

#MeToo as a moment of opportunity

Posted [Feb 27 2018](#) by [Sonia Miller-Van Oort](#) in [President's Page](#) with [1 Comment](#)

“You look very nice today... Can I still say that?” A male attorney recently said this to me—half-jokingly, but only half.

Without a doubt, the sexual harassment reckoning that we have all been witnessing over the past several months has raised a lot of questions. Not so much about the egregious harassing conduct itself, but why has the conduct been shielded from discovery? Why the domino effect now? And how does this change the way professional men and women interact going forward?

One of the amazingly positive effects that I have encountered since the #MeToo movement began has been the opening up of lines of communication about sexual harassment and the factors that fuel it. Given that it's 2018, it may seem like such conversations are extremely belated. But belated or not, men and women are now having dialogues about their personal experiences, the influence of power in careers, workplace dynamics, and the sorts of conduct (intentional or unintentional) that cannot be tolerated.

Having listened to various perspectives, both from female and male colleagues and family members, I note a common experience. Whether we have been the target of harassment or not, many of us have observed conduct in the workplace or other business settings that was inappropriate, offensive, or disrespectful to someone. I have heard stories of inappropriate physical interactions, demeaning comments to women, instances of racial slurs, and insulting comments about persons on the basis of color or religion. In each of these stories, a common reaction by the “bystander” to the incident was expressed: shock and silence. In these instances, bystanders report witnessing something so shocking or alarming that—despite our normal command of language, our familiarity with parties in conflict, and our typical assertiveness and confidence—even we attorneys hesitate and falter. We may wonder if we actually heard or saw what we think we did.

The moment occurs; we are uncertain what to say; and the uncomfortable moment passes. The result is that nothing is said, even though later we cannot shake the memory of what occurred or regret that we haven't called out the inappropriate conduct.

The #MeToo movement and the public attention given to sexual harassment have pointed to a discouraging and depressing state of affairs for many, but they are presenting an opportunity for greater awareness and more meaningful discussions if we choose them. Certainly what we learn individually from these events is as varied as our individual life experiences, but for me, there are four takeaways.

Four lessons

First, as long as women are not in equal positions of power and leadership within businesses (including law firms), opportunities for harassment will thrive. Harassment occurs when there is unequal power between parties. One party has enough that others fear holding them accountable,

and the other not enough to feel safe against retaliation or attack. Unless or until businesses provide women with the same leadership opportunities, the same compensation, and the same professional advancement opportunities as their male counterparts, the resulting power differential will foster the sort of vulnerability that breeds sexual harassment.

Second, cultures of accountability and transparency are critical to displacing workplace harassment and bullying. When there are real consequences for actions, children learn and modify their behavior accordingly. When there is not, children act out. Adults are no different, and if the workplace culture allows anyone (especially those at the top) to act with impunity, disastrous conduct will follow.

Third, although counter-intuitive, a diverse workplace can minimize the occurrence of harassment. The more diverse a group of work *peers* is, the greater perspective and sensitivity that team will have. It is through that team's interactions, the opportunities to witness the value of each other and develop personal familiarity, that stereotypes, biases, and indifference are overcome. Genuine respect and harassment do not co-exist.

And finally, even as adults we have to practice (out loud) how we will handle difficult and awkward situations that we witness. We teach our children how to respond to bullying situations. We give them words to say and options for how to respond. We hire professionals to help figure out what to say in public relations crises. Yet we rely on instinct to formulate our response and our words when a shocking workplace moment occurs. Without forethought about the actual language to use in such fleeting but important moments, we expect too much of ourselves. Talking with colleagues and developing a plan on what to say and do is an easy remedy.

Committing to not harassing others is easy, and the lowest possible denominator on this issue. But whether you are male or female, we can all do better than that. Analyze how and with whom power resides in your organization. Create and demand cultures of accountability, transparency, and diversity in your organization. Have a serious conversation with your peers about how you will all respond when you see or hear harassment, disrespect, or disparaging words aimed at gender, race, religion, sexual orientation, or disability. These are all doable action items that go beyond words or workplace policies and something to which everyone can say #MeToo.



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