and addressing the dynamics of subtle racism and sexism is required or it will remain hidden and potentially harmful to the well-being and standard of living of people of color (U.S. Department of Health and Human Services, 2001). It has been

proposed that the daily common and subtle experiences of aggression that characterize discriminatory harassment may have significantly more influence on racial anger, frustration, and self-regard than traditional overt expressions of racism (Solórzano, Ceja, & Yosso, 2000). Moreover, when behaviors of aversive racism are covert, perpetrators are less likely to grasp and confront their own complicity in exposing marginalized workers to psychological harm and, in turn, contribute to inequities and disparities in employment, health, and safety.

Findings for Verbal and Physical Abuse

Participants gave very few examples of verbal and physical abuse, indicating that workplace mistreatment that is overt may be far less common than subtle or covert mistreatment such as psychological abuse. For example, in one case, a participant noted that supervisors yell at, berate, and humiliate janitors in staff meetings.

“If you’re not wearing the (company) t-shirt, I don’t want you to even come here! I don’t want you to get sick either, you get sick every day! No more getting sick!”

In another case, the supervisor would grab a janitor’s hand, force him into a chair and throw things to intimidate him.

“So, what he would frequently do, he had his pen in his hand and he’d throw it against the wall, and it would break apart. I’d freak out, as we say. I’d be aside myself. So, those are things that would intimidate me . . . well, he is the boss, and well, by the experience I have, his words are stronger than mine. Who will they listen to? Well, him, not me. So, those are things that I never, ever, for obvious reasons, had the courage to say to the union.”

Findings for Wage and Hour Violations

The Fair Labor Standards Act (FLSA) protects workers from illegal business practices, such as lost wages, rest periods, meal breaks, retaliations, and child labor. In the case of labor violations, a worker files a complaint and an investigation should follow. It is a violation to fire or in any other manner discriminate against an employee for filing a complaint or for participating in a legal proceeding under FLSA.

Janitors reported company violations and retaliation including the following:

- Not including pay for all hours worked.
- Not paying for overtime hours worked.
- Failing to pay an agreed upon hourly wage amount.
- Failing to follow protocols for payment schedules.
- Coercive approaches to discourage janitors from taking breaks and meals.
- Denying health insurance benefits to some workers but not others.
- Not allowing workers to take sick days or leave that other workers are allowed to take.

- Retaliation for reporting discriminatory and sexual harassment, injuries, wage violations.
- Retaliation for speaking up on the job to request changes in work tasks or workload.

In their interview comments, janitor participants, most of whom were immigrants and whose primary language was Spanish, revealed that they had limited knowledge of standard business practices in the United States. These janitors assumed the mistreatment, harassment and retaliation they experienced was *“how things are done here”*, and it took time before they learned that they had experienced rights violations.

For example, one janitor received instruction from a coworker on how to look at her paycheck to see if her pay was correct. She discovered that hours she worked were not included and she commented, *“I think that’s abuse, right, because, they know that I don’t know about that, and so, that’s how they begin to abuse you.”* She reported the violation to her supervisor and he ignored her saying it was not his problem. She was a nonunion worker and never recovered the wages.

Another participant explained that workers come into work early, at the end of the shift they clock out and continue to work in order to complete the work that is assigned to them but impossible to complete in 8 hours. In another case, a janitor says that workers start at 7:00 am and work until 4:30 pm but are paid from 8:00 am until 4:30 pm – missing one hour of pay each day. Finally, an immigrant janitor tells of running to complete work, rarely taking breaks or only 10-minute breaks. The quote below shows how her supervisor pressured her to work through her shift.

“He told me – saying – he told me that he doesn’t eat so that he can work. He’s insinuating I have to work. I have to dedicate myself to the job, and it doesn’t matter if I take lunch.”

A participant explained how his supervisor discouraged janitors from filing claims when injured and asked to see the injury report. His supervisor said, *“Leave it that way. Don’t get into trouble.”* This intimidated the worker into not filing a claim. In another case, a company told a janitor with limited English literacy that he was to move to another building and asked him to sign a paper, which he did. He later learned that the paper he had signed said he was fired. The company did not pay him for his last month of work. There were other civil rights violations. His case was taken up by the Equal Employment Opportunity Commission and the union assisted him in finding another job where he is not discriminated against.

Janitors may eventually become aware that employers demand much of them while denying them the benefits accorded to them by law. Without resources and knowledge, immigrant janitors are less likely to find redress for these injustices.

Job Strains

The job strains that result from mistreatment and harassment at work have been well established in the work stress literature. Studies reveal health effects relevant to workers' well-being, including psychological health (Raver & Nishii, 2010; Spector & Jex, 1998; Strazdins, D'Souza, Lim, Broom, & Rodgers, 2004) and physiological health (Raver & Nishii, 2010; Girardi et al., 2015; Strazdins et al., 2004). Research suggests that mistreatment by a manager or supervisor is particularly threatening due to the leader's legitimate power over the subordinate's future work.

In early research, job strain was characterized as high job demands combined with low control (Karasek, 1979; Karasek & Theorell, 1990). Examples of high demands and low control include pressure to work very fast to complete work during a shift and others, such as a supervisor, choosing when and how a worker completes work tasks (Strazdins et al., 2004).

The mechanism and magnitude by which job demands affect worker health varies across demographics such as gender and race-ethnicity (Raver & Nishii, 2010). Our study participant demographics were primarily, Latinx, immigrant, female workers with limited English and little knowledge of standard workplace practices and worker rights -- a pattern that influences how the mistreatment may affect workers differentially (Saucedo, 2014). This pattern suggests that policymakers should address this issue and take into consideration immigration, gender, and language as factors that shape policy to improve health and safety outcomes (Castañeda et al. 2015).

The findings presented below provide evidence of janitors' physiological and psychological strains. These strains result in harm done to work and nonwork relationships that janitors' draw on for support, economic harm and uncertainty from unpaid wages, and harm from employer retaliatory job actions such as firing janitors.

