“Diversity, Women, and Power”
For months, while Harvey Weinstein’s mug dominated the front pages, surrounded by accounts of the sexual villainy of powerful men in entertainment, journalism, sports, the arts, and academe, left media and the labor press were pointing out that sexual harassment is an unequal-opportunity afflicter.

Sexual harassment is rife in the service sector, not just by managers and bosses but also by customers.

Of the eighty-five thousand sexual harassment complaints that came to the U.S. Equal Employment Opportunity Commission from 2005 to 2015, about half named the filer’s job. Among these, “more than one-quarter of sexual harassment charges were filed in industries with large numbers of service-sector workers,” according to an analysis of the data by the Center for American Progress. Accommodations and food services made up about 14 percent, and retail about 13.5 percent. Added to that one-quarter, health care and social assistance were not far behind, at 11.5 percent. These industries are peopled by women: seven in ten servers, eight in ten restaurant and lounge hosts, nine in ten housekeepers and home health aides, according to 2016 Bureau of Labor Statistics data. That year, a total of about a quarter of all U.S. workers were employed in the health care/social assistance and leisure/hospitality industries combined. Sexual harassment is rife in the service sector, not just by managers and bosses but also by customers. For its Hands Off Pants On campaign, UNITE HERE Local 1, which represents hospitality workers in the Chicago area, surveyed 487 women working in hotels and casinos about sexual harassment. Nearly half the housekeepers had had guests expose themselves or answer the door naked. Two-thirds of the casino cocktail servers had been groped, or managed to evade wandering hands. In interviews by the Restaurant Opportunity Centers United (ROC United), nine in ten tipped restaurant workers “reported experiencing unwanted sexual comments or behaviors in the workplace.”

Particularly vulnerable are immigrant workers, who make up nearly a quarter, or a million out of 4.4 million, of the “direct care” workforce . . .

Much service work falls into the category of personal service—anything from cutting hair to caring for babies. It is close work, performed in private places, work in which body touches body. A 2012 survey by the National Domestic Workers Alliance (NDWA) of 2,086 nannies, caregivers, and housecleaners in fourteen metropolitan areas found that majorities of domestic workers suffer abuses by their employers, from substandard pay to “verbal, psychological, and physical abuse.” Particularly vulnerable are immigrant workers, who make up nearly a quarter, or a million out of 4.4 million, of the “direct care” workforce, according to a 2017 report by the Paraprofessional Healthcare Institute (PHI). An unnumbered percentage of these are silenced by their precarious immigration status. A 2012 NDWA survey found that 85 percent of undocumented domestic workers...
who had experienced problems at work in the previous year did not speak up for fear their immigration status would be used against them. In the Trump era, that threat has only grown more real.

The state will not help most of these workers. Since the passage of the National Labor Relations Act (NLRA) in 1935, Congress has explicitly excluded domestic work, along with agricultural work—it is no accident that this labor was and is the purview of women, people of color, the undocumented, and the enslaved—from the protections of labor law. The ultimate personal service, sex work, is criminalized.

Emotional Labor

The state’s relationship to personal service workers is negligent at best. The employer’s relationship is often exploitive. Yet a worker in the personal-service sector must be attentive and generous, whether she sells polo shirts at the Gap, polishes nails, or performs fellatio. Rutgers University labor scholar Dorothy Sue Cobble calls it “intimate” labor.

...[A] worker in the personal-service sector must be attentive and generous, whether she sells polo shirts at the Gap, polishes nails, or performs fellatio.

How attentive, how generous must the service be? Paradoxically, the more obviously intimate the work, the more explicit its boundaries may be. As the journalist and sex worker activist Melissa Gira Grant explains in Playing the Whore: The Work of Sex Work, a sex worker on a date negotiates specific acts in particular places for a certain amount of time and money. When she agrees to have sex, she does not agree to be abused.

In a restaurant server’s job, this negotiation is never explicit, so every time a waitress carries a plate to a table, she calculates how much smarmy attention to endure against the size of the potential tip. A professional sports cheerleader’s contract gives her even less choice. She must mingle with fans around tailgates and in VIP lounges—where unwanted touching is common—or get fired. These are jobs that involve either acts of sex or acting sexy, yet there may be less distinction between the erotic dancer and the receptionist than is apparent. With “the heightened emphasis on appearance as well as aesthetic and erotic titillation,” argues Cobble, “few jobs are wholly without a sexual dimension.”

... Not all personal service is a performance, and not all intimacy at work is unwanted.

