



# ApprenticeshipUSA

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## Apprenticeship EEO Regulations: Anti-Harassment Frequently Asked Questions

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Harassment in the workplace has a negative effect on all workers, resulting in decreased performance, lowered morale and an increase in turnover. Harassment against apprentices or applicants for apprenticeship programs because of certain characteristics – including their race, color, religion, sex, sexual orientation, national origin, age, disability, and genetic information – may also be against the law. Implementing steps to avoid harassing behavior will contribute to a workplace culture in which all apprentices feel welcomed as valuable members of the team. A positive workplace culture may also attract other job seekers eager to become apprentices in the organization. The 2016 revised Apprenticeship Equal Employment Opportunity (EEO) regulations outline what employers and other apprenticeship sponsors must do to achieve and maintain a harassment-free culture in Registered Apprenticeship programs.

### 1. What is workplace harassment?

Harassment in the workplace is unwelcome or offensive conduct that has the purpose or effect of being detrimental to an employee's work performance, professional advancement, and/or mental health. Harassment against apprentices or applicants for apprenticeship programs can be against the law if it is because of certain characteristics – including their race, color, religion, sex (including pregnancy and gender identity), sexual orientation, national origin, age, disability, and genetic information – and if it creates an intimidating, hostile, or offensive work environment or results in an adverse employment action.

### 2. What do the regulations say about harassment?

The anti-harassment provisions in the Apprenticeship EEO regulations are applicable to all Registered Apprenticeship programs. Apprenticeship sponsors must develop and implement measures to prevent harassment, intimidation, and retaliation, including a few specific steps, such as anti-harassment training and developing and implementing complaint procedures. These steps are described in question #5.



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### 3. Why is workplace harassment part of the regulations?

Women, minorities, and individuals with disabilities continue to have very low participation rates in many apprenticeship programs. The 2016 updates to the Apprenticeship EEO regulations are intended, in part, to support sponsors in expanding the diversity of their apprenticeship workforces. Protection from harassment promotes a workplace environment in which all apprentices feel safe, are welcomed, and are treated fairly. This, in turn, benefits apprenticeship sponsors by increasing retention of valued apprentices and enhancing recruitment success with other qualified individuals from under-represented groups. As apprenticeship programs strive to achieve greater diversity, it is important to prevent individuals from experiencing harassing situations when they are simply trying to do their jobs.

### 4. Are specific groups protected by the anti-harassment provisions in the regulations?

Yes. The regulations require Registered Apprenticeship programs to prevent harassment based on an apprentice's race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age (40 or older), disability, or genetic information. Of course, it is a best practice for programs to promote positive workplace environments for apprentices that are altogether free from harassment.

### 5. What specific actions must apprenticeship sponsors take to prevent harassment?

The Apprenticeship EEO regulations require that all apprenticeship sponsors take the following actions to prevent harassment:

- A. Provide anti-harassment training to all individuals connected with operation of the apprenticeship program, including journeyworkers who regularly work with apprentices. Such training must:
  - Communicate that unlawful harassing conduct will not be tolerated.
  - Define the types of conduct that are unlawful.
  - Explain that apprentices have the right to file a harassment complaint and are protected against retaliation should it occur, and provide information on how to file.
- B. Ensure that all facilities and apprenticeship activities are available regardless of an apprentice's race, color, religion, national origin, sex (including pregnancy and gender identity), sexual orientation, age (40 or older), disability or genetic information.



- C. If the sponsor provides restrooms or changing facilities, provide separate or single-user facilities to assure privacy between the sexes.
- D. Establish and implement procedures for handling and resolving complaints about harassment, intimidation or retaliation.

## 6. How should anti-harassment training be conducted?

The training must be more than a mere transmittal of information. It must include participation by trainees. The EEO has developed a PowerPoint presentation for anti-harassment training. Presenting this PowerPoint to all individuals who must take this training (see question #7) will satisfy the anti-harassment training requirements issued by the EEO.

All trainees must sign in on the sign-in sheet provided to affirm that they completed the anti-harassment training. Sign-in sheets must be sent to:

- The BNAP – forward to Kathy McComb at [kmccomb@bnap.com](mailto:kmccomb@bnap.com)
- Your regional apprentice office

The EEO anti-harassment presentation, sign-in sheets, and other anti-harassment training materials are posted on the “Advanced Training” page of our website – [www.bnap.com](http://www.bnap.com).

