

## FIGHTING SEXUAL HARASSMENT IN THE WORKPLACE

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Despite attention in the news and popular culture, workplace sexual harassment is not well understood. Many people think sexual harassment is a problem that affects only a small number of people, almost all of them women. In fact, as many as 45 percent of men and 70 percent of women report being subjected to relevant offensive behaviors in the workplace – such as sexual jokes and unwanted touching. With better understandings of sexual harassment and its harmful effects, people can work together to greatly reduce this workplace problem.

### Legal Definitions and Cultural Understandings

In the United States, workplace sexual harassment is considered a form of sex discrimination under Title VII of the 1964 Civil Rights Act. Two forms of sexual harassment are recognized under the law:

- *Quid pro quo* harassment occurs when sexual demands are made (or threatened) as a basis for employment-related decisions such as promotion or firing.
- Hostile environment harassment occurs when sexual conduct or materials in the workplace unreasonably interfere with a person's ability to perform her or his job, or when they create a hostile, intimidating or offensive working environment.

Apart from legal definitions, sexual harassment can be hard to pin down, because cultural norms for workplace interactions are in constant flux and the same behavior in different social settings can take on diverse meanings. An individual's position also matters. Behavior that a powerful person brushes off could be threatening to someone in a subordinate position.

### Who Does It, Who is Targeted – And Why?

Most targets of sexual harassment are women, but men can also be targets. Nevertheless, most harassers are men, whatever the target's gender.

At its core, sexual harassment is much more about power than sexual attraction. Although a small fraction of harassing interactions may stem from misunderstandings about sexual interest or desire, harassers are generally engaged in asserting power over others. Women in positions of authority in workplaces are more likely to be harassed than others, because the harassers are using sexual behaviors to “put them in their place.” Male targets, on the other hand, are often those not seen as fitting conventional notions of heterosexual masculinity, either because of their own sexual preferences, or simply because harassers view them as insufficiently “masculine.” Whether targets are men or women, a harasser's aim is to humiliate and disempower the person being targeted.

## The Effects of Workplace Sexual Harassment

Whether women or men are the targets, sexual harassment has negative consequences for physical and mental health and career trajectories. Targets of sexually harassing behavior may experience a range of symptoms – ranging from sleep problems, neck pain, and diminished self-esteem to depression and major stress disorders. Individuals who are harassed are also more likely to quit their jobs, which may in turn hurt their professional development and long-term earning potential. Sexual harassment negatively impacts workplace cultures as well. Research shows that workplace harassment undermines employee morale and can cause productivity to decline.

## Eliminating Workplace Sexual Harassment

Together, workers and employers can reduce rates of workplace sexual harassment. Obviously, preventing harassment before it occurs is ideal. Two key steps are making it clear that disrespectful behaviors of any kind will not be tolerated, and training managers and employees in positive forms of interaction. Many employers who take these steps are trying to head off harassing behaviors using even more stringent definitions than the law formally requires.

Beyond prevention, organizations must spell out clear policies against harassment and make known the consequences of violations for harassers. When people at work are targeted, they must know where to go to file a complaint. In large organizations, human resources departments often include someone who specializes in helping employees document and report harassment. In addition, the importance of bystander intervention cannot be overstated. Co-workers must speak up when harassment is observed, and employers should encourage bystander intervention.

## Questions and Misunderstandings

Despite guidelines and research, important issues remain:

- **Aren't most sexual harassment claims a matter of the victim "overreacting"?**  
This rarely happens, not only because harassment is about power and humiliation, but also because sexual harassment laws are written so that isolated incidents of minor sexualized interaction at work do not fit the definition of harassment. A target must demonstrate either that a single incident was particularly severe or that a pervasive pattern of unwelcome sexual conduct has occurred. Some courts in the U.S. have adopted a "reasonable woman" standard by which to judge hostile work environment claims. An "objective/subjective" standard may also be used. In this case, a court considers the behaviors that happened together with the subjective position of the individual target.
- **Why do employers sometimes use guidelines different from legal definitions?**  
Employers recognize not only their potential legal liability but also the negative effects of sexually harassing behaviors on employees and workplace morale. Hence they may adopt rules that are more stringent than the standards formally required by law. While employers may adopt wide-ranging definitions of harassment for good reasons, one consequence can be that many people do not understand what it takes for a case to qualify as sexual harassment under the law. This can lead to misunderstandings about "what sexual harassment really is." On the other hand, when employers use broad definitions of harassment to help cultivate more respectful workplace environments, the results can be good for everyone. Healthy workplace cultures make harassment less likely to occur in the first place.