

**EARNING A LIVING**

# Sexual Harassment at Work

19<sup>th</sup>-21<sup>st</sup> centuries

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## ABSTRACT

Sexual harassment at work is difficult to define, for it is sometimes seen as a characteristic of emotional abuse or violence in general and sometimes as a specific entity unto itself. The workplace emerges as a specific locale for the exercise of violence and power, as demonstrated by the problem of sexual harassment. In the face of this phenomenon, different European countries have organized a series of attempts to respond to the problem, essentially in the form of regulatory law.



Insults, sexist jokes, pornography, touching, physical aggression...sexual harassment can take different forms, including at work, and should be seen as part of the broader social resistance to female labour. During the nineteenth century, in most European countries, wives were required, pursuant to civil codes and later to employment law, to have their spouse's authorization to work. In this context, sexual harassment in a work environment amounted to a "*droit du seigneur*," an abuse of sexual power, one that was exercised particularly as women became a part of salaried staff. While the latter entailed obligation and submission, it also enabled new forms of emancipation from patriarchal and family guardianship, hence the fight of feminists against sexual harassment, in an effort to help women acquire financial independence in dignified conditions.

## **Struggles for dignity**

From the end of the nineteenth century, certain parents feared the supposed promiscuity and immorality of factories and placed their daughters in convent-factories, such as the Jujurieux silk convent in the Ain department, which was founded in 1835. While there, they were subjected to harsh discipline, and were paid only an allowance. Elsewhere, in the face of sexual pressure and blackmail, female solidarity became organized in the late nineteenth century, structured essentially around collectives and a shared experience of work. Women went on strike in industrial production workshops against abuses of power and the "authority" of the employer, foremen, or male colleagues. This was the case in Germany during the major strikes of 1880 that Clara Zetkin (1857-1933) commented on in *Die Gleichheit* [Equality], which denounced the "double standards" that turn a blind eye to male sexual behaviour, while condemning the least variance on the part of women. In Limoges in 1905, the Haviland porcelain factory went on strike after a female labourer was fired for refusing the advances of a foreman; work resumed when he was fired. In Austria, the Social Democratic militant Adelheid Popp (1869-1939) denounced "the hunting" suffered by young women in the workshop in her *Youth of a female worker*. This same hunting was also recounted by the unionist Suzanne Gallois (1898-1992), in connection with the hosiery industry in the Troyes area during the 1930s.

## **The workplace, a specific location for violence committed against women**

Marked by the rapid transformations of the organizational forms taken by work during the twentieth century, sexual harassment took its place within the wider problem of violence committed against women. The various explorations on the subject in Europe since the late twentieth century agree that the nature of such behaviour was intentional for the actor, and "undesired" for the victim. There are nevertheless differences between countries regarding the description of undesired behaviour, which was not mentioned in legislation in Spain, the Netherlands, or Sweden, as opposed to other countries, such as Switzerland. These differences reveal the relative difficulty in defining sexual harassment, as well as the practical problems raised by interpreting legal texts within the complex context of concrete situations. Definitions of sexual harassment are usually part of general texts promoting gender equality or the fight against discrimination and violence. Sexual harassment gradually became inscribed in law in various countries, and more rarely as part of penal codes: France (1992, 2002, and 2012), Belgium (2002), Spain (2007).

A European study in 2014 estimated that 68% of women in England have been the victim of sexual harassment at work, as opposed to 35% in Austria and 32% in Portugal, thereby revealing work as a specific place for the exercise of violence against women.

## **The influence of Community law on sexual harassment at work**

Beyond the relative difficulties of establishing an etiology of sexual harassment at work, a series of questions emerged through greater awareness of the problem of social relations at work and between genders. This aspect was developed in particular by feminist associations; for instance, in France, in 1985 the sociologist Marie-Victoire Louis (born in 1945) co-founded, in connection with her research, l'Association contre les violences faites aux

femmes au travail (AVFT), which became a European association in 1990. Undeniable progress was initially limited to the implementation of measures promoting gender parity, the presentation of formal definitions for sexual harassment, and sexism in companies.

In fact, it was advances in Community law (Council Resolution of 29 May 1990 on the Protection of the Dignity of Women and Men at work, Commission Recommendation of 27 November 1991) that brought about advances in the prevention of sexual harassment at work at the national level. Legislation primarily included the three elements of discrimination, dignity, and hygiene and security; it defined sexual harassment as undesired behaviour with a sexual connotation expressed physically, verbally, or non-verbally, with the effect of harming a person's dignity, and in particular creating an intimidating, hostile, degrading, humiliating, or offensive environment.

While during the 2000s most European countries enacted legislation on emotional and sexual harassment in the workplace (European Directive of 2002, European Framework Agreement of April 26, 2007 on harassment and violence at work), recent clinical research on the workplace emphasizes the special characteristics of sexual harassment, which tends to be obscured by the importance given to emotional harassment at work. The latter has been made popular by the expression mobbing, which has made sexual harassment one form of violence among others inflicted on employees at work. Identifying behaviour that can be characterized as sexual harassment in the workplace is the subject of debate, for which national law in different parts of Europe does not provide an identical response. For example, in Sweden or Germany, laws refer to behaviour of a sexual nature, whether it is expressed through blatant behaviour such as touching, verbal remarks, or exposure to pornographic content. Other states have adopted more limited legislation, such as Spain or the United Kingdom, which do not include non-verbal behaviour as a distinctive element of sexual harassment.

Media coverage of the frequency of sexual harassment—especially on the web (#balancetonporce and #metoo)—notably in the fields of politics, academia, the hospitality industry, and the arts in both Europe and the United States (the Weinstein affair), reveals that analysis of sexual harassment can be blurred by the exciting aspects of sexuality that burst forth on the professional scene. The comprehension of sexual harassment at work cannot, for all that, be reduced to an individual approach, but should rather be restored to the context of organization at work, and the upholding of relations of domination. For example, the implementation of professional defences, structured by references to virility and opposing fear, shame, or injustice, are regularly accompanied by deprecation of the “feminine,” vulnerability, and suffering of others, which characterize the positions most often assumed by women and “minorities.”

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