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Male-on-Male Workplace Sexual Harassment at Record Levels

~ Masculine Aggression Still Accepted in Workplace Culture ~

~ Discrimination Based on Gender Identity & Expression Not Against Federal Law ~

WASHINGTON, D.C. (February 13, 2007) - With no fanfare and little media attention, the Equal Employment Opportunity Commission (EEOC) released in early February its 2006 statistics on job discrimination with the news that complaints were on the rise for the first time in four years. Today, the Gender Public Advocacy Coalition (GenderPAC) calls on the government and corporate America to address the underlying causes of gender-based harassment, which accounted for nearly one-third of all complaints.

"Locker-room bullying that enforces codes of masculinity on the job continues to create hostile workplaces," said Riki Wilchins, Executive Director of GenderPAC. "As more male employees realize such behavior is now actionable, they are filing suit."

A record-breaking 15.4% of sexual harassment cases were filed by men in 2006, a category of complainants that has been steadily increasing over the past decade. The EEOC does not track the gender of the accused aggressors, however, independent research and tracking of court cases validates that the majority of these cases are male-on-male harassment.

In 2006, the Federal Court of Appeals for the Second Circuit held that the sex discrimination claim of Gregory Miller - a small, non-muscular man with a disability who was subjected to frequent verbal harassment by colleagues and supervisors for not being a "real man" and assigned a work regimen intended to "toughen him up" - was valid. The Supreme Court laid the ground for such rulings in 1998 in the landmark *Oncale v. Sundowner Offshore Services* decision, which held that same-sex sexual harassment is a form of discrimination protected under Section VII of the Civil Rights Act of 1964.

"There's a tendency to dismiss workplace bullying where men use sexual taunts, simulated sex acts, feminine pronouns, and threats of sexual aggression against other men as just locker-room mentality," said Wilchins. "But employers should take note: the courts have moved the goal posts and we're going to see more instances of male-on-male harassment being reported."

Only eight states have passed specific laws that protect workers from discrimination based on gender identity or expression - protections that could prevent male-on-male harassment. Another fifteen states have enacted comparable protections through court or administrative rulings. Over

seventy local municipalities have codified similar measures, as well as 177 major corporations and 77 colleges and universities.

"The federal government and the EEOC are woefully behind corporate America and many state governments in setting policies that protect employees, regardless of whether they fit expectations for masculinity or femininity," said Wilchins. "GenderPAC calls on Congress to pass appropriate legislation to compel the EEOC to track discrimination faced by all Americans."

About GenderPAC

The Gender Public Advocacy Coalition (GenderPAC) works to ensure that classrooms, communities, and workplaces are safe for every person, whether or not they fit stereotypes for masculinity and femininity. For more information visit www.gpac.org.

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