Findings for Job Strain

In our analysis, participants described themselves as distressed, overworked, and mistreated in ways that strained them physically, mentally, economically, and relationally. Workers reported enduring much abuse at work and succumbing to business practices that allowed them to complete an "inhumane" quantity of job tasks, oftentimes sacrificing their own personal health. For example, some janitors described running during their shift in order to complete their work. Janitors reported living with diabetes and other chronic illnesses and working through their symptoms and pain to complete their work. One participant describes the physical toll as follows:

"By the afternoon, my fingers hurt. They curl and cramp. My waist hurts, I can't walk, I can't get out of the car at night. My back hurts terribly, I have only been on those floors like a month and a half, and my health is very poor. I can't stand it."

Janitors described their physical strains in the context of work overload, due to abusive supervision and exploitation. In addition, workers reported a great deal of psychological strain, humiliation, subjugation, harassment, and disrespect by their employer, supervisor, and sometimes coworkers. Participants described themselves as very “stressed,” and as working and living with fear of their supervisor, fear of physical and verbal abuse, fear of losing their jobs and the ability to support themselves and their families. A janitor explained the consequences of working fast, without breaks, and while injured.

“And they are killing us... When you walk a lot, a lot, a lot, the time comes when you heel starts to hurt... and many people say “you can’t complain from walking,” right?... but when you are at work, there are times when you don’t take your breaks... you don’t stop. You don’t stop and that is when you start to get hurt.”

Another janitor observed.

“My friend is ill. . . there’s another lady who is starting to lose her hair. And it’s due to stress.”

Janitor participants’ most commonly reported strain was psychological distress with nearly every participant reporting this form of strain. Specifically, this included reports of humiliation, exploitation, social exclusion and the psychological pain of experiencing discriminatory harassment and micro-aggressions due to gender, race and ethnicity, immigrant standing, lack of English proficiency, for example. Janitors’ described the distress and anxiety as linked to stress-related physical symptoms such as headaches, stomachaches, lack of appetite and sleep, all of which contributed to weakness, fatigue, dehydration, and fainting. As one participant managing a serious health condition while working described,

“I was afraid to go to the bathroom to warm myself up or to use the bathroom because I was afraid they (supervisor) were checking on me. So, any little thing made me cry and I was shaking.”

One participant’s mother passed away and through this hardship, he needed extra support finishing his tasks. However, his team belittled him and called him a liar. He kept pushing through to finish his work noting that it caused him a lot of pain. *“Like there are times I sat in my car. I couldn’t get out of my car because I could not get out because I was in so much pain.”* The participant did not know how much physical, emotional, and mental strain he could take before quitting, saying, *“I think it just really breaks a person down.”*

A janitor who was sexually harassed and then threatened with harm outside of work made the next comment. She reported that she did not feel safe at home or in her own community because the perpetrator lived in the same part of town. She stated that she lived in fear that the perpetrator would get her address or follow her home and hurt, rape,

or kill her. Her supervisor advised her not to get the union involved because she could lose her job. She did not feel safe or protected by her employer or the police.

“If I go out to the park with my children, I don’t feel safe. I really don’t feel safe because I am not protected by the police and at work they didn’t protect me either when it was time to protect me.”

The second most reported strain was financial strain and the “need to survive” even if it meant continuing to work under conditions of mistreatment. A majority of the participants reported financial strain. Janitors reported reduced work hours and job losses due to retaliation or for any reason related to their mistreatment. A number of participants stated that the fear of losing their jobs led workers to withstand unjust work conditions, remain silent about workplace harassment and injuries due to potential loss of income and the ability to support themselves and their families. A janitor reported multiple strains after a work-related back injury. She complained to the union about the work overload. Her supervisor learned of this and cut back her work hours.

“When she told me that she didn’t have any work for me, I fought to get it back and I suffered from panic attacks and depression. I couldn’t sleep for two or three weeks because of depression. So, that’s why I asked the doctor, ‘Give me my job back, doctor. I said, ‘Give it back to me because it’s even worse for me to stay at home’. My panic attacks and health are worsening and I am even more scared of that than I am of the back pain. And that’s when the doctor released me but she didn’t release me because I am okay. She did it because I asked her to.”

Participants reported on the problem of negative spillover from work to family and friend relationships. This included participants bringing home physical fatigue and depressed feelings and frustrations experienced due to demanding workloads, and/or difficult relationships with their supervisors. Janitors acknowledged the exhaustion and stress left them little to no energy to spend time, take care of, and engage in meaningful ways with their families.

“You come home tired and everything hurts and you are sad because of the bad time you had at work, because you were running around and you feel stressed. . . That also affects your family life because they don’t deserve to see me angry or sad or whatever. I can’t take care of them and they end up paying for it too.”

Finally, some janitors recognized that taking out their frustrations on their significant others and children was unfair. Others said they did not talk about their work problems at home to protect their families from knowing how they were mistreated.

In sum, janitors reported an understanding that their work conditions put wear and tear on their bodies over time. They take home their frustrations and stress along with the physical and mental strains from their work, leaving them exhausted with little energy for family or friends. The combination and accumulation of these strains is costly to worker

health over time. Even so, participants are enduring, hardworking and resilient. In spite of the abuse, they push through the physical pain and emotional toll of mistreatment to not only complete their work, but also hold onto their pride in their work. Participants expressed that they want to work, and they want respect, justice, and to be treated like human beings, with dignity.

Resources: Assertive Resilience and Social Support

Hardiness and Assertive Resilience

In our analysis, a majority of participants spoke about their mistreatment in ways that reflected resiliency, the process of adapting well in the face of adversity, mistreatment, threats or even significant sources of risk (Ozbay et al., 2007). Resilience researchers, George Bonanno and colleagues, define hardiness as, “being committed to finding meaningful purpose in life, the belief that one can influence one’s surroundings and the outcome of events, and the belief that one can learn and grow from both positive and negative life experiences” (2004, p.25).

