

http://www.privacy.gov.au/publications/05annrep_print.html

Otlowski, M. (2001), 'Employment Sector By-Passed by the Privacy Amendments', *Australian Journal of Labour Law*, vol. 17, pp. 1-9.

Primedia (2006), *Media Announcement: Privacy Commissioner publishes case notes 5-9 for 2006*, Primedia Email list, 28 April.

Privacy NSW (2004), *Submission to the Australian Government Discussion Paper on Information Privacy and Employee Record*, 29 April.

Steinke, G. (2002), 'Data Privacy Approaches from US and EU Perspectives', *Telematics and Informatics*, vol. 19, pp. 193-200.

Victorian Law Reform Commission (2005), *Workplace Privacy Final Report* [http://www.lawreform.vic.gov.au/CA256902000FE154/Lookup/Privacy/\\$file/Privacy%20Final%20Report.pdf](http://www.lawreform.vic.gov.au/CA256902000FE154/Lookup/Privacy/$file/Privacy%20Final%20Report.pdf)

Case Law

Actuff v. IPB, Inc., 77 F. Supp. 2d 914 (C.D. Ill. 1999).

Australian Broadcasting Corporation v Lenah Games Meats Pty [2001] HCA 63; 185 ALR 1.

Grosse v Purvis, [2003] QDC 151,

<http://www.austlii.edu.au/au/cases/qld/QDC/2003/151.html>

Smith v Pillsbury (1996, 64 USL W 2564, 131 Lab. Cas. P 58, 104, 11 IER Cases 585) http://www.kentlaw.edu/classes/rstaudt/internetlaw/casebook/smyth_v_pillsbury.html

Contributed Article

Fighting Back: Workplace Sexual Harassment and the Case of North Country*

Paula McDonald and Sandra Backstrom**

Abstract

Sexual harassment in the workplace has been documented as a widespread and damaging phenomenon. Less well examined, however, are the tactics used by perpetrators to inhibit outrage about the harassment or the counter-strategies which can be used by women to oppose these tactics. This study, using the framework of backfire theory (Scott and Martin 2006), explores how a victim opposed sexual harassment in the film North Country (2005). In the course of her employment, the main character in the film, Josie Aimes, and her female co-workers, were subjected to systematic and brutal sexual harassment ranging from name-calling to physical sexual assault. Consistent with backfire theory, the analysis revealed five specific strategies used by the perpetrators to inhibit outrage: cover-up, devaluation, reinterpretation, intimidation and use of official channels, as well as anti-harassment strategies that attempted to make these tactics backfire. The findings have implications for educating and empowering women to actively stand up to and oppose sexual harassment in the workplace.

Introduction

Although sexual harassment in the workplace has been documented as a widespread and damaging phenomenon and a serious social issue for some time, the problem continues to occur across a wide range of industries, occupations and locations. Sexual harassment costs organisations hundreds of millions of dollars per year in lost productivity and decreased efficiency (Faley et al. 1994). Prevalence rates vary across studies but are generally in the range of 20 to 50 percent (Crocker and Kalemba

* This and the next article are based on a paper presented to a conference on 'Work, Industrial Relations and Popular Culture' held on 25 September 2006 at Griffith University, Southbank, Brisbane

** Queensland University of Technology

1999, Gutek et al. 1990, Human Rights and Equal Opportunities Commission 2004, Illies et al. 2003). A number of negative outcomes of workplace sexual harassment have been documented, including job dissatisfaction, absenteeism, job turnover, low self-esteem and elevated stress (Kauppinen-Toropainen and Gruber 1993, McDonald, Backstrom and Dear, forthcoming; Schneider et al. 1997). The behaviours associated with sexual harassment include threats or coercion which are linked to tangible job benefits and/or those which involve unwelcome sexual conduct that interferes with an employee's work, including unwelcome sexual and comments, unwanted looks or gestures and unwanted touching or physical contact (Brant and Lee Too 1994, Halson 1989, Terpstra 1997). The processes and outcomes of legal and regulatory responses available to victims in Australia and elsewhere have also been well documented (see Human Rights and Equal Opportunity Commission 2004; Samuels 2003).

