Sexual Harassment in the Heartland? Community Opinion on the EEOC Suit Against Mitsubishi Motor Manufacturing of America

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The number of sexual harassment cases filed annually with the EEOC has more than doubled, from 6000 in 1990 to over 15,000 in 1996, and monetary settlements reached through the EEOC have risen from $7.7 million in 1990 to $27 million in 1996. This article reports the results of a survey of community responses to the sexual harassment suit filed by the EEOC against the Mitsubishi Motor Manufacturer of America (MMMA), plant in Normal, Illinois. Eighty-seven percent of the respondents reported following the case and half said they believe the women's claims are legitimate. But when asked to assume that they were a member of the jury hearing the sexual harassment case, only 33 percent said they would find MMMA guilty.

This article reports the results of a telephone survey conducted in August and September 1996 of residents in Bloomington-Normal, Illinois seeking their opinions about the Mitsubishi Sexual Harassment suit. Before discussing the background for the Mitsubishi sexual harassment suit and the results of the community survey, we provide a brief general account of sexual harassment and its treatment in the courts.

Sexual harassment is a type of sex discrimination that transgresses Title VII of the 1964 Civil Rights Act. Guidelines have been established by the Equal Employment Opportunity

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Commission that define the types of sexual harassment. The first form of sexual harassment falls under the "hostile environment" category. This type of sexual harassment involves making unwanted sexual advances or other verbal or physical contact with the goal of unreasonably obstructing an individual's work performance or alternatively effectuating an intimidating, hostile or formidable working environment. "Quid pro quo" involves establishing the conditions of employment, implicitly or explicitly, upon the submission of unwelcome sexual advances. Since the early 1980s, several cases have been instrumental in determining what constitutes sexual harassment.

Hinston v. City of Dundee (1982) held that sexual conduct becomes wrongful only when it is unwelcome. It specified unwelcome as "in the sense that the employee did not solicit or incite it, and in the sense that the employee regarded the conduct as undesirable or offensive." In 1985, *Hicks v. Gates Rubber Co*. and *McKinney v. Dole* stated that sex-based harassment (harassment not incorporating sexual language or activity) can also violate Title VII if it is "sufficiently patterned or pervasive" and targeted toward employees due to their sex. *Meritor Savings Bank v. Vinson* (1986) found that willful submission to sexual conduct does not necessarily suppress a claim of sexual harassment. The basis that was established was "whether [the employee] by her conduct indicated that the alleged sexual advances were welcome, not whether her actual participation in sexual intercourse was voluntary." *Rabidue v. Osceola Refining Co*. (1986) determined that the perspective of the victim of sexual harassment should be considered when establishing the standard of "unreasonably interfering" with the victim's workplace performance.

In 1987, *Barbetta v. Chemlawn Services Corp*. found that the proliferation of pornography "may be found to create an atmosphere in which women are viewed as men's sexual playthings rather than their equal coworkers" if it is sufficiently continuous and pervasive. In *Harris v. Forklift Systems, Inc*. (1993) the court held that if the workplace is saturated with conduct that is severe and pervasive enough to precipitate a hostile, discriminatory or abusive workplace, then Title VII is obstructed despite the fact that the plaintiff may have suffered psychological harm. *Papa v. Domino's Pizza* involved a male employee being subjected to sexual harassment by his female supervisor. He was subsequently awarded $237,000 for the violation of his rights. This marked a dramatic triumph for the EEOC as it was the first trial in which they were successful at pursuing allegations on behalf of a male. According to *Newsweek* (January 13, 1997) the annual number of sexual harassment cases filed with the EEOC has more than doubled from 6000 in 1990 to 15,300 in 1996. Similarly, monetary settlements reached through the EEOC have risen from $7.7 million in 1990 to $27 million in 1996.

MITSUBISHI CASE STUDY

On April 9, 1996, the Equal Employment Opportunity Commission filed the largest class action sexual harassment suit in its history against Mitsubishi Motor Manufacturing of America (MMMA), which is located in a green-field site on the outskirts of Normal, Illinois. The suit was filed on behalf of as many as five hundred women who are, or were, workers at a plant with roughly 4,000 of the better paying blue-collar positions in the area. After detailed interviews with over 100 employees, the EEOC, which may seek $30 million in damages, asserts that flagrant, classwide sexual harassment has been going on