Hardiness and assertive response were two aspects of resilience participants described when confronted with mistreatment on the job. The janitors exhibiting hardiness remained positive and saw the “silver lining” in the hardships they were experiencing. They came up with creative ways to take control of their situations to help themselves or their coworkers. This includes seeking skills or knowledge to protect themselves; seeking assistance from and joining the union; strategizing to find a new job; working together to help each other; and documenting their experiences.

“I’m fed up. I became shop steward. I’m gonna be doing everything I possibly can to become educated too. I first started with standing up, then being active. Winning our labor management less floors. What they do is they add more. It’s not less.”

Assertiveness is a social skill that relies on effective communication, while simultaneously respecting others. An assertive response is one where communication is clear and respectful of one’s wants, needs, positions, and boundaries in relation to others. Highly assertive people will stand up for their viewpoints or goals, seek to help others to see their perspective, and are open to positive feedback and constructive criticism. One janitor describes using his foreman role to advocate for worker rights.

“I don’t feel capable of being – how can I say it? Pushing my own people. Strangling them to make someone else rich, or do that to myself, either. Because, people get tired. People have a right to breathe. They have a right to use the bathroom. They have a right to drink water.”

Another janitor, wanting to stop the mistreatment, sought out education for a better job.

“I don’t want to be a doormat, I don’t want them to continue mistreating me and I want... I rather help (myself) that is why I decided to take classes online. I am studying. I want to stay in this job for a little while until I can finish or until I can find work in something better.”

Even as some janitors succeeded in using assertiveness to their advantage, many others were reluctant to risk speaking up for fear of retaliation. Filing reports of sexual harassment were especially difficult.

“Yes, and nobody did anything. I filed a report against him and I also reported him to another supervisor who used to be a supervisor there and she was also an area supervisor. And she said that she was going to talk to human resources and nothing happened. I reported with another woman (building supervisor) who also deals with issues in the building and she told me, ‘All that I can offer you is to change you to another building.’ And I said, ‘If you think that is the best solution go ahead.’ But in the end – the following day they told me not to come into work and on Tuesday I found out that they had already fired me.”

Resilience is also fostered by social support from others in the workplace. The link between resilience and support is apparent in the following participant comment from a janitor describing how in supporting each other, she and another janitor held a sexual harasser accountable. One of them helped the other file a police report and tells her,

“Go to the police station. Give them the papers that I handed to you and tell them that he has done this to you. That way they can see that I am not the only victim.”

Social Support

Numerous studies show a direct link between quality relationships characterized by high social support to overall mental and physical health and well-being (Kumar et al., 2012). In addition, research on social support strongly suggests that the more support employees receive from their workplace, the more favorable their occupational health and well-being outcomes (e.g., Rhoades & Eisenberger, 2002; Viswesvaran et al., 1990). It has also been found that perceptions of abusive supervision are strongly linked to perceptions of injustice in the workplace (Mackey et al., 2017) and under those conditions social support from coworkers, for example, may protect workers from some of the harmful effects of the abusive supervision (Caesens et al, 2018).

Multiple sources of social support, and *particularly manager and supervisor support*, are important resources for health and well-being at work and need strong consideration as key components toward promoting employee health. Sources of social support found in the workplace include the organization (i.e., company management, human resources), direct supervisors, coworkers, union shop stewards at the job site, and union members at events held at the union location. Other sources of support are family and friends, community programs and organizations, and government or private social and health services.

Company support refers to positive social interactions in which janitors received needed help from managers and supervisors. Examples include leaders who:

- Provide and fairly implement policies and procedures to prevent or address discriminatory harassment or mistreatment in the workplace.
- Assist in making schedule arrangements to help janitors balance work and family responsibilities including illness.
- Ensure janitors receive resources i.e., training and equipment for safety and health. Assign and distribute work tasks fairly and reasonably.
- Role model positive behaviors such as consistent policy implementation and quick, respectful response to harassment incidents -- providing inclusive and just treatment of all janitors on the team.

Coworker support refers to positive social interactions in which janitors receive needed help with tasks from their team member or in other aspects of their work such as receiving advice on how to handle a work conflict. Examples of support include coworkers who:

- Go out of their way to be helpful when a janitor is behind on their work tasks.
- Cover for a sick janitor and support janitor coworkers during difficult circumstances.
- Role model good team behaviors such as civility, inclusion, and fairness.
- Positively intervene to correct rumors, misinformation, and unconscious bias.

Social support might be the complement to mistreatment and harassment, if it were a common and expected normative behavior. That is, if everyone is supportive, then there is little mistreatment. However, even one supportive person in the target's workplace, might be enough to reduce the otherwise harmful effects of harassment. Moreover, this reduction might be most effective when the social support action matches the needs and wants of the target or is particularly important in relation to the specific stressor in some way (Cohen & Wills, 1985; Yragui et al., 2012). Lack of support or low levels of work support is a psychosocial stressor that research has found to be a strong risk factor for poor physical health (e.g., injury, general health; Niedhammer et al, 2008) and mental health outcomes (e.g., depressive symptoms; Niedhammer et a., 2020; Schutte et al., 2016).

Research shows that effective leadership (Arnold & Walsh, 2015) as well as social/emotional support at work (Miner et al., Yragui et al., 2017) and home (Lim & Lee, 2011) can reduce the negative effects of mistreatment and harassment. Finally, a study demonstrated that a relatively brief training program helped managers become more supportive and less abusive (Gonzales-Morales et al., 2018).

Findings for Social Support

Every participant responded to social support questions and a pattern emerged with social support as one of the strongest themes in the study -- including manager and supervisor support, coworker support, union support, and a lack of support from company managers and supervisors. Participant responses converged to describe social support as meaningful and janitors expressed a great need for help with handling mistreatment such as discriminatory or sexual harassment problems. Reports of *lack of support* were also common and emerged as a strong secondary theme.