Numerous theoretical perspectives have been put forward to explain the socio-cultural and organisational factors which underpin the phenomenon of sexual harassment in the workplace. Recently however, a supplementary explanation of specific yet typical behaviours associated with sexual harassment has emerged. Known as backfire theory (Scott and Martin 2006), this perspective conceptualises the tactics used by perpetrators and associated anti-harassment strategies that can be used by targets. Whilst the framework has been applied to a few examples of sexual harassment as well as a number of other social problems, the extent to which the framework is relevant in countering sexual harassment in a range of different work contexts requires greater empirical attention. This study aims to extend previous work in the area through the application of backfire theory to a detailed and complex case of sexual harassment depicted in the film *North Country*. Based on the true story of the first class-action legal case of sexual harassment in the United States, the movie is well placed to explore the role of backfire because it depicts entrenched harassment against a group of women in the course of their work and a range of responses from the women themselves. The study will address the relevance of backfire to a realistic case by categorising the various behaviours used by harassers to intimidate their targets and inhibit outrage in an iron mine where the film is set. It will also identify counter-tactics used by the female targets and their supporters that express and intensify outrage against the sexual harassment. The paper will conclude with potential applications of the framework more broadly.

Why does Sexual Harassment Occur?

Explanations of why sexual harassment occurs have been numerous and contentious. For example, natural attraction-biological forces or physical attraction explanations

(Tangri et al. 1982) suggest that sexual harassment is a 'natural' occurrence when men and women work side by side. Another theoretical perspective is that learned or conditioned behaviours lead to harassment in organisations because the behaviours are in accord with existing societal sex-role definitions (Terpstra and Baker 1991). Still another explanation suggests that organisational structures make sexual harassment possible because they encourage or tolerate abuses of power (Schwartz Tangri and Hayes 2000). Finally, feminist theories contend that sexual harassment is intentional behaviour designed to maintain a position of power (Farley 1978, Gutek 1985, Terpstra 1997).

While the natural attraction and organisational power positions have received little empirical support in the literature (Crocker and Kalemba 1999), studies applying the sex-role spillover theory have found that it explains some kinds of milder forms of sexual harassment (Padavic and Orcutt 1997). Feminist theories that focus on power relations as a central feature have become a more widely accepted explanation of the problem, however, at least in the academic literature (Cockburn 1991; Samuels 2003; Wilson and Thompson 2001). The power component also arises in the differentiation of sexual harassment from other forms of harassment (e.g., harassment on the basis of race or disability) in that it accounts for the unequal levels of authority and control between men and women (Samuels 2003). That is not to say that power dimensions of sexual harassment have been uniformly accepted across the literature. Indeed, the perspective has been criticised on a number of levels, especially in identifying the active ways in which women influence sexuality in the workplace (see Wilson and Thompson, 2001 for a review of these critiques).

Backfire Theory and Sexual Harassment

To oppose sexual harassment, it is useful to understand tactics commonly used by perpetrators (Scott and Martin, 2006). Building on Langelan's (1993) framework, which was developed from women's self-defence and non-violent action theory, backfire theory proposes that if an action is perceived as unjust, or violates social norms, and information about it is communicated to receptive audiences, it has the capacity to cause outrage and consequently backfire on the perpetrator (Scott and Martin, 2006). Backfire identifies five tactics that are used by perpetrators and suggests ways in which these tactics can be countered by victims. The robustness of the framework has been demonstrated in a variety of case studies, including police beatings (Martin 2005a), censorship (Jansen and Martin 2004), defamation (Martin and Gray 2005), dismissals of academics (Martin 2005b), labour disputes (Smith and Martin 2007), corporate disasters (Engel and Martin in press), war (Martin 2004) and torture (Martin and Wright 2003). Most recently,

the framework has been used in an analysis of a high-profile, US-based sexual harassment case involving Anita Hill and Supreme Court judge Clarence Thomas (Scott and Martin 2006).

The first tactic used by harassers to inhibit outrage is cover-up. This behaviour involves reducing risk by operating out of the public eye and on a one-on-one basis. The tactic is often utilised in societies where sexual harassment is stigmatised. An apparently effective counter-tactic to cover-up, according to previous research, is to confront the harasser, inform (or threaten to inform) co-workers or simply to stand up and oppose the harassment (see Bingham and Scherer 1993, Firestone and Harris 1997, Langelan 1993).

The second tactic is devaluation (Scott and Martin 2006). Devaluation involves accusations of inviting attention or labelling targets in derogatory ways, for example as sluts, poor sports, frigid, humourless and hypersensitive. Rumours may be spread about the target's sexual behaviour or orientation. Gruber et al. (1996) refer to this behaviour as 'subjective objectification' and suggest that this type of harassment includes inappropriate questioning about a woman's sex life and spreading sexual rumours.

The third tactic described by Scott and Martin (2006) is reinterpretation. Perpetrators attempt to construe their actions or comments as being friendly, innocent or misunderstood. They may also reinterpret the target's response as reciprocating or encouraging their behaviour, thereby construing the harassment as normal, acceptable or understandable.

