

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

Helen Deresky



Sexual Harassment And Labor Relations:

Sexual Harassment in the Workplace: Sexuality, social relations, and the workplace Alba Conte, 2010-01-01 The law of sexual harassment is constantly evolving and the number of sexual harassment claims is dramatically on the rise Sexual Harassment in the Workplace Fourth Edition is a comprehensive guide that provides all the information you need to successfully litigate a sexual harassment claim Sexual Harassment in the Workplace guides you through the relevant administrative and legal proceedings from client interviews to attorney's fees It discusses state and federal remedies available to maximize recovery including The development and elements of the claim Sample pleadings Discovery documents Reviews of actual cases Special attention is given to important topics such as Suits by alleged harassers Insurance indemnification Class actions And many others Sexual Harassment in the Workplace brings you up to date on the latest case law developments including the following A new checklist of items to cover when representing an employer The U S Supreme Court confirmed that retaliation is actionable under Title IX where a girl's high school basketball coach claimed that he suffered retaliation for complaining about sexual discrimination in the athletic program of the school even though he himself was not the direct victim Jackson v Birmingham Board of Education 544 U S 167 2005 In order to increase opportunities for mediation the EEOC expanded the charges eligible for mediation and now mediation is available at the conciliation stage after a finding of discrimination has been issued in appropriate cases The U S Supreme Court has held that under the Federal Arbitration Act where parties to an arbitration agreement include a provision that delegates to the arbitrator the threshold question of enforceability of the arbitration agreement if a party specifically challenges the enforceability of the entire agreement the arbitrator would consider the challenge If however the party only challenges the enforceability of the arbitration provision the challenge must be heard by a court Rent A Center West Inc v Jackson 130 S Ct 2772 2010 The lack of timeliness in filing a discrimination action is an affirmative defense and the burden of proof is on the employer Salas v Wisconsin Department of Corrections 493 F 3d 913 922 7th Cir 2007 A federal employee's premature filing of a sexual harassment employment discrimination and retaliation complaint did not constitute a failure to exhaust administrative remedies so as to deprive the district court of subject matter jurisdiction Brown v Snow 440 F 3d 1259 11th Cir 2006 A majority of states impose a shorter period for filing with their agencies though so the filing deadline is not always extended when a state has its own agency The "single filing rule" under which a party who has not filed an EEOC charge or received a right to sue notice may "piggyback" his or her judicial action on the claim of a party who has satisfied those prerequisites has been described as a "carefully limited exception" to Title VII's procedural requirements Price v Choctaw Glove and Safety Co 459 F 3d 595 5th Cir 2006 Provided that an act contributing to the claim occurs within the filing period the court may consider the entire period of the hostile environment for purposes of determining liability Jordan v City of Cleveland 464 F 3d 584 6th Cir 2006 The Supreme Court has held that a plaintiff's

timely filing of an EEOC intake questionnaire which was followed by an affidavit stating andquot Please force Federal Express to end their age discrimination andquot constituted a charge cautioning however that its permissiv **Sex Discrimination and Sexual Harassment in the Work Place** Lawrence Solotoff, Henry S. Kramer, 2025-02-28 This book covers such topics as the FMLA the development of sex discrimination and sexual harassment statutes glass ceiling and glass wall issues in professional and academic settings *Sexual Harassment and Labor Relations* ,1981 Report on labour relations aspects of sex discrimination sexual harassment issues in relation to employment opportunities affecting woman workers in the USA comments on labour legislation and Federal Court jurisprudence covers leading cases partic Bundy V Jackson harassment types grievance procedure employer liability management attitudes and trends and includes the texts of EEOC guidelines state legislation and executive orders Bibliography pp 95 to 98 **Principles of Leadership and Management in Law Enforcement** Michael L. Birzer, Gerald J. Bayens, Cliff Roberson, 2012-06-18 Effective police organizations are run with sound leadership and management strategies that take into account the myriad of challenges that confront today s law enforcement professionals Principles of Leadership and Management in Law Enforcement is a comprehensive and accessible textbook exploring critical issues of leadership within police agenci **Senior Professional in Human Resources (SPHR) Exam Practice Questions & Dumps** Books Fortune, Showcase the HR leadership recognition you deserve with the Senior Professional in Human Resources SPHR from HRCI The SPHR demonstrates your mastery of the strategic and policy making aspects of HR management as practiced in the U S The credential is designed for big picture thinkers responsible for planning rather than implementing HR policy Organizations seek out SPHR professionals for their proven accountability for HR department goals for breadth and depth of knowledge in all HR disciplines and for understanding business issues beyond the HR function Preparing for the Senior Professional in Human Resources SPHR exam to become an SPHR Certified by HRCI Here we have brought Exam Questions for you so that you can prepare well for this SPHR exam Unlike other online simulation practice tests you get an eBook version that is easy to read remember these questions You can simply rely on these questions for successfully certifying this exam **Sexual Harassment and the Law** Augustus B. Cochran, 2004 This is much more than a story of a single case It provides a panoramic overview of the role of work in women s lives a succinct history of employment discrimination law and a penetrating analysis of the evolution of our views of sexual harassment in the workplace Karen O Connor author of Women Politics and American Society After Vinson nothing was the same Cochran does a masterful job of setting the case in its historical context and exploring its legal impact Judith A Baer author of Our Lives before the Law Constructing a Feminist Jurisprudence Cochran is an exceptional raconteur and his book is comprehensive thorough and wonderfully forward looking Nancy Levit author of The Gender Line Men Women and the Law *Gender, Constitutions, and Equality* Priscilla A. Lambert, Druscilla L. Scribner, 2023-06-15 This book addresses whether the gendering of constitutions promotes women s equality The authors use a mixed methods approach to

