



Women at work Women at risk

Sexual harassment and assault in Will County warehouses

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A report from a public hearing held on International Women's Day, March 8, 2012 at Mount Carmel Church in Joliet, IL.

By Warehouse Workers for Justice

Introduction

“We don’t go to work to be touched, to be talked down to, to be told what our bodies look like...That’s something you have to deal with every day at work....But when you report it, it’s like you did something bad.”

**- Uylonda Dickerson
Walmart warehouse
Elwood, IL**

In 2009 Warehouse Workers for Justice (WWJ) began organizing workers in Will County’s rapidly expanding warehouse industry. Over the past three years, workers have joined together through WWJ to fight back against workplace abuses, including theft of wages and benefits, discrimination, unsafe working conditions, and retaliation.

As warehouses have grown to employ more women, WWJ members have reported widespread sexual targeting of women, discrimination against women including hiring and pay discrimination and threats to women’s workplace rights, dignity and even physical safety.

The most startling example in this vein, detailed in this report, is the case of Priscilla Marshall, a nineteen-year-old woman at Partners Warehouse who was charged with felony theft after she reported sexual assault by her forty-five-year-old manager, Brian Swaw. The contrast between the authorities’ handling of Ms. Marshall’s complaint and of their response to Partners’ allegation of theft compelled WWJ and community supporters to examine women’s problems in warehouses— as well as the risks to women who complain of them.

This report is a first step in bringing to light the issues faced by women working in area warehouses. The compelling nature of the testimony in this report suggests that this issue deserves wider investigation and concrete action by policy makers, law enforcement officials and employers.

Panel Of Community Leaders Convening March 8 Public Hearing:

- **Denise Winfrey,**
District 8 Member of the Will County Board
- **Amy Sanchez,**
President of the Collins Street Neighborhood Council
- **Terry Morris,**
District 5, Joliet City Council

Take Back The Warehouse: The Community Hearing

On March 8, 2012, WWJ convened a public hearing at Mt. Carmel Catholic Church in Joliet, IL on the special issues confronting women workers in Will County warehouses. The hearing gave special attention to sexual harassment and assault at warehouses. The event was held on International Women's Day. The purpose of the hearing and panel was to:

- hear experiences of sexual harassment and assault by women warehouse workers
- identify the forms and extent of such problems at warehouses;
- educate workers and community members about facts, laws, and policies applying to sexual crimes and their investigation—and special protections available to undocumented reporters of sexual crimes.
- prepare recommendations to address sexual harassment and crimes in the Will County warehouse industry.



The March 8th hearing was titled “Take Back the Warehouse.” This was an effort to identify with the “Take Back the Night” movement and a call to expand beyond street and domestic violence against women and to include threats to women in the workplace. Over 100 workers, community members, clergy, and public officials attended the hearing. Presenters and audience members of all backgrounds participated, and the hearing was conducted in both English and Spanish.

“I told the supervisors about it, but they definitely don’t listen. One supervisor I had tried to tell said, “I didn’t see that.” Just because you didn’t see it, doesn’t mean it didn’t happen.

When I went to another supervisor about the harassment, he asked me out on a date. I said no, and eventually I got fired.”

**- Samantha Rodriguez
Walmart warehouse
Elwood, IL**

Worker Testimony



We don't go to work to be touched.

My name is Uylonda Dickerson. I worked at the Walmart warehouse in Elwood, IL. We loaded and unloaded Walmart products. When I was working there I was sexually harassed on a regular basis because the men thought I had to let them talk to me any kind of way. I was talked down to by supervisors because I was one of the few females working there.

I got literally locked inside of a trailer because the men thought that that was what I was there for, I guess. I reported it to my supervisor but he didn't do anything about it. Another time, I had a man come to me and say something really bad to me. I told my supervisor, but he just kept telling me I was "just being a female."

Ever since I started reporting my sexual harassment, every day I would get a smart remark. They'd say, like did I break my toenail, or did I chip a nail, or something like that. But when you report it, it's like you did something bad.

We don't go to work to be touched, to be talked down to, to be told what our bodies look like. We know what our bodies look like when we put on our clothes in the morning.

