



Napolitano 'Frat House' Claims, and the Issue of Harassed Males

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Claims of harassment by males—directed at both male and female superiors—continue to grow. Allison Yarrow reports.

With the American workforce majority female for the first time, and the number of women in management jobs having doubled between 1983 and 2002, the number of harassment and discrimination suits filed by men has also shot up. More women in power, it seems, means more complaints about women abusing it.

The issue received broader attention this week when reports emerged about two separate suits filed by federal agents alleging that Department of Homeland Security Secretary Janet Napolitano has created a hostile work environment for men. The two suits complete with colorful details about a “frat house” workplace where female supervisors played “sexually charged games” “intended to humiliate and intimidate male employees,” shaming them and passing them over for promotions—came amid a spike in sexual-harassment claims under Napolitano’s leadership.

While the merits of those claims have yet to be determined, they hint at a broader national trend, as the proportion of male-filed sexual-harassment claims has nearly doubled in the past two decades, rising from 9 percent to 16 percent, according to the Equal Employment Opportunity Commission, which receives and can litigate complaints. In addition to seesawed gender dynamics as more women attain leadership roles, new employees, particularly in large companies, are more attuned to what constitutes harassment and discrimination thanks to trainings instituted in the late '90s, according to Juhu Thukral, who lead sexual-harassment trainings as a fellow at Equal Rights Advocates, a legal nonprofit serving women and girls.

Past a more gender-diverse workplace, the rise in complaints happen as office romance has enjoyed a revival. More people meet spouses or partners at work than in past decades, and more young workers anticipate office dating. A recent study found 84 percent of millennials said they would “engage in romance with a coworker,” compared to just 36 percent of Generation Xers. Many companies enforce dating bans among the ranks, especially superior-subordinate relationships, for fear of future discrimination or sexual-harassment charges, says Suzanne Lucas, who worked in human resources for large pharmaceutical companies for a decade and now blogs at [EvilHRLady](#).

Legal claims of discrimination and harassment usually center on sex to achieve Title VII protections preventing gender-based employment discrimination, but what behaviors qualify aren't always clear-cut and there are no federal protections for gay workers.

But even more than sex, work issues are rooted in unequal power dynamics, says Kathleen Peratis, a lawyer at Advocates for Workplace Fairness. “We *hope* that women are better at exercising power than men are, that they are more collaborative and sensitive,” she says, adding that it is unrealistic to expect women won't be subjected to the same temptations to pervert newfound power as men.

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While cases alleging women bosses harassed male underlings have remained rare, two large national companies recently settled suits in which men charged female supervisors with sexual harassment. In 2011, eyewear giant Lenscrafters paid an employee \$192,500 and incorporated “female-on-male” harassment education into its company policy after his supervisor physically and verbally assaulted him, and filed a retaliation claim. Regal Cinemas awarded \$175,000 in damages to a male plaintiff in 2009 after the EEOC proved a male employee was “subjected to a sexually hostile workplace” by a crotch-grabbing female superior.

Despite increased awareness about female-on-male sexual discrimination and harassment, men who have faced a hostile work environment still have “humps to get over,” says law blogger and senior fellow at the Cato Institute, Walter Olson. “Men are seen as weak for resorting to a complaint in the first place.”

Since male complaints remain relatively rare, they can face skepticism, says Thukral. A “sense that men can handle it, or that women aren't as likely to abuse power this way” still persists in work environments, she says, and adds that it can be challenging and uncomfortable for men who suffer abuse to come forward.

Among escalating harassment claims filed by men are those filed against men. While the EEOC does not tabulate the genders of alleged perpetrators, the organization estimates a large number of men's claims are not aimed at women,

but against male colleagues and supervisors. Olson describes three “subcategories” of male-filed harassment complaints he says are most common. The first alleges “same-sex harassment,” and while the EEOC has pursued a number of these cases, experts say this type is easily stigmatized.

“I think there’s an assumption which is not necessarily true that same-sex claims have grown out of consensual relationships that went wrong,” says Peratis.

The second variety Olson says can be found in “blue-collar industries” that can promote hazing of new hires. This harassment or discrimination claim hinges on frat house–style “sexual humiliation” rather than sexual desire. The seminal case decreeing that sexual harassment occurs between members of the same sex is *Oncale v. Sundowner Offshore Services*, in which an oil-rig worker won a suit against his former employer, who allowed physical and verbal abuse against him to persist. The Supreme Court established for the first time that same-sex harassment and discrimination was protected by Title VII.

Olson says a “less well-developed area” is the third type of male claims: hostile work environment. Olsen gives the example of superiors creating a distasteful or “dirty” office culture by bringing in strippers, or lining the walls with sexually offensive posters. “Logically there should be some men, religiously devout or with the kind of attitude for which something like this deeply offends,” he says.

While women have often brought hostile work environment cases, Olsen predicts this category “will sooner or later get a notable case in it” brought on by a man.

Proving the existence of a hostile work environment is a thorny task that requires witnesses and ideally a phone or email trail. Gender discrimination is much more straightforward than harassment, because it usually involves salary or position and is therefore data-driven, says Lucas. She says a company can more easily mount a defense against salary disparities, but harassment is a different bird with plenty of legal and practical issues yet to be worked out.

“Anytime you get into a harassment issue, it’s one person’s word against another’s,” says Lucas.