Women and Hostile Work Environments: Representations of Sexual Harassment in *North Country*

By Julia Maldonado ‘12
Communication Major
How legislation have traditionally impacted women

- Legislation that apply more directly to female citizens often contain purposeful vague wording or have loopholes that further restrict rights.
  - Ex. equal pay, reproductive rights and sexual harassment

- Women are not equally represented in the legislative branch of government
How have women dealt with Sexual Harassment in particular?

✧ Does not have a clear, concise definition
✧ Always questions
  ✧ as to what a “reasonable woman” considers offensive
  ✧ what the tone or context of the act was
  ✧ whether the woman vocalized her discontent with the offensive comment or gesture
  ✧ whether there were witnesses who can testify on her behalf
  ✧ what evidence is available

Catherine MacKinnon

✧ Prominent feminist, lawyer, activist
✧ Participated in consciousness raising groups
✧ The maltreatment from which women suffered at work as another “problem with no name” (Author Susan Cluck Mezey)
  ✧ in reference to the phrase that Betty Friedan coined in The Feminine Mystique to talk about unsatisfied housewives in the mid-20th century
✧ Wrote Sexual Harassment of Working Women: A Case of Sex Discrimination
  ✧ Sexual harassment a women’s experience and a form of sex discrimination.
Sexual Harassment in Law

- Prior to 1964, sexual harassment *could* constitute unlawful discrimination within the meaning of the Equal Protection Clause of the 14th Amendment and other relevant statutes.

- However, *without language that clearly defined* sexual harassment, it was still difficult to claim that the clause was directly applicable.
Sexual Harassment in Law

✧ Title VII of the Civil Rights Act of 1964
   ✧ Legally protected citizens who were being discriminated against and maltreated on an unfair basis

✧ Even so, most cases primarily involved minorities and people of different religions, once again overlooking women
Challenges facing working women

辐射
- Getting hired
- Glass ceiling that prevented their upward mobility
- Discrimination from their superiors and male co-workers
  - targets of unwanted sexual advances
  - offensive remarks or jokes that degraded them to sexual objects or incompetents
  - Received less pay for same work
Presenting evidence

✧ Most women recounted personal stories and experiences during their testimonies
  ✧ were rebutted, discredited, defeated
  ✧ predominantly male judges based their conclusions on assumptions that the female employee had
    ✧ encouraged or initiated the advances
    ✧ had brought advances upon herself by her attractive looks and dress.

Early Court Decisions…

…went against female plaintiffs

✧ Courts cited sex as an unreasonable claim for discrimination
✧ Demotion or firing not attributed to sex
  ✧ instead refusal to engage in sexual activity with employee(s)
✧ Requests for sexual relations, the courts stated, were situations that merely related to personal conduct and not to a female’s work conditions.
Finally, Success in Court

- Between 1974 and 1977, five sexual harassment cases
  - Only one case ruled in favor of the female plaintiff.

- Williams v. Saxbe, 413 F. Supp. 654 (1976), was the first case to succeed in a federal district court
  - declared a link between a supervisor’s conduct and a victim’s employment status
  - Found that the plaintiff had made a legitimate claim of sex discrimination.
Next Major Victory in Court


✧ Five female students of Yale University, with help from MacKinnon

✧ First use of Title IX

✧ “Quid pro quo” by male professors was denying women the right to an equal education.

✧ They confronted the university about the absence of sexual harassment policies and procedures

Supreme Court Victory


✧ Garnered a lot of attention for going before the U.S. Supreme Court and explicitly dealing with sexual harassment

✧ Mr. Sidney Taylor’s actions— not uncommon in other firms— constituted sexual harassment, and violated Title VII of the Civil Rights Act of 1964.
Context for film *North Country*

✧ In 1974, nine of country’s largest steel companies sign “consent decree” with

Equal Employment Opportunity Commission (EEOC)  
U.S. Department of Justice and Labor Department

which required them to hire 20% women & minorities, and give them $30 million in back pay
North Country (2005)

✧ Fictionalized account of female miners who benefitted from consent decree

✧ Their case was based on *Jenson vs. Eveleth Taconite Co.* 824 F. Supp. 847 (1993)

✧ Film takes place in 1989, 14 years after the EEOC addressed inequalities between the sexes
  ✧ Males to females = 30 to 1 at Pearson (in film)
Josey Aimes

Played by Charlize Theron

✧ Mother of two, battered wife in abusive marriage
✧ Finds well-paying blue collar job at Pearson’s Mining Company
✧ Josey and women endure a double bind

A typical day at Pearson’s
A typical day at Pearson’s
A typical day at Pearson’s
A typical day at Pearson’s

- Includes:
  - derogatory names smeared on the walls in their locker room
  - porta-potties flipped on them
  - unwelcomed touching
  - other acts of hate

- Conscious of sexual discrimination that plagues the mines, Josey becomes representative of the feminist perspective.
Women of Pearson’s


http://www.hotflick.net/pictures/005NCY_Michelle_Monaghan_011.html

http://www.hotflick.net/pictures/005NCY_Michelle_Monaghan_015.html
Addressing the Sexual Harassment

✧ Josey confronts CEO of the company
✧ He responds with his solution to her problem…
Solutions

✧ Pearson’s: Josey’s resignation

VS.

✧ Josey’s: Sue the company
Attorney Bill White

✧ Warns Josey of the dangers of suing the company on her own
  ✧ defense attorney will likely use a technique known as “nuts or sluts” in the courtroom

✧ He advises her to band the females together and file a class action lawsuit.

Played by Woody Harrelson
Class Action Lawsuit

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- Women could support Josey’s statement
- Present their experiences regarding the same issue
- Make case difficult to dismiss.

- The real women of the Mesabi Iron Range won their case in court and received
  - a modest financial settlement
- but most importantly
  - a sexual harassment policy that would protect them and all the women who came after them.
How Sexual Harassment is depicted in mainstream news

✧ Dominant perception of this issue: female victims as individuals who want revenge on employers, or fame at their expense

✧ Sympathy for powerful male public figures who are put in the spotlight by women who have “wrongfully” accused them of abusing their power.

✧ Popular case: Anita Hill accused Supreme Court nominee Clarence Thomas
  ✧ served as much as a media spectacle as they did as forum to raise awareness about gender discrimination
  ✧ However, it pinned the woman against the man
Conclusion: “a woman’s struggle” vs. “women’s struggles”

✧ As aforementioned, sexual harassment has been a reality for women, even though it was not yet labeled as such, long before any legal suits addressed it.

✧ The policies put in place are a result of class action, and the perseverance of women of the second wave of feminism.