But that's something you have to deal with every day at work. I was happy in the morning. And, literally, when I got to parking lot of Walmart warehouse, it was like, '(sigh) I do not want to be here.' And then the men, as soon as you got through the door, they're on you. Who wants to work like that? You walk through the warehouse door, going to work, right away you got [whistle]. This is where I work, this is not where I come to flirt and play. Stop!—just stop it!

But I'm glad that we're finally speaking up, that somebody's getting something done about it. I was one of the afraid ones. But I'm not afraid anymore.

Uylonda Dickerson
Walmart warehouse
Elwood, IL

"When I worked at the Walmart warehouse in Elwood, I was sexually harassed on a regular basis....I literally got locked inside of a trailer because that's what the men thought I was there for...I reported it to my supervisor, but he didn't do anything about it."

- Ulyonda Dickerson
Walmart warehouse
Elwood, IL

What we have to go through is terrifying, and it's wrong.

My name is Latasha Davis. I worked as a verifier at the Walmart warehouse in Elwood. When I and my female co-workers worked loading up the trailers, guys would come in the trailers, stand over us and watch us when we would bend over. They would watch us when we walked past or when we lift the boxes. Supervisors would move us into a different department because they wanted to be in our face.

As a woman, it made me so uncomfortable. I just wanted to come to work, do my job and go home without having to work in an environment like that. It got to the point where we as women didn't want to get up and go to work - but we have no other choice, we have bills to pay and kids to take care of.

When we explain to the supervisors what we were going through, in tears and everything, they scream at us to clock out and go home. They say, "if you don't like your job, we'll get somebody else." It goes in one ear and out the other, and it's not fair.

I just want everybody to know, that what we have to go through is terrifying and it's wrong. I just thank God that somebody is listening to us, to the struggle we have to go through every day at work.

Latasha Davis
Walmart warehouse
Elwood, IL



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It goes in one ear and out the other, and it’s not fair.’

- Latasha Davis
Walmart warehouse
Elwood, IL



“I was paid between \$2 and \$3 per hour less than the men in the warehouse who did the same job I did, even though I worked harder.”

- Elizabeth Labrador
Petco warehouse,
Joliet, IL



To this day I cannot work.

I worked at the Petco warehouse in Joliet. I want to tell you about how women are treated in that warehouse. I was paid between \$2 and \$3 per hour less than the men in the warehouse who did the same job I did, even though I worked harder.

When I brought the issue to management, instead of fixing the problem they started assigning me to the hardest jobs in the warehouse. My supervisor sent me to a department where I had to lift fish tanks. That's where I hurt my back. They were well over a hundred pounds. I would ask for help, but they didn't want to give me any. When I hurt my back I couldn't even get up or stand straight. There was no one to ask for help. I went to the office as best I could, and told my supervisor what happened. Instead of asking "how are you doing?" he yelled at me. The supervisor was mad because they get bonuses when there are no accidents.

To this day I cannot work, because Petco will not allow me to return. I depend on public aid to provide for my family. What am I supposed to do, remain on welfare my entire life? That's my experience, Thank you.

Elizabeth Labrador
Petco Warehouse
Joliet, IL

In the warehouse, it's a man's world.

There were times when we were in the warehouse working and I had a supervisor come to me and say, "Cindy, I'm sorry, we got to move you from this department because you're a distraction," instead of telling the guys, 'Listen, you need to stay off her line, and go do your work.'

You can report it to the supervisors all day, but it's like James Brown said, "it's a man's world" in the warehouse. It's hard, it's really hard.

I was a lead, and I made \$4 an hour less than my male co-worker. And he wasn't as good as I was.

Cindy Marble
WWJ Organizer and Former Bissell Warehouse Worker
Joliet, IL

It's just not fair...they treat us like we're nothing.

