

## Ideas for Action

*Developments, trends & useful proposals  
for the attention of managers*

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### Dealing with sexual harassment

Mary P. Rowe

As the recent attention in the press and on television attests, managers are encountering sexual harassment problems more and more frequently. Although by now many corporations have investigated the legal side of these issues and have adopted appropriate policies, reaching an easy resolution in such cases is difficult for the following reasons:

□ People cannot agree about how to define the problem. In sexual harassment cases, managers will find the widest divergence of perceptions that they ever encounter.

□ There is usually little evidence to substantiate anyone's allegations. The employer often feels that something ought to be done but can think of no action to take that does not infringe on the rights of one side or the other.

□ Although third-party intervention often heals other kinds of disputes, such action in a sexual harassment case usually triggers wider disagreement between the original actors, who then persuade bystanders to take sides.

□ No matter how carefully worded the corporate policy concerning sexual harassment is, new kinds of cases arise, and in such variety as to prevent any precise anticipation of problems.

□ Those offended may be unwilling to report sexual harassment if they think that public exposure of the situation and mandatory punishment of the offender will follow. Often they will talk with the manager only under an agreement that no public action will be taken. (It is rare, in my experience, for a complainant to ask for any kind of retribution; nearly always this person simply wants the harassment to stop.)

□ The most serious aspect of almost all reported cases is the power relationship between the alleged offender and the offended person. (I believe that most sexual aggressiveness that occurs *outside* a power relationship is simply ignored or adequately dealt with by the offended party.) In any case, reports of harassment usually involve fear of retribution because of the supposed power of a particular group of coworkers or of a supervisor. In fact, most reported cases do involve a supervisor-subordinate relationship; hence, productivity is threatened.

#### Some practical approaches

I offer three recommendations for addressing these problems. First, complainants can be helped to help themselves. Second, such conflicts can usually be resolved most effectively through procedures designed to deal with all kinds of complaints, not just sexual harassment. Third, corporations should confront the issue of power differences in the troubled relationship.

An employer must give unmistakable signals that action will be taken against proved offenders, if the com-

plainant will agree, and also that proved targets of harassment will be protected from retaliation. But those who deal with offended employees should first explore the possibilities of helping them to help themselves when there is no proof and, of course, when the complainants prefer this method.

The sections that follow may be of special interest to offended persons whose companies do not yet have policies and structures to support them.

### What can the individual do?

Complainants must be willing to take action themselves in a rational and responsible way. To many people this may seem unjust since it appears to put a double burden on the offended person. This concern makes sense. But I recommend such action because it works and because nothing else really works as well.

Moreover, it helps offended persons to focus their anger outside themselves instead of becoming sick or depressed, which often happens otherwise. Finally, such measures may be the only way to obtain evidence for management (or the courts) to act on.

The aims of individual action are:

> To give the offended and offender a chance, usually for the first time, to see things the same way. Since neither person may have any understanding of how the other sees the problem, discussion may help. Entry of a third party at this stage usually further polarizes the views of the opposing persons.

> To give those who are wrongly accused the chance to defend themselves.

> To give those who are correctly, or to some extent correctly, accused the chance to make amends. (This may not be possible in serious cases.)

> To provide some evidence of the offense, since usually there is no substantive evidence at all. This step is vital if management or the courts must later take action.

> To give aggressors who do not understand what they were doing a fair warning, if this is appropriate.

> To provide the offended employee a chance to get the harassment stopped

without provoking public counterattack, experiencing public embarrassment, harming third parties, damaging the company's reputation, or causing the aggressor to lose face. In my experience, these points are almost always considered important by the aggrieved person.

> To provide offended persons a way to demonstrate that they tried all reasonable means to get the offender to stop. This step may be convincing later to supervisors, spouses, and others who become involved.

> To encourage ambivalent complainants, as well as those who have inadvertently given misunderstood signals, to present a consistent and clear message.

> To encourage those who exaggerate to be more responsible.

