

UNIV
SHELF

LABOR CENTER REPORTER

Number 23)
October 1980

INSTITUTE OF INDUSTRIAL
RELATIONS LIBRARY
APR 23 1981
UNIVERSITY OF CALIFORNIA
BERKELEY

SEXUAL HARASSMENT IN THE WORKPLACE

by Anne Lawrence

I. Sexual Harassment: A New Term for an Old Problem

Maxine Munford was fired because she refused to sleep with her boss on a business trip. She told hearings held in Detroit last year: "My boss told me, 'You're going to have to get it through your head. You're going to screw me or lose your job.'" Maxine, who was the sole support of her family, told the hearing panel, "I had a nervous breakdown. I cannot forget this because my family almost starved."

Ellen Woods (not her real name), a teenager in Redwood City, went to apply for her first job in 1975 at a fast food restaurant. The manager told her he would hire her--on the condition that she have sex with him once a week. The manager was later arrested, but released after pleading guilty to "disturbing the peace."

Diane Williams was hired by a federal agency in Washington in 1972. She received repeated propositions from her supervisor, who told her, "It it comes down to a showdown between you and me, you would be the loser because I am the Director's boy." After Diane repeatedly refused his advances, she was fired. She was unable to find a comparable job for thirteen months.

Sexual harassment can run the gamut from persistent leering; offensive touching, patting, or pinching; sexist remarks about a woman's clothing, body, or sexual activity; repeated unwanted requests for dates or sexual propositions; or outright demands for sex.

In its most serious form, sexual harassment is accompanied by threats or actual reprisals if a woman does not comply with these demands.

Women have always experienced sexual harassment--on the street, at the beach, in bars or restaurants. But sexual harassment at work is especially serious, since the harasser is often in a position to affect a woman's economic livelihood. It is much harder to say "no" to someone who has the authority to give you hard or unchallenging work assignments, put an unfavorable work evaluation in your file, block a promotion, or even fire you.

In the cases of Maxine Munford, Ellen Woods, and Diane Williams, sexual harassment became extreme. They were faced with an intolerable choice: "put out or get out."

The union movement has begun to recognize the seriousness of the problem of sexual harassment. The California State Federation of Labor and the Coalition of Labor Union Women have recently issued policy statements calling for workplaces free of sexual coercion.

No one knows for sure just how widespread sexual harassment at work is. In 1976, Redbook magazine found that 88% of the working women who responded to their survey had experienced sexual harassment, and a majority felt that the problem was serious. Another study, conducted for the Working Women United Institute in New York, found that 70% of the women polled complained of harassment.

BERKELEY, CA 94720
(415) 642-0323

UNIVERSITY OF CALIFORNIA, BERKELEY
CENTER FOR LABOR RESEARCH AND EDUCATION
INSTITUTE OF INDUSTRIAL RELATIONS



2.

Sexual harassment does not affect just the young, the beautiful, or the "well endowed." Women of all ages, races, marital status, and occupations are victims.

Women in low paying, low status, dead-end jobs are particularly vulnerable to harassment. Because they are easily replaceable, they have less power to fight back. These jobs are rarely unionized, so there is no grievance procedure for defense.

But women in "non-traditional" jobs also experience harassment. Many of the recent complaints have come from women in jobs just opening up to women-- police officers, military personnel, professionals, and skilled tradespersons. This may be because these women tend to be fighters (or they wouldn't be in these jobs in the first place) and more likely to speak out. But it's also possible that men use harassment as a tactic to keep women out of jobs where men feel they don't belong.

When confronted with sexual harassment, many women blame themselves for the problem, or try to deal with the situation by ignoring it. Many quit, rather than submit. And a few go along--choosing sexual humiliation over loss of economic livelihood

But in the last few years, more and more women have dared to speak out publicly about incidents of sexual harassment. Legal precedents have been set. Women's organizations and unions have organized around the issue. As a result, some employers have been pressured into taking a stand against treating women on the job not as workers--but as sex objects.

II. Sexual Harassment: What to Do If You're Harassed

What should you do if you are the victim of sexual harassment? Recent legal cases, employer policies, and union contract provisions give women more options today than ever before. There are many steps you can take to protect yourself and your job.

The most important thing is: act as quickly as you can to stop the harassment. Make it clear to the harasser that his attentions are unwanted and report the incident immediately to the union steward or business agent.

From the very beginning, document your case. Keep records of each incident, as it occurs. Ask witnesses to write down and sign a description of what they observed. Ask for a copy of your personnel record and copy documents proving your good work record (an employer may later claim you were fired for poor work performance).

It may be possible to end the harassment simply by having the union representative pay a visit to the harasser or his supervisor. Even if this is possible, hold on to your documents since the harassment could reoccur.

Get support from other women in your workplace. Harassers rarely single out one woman. You may find others who have been similarly victimized, but who were afraid to speak out. This will strengthen your case. And other women in your workplace will probably give emotional support at a time when you need it.

Get support from sympathetic men. A supervisor is much less likely to continue harassment if he believes his activities are frowned on by the men on the job as well as the women. Many men will be sympathetic to you if approached properly.

3.

Use the grievance procedure at your workplace. Sexual harassment has been defined by the courts as sex discrimination, so an incident can be grieved under an anti-discrimination clause even if the contract does not specifically prohibit sexual harassment. If you have been fired, you can use the "no discipline without just cause" clause.

Several administrative remedies may also be available to you. If you are employed on a project that receives federal funding, take your case to an agency that monitors and enforces federal guidelines, such as the Office of Federal Contract Compliance. Under new Labor Department rules, federal contractors must "maintain a working environment free of sexual harassment."

