sexual harassment

Summary Article: sexual harassment
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in law, verbal or physical behavior of a sexual nature, aimed at a particular person or group of people, especially in the workplace or in academic or other institutional settings, that is actionable, as in tort or under equal-opportunity statutes. Once stereotyped as involving pressures brought by one in authority (e.g., an employer, teacher, or ranking officer) on someone in an inferior position, with the aim of obtaining sexual favors, harassment is now recognized as also involving behavior that creates an environment unfriendly to its targets. Thus, sexually explicit or suggestive behavior by male fellow employees may be designed to make a work situation difficult for a newly hired female; the harassers’ motive may be mere hostility to female entry into a male “preserve.”

In the United States, courts have since 1977 recognized some such behavior as a form of sex discrimination; not only the superior who seeks sexual access but also the employer who fails to restrain the behavior of other employees may be liable to suit. The 1991 Senate hearings in which Professor Anita Hill testified that Supreme Court nominee Clarence Thomas had made unwelcome advances to her some years earlier when she worked for him, and the “Tailhook” scandal, involving sexual hazing by male officers during a navy gathering in Las Vegas, Nev., in Sept., 1991, brought the issue of sexual harassment to national attention. In 1992 the Supreme Court gave individuals harmed by a school's discrimination (now interpreted as including failure to discipline students who harass other students) the right to sue the school for damages. In a series of 1998 decisions the Supreme Court ruled that employees in the workplace are to be protected from harassment by people of the same sex; that an employee need not suffer a tangible job detriment in order to sue for harassment; and that a company having effective complaint procedures that an employee unreasonably fails to utilize is protected from suit.

Recent debates have centered on, among other things, the apparent wide differences in men's and women's interpretations of sexual talk; on whether schools and colleges can or should impose speech and conduct codes or take other measures to protect students, especially females, from sexual talk or behavior; and on whether pornography is in itself a form of sexual harassment. It is apparent that the interests of protection from sexual harassment and of freedom of speech will continue to clash.

See Boland, M., Sexual Harassment in the Workplace (2007);

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