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Contemporary British History

ISSN: (Print) (Online) Journal homepage: https://www.tandfonline.com/loi/fcbh20

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To cite this article: Louise A. Jackson, Sophia Ayada, Ashlee Christoffersen, Hazel Conley, Frances C. Galt, Fiona Mackay & Colm O'Cinneide (12 Oct 2023): Campaigning against workplace 'sexual harassment' in the UK: law, discourse and the news press c. 1975–2005, Contemporary British History, DOI: 10.1080/13619462.2023.2262930

To link to this article: https://doi.org/10.1080/13619462.2023.2262930

Published online: 12 Oct 2023.

CONTEMPORARY BRITISH HISTORY
https://doi.org/10.1080/13619462.2023.2262930

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Campaigning against workplace 'sexual harassment' in the UK: law, discourse and the news press c. 1975–2005

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ABSTRACT

This article examines how and in what ways workplace 'sexual harassment' achieved social and legal recognition in the UK news press following its importation from North America in the mid-1970s. It assesses the role of feminist campaigners working within institutions (trade unions, human rights advocacy, the Equal Opportunities Commission and journalism itself) in shifting public discourse and in using the media to educate and promote social change. We demonstrate that the trajectory was far from a linear progression. Initial hostility within the popular press in the early 1980s was replaced with sympathetic coverage across the party-political spectrum by 1990. However, this consensus broke down in the 1990s as a result of politicised and polarised coverage of a series of claims brought by women in the services and armed forces against the backdrop of debates about 'compensation culture' and membership of the European Union. Whilst change was effected at the level of employment law, formal practice and in the human resources policies of larger employers, 'sexual harassment myths' were resilient as a thread within 'everyday cultural discourse' and, by implication, within informal workplace cultures.

KEYWORDS

Sexual harassment; work; feminism; discourse; media

Introduction

Coined by women's rights activists in North America in the 1970s to refer to 'unsolicited non-reciprocal male behaviour that asserts a woman's sex role over her function as a worker', the term 'sexual harassment' spread rapidly to inform women's movements in Europe and Australasia.[1] By the early 1980s, a concerted campaign was in place to raise awareness of the extent and seriousness of 'sexual harassment' in the UK, building on feminist networks that traversed the trade union movement, rights advocacy and journalism. Broadcast and print media, especially the national news press of the 1980s–90s, was a significant forum of public debate as the term entered the mainstream as an import from specifically feminist discourse. There was little appetite within the political climate of the 1980–90s to introduce legislation addressing 'sexual harassment'. Indeed, it only

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received formal definition in secondary legislation in 2005 (giving effect to a European Union (EU) Directive), before the Equality Act 2010 finally introduced an explicit prohibition into primary legislation. But the concept was gradually defined and recognised to be actionable—under the 1975 Sex Discrimination Act (SDA)—through judge-made case-law, with campaigning organisations playing a critical role in moving this process forward.

Our aim is to identify and analyse the mobilisation of feminist and legal thinking relating to 'sexual harassment' within media discourse in order to understand to what extent and in what ways the terms of public debate were recalibrated. We examine how and by whom it was deployed, exploring the strategies of key actors in campaigning organisations and journalism. Concomitantly, we consider the mobilisation of resistance to these strategies, identifying the construction of oppositional narratives or 'sexual harassment myths' within the discursive struggle. This is timely and significant for two reasons. First, the apparent 'rediscovery' of workplace and work-related 'sexual harassment'—through (and since) the international take-up of #MeToo discourse in 2017—appears to suggest lack of traction in earlier campaigns or a hiatus in which 'sexual harassment' disappeared from view. Secondly, the success that tends to be claimed for #MeToo as a social media phenomenon suggests that 'new' media are more persuasive and direct than 'old' media (print press and scheduled broadcasting). As Karen Boyle has recently observed, the absence of awareness of the 'longer history of feminist speech' within predominant 'popular understandings of #MeToo' has created a distorted account of the significance of #MeToo.[2] Taking up her call to situate it 'historically and contextually',[3] we contribute to understandings of the broader longitudinal history of campaigns against workplace 'sexual harassment' by examining how the ('old') media (with a particular focus on the news press) was harnessed by campaigners, and with what limitations and successes.