Management and Supervisor Support

Participants reported little positive support from managers and supervisors which makes sense given that the strongest theme in the study for management and supervisors was abusive supervision. Only a few participants offered comments regarding company support, in sharp contrast to the support received from coworkers and the union. Still the few comments are worth noting because they do reveal some attitudes and actions that company managers and supervisors take to provide effective solutions that result in janitors' sense of a respectful and just response to the mistreatment problems they confront.

“So, I think that my manager is a very good person. She’s understanding, she tries to help everyone, she’s on our side, in an equal way; there is no favoritism with her, being a woman. She treats us very well, but she’s the manager, and she also has the supervisors, who are our immediate bosses.”

Another participant reported that his team targeted him with harmful gossip and social exclusion. A manager met with the team without the target present and learned that only a few on the large team were the harassers. They were removed and the target described feeling supported, satisfied, and secure in his job. Another janitor reported that the team supervisor was also an immigrant and that she was fair, acting as a mediator to solve issues between the company and the janitors.

Coworker Support

Some workers form strong bonds of trust with their coworkers where they safely vent frustrations or discuss their work mistreatment. Through these relationships, they can be heard and receive affirmations of their experiences with mistreatment. Other participants express receiving support when they need help finishing their work tasks. Participants reported that they share union and labor rights information and resources with each other, as well as encourage each other to take their breaks, support each other when they do not feel well at work, and walk a coworker to her car at the end of the night shift. For some workers, a coworker's support is the only support they receive, especially when they experience mistreatment by a supervisor or another worker. Additionally, janitors noted

that coworker support provided empathy, validation of experiences, motivation to act, strength and connection.

A participant received help from a coworker when their supervisor harassed her, giving her a much higher workload compared to her team members.

“But that’s not the way she (the supervisor) does that. It’s very humiliating. And he (coworker) said, ‘She’s not okay. I know she’s not okay. Hang in there. Hang in there for two months. There are people who are going to leave and maybe she’ll move you somewhere.’”

When an immigrant janitor experienced discriminatory harassment from a supervisor, it was not until a coworker told her about the union that she started informing herself. However, she was very fearful of going to the union because of company retaliation - being fired or assigned more work. *“So, it is a bit frightening in the beginning, but after I came to the union and I learned about my rights, I was no longer afraid. I was no longer afraid, and I told my coworkers about it.”*

Another participant tried to support his coworkers the best he could in his role as a janitor foreman, but sometimes his supervisors and managers did not want to offer the same level of support to workers. In one instance when a coworker did not feel well and was feeling dizzy, he wanted to drive her home to be safe, but his supervisors and managers told him to let her go. In another occasion, his female coworker who he gives a ride to work shared with him that a male coworker makes her feel uncomfortable. So, when the harassing coworker (the one harassing his coworker) asks to work with her, the foreman participant said no.

Janitors working under conditions of work overload that can be dehumanizing, offer their coworkers words of support that add humanity to their work lives.

“I tell her, “No, don’t worry. Eat slowly. Look, we do what we can and if we don’t make it on time then it’s fine. We are humans. We are not—we are not robots. We do what we can and then we can continue tomorrow because either way it’s not enough time.”

Union Support

The janitors’ local union SEIU Local 6, is oriented toward providing all types of support to protect janitors from workplace harm. This support is critical when employers do not respond to worker reports of harassment or complaints about rights violations and mistreatment. Even so, our data suggests that for immigrant janitors, accessing union support is constrained by fear of retaliation when a company fires them or threatens to fire them for seeking union assistance.

“Most of the companies are having labor-management meetings to solve the problems in the buildings. It has been working, but the companies are still taking advantage especially of the workers who never talk and never complain. They are afraid to come and talk to the union.”

The janitor's union was the most often mentioned source of support by nearly every participant. Types of union support noted by participants included a strong emphasis on informational and tangible support, with emotional support offered as well. Participants reported the following union actions as supportive:

- Assists janitors in filing grievances, reporting sexual harassment, writing statements defending themselves against false accusations, and writing up complaints regarding wage and hour violations.
- Assists workers in recovering jobs lost by employer illegitimate firing practices.
- Provides education regarding actions to take to prevent or address worker rights violations, skill development opportunities, networking, finding jobs.
- Provides connection, and belonging through the shop steward role, i.e., meetings and support groups where janitors can take steps to address workplace rights violations.
- Facilitates janitors' moves to a different building or to change jobs to work with a respectful, law-abiding company, also problem solving, and arbitration.
- Works with janitorial company management to solve problems in the buildings.

Union representatives are very busy responding to many calls from janitors who may be easily discouraged because of their fear of company retaliation. A janitor commented below.

"Sometimes you are calling them and they are answering the phone or are talking to another person at the same time. They don't hear you. So, that is disappointing and it's scary for the people who are there because they say, 'I'm not going to see any results. What am I going to do? I'm not going to lose my job' and then they (janitors) put up with everything."

Another janitor describes, from his perspective, how difficult it is for coworkers to report to the company or to the union due to fear. Then he goes on to say that, yes, support from the union is there if one can move from fear to confidence.

"I say it from experience. No one is going to talk. Even worse – worse when you have the company, like in Seattle, that isn't a part of the union. But they (union) take us all and say, 'Okay, tell me what's wrong' . . . No one says anything because they're afraid of the boss. And how, with the union, am I going to say something in front of my coworkers? When I know that some of them are snitches. They're going to give me the finger. . . I've realized that if we really got involved, taking it more consciously to the union, there is support. There is support. The thing is that we have to look for it because we feel confident. We feel protected. So, that's when you go to the union. For the moment, it's a new feeling. But I feel a little more support from the union because I've personally seen that the person is fighting for the workers."

The importance of union support is in evidence in the two situations below, where without the intervention and protection from the union, the costs to the janitors would be high.