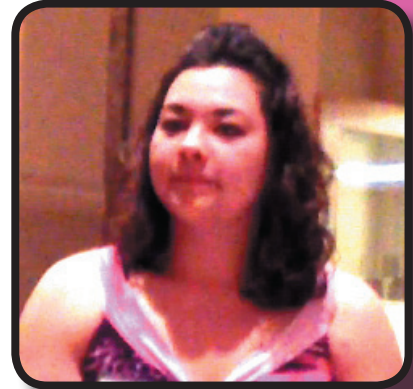
I used to work at Walmart warehouse in Elwood. One time a male co-worker tried to lock me in the trailer. He tried to pull down the door, but I got myself out of there and told a supervisor. He asked me, "why were you in the trailer?" I said "that's my job; I'm a verifier. If I don't do it, you yell at me." My supervisor said "Well, you can't verify; you need to load and unload trucks." The first truck they give me is 36-inch TV's, 38 pounds a piece. I had to move 804 TV's in one day. They told me "You're moving too slow." I said, "You're not paying me the same amount you're paying him because I'm a woman. But you expect me to work as hard as he's working. For less pay."

Women were constantly harassed in the warehouse. I couldn't move my cart anywhere without running into men who were like, "Hey, let me get your number. Hey, let me talk to you." I'd say, "I'm here to work. You need to get out of my way, so I can do my job, so I don't get fired." They were constantly asking me for my phone number, touching my butt, my boobs. I had one guy try to stick his hand down my shirt. I don't want that. I want a paycheck, I want to pay my bills, and take care of my kids. That's it. I don't want any relationships, and no nothing with anybody. But they don't want to hear that.

I told the supervisors about it, but they definitely don't listen. One supervisor I had tried to tell said, "I didn't see that." Just because you didn't see it, doesn't mean it didn't happen. When I went to another supervisor about the harassment, he asked me out on a date. I said "no," and eventually I got fired. I pride myself on being an independent woman. I do remodeling, I hang drywall, I put in floors. That's my profession. So I went to warehouses because I like doing that kind of work. Now, I won't step foot in a warehouse. I refuse to. Because, the way they treated me wasn't right.

All you're there for is to be eye candy to those men. And they feel they can put their hands on you and talk to you any way they want to— who's going to do anything about it? Not the supervisors. All they're going to do is say, "Well, we'll just get another type of worker who won't complain." It's just not fair; they treat us like we're nothing. That's the way the warehouses operate.

Samantha Rodriguez
Walmart Warehouse
Elwood, IL



"All you're there for is to be eye candy to those men. And they feel they can put my hands on you and talk to you any way they want to."

Who's going to do anything about it? Not the supervisors. All they're going to do is say, 'Well, we'll just get another type of worker who won't complain.' It's just not fair; they treat us like we're nothing."

- Samantha Rodriguez
Walmart warehouse
Elwood, IL

"The man who did this thinks he's... got a lot of power, a lot of money. He thinks I'm going to stop. But I'm going forward. Because, you know what? I have to see my daughter go through this every day."

**- Sandy Hernandez
Partners warehouse
Elwood, IL**

Partners Warehouse: A Story Of Abuse and Retaliation

This is a story about pervasive sexual harassment at Partners Warehouse in Elwood, IL. But it's also a story about the kind of retaliation that comes down on women who report sexual harassment. The message from the warehouse industry is: "Don't you dare report sexual harassment. If you do, you will suffer for it." And certainly these women and the men who supported them have suffered retaliation.

Priscilla Marshall, nineteen at the time, was sexually harassed by her forty-five-year-old supervisor. There was constant, pervasive, touching, grabbing, simulating sex acts, making lewd and disgusting comments. The same thing happened to two other women who worked at the warehouse; Priscilla's mother Sandy Hernandez, and Priscilla's roommate Edwina Marin, who was seventeen at the time. Edwina not only witnessed Swaw simulating sex acts but heard him say: "you're only seventeen now, but next year you're mine."

With the encouragement of her co-workers, Priscilla Marshall went to her employer after this supervisor had come to her house on multiple occasions and had coerced her into having sex. But rather than taking the allegations seriously, the employer did nothing.

So the workers went to the Elwood Police. But rather than get an investigation, they got blank witness statement forms and were told to investigate their own crime. And—I have to say it—that's not okay. The police need to take these complaints seriously and investigate them. It is not the woman's responsibility to investigate these claims.

After the workers had brought this forward, the warehouse made allegations of theft against the workers. Now the workers are facing criminal felony charges because, we allege, they reported sexual assault, and sexual harassment, and sexual battery in the workplace.

