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## Sexual Harassment at the Workplace: Converging Ideologies

### **Abstract:**

*The present study endeavors to give a description of a famous case of sexual harassment at the workplace (Equal Employment Opportunity Commission vs. Mitsubishi Motor Manufacturing of America) and critique it in terms of its embedment of an intertwined relationship between two pervasive ideologies prevalent in our society: patriarchy and consumerism. By focusing on the favorable conditions, ways of resolution, and outcomes of the lawsuit, this essay approaches the organizational culture of Mitsubishi Motor Manufacturing of America through the lens of critical theory. Selective literature review on sexual harassment, as well as general coverage of the event by the media and the parties involved demonstrate the validity of the claim that this study has made.*

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When one saves a single soul, one saves the world.  
(New Testament)

People act. People convey their thoughts, feelings, interests, and power as they try to make sense of things. Seldom do they do that elsewhere than in social interactions. As our society becomes more and more work-oriented, often the most prevalent place for action and expression is the workplace itself. The constraints that an "appropriate work environment" imposes on coworkers are not always effective, in terms of their capacity to stop people from acting and expressing themselves in ways that prevent others from having the same opportunity. In fact, it is often the case that certain organizational settings encourage - whether consciously or not - situations of an ambiguous character to unfold.

One of the most controversial issues of our times, in terms of its status (legal and/ or managerial and/ or ethical), its favorable conditions, its ways of getting solved out, and its impact on people's lives at the individual, organizational, and societal levels is the concern for sexual harassment at the workplace. Facts tell us that the rates of sexual harassment incidences and cases of sexual harassment brought to the court increased significantly in the past decades. As it usually happens, it is when *naming* an experience becomes available that people start taking account of it. That does not mean that the experience itself did not take place before. But with the appearance of the name/ label, awareness of the situation itself also comes. When naming occurs, it is usually accompanied by definitions, however divergent those are. The terms in which a concept is being defined are always easier for people to identify and so they start making sense of previ-

ous experiences that they could not classify in earlier stages of their lives. Oftentimes, exaggerations occur: as individual perceptions vary drastically, the ways in which people recognize and/ or decipher the available definitions varies as well.

*Sexual harassment* is a concept that first appeared in the 1970s in the United States and, much later on, in 1986, broke its way in Europe through a case that was recognized as *illegal* in Great Britain (Collier, 1995). Perhaps more visibly than many other terms, *sexual harassment* created a possibility for both positive and negative effects on the society as a whole and on both individuals and organizations in particular. It was due to a widespread (and ongoing) range of definitions, which later on created a much broader area of connotations of their own, that people were able to recognize harmful experiences of that sort (and often bring them to court) at the time *when they actually happened*. But, in the same vein, it was due to the same ambiguity of the concept that misuse of power, proliferation of gender stereotypes, and sometimes even "workplace paranoia" (Zalesne, 1999) started to take place more and more often.

This study attempts to assess the event of the sexual harassment case filed by the U.S. Equal Employment Opportunity Commission (EEOC) against Mitsubishi Motor Manufacturing of America (MMMA) on April 9 1996, in terms of its organizational communication conditioning, management, and implications. By looking at various literature on the topic (sexual harassment at the workplace), this essay scrutinizes the event in terms of its legal, organizational, media, and public opinion coverage, and on those bases proposes that all the above concur in explaining the conditions, the processing, and the outcomes of a sexual harassment incident in general. By use of critical analysis, the present study aims at gaining access to the prevailing ideologies and dominant structures that allow, if not foster the proliferation of cases of sexual harassment at the workplace. Organizational usage of strategic ambiguity (Eisenberg, 1984) with regard to sexual harassment - both in terms of the concept's status (legal/ managerial/ ethical) and in terms of its proposed definitions - has a lot to do with the increased frequency of such incidences. The fact that outrageous cases of sexual harassment at the workplace do take place, regardless of the degree to which the term is being misused for various reasons, impose on organizations to avoid strategic ambiguity when it comes to this particular issue.