In one case, a janitor wrongly accused of sexual harassment by a coworker protected himself by applying knowledge and skills learned through his union involvement as a shop steward (see case study below). He documented his work with photos to prevent the kind of work sabotage he had experienced before. He made notes each day to answer the false accusations, stayed in touch almost daily with his union representative, and communicated frequently with his supervisor to share his notes and photos, finally saying, *“You’ve got to fix this.”* He acknowledges the union’s value.

“And you – you will replace me within a heartbeat if I didn’t have the union, and if I didn’t take notes, and take pictures. It’s about, you know, what you can prove.”

In the case study below, a participant was not aware that her company did not pay her fully for her hours worked and was withholding the health insurance normally provided to all employees. Discovering that there was no health insurance coverage for herself and her baby greatly distressed her. The union fought for her to recover wages for the hours and advocated for her insurance coverage.

Case Study: Union Support as a Resource for Resolving Harassment

The case study affords an examination of incidents and actions related to a janitor’s sexual harassment exposure. “Martha” is a female, Latinx, immigrant, Spanish speaker, and non-union janitor at the time of the sexual harassment instigated by her supervisor. The core set of incidents occurred over a three-week period.

To protect participant privacy, details in the case study represent a compilation of reports from participants. In this way, we preserve the meaning and impact of a sexual harassment exposure while ensuring that individuals cannot be identified.

Sequence of Events

- Martha’s supervisor attempted to touch her, spoke in sexually explicit manner. He made sexist comments: *“This job is for men.” “We need more men here.”* He sent her unsolicited text messages: *“I’ll miss you.”*
- Martha filed her first sexual harassment report with a company manager who advised her to first talk to her supervisor (i.e., harasser) in person and then report back to him and he would report the incident, but did not.
- Her supervisor continued to target her with sexist comments. He scolded her for the same behaviors that others on her team practiced.

- Martha filed a second report on the sexual harassment incidents to a female area supervisor who said she would talk to Human Resources, with no response.
- Martha filed a third report to another supervisor who normally handles issues in the building. This person offered to move her to another building.
- Employer retaliation followed. After being told she could move, the company fired her. The company then falsely accused her of sexually harassing a co-worker and produced several witnesses to support the accusation. Martha confirmed that she did not make any sexual comments to others at work.
- Martha described strains from the stress exposure and hardships due to her job loss. Her mental health deteriorated into a deep depression. She felt isolated from her family and daughter in Honduras. She made a number of suicide attempts in the next few weeks. The job loss meant she had to find a job by month's end or move out of her apartment.

Union Support Resources

- The Union provided support after Martha reported the sexual harassment incidents to them. They responded by immediately investigating the issue. However, witnesses declined to participate in the investigation out of fear of retaliation. The union helped Martha go through the grievance process. She met with the company and a union representative and succeeded in getting her job back. During these crises, the union support buffered the stress in a number of ways. Aware of Martha's severe psychological distress, a representative texted, called, and met with her to check-in and invite her to participate in union activities.
- She became involved and attended union monthly meetings, participated in a professional development training, helped create a social support group for women for sexual harassment trauma recovery and growth.
- Martha received emotional support and gained a sense of belonging. She shared and processed the trauma in a safe environment and listened to other people's stories that let her know she was not alone. She benefitted from members sharing additional resources and coping strategies.

Martha improved as she continued to seek more opportunities to heal and grow. She reported that she still struggles in some respects, especially with missing her family, yet she finds strength and motivation in thinking of her daughter.

To summarize, the union provided various types of support including; 1) instrumental support in filing a grievance and representing Martha to resolve the sexual harassment problem; 2) emotional support and belonging via a support group for processing trauma; 3) informational support and education regarding sexual harassment; 4) increased access to additional resources, and 5) support for starting a new direction with professional

development. Taken together, the union provided an extremely powerful set of support approaches. These functioned in way that enabled Martha's own actions toward a recovery that restored her health and well-being.

Case Evaluation

Martha was sexually harassed and then retaliated against by her management team for reporting the incidents. The wrongful acts she experienced at work included sexual harassment, sexual assaults, and workplace intimidation. Company management did not investigate Martha's complaints of harassment, allowing the harassing supervisor to continue working for the company. The managers retaliated against Martha by falsely accusing her of sexual misconduct and terminating her job. Martha denied any sexual harassment misconduct on her part.

This case study raises the question of how small and large companies maintain their compliance to (R.C.W 43.01.135). Companies and workers must be well prepared in terms of sexual harassment knowledge including laws, policies, procedures, and best practices in the workplace for prevention and to address incidents when they occur, for example, encouraging reporting and conducting thorough and timely investigations. A larger company may have more resources and motivation to comply with the rule of law in comparison to a small company with few resources. In this case, we ask if this company had the proper policies and procedures in place. Are the managers, supervisors trained, and knowledgeable? Are they consistently implementing and enforcing policies and procedures? Are employees receiving training on the topic? Finally, what additional means exist to enforce the current labor standards for sexual harassment exposures or to prevent sexual harassment in the first place?

Lack of Support and Low Support

Support that is needed and wanted but not received is a strong social stressor. Nearly every participant struggled with lack of support at work. There are various sources of lack of support including company management and human resources, supervisor, coworker, and union. The most frequently mentioned as unsupportive were the company managers, HR, and supervisors.

Participants noted that their supervisors prioritized the work tasks and schedule above all else, even at a cost to their health. They expressed their concerns and filed reports about sexual harassment, lack of equipment, work overload, or not feeling well at work. They also described a lack of response to their complaints, supervisors not listening, and no change taken to correct injustices such as sexual harassment or other mistreatment. This was the case for the participant below who reported sexual harassment.

“So, I am a little bit upset with that company because I don’t know if they think that I don’t have any rights because I am a woman... I mean, it’s not fair. It’s not fair to be harassed at work and that the companies don’t do anything about it.”

A participant, working alone at night cleaning bathrooms in a high-rise building was sexually harassed and filed a report with the company and a complaint to the union when the company ignored her report. After a complicated series of interactions that included retaliation, she retained her job with union support. However, the janitor reported that the company continued to be unsupportive.