The fourth tactic used by harassers to inhibit outrage is to thwart the procedures of an official channel (Scott and Martin 2006). Targets of sexual harassment may attempt to use these channels to voice their disapproval or seek redress. But internal grievance procedures and courts which deal with allegations of sexual harassment are often not effective in stopping the harassment or providing adequate compensation because they

are procedural, often being driven by technicalities rather than substantive issues; they are slow, allowing outrage about events to decline with time; and they rely on experts such as lawyers; they can be expensive in time, effort and money; and they often keep the issue behind closed doors rather than opening it to wider scrutiny. For these reasons, official channels give an advantage to those with more resources and staying power (Scott and Martin 2006, p. 113).

Thus, it is not surprising that using formal channels as a successful counter-tactic

is dependent on perceptions that the complaint will be taken seriously and that the prevailing policies will support a fair outcome (Hulin et al. 1996, Rowe 1996). The onerous and difficult nature of engaging in formal procedures also means that the burden remains primarily with the person experiencing the harassment, thereby allowing organisations to absolve themselves of knowledge about such behaviours and of changing the structures which support harassment in the first place (Firestone and Harris 2003).

The fifth and final tactic used by perpetrators of sexual harassment is intimidation/bribery (Scott and Martin 2006). This tactic is implemented by threatening targets if they speak out or complain about the harassment, or alternatively, by offering them benefits or rewards if they remain silent or comply with the behaviour. This tactic is consistent with Terpstra's (1997) description of *quid pro quo* harassment where a tangible reward or punitive consequence results from either speaking out or remaining silent. McDonald et al. (forthcoming) found that around 10 percent of the 350 cases they examined were consistent with this definition of *quid pro quo* harassment. In this study, coercive rewards for remaining silent included pay rises, promotion, financial bonuses and the increased availability of work hours. Threats associated with speaking out about the harassment included job loss, withdrawal of annual leave, reductions in pay or work hours or threats of having their lives 'made difficult'.

This study will identify the extent to which these five tactics are used by perpetrators in the film *North Country*, the counter-strategies used by the targets, and the effectiveness of such strategies in causing the perpetrators' tactics to backfire. Though the film is a dramatisation designed to appeal to a wide audience, it is a useful case to explore the potential range of specific behaviours associated with sexual harassment because it portrays the complexity of relationships, organisational structures and cultures which often characterise sexual harassment.

Methods

Sample Case

The film *North Country* was produced in 2005 and was directed by Niki Caro. It is rated MA15+ due to its explicit sexual content and its running time is 116 minutes. It is based on the true story of Lois Jenson, who fought the first class action lawsuit for sexual harassment against Eveleth iron mine. The drama follows the main character, Josie Aimes (played by Charlize Theron), who returns to her hometown in Northern Minnesota in the late 1970s after a failed marriage. Needing to support two children as a single parent, she turns to the predominant source of employment in the region, the iron mines, which have provided a livelihood for

the people of the community for generations. The work is physically hard, but the wages are relatively high due to a strong union presence. Soon after beginning work at the mine, Josie is subjected to increasingly hostile and brutal sexual harassment by male employees. Josie realises that her female co-workers have also been systematically harassed, but have not retaliated against the practices.

Procedure and Analysis

The film's content was analysed against the framework developed by Scott and Martin (2006) described previously. The tactics used by the men in the mines were thus coded as cover-up, devaluation, re-interpretation, use of official channels or intimidation/bribery. The content was further explored for other tactics which were not consistent with the a priori framework.

Counter-strategies in each of the five areas which were used by the women to oppose the sexual harassment were also coded and relevant quotations which illustrated these themes were noted. In order to enhance validity, both researchers independently viewed the film's content and categorised the different behaviours depicted. They then compared these analyses and resolved any differences in findings.

Results

Relevant Contextual Information

The context in which the harassment occurred is an important background of the film's themes. The Eveleth iron mine, like many traditionally blue collar work environments, was clearly and poignantly portrayed as the cultural bastion of men. Affirmative action legislation introduced in 1974 forced steel companies to employ 20 percent of their workforce as women and minorities. Female workers, from the beginning of their employ, were subject to blunt and open hostility and brutal messages that they should not be competing for scarce jobs nor doing the work of men. This perception was partly due to the nature of the dirty, physical work itself, such as driving and operating heavy machinery, which was thought to be highly unsuitable for women. The negative treatment of the women miners was also associated with the protected conditions and well-paid status of the jobs themselves, which provided a 'living wage' and standard hours in an otherwise job-starved and struggling small town in America. Thus, all employees at the mine were heavily reliant on the income the mine provided and had few other alternatives available to them. Union activity was an integral component of the story line and the pay and conditions associated with jobs at the mine rested heavily on this collective bargaining power. Thus the issue of women doing

traditionally men's jobs, in addition to the relatively higher wages they earned in the process, was a dual threat to most male miners who did everything in their power to force the women out.