## Definitions, Perceptions, Attitudes - Is There More to It?

Ever since it has been introduced in the legal, organizational, and scholarly areas of interest, sexual harassment produced an overwhelming amount of literature. It would be off limits to even attempt to review it systematically and comprehensively. However, for the purposes of this study - and many other studies for that matter - a comprehensive literature review is not a desirable goal in the first place. What needs to be presented is the part of the existing literature that concurs in explaining the instance that this study focuses on. The implication of the above statement is that an enormous amount of research on sexual harassment is being deliberately and legitimately left aside (e.g., cases of same-sex sexual harassment, etc.). Zalesne (1999) points out that more and more victims of sexual harassment intend lawsuits to their perpetrators. This, in the author's opinion, is a positive thing, regardless of media's portraying sexual harassment as a "useful tool for disgruntled employees looking for a legal way to blackmail their coworkers or employers". Societal progress "to the point where sexual harassment is being taken seriously" - continues the author - is to be appreciated as the positive upshot of the abun-

dance of suits brought to the United States Supreme Court in the recent years. Therefore, it is important for people to know what legal options they have, before submitting such a case to the court.

According to DiLorenzo and Pharshbarger (1999), the law of sexual harassment originates in Title VII of the Civil Rights Act of 1964: "Title VII prohibits discrimination against an individual 'with respect to compensations, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin'. Although the statute does not expressly prohibit harassment, the courts eventually came to view sexual harassment as a form of sex discrimination" (p. 37). However, explain the authors, the specific conducts that stay for sexual harassment are still a problem of interpretation, as various cases continue to claim legitimacy by emphasizing different aspects that, in the victims' perception, constitute sexual harassment. If initially, as DiLorenzo and Pharshbarger note, sexual harassment conduct was narrowly defined as "only actual demands for sexual favors", the concept progressively evolved to include "any unwanted term or condition imposed on an individual's employment because of unwelcome conduct of a sexual nature" (p. 37).

Though the issue is still under discussion, two basic categories of sexual harassment are presently being recognized: (1) quid pro quo harassment and (2) hostile work environment. DiLorenzo and Pharshbarger proceed to explain the two categories:

The essence of a quid pro quo harassment claim is an individual's reliance upon his actual or apparent authority to extort or attempt to extort sexual favors from another employee by conditioning work-related benefits on sexual favors. To be actionable, the plaintiff must show that a term or condition of her employment was linked to her acceptance or rejection of sexual advances. A claim for hostile work environment harassment, in contrast, requires a showing that the workplace was permeated with a 'discriminatory intimidation, ridicule, and insult'. A hostile work environment is actionable only if the conduct is 'sufficiently severe or pervasive to alter the conditions of (the victim's) employment and create an abusive working environment'. (p. 37)

This long quotation is meant to show that, even in its more specific version, the law on sexual harassment is still ambiguous, whereas this ambiguity is often being used in organizational settings in order to talk victims out of intending lawsuits to their perpetrators. Moreover, the same ambiguity is the key to understanding the reinforcement of already extant power structures in organizations and in society upon the whole, among which perhaps the most pervasive is patriarchy.

According to Baugh (1997), proliferation of sexual harassment, despite the general agreement on its abhorrence and the various programs aimed at eradicating it from the workplace, is a result of gender divergence in perceptions on what constitutes sexual harassment, as well as an outcome of our society's propensity toward institutionalizing and legitimizing male perspectives on the issue. The most alerting upshot of this situation, argues the author, is that an attention-shift from the specific sexual harassment conduct that caused a victim (generally a woman) to file a complaint to the victim itself is being performed. The deeper meaning of the above consequence is that the foundations of patriarchy remain unquestioned in our society; moreover, the extant power structures get reinforced. Some of the specifics that ultimately discourage abused women to take action in such instances are organizations' responses to such protests. Organizations tend to view sexual harassment as a personal issue that one should be able to deal with on one's own, in order for both one's coworkers and her employers to even regard her as a "competent" colleague. Complaint about such cases *is still expected* to take place - since

organizations do want to be accountable under the federal law; therefore, the victimized woman *is expected* to be able to "prove" that the behavior that she complains about was indeed "unwelcome" (p. 904). The implication is that perception of the legitimacy of instances where such behavior is appropriate still prevails in a male dominated workplace. In such a working environment, sexual remarks and jokes are considered "natural" (p. 988).

