

THE COMPETENT EMPLOYEE¹

Sharon Sellick was the poster child at Con Edison. She began work in 2000 as a utility worker working with underground crews as a mechanic. She always received positive performance reviews and three times in 2006 and 2007, she received the highest possible rating for her performance. She also appeared on Con Edison's website highlighting "remarkable women." And, on top of all that she was told that she was chosen to do some video and print marketing photos for Con Edison because of her leadership and communication skills. Clearly an up and coming woman in a predominately man's, job; right?

Not exactly. The time she spent at Con Edison was anything but easy, or rewarding. When she first started, in 2000, the man she was teamed up with told her that no one wanted to work with her and that he was stuck with her. Within the first year, her supervisor called her into his trailer, locked the door, and tried to kiss and touch her. In 2004, she applied for a position of supervisor of underground crews. There were three openings and all three went to men, one of which had no experience in the job, and of course Ms. Sellick had four years of experience.

In January 2007, she once again applied for the supervisor job and once again was denied the promotion and the job was given to a male employee with less experience. Men were definitely given preferential treatment. It seems that the male employees received the interview questions ahead of time and when Ms. Sellick complained she was ignored by her supervisor. Furthermore, when a coworker asked the boss why Ms. Sellick had not gotten the promotion, the supervisor is reported to have said "I can hire whoever I want. If she has a problem, let her come after us. We've got a whole floor of lawyers. It was abundantly clear that Ms. Sellick was being discriminated against."

Ms. Sellick continued to try and have management pay attention to the rampant sex discrimination and mistreatment. She sought help from Con Edison's Human Resources department, Con Edison's Ombudsman, and Con Edison's Equal Employment Opportunity Affairs (EEOA) office. She actually believed that someone would pay attention, and, in the end things would improve for females at Con Edison. But this was not the case. Instead, her male colleagues ostracized her, were vulgar and used sexually explicit comments, in front of her, making it clear she is not one of them and cannot be trusted.

Undaunted, and forever a fighter, Ms. Sellick once again applied for the position of Supervisor in June 2007. One of the men promoted over her told her that management openly disparaged her and he was convinced she would never be promoted in that department.

In September she filed an EEOC complaint. That would help right? Well actually no it did not. The next day, after her filing, a supervisor held up a *Daily News* article about the EEOC filing and stated that, as of that morning, the article had been circulated throughout the company. Clearly the word was that Ms. Sellick was a trouble maker. As an example of the retaliation Ms. Sellick experienced, she was isolated and not supported when she started in August 2007 as a new inspector. Instead, she was left effectively to her own devices, whereas men in the same situation were supported and actively taught and given good assignments.

The pattern continued. For example, in 2009, Ms. Sellick asked to work with a qualified Construction Representative to learn the construction business and to obtain the relevant training necessary for promotion. Her requests were ignored and she was not given any on-the-job training in billing. Of course junior male colleagues were provided with this help. Ms. Sellick studied on her own and learned what she could from observing and talking to people at Con Edison's training facility.

The investigation by the EEOC included seven current and former Con Edison employees, one of which was Ms. Sellick. Besides the issues discussed earlier, the investigation revealed a number of violations by Con Edison including:

- denied, delayed, and given subpar on-the-job training as compared to male peers;
- assigned menial, “make-work” tasks and isolated by male coworkers in group work settings;
- refused or stonewalled when seeking admission to classes necessary for promotions;
- not provided tools or safety gear in situations where male coworkers were supplied both;
- denied adequate sanitary and private restroom, shower, and changing facilities;
- subjected to disparate and excessive discipline as compared to male coworkers who engaged in comparable conduct;
- given less positive performance evaluations than their male counterparts for doing comparable work; and
- denied overtime assignments despite eligibility under collective bargaining agreements.

In 2015, a settlement was reached where Con Edison agreed to pay 3.8 million dollars.

The Civil Rights Act of 1964 was passed over a half century ago. Among other things, it provided protection to females in the workplace against sexual harassment as well as gender discrimination. From the above example, it seems that not everyone is on board with the idea that discrimination on the basis of gender, or sexual harassment is wrong.