Tactics to Inhibit Outrage

Cover-up. Cover-up is a tactic designed to avoid exposure and several examples of this were evident in the film. For example, after Josie was physically attacked by one of her male co-workers, she confronted him in the lunch room. His response was to encourage his colleagues to provide an alibi for him so that the altercation became a case of 'he said, she said'. Another tactic designed to cover up the abuse was also evident in the way Josie's female co-workers remained silent about the harassment. Female employees were aware that threats of more serious reprisals were made each time Josie attempted to speak to management about the abuse. Consequently female employees felt unable to unite to speak out against the intimidating harassment.

The very public act of mounting a legal case was a clear strategy which sought to make cover-up tactics backfire. Before seeking legal redress, however, Josie attempted to speak out within the organisation by approaching the management committee, headed by the CEO. She expected support from the CEO, who had been previously civil to her and attempted to present her case rationally and thoughtfully. She was shocked to discover that not only was she silenced when she attempted to tell her story, but that the meeting was intended to get her to offer her resignation. Although the other women initially refused to testify against the perpetrators in court and counter the cover-up (understandably because they wanted to keep their jobs and feared even worse intimidation), at the end of the movie, many of them eventually spoke out.

Devaluation. Another tactic designed to inhibit outrage is devaluation, which reduces the credibility of the victim. Her male co-workers labelled Josie 'emotional' and a 'slut' at several points in the film. Furthermore, her male boss described her in the courtroom as highly emotional and as regularly making 'mountains out of molehills'. The film confirmed that the typical legal defence in cases of sexual assault was to devalue the victim. During the trial, the defence's case rested on evidence which attempted to portray her as having a promiscuous sexual history. Early in the movie, when Josie's prosecuting lawyer did not want to take on her case, he described the potential law suit as a 'nuts or sluts defence', meaning that the defence counsel would try to prove that the plaintiff was either mentally deficient ('nuts') or sexually promiscuous and therefore asking for it ('sluts').

Another devaluing tactic used by defence counsel was an insinuation that Josie

was a poor performer in her job and someone who should spend more time looking at her own work performance and less time mounting legal cases. She was also devalued by defence counsel as a 'welfare mother'. The negativity associated with Josie's status as a single mother with two children was fuelled when Josie initially gave evidence that she did not know who the father of her oldest child was. This argument was effectively countered, albeit with consequences for her privacy, when it became apparent that her first child was the result of being raped by her former high school teacher. Testimonials by others that Josie was not a sexually promiscuous woman were also effective in countering this devaluation tactic.

Reinterpretation. Another tactic used by the perpetrators of the sexual harassment was reinterpretation, meaning the provision of an alternative explanation for the event. The women's negative reaction to the intimidation was often reinterpreted by the male miners as lacking a sense of humour or 'misunderstanding' their intentions. The numerous statements made throughout the film by the male miners that women should not be holding scarce mining jobs also served to reinterpret the harassment as being justified and deserved. Further, the company contributed to this reinterpretation via its structures and procedures, which actively devalued women. For example, there were no portable toilets available outside of the main building and, as one woman stated to the union representative group, 'I've got women with bladder infections out there'. The toilets were eventually installed, but several male co-workers locked one of the female miners inside one of them and tipped it over so that she became covered in sewerage and toilet chemicals. Another example of punitive company policies for women was that before a female could be employed, she had to be subjected to a gynaecological examination and pregnancy test by a male doctor. Later, while on the stand in court, Josie was asked by the defence lawyer whether or not she had submitted to the examination willingly. This tactic served to reinterpret a coercive, embarrassing and highly unusual pre-employment test as a consensual procedure.

Josie attempted to make these reinterpretation tactics backfire by showing flaws in the alternative perspectives and by continuing to assert that the harassment was hostile and punitive. Despite being initially discouraged to pursue her claim and not having the support of her female co-workers or her family, Josie went ahead with filing her formal grievance. She also withstood much public humiliation during the initial stages of the legal case. But she was eventually supported publicly by her father, a fellow mine employee, who attested to her good character and legitimate position as a mine employee.

Official channels. The use of official channels or formal processes is another tactic which is designed to inhibit outrage amongst potential supporters. This tactic was

depicted several times in the movie. The manager of the mine who condoned and actively colluded with the perpetrators of the harassment 'briefed' the CEO (Mr Pearson) before Josie met with him at a management committee meeting. This meeting was extremely one-sided and gender-imbalanced (all committee members were male) and large power differentials in organisational hierarchical terms were clearly evident. Josie's counter-tactic of appealing to management to do something about the abuse was extremely unsuccessful, because although she had expected the support of the CEO, who had been previously civil to her, his condescending and unsupportive response served only to entrench the harassment even further.

