



MIGRATION

A woman silhouetted in the window of a darkened office building.
(Photo by Andrés Cediel.)

Alone in the Night

By Levi Bridges

Imagine that you have punched in to work at your night job as a janitor in a nondescript building, long after the other employees have gone home, when your supervisor begins flirting with you. What starts as something seemingly innocent — a few compliments about your appearance — quickly gets physical. Several nights later, your supervisor steals up behind you and grabs your shoulders. You scream, and then remember that there is no one in the building who can hear you.

Many female workers — particularly undocumented immigrants from Latin America — are raped by their employers or supervisors. Women employed in the janitorial industry, who often work alone at night, are especially vulnerable to sexual assault.

A new documentary, “Rape on the Night Shift,” aims to shed light on this devastating reality. The film premiered on the PBS program “Frontline” in 2015, the result of an investigative reporting collaboration between Univision, the Center for Investigative Reporting (CIR), and the Investigative Reporting Program (IRP) at UC Berkeley. The reporters who led the project found that female janitors are particularly vulnerable because they often work alone. The film cites the Department of Justice, which reports that more than 17,000 incidents

of sexual violence occur on the job in the United States each year.

One victim, María Bojorquez, recounts in an opening scene how her boss harassed her. “I always had to check in with my supervisor,” Bojorquez recalls. “At first, he tried to gain my trust. He started with flattery. And then he would pretend to be reaching for something but would brush against my breasts or sometimes just grab them.”

Bojorquez breaks down in tears as she shares her story. She explains that her boss intimidated her to keep silent. “I told him that I was going to complain, and he would say, ‘They won’t believe you,’” Bojorquez recounts on camera.

The reporters who tackled this unsettling story began the project three years ago while working on “Rape in the Fields,” a documentary about sexual abuse suffered by immigrant farmworkers. Prior to this film, little reporting existed on the subject of sexual violence in the workplace. Rape victims are understandably reluctant to speak publicly: they may fear revictimization or other repercussions, especially if they are undocumented workers. The reporters spent nearly a year identifying potential sources willing to go on camera in an investigation that took them from the sweltering agricultural towns of California’s Central Valley to

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isolated egg-processing plants on the frigid plains of Iowa. What they found was a pattern of systematic abuse of female agricultural workers across the United States.

Workers in the agricultural and janitorial industries are particularly vulnerable to sexual assault because many of them come from outside the United States, particularly Latin America, and are undocumented. Immigration status is often an additional risk factor for abuse. Among the undocumented community, incidents of wage theft — when bosses refuse to pay workers and threaten to call immigration officials if they complain — are commonplace. Employers and supervisors may also use similar threats to coerce workers to remain silent after they have endured sexual violence.

“I don’t speak English. I don’t have work papers. So I have to put up with this,” says one farmworker who appeared in “Rape in the Fields.”

“And if you don’t give in, you don’t have a job the next season,” another worker in the documentary adds.

One of the most significant challenges faced by the reporters who produced “Rape in the Fields” was quantifying the extent of the problem in the agricultural industry. In their research, they discovered a UC Santa Cruz study that found that nearly 40 percent of 150 California female farmworkers had experienced sexual harassment and rape. Another study conducted by a nonprofit in Iowa produced a similar result. The reporters also combed through all of the civil sexual harassment lawsuits filed by the federal government against agricultural businesses and found that none had resulted in criminal prosecutions. The problem had become endemic to the industry.

As often happens during long-term reporting, the journalists uncovered a new potential story to explore before they had even finished their first project. While interviewing a source in San Francisco for the first film, they received a tip about a janitor who had been raped while cleaning the city’s ferry building. The detail stuck in the mind of Lowell Bergman, the Reva and David Logan Distinguished Chair in Investigative Journalism at UC Berkeley’s Graduate School of Journalism, who helped produce both documentaries.

Part of what inspired Bergman and the other journalists to make a second film was that janitorial workplaces often seem just as isolated as the rural communities where agricultural laborers toil. Although janitors employed in major U.S. cities arguably have greater access to legal services than farmworkers after their supervisors abuse them, the process of speaking out can be just as intimidating. The connections between the

ways sexual assault can happen in both urban and rural areas served as the inspiration for the new film.

“The pressure in these types of industries is to keep prices lower and goods moving, not to take care of the workers,” Bergman told an audience during a recent screening of “Rape on the Night Shift” on the UC Berkeley campus organized by the Center for Latin American Studies.

In the opening scenes of the film, Bergman tells the story of ABM Industries, one of the largest janitorial companies in the United States. The team of journalists who led the investigation found that over the past two decades, 40 sexual harassment lawsuits had been filed against ABM, a company that contracts with the Pentagon. The film tells of a former ABM supervisor named José Vasquez, a registered sex offender who raped an employee during her night shift.

Although the team of filmmakers succeeded in getting one of Vasquez’s victims, Erika Morales, to go on the record before a camera, they failed to capture Vasquez telling his side of the story, despite a surprise visit to his house. “I’m going to call the police right now,” Vasquez says in the film as he walks away from the camera and disappears into his home.