“Even after everything, the job wanted me to go to a sexual harassment class by myself -- not all of our company getting trained (with) everyone sitting in the room. They wanted me, singular, by myself, to take a sexual – I feel like I’m being punished for saying, ‘I don’t like this behavior.’”

When confronting discriminatory harassment, sexual harassment and retaliation, janitors’ need for support and assistance is great. Participants described the struggle of lack of support at work, the frustration, confusion, distress, and overwhelming sense of helplessness. They found the harassment and lack of support strained their relationships with their family and friends. The low support conditions also affected janitors’ physical and mental health as it exacerbated other problems such as work overload, and working while unwell. Reports included, heart attack symptoms and physical injuries incurred on the job. The comment below is from a janitor who fainted from work overload and stress.

“They don’t care. . . from what I heard, he supposedly said to tell me that when I wasn’t feeling well, to go home, to not faint there. He was even upset because since the girl saw that I wasn’t well, she called the paramedics. (Next day) I continued with my job. He hasn’t asked me, how are you feeling now? Nothing. He doesn’t care. He doesn’t care.”

Additionally, a few workers stated that the union did not adequately support them when they sought help for harassment at work. It was clear from participants’ descriptions of their mistreatment problems that they may not have fully grasped the distinctions of management and labor roles, and with immigrant status, this is understandable. It was also not always clear from their comments if their particular situation was one that did not fit into the union’s defined area of authorized support actions.

In some cases, the degree to which janitors were overwhelmed by their problems could not be met by the support they did receive from the union. The sexual harassment incidents were especially complex and difficult, leaving a sense in participants that there was no attainable justice or satisfaction. Support may not be available when a sexual harassment case is under investigation and there are restrictions on talking to other parties. Finally, the company managers tell the janitors that the union will not help them and this may shape their perceptions whether or not they received union support.

“Yes, since the beginning when I started working there, the first thing that they told me was, ‘Hey, don’t go to the union. If anyone calls from the union don’t go because they don’t do anything for janitors. They don’t help. They don’t help. They are just bothering you and they take money away from your check and all of that.’ “

In sum, lack of support emerged as a strong theme. Although there were a small number of reports of company support actions, most reports indicated a lack of support from companies coupled with greater mistreatment. Among participants, a sense of injustice was strong, not only for the harm endured but also for the insult added to the injury of mistreatment when companies failed to listen, to respond, to investigate, and to act according to the rule of law.

Janitors’ health and safety is compromised under hostile work conditions, including mistreatment, discriminatory harassment, sexual harassment, workload assignments they cannot complete in the time allowed, or lack of fair compensation for hours worked. Despite difficult conditions, workers express that they want to work, and they need to work to support themselves and their families. Participants expressed their concerns and desires to safely report discriminatory and sexual harassment without retaliation, for reports to be properly heard and investigated, to be given a fair and reasonable workload for their shift, and to maintain their health and safety on the job.

Study Strengths and Limitations

The strengths of qualitative research methods employed for this study include discovery in a new or understudied area of research and the illumination of meaning and intensity of stressful mistreatment work conditions and incidents for janitorial workers. In *qualitative* research, the presentation of rich narrative descriptions of mistreatment stressors and related health strains humanize the research study findings of similar *quantitative* workplace mistreatment studies (Schonfeld & Mazzola, 2013). Qualitative research also has the value of setting a foundation for further hypothesis testing and corroboration of the initial qualitative findings in subsequent quantitative research through methods triangulation with survey research, for example.

In qualitative studies, limitations such as sample size adequacy and sample composition are often concerns as they are with the current study. We conducted a limited number of interviews as a preliminary formative phase of research. We focused on interviews with workers including janitors, janitor foremen, janitor shop stewards, and union representatives that assist janitors: a variety of positions, levels, and perspectives in the industry from a variety of large and small cleaning organizations that provide a broader view of the research topic. We initially planned to conduct interviews with a sample of forty participants. However, we underestimated how difficult it would be to locate and recruit this number of janitors into our study on what is a very sensitive topic.

Recruitment efforts met with many challenges. The greatest challenge was the hesitant response to the sensitive topic of workplace harassment, sexual harassment and violence; a reaction that we documented in our data collection field notes. Our notes reveal that due to the sensitive topic, janitors, especially non-union represented workers, expressed a reluctance to participate for fear of retaliation from their companies and risk of losing their jobs. It is also possible that we missed recruiting those janitors with the greatest levels of burnout, depression, and poor health from their work, making it difficult for them to participate.

Moreover, we found that even with our bilingual Latinx researchers in charge of recruitment efforts, immigration and language barriers made it difficult to reach janitors, particularly nonunion janitors. Working night shift meant there was limited time for janitors with busy lives to participate. Given more access, we would have interviewed more immigrant, non-union represented janitors, (in languages such as Amharic, Somali, and Vietnamese) the most difficult to reach. The study would benefit with the inclusion of other company employees with an additional focus of efforts toward reaching supervisors and managers for their perspectives.

Increasing the number of interviews would have allowed us to reach saturation or completeness in our data and would have improved our ability to do a more complex and comprehensive qualitative data analysis on the most sensitive themes. Even so, the janitors who participated in this research made a valuable contribution on an understudied topic in the janitorial industry and, for this reason, the study has been successful in its objectives to increase knowledge and pave the way for future actions that foster healthy and just work environments for janitors.

Recommendations

The following recommendations come from our research findings including the suggestions from the participants in response to a question asking for their ideas. We provide them as a guideline and starting place to address workplace mistreatment and harassment in the janitorial sector:

- Labor standards enforcement - increase effectiveness to better protect workers by strengthening Labor & Industries wage/hour and worker rights enforcement program.
- Sexual harassment policy revisions to include protection related to abusive supervision (See CA AB 2053; Sub Appendix C).
- Training for workers in worker protections and rights related to wage and hour violations, discrimination, sexual harassment, psychological harassment, and retaliation.
- Training applicable to employers that mirrors the training topics for workers.