In another scene, at a large union meeting where around 90 percent of attendees were men and where the 10 percent of women sat at the back of the room, Josie was silenced by ridicule, crude comments and obscene heckling from the crowd. Although the smaller union representative group was less hostile to Josie than the larger group of union members and may have offered a potential conduit for support, the only female member became terminally ill and the remaining male members were not motivated to take a stand against the behaviour. The use of official channels by the harassers to inhibit outrage backfired only when Josie's father, previously unsupportive of her stand against the company and its employees, stood up to address the crowd at the packed union meeting. He supported his daughter and agreed that what was happening in the mine was wrong and that his male co-workers should be ashamed. This suggests that the use of official channels may only be effective with a powerful or respected ally who is willing to oppose the majority.

Media publicity depicted in the film was another example of the use of official channels to counter sexual harassment. Reports of Josie's legal case did eventually reach the newspapers and this served as an effective backfire strategy to promote outrage amongst the general public and subsequent support for the victims. It was also a counter-tactic which could have had a potentially greater impact if used earlier, but with Josie's chequered history of being in violent relationships and as a single mother of two children, this avenue was also a risky one and potentially exposed her to further devaluation in the wider community.

Intimidation. The final tactic described in backfire theory is intimidation or the threat of reprisals. When Josie started to voice her objections to the low-level intimidation such as the use of crude language and 'jokes' such as finding a plastic penis in a lunchbox, the men increased the seriousness of the harassment in response. Many male employees who were not active perpetrators contributed to the intimidation by colluding with the perpetrators and condoning the behaviours. The inference

was that this escalation had occurred before because Josie's female co-workers attempted to silence her, fearing that the situation was likely to worsen.

This willingness of the female miners to remain silent in the face of serious intimidation can be accounted for by the learned helplessness model. Dansky and Kilpatrick (1997) suggest that sexual harassment is a situation where victims learn that all attempts, either active or passive/avoidant, to end the harassment are futile. Experiencing no connection between responses and outcomes leads targets to tolerate the harassment, as well as to feel helpless and depressed and to experience loss of self-esteem as a result (Dansky and Kilpatrick 1997). Indeed, the harassing behaviours progressed to smearing faeces on the female change-room walls and full-blown physical and sexual attack on Josie and some of her female co-workers. The intimidation was very effective in silencing Josie's female co-workers, thereby preventing a robust class action which had a good chance of resulting in compensation. The judge ruled that five women were required to mount a legal claim, and it was not until right at the end of the movie that most of the women found the courage to provide evidence.

The only evidence of counter-tactics against intimidation portrayed in the movie was Josie's persistence in speaking out against the harassment. At any stage in the onerous process from confronting the harassers one-on-one to pursuing a class action in a legal forum, it would have been easier to back down, remain silent and acquiesce in the culture of entrenched harassment for the long-term. Only through sheer doggedness and persistence over a 10-year time-span did the intimidation backfire and eventually result in both compensation for the victims and a permanent change in organisational policy and practices.

Discussion

The five tactics, described in backfire theory, that are used by perpetrators of sexual harassment to inhibit outrage (Scott and Martin 2006) provided the framework for exploring a detailed case of sexual harassment depicted in the film *North Country*. Despite the atypical nature of the case examined here in terms of being high profile and having a legal focus, the study does provide further evidence which supports backfire theory as a useful model for understanding the specific *modus operandi* of harassers. Even more importantly, the model provides a valuable framework for developing effective counter-strategies which women can use to rally support and ultimately oppose sexual harassment in their workplaces.

The findings revealed all five tactics were used by the male harassers against their female colleagues, but that the women also used several effective counter-strategies to oppose the intimidation and violence they experienced. In this sense,

the film delivered a positive message that serious sexual harassment can be overcome and that, with enough persistence and tenacity, justice can prevail. An important caveat to this finding, however, is that the organisationally-confined counter-tactics used by Josie were largely ineffective. Her initial responses to the harassment, such as one-on-one confrontation, seeking support from her female co-workers and approaching and requesting assistance from the management committee and union, did not stop the harassment. Indeed, it escalated in frequency and seriousness following these actions. Josie's only alternative then, apart from passively retreating from any further action, was to mount a legal claim. Without a legal precedent, however, she was required to enlist the support of at least four other colleagues for a class action to be pursued.

