

Workplace Discrimination in America - What's Next?

Article By:

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Although sexual harassment apparently has long been a part of American life, the pervasiveness and long-term impact on women in particular became apparent in 2017, the year of #MeToo.

The Golden Globe Awards in January solidified that this movement is creating change. The stirring speech of Oprah Winfrey at this awards show watched by some 20 million people around the world left no doubt about that - "What I know for sure is that speaking your truth is the most powerful tool we all have. And I'm especially proud and inspired by all of the women who have felt strong enough and empowered enough to speak up and share their personal stories. ...This year we became the story. But it's not just a story affecting the entertainment industry. It's one that transcends any culture, geography, race, religion, politics or workplace."

In what started as a few women telling their painful stories of being groped, feeling backed into a corner at their place of employment with an insensitive boss, being exposed to unwanted and uninvited sexual behavior has now grown into a movement that became the front page of Time magazine's cover story - naming the brave women who have spoken out as Persons of the Year. And it's not just the Taylor Swifts, Alyssa Milanos, Megyn Kellys or Ashley Judds of the world. So many women - from those in the corporate world trying to achieve their professional goals, to those trying to earn money in a much-needed job for their families - came forward to tell their stories in what they described as a crude world that could later lead to disbelief or shame. Many started to bring lawsuits to air the details and further legitimize and memorialize what happened to them in an effort to make the workplace safer for everyone.

And that is what it takes for many to stop the harassment and to help put some sort of closure on what could be a single incident or a series of unacceptable, illegal behaviors. Many people in high places already have lost their jobs following serious accusations - NBC anchorman Matt Lauer, Hollywood mogul Harvey Weinstein, celebrity chef Mario Batali and actor Kevin Spacey, to name a few. Even three U.S. Senators were forced to step down from office amid allegations of sexual harassment either on the job or prior to taking office, leading even the most senior members of Congress scrambling to figure out how to handle this nationwide problem. Former U.S. Attorney Eric Holder helped to lead an internal investigation into the corporate culture at Uber following sexual harassment accusations of an engineer in a male-dominated environment. That led to many changes at the company including the ouster of its CEO and more than 20 other employees. It appears that people in some high places may have taken on a feeling of entitlement, and that may include taking advantage of their position to act out sexual deviancies.

The attention given to this issue of discrimination at the workplace apparently has triggered companies to enforce more than mere lip service to sexual harassment. Mandated anti-harassment training programs on proper language and conduct is being conducted with sincerity, and rules are being enforced instead of being ignored. Specific guidelines for dealing with complaints are being drafted. Most importantly, those in authority have decided that there must be accountability for the actions of their employees while in the workplace, and a zero tolerance rule must be enforced. The tragedy of it is that it apparently took decades to realize that this conduct has always been wrong because thousands of lives have been ruined in the meantime. Countless promotions or more efficient work productivity by harassed individuals has been lost. The worst is the impact on the harassed individual herself in what Time magazine described as "the emotional and psychological fallout from those advances. Almost everybody described wrestling with a palpable sense of shame." This illegal conduct cannot go unnoticed any longer. Society needs to be cleansed of these unacceptable actions so everyone can feel safer.

The time for ethics committees is over. Now is the time for action. As the Time magazine story put it, "Indeed, the biggest test of this movement will be the extent to which it changes the realities of people for whom telling the truth simply threatens too much" - or "these people "now have a voice."

The challenge for some who wish to be vindicated in a court of law is the lack of financial resources to bring a lawsuit. A Go Fund Me effort called the [Time's Up Legal Defense Fund](#) has raised more than \$15 million as of this writing to help those who require such assistance. Some law firms are handling certain of these matters on a contingency fee basis - the equalizer for those "Davids" of the world who need to fight the "Goliath" corporations.

As Winfrey put it so well: "[W]e all know that it is the insatiable dedication to uncovering the absolute truth that keeps us from turning a blind eye to corruption and to injustice." That is where the civil justice system shines and will help right these wrongs.

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