INDUSTRY PERSPECTIVE: IBM

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1. EQUAL OPPORTUNITY

IBM views the "status of women" as part of a larger concern for equal opportunity and respect for the individual. It also views hiring and promoting women as part of a larger concern for diversity in the workplace. Three parts of the Equal Opportunity (EO) issue are addressed here: (1) EO and Affirmative Action Programs by the Company, (2) spreading the word on EO to the employees, and (3) what the American Astronomical Society might do about EO.

2. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAMS

The purpose of EO is "to provide practical assistance to minorities, women, people with disabilities, and Vietnam-era or disabled veterans to enable them to compete for employment opportunities on an equal basis."[1] For example,[2] IBM accommodates employees with disabilities, provides continued salary for pregnancy or childbirth-related medical absence, allows flexible hours or work at home, established a $22M Childcare Resource and Development Fund, provides job training for the economically disadvantaged, a summer youth work/study program, etc., supports education through grants, fellowships, development of MBA programs, equipment donations, faculty loans, and so on.

For decades, IBM has supported minorities and historically disadvantaged groups throughout our society. This support has lead to a pervasive attitude of respect for all individuals. Respect for *women* is inevitable and relatively easy to maintain within this environment.

3. SPREADING THE WORD ON EO: SEXUAL HARASSMENT AS AN EXAMPLE

Periodically, IBM distributes an updated set of foils on Sexual Harassment to each manager for presentation to all employees as part of required annual EO department meetings. These foils include explicit information about sexual harassment (SH), such as definitions, new court decisions or laws regarding SH, anonymous case studies, and sample penalties.

One important point of the foil set is that the legal definition of SH has changed over the years, mostly as a result of litigation and new court precedences rather than new laws. This change reflects an increasing awareness of harassment issues in the workplace, and an increasing willingness of employees to speak out against SH. In the 1960's very little of the behavior that is forbidden today would have been considered SH. Also, many judges in the U.S. are becoming extremely sympathetic to complaints

about SH and they are awarding large punitive damages. Thus most business places have strong and clear regulations about SH, and they are willing to inform, punish, or fire employees who transgress the current standards.

There are two criteria for SH: (1) quid pro quo, and (2) a hostile work environment. The first means "this for that" and relates to unwelcome sexual conduct, verbal or physical, that "affects opportunity for employment, salary, appraisal, promotion, work assignments, etc." [1] The second relates to a work environment that is "intimidating, offensive, and/or affects one's ability to perform."[1] Here the term sexual conduct "includes sexual advances, requests for favors, remarks based on gender, etc., whether explicit or implicit."[1]

How does one determine if a work environment is hostile? There are several criteria for establishing or proving that an environment is hostile. One has to first be able to describe and document the behavior or situation that is hostile, giving dates, names, and details of occurrences as examples. This implies that the complainant should have kept a log and discussed it with several friends. The behavior has to be work related, such as on company premises or at a company-related meeting off premises. The behavior has to be unwelcome (if it is reciprocated then it may not be unwelcome, unless the harasser has more organizational power than the complainant, *i.e.,* is superior in the company and makes decisions regarding the employment of the complainant, in which case the courts may rule SH even if the complainant appeared to go along with the behavior in a voluntary way). The behavior has to be gender oriented (would it have occurred if the complainant were of the opposite sex?), and it has to be sexually oriented (*i.e.,* having to do with sexual or romantic matters). The harasser should be told that the behavior was unwelcome (although a possible exception would be if the harasser has more organizational power than the complainant, as discussed above, and so could be considered to be so intimidating that the complainant did not speak out for fear of adverse employment changes). The behavior usually has to be part of a pattern of behavior, rather than an isolated incident. These and other criteria help to establish that illegal SH has occurred.

Note that SH can be either active or passive. Passive SH is when the adverse conditions are not directed at a particular individual but are so pervasive or well-known in the workplace that they interfere with work performance anyway. An example[1] of illegal passive SH might be the presence of "pin-up" or nude pictures in a shop area or "mens" area in the workplace. To quote the IBM foil presentation on this matter:

"Originally such pictures—technically and legally speaking—were not seen as SH as long as the behavior of hanging the pictures was not targeted at anyone, *e.g.,* the guys hang up the pictures because they like them, and not with any intention to harass, and maybe the hanging of such pictures was a commonplace way before the first woman was ever hired into the department.... However, in January 1991 there was a court case in Jacksonville, Florida, in which a U.S. District Judge ruled that pictures of nude and semi-nude women posted in the workplace have a 'spillover' effect and are sexual harassment."[1]

IBM, like many companies, considers itself to have the responsibility of creating an harassment-free environment. It does this by first establishing a clear and strong policy, by openly communicating the policy to everyone, and by investigating complaints. Then

it will take the appropriate disciplinary and corrective action to remedy an adverse situation, with the purpose of eliminating the source of the harassment, whatever that requires.

4. WHAT SHOULD THE AMERICAN ASTRONOMICAL SOCIETY DO ABOUT EO?

Recall that many industries have EO or outreach programs, teach their employees about EO and gender issues, and provide open channels for communication and a clear policy of discipline.

If we want to follow the example of most industries, then we could, for example:

1. Promote science teaching programs (*e.g.,* NSF post-doc fellowships, sabbaticals, etc., or AAS sponsored travel reimbursement) in targeted communities, such as inner cities, neighborhood elementary schools, high schools, etc. Such programs are relatively cheap, they educate a diverse segment of the population about careers in science, and they educate *us* about what EO means in practice. They also nurture "respect for the individual," which could ultimately have an effect on gender issues.
2. Provide to department chairs a yearly summary (in Email-TEX form) of old and new laws and court decisions relevant to EO and harassment issues. This mailing could contain self-explanatory foils for yearly presentations to all employees or department members. Perhaps the AAS should insist that department chairs review this material at the beginning of each academic year.
3. Establish a *confidential* channel for communication of complaints or for answering questions. Perhaps the AAS could contract an independent SH lawyer or government SH expert to advise concerned individuals by telephone or letter, free of charge to the individual, and confidential to the astronomical community. For non-legal concerns (*e.g.,* diverse representation on SOCs), we could appoint an AAS officer to monitor all published lists of SOCs and to answer questions and complaints by individuals.
4. Project the importance of EO by addressing in a serious fashion all concerns and grievances regarding EO in the astronomical community.

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ENDNOTES

[1] "Sexual Harassment," October 10, 1991, prepared by the Tri-State Personnel EO Department of the International Business Machines Corporation. Questions about this foil presentation package may be addressed to Joyce Rescigno (914-945-4236) or Patrick O'Hara (914-945-1068).

[2] "An Ongoing Commitment," Publication SV040127-13, International Business Machines Corporation, Armonk, NY 10504. Questions about this publication may be addressed to Joyce Rescigno (914-945-4236).

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