- Address social support and resilience – strengthen social programs, labor policies, and union capacity for worker programs that support problem solving and education, and build resilience and health. Address janitors' requests to be treated with equality, humanity, dignity and respect.

Summary and Conclusion:

This research contributes new knowledge regarding the mistreatment and harassment of janitor workers. The study findings are in alignment with previous research on workplace mistreatment and confirm that it is a strong social stressor in the workplace. Our findings also suggest that janitors' health and well-being would benefit from interventions that reduce mistreatment and harassment, but also increase knowledge and social support.

Our findings present participants' perceptions that their health, safety, well-being and performance was harmed by mistreatment, harassment and retaliation mostly from managers, supervisors and less so from coworkers at their places of work. This research opens up an opportunity to address the occupational exposures and health and safety impairments janitors experience on the job. Toward that end, we have provided recommendations as suggestions to provide additional resources for janitors that seek recourse to limit these harms or prevent them in the first place.

Finally, janitorial workers in low wage, low control, and low support jobs experience individual combinations of stressors and subsequent mental and physical health decrements -- consequences of exposures to workplace abuses such as discriminatory harassment and abusive supervision. Future research analyses from our janitor survey quantitative data are needed to fully examine and potentially corroborate the findings from the qualitative research findings presented in this report.

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Sub Appendix A: Glossary of Terms and Definitions

“Abusive Conduct” means behavior in a work setting that qualifies as workplace aggression, workplace assault, inappropriate sexual behavior, or sexual assault.

“Abusive Supervision” means subordinates’ perceptions of the extent to which their managers or supervisors engage in the prolonged display of nonphysical hostile verbal and nonverbal behaviors—such as public ridiculing and belittling, undermining subordinates’ work, giving subordinates the silent treatment, and invading subordinates’ privacy.

“Unlawful harassment” as stated in RCW 10.14.020 means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the person.

“Discrimination” means employment discrimination prohibited by Chapter 49.60 RCW including discriminatory harassment.

“Discriminatory harassment” is unwelcome conduct that is based on a protected class listed in RCW 49.60.030(1) where the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. "Discriminatory harassment" includes sexual harassment.

“Sexual Harassment” is a specific type of workplace aggression. The research sexual harassment definition most widely known is that issued by the U.S. Equal Employment Opportunity Commission (EEOC) in 1980. The definition states that sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
- 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- 3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, or creating an intimidating, hostile or offensive working environment.

“Inappropriate sexual behavior” means nonphysical acts of a sexual nature that a reasonable person would consider offensive or intimidating, such as sexual comments, unwanted requests for dates or sexual favors, or leaving sexually explicit material in view. An act may be considered inappropriate sexual behavior independent of whether the act is severe or pervasive enough to be considered sexual harassment.

“Microaggression” refers to the negative actions or exclusions that constitute a subtle discrimination of targeted individuals. These include the everyday slights, indignities, put-downs and insults that members of marginalized groups experience in their day-to-day interactions with individuals who consciously or unconsciously engage in racism and sexism in an offensive or demeaning way. Microaggressions are based on the assumptions about racial and gendered matters that are absorbed from culture.

"Sexual assault" means any type of sexual contact or behavior that occurs without the explicit consent of the recipient.

"Sexual contact" has the same meaning as in RCW 9A.44.010.

"Sexual harassment" has the same meaning as in RCW 28A.640.020.

“Stalking” refers to intentional and repeated harassment or repeatedly following another person; that places the followed person in fear of intentional harm; with the feeling of fear being one that a reasonable person in the same situation would experience under all the circumstances.

"Workplace aggression" means acts of nonphysical hostility or threats of violence in the work setting, such as cornering an individual or slamming a door. "Workplace aggression" includes verbal aggression such as yelling, insulting, or belittling an individual.

"Workplace violence," "violence," or "violent act" means the occurrence of physical assault or physically threatening behavior in a work setting, such as hitting, kicking, biting, or bumping with intentional force. "Workplace violence," "violence," and "violent act" includes physical assault or verbal threat of physical assault involving the use of a weapon or a common object used as a weapon, regardless of whether the use of a weapon resulted in injury.

Sub Appendix B: Harassment Interview Instrument - English

The questions I am asking you today concern your work as a janitor.

1. How did you get started doing janitor work?
 - a. What was your first janitor job like?
 - b. Was there any harassment in that job?
2. In the past year or two, working as a janitor, have you been aware of someone being harassed or bullied on the job?
3. When someone is harassed or bullied what kinds of things can happen to them? You may tell your own story or the story of someone you know.
 - a. Probe for situations, location, time of shift, and specific behaviors
 - b. Probe for reactions, reporting, emotional reactions, support seeking, leaving job etc.
4. Have you or others been sexually harassed while working?
 - a. Probe for situations, location, time of shift, and specific behaviors
 - b. Probe for reactions, reporting, emotional reactions, support seeking, leaving job etc.
5. Another problem at work is physical assault, getting pushed or hit, or sexual assault where someone is touched inappropriately or forced to be sexual when they don't want to be. Do you know if this has happened in your workplace?
 - a. Probe for situations, location, time of shift, type of assault and specific behaviors
 - b. Probe for reactions, reporting, emotional reactions, support seeking, leaving a job etc.
6. Do you know if janitors report these incidents after they happen?
 - a. Probe: How do they make a report (to whom, what method, verbal written form)
 - b. Probe: If someone chooses not to report, what are the reasons why? (i.e., retaliation)
7. How does harassment affect you or janitors you work with?
 - a. Probe: Effects of physical or sexual assault
 - b. Probe: Effects on target's physical, mental well-being, work, safety behaviors
 - c. Probe: Effects on a witness observing or hearing about these incidents
8. How do people help each other when someone is in a threatening situation and could get hurt?
 - a. Probe: What do coworkers say and do? Supervisors? Owners? Others?
9. What can be done to increase safety from harassment and violence?
 - a. Probe: By coworkers? By supervisors? By Owners? By unions? By others?
10. What is the biggest lesson we should learn about how to be safe from harassment or violence?

