

The work site at a shipyard contained many pornographic posters and calendar photographs, some of them quite raunchy. The work force was overwhelmingly male (only 3 females in a work force of approx. 100). Many of the male employees indulged in profanity directed at woman in general, but not specifically directed to the three women ship welders. They also, indulged in frequent profanity of a sexual nature aimed both at men in general, and at particular male workers. There was never any unwanted physical contact of a sexual nature, and the women were never told that promotions, raises, or continued employment depended upon granting sexual favors. One of the women complained about the pornographic posters and calendars on two separate occasions. On the second occasion she took her complaint ultimately to the company vice president in charge of the entire shipyard, who declined to take any action on it. .

Was the Company guilty of sexual harassment for refusing to order the removal of the pornographic photographs and calendars? If so, why? If not, why not?

MODERATOR'S ANSWER: The company was guilty of sexual harassment for allowing the conditions in this case to exist. The fact that profanity of a sexual nature was directed at men as well as women doesn't affect this conclusion given the overwhelmingly male composition of the work force. The pervasive presence of pornography, combined with the sexual profanity aimed at women clearly communicated a strong message that women were not welcome. Sexual harassment includes more than unconsented to conduct of a sexual nature and offers or threats that make sexual favors a condition for hiring or advancement on the job. It also includes situations that clearly constitute a hostile work environment for women.

Case from the March 6, 1997 Intercollegiate Ethics Bowl. Copyright Robert Ladenson, Center for the Study of Ethics at the Illinois Institute of Technology, 1997.