The sociologist Arlie Russell Hochschild developed the foundational concept of “emotional labor,” the managed performance of emotion and the suppression of the worker’s own, perhaps counter-profitable emotions: the flight attendant is cheerful, the customer service employee contrite, whether she feels it or not. Such work entails perceiving, anticipating, and accommodating to others’ needs. It is motherly and wifely, submissive—in short, feminine. Like femininity, emotional work often boils down to deference, says Hochschild. It is a setup for sexual harassment.

Deference is built into the relationship between an employee and her manager or boss. But the emotional demands are amplified by the configuration of relationships in personal service. “Unlike workers in goods production, a third party—the customer, client, patient, passenger—complicates and transforms the old employer-employee dyad,” writes Cobble. “The quality of the server’s relationship to that third party may be more important to his or her overall well-being, materially and psychologically, than the relationship to the boss or ‘employer.’”

Of course, not all personal service is a performance, and not all intimacy at work is unwanted. Indeed, for those whose work is caregiving—looking after children or the elderly, cleaning houses, nursing, and teaching—emotion given and received is a source of meaning and job satisfaction; it invests otherwise tedious, “dirty” labor with pride and dignity. “Core to doing domestic work well is . . . being able to really show care and love to the families you care for, and are part of,” says NDWA Director Ai-jen Poo. “That bond is so powerful. It happens every day in hundreds of thousands of homes.” Managing the tension
between care on the one hand and the structural conflict between boss and employer on the other—living simultaneously as ally and antagonist—is another kind of emotional labor.

**Tactics**

In the far-flung, isolating, ever-more-intimate workplace, organizers are figuring out how to promote and defend workers’ rights to decent wages and safe working conditions, including protection from intimacies that intimate workers do not desire.

With their constituencies excluded from the NLRA—and only 10 percent of U.S. workers represented by unions anyway—advocates have turned to other strategies, from mutual aid to legislation founded in human rights and labor rights. In eight states, the NDWA has won the Domestic Workers Bill of Rights, which establishes procedures, in some cases under human rights commissions, for bringing claims of sexual harassment or other abuses and prohibiting employer retaliation. At the same time, the NDWA is allying with families, the elderly, the disabled, and others to advocate for high-quality domestic care—the work that makes all other work possible, the Alliance calls it—for everyone who needs it. Since employers of domestic workers are usually workers too, many on limited incomes, the only way to ensure a livable wage for caregivers is as a government subsidy or benefit for this kind of service that is underwritten by progressive taxation.

... [T]he power shifted heavily in the wrong direction, when the Supreme Court ruled, in Epic Systems Corp. v. Lewis, that companies could use arbitration contracts to preempt workers’ class actions...

Legislation to address sexual harassment by customers implicitly recognizes the collapse of the old worker-employer-customer configuration, where employers serve as a buffer between employee and client. To delink the waitress’ *quid* of flirtation from the *quo* of a tip, Restaurant Opportunities Centers United has mounted the One Fair Wage campaign for the same minimum wage for tipped and untipped workers. In October 2017, UNITE HERE’s Hands Off Pants On campaign won a Chicago City Council ordinance that, among other things, mandates hotels to provide panic buttons in guest rooms.

Litigation is another tactic. In January, in a show of solidarity between rich, famous, mostly white actresses and producers, and brown and black organizers of low-wage workers, a Hollywood group launched Time’s Up and the Time’s Up Legal Defense Fund to subsidize lawsuits by lower-income women who have been harassed. By May, the fund had raised $22 million, the National Women’s Law Center in Washington, which administers the fund, has received 2,700 requests for aid. NWLC has not said how many of those cases are advancing.

**Sex and Power**

I am all for holding harassers accountable, particularly employers who have perpetrated or ignored sexist and racist malfeasance for years. But in the end, a lawsuit is not politics. It can temporarily shift money around, but it does not redistribute power.

Power shifts only with institutional change, and institutional change does not happen without political organizing. In the *Boston Review*, a few months ago, I asked how we could move past the #MeToo rhetoric to practical solutions. I described the landscape this way: “As women become more equal as women, their rights and the power of the institutions that represent them as workers are progressively being overtaken by the prerogatives of employers and corporations. The result: it is every woman for herself, which means only a few women prevail.”

In late May, the power shifted heavily in the wrong direction, when the Supreme Court ruled, in Epic Systems Corp. v. Lewis, that companies could use arbitration contracts to preempt workers’ class actions over labor abuses. The ruling weakens the potential of litigation to redress workplace sexual harassment, since even with the help of a fund like Time’s Up, individual litigation is costly and rarely successful. While undermining unions’ powers to raise money and bargain collectively, the court has now also invalidated one of the last effective tools
non-union workers had of wielding collective power. Ironically, Epic Systems leads to an undeniable conclusion: workers need unions.