This is a story of Partners Warehouse manipulating the criminal justice system. It went to the state's attorney's office, and charges were filed. To the state's attorney's credit he has listened to our concerns and has brought in a special investigator to review the case. We have every expectation that this investigator will look at all the facts, and we hope that this will turn into an investigation of sexual assault and sexual harassment as it should have been from the beginning.

**Chris Williams,
Workers' Law Office
Speaking on behalf of Priscilla Marshall and Sandy Hernandez
because of pending legal charges**

Every single one of us has rights.

My name is Sandra Hernandez. I'm very emotional right now, but I have to tell you my story. How would you like to go to jail and take your daughter with you, just because you reported sexual assault to the police? After we reported the assault, we were retaliated against. We were put in jail, right after Mother's Day. That was the saddest thing that could have happened to us. Priscilla spent 16 days in jail because I couldn't get her out.

But you know what? The man who did this thinks he's higher, he's got a lot of power, he's got a lot of money. He thinks I'm going to stop. But I'm going forward. Because you know what? I have to see my daughter go through this every day. I am not going to let him walk. And I'm not going to let the people who stand in support of him walk.

But I want to tell all the ladies in these warehouses, even if you are afraid or you are undocumented, that every single one of us has rights. We can't let this abuse continue. We can't be afraid of going to the cops. We didn't trust anybody until Warehouse Workers for Justice and Chris came along. I just want to tell all the women—don't be afraid. There's a lot of help out there, and you can get it.

Sandy Hernandez
Partners Warehouse
Elwood, IL



The Community Responds

Sexual harassment violates common decency.

I did diversity training for a number of years all over Illinois and throughout the Midwest for major companies. I do not know a woman who has not been a victim of sexual harassment at some level. And I know a lot of women.

Sexual harassment is pervasive and it needs to stop. People need to stand up, support women and ensure they work in a safe environment, not a hostile one.

I'll just say one more thing about sexual harassment policies: it's the law that employers have one and they must be posted — but I don't want to lose sight of the fact that sexual harassment doesn't only violate the law. It violates common decency — the way we treat each other. So whether it's posted or not, whether the policy is issued or not, there's a level of common decency we need to observe, and what we've heard tonight violates that.

Denise Winfrey
Will County Board
Joliet, IL



We need to stand in unity.

I would like to thank the women here for coming forward. We need more of this, and we need to support women who come forward, and stand with them in unity.

Terry Morris
Joliet City Council
Joliet, IL



I applaud you for stepping forward.

I applaud all the women for stepping forward tonight. It is very hard to talk in front of people about this, and I applaud you.

I hope you keep coming forward. Don't ever stop telling your stories, because when you stop telling your stories you give doubt and fear a way to creep in. Keep crying those tears. I know they might not go away tomorrow or a even few years from now, but they're part of your healing process.

Amy Sanchez
Collins Street Neighborhood Association
Joliet, IL



Ask the politicians: Are you going to allow this?

I heard for a long time what a blessing all the warehouses were. They may have been a blessing for the people who built them, but they certainly haven't been a blessing for the people who work in them.

Think about if this was your spouse, your daughter. This is not right to be going on in our community.

Ask the politicians why they're not concerned with what's going on in the warehouses. We are the voters, ladies and gentlemen. These people are in office because we put them there. The question for the politicians is, are you going to allow this to continue, or are you going to help stop it?

Charlotte Droogan
Universalist Unitarian Church of Joliet
Bolingbrook, IL

“Sexual harrasment is pervasive and it needs to stop. People need to stand up, support women and ensure they work in a safe environment, not a hostile one.”