Andrés Cediél, a documentary producer for the Investigative Reporting Program (IRP) and lecturer at the UC Berkeley Graduate School of Journalism who helped produce both films, said the encounter with Vasquez was a disappointment.

“During the filming of ‘Rape in the Fields,’ we succeeded in getting some of the men who abused the women to speak on camera,” Cediél said. “It was disappointing that we couldn’t do that in this film, because it’s a cathartic experience for the audience to have the perpetrator confronted.”

Although the filmmakers were not able get a supervisor accused of sexual violence to talk in this film, they did achieve something that they were unable to do during the “Rape in the Fields” production: they confronted a company whose employees suffered abuse.

In the new film, Bergman interviews Bill Stejskal, Senior Vice President of Human Resources for a janitorial company called SMS based in Nashville, Tennessee. After Stejskal asserts on camera that the company does a thorough investigation “every time” they receive a complaint of sexual harassment, Bergman reveals to Stejskal that SMS received 31 complaints made against supervisors over a three-year period and that many were never given a follow-up investigation. Stejskal responds that he was not aware the company had so many



Photo by Andrés Cediél.

Immigrant women are often reluctant to report harassment by cleaning company supervisors.

complaints and suggests that the investigations may have been misplaced, but Bergman doesn’t let the issue drop.

“So there may have been an investigation, but there’s no record of it,” Bergman suggests.

“That’s correct,” Stejskal replies.

In an otherwise bleak story, the film describes several instances in which workers successfully sued their employers for damages. A class-action lawsuit filed against ABM by female workers who were assaulted on the job resulted in the company agreeing to pay their former employees \$5.8 million. But this was only one success story in a chain of painful narratives that often go untold. Cediél said that during the research for both of the films, the immigration status of many women turned out to be only part of the reason why they chose to remain silent.

“Many women don’t know their legal rights in the United States, or they come from countries where officials are corrupt and people don’t go to them for help,” Cediél told the crowd who attended a film screening at UC Berkeley. “On top of that, many of the women who we spoke with came from abusive relationships back home, so they were already dealing with a lot of trauma before they were abused on the job.”

Cediél explained that rape cases are difficult to prosecute because the victims often have trouble recounting all of the details. Studies show that trauma

severely affects the brain, often making it difficult for the victim to remember events in chronological order afterwards. The perceived unreliability of rape victims gives their offenders an advantage in discrediting their accounts of sexual assault.

The reporters who worked hard to tell the stories of the women presented in both films are now trying to use journalism to make a difference. After the release of “Rape in the Fields,” the filmmakers held screenings of a Spanish-language version of the film at rape crisis centers and other venues in small agricultural towns in California’s Central Valley. While publicly screening such sensitive material is difficult, Cediél said that many farmworkers who turned out to see the first film admitted afterwards that they had been victims, too. Showing the film in the farming communities where sexual violence often occurs also helped Cediél gain a better understanding of the extent to which these abuses permeate industries that rely on immigrants. Although the janitorial industry lacks the system of advocacy groups that exist in the agricultural sector, the reporters hope to connect with unions to show the new film.

“Rape on the Night Shift” is not the end of this reporting initiative, but one chapter in a longer arc. Bergman said that he has become interested in small contracting companies that supply workers to larger

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operations like ABM, a common practice in janitorial and other low-wage industries. These smaller companies, Bergman explained to the audience at the CLAS event, have a competitive advantage because they often commit wage theft or fail to pay taxes.

“We’re hoping to explore this underground economy for our next story,” Bergman said.

As the reporting team that produced these two films looks toward its next project, gaining access to the employees whose experience they seek to document remains one of the greatest challenges. Undocumented workers often fear that speaking publicly will lead to deportation or that their employer might retaliate against them after they expose abuses at the workplace. Likewise, unscrupulous employers don’t want stories about subjects like rape in the workplace going public.

The filmmakers say that this long-term investigative work involves time, patience, and relationship building with sources. Daffodil Altan, a graduate of the UC Berkeley Graduate School of Journalism and producer for “Rape on the Night Shift,” described the experience of working on the film as a “roller coaster” while the team spent months searching for a victim who would speak with them. Ultimately, the women in the film had to

make their own decisions about whether they wanted to share their stories through a medium as public as film. The journalists could not offer them protection, only that they would strive to tell their stories accurately.

For Altan, the experience of collaborating on the film became personal. Her mother had also been a janitor who worked the night shift. “I told my mother about this project,” Altan said to the crowd at the CLAS event, “and she told me that she had been sexually harassed while working as a janitor herself.”

“Rape on the Night Shift” was screened at an event co-sponsored by the Investigative Reporting Program of UC Berkeley’s Graduate School of Journalism, the International Human Rights Law Clinic at Berkeley Law School, and the Center for Latin American Studies. After the film, CLAS chair Harley Shaiken moderated a discussion with Lowell Bergman, Andrés Cediel, and Daffodil Altan.

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Custodial staff are often isolated and alone late at night.



Photo by Andrés Cediel.