*Writing a letter:* One method that works quite consistently, even when many verbal requests have failed, is for the offended person to write a letter to the accused. I usually recommend a polite, low-key letter (which may necessitate many drafts).

The letter I recommend has three parts. The first part should be a detailed statement of facts as the writer sees them: "This is what I think happened. . . ." I encourage a precise rendition of all facts and dates relevant to the alleged harassment. This section is sometimes very long.

In the second part of the letter, writers should describe their feelings and what damage they think has been done. This is where opinions belong. "Your action made me feel terrible"; "I am deeply embarrassed and worried that my parents will hear about this"; "You have caused me to ask for a transfer (change my career objectives; drop out of the training course; take excessive time off; or whatever)." The writer should mention any perceived or actual costs and damages, along with feelings of dismay, distrust, revulsion, misery, and so on.

Finally, I recommend a short statement of what the accuser would like to have happen next. Since most persons only want the harassment to end, the letter might finish by saying so: "I ask that our relationship from now on be on a purely professional basis."

Someone who knows that he or she contributed to the problem does well to say so: "Although we once were happy dating, it is important to me that we now reestablish a formal and professional relationship, and I ask you to do so."

If the letter writer believes some remedy or recompense is in order, this is the place to say so: "Please withdraw my last evaluation until we can work out a fair one"; "I will need a written answer as to the reference you will provide from now on"; and statements of that type.

*What happens next:* The complainant should, if possible, deliver the letter in person to know that it arrived and when it arrived. When necessary, a plainclothes police officer, security person, or some other protector and/or witness should accompany the writer or be present when the letter is delivered. The writer of the letter should keep a copy.

Usually the recipient simply accepts the letter, says nothing, and reforms his or her behavior. Sometimes there is an apology, an astounded opening of discussion, or a denial. Rarely will the recipient reply in writing to "set the record straight." Nearly always, the alleged harassment stops.

Obviously, it is now more dangerous for the recipient of such a letter to harass the employee. The letter constitutes an attempt to settle the problem peaceably.

A good letter is useful if the complainant later feels the need to appeal to high-level management, especially if the writer can prove it was delivered. It can also, if necessary, constitute invaluable legal evidence. Such letters are usually enough to stop a mildly disturbed aggressor—for example, someone who importunes with sexual innuendo and suggestions for sexual activity.

Even if a written order or request to stop harassment does not succeed, in my experience the complainant is always better off for having tried to stop the offense in a direct and unambiguous way.

Finally, and possibly most important, taking action in this or similar

ways often has a powerful effect on all participants. Taut nerves relax as victims learn they can protect themselves. Insomniacs get needed sleep. Productivity improves.

Both persons are likely to feel better about themselves. Aggressors sometimes turn for help, through which their self-esteem may rise. They may also stop harassing people, thus sparing those who could have become victims; this often matters greatly to the person who takes action.

For all these reasons I strongly encourage persons who feel harassed to take action themselves if possible.

### Employer's role

By what I have said so far I do not mean to imply that employers should place all the burdens on those who are offended. Employers can and should encourage employees to take the measures already discussed. They may need to protect their employees from retaliation from a group of coworkers or a supervisor and also to offer strong emotional support.