However, at this point it has hopefully become overt that sexual harassment has multiple intricacies to display; ambiguity at the legal level, at the managerial level, and even at the individual level - with regard to people's perceptions - are all there. Research on sexual harassment at the workplace, as stated by Rogers and Henson (1997), has basically followed four directions: the extent of sexual harassment, labeling sexual harassment, responses to sexual harassment, and contributing factors to sexual harassment. Responses to sexual harassment, according to Piskorski (1993), present a striking conflict between the public policy favoring the resolution of the dispute at a managerial, local level, and the public policy against sexual harassment. Moreover, as the United States Supreme Court decided on certain conditions under which employers' liability under Title VII can be sustained (DiLorenzo & Pharshbarger, 1999), employers themselves are often torn within dilemmas: they have to have the company "comply with federal law requiring a workplace free of sexual coercion", but at the same time they may have to deal with abused employees whose perceptions of sexual harassment advise them not to file the case (Niven, 1992).

Research has also shown that it is usually men who initiate sexual harassment, and that the most frequent victims are women. At the same time, women tend to perceive as sexually harassing a broader range of behaviors than do men (Studd & Gattiker, 1991; Stokes, Riger, & Sullivan, 1995; Baugh, 1997). Management itself and internal gender distribution within organizations place a great deal of difference on the conditions that favor a sexual harassment environment. Fitzgerald, Drasgow, and Magley (1999) report that "harassment occurs less frequently in groups whose members perceive that the organization's upper levels will not tolerate such behaviors, as well as in more gender-balanced workgroups" (p. 330). A model proposed by Drasgow et al. (1997) backs, from a theoretical point of view, the results above, which are also confirmed by later studies (Hesson McNinnis, & Fitzgerald, 1997). On the contrary, there are cases where both managers and employers ignore sexual harassment at the workplace in principle; that principle becomes a sort of "cultural norm" (Folgero & Fjeldstad, 1995). However, there is general agreement on the fact that individual characteristics and organizational features interact in conditioning sexual harassment at the workplace (DeCoster, Estes, & Mueller, 1999).

Timmerman & Bajena's (1999) article is somewhat of a milestone in the research on sexual harassment, because it consists of a meta-analysis of current studies in Northern and Western Europe on the above issue. The authors suggest that special care should be taken when explaining differences in incidence rates or perceptions of sexual harassment as national or cultural differences. While it still holds true that organizational cultures do influence the above variables, in terms of sexualization of the work environment, tolerance of sexual harassment, social climate, and balancing work and personal obligations, this does not mean that a strong correlation between nationality/ culture and incidence rates and perceptions of sexual harassment explains cross-cultural differences. The authors conclude that organizational cultures reflect, at most, a certain degree of "national"/ "cultural" awareness of the issue, but do not stand for an accurate repre-

sensation of that country's/ culture's likelihood to experience certain rates of sexual harassment or to hold specific perceptions of it.

As the reviewed research clearly shows, sexual harassment constitutes an extremely complex issue. The most important thing about it, however, is that sexual harassment experiences are virtually in store for everyone. Perhaps that, if nothing else, could make people aware of the fact that "sexual harassment is made possible and condoned by all of us, including those who decry it as reprehensible. Analogous to institutional racism and sexism, sexual harassment may be institutionalized in our society, maintained by a much wider range of attitudes, values, behaviors, and traditions that we have recognized" (Tinsley & Stockdale, 1993, p. 2).