- Denise Winfrey
Will County Board
Joliet, IL



Findings

- *Some reports indicate that 90% of women face sexual harassment in the workplace.¹*

- *Last year, over 11,000 people filed complaints about sexual harassment with the EEOC. Of those complainants, 16% were male.²*

- *Sexual harassment has severe consequences for both victims and employers, creating problems of absenteeism, low productivity, and increased turnover.³*

Female warehouse workers face a range of unlawful abuse in the workplace, including sexual harassment, discrimination and even sexual assault. More troubling, workers who sought to enforce their right to a workplace free of these abuses were often retaliated against, either by employers, local law enforcement personnel, or both. Much of the testimony focused on warehouses located in the Centerpoint Intermodal Center in Elwood, IL. The issues brought to light by the hearing participants include:

Pervasive unlawful sexual harassment

- Verbal sexual harassment, including lewd comments about individual women's bodies, sexual propositions, and "joking."
- Sexual touching, groping, and other forms of unwanted physical contact.
- Staring and hovering by men in the women's workspace—amounting to workplace stalking.
- Gender-based "pranks."
- Distraction from and obstacles to work performance by all of the above.
- Targeting by peer workers, supervisors, and even top managers.
- Feelings of depression and discouragement as a result of these experiences.

Retaliation against women who report sexual harassment and assault in the workplace

- Reports of sexual harassment by warehouse workers to supervisors are often met with disbelief and derision.
- Warehouse employers rarely take action to address reports of sexual harassment.
- In many cases, workers who report sexual harassment are met with threats, blame, and direct retaliation—including transfers and firing.

Pay inequity between women and men

- Women working at three different warehouses reported being paid significantly less than men doing the same job.

Lack of effective mechanisms to protect victims of sexual harassment and assault

- Though employers are required to implement policies protecting the rights of workers reporting sexual harassment, such policies are often ignored by employers.
- In Elwood, IL, where the majority of the women testifying worked, local police have shown disinterest in seriously investigating workplace sexual assault.
- None of the affected warehouses are unionized, and workers in those warehouses have no legally-binding grievance procedure to use to protect their rights.

• *Rape is an act of violence, not sexual passion. It is part of the larger problem of violence against women.⁴*

• *The majority of sexual assaults are not reported to the police. Some estimates suggest that only one third of rapes are reported. Fear of being blamed or of obstacles in the criminal legal process are common reasons for not reporting.*

• *Even when a sexual assault is reported, a resulting arrest occurs only 50% of the time.*

• *False reports of rape are not common. Best estimates place the rate of false reports around 2-8%--the same as for other violent felonies.⁵*

- *Sexual harassment and discrimination are illegal under most union contracts and under Title VII of the 1964 Civil Rights Act.*

Recommendations

For policy makers:

- Partner with Warehouse Workers for Justice to form a county-wide task force to further investigate sexual harassment and sexual assault in Will County warehouses. Work in conjunction with the EEOC on a nation-wide warehouse industry-specific initiative to address the issue.
- Fund community-based efforts, including the Warehouse Worker Legal Defense Fund, to educate workers on workplace sexual harassment and assault.
- Withdraw tax breaks and other incentives and subsidies from employers subject to repeated sexual harassment complaints. Debar these companies from receiving federal or state contracts.
- Strengthen existing Illinois law to better protect women from sexual harassment. Amend the Illinois Human Rights Act to allow for fining employers who repeatedly are found to have not taken steps to protect employees from harassment in the workplace. Use fines collected to create a special fund to support education and enforcement efforts.
- Enact policies that promote the freedom to organize and bargain collectively.

For law enforcement:

- Every allegation of sexual assault should be taken seriously and given priority as a violent crime and investigated thoroughly.
- Law enforcement officers should receive training in model responses to reports of sexual assault, including interview techniques, investigation strategies and building rapport and trust with the victim.
- Law enforcement agencies should make their policies surrounding sexual assault investigation publicly available.
- As soon as possible after a report is made, law enforcement should contact an appropriate victim advocate or rape crisis counselor who is trained in support.

- Preliminary interviews should not take place in public places, including the front counter or waiting room of a police station. Victims should be given the option of having a victim advocate or trusted companion present during the interview.
- Officers should receive training in common defenses from the accused to sexual assault and the corresponding strategies for investigation.
- Officers should be trained to differentiate between investigations that fail to substantiate a claim and investigations that establish no crime was attempted or committed. When allegations are merely unsubstantiated, allegations must not be labeled “unfounded” or “false.”
- Officers should receive training regarding the common reasons why sexual assault is not reported and institute an official policy that delayed reporting must not be considered evidence that the victim is lying.