The onerous path of seeking legal redress, even today with the relative benefit of a body of case law and a community which better understands and supports victims of sexual harassment, is not a course of action many women are willing to pursue. Indeed, the use of anti-discrimination legislation in a legal jurisdiction is individualistic and has little visibility to the citizen-observer (Murray 2005), except in rare or unusual cases where the case is a particularly high-profile such as that depicted in *North Country*. This limitation seriously undermines any potential to oppose cover-up as a harassment tactic. The litigation process can also be humiliating and highly intrusive. Indeed, the actual legal battle on which the movie was based spanned 14 years, and although the women eventually settled the case for \$3.5 million, the psychological trauma they endured was very costly (see Sexual Harassment Support Website 2005).

The sexual harassment depicted in *North Country* spanned approximately ten years and occurred in a small town in Northern Minnesota in the United States. Hence the entrenched and severe sexual harassment depicted could be interpreted or even dismissed as a serious occurrence in an historical context and not of relevance in today's organisations. Unfortunately, however, similar cases of severe and relentless sexual harassment have been reported recently. A study by Handy (2006), for example, explored the nature of sexual harassment in a meat-processing plant in small-town New Zealand and found a number of close similarities in culturally-sanctioned practices with those found in *North Country*.

Handy (2006) conducted interviews with the female employees at the plant, which was the largest organisation in a town experiencing increasing economic uncertainty. The plant had a local reputation for being harsh and misogynist, which deterred many women from working there, but paid well for unskilled labour compared to other industries such as retail or banking. Most of the employees were male and the management were entirely male. The harassment consisted of three

strands: individualised and overtly sexual harassment in which sexual favours were demanded of specific women by individual men, a generalised environmental intimidation that was often collectively perpetrated by male employees, and a structural context in which management, the unions and the regulatory bodies were seen by respondents as tacitly colluding with harassment (Handy 2006). Female employees reported having 50 kg slabs of meat thrown at them when their backs were turned, being forced to share the changing rooms and toilets of the male employees, and being taunted outside the work environment in shops and cafes. In a similar way to employees in *North Country*, women in the meat plant rarely made collective complaints to management, perceiving that they were generally unsupportive and tolerant of structural barriers which impeded women's careers. Rather, the women were so divided, demoralised and concerned with their own daily survival that they had few effective means of changing their situation (Handy 2006).

The contemporary literature is dotted with other evidence of 'serious' harassment involving extremely intimidating practices and overt violence such as rape and attempted rape in employment-related settings. For example, similar patterns of reinterpretation of the harassment as being justified because women should not be competing for scarce mining jobs were also reported in a study of women in the United States Military. Harrell and Miller (1997) found that often women did not report harassment because they felt that 'such reports would be used to prove that women do not belong in the military' (p. 75). Thus, while the experiences of the women in *North Country* are not representative of the severity of all cases of workplace sexual harassment, neither are they outside the bounds of some women's experiences in today's work environments. Further, the depiction of counter-tactics used by the targets to oppose the harassment provide support for the promotion of specific and practical recommendations for women if (and high prevalence statistics suggest that for many women, when) they face these behaviours in their own workplaces.

Application of Backfire Theory

This study provides some further support for backfire theory as a way of explaining the complex and specific behaviours and counter-behaviours associated with sexual harassment in employment contexts. The dramatised, 'true' case of *North Country* illustrated many scenarios consistent with Scott and Martin's (2006) framework, especially how the tactics used by perpetrators can become entrenched in workplace cultures and effective in preventing women from responding to such negative treatment. The framework, which contrasts some more general explanations of sexual harassment such as power-based and sex-role spillover perspectives, may

also have utility in a range of different settings. For example, understanding the way sexual harassment typically occurs in organisations, beyond its underlying causes, could contribute to the development of more targeted organisational policies designed to change the structures which support harassment. Employee training modules could incorporate the types of tactics often used by harassers and the range of possible counter-responses in such situations. The backfire framework could also be applied to organisational policies which specify appropriate responses to internal complaints of sexual harassment. Indeed, women who challenge harassment through organisational channels often report being isolated, discredited and subjected to open hostility as a result of making a complaint (McDonald et al forthcoming). Greater awareness of specific behaviours associated with sexual harassment would also improve awareness of the range of behaviours which warrant action in the first place. As Charlesworth (2007) notes, for employees to be able to make a formal complaint, they first need to name or 'see' an action or experience as detrimental or discriminatory. Although backfire has not yet been applied to other sex-based discriminatory practices in organisations (e.g., sex discrimination, pregnancy discrimination) it is possible that it could have some practical application to other pervasive problems which affect the career and life opportunities of women. Furthermore, it is acknowledged that sexual harassment and sex-discrimination affect some men, and future research should address differences in how the theory applies to male compared to female targets. Outside organisational settings, a unifying framework which acknowledges the realities of sexual harassment could be used in tertiary classroom environments in the education of human resource management and other students destined for leadership roles and in community settings which assist women to respond to organisational problems.