## The Case of EEOC vs. Mitsubishi Motor Manufacturing

When certain practices are traditionally and morally considered "wrong" in principle, measuring the "degree" to which they are so seems like a futile thing to do. However, the lawsuit that the U. S. Equal Employment Opportunity Commission (EEOC) filed on April 9, 1996, against Mitsubishi Motor Manufacturing of America, Inc. (MMMA) was unanimously regarded as "the largest sexual harassment case in the history of Title VII of the Civil Rights Act of 1964" ([www.eeoc.gov](http://www.eeoc.gov), September 2000). According to *The Auto Channel*, "EEOC charges that the Japanese automaker permitted an atmosphere that was hostile to women at their plant in Normal, Illinois, and that hundreds of women have been sexually harassed since 1990". As a response to 26 female workers' at MMMA filing private suits against the company in 1994, for "incidences of harassment, assault, and rape dating back to 1989", EEOC investigates the case for fifteen months, alleges that "as many as 700 workers may be eligible for damages", and finally intends a separate lawsuit to MMMA. The charge that MMMA had to confront reads as follows: "a pattern of egregious and pervasive sexual harassment and retaliation at Mitsubishi's Normal, Ill. Plant". After initially pursuing "an aggressive and coordinated effort . . . to discredit both this litigation and the EEOC", by having its employees protest in front of the EEOC's office in Chicago for a regular wage pay, MMMA started to be "interested in pursuing settlement discussions with EEOC". Eventually, the case was brought to an "end" by the parties' entering a Consent Decree on June 23, 1998. The settlement stated that MMMA voluntarily agreed to pay \$34 million to be "distributed among all eligible claimants" and "revise as necessary its existing sexual harassment policy and complaint procedure to ensure that it continues to encourage employees to come forward with complaints about violations of MMMA's Statement of Zero-Tolerance Policy and Equality Objectives". Further, the company agreed to provide mandatory sexual harassment training to employees, to be prompt in investigating and reporting future cases of sexual harassment at the workplace, and to subject itself to supervision by a three-person panel of Decree Monitors "to oversee the execution of the steps included in the settlement for the duration of the proposed Consent Decree". The Decree Monitors were to review MMMA's ways of pursuing the policies and the practices directed toward the maintenance of its Zero-Tolerance Policy and Equality Objectives, and were to complete their review and evaluation within one year after their appointment.

The same source states, in September 2000, that the monitors watching over MMMA's efforts to put up with the Decree eventually reported: "Mitsubishi is in compliance with the Decree, has sexual harassment in the plant firmly under control, and has made considerable progress in improving its systems for preventing such behavior

and dealing with it appropriately when it occurs". The monitors' committee consisted of Nancy B. Kreiter, Research Director of Women Employed in Chicago, George F. Galland, Jr., an attorney in the Chicago law firm of Minner, Barnhill, & Galland, and Joyce E. Tucker, formerly a Commissioner of EEOC and currently a member of the consulting firm of Tucker, Spearman, & Associates of Alexandria, Virginia. The Decree Monitors' 2000 report was based on their ongoing supervision of MMMA's management and extensive documentation provided by the company, and on their several visits at the location, during which they conducted extensive interviews with the plant employees and oversaw practices of sexual harassment training for both associate and supervisors. The monitors' report concludes that: "The challenge for (Mitsubishi) now is to institutionalize these systems (for preventing and dealing with sexual harassment) so that when the Decree expires a year from now, the company can continue the significant progress it has made".

The regional attorney in the EEOC's Chicago District Office, John C. Hendrickson, summarizes the "success" of the EEOC's intervention in this outrageous sexual harassment case as follows:

The test of success for EEOC in the Mitsubishi case has always been comparable to the two-sides of a coin. On one side was monetary relief to compensate for the harm done in the past. Thirty-four million dollars is the most ever in a sexual harassment case and surely counts as a major success. On the other side - equally important - is putting a stop to sexual harassment in the workplace itself, making a concrete change for the employees of today and tomorrow. The monitors are telling us that this kind of change is a reality at Mitsubishi. That, I believe, means that EEOC has had a real success here.

Created in 1965, EEOC is a legal institution aimed at enforcing Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin; the Age Discrimination in Employment Act; the Equal Pay Act; Title I of the Americans with Disabilities Act, which prohibits employment discrimination against people with disabilities in the private sector and state and local governments; prohibitions against discriminations affecting individuals with disabilities in the federal government; and sections of the Civil Rights Act of 1991. Since the 1990s, the Commission had to face the results of "a substantial boost in public awareness about discrimination and harassment at the workplace" - a significantly increased load of race and sex discrimination charges that it started to receive.