And yet. The immigrant nanny is still in her employer’s kitchen, leaning over the kitchen sink—at his mercy. Even with a powerful institution behind her, an unalterable condition of her job is that she is isolated with the person who pays her, a person she must please, even like. What will change her daily life?

**A Caring Economy**

The only thing that will protect such workers is a fundamental cultural transformation that renders groping the nanny a shock to the sensibilities of most men—akin to a white boss slapping a black worker across the face, something that would have been unremarkable to many white people in the first half of the twentieth century.

> [T]he Equal Employment Opportunity Commission has ordered Ford Motor Company to pay out tens of millions of dollars in settlements . . . But workers say that little has changed on the factory floor . . .

Legal change goes only so far. Case in point: in the past two decades, the Equal Employment Opportunity Commission (EEOC)\(^1\) has ordered Ford Motor Company to pay out tens of millions of dollars in settlements to hundreds of victims of sex discrimination and harassment and to institute extensive, expensive workplace reforms.\(^2\) But workers say that little has changed on the factory floor; yet another class action against Ford is moving through the courts. A few months ago, a slew of media coverage and millions of tweets by women refusing to shut up any longer—some of them committing civil disobedience by unilaterally nullifying their non-disclosure agreements—may have done more for this transformation than all that cash out of Ford’s coffers.

*La luta continua.* We need it all: consciousness-raising, legal accountability, street protests, private anger, workplace training, union contracts.

But in the end, the transformation will come only if individual men’s feelings about sex, women, and sexual minorities change. Altering men’s sexual sensibilities does not require that they don pink pussy hats. University of Massachusetts/Boston psychologist Sharon Lamb and graduate students in her research lab developed a four-hour course for college students called Humane Acts Bystander Intervention Training (HABIT). HABIT is based on the assumption that virtually everyone possesses gut-level moral inclinations—“the twinge that says something’s not right”: indignation at injustice and alarm at interpersonal harm. These feelings have different “moral foundations”—the left likes fairness and care, the right is partial to liberty, purity, authority, and loyalty, says Lamb, and “you’re not going to turn a ‘bro’ into a feminist in four hours.” So the training aims to intensify that twinge, whatever its origin, and educate the impulse to intervene in sexually “sketchy situations.”

A related curriculum called Sexual Ethics for a Caring Society teaches middle and high school students to “approach sex . . . as a good person who treats other people fairly and with caring.” It does not promote self-defense for girls or self-control for boys, the usual division of labor in sex education, but rather, “mutuality,” the sum of self-protection and caring for the other.

A Hands Off Pants On propaganda video shows a new consciousness stirring in a half-dozen union “bros” as they read the words of female hotel and casino workers recounting the harassment they have suffered. “I do not feel safe because of the things I have encountered. One guest was masturbating,” reads a mail carrier, pausing at the word before going on. A male metal worker reads the words: “I was seven months pregnant. I felt so disgusted and embarrassed.” He adds his own commentary: “Pigs.” The men look into the camera in disbelief, disgust, or shame. Then they relate the women’s experiences to their own family loyalties. “I have four daughters. I have sisters. I have nieces.” “If my sister or my daughter were subjected to this, there would be some violent action taken.” He adds his own commentary: “Pigs.”

The men look into the camera in disbelief, disgust, or shame. Then they relate the women’s experiences to their own family loyalties. “I have four daughters. I have sisters. I have nieces.” “If my sister or my daughter were subjected to this, there would be some violent action taken.” The comments are paternalistic, macho—attitudes on the same spectrum of the male privilege that produces sexual abuse. But speaking the women’s words awakens empathy as fellow humans and solidarity as union brothers.
Collective action empowers workers to overcome the structural, economic, and social inequalities that enable sexual misconduct. But sex is still personal. To end sexual harassment, we have to change sexual ethics—to cultivate mutuality, whose other name is solidarity.

Declaration of Conflicting Interests
The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding
The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes
5. See https://www.handsoffpantson.org/.
14. See https://www.makers.com/profiles/591f27c7a8c7c42656428ea.
15. See https://www.bls.gov/news.release/union2.nr0.htm.
17. See https://nwlc.org/times-up-legal-defense-fund/.
22. See https://nwlc.org/times-up-legal-defense-fund/.

Author Biography
Judith Levine is the author of four books and numerous articles and personal essays on sex, justice, feminism, and work. She is currently writing, with co-author Erica Meiners, The Feminist and the Sex Offender: How to Abolish Unjust Sex Crime Laws and Also End Sexual Violence, to be published by Verso. She is a founder and past officer of the National Writers Union.