For employers:

- Provide a workplace free of discrimination based on sex, race, sexual orientation, age, marital or family status, pregnancy, parenthood, disability or size.
- Act swiftly and thoroughly to investigate any allegation of sexual harassment, sexual assault and gender discrimination.
- Protect workers who report sexual harassment, assault, or discrimination from retaliation.
- Train supervisors and managers on how to deal with allegations of sexual harassment, assault and discrimination. Discipline supervisors and managers who fail to enforce the employer’s policy on sexual harassment.
- Adopt a clear policy on sexual harassment, distribute it to all employees and post it throughout the workplace.
- Respect the rights of employees to organize and bargaining collectively. Adopt a neutral position toward such efforts.

Women who are union members have additional tools to address workplace harassment and assault, such as:

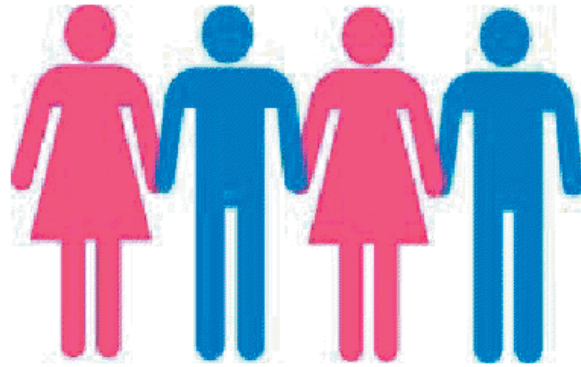
- *Additional protections for whistle-blowers*
- *Protections against harassment and abuse over and above the legal minimums, including health and safety provisions*
- *A grievance procedure with arbitration to quickly address violations*
- *Expanded protection against discrimination based on gender, race and national origin*

“I’m glad that we’re finally speaking up, that somebody’s getting something done about it. I was one of the afraid ones. But I’m not afraid anymore.”

**- Uylonda Dickerson
Walmart warehouse
Elwood, IL**

What you can do

Support the Warehouse Women’s Legal Defense Fund



The Warehouse Women’s Legal Defense Fund stands determined that Priscilla Marshall and all women have the legal resources to be protected against the retaliation that too often comes when women in the workplace speak up for themselves. We must end the fear and intimidation that allows sexual harassment and assault to go unchecked.

To that end, we are establishing the Warehouse Women’s Legal Defense Fund (WWLDF). The mission of the WWLDF is to:

- support women workers who report sexual crimes in Will County’s large and powerful warehouse industry;
- raise awareness of workplace sexual harassment, assault, and other issues affecting women warehouse workers; and
- support women’s and other workers’ rights organizations that are working to end sexual crimes and reform conditions in the Midwest’s largest logistics center.

We stand in solidarity with Priscilla Marshall and all women warehouse workers, and demand equal justice for all in the investigation of sexual crimes.

Trustees
Denise Winfrey, Jackie Traynere and Charlotte Droogan

“Am I My Sister’s Keeper?...Yes, I Am!”

Call 1-888-344-6432 or visit www.warehouseworker.org to donate

Sources:

¹ Equal Rights Advocates, "Sexual Harassment in the Workplace," www.equalrights.org/professional/sexhar/work/workplac.asp (2010).

² Equal Employment Opportunity Commission, "Sexual Harassment Charges EEOC & FEPAs Combined: FY 1997 - FY 2011," http://www.eeoc.gov/eeoc/statistics/enforcement/sexual_harassment.cfm.

³ Equal Rights Advocates, "Sexual Harassment in the Workplace," www.equalrights.org/professional/sexhar/work/workplac.asp (2010).

⁴ Linda Bickerstaff, *Violence Against Women: Public Health and Human Rights*, pg 53 (New York NY 2010).

⁵ Dr. Kimberly A. Lonsway, Sgt. Joanne Archambault (Ret.), Dr. David Lisak, "False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault," *The National Center for the Prosecution of Violence Against Women, The Voice*, vol. 3, no. 1 (2009).

Acknowledgements:

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About the cover:

The teal ribbon on the front cover of this report is the symbol chosen by the National Sexual Violence Resource Center to promote awareness of sexual assault.