The pattern of the EEOC's dealing with such cases is the "consent decree" or the "settlement". Cases such as the 1991 discrimination based on sex lawsuit against AT&T Technologies (\$66 million), the 1998 sexual harassment case against Astra U. S. A., Inc. (\$9.85 million), the 1999 sexual harassment case against Tanimura & Antle, the country's largest lettuce grower and distributor (\$1.85 million), the 1999 racial harassment case against American Seafood Company (\$1.25 million), the 1999 racial harassment lawsuit against Woodbine Healthcare Center (\$2.1 million), and the 1999 sexual harassment case against Long Prairie Packing Co. (\$1.9 millions) are the EEOC's major achievements, which, at the same time, reveal its "preferred method".

However, focusing on the EEOC's patterns of legal action is not the purpose of this study. Instead, this essay aims at exploring the conditions that favored sexual harassment at MMMA's Normal, Ill. Plant, MMMA's dealing with the reported cases, both out of and in court, and the outcomes of the EEOC's intervention in the major sexual harassment case. All the above inquiries' results will count as evidence that MMMA's being ideologically grounded in patriarchy and consumerism is the very condition that gave birth

to a morally outrageous situation and, at the same time, the very explanation of the company's ways of dealing with it.

## When Patriarchy and Consumerism Join Hands

Inevitably, the inquiry on patriarchy and consumerism leads to a discussion of power. As stated by Shockley-Zalabak (1999), in its most general sense, power consists of "attempts to influence another person's behavior to produce desired outcomes. As such, power is a neutral term subject to positive use as well as abuse. The power process occurs through communication and is related to resources, dependencies, and alternatives" (p. 62). Critical theory questions power structures and reveals the ways in which abuses of power are being committed through the process of communication. The critical theory approach starts with the assumption that power is strategically embedded in organizational settings and that, through "legitimate controls" and proliferation of myths, its connected pervasiveness and, at the same time, invisibility create the conditions for hegemony: "Hegemony is a process of control based on a dominant group leading others to believe that their subordination is normal or the norm" (Shockley-Zalabak, 1999, p. 72).

For critical theorists, communication represents both the process through which power is being exerted and the means by which the conditions of domination can be brought out in the open, by focusing on the rules and the norms of the communication process itself, as they are being strategically made invisible by the power-holders. Shockley-Zalabak (1999) draws the attention upon the fact that "This 'legitimate' yet hidden exercise of power can contribute to the suspension of critical thinking" (p. 73). And, moreover, "the organizational structure itself represents how formal power is intended to work" (p. 248).

According to Tretheway (1997), from a critical theory point of view, organizational culture defines the unquestioned, pervasive, and sometimes abusive ideologies and power structures that secure privileged positions for certain groups within organizations. Critical approaches to organizational culture have an evaluative telos: they are aimed at revealing the ways in which certain ideologies "limit the social construction of reality by preventing other equally possible but not yet articulated conceptions of organizational realities from coming to fruition" (p. 215). However, as stated by Alvesson and Deetz (1996), "the pervasiveness of power relations makes them difficult to resist. Prevailing discourses are experienced as fact, which makes alternatives difficult to conceive of, let alone enact" (p. 630).

In the view of the above words, it becomes easier to understand the way in which the female employees' from the MMMA's Normal, Ill. Plant gesture of suing the company for sexual harassment abuses has been classified in the NOW news: "the women found a work environment fraught with harassment, discrimination, and abuse. Women workers claim that their workstations were sabotaged - causing equipment to malfunction and putting the women at risk of physical harm. Many complained of physical assaults and verbal abuse. It was so bad that the women at Mitsubishi *did the unthinkable* in a company town: they sued the company" (*italics mine*). Indeed, Shockley-Zalabak (1999) argues, sexual harassment conflicts are a rich soil for understanding that "many women and men have been culturally conditioned to believe many of the behaviors (characteristic in such incidences) . . . are normal and acceptable communication" (p. 249). Moreover, it becomes part of the organization's capacity - and even attributions - to further endorse

such misconceptions, for the sake of its own prosperity. Therefore, as has been stated about the sexual harassment case under study, the company treated the women's complaints like a public relations problem. In response to the recursive situation, Mitsubishi hired consultants to investigate, report on, and *prove* the company's commitment to diversity. Instead, points out the source, Mitsubishi "cannot fix their problems by simply writing new rules; they have to change their corporate cultures as well."

