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Sexual Harassment

Carrie N. Baker

Smith College, cbaker@smith.edu

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“Sexual Harassment,” *Encyclopedia of Women in World History* (Oxford University Press, 2007)

By Carrie N. Baker

Feminists in the United States coined the term “sexual harassment” in 1975 to describe men’s sexual coercion and exploitation of women in the workplace. The term, in general use, has come to encompass a broad range of unwelcome sexual and gender-based behavior in a variety of contexts, including the workplace, at educational institutions, in housing, and on the street. At its core, sexual harassment is the use of legal, economic, or social power to impose unwelcome sexual advances or to create an environment that is intimidating, hostile or offensive based on sex. Sexual harassment is gendered in that women are more likely to be targets of sexual harassment because of legal, economic, and/or social dominance of males over females in most societies. Men have rarely been held accountable for sexual harassment because of stereotypes that blame the victim by characterizing women as sexually promiscuous.

Despite the recent origin of the term, women have experienced sexual harassment throughout history and across the globe. Seventeenth-century indentured servants, eighteenth-century black slaves, nineteenth-century industrial workers, and twentieth-century office workers all shared the experience of having to fend off the sexual demands of men wielding power over their lives—masters, overseers, foremen, and supervisors. Under systems of indentured servitude, serfdom, and slavery, women often found themselves subject to the sexual advances of masters, stewards, and overseers who controlled their lives and economic well-being. Indentured servants in the British colonies of North America and Australia often worked in private homes, making them particularly vulnerable to the sexual demands of masters or their male kin. Cases of masters impregnating their female indentured servants led Virginia to overturn a law allowing

masters to claim an extension of service from a pregnant servant and Australia to enact laws prohibiting men with a history of abusing their servants from obtaining future servants and single men from obtaining female indentured servants at all. In the 1800s, female slaves in India were often kept for sexual purposes, and their children then became slaves of their owners, as was the case in the American south. In her 1861 autobiography, *Incidents in the Life of a Slave Girl*, Harriet Jacobs described her escape from a master who “began to whisper foul words in [her] ear” when she was 15. Whether in the fields or in the house, enslaved women were subject to sexual abuse by white overseers and masters. Rape and concubinage of female slaves in the United States resulted in 10 percent of the slave population classified as mulatto by 1860. After emancipation, former slaves continued to experience sexual coercion whether they sharecropped or worked for wages. In Brazil, from the 1700s until the late 1800s, masters profited from compelling female slaves into prostitution, to which the legal system turned a blind eye. But freedom from slavery or indentured servitude provided no protection from sexual coercion by domestic employers. In 1874, *Little Women* author Louisa May Alcott published an account of how at the age of 18 she left a job as a domestic servant because her employer assigned her backbreaking work after she refused his sexual advances. The sexual exploitation of domestic workers has been documented from England and France, to Japan and the Philippines, to Canada, New Zealand, and Peru, from the 18th century through to the 21st century.

With the advent of industrialization in the 19th century, women and girls entering mills and factories in the United States, Europe, Japan, and elsewhere experienced sexual harassment by foremen and supervisors, but also by male co-workers, who saw females stepping outside of traditional domestic roles as fair game for sexual exploitation. High rates of unemployment and inadequate wages often left women vulnerable to sexual coercion by bosses or owners of

factories, particularly for immigrant women. A sexual double standard silenced women who might complain about sexual harassment for fear that revealing the abuse would blemish their own character. Government studies into industrial working conditions in the United States, England, and Germany in the late 19th century and early 20th century contained voluminous evidence of sexual exploitation of women and girls in the industrial workforce, although often the studies framed the issue as a problem of the immorality of workingwomen. Female social reformers attempted to shift the terms of the debate by characterizing workingwomen as victims of male sexual aggression rather than seducers themselves, and they fought for protective labor legislation in part to shield women from workplace sexual abuse. Early working women's organizations and trade unions defended women and in some cases organized strikes to protest sexual coercion in the workplace. A major goal of the Working Women's Society, a forerunner of the Women's Trade Union League, was to protect working women from sexual exploitation in the workplace. One of the issues in a 1937 strike at the Chevrolet-Flint Plant in Michigan was sexual abuse after a large number of female workers had to go to the county hospital to be treated for venereal disease traced to a single foreman. A worker recalled, "Those were the conditions that young women had to accept in order to support their families. Sometimes they earned just enough to provide food for the family and they couldn't lose their jobs because nobody else in the family had a job." As industrialism spread throughout the world in the 20th century, so did sexual abuse and harassment of female factory workers by supervisors and coworkers.

The 20th century saw an influx of women into the labor force. With the rise of service-based economies in the mid-20th century, pink-collar service and nurturing occupations expanded, drawing women in greater and greater numbers into the workforce as department store clerks, waitresses, flight attendants, clerical workers, and nurses. In these female-dominated

occupations, male bosses, clients and customers often demanded sexual compliance for continued employment. By the late twentieth century, women began breaking into traditionally male-dominated occupations, including blue-collar jobs like mining, construction, trucking, the trades, law enforcement, firefighting, and the military. In these occupations, women often faced open hostility to their presence in these traditionally male bastions. Women experienced relentless harassment by men who didn't believe that they belonged there and hoped to force them out. Women posed a threat to the masculine identity of these traditionally male-dominated occupations and created increased competition for high-paying skilled jobs. Often the harassment consisted of sexual graffiti, dirty jokes, repeated propositioning, and sexual assault. Sometimes the harassment experienced by women had nothing to do with sex, but was an attempt to discourage women from staying in the trades because they were taking a "man's" job. Women were subject to isolation, work sabotage, severe verbal abuse and physical violence. Even in the male-dominated professions like medicine and law women experienced open hostility to their presence. Recent globalization and the large number of national and international migrant workers weakens women's position in the labor force, making them ever more vulnerable to sexual abuse and in the workplace. Working largely in agricultural, domestic, and factory positions, they have marginal legal protection and few resources to enforce their legal rights.