Sub Appendix B cont.: Harassment Interview Instrument - Spanish

Las preguntas que le voy hacer son sobre su trabajo como empleado/a de limpieza- janitor.

1. ¿Cómo empezó a trabajar como empleado de limpieza- janitor?
 - a. ¿Cómo era su primer trabajo de empleado de limpieza- janitor?
 - b. ¿Hubo algún acoso en ese trabajo?
2. En el último año o dos, trabajando como empleado de limpieza- janitor, ¿ha estado al tanto de alguien acosado o acosada en el trabajo?
3. Cuando alguien es acosado o acosada en el trabajo, ¿qué tipo de cosas les pueden pasar? Puede contar su propia historia o la historia de alguien que conozca.
 - a. Incite para situaciones específicas, la hora del turno, y comportamientos.
 - b. Incite para reacciones, reportes, reacciones emocionales, búsqueda de apoyo, dejar el trabajo, etc.
4. Han sido acosadas/os sexualmente, usted u otras personas mientras trabajaban?
 - a. Incite para situaciones específicas, la hora del turno, y comportamientos.
 - b. Incite para reacciones, reportes, reacciones emocionales, búsqueda de apoyo, dejar el trabajo, etc.
5. Otro problema serio en el trabajo es el asalto físico, ser empujado o golpeado, o el abuso sexual donde alguien es tocado/a de una manera inapropiada o forzado/a ser sexual cuando no quiere serlo. ¿Sabes si esto ha sucedido en tu trabajo?
 - a. Incite para situaciones específicas, la hora del turno, y comportamientos.
 - b. Incite para reacciones, reportes, reacciones emocionales, búsqueda de apoyo, dejar el trabajo, etc.
6. ¿Sabe si empleados de limpieza- janitors, reportan o informan estos incidentes después de que suceden?
 - a. Incite: ¿Cómo hacen un informe? (¿A quién, de que manera, de forma verbal o escrita?)
 - b. Incite: si alguien elige no reportar, ¿Cuáles son las razones por que deciden eso? (por ejemplo, desquite o venganza)
7. ¿Cómo le afecta el acoso a usted y a otros empleados con quien trabaja?
 - a. Incite: efectos de agresión física o sexual más grave.
 - b. Incite: efectos en el bienestar físico, mental, laboral y riesgos de seguridad personales
 - c. Incite: efectos en la observación de testigos sobre estos incidentes.
8. ¿Cómo se ayudan entre ustedes cuando alguien se encuentra en una situación amenazadora y podría lastimarse?
 - a. Incite: ¿Qué dicen y hacen sus compañeros de trabajo? ¿Supervisores? ¿Dueños del edificio? ¿Otros?
9. ¿Qué se puede hacer para aumentar la seguridad y prevenir el acoso y la violencia?
 - a. ¿Por compañeros de trabajo? ¿Por supervisores? ¿Por dueños? ¿Por la unión? ¿Por otros?
10. Según su experiencia, ¿qué le recomendaría que haga a su empleador para ayudar a proteger a empleados contra el acoso y/o la violencia?

Sub Appendix C: CA AB 2053 (2014)

CA: Employment discrimination or harassment: education and training: abusive conduct.

Assembly Bill No. 2053

CHAPTER 306

An act to amend Section 12950.1 of the Government Code, relating to employment.

[Approved by Governor September 9, 2014. Filed with Secretary of State September 9, 2014.]

Legislative Counsel's Digest

AB 2053, Gonzalez. Employment discrimination or harassment: education and training: abusive conduct.

Existing law makes specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. Existing law further requires every employer to act to ensure a workplace free of sexual harassment by implementing certain minimum requirements, including posting sexual harassment information posters at the workplace and obtaining and making available an information sheet on sexual harassment.

Existing law also requires employers, as defined, with 50 or more employees to provide at least 2 hours of training and education regarding sexual harassment to all supervisory employees, as specified. Existing law requires each employer to provide that training and education to each supervisory employee once every 2 years.

This bill would additionally require that the above-described training and education include, as a component of the training and education, prevention of abusive conduct, as defined.

The people of the State of California do enact as follows:

SECTION 1. Section 12950.1 of the Government Code is amended to read:

12950.1. (a) An employer having 50 or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees in California within six months of their assumption of a supervisory position. An employer covered by this section shall provide sexual harassment training and education to each supervisory employee in California once every two years. The training and education required by this section shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

(b) An employer shall also include prevention of abusive conduct as a component of the training and education specified in subdivision (a).

(c) The state shall incorporate the training required by subdivision (a) into the 80 hours of training provided to all new supervisory employees pursuant to subdivision (b) of Section 19995.4, using existing resources.

(d) Notwithstanding subdivisions (j) and (k) of Section 12940, a claim that the training and education required by this section did not reach a particular individual or individuals shall not in and of itself result in the liability of any employer to any present or former employee or applicant in any action alleging sexual harassment. Conversely, an employer's compliance with this section does not insulate the employer from liability for sexual harassment of any current or former employee or applicant.

(e) If an employer violates this section, the department may seek an order requiring the employer to comply with these requirements.

(f) The training and education required by this section is intended to establish a minimum threshold and should not discourage or relieve any employer from providing for longer, more frequent, or more elaborate training and education regarding workplace harassment or other forms of unlawful discrimination in order to meet its obligations to take all reasonable steps necessary to prevent and correct harassment and discrimination.

(g) (1) For purposes of this section only, "employer" means any person regularly employing 50 or more persons or regularly receiving the services of 50 or more persons providing services pursuant to a contract, or any person acting as an agent of an employer, directly or indirectly, the state, or any political or civil subdivision of the state, and cities.

(2) For purposes of this section, "abusive conduct" means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.