



For low-wage workers, many obstacles to reporting sexual harassment



KATHERINE TAYLOR FOR THE BOSTON GLOBE

Jena Benson, 20, a Dunkin' Donuts worker, says a boss and co-worker harassed her.

By [Katie Johnston](#) | GLOBE STAFF NOVEMBER 27, 2017

One woman's supervisor told her he'd give her credit for working a shift at a Charlestown bread company if she went home with him instead. When she resisted his advances, he cut her hours, according to a complaint filed with the state.

A Boston-area house cleaner said she was raped by her boss multiple times. He threatened to have her deported if she reported him, her lawyer said.

A Spanish-speaking worker at a Somerville manufacturer said in an interview that her manager scoffed when she said she'd go to the owners if he didn't stop touching her. He served as her translator. Did she really want to get him in trouble?

The flood of sexual misconduct allegations in recent weeks has come largely from women in white-collar professions, but the problem is thought to be much more prevalent, and hidden, among low-wage workers. These women can't afford to lose their jobs. Often they don't speak English and don't know the procedure for reporting abuse.

Undocumented immigrants fear that if they confront their harassers, they will report the workers to immigration authorities. Under the Trump administration, advocates say, these workers have become even more fearful of speaking up.

And when they do, even more obstacles await.

Lawyers are often reluctant to take their cases because they can't put down any money upfront. If damages for lost wages are awarded, they tend to be low, meaning less of a payday for the attorneys. Even Greater Boston Legal Services, a nonprofit long

dedicated to helping low-income workers, has largely stopped taking sexual harassment cases because they are so resource-intensive.

Sexual harassment nearly always involves an imbalance of power between perpetrators and their victims, and it's especially stark when it comes to low-wage workers, said Sarah Fleisch Fink, director of workplace policy and senior counsel at the National Partnership for Women & Families. A lack of money, education, and language skills, or being a person of color, "can compound the risk of reporting harassment," Fleisch Fink said. "It plays into feelings of vulnerability and lack of power to assert yourself."

In some industries, reports of sexual harassment are shockingly widespread. Studies have found that 80 percent of [Mexican female farm workers in California](#) and more than half of [Chicago's female hotel workers](#) surveyed said they had been sexually harassed. Among [fast food workers](#), 40 percent of women say they have faced harassment, according to a 2016 nationwide survey, and 42 percent of them said they felt forced to accept it because they needed the work.

When Jena Benson started working at a Boston Dunkin' Donuts in late 2015, she wasn't bothered when her shift supervisor greeted her with a hug. But one day the hug went on for too long, and he slid his hands down her back and squeezed her buttocks. A short time later, a co-worker started making nasty comments about what it would be like to have sex with her. Benson said her manager brushed off her complaint about the co-worker, saying, "Oh, you know how he is, he's probably just joking around."

Not long after Benson spoke up, she said, her hours were cut back from full time to one shift a week — with the handsy supervisor, at night. At first, she resorted to hanging out at a nearby convenience store after they closed the store to avoid walking to the train with him. Then she asked to be transferred.

Benson didn't take it any further. "I didn't want to lose my job," she said. And by the time she told a community organizer about it, the 300-day period to report an incident to the Massachusetts Commission Against Discrimination had passed.

This filing deadline puts lower-wage workers at a particular disadvantage, advocates say, because they tend to be more fearful of retaliation and less familiar with the system.

Dunkin' Donuts has had a raft of gender-based discrimination claims filed against its franchises — at least 89 complaints since 1997, among the most of any company in the state, according to a Globe analysis of MCAD filings. One store, in Brockton, had two MCAD complaints about the same supervisor in the span of a few months in 2014. The supervisor invited one of the women to have a threesome with him and his girlfriend, tried to show both of them pictures of his penis, and shared explicit details about his sex life, according to the filings.

Both women said they complained to the corporate office, but no one followed up.

The franchisee ended up settling with both women.

Dunkin' Donuts said in a statement that its franchisees are "solely responsible for running their day-to-day operations" but that the company "does not tolerate harassment or any inappropriate or unlawful behavior in the workplace."