Conclusions

These recommendations for organisational-level responses, including the development of policies and codes of practice, the monitoring and enforcement of these policies, training for senior managers and culture change are most likely part of an effective solution to the pervasive and serious problem of sexual harassment. It is also important, however, to identify potential responses by the targets themselves and to explore the extent to which they are efficacious and realistic in different settings. This study has been one attempt to do so.

References

- Bingham, S. and Scherer, L. (1993), 'Factors Associated with Responses to Sexual Harassment and Satisfaction with Outcome', *Sex Roles*, vol. 29, pp.

239-69.

- Brant, C. and Lee Too, Y. (eds). (1994), *Rethinking Sexual Harassment*, Pluto Press, London.
- Charlesworth, S. (2007), 'Understandings of sex discrimination in the workplace: Limits and possibilities', Lecture for The Clare Burton Memorial 2007, Brisbane, November.
- Cockburn, C. (1991), *In the Way of Women: Men's Resistance to Sex Equality in Organisations*, Macmillan Press, London.
- Crocker, D. and Kalemba, V. (1999), 'The Incidence and Impact of Women's Experiences of Sexual Harassment in Canadian Workplaces', *The Canadian Review of Sociology and Anthropology*, vol. 36, no. 4, pp. 541-559.
- Dansky, B. and Kilpatrick, D. (1997), 'Effects of Sexual Harassment', in O'Donohue, W. (ed.), *Sexual Harassment: Theory, Research and Treatment*, Allyn and Bacon, Needham Heights, USA.
- Engel, S. and Martin, B. (2006), 'Union Carbide and James Hardie: Lessons in Politics and Power', *Global Society*, vol. 20, pp. 475-490.
- Faley, R. H., Knapp, D. E., Kustis, G. A. and DuBois, C. L. (1994), 'Organisational Cost of Sexual Harassment in the Workplace', paper presented at the Ninth Annual Conference of the Society for Industrial and Organisational Psychology, Nashville, Tennessee.
- Farley, L. (1978), *Sexual Shakedown: The Sexual Harassment of Women on the Job*, McGraw-Hill, New York.
- Firestone, J. and Harris, R. (1997), 'Organizational Climate, Leadership and Individual Responses to Sexual Harassment in the Active Duty Military', *Free Inquiry in Creative Sociology*, vol. 25, no. 2, pp. 1-7.
- Firestone, J. and Harris, R. (2003), 'Perceptions of Effectiveness of Responses to Sexual Harassment in the US Military, 1988 and 1995', *Gender, Work and Organization*, vol. 10, pp. 42-64.
- Gruber, J., Smith, M. and Kauppinen-Toropainen, K. (1996), 'Sexual Harassment Types and Severity: Linking Research and Policy', in Stockdale, M. (ed.), *Women and Work V: Sexual Harassment*, Sage, Newbury Park, CA, pp. 151-173.

- Gutek, B. A. (1985), *Sex and the Workplace: The impact of Sexual Behaviour and Harassment on Women, Men and Organisations*, Jossey-Bass Publishers, San Francisco.
- Gutek, B., Cohen, A. and Konrad, A. (1990), 'Predicting Social-sexual Behaviour at Work: A Contact Hypothesis', *Academy of Management Journal*, vol. 33, pp. 560-577.
- Hanson, J. (1989), 'The Sexual Harassment of Young Women', in Holly, L. (ed.), *Girls and Sexuality*, Open University Press, Milton Keynes.
- Handy, J. (2006), 'Sexual Harassment in Small-town New Zealand: A Qualitative Study of Three Contrasting Organisations', *Gender, Work and Organization*, vol. 13, pp. 1-24.
- Harrell, M. and Miller, L. (1997), *New Opportunities for Military Women: Effects upon Readiness, Cohesion, and Morale*. Rand National Defence Research Institute, Washington, DC.
- Hulin, C., Fitzgerald, L. and Drasgow, F. (1996), 'Organizational Influences on Sexual Harassment', in Stockdale, M. S. (ed.), *Sexual Harassment in the Workplace: Perspectives, Frontiers and Response Strategies*, Sage, Thousand Oaks, CA, pp. 127-150.
- Human Rights and Equal Opportunities Commission (2004), *Sexual Harassment 20 Years On: Sexual Harassment in the Australian Workplace*.
- Illies, R., Hauserman, N., Schwochau, S. and Stibal, J. (2003), 'Reported Incidence Rates of Work-related Sexual Harassment in the United States: Using Meta-analysis to Explain Reported Rate Disparities', *Personnel Psychology*, vol. 56, pp. 607-618.
- Jansen, S. C. and Martin, B. (2004), 'Exposing and Opposing Censorship: Backfire Dynamics in Freedom-of-speech Struggles', *Pacific Journalism Review*, vol. 10, pp. 29-45.
- Kauppinen-Toropainen, K. and Gruber, J. (1993), 'Antecedents and Outcomes of Woman Unfriendly Experiences: A Study of Scandinavian, Former Soviet and American Women', *Psychology of Women Quarterly*, vol. 17, pp. 431-456.
- Langelan, M. J. (1993), *Back Off! How to Confront and Stop Sexual Harassment and Harassers*, Simon and Schuster, New York.
- Martin, B. (2004), 'Iraq Attack Backfire', *Economic and Political Weekly*, vol.