explore how constitutional gender rights affect political processes and strategies legislative and judicial outcomes and ultimately women's equality. They employ a cross-national study by constructing a unique database of gender provisions in over 100 countries at three points in time: 1995, 2005, and 2015. Four in-depth comparative case studies on Argentina, Chile, South Africa, and Botswana trace the complex relationship between constitutional law, strategies, and policy change in four policy areas: family law, gender-based violence, reproductive rights, and employment rights. They argue that where egalitarian constitutional provisions are present, women's rights advocates can use them as a tool to fight gender discrimination and pursue policy changes that address gender-based power disparities. At a time when gender equality provisions are increasingly common in constitutional design, this book clarifies the mechanisms that link constitutional provisions to changes in process and outcomes while also systematically describing and analyzing the effect of gender provisions across countries and over time. *Gender Constitutions and Equality* will inform theoretical debates on gender and politics, law and social change, feminist institutionalism and constitutional design, and its effect on legislation and political strategies.

Sexual Harassment in Employment Investigator's Guidebook Marilyn I. Pearman, Mary T. Lebrato, 1984

New Zealand Employment Law Guide (2013 edition) Richard Rudman, 2013-07-01. The New Zealand Employment Law Guide contains practical and easy-to-read coverage of employment law together with precise references to statutory instruments and case law. It provides a comprehensive overview of an expanding and changing field of law as well as directions for further investigation of specific issues. The Guide discusses employment law from both individual and collective perspectives. It covers the law on employment relations, employment agreements, working hours, remuneration, disputes, grievances, termination of employment, health and safety, discrimination, and privacy. Significant decisions of the Employment Relations Authority and the courts are used to show how employment law is interpreted and applied in real life. A model individual employment agreement is included for readers to adapt to their needs, plus an outline collective agreement and the text of official codes of practice. This edition is based on the law in effect at 1 January 2013, together with key case decisions and developments in practice to that date.

Sexual Harassment and the Law in Africa Furaha-Joy Sekai Saungweme, Carol Chi Ngang, Graham Towle, 2024-03-19. Written by a team of experts from legal, forensic, and policy backgrounds, this book presents new research into sexual violence and harassment across Africa. This first of its kind book foregrounds the work of African scholars and presents careful research analysis and case studies that consider sexual harassment from legal, socio-economic, and cultural realities. It highlights the importance of laws around sexual harassment in Africa, the intersectional challenges it poses to women in the workplace, and the role of the feminist movement in Africa to hold perpetrators accountable and give voice to survivors of sexual harassment. The book forms part of a broader African-driven research initiative on sexual harassment and the law and is written in partnership with the Africa End Sexual Harassment Initiative (AESHI). It also explores the need to focus on best practice benchmarks for Africa and also learning from developments in Africa. Timely and relevant, the book will be of great

interest to legal and policy academic scholars professionals and activists working in the fields of gender policy forensic psychology and NGOs It will also be useful reading for postgraduate students of law gender studies political science and African studies **Comparative Labor Law Journal** ,1991 **Sexual Harassment and Labor Relations** ,1981
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