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'This is serial rape. . . . This should be treated like a major crime investigation.'
— Tyler Fox, Cambridge attorney, on the case of a client who is an undocumented house cleaner

Cambridge attorney Tyler Fox has represented dozens of working-class women who have been propositioned, groped, and sexually assaulted on the job. A current client, like many others an undocumented house cleaner, said she was repeatedly raped by the cleaning company owner, who threatened to deport her if she reported him. But Fox has had difficulty getting law enforcement to pursue the case. Eight months after Fox started talking to detectives and Middlesex County prosecutors about the case, the alleged perpetrator had yet to be interviewed.

“This is serial rape,” Fox said. “This should be treated like a major crime investigation. When news came out about Harvey Weinstein’s serial abuse of actresses, the New York City DA’s office was investigating within days.”

The Middlesex district attorney’s office would not comment on an open investigation.

The woman, who thinks that investigators do not believe her, has decided she doesn’t want to pursue it further, Fox said.

The more vulnerable the woman, the more egregious the sexual misconduct tends to be, according to advocates and lawyers who assist low-wage women. Boston lawyer Rebecca Pontikes said the worst cases she’s seen have been against immigrants, including the Honduran woman whose supervisor beckoned her into his office over the PA system: “That was her signal to come upstairs and give him [oral sex],” Pontikes said.

Sexual assault and other misconduct targeting low-wage workers is so common, advocates say, that women often mention it only as an aside when reporting other issues, such as wage theft. “A lot of women are trained that economic issues are real problems and this sexual harassment thing is just extra added discomfort,” said Jobs

With Justice interim co-director Gillian Mason.

The problem is compounded by the fact many low-income workers are employed by temp agencies and risk being barred from permanent employment at the place where they're working if they turn down a supervisor's advances. One temporary factory worker interviewed for a sexual harassment study by the Massachusetts Coalition for Occupational Safety and Health told investigators, "The female co-workers that wanted the permanent job through the company, they let him touch them."

MassCOSH investigators interviewed 58 low-wage Latinas in janitorial, restaurant, hotel, and factory jobs over the course of a year, including a house cleaner who said she felt like she was in "prison" because she had a child to support and couldn't risk losing her job if she reported the abuse.

Another woman in the MassCOSH study, Carmen, who asked that her last name not be used, said that after she rebuffed the advances of her supervisor at a Somerville manufacturer he assigned her to a more dangerous machine, and she ended up burning her hands trying to operate it. Carmen eventually went to a lawyer, she said, speaking in Spanish through a translator, and found out she wasn't the first woman to complain about sexual harassment at the manufacturer. "Don't waste your time trying to fight this company," she recalled the lawyer telling her. "This company always wins." So Carmen gave up and was soon laid off.

Temp workers are also hindered because they are in limbo when it comes to which company is responsible for their well-being: the one providing the work or the agency employing the worker. Adrian Ventura, director of the Centro Comunitario de Trabajadores worker center in New Bedford, described this as a "curtain of smoke" that companies hide behind.

The harassment sometimes takes place on the vans that transport workers to job sites, Ventura said, speaking in Spanish through a translator. Drivers, who often work as supervisors for the temp agency, will pick up cute, young workers first and drop them off last. If the women refuse the drivers' propositions, they could be passed over for a permanent position.

Some temporary workers never learn about a company's harassment policies and reporting procedures, if they have them at all. And if no one in the human resources department speaks Spanish, it's harder still.

Judith Lucas, 32, a single mother of four from Guatemala, said a language barrier kept her from reporting continued harassment by a supervisor at a New Bedford scallop processing plant earlier this year. Lucas said she couldn't quit — one of her daughters was sick — and felt she had nowhere to turn: The man she relied on for translation was the man touching her, the man who once tried to assault her in a place where he knew there were no cameras.

Lucas never made a formal complaint and was fired in August, she said. She recently found another job, also in the scallop industry. This supervisor, to her great relief, has left her alone.

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