

CHARTING SOLUTIONS

Actions must be taken to protect public health even when science doesn't have all the answers on a particular issue. For the "Scientific Solutions" section of this journal, we are seeking articles which are unembarrassed about urging strong action on the basis of less-than-definitive science, but which also explicitly acknowledge gaps, uncertainties and disputes about the knowledge base. Submit articles to the editor of this department, Dr. Ellen Silbergeld, Visiting Professor of Toxicology, University of Maryland, Howard Hall 544, 660 W. Redwood St., Baltimore, MD 21201.

SEXUAL HARASSMENT: Labor Relations by Other Means

By Eve Spangler

IN THIS PAPER I WANT TO EXPLORE WHAT IT would mean to describe sexual harassment as "labor relations by other means:" to attend to the fact that, in the workplace, sexual harassment is not only something usually done to women by men, but that it is always something done to employees, either directly by their bosses, or within the social relations for which bosses are responsible. Recent events have made the discussion of sexual harassment timely. And, in fact, feminism already offers a decade and more of discussion of this issue. (1) I am going to argue here that a feminist framing is necessary but incomplete and that occupational health and safety specialists also have something crucial to contribute to the understanding of sexual harassment as a work life issue. Feminists must think systematically about the workplace context of sexual harassment. The occupational safety community needs to expand its focus from chemical and mechanical hazards in the workplace to include social hazards and the politics of addressing them.

The recent attention to Anita Hill's accusations against Clarence Thomas makes clear the need for both feminist and occupational safety frameworks in combatting sexual harassment. Two features of the Hill-Thomas episode particularly demonstrate this need:

(A) There is no unanimity about the perception of workplace hazards, especially those of a social character. (2) If public opinion polls are to be believed, a substantial number of people did not even accept Hill's account of events. (3) And still others, although they believed Hill's allegations, did not regard her complaints as serious enough to trigger workplace protections. (4)

In part, these opinions are a response to the specific details of a particular case. However, these opinions also arise in the context of a popular culture that is largely silent on the issue of safe workplaces for women and men. (5)

(B) Given the absence of popular demand for occupational health and safety, even those who believed Hill's allegations and who supported sanctions against her harasser arrived at this position largely within a framework of individual deviance: a particular man, acting from bad motives, mistreated a particular woman and should be judged accordingly.

The alternative view, which holds employers responsible for deviant acts committed by their agents, is rarely invoked, even though it is embedded in law (6), and in the history of previous occupational health and safety campaigns. (7)

The predominant framing of the sexual harassment

Sexual Harassment And Labor Relations

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Workplace: New York University 51st Annual Conference on Labor Samuel Estreicher, 2002-02-14 Sexual harassment is the fastest growing category of employment litigation in the United States At the root of recent class actions against several major corporations and the subject of three significant Supreme Court decisions during 1998 sexual harassment litigation is an area of legal practice where much remains unsettled and few claims can be confidently met with established defenses or remedies Because of its potential for ad hoc outcomes that lead to ever greater legal instability the question of sexual harassment in the workplace requires sustained attention by policymakers in both business and government and by academics It was in order to promote this crucial endeavor that New York University's Annual Conference on Labor for 1999 chose this issue as its theme This long standing influential conference is the premier forum for bringing together legal practitioners academics and researchers government officials representatives of companies and labor unions and human resources specialists to explore solutions to problems in the American workplace This valuable symposium addresses such provocative questions as To what extent can sexual harassment claims be meaningfully addressed by existing laws such as the National Labor Relations Act and state and federal anti discrimination statutes Are employer sexual harassment policy initiatives on a collision course with the First Amendment What rights do accused employees have When are employers liable for sexual harassment Sexual Harassment in the Workplace also includes insightful discussions of the valuable role that social science methodologies and alternative dispute resolution techniques can play in fostering an environment where sexual harassment is better understood and effectively dealt with **Sexual Harassment and Labor Relations** Bureau of National Affairs (Washington, D.C.), 1981 Sexual Harassment and Labor Relations ,1981 **Public Personnel**

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