

Part 1: Sex, Power, And The Workplace – Why Is This So Complicated?

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Today's national conversation about sexual misconduct is long overdue. As noted by firm partner, Norma Zeitler, in her thoughtful [blog post](#), sexual harassment in the workplace has been tolerated for too long. Yet, the never-ending series of exposés, confessions, and “#metoo” posts tends to land in one giant bucket of wicked. No nuance; no context; no gray. Just black and white. It's so much more complicated than that. Of course, we are horrified to hear about the crime that involves the alleged seduction and potential rape of a 14-year girl. As *employment* lawyers, we pay attention to what happens in the workplace every day. Unfortunately, that includes reports of rape and assault. More often, we hear about less severe examples of sexual harassment; we often hear about sex discrimination. Not all complaints amount to legal wrongdoing. Some do. As we absorb the cascade of sexual misconduct revelations, it is important to consider context—not as an excuse, but to understand and develop solutions. For example, consider that some of the wrongdoers forged their workplace habits in the age of “Mad Men.” Or, consider that [CareerBuilder.com](#)'s 2017 survey found that **30%** of workplace relationships end in marriage. Consider that -- although sexual harassment has been illegal since 1986 (which, by the way, wasn't all that long ago)—most training has been focused on avoiding liability, not on improving workplace culture. And consider the impact of men in powerful positions who adopt a well-meaning, yet backwards sexist policy of not working or traveling with women. To invoke the sarcastic quips of comedienne Samantha Bee, “Thanks, guys.” Should we be thinking about a zero-tolerance policy? And, is it really a good idea for Congress to outlaw nondisclosure agreements? Work is replete with power, politics, and the best and worst of human nature. Regardless of sex, it is complicated. Complicated problems deserve thoughtful discussion. Over the next couple of weeks, we'll be devoting several blog posts to the complexities of ***Sex, Power, and the Workplace***. Policies. Training. Civility. Etiquette. Opportunities for Women and Diverse Professionals. Investigations. Discipline. Nondisclosure Agreements. We hope you'll tune in.

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