

# Fault Lines

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## Teen Workers Suing to Avoid Harassment by Employers

By LISA WONG  
MACABASCO

Two teenage men who took jobs as assistant managers at a New Jersey grocery store expected problems, like rotten vegetables or fruit spills in the aisles. What they got instead was a female superior who flashed her bra, rubbed her body against them, and detailed her sexual exploits with their coworkers. They took their case to the U.S. Equal Employment

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Opportunity Commission, which sued the store for sexual harassment. The lawsuit is in court today and both sides decline comment.

Sexual harassment cases involving youth workers have been on the rise over the past few years, according to government records, but the Commission has begun an initiative to stop the trend in its tracks. The EEOC's campaign, called Youth@Work, aims to inform youth workers of their workplace rights through a series of free

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*Fault Lines Photo by Stefanie Cohen*

**NO THANKS:** Specialty food store employee William Goggins said he doesn't approve of what he calls "dirty tactics" used by United Food and Commercial Workers Union, which has called for a boycott of Garden of Eden.

## Turmoil in the Garden of Eden

By STEFANIE COHEN  
Carmen Rodriguez doesn't want to be in a union. She likes

her job as a cheese manager at Garden of Eden gourmet grocery store and thinks she's paid fairly. But every day outside the store, which opened at 107th and Broadway last month, members of the United Food and Commercial Workers Union tell her and her fellow employees that they are getting a raw deal.

The union members, who

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## Immigrants Earn Union Welcome, Dangerous Jobs

By JESSICA MADOR  
Angela Sanchez started her first nursing job a few months ago, working at the Shulman and Schachne Institute for Nursing and Rehabilitation, a long-term care facility that is part of Brookdale Hospital in Brooklyn, Sanchez, 34, graduated from nursing school last fall and recently passed the state certification exams. In a few weeks, she will also become a first-time union member. Why did she join?

"I'm pregnant, so I won't have to worry once I have the

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## Glimpse Inside Dress Factory Where Workers Waste No Time

By AMY ROCHA

It was nearing 5 p.m. on a Friday at Mundo Fashion Inc., a sample maker in the heart of New York's Fashion District.

In the cluttered loft space on Eighth Avenue, there were no signs of employees packing up or chatting with each other to waste away the last moments of the work week. Instead, eight workers, including one owner, worked diligently at their sewing machines.

While the women, mostly Ecuadorian and Mexican, sat single file at their workstations stitching dress samples, a lone male worker ironed strips of chiffon fabric in the back left corner of the room. Beside a partly opened window to allow steam from the iron to escape, Miguel Bueno, 38, spoke quietly in Spanish about the intermittent work in the apparel industry.

"There isn't as much," said Bueno of the fewer job

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## The Battle of the (Virtual) Bands

By KATIE BAKER  
Every week, Miss Saigon's musicians take their places before a new audience in a new town: Paducah, Kentucky; Muncie, Indiana. At 8 p.m. sharp, the bright lights slowly dim; a hush settles over the crowd.

From the orchestra pit,

the trumpets begin to sing their brassy overture, joined by cymbals and chimes, then strings and reeds.

Finally, the music swells with the force of 28 musicians — except, only 13 of them are humans.

The 15 other instrumentals are produced by Sinfonia

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## Rights of Workers: When Young Employees Face Harassment

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and youth organizations across the country, the agency hands out information on laws enforced by the agency.

In 2001, the EEOC filed just seven lawsuits involving teenagers alleging workplace harassment. In each of the last two years, the agency instituted nearly 30 suits, and there are 37 cases pending.

In contrast to common belief, the size of the teenage labor force and the teenage employed population has been shrinking steadily since 1999.

According to the Bureau of Labor Statistics, while more than 5.9 million 16-to-19-year-olds were employed in January 2005, that was only 36 percent of the total population of that age group. The population of 16-to-19-year-olds not in the workforce is at a ten-year high. But, according to EEOC representatives, outreach to youth workers is needed now more than ever.

"Historically, given sexism and power differences in the workplace, people have assumed that sexual harassment, though it's not a good thing, it's not something they can do anything about," said Paul Igasaki, former vice chair of the EEOC. "We've been teaching young people more and more at an early age that they can make the decisions about their body and themselves. They don't have to take people forcing them to do things."

Industries that employ large numbers of teen workers, such as retail and fast food, are likely sites of conflict, according to Elizabeth Grossman, regional attorney at the EEOC's New York City office. In December 2004, the EEOC settled a \$400,000 sexual harassment lawsuit against the Burger King franchise. Seven female Burger King employees, six of whom were high school students, endured repeated groping, sexual comments and demands for sex by their male manager in a suburban St. Louis restaurant. None had received training on how to report sexual harassment.

Studies have shown that sexual harassment among youth workers is grossly underreported. An April 2004 study in the American Sociological Review found that one of every three women and one of every seven men that participated in the study reported they were sexually harassed by their mid-twenties. Yet, those men and women had never told anyone about their experience.

The increase of youth workers reporting cases of sexual harassment may be the result of skyrocketing sexual harassment claims over the past decade. Since 1992, they have jumped by more than 50 percent, due in part to 1991's sexual harassment revelations involving Clarence Thomas and Anita Hill, according to Igasaki.

"People feel more safe and feel like the government and law are more likely to protect them," Igasaki said. "That's a recent phenomenon."

But, although the EEOC received 13, 566 sexual harassment claims in 2003, only a small percentage actually filed charges and an even smaller number ever made it to trial,

according to employment lawyer Wayne Outten of Outten & Golden LLP.

"The vast majority of sexual harassment goes unreported," Outten said, adding that all companies now have training and protocol about sexual harassment. "The amount of sexual harassment has dropped, but the amount reported has been increasing."

Many youth employees simply do not know their rights in the workplace because many do not have prior job experience, according to Igasaki. "You'll see people who've never worked in a workplace, and training has to be about what happens in workplace, what's expected, what's appropriate, that includes knowing what their rights are," Igasaki said.

Youth workers face many obstacles to reporting sexual harassment that adults do not, according to Igasaki. An age difference between employer and employee may exacerbate the power imbalance, or teens may be afraid or embarrassed to talk to their parents about sex-related issues. Also some short-term employees may prefer to tolerate the harassment for a few days or weeks instead of going through the often lengthy process of filing a charge. Igasaki estimates that an average investigation takes six months. As a result, when charges are filed, they are often more severe.

"They say, 'I can't put up with this,'" Igasaki said. "It's usually the level of sexual assault or rape or losing the job. You have less to lose once your job is threatened."

Another deterrent to reporting sexual harassment is that not all forms of harassment are illegal. Teasing, offhand comments, or isolated incidents are not considered illegal under the EEOC's laws. Conduct must be either severe or pervasive. This grey area may be where some youth workers find themselves, according to Igasaki.

"I think, for example, it'd be improper for senior workers to pursue junior employees, but it's not against the law," Igasaki said. "If it's not unusually aggressive, that might not be illegal. I think it is a problem, but we can't ban everything in a free society."

Grossman says that since the launch of the initiative in December 2004, the reception to the Youth@Work campaign has been very positive. "Teens are the future workers and supervisors of America, and they're eager to get as educated as possible about their rights," she said.

While publicity is useful for educating teens, Igasaki said, he insists that outreach isn't enough. "Frankly this administration isn't putting enough money into enforcement," he said. Once that happens, more people will see the importance of coming forward and reporting harassment with the weight of the government behind them.



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