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Sexual Harassment Case: Lois E. Jenson v. Eveleth Taconite Co

Introduction

In spite of widespread publicity pertaining to the dangers of sexual harassment, countless surveys present that businesses in the United States are yet to respond to the issue. Furthermore, news reports suggest that sexual harassment has reached the highest levels of the organization management. Despite businesses having the knowledge of sexual harassment existence, managers and higher officials tend to feel uncertain on how to go about it and what to do when such situation arises.

Accordingly, the risk of employer accountability continues to dominate in the workplace. Failure to adopt an aggressive and pro-active stand on the problem may lead to expensive lawsuits as well as loss of worker morale, reduction in productivity, and degradation of the organization's image.

Businesses need to obtain an understanding of the whole issue of sexual harassment. The need to take into account the troubling statistics behind a frequently concealed issue, the legal grounds accessible to victims, and the present trends in the law and the methods in which companies can defend themselves are all vital. The main objective of this federal code is to stop sexual harassment in the workplace.

Jenson started working at Eveleth Taconite Co. in March 1975. Together with other female employees, Jenson endured a nonstop stream of conduct from male workers, such as sexual harassment, threats, abusive language, intimidation, and stalking. In 1984, Jenson sent a mail to the Department of

Human Rights in Minnesota in which she expressed her complaint. She outlined all the problems she encountered. After a week of making such move, Jenson' tires were hacked. In 1987, the agency asked Ohio-based partner owner of the mine to pay Jenson US\$6, 000 in punitive damages and \$5, 000 for mental anguish. However, the company refused. In 1988, the company lawyer, Paul Sprenger, filed a case against Jenson and Kosmach. In 1992, Jenson stopped working at the mine after diagnosed with PTSD (Post-Traumatic Stress Disorder). A liability trial started and the court ruled that the company should have averted the misconduct the soonest time possible. The company was told to educate their workers concerning sexual harassment.

The Law

The law on sexual harassment stipulates the following: " Harassment on the grounds of gender is a violation of section 703 of title VII. Unwanted sexual advances, demands for sexual favours, and other physical or verbal demeanour of a sexual nature makes up sexual harassment when - (1) obedience to such behaviour is made either implicitly or explicitly a term or situation of an individual's work, (2) compliance to or refusal of such behaviour by a person is used as a ground for employment choices distressing such individual, or (3) such behaviour has the objective or effect of adversely affecting the individual's job performance or constructing an intimidating, aggressive, or unpleasant working environment." When it comes to respect to dealings between fellow employees, the employer is accountable for sexual harassment in the business, company, or organization where the employer is aware or must have been aware of the conduct,

except it can show that it took instantaneous and suitable corrective action. The employer may also be accountable for the actions of non-employees, with regards to sexual harassment of workers in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the behaviour and is unable to take speedy and proper corrective action. In studying these cases, the Commission will take into account the degree of the employer's control as well as other legal accountability which the manager may likely have pertaining to the behaviour of a non-worker of the company.

The Decision

Although the court was aware of the sexual harassment that took place, and the company was asked to pay for it, the case took long to come finally into its conclusion. During the whole trial, the final verdict ended up stating the amount of money to be paid to the victims. There was no mention about the offenders and the punishments that should be rendered to them. The case took ten years to achieve its conclusion and ended up with the company providing the fee for the damages brought about by sexual harassment in the workplace.

Analysis

Sexual harassment is contradictory to the law of the land thus it will never be permitted or tolerated. Eveleth Taconite Co should have been more aware that unwanted sexual advances, needs for sexual favours, as well as other physical or verbal behaviour of a sexual nature institute sexual harassment when a work decision distressing that individual is created because the

person rejected or subjected to the unwelcome behaviour; or the unwanted behaviour excessively delays a person's work presentation or creates a threatening, unfriendly, or offensive work environment. Behaviours, including conditioning promotions, training, awards or other work benefits upon recognition of unwelcome engagements of a sexual act, are considered wrong.

Sexual harassment is a type of sex discrimination that would not have happened if not for the gender of the individual. The impacts of sexual harassment differ from individual to individual and are dependent on the sternness and period of the nuisance. Sexual harassment is a form of sexual attack, and victims of stark or lingering sexual harassment can undergo similar psychological impacts as rape victims. Further, sexual harassment creates pollution in the working environment.

Eveleth Taconite Co should have also been more aware that the financial impacts of sexual harassment are likely to be severe, particularly when the worker does not have enough rules and complaint measures in place.

Monetary harms to fatalities of sexual harassment encompass loss of wages due to constant taking sick leave or taking a leave without pay or as an outcome, termination or transferal of employment. The financial damages of sexual harassment that employers suffer are tremendous yet this too affects the global economy. Absenteeism, ill condition, premature retirement, reduced productivity, and reduced job satisfaction become increasingly high. The company should have educated its employees about the negative impacts of sexual harassment in the workplace.

Sources

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