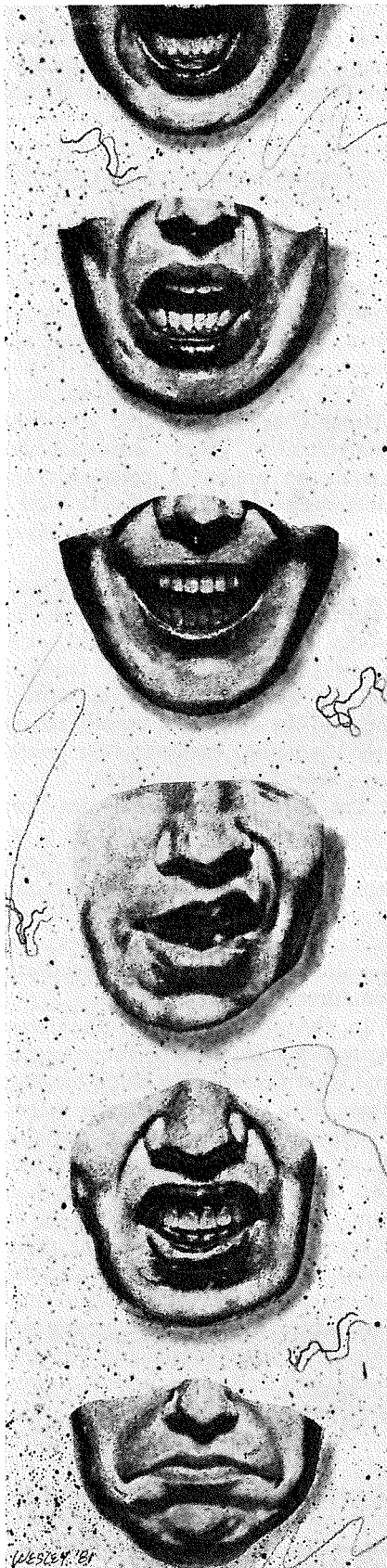
If significant evidence of wrongdoing is available, the employer may also wish to reprimand the offender, deny a promotion or raise, require attendance at a training program, or transfer, demote, or fire the offender.

What about persons who are too bewildered, frightened, or unsure even to write a letter? Obviously it helps them to talk things over, in confidence, with one or two responsible and supportive people.

If, as frequently happens, an offended employee is suffering physical consequences, such as anorexia, sleeplessness, or anxiety-induced pain, he or she may need medical help. Some victims will want to talk things out with a social worker, psychologist, psychiatrist, Employee Assistance person, or other company counselor, if such people are known to be discreet and supportive.

### Special measures

It often helps the offended person to keep a diary, a careful log of events



and feelings. This can serve to affirm the sanity of the writer, who otherwise may begin to doubt the reality of the situation, especially if coworkers are unaware or unsympathetic.

Writing in a diary will help to turn anger outward and will provide clues for responsible action by the offended person and by management. It can provide legal evidence as well. Keeping a diary may also resolve ambivalence ("Am I interested in him?") or demonstrate later one's lack of ambivalence to a doubting observer. A careful diary is always useful later if it seems wise to write a letter of the sort I described earlier.

Persons who feel victimized should do whatever they can to get together with others who will understand. Women's networks can help a great deal. If the company has no such structure, a woman should try to form one with the knowledge and approval of management. Management stands to gain from such groups since in-house women's networks usually give strong support to orderly and responsible change. Outside the workplace, there are compassionate and responsible organizations like the Alliance Against Sexual Coercion, the Working Women's Institute, and the National Commission on Working Women.

Cases of sexual harassment in which the complainant is a man are rare but especially painful. The typical offender is also male, and a male target often feels alone because he is too embarrassed to discuss his problem. As with most female victims, the principal problems for men may be to overcome bewilderment and the immobilizing effect of violent fantasies. They, too, need to muster courage and take action.

Here again, there is no substitute for discussing the problem with discreet, sympathetic, and responsible people. The man who feels sexually harassed should make every effort to find help. (Senior supervisors and commissions against discrimination are often helpful.) In the meantime, a male who feels harassed should keep a diary and consider writing a letter.

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## Effective complaint procedures

Sexual harassment problems have illuminated the general need for better complaint procedures. Union grievance procedures should be reviewed to see if they really work with respect to this class of complaints.

Companies should also have explicit general complaint procedures for employees not in unions. To deal adequately with sexual harassment, non-union complaint procedures must apply to employees and managers at every level. In my experience, the degree of sexual harassment is about the same at every level of employment. Studies show that many top managers are poorly informed about sexual harassment: usually people do not misbehave in front of the boss. It is not true, however, that sexual harassment is relatively rare near the top.