## 7. Who must participate in anti-harassment training?

The training must be provided to all individuals connected with the administration and operation of the program, including the following:

- Apprentices
- Apprentice supervisors
- Job supervisors
- Journeyworkers
- Instructors
- Other employees regularly working alongside apprentices, including management and administrative personnel.

Local employers with steady employees that regularly work with apprentices must also provide this training to their staff. It is the responsibility of the local to coordinate training with participating employers to ensure that their employees who regularly work with apprentices receive the training. Historically, such coordination has been accomplished by written agreements entered into between the sponsor and employer that, among other things, set forth reasonable EEO procedures, and the Office of Apprenticeship (OA) expects such types of coordination to continue.



## 8. By when must sponsors provide anti-harassment training and implement the other anti-harassment steps?

### **Sponsors registered with the federal OA:**

Existing sponsors registered with the federal OA must develop and begin to implement a plan for their anti-harassment efforts by July 17, 2017. New sponsors registering with OA must do so when they register with the Office of Apprenticeship or by July 17, 2017, whichever is later.

### **Sponsors registered with a State Apprenticeship Agency (SAA):**

Existing sponsors registered with an SAA must develop and begin to implement this plan 180 days after OA approves the state's EEO Plan incorporating the new regulations. New sponsors registering with an SAA must develop and begin to implement the plan upon registration or once their state's EEO Plan has been approved for 180 days, whichever is later.

## 9. How often must sponsors provide anti-harassment training?

It is important that training is offered periodically, as necessary, to ensure that all new apprentices, journeymen, or other personnel connected with the administration or operation of the apprenticeship program receive training.

In addition, existing apprentices, journeymen, and other personnel should be periodically reminded of anti-harassment policies via training or other refresher materials. This anti-harassment training may be provided during the required orientation and periodic information sessions that sponsors must conduct for individuals connected with administration or operation of the apprenticeship program.

Some suggestions on where to provide this training include:

- Apprentice indenture and advancement meetings
- Union meetings
- MOST training classes

## 10. Are examples of anti-harassment training available for apprenticeship sponsors?

Yes. Anti-harassment training materials are available on the ApprenticeshipUSA EEO website and on the "Advanced Training" page of our website, [www.bnap.com](http://www.bnap.com). These materials include:

- A short, introductory animated video with associated knowledge checks, which sponsors can download to use as part of their anti-harassment training.



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- A sample Power Point presentation that includes scenarios that can be customized for each sponsor's program, as well as discussion questions to engage participants and managers and illustrate key learning points.
- Sign-in sheets
- EEO posters

In keeping with the apprenticeship EEO regulations, these resources should be used in a training setting that allows trainees to participate actively.

### **11. What do the regulations say about intimidation and retaliation?**

A participant in an apprenticeship program may not be intimidated, threatened, coerced, retaliated against or discriminated against because the individual has:

- A. Filed a complaint alleging an EEO violation (including harassment).
- B. Opposed a practice that is prohibited by Federal or State EEO law or regulation.
- C. Assisted, provided information or participated in an investigation, compliance review, proceeding or hearing related to EEO.
- D. Otherwise exercised any rights or privileges under these provisions.

### **12. How should sponsors address complaints of harassing or intimidating behavior?**

Sponsors must provide a mechanism for apprentices who have experienced harassment, or have witnessed the harassment of others, to report the incident(s) to an appropriate manager, Human Resources office, or other organizational contact. As soon as a sponsor becomes aware of harassment, it should take steps to intervene and stop it – both to prevent further harassment and to avoid possible legal liability or deregistration.

In addition, sponsors must notify all apprenticeship applicants and apprentices that they have a right to file a complaint of unlawful harassment (or any other form of unlawful discrimination) with the federal or state apprenticeship agency with which the program is registered. This notice must include information about the procedures and deadlines for filing such complaints, and must be both provided in the application for apprenticeship and displayed in a prominent, publicly-available location where all apprentices will see the notice.

We have provided both a handout that must be given to all apprentice applicants, as well as a poster that must be posted anywhere applications are accepted.