



The casual workplace is making sexual harassment harder to identify—and stop



REUTERS/ROBERT GALBRAITH

New look, same old problem

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By **Vivian Giang**

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A lewd text in the middle of the night, disturbing comments made in the waning hours of some work event, offhand jokes about sexual escapades in company-wide emails—decades after the *Mad Men* era of patriarchal office etiquette, data suggests our more casual workplace may be making it difficult for some employees to identify and protect themselves against gendered harassment.

Take, for example, Ellen Pao’s closely followed lawsuit against venture capital firm Kleiner Perkins Caufield & Byers.

Pao’s lawsuit demonstrates how subtle prejudicial slights and double standards can lead to a hostile workplace, especially when said workplace does not have an HR process. The charges made against Kleiner Perkins Caufield & Byers are prosaic: Pao was excluded from a company ski trip because she was a woman, and told she needed to speak up more only to be subsequently told she was intimidating and too pushy. Pao’s case demonstrates that micro-iniquities—so common in today’s workplace—are hard to define and even harder to prove in the courtroom, but it also hints at a darker workplace problem.



REUTERS/ROBERT GALBRAIT

Ellen Pao arrives at court in San Francisco, California on Mar. 3, 2015.

A poll featured in *Cosmopolitan* is the latest example of this troubling trend, highlighting the extent to which employees—and presumably employers—do not understand what constitutes harassment: when researchers asked women whether they’d been sexually harassed in the office, 16% of those who said “no” changed their answer to “yes” when asked if they’d experienced “sexually explicit or sexist remarks” of any kind at work.

The poll, which included 2,235 full-time and part-time female employees and was conducted by SurveyMonkey, concluded that one out of three women between the ages of 18 and 34 have been sexually harassed at work.

Eighty-one percent reported incidents of spoken harassment while 25% said they received texts or emails that crossed the line, and 44% said that they had encountered unwanted touching and sexual advances.

The study also concluded that 71% of women who have been sexually harassed don't report it.

A slimmed-down management structure creates grey areas

Start-up culture in particular—with its emphasis on innovation and flexibility in management—may be contributing to this confusion. “It might be that you need that to get rid of the sort of traditional and entrenched types of structures to build companies that can move quickly,” Joelle Emerson, a former sexual harassment lawyer at non-profit women's rights organization Equal Rights Advocates (ERA), told Quartz.

“But companies need to be a lot more thoughtful about the balance ... while also keeping people happy and comfortable and safe and productive.”

Emerson, who left her role with the ERA in October to start Paradigm, a strategy firm which works with tech companies to foster better gender diversity, said companies will start seeing a lot of issues in the coming years if they don't adopt proper protocol.

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In their purest form, casual workplaces are designed to allow workers room to think freely and develop camaraderie with coworkers. But when personal and work life becomes heavily intertwined, it can be challenging to set the types of boundaries that Emerson says are important to keep employees safe.

“The use of technology plays a role too,” said Christy Holstege, a civil rights attorney and women’s rights activist based in Palm Springs, Calif. “Your boss is texting you and all of a sudden, you’re getting [texts] at 11 p.m., then late at night, then getting them all the time.”

Adding to these issues is a simple lack of awareness: employees, especially women, are struggling to delineate when an overbearing, insomniac boss becomes a harassing one

“When I talk to women, we know the lines,” says Holstege, who established a legal aid clinic for domestic violence survivors while at Stanford Law School. But too often that generalized awareness gets muddled when filtered through the lens of workplace power and politics.

“Damn, girl, look at that body”

Just ask Loren, an employee who experienced several instances of harassment in her new job last year, but remained

quiet due to worries that she might be overreacting. Before the harassment, Loren—who asked that we only use her first name for privacy issues—had left an influential staffing agency in NYC to work for a small tech one. She wanted the benefits of working with a smaller, friendlier team, she said.

Unfortunately, the very thing that appealed to Loren would soon result in her leaving to return to a larger firm. Before Loren’s first day as the only female recruiter in the office, two male co-workers Googled her name and discovered she had once been an NFL cheerleader; her old cheerleading photos were quickly circulated around the office. In one instance, Loren noticed pictures of her in a bathing suit from a calendar shoot displayed on a male co-worker’s computer screen. When she asked about the photo, one co-worker responded with, “Damn, girl, look at that body,” while the other asked Loren how much weight she had gained since the photos were taken.

“I didn’t know how to respond,” she recalled to Quartz. “I felt embarrassed. I packed up for the day and went home, didn’t tell my boss or anyone else where I was going.”

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Depressing? Yes. But based on both statistical and anecdotal evidence, Loren’s story isn’t all that rare.

Who could forget tech entrepreneur Gesche Haas’ horrifying tale of receiving a late-night message from a conference’s

angel investor that read, “Hey G. I will not leave Berlin without having sex with you. Deal?” Or the male co-worker who emailed her, “Take off your underwear, put it in a bag, and leave it on my desk.” Kathryn Minshew, co-founder of career advice site *The Muse*, was essentially ambushed by an amorous investor during what she thought was a business meeting. Meanwhile, career expert Heather Huhman has talked openly about being sexual harassed in not one, but two of her previous workplaces. On one occasion, Huhman reported a male co-worker after he followed her home. Although he was ultimately fired, the several months during which she waited for her complaint to go up the chain of command was terrifying, reported the *Huffington Post*.

“Women are very accustomed to experiencing some kind of harassment or discrimination in the world,” said attorney Holstege. “We’re used to street harassment, so when we hear our coworkers say degrading things about women, we just push them aside.”

Creating a safe environment takes work—literally

Knowing when to speak up is a difficult. Some of the women listed above worried that they were making mountains out of molehills. But just because the experience might not be fodder for a true crime episode doesn’t mean it’s not a serious issue.

Holstege encourages men and women to speak out about micro-actions, both for themselves and for their fellow employees.

“These minor actions can lead to a hostile work environment,”

she says. “When I’m street harassed, I try to share that with the world because people don’t understand how common it is.”



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Besides speaking out, employees feel harassed have several official options. The U.S. Equal Employment Opportunity Commission (EEOC) defines harassment in the workplace as severe or pervasive incidents that result in a work environment “that would be intimidating, hostile, or offensive to reasonable people.” Importantly, while women have filed the most sexual harassment claims with the EEOC (as of 2011, the latest data provided), 16% of those claims were made by men. In other words, sexual harassment victimizes both genders.

Whether the behavior is illegal or just uncomfortable, Holstege said it’s your right to take complaints to human resources or an attorney. If an incident does occur, Emerson advises documenting your case, checking out the company’s handbook (any companies without one is making a huge mistake), and telling your boss what you want in your complaint. Then file your claim with the EEOC, and seek counsel—even if you’re not planning on suing.

While sexual harassment in the modern workplace may have changed its outward appearance, it hasn’t gone away. And neither has its stigma. As companies around the world transition to increasingly fluid, casual environments, it’s vital

that they remember not to blur the lines lines between work, play and consent to do either.

Because whether it's soliciting sex in exchange for a promotion, or an unwanted message flashing across your phone in the middle of the night, harassment hurts everyone.