Nonunion complaint procedures should be as general as possible, admitting every kind of employee and every kind of concern.<sup>1</sup> Sexual harassment cases will represent only a small percentage of the problems brought in, but the grievance procedure will enjoy a better and wider reputation and will operate more effectively if it works well with every kind of employee concern. In such procedures, it should be unnecessary to give a label to every problem, especially a very controversial problem, before management can help.

With poorly defined and controversial problems like sexual harassment, mediation-oriented procedures work best, at least in the first stages; usually the first hope is to help people help themselves. Initial contact with the procedure must, of course, be completely confidential.

The complaint procedure should include both women and men, minorities and nonminorities, as contacts at some point in the process to ensure that different people feel free to come in. It is also essential to establish a

procedure for bypassing one's supervisor in a case where that person is the offender. Finally, nonunion complaint procedures should be okayed by the CEO or someone else near the top.

## The power relationship

Employers may find it helps in dealing with sexual harassment problems to confront directly the general issue of sexual relationships in the supervisory context.

Many people feel strongly that the private lives of employees have nothing to do with company business. However, sexual relationships in the context of supervision often present management with problems that affect company interests. This may be true even in the case of mutually consenting relationships.

When a senior person makes sexual overtures, a junior person may experience and allege coercion, exploitation, intimidation, and blackmail, and may fear retribution. Such reactions are common even when the senior person would be shocked to learn that the overtures were unwelcome. Neither sex can know for sure what the other experiences, and each is likely to misinterpret the feelings of the other.

Also, consenting relationships frequently break up. If the senior person then continues to make overtures, the junior person may complain of harassment. Then the senior person may be outraged, especially if he or she believes that the junior person "started it." The relationship may then disrupt the work environment.

Third parties sometimes complain bitterly about sexual relationships involving a supervisor. Spouses may be outspoken complainants; employees may resent real or perceived favoritism; and the morale of the senior person's subordinates may drop sharply. In consenting relationships that involve a junior person who is trading sexual favors for advancement, management's interests are jeopardized, especially if the junior person is not the employee most deserving of promotion.

Sexual relationships between supervisor and subordinate are frequently

very distracting to these two. Also, the existence of widely known consenting relationships sometimes encourages other supervisors to make unwelcome sexual overtures to other employees.

Some companies act on the principle that all sexual relationships between supervisors and their subordinates may conflict with company interests. Where genuine loving relationships do arise, the supervisor should be expected to take steps quickly to deal with the conflict of interest. Sometimes supervision of the junior employee can be transferred to another manager. Or the senior member of the pair might discuss the situation with management.

This kind of policy may serve another purpose. The supervisor who is a target of unwanted seduction attempts, as well as the employee who is unhappy at being propositioned, is often reluctant to hurt the other person's feelings. And often it may not be clear whether unwelcome sexual overtures should be considered harassment.

It can help in such situations for the beleaguered party to have a company policy to fall back on so that it becomes unnecessary to define a proposition as harassment or to tell someone that he or she is not an attractive partner. It is simpler to say, "We can't."

Finally, a company policy against sexual relationships in supervision may be critical to the success of mentoring programs for women. It is absolutely vital to the success of women that they be seen to advance on the basis of the quality of their work and that they receive the same guidance and sponsorship that men receive.

Successful mentor alliances require men and women to work closely together. Thus men must feel free to encourage and criticize the performance of women without innuendo from others and without provoking suspicion. Programs for advancement, for men as well as for women, can succeed only in an atmosphere where neither harassment nor the fear of it exists.

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1. For models of procedures, see Ronald Berenbeim, *Non-Union Complaint Procedures* (New York: Conference Board, 1980); also see Mary P. Rowe and Clarence G. Williams, "The MIT Non-Union Grievance Procedure: An Upward Feedback, Mediation Model" (Cambridge: MIT, 1980).