

Should the pin-up
photographs and
calendars have been
taken down



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1. Should the pin-up photographs and calendars have been taken down?

Why or why not? Why might a supervisor deem it necessary to do so?

This author's opinion is that the pin-up photographs and calendars should have been taken down. But it would have been more prudent to communicate to employees why they would be taken down. A simple reason could be that personal pin-up photographs and calendars, or any other personal poster for that matter, are not allowed in the workplace as an employer's rule. The workplace is after all, the employer's property. It may also be argued that the pin-up photographs and calendars create a sexually hostile environment for women, as it did for Barbara Hill. A woman is not expected to work in a sexually hostile work environment when she takes a job where most of her co-workers are men. She has the right to work in an environment free of sexual harassment and she is entitled to work where female employees are not made uncomfortable because of their gender (IET, 2002).

These may be the very reasons why the supervisor decided to take down the pin-up photographs and calendars, as well as shared Barbara Hill's views regarding them. The supervisor may have believed it in his power or authority to take down the offensive materials.

However, although according to Chambers (2001), sexually suggestive or explicit photos can be used to support a hostile environment claim, he also contends that hostile environment law involves disparate treatment, not disparate impact. Funk (2001), therefore argues that there is no judicial support for prohibiting graphic representations in the workplace as long as no gender is was made to feel inferior or treated differently.

2. Should employees be permitted to voice their opinions at work even if

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other employees find them misguided or offensive? Does the right to free expression outweigh the right to a non-hostile working environment?

According to Standler (2000), the First Amendment to the U. S. Constitution establishes freedom of speech in the USA but this freedom has limitations.

Only the government is prohibited from restricting speech. Private corporations are free to censor speech of their employees. Therefore, employees in private industry have no legal rights to freedom of speech.

That being said, an employer is well within his right to restrict employees from voicing their opinions at work, especially if other employees find them misguided or offensive. Sutherland (2003), further states that the employer has a duty to restrict the employee's speech if it violates the anti-harassment or anti-discrimination laws, or if this is in retaliation against another employee for exercising legal rights.

Since it has already been established that there are employees have no rights to free expression in private industry, what is arguable and would weigh more are rights of employees to non-hostile working environments.

References

Chambers, H. L. (2001). Hostile environment law restricts sexually themed pictures. Retrieved 11 November 2008, from <http://lists.ucla.edu/pipermail/conlawprof/2001-July/007707.html>

Funk, B. (2001). Hostile environment law restricts sexually themed pictures. Retrieved 11 November 2008, from <http://lists.ucla.edu/pipermail/conlawprof/2001-July/007710.html>

IET-Interactive Employment Training. (2002). Sexual remarks and pin-ups.

Retrieved 11 November 2008, from <http://www.hrtrain.com>

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com/video/gui_sexualrem.html

Standler, R. B. (2000). Freedom of speech in USA for employees of private companies. Retrieved 11 November 2008, from <http://www.rbs2.com/freespch.htm>

[com/freespch.htm](http://www.rbs2.com/freespch.htm)

Sutherland, K. (2003). Freedom of speech in the workplace: The first amendment revisited. Retrieved 11 November 2008, from <http://library.findlaw.com/2003/Sep/30/133065.html>

[findlaw.com/2003/Sep/30/133065.html](http://library.findlaw.com/2003/Sep/30/133065.html)