- 39, no. 16, pp. 17-23.
- Martin, B. (2005a), 'The Beating of Rodney King: The Dynamics of Backfire', *Critical Criminology*, vol. 13, pp. 307-326.
- Martin, B. (2005b), 'Boomerangs of Academic Freedom', *Workplace: A Journal for Academic Labour*, <http://www.cust.educ.ubc.ca/workplace/>, vol. 6, no. 2.
- Martin, B. and Gray, T. (2005), 'How to Make Defamation Threats and Actions Backfire', *Australian Journalism Review*, vol. 27, pp. 157-166.
- Martin, B. and Wright, S. (2003), 'Countershock: Mobilising Resistance to Electroshock Weapons', *Medicine, Conflict and Survival*, vol. 19, pp. 205-222.
- McDonald, P., Backstrom, S. and Dear, K. (forthcoming), 'Sexual Harassment: Quid pro Quo versus Hostile Environment Claims and Progression to Formal Redress', *Asia Pacific Journal of Human Resources*. Accepted 24.05.07.
- Murray, J. (2005), 'Work and Care: New Legal Mechanisms for Adaptation', *Labour and Industry*, vol. 15, pp. 67-87.
- Padavic, I. and Orcutt, J. D. (1997), 'Perceptions of Sexual Harassment in the Florida Legal System: A Comparison of Dominance and Spillover Explanations', *Gender and Society*, vol. 11, pp. 628-698.
- Rowe, M. (1996), 'Dealing with Harassment: A Systems Approach', in Stockdale, M. S. (ed.), *Sexual Harassment in the Workplace: Perspectives, Frontiers and Response Strategies*, Sage, Thousand Oaks, CA, pp. 241-271.
- Samuels, H. (2003), 'Sexual Harassment in the Workplace: A Feminist Analysis of Recent Developments in the U.K.', *Women's Studies International Forum*, pp. 467-482.
- Schneider, K. T., Swan, S. and Fitzgerald, L. F. (1997), 'Job Related and Psychological Effects of Sexual Harassment in the Workplace: Empirical Evidence from Two Organisations', *Journal of Applied Psychology*, vol. 82, pp. 401-415.
- Schwartz Tangri, S. and Hayes, S. (1997), 'Theories of Sexual Harassment', in O'Donohue, W. (ed.), *Sexual Harassment: Theory, Research and Treatment*, Allyn and Bacon, Needham Heights, USA.
- Scott, G. and Martin, B. (2006), 'Tactics against Sexual Harassment: The Role

- of Backfire', *Journal of International Women's Studies*, vol. 7, no. 4, pp. 111-125.
- Sexual Harassment Support Website (2005), Retrieved August 29, 2006, <http://www.sexualharassmentsupport.org/JensonVsEvelethMines.html>
- Smith, K. and Martin, B. (2007), 'Tactics of Labour Struggles', *Employee Responsibilities and Rights Journal*, vol. 19, pp. 193-206.
- Tangri, S., Burt, R. and Johnson, L. B. (1982), 'Sexual Harassment at Work: Three Explanatory Models', *Journal of Social Issues*, vol. 38, no. 4, pp. 55-74.
- Terpstra, D. E. (1997), 'Recommendations for Research on the Effects of Organisational Diversity on Women', *Journal of Business and Psychology*, vol. 11, pp. 485-492.
- Terpstra, D. E. and Baker, D. D. (1991), 'Sexual Harassment: Psychosocial Issues', in Davidson, M. J. and Earnshaw, J. (eds), *Vulnerable Workers: Psychosocial and Legal Issues*, Wiley, Chichester, England, pp. 179-201.
- Wilson, F. and Thompson, P. (2001), 'Sexual Harassment as an Exercise of Power', *Gender, Work and Organization*, vol. 8, pp. 61-83.