Current studies across the globe show high rates of sexual harassment. Large scale surveys of the United States federal workplace beginning in the early 1980s have consistently shown that over 40% of women report experiencing sexual harassment. Surveys in the European Union show that between 30% and 50% of women are sexually harassed. A study by the Chinese Academy of Social Sciences found that 40% of Chinese women working for private or foreign firms had been targets of harassment compared to 18% of those in state-owned companies.

Studies show that rates of sexual harassment at educational institutions in the United States are high as well, with studies showing that 83% of girls in high school and 62% of female college students reported having been sexually harassed, most of which was peer-to-peer harassment. The effects of sexual harassment can include economic, vocational, physical, and psychological harm, including decreased work or school performance, having to relocate to another job or school, depression, anxiety, shame and guilt, difficulty concentrating, headaches, fatigue or loss of motivation, stomach problems, feeling powerless or out of control, increased blood pressure, loss of confidence and self esteem, and post-traumatic stress disorder.

Law and Public Policy

As women's labor force participation soared in the latter half of the 20th century, grassroots feminists in the second wave of the American women's movement conceptualized men's sexual coercion of women in the workplace as an issue of violence against women and a violation of women's civil rights. Feminists successfully argued in courts that sexual harassment at work was sex discrimination in violation of Title VII of the Civil Rights Act of 1964, a principle accepted by the United States Supreme Court in the 1986 case of *Meritor Savings Bank v. Vinson*, which defined sexual harassment to include both quid pro quo harassment, where a supervisor offers or threatens tangible employment benefits in exchange for sexual compliance, and hostile environment harassment, where a supervisor's or co-workers' unwelcome sexual and gender-based conduct creates an intimidating, hostile or offensive work environment that unreasonably interferes with an individual's performance at work. In response, many employers adopted policies against sexual harassment, developed grievance procedures, and began conducting employee training on the issue. Some states passed laws and cities issued executive orders prohibiting sexual harassment. In the 1998 case of *Oncale v. Sundowner Offshore*

Services, the Supreme Court ruled that that sexual harassment of men by other men violates Title VII. Concerns about sexual harassment have expanded beyond the workplace to include educational institutions, housing, and street harassment. United States courts have ruled that sexual harassment at federally-funded educational institutions violates Title IX of the 1972 Educational Amendments to the Civil Rights Act, but the Supreme Court has imposed rigorous liability standards making cases hard to win. In 1991, publicity resulting from televised hearings of law professor Anita Hill's accusations against Supreme Court nominee Clarence Thomas for sexual harassment when she worked for him a decade earlier at the EEOC placed the issue of sexual harassment onto national and international headlines.

While the United States has been at the forefront of public policy developments on sexual harassment, nations around the world began adopting laws against sexual harassment beginning in the 1990s. Through transnational networks among unions, academics, the media, and policy-makers, the concept of sexual harassment traveled from the United States to the European Union and its member states. By 1992, five countries outside of the United States had adopted laws prohibiting sexual harassment and by 2002 more than forty countries had legislation specifically prohibiting sexual harassment. In contrast to the United States, the European Union defines sexual harassment as a violation of the dignity of workers, focusing on the exclusionary aspects of harassing conduct rather than inappropriate sexual conduct or gender inequality as in the United States. Many EU members have adopted legislation against sexual harassment in the 1990s, but most of them have done little else to combat sexual harassment in the workplace. Employers generally ignore the problem, prevention efforts are rare, and legal redress is weak.

Several countries in other areas of the world now have laws prohibiting sexual harassment as well. In India, the case of *Vishaka vs. State of Rajasthan* in 1997 has been credited

with establishing that sexual harassment is illegal. In 1999, Japan passed an antidiscrimination law that requires employers to prevent sexual harassment. In 2005, China added new provisions to the *Law on Women's Rights Protection* to include sexual harassment. In 2006 "The Shanghai Supplement" was drafted to help further define sexual harassment in China. In Israel, the 1988 Equal Employment Opportunity Law made it a crime for an employer to retaliate against an employee who had rejected sexual advances, but it wasn't until 1998 that the Israeli Sexual Harassment Law made such behavior illegal. Many Latin American countries, including Mexico and Brazil, have laws prohibiting sexual harassment in the workplace, but it is still tolerated. South Africa passed a progressive law against sexual harassment in 1998, which prescribes serious civil sanctions for the harasser, but few suits have been filed so far.

Current debates around sexual harassment include questions about what constitutes sexual harassment, continuing high rates of sexual harassment despite laws prohibiting this behavior, concern about failure to enforce laws, the racism of sexual harassment, whether prohibitions impede free speech, and concerns that employers' are trying to "regulate romance" in the workplace.

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Carrie N. Baker