You should also consider filing a complaint concurrently with an office of the Equal Employment Opportunities Commission (EEOC). This procedure takes a long time, but if the agency rules in your favor you may be entitled to back pay, damages, and reinstatement if you were fired as a result of harassment. If you are still on the job, the EEOC complaint will put pressure on the employer to stop the harassment and give you additional protection against retaliation.

If the EEOC fails to resolve your case or refuses to pursue it, you can sue the employer. The courts have found that some forms of sexual harassment are sex discrimination and illegal under Title VII of the Civil Rights Act of 1964 and relevant state laws.

So far, convictions have been few and far between, and the courts have ruled in the women's favor only in cases where she suffered serious adverse effects, like demotion, bad evaluations, unwanted transfers, or firings.

You can also charge the harasser directly with rape or assault, if appropriate.

You may also be eligible for unemployment compensation if you were fired. In some states, including California, unemployment insurance boards have ruled that sexual harassment is "good cause" for quitting a job under certain circumstances. If you have suffered emotionally, you may also be eligible for worker compensation.

Whatever you do, don't respond to an incident of sexual harassment by quitting your job -- unless no other options are open. If you are out on the street, the employer will have little incentive to resolve the issue. Meanwhile, you will be without work or income. On the other hand, if you stay on the job, any escalation of the harassment after you have lodged a complaint will only strengthen your case in the grievance procedure or the courts.

The women who are fighting back against sexual harassment today are pioneers. But as more cases are won and public awareness of the seriousness of the issue builds, it will become easier for working women to take on their harassers -- and win.

III. Sexual Harassment: What the Labor Movement Can Do

Recent initiatives dealing with the problem of sexual harassment have come mostly from the women's movement. Organizations such as the National Organization for Women (NOW), the Alliance Against Sexual Coercion, and the Working Women United Institute have led the way in publicizing the issue and fighting for remedies for victims of harassment.

4.

But increasingly, organized labor has begun to take a stand on this issue of great concern to women in its ranks. What have unions done -- and what can they do -- to show their commitment to ending harassment on the job?

Several unions have pioneered in winning contract clauses which prohibit sexual harassment on the job. District 65 of the United Automobile Workers, representing employees at Boston University, won the strongest contract language to date. Their labor-management agreement establishes managerial policy prohibiting harassment, defines harassment as a grievable offense, and promises immediate relief for the victim, such as the right to transfer to another comparable job after an incident of harassment. The UAW has also won clauses on harassment in its contracts at Ford and Chrysler and in some local agreements with General Motors.

Unions can also negotiate a modified grievance procedure for sexual harassment cases. Procedures can be expedited to require that the woman tell her story to fewer people, protecting her privacy.

Unions can also pressure management informally to adopt a policy outlawing harassment. The union should try to convince management that personnel decisions made on the basis of sexual favors rather than work performance are poor managerial policy.

Short of revising the contract, unions can develop educational materials and train their members about the issue of harassment at work. The American Federation of State, County and Municipal Employees (AFSCME), for example, recently published materials on the issue in its national newspaper and published a pamphlet, "On the Job Sexual Harassment: What the Union Can Do," available free to union members.

University labor education departments and women's organizations can help unions educate their members. Earlier this year, the annual Women's Conference of District 31 of the Steelworkers, in the Chicago area, included a highly successful workshop on sexual harassment run by the University of Michigan's Institute of Labor and Industrial Relations. AFSCME has held conferences on the local level jointly with the Alliance Against Sexual Coercion.

Unions can survey their own members to determine the extent and severity of workplace harassment to provide support for collective bargaining demands and grievances. AFSCME has prepared a survey questionnaire and made it available to local unions for their use.

Some unions have taken more militant action. Members of one Steelworkers local at U.S. Steel's South Works plant in Chicago set up an informational picket line to protest management's toleration of sexual abuse and discrimination in the workplace.

In at least one case, a union has sanctioned a strike in defense of a woman fired because of sexual harassment. Last October, a woman at Simpson Plywood Company in Washington state was fired after she complained that a company official had commented repeatedly on her breasts and told her she "wasn't built for the job." Fourteen hundred workers at the plant -- many of them men -- went on strike to protest her firing, with the backing of their local union of the International Woodworkers of America.

Only 16% of the working women in the United States are member of unions or employee associations. But victories won by organized women can set precedents for unorganized workplaces. And a labor movement that fights for an environment free of sexual coercion as a basic employment right will be more attractive to women workers not yet in the union fold.

* * * * *

Resources: Much of the information in these articles was drawn from an excellent new pamphlet, Stopping Sexual Harassment: A Handbook, by Elissa Clarke. The pamphlet includes detailed information on the extent of sexual harassment on the job and how to use unions and the law to defend yourself. The pamphlet is available for \$2.00 plus 50¢ postage from the Labor Education and Research Project, P.O. Box 20001, Detroit, Michigan 48220.

Other materials on sexual harassment are available from the Working Women United Institute (593 Park Avenue, New York, NY 10021) and the Alliance Against Sexual Coercion (P.O. Box 1, Cambridge, Massachusetts 02139).

AFSCME has published a booklet, On the Job Sexual Harassment: What the Union Can Do, which is available free to AFSCME members and 75¢ for non-members. It can be ordered from AFSCME, 1623 'K' Street, Washington, D.C. 20036.

Two books dealing with this issue are Sexual Shakedown: The Sexual Harassment of Women on the Job, by Lin Farley (New York: 1978), and Sexual Harassment of Working Women, by Catherine A. McKinnon (New Haven: 1979).

The author would like to thank Joan Braconi for her help with this article.

The viewpoints expressed in LABOR CENTER REPORTER are those of the author, and not necessarily those of the Labor Center, the Institute of Industrial Relations, or the University of California.

Labor organizations are encouraged to reproduce all or any part of LABOR CENTER REPORTER for further distribution. If you do so, please include this disclaimer.