Feminist labour history of the topic (especially on the UK context) has focused overwhelmingly on the Victorian period to demonstrate that 'sexual harassment', and women's protest against it, had a pre-history prior to its naming.[4] Although the contemporary history of 'sexual harassment' remains largely unwritten, we draw on two key works here that relate to the media specifically. Sue Wise and Liz Stanley provided a unique historical sociology of the term that was also a polemical intervention within feminist debates (by linking it to broader systems of gendered power relations) in their book *Georgie Porgie*, published in 1987.[5] Through their analysis of press cuttings for the years 1981–1985 collected by the Equal Opportunities Commission (EOC, the enforcement body set up under the terms of the SDA), Wise and Stanley highlighted the prevalence of anti-feminist tropes that perpetuated sexist stereotypes. They depicted a homogenous media as integral to the 'problem', with coverage shifting from 'news' to 'human interest' and then decline in the volume of coverage as the press apparently disengaged altogether. However, the benefit of hindsight and, more importantly, the digitisation of newspaper archives, enable a systematic overview of reporting trends beyond the 1980s, demonstrating significant peaks (and troughs) in coverage up to and including #MeToo. Attention to *who* was involved in the construction of press reporting (and *how* news stories came about) reveals a more complicated and heterogeneous landscape. This article is also informed by the historicised work of sociologist Kathrin Zippel, who has compared the legal and policy environments that have shaped definitions of, discourses about, and responses to 'sexual harassment' in the USA, the EU and,

more specifically, Germany, in the 1970s–1990s. Zippel has examined the role of feminists 'within and outside institutions' who acted as a 'driving force' to create new policy responses, arguing that in the USA 'activists strategically used the media to spread knowledge and raise public awareness'.[6] We focus here on the UK context specifically (largely missing from Zippel's account), and provide a more detailed evaluation of the new press across time, evaluating the successes and limitations of feminist attempts to use it for campaigning purposes. We consider the interventions of female trade unionists, feminist and human rights advocacy groups, the EOC and journalists themselves who saw purpose in mobilising around the idea of legal and rights-based solutions (a reformist agenda) and in using the media to educate and promote social change.

The issue of 'sexual harassment' sat at the nexus of feminist campaigns relating to paid work, on the one hand, and gender-based violence on the other. For feminist activists within trade unions (often working within a broadly Socialist-feminist framework), it was directly related to the gender dynamics of workplaces and to women's position in the labour market (including their concentration in low-paid, low-status and female-segregated occupations and industries).[7] For many campaigners against gender-based violence, it was part of a 'spectrum' or 'continuum' of sexual violence that occurred across domestic, public and work places that was 'fundamental to the power structure which exists between men and women'.[8] However, this dual aspect meant that it was often not the central preoccupation of either constituency (campaigns against sexual violence, on the one hand, or around women's pay and working conditions on the other), although the two viewpoints were certainly not incompatible. The debate about legal responses to workplace 'sexual harassment' was situated within civil (employment) law and its structures (including the mechanisms of industrial or employment tribunals and workplace complaints and disciplinary policies)—rather than the criminal law and criminal justice systems/solutions which dealt with rape and indecent assault—and there were multiple definitions (or framings) of 'sexual harassment'. Within some feminist usages of the term, rape and criminal assault were included within the category of 'sexual harassment' (as in itself a continuum), whilst in others the term was used to refer to a separate category of unwanted behaviour which might nevertheless be positioned on a broader continuum of sexual violence.

All of these reasons perhaps explain why campaigns against 'sexual harassment' have not really figured in the historiography of the women's movement in the UK, although this historiography makes a number of pertinent interventions that we draw on here. Recent historical assessments of the Women's Liberation Movement (WLM) highlight campaigns opposing violence against women as an important 'axis' that shaped the politics of gender and sexuality of this period.[9] Like other forms of sexual violence, 'sexual harassment' was caught up in debates about the nature of consent; we demonstrate here that, for the popular press, the issue that was often at stake was to do with behavioural norms and codes of conduct grounded in assumptions about compulsory heterosexuality (as well as in response to women's increasing presence across workplaces). Whilst there were notable and sometimes vituperative disagreements between Socialist and revolutionary feminists in their theoretical analyses of gender-based violence, the 'right to freedom from violence' was nevertheless a demand agreed upon by the 1978 WLM conference by a range of constituencies.[10] An emphasis on 'convergence and collaboration' (which entailed working with other women's groups and other organisations on the left), as

well as the continuation of feminist organising across and beyond the decade of the 1980s, is a feature of recent studies.[11] As Sarah Browne suggests in relation to the WLM in Scotland, it was 'through the violence against women issue' that 'women's liberation thought and practice' was 'diffused into wider society', directed into practical (and reformist) initiatives including the setting up of Rape Crisis Centres, campaigns for Women's Aid refuges and Reclaim the Night marches.[12] Here, we demonstrate a similar process of diffusion into reformist initiatives. In the case of sexual harassment, however, this was largely through mainstream rather than grassroots organisations.