Shockley-Zalabak (1999) makes aware that "our perceptions of our own power and the power of others will influence the approaches we choose during conflict. Both the wise use and the abuse of power influence how communication occurs and what happens during conflict" (p. 248). Therefore, in sexual harassment conflicts, as both men's and women's perceptions are being marked by the pervasive ideologies of the organizational culture they belong to, their responses to conflict will be shaped accordingly. Men, as research on sexual harassment emphasized, tend to view a broader range of behaviors and language choices of a sexual nature as "normal" at the workplace, whereas women are more prone to regard this "normalcy" as abusive. Women's partial liberation from the dominant ideology that privileges men's voices and social constructions over their own in our society (patriarchy, as feminist research labels it) is clearly illustrated in their willingness to report and bring to court incidences of sexual harassment at the workplace. That has been the case with the women workers from the Normal, Ill. plant of MMMA. However, the dominant ideology, as reflected in the MMMA's organizational culture, was powerful enough to keep the workers silent for many years. As the literature review reveals, women face many obstacles in their encounter with such situations. They are expected to deal with the case on their own, their very "capability" being estimated as a result of how they manage to confront such "challenges". Further, as in a patriarchal society men's voices convey the legitimate "truth", women's reports of sexual harassment will not be taken seriously or believed. They will be regarded as "troublemakers who are jeopardizing the jobs of others" (NOW news). When female employees from Normal, Ill. decide to report the cases of sexual harassment they have been victims of, a "pattern" of such misconduct was already in place. Moreover, as patriarchy goes beyond the limits of MMMA's organizational culture, it took *several years* and *dozens of cases* to be reported in order for the EEOC to finally intervene.

As has been shown at an earlier stage in this study, MMMA's responses to the pattern of conflictual situations of sexual harassment were initially self-defensive. Patriarchy's lack of self-reflectiveness, backed by specific corporate interests, let to MMMA's sustained efforts to deal with the situation internally and to obscure workers' voices. Yet, at some point, the company had *to choose* between accepting the accusations and submit to the demand of offering the workers compensations for their mistreatment, in terms of money and policies/ training implementation, or having to face society's "unofficial" justice. Indeed, a major corporation such as MMMA functions in a "consumer-oriented" society; therefore, "consumers" can strategically boycott the company by taking the side of the law and ethics in cases such as the one under discussion. Seemingly, MMMA's decision to finally submit to the Consent Decree was based on business-related interests, rather than sensitivity toward the law and ethics.

Therefore, as I understand this case, it was because of one ideology (consumerism) that another (patriarchy) failed to put its mark on the situation any further. As NOW reports, "The Women-Friendly Workplace campaign is determined to make the corporate world understand that harassment and discrimination are not just bad business - they are

*bad for business* . . . All of us must use our *power as consumers* and as activists to demand justice for the Mitsubishi . . . women and for ourselves" (italics mine). However, in terms of the EEOC's intervention, as mentioned at an earlier moment, MMMA took serious steps toward creating and maintaining a workplace free from sexual harassment. MMMA's agreement to submit to the conditions of the Consent Decree in June 1998 has been characterized as a "win-win" choice. On the one hand, the law's prescriptions and the ethical standards of equity were finally being met. Moreover, "compensations" were offered to those who suffered from the lack of normalcy up to that point. On the other hand, the corporation "won" because, under the pressure of consumerist ideology, it could have otherwise run out of business.

Still, in the end a question imposes: how much of the above "resolution" carries the heritage of the two ideologies that defined the situational conflict in the first place? I suspect - without proof, and this is certainly a limitation of this study - that the very choices of compensation have a strong foundation in the patriarchic and consumerist ideologies. I believe further study in this direction would benefit the critical theory line of research on sexual harassment.

## Conclusion

The present study attempted to give a description of a famous case of sexual harassment at the workplace (EEOC vs. MMMA) and critique it in terms of its embedding an intertwined relationship between two pervasive ideologies prevalent in our society: patriarchy and consumerism. By focusing on the favorable conditions, ways of resolution, and outcomes of the lawsuit, this essay approached the organizational culture of MMMA through the lens of critical theory. Selective literature review on sexual harassment, as well as general coverage of the event by the media and the parties involved demonstrate the validity of the claim that this study has made.

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