Sources and methods

Our methodology has entailed macro and micro analysis of the coverage of 'sexual harassment' within digitised newspaper archives, exploring its emergence, evolution and framing in relation to the broader contexts and institutions within which it was produced, and foregrounding the actors who produced it. Adrian Bingham has highlighted the significance of the twentieth-century British popular press as a source of knowledge about sexual behaviours and moral codes, constituting an important site of public debate. Whilst newspaper circulation was falling off by the late-1970s, the popular press remained an important source of news, information and gossip for a newspaper-reading nation.[13] Whilst the dominant tone can be characterised as prurient, Bingham argues that 'newspapers were more complex, diverse and unpredictable than many critics have admitted'.[14] They were not simple barometers of public opinion but interventions that both shaped and reflected it, and were polyphonic and polysemic. We investigate the news press and related media here as a form of 'everyday cultural discourse' tracing the relationship between 'people, text and ideas' in the construction of news stories.[15] Moreover, we examine the relationship between legal discourse, feminist discourse and 'everyday cultural discourse'.

The term 'sexual harassment' was searched for and charted across four UK national newspaper titles for the period from 1975 (the year of the first identified mention in any British newspaper) to 2005 (incorporation into secondary legislation and the take-off of social media) (see Figure 1). The titles selected included the *Daily Mirror* (henceforth *Mirror*), which supported the Labour Party in general elections, and the *Daily Mail* (henceforth *Mail*), which supported the Conservative Party, as examples of 'popular' tabloid titles.[16] These were paired with *The Times* (Conservative with a temporary shift to Labour in 2001) and *The Guardian* (Labour supporting) as examples of 'elite' broadsheet press. *The Times* offered in-depth coverage of legal affairs (including case law and employment law); its readership might be characterised in terms of the business community and established professions. *The Guardian*, associated with an overt centre-left political stance, had a tradition of covering social policy issues and was also the leading recruitment forum for public and voluntary sector posts through its job advertisements section, further inflecting its readership. The visualisation that emerges of the contours of 'everyday public cultural discourse' is interpreted here as broadly indicative rather than definitive or robust given the limitations of Optical Character Recognition, which are well charted by others.[17] Notably, there are significant correlations in trends and patterns across time for all four newspapers that are suggestive of shifts

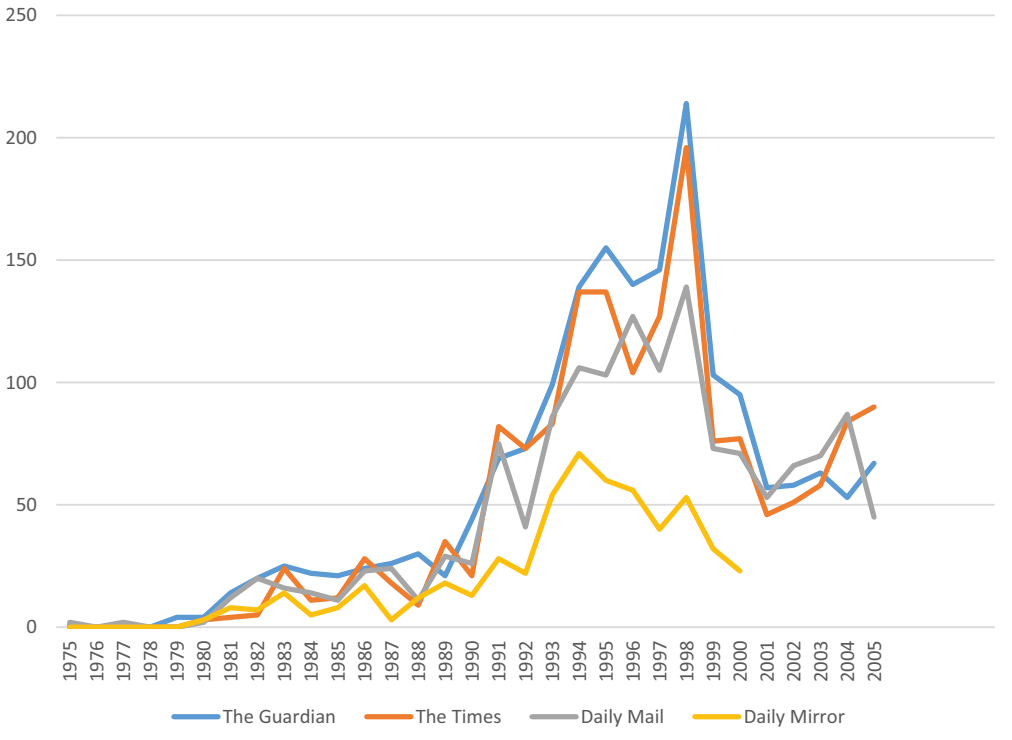

Figure 1. Frequency of term 'sexual harassment' in UK national newspapers 1975–2005. Sources: the *Daily Mirror* and *Daily Mail* were accessed through the historical archives hosted by Gale; *the Times* was accessed through the combined digital archive hosted by Gale; the *Guardian* was accessed through ProQuest historical Newspapers and (from 2004) nexis. Searches were conducted on 28 August 2023, selecting 'entire document' (Gale) or 'anywhere in text' (ProQuest) or 'entire document' (Gale).

in the debate. A period of gradual take-up in the years 1983–89 was followed by a succession of peaks in the 1990s that were largely the effects of international news coverage: of the politicised complaints made in the USA by Anita Hill (1991) against Supreme Court nominee Clarence Thomas, and by Paula Jones (1995) and Monica Lewinsky (1998) against President Bill Clinton. This was succeeded by a noticeable period of cooling in the early 2000s. Increased coverage in the 1990s also resulted from wide take-up of the term, not just in relation to the workplace but to schools, universities, public space (including street harassment) and as a synonym for sexual abuse more broadly. In 1996 and 1997 the term was used in relation to the enactment of 'anti-stalking' legislation which we do not cover here. Take-up also related to its inclusion in public sector job advertisements (especially in the *Guardian*) and, prevalent by the 1990s, in information about television and radio broadcast listings (which warrant a separate study). We discuss the Hill-Thomas hearings in this article because they were hugely significant globally—as a trigger for consciousness-raising and reflection on domestic policy. We do not discuss the Jones/Lewinsky allegations since, as central to the impeachment of Clinton, they cannot be extricated from the extensive coverage of US politics and require situating within an international relations context. We focus here on reportage where

workplace 'sexual harassment' was a central current affairs topic, identifying common patterns of framing and narrating.

Whilst centring on the media, our analysis combines cultural, historical, legal and political studies. The media frames news stories through 'selection' and 'salience', which act together to 'define problems', 'diagnose causes', 'make moral judgements' and 'suggest remedies'.[18] 'Frames' are apparent through the use of 'key-words, stock phrases, stereotyped images, sources of information, and sentences that provide thematically reinforcing clusters of facts or judgements'.[19] Newspaper headlines, sub-headings and opening sentences (often the work of sub-editors rather than reporters) all structure information in very particular ways and seek to guide a reader's interpretation of events. Macro-searches of the digital archive (also entailing the identification of clusters of topics or sub-themes) and close reading of individual articles have been combined with research on related documents to understand intertextuality and trace the processes through which newspaper discourse itself has been constructed across time. Crucially, too, we have traced the legal development of 'sexual harassment' through legislation and case law in order to unpack the relationship between legal and cultural discourses. Finally, we have constructed a timeline of events and identified key actors within political, legal, media and policy communities, examining their networks, spheres of influence and location within institutional structures.

The remainder of the article is organised chronologically, exploring the processes of naming, debating and meaning-making that sit behind the broad-brush contours of Figure 1. We divide our periodisation and, thus, the structure of this article into two parts, discussing the years 1975–1990 and then 1991–2005, as representing two closely interwoven but distinct phases in the framing of 'sexual harassment'. In relation to the first phase (1975–1990), we demonstrate how feminist media strategies enabled the concept to achieve recognition within mainstream discourse, despite initial hostility from the popular press. A feminist network of journalists, lawyers, trade unionists and women's rights campaigners that included the National Council for Civil Liberties (NCCL) was crucial in seeding awareness of the legal framing of sexual harassment from 1980 onwards. Equality 'professionals' within the EOC then began to campaign around sexual harassment in 1983, publicising 'successful' outcomes in industrial tribunal cases in ways that demonstrably transformed public knowledge and understanding. There has been an understandable tendency within work on British feminism and the mainstream media to emphasise lack of success in the face of a mass industry driven by commercial considerations and organised through male-dominated and masculinist institutions.[20] Whilst not entirely disagreeing with these assessments, we identify the limited and pragmatic successes achieved in the 1980s, whilst also evaluating at what cost. We show how a brief convergence between 'news value' and feminist campaigning created a discursive space that enabled sympathetic and supportive coverage of female complainants in both leftist and conservative-leaning newspapers, although this was achieved through narratives that individualised and depoliticised the problem. In examining the second phase (1991–2005), we begin by demonstrating how coverage of the Hill-Thomas hearings was significant in the UK (as globally). Whilst it exemplified discursive reluctance to discuss the intersection of gender and race, 'sexual harassment' was squarely placed on newspaper front pages in 1991. Nevertheless, the fleeting period of left–right consensus that was achieved in framing workplace 'sexual harassment' as

a serious social problem broke down in the 1990s against the backdrop of debates about membership of the European Union and free market economics. Focusing on coverage of a significant body of claims brought by women in the male-dominated services and armed forces, we demonstrate the politicisation and polarisation of workplace 'sexual harassment' as a news topic. Ultimately, we show how a set of 'sexual harassment myths', which served to denigrate and silence complainants, were cultivated across time within newspaper narratives (at some points dominant and at others subordinate), enabling their wider resilience within the repertoire of 'everyday cultural discourse'.

Breaking through to the mainstream, 1975–1990

We examine, first, the press coverage of the period 1975–1990 in which, despite initial resistance, the concept of 'sexual harassment' gained formal legal and policy recognition. The coinage of the term and its association with the workplace is attributed to US academic and activist Lin Farley, as resulting from 'consciousness raising' discussions with staff and students at Cornell University in 1974. The issue was taken up by Black civil and women's rights campaigner Eleanor Holmes Norton, initially in her capacity as Commissioner of Human Rights for New York City (and later as chair of the US Equal Employment Opportunity Commission (EEOC)), leading to coverage in the *New York Times* in 1975 and rapid take-up in the USA.[21] In the UK, the *Daily Mail* was the first to use the term 'sexual harassment' in August 1975—but in order to report on Farley, Norton and 'Women's Lib' in self-styled 'negative and unsympathetic' terms through the lens of gendered national stereotypes. Asserting she was in favour of 'equality' (as a legitimate goal), columnist Jane Gaskell depicted attempts to codify 'sexual harassment' in law as exemplary of 'the prig in the American female' and as 'a whinge-and-cringe tactic' (21 August 1975). These tropes, as we will see, were to become common in the first half of the 1980s. Moreover, the construction of 'feminists' as an extreme 'other'—in contrast to 'equal rights supporters'—was part of a broader de-legitimisation of the 1970s women's movement in the British and American popular press and persistent marginalisation of 'organised feminism' in favour of an individualised and 'common sense' approach.[22] In contrast, *The Guardian* first used the term 'sexual harassment' in a broadly serious and sympathetic report reprinted from the *Washington Post* about complainants in policing in the USA; notably, it highlighted the experiences of Black female officers and the relationship between sexual harassment and overt racism (15 October 1975). At this point, however, 'sexual harassment' was portrayed as a US issue rather than applicable or relevant within a UK context.

Trade unions, the NCCL and tabloid resistance

The broad take-up of the term 'sexual harassment' within public discourse in 1981–1983 was the direct result of campaigns by women activists in the trade unions movement, and, specifically, the white-collar National Association of Local Government Officers (NALGO). Adopting campaigning tactics developed by Canadian Trade Unions, NALGO conducted membership surveys (in Liverpool and Camden specifically), showed a training film imported from North America, launched posters and leaflets to raise awareness, and encouraged members to negotiate workplace policies and use existing internal grievance

procedures to make complaints. In July 1981, NALGO's national Equal Opportunities Committee published the leaflet *Sexual Harassment is a Trade Union Issue* (as the first trade union to do so), framing it as both an equal opportunities issue (because it viewed women 'as sex objects') and as a health and safety issue (because of the 'stress' it caused for women workers).[23] In so doing, the leaflet located 'sexual harassment' policy within the orbit of trade union health and safety officers as much as the women's and equality officers who were key in pressing for its recognition. NALGO's work in Liverpool featured in a television documentary 'Unwelcome Advances', made for ITV's *TV Eye* and broadcast in October 1981, all part of what was, ultimately, a very successful media strategy.

The specific *legal* framing of sexual harassment as a form of workplace *discrimination* drew on the work of US legal scholar Catherine Mackinnon, who had developed the claim (taken up by the EEOC in the USA under Norton) that civil rights' legislation prohibiting sex discrimination in employment also rendered harassment unlawful.[24] The UK SDA 1975 did not make direct mention of sexual harassment but had made it unlawful to treat a woman 'less favourably' than a man 'on the ground of her sex' or, in relation to employment specifically, to subject 'her to any other detriment'.[25] In *Sexual Harassment of Working Women* (published in 1979), Mackinnon cited two types of cases: those in which female employees felt compromised into sex through threats of reprisal or promises of promotion (which she labelled as '*quid pro quo*') and those where female employees were pressurised to leave their jobs through sexual harassment ('hostile environment'). The legal claim hinged on the argument that such cases were not purely personal or isolated acts, but a matter of an employer's policy: where employers had no procedure in place to respond to sexual harassment complaints, they were vicariously liable. Given that the drafting of the UK SDA 1975 had been informed by US Civil Rights legislation, coupled with the shared common law tradition of the two jurisdictions, arguments swiftly circulated within the UK feminist legal community that Mackinnon's arguments were equally applicable. This *legal* framing as sex discrimination in employment was increasingly referred to by feminist trade unionists and incorporated into their campaigning and advocacy. Hence, the Women's TUC Conference passed a resolution in March 1982, proposed by the National Union of Journalists (NUJ), recognising that 'sexual harassment is a form of sex discrimination that can damage trade unionists' morale, job security and prospects at work'.[26]

Working alongside women in the trade unions, the National Council of Civil Liberties (NCCL)—more specifically its Women's Rights' Committee (and Unit of employed staff)—acted as a significant hub at the intersection of an emerging set of progressive professional and occupational networks.[27] In 1981 it decided to campaign around 'sexual harassment' specifically, drawing on the skills and expertise of Committee members who included campaigning journalist Anna Coote, radical lawyer Tess Gill and Labour MP Jo Richardson, and NCCL salaried staff Ann Sedley (Women's Rights Officer), Melissa Benn (Project Officer), Harriet Harman (Legal Officer) and Patricia Hewitt (General Secretary).[28] Reviewing Mackinnon's book in the *New Statesman* (of which she was deputy editor), Coote had commented that: '[Mackinnon's] arguments put us to shame. Neither feminist campaigners nor parliamentary protagonists in this country have bothered to develop a coherent theory about our new anti-discrimination laws' (14 December 1979). Mackinnon's work clearly influenced the NCCL response. In June 1982 the NCCL launched its pamphlet *Sexual Harassment at Work*, penned by Sedley and Benn, which argued that

'sexual harassment is an important area of discrimination against women in employment', and 'is inextricably tied up with power relationships in the workplace'.[29] Whilst the NCCL was able to offer some legal assistance, the need for a single-issue, one-stop organisation was increasingly recognised. Radical lawyers associated with the NCCL (including Sedley) went on to set up Women Against Sexual Harassment (WASH) in 1985 to offer practical support and legal advice to any women, filling gaps left by the EOC (where cases did not meet their criteria for support) and trade unions (for those who were not members, in non-unionised industries or where union representatives were unresponsive) (*Guardian*, 13 May 1987).

In terms of timing, tactics and rhetoric, the campaigns of the NCCL, NALGO and TUC were aligned to build momentum and attract maximum publicity. As the NCCL commented at the time, these campaigns together 'had tremendous coverage some very positive, some positively sexist'.[30] The most 'positive' packaging, following the framing provided by campaigners, appeared in the Socialist-feminist magazine *Spare Rib*, where an in-depth three-page article by freelance journalist Jane Root was published in January 1982 under the heading 'Our greatest occupational hazard' (a description developed by the Canadian Labour Congress).[31] Root drew on initial NALGO survey findings and interviews with women about their experiences, and commented on the emerging (although very limited) use of unfair/constructive dismissal claims under UK employment law (when women were sacked or forced to quit for refusing sexual advances). The progression of the NALGO and NCCL campaigns was also reported factually as they unfolded on the *Guardian's* 'women's page' (which had been launched in 1957 and had helped to create an important 'soft' feminist 'counter-discourse' to narratives dominant elsewhere in the 1960s-70s).[32] The launch of the NCCL pamphlet was almost the only occasion in the 1980s in which 'sexual harassment' was the focus of a front-page story (involving serious treatment of the issue) in *The Guardian* (7 July 1982). Further down the line in 1985, the launch of WASH was covered by articles authored by Benn (in *Spare Rib*, July 1985, and the new independent magazine *Everywoman*, March 1985) and by Sedley (*Guardian* 18 June 1985), the latter explaining the legal arguments in some depth.

However, trade union and feminist framings of sexual harassment—as a health and safety issue, as a form of discrimination, or as emblematic of unequal power relations—were actively resisted within the popular tabloid press in the first half of the 1980s. Coverage of the NALGO campaigns commonly invoked a set of stereotyped characters—heralding a tongue-in-cheek 'war' on affectionately labelled 'Office Romeos', 'Would-Be Casanovas', 'Amorous Bosses' and 'Bottom Pinchers'—to frame sexual harassment as news in ways that trivialised, mocked and sensationalised it, or that further sexualised women's experience (*Mirror* 4 July 1981, 5 October 1981 and 22 October 1981; *Mail* 16 February 1981). Sedley and Benn, as authors of the NCCL's pamphlet, expressed disappointment in 1982 that the tone of the majority of articles covering its launch was 'decidedly silly'; headlines included 'Dealing with Casanovas at a pinch' and 'If an office Romeo grabs you, grab back'.[33] As Wise and Stanley pointed out in 1987, these tropes naturalised and normalised sexual harassment as an extension of legitimate—and even romantic—male heterosexual behaviour.[34] They can be clearly categorised as 'anti-feminist' in that the meaning or moral judgement that was suggested was not one that constructed sexual harassment as a serious problem related to unequal gender power relations either in the workplace or more broadly.

On 23 August 1983 the publication of the TUC pamphlet *Sexual Harassment at Work* made it to the front page of the *Mirror*, covered by industrial relations correspondent Terry Pattinson under the headline 'The Sex Commandments of the TUC'. Alongside it, a column by 'Agony aunt' and assistant editor, Marjorie Proops, suggested 'There is a very thin line between sexual harassment as defined by the TUC guide and light-hearted, if sometimes ribald, comments'. Proops concluded 'steps should be taken to eradicate the problem' but 'they'll have a hard time legislating against human nature'. A few days later, *Mirror* columnist Keith Waterhouse even more derisively depicted the TUC's women's advisory committee as 'hardline feminists' and time-wasters who were simply trying to change 'human nature' (25 August 1983). The *Mail's* female columnists Lynda Lee-Potter and Anne Leslie remained even more disparaging across the early 1980s, telling NALGO campaigners to 'treat it with a guffaw instead of outrage', depicting them as 'the ninnies of the TUC' who wanted to turn women into 'cry babies' (29 July 1981; 24 August 1983). Moreover, as Frances Galt has shown, it was a considerable struggle within unions themselves—conducted by women's officers and equal opportunities' committees at both branch and national level—to achieve recognition that women's issues *were* trade union issues.[35] Across the party-political spectrum, female trade unionists were depicted as prudish, puritanical, out of touch and lacking in humour.

Within the populist politics of both the *Mail* and *Mirror*, social conservatism regarding gender roles combined with an emphasis on individualism and agency to produce a 'post-feminist' argument that 'strong' women did not need to be protected, which was naturalised as 'common sense'. Thus, the predominant image in tabloid women's pages of the 1980s was that of the 'self-assertive, self-motivated superwoman' who was already more than equal and which was 'congratulatory but depoliticised'.[36] Indeed, 'sexual harassment' as a topic worked to shape these wider 'post-feminist' (or 'common sense') media discourses (as well as being shaped by them). Also at stake was the desirability of formal regulation (through workplace policies and employment law), with both papers suggesting women should accept personal responsibility by dealing informally with men's unwanted behaviour. The private member's bill introduced by Labour MP Jo Richardson (drafted by the NCCL) to remedy grey areas in existing 'sex equality' legislation—including the explicit inclusion of 'sexual harassment' as (unlawful) discrimination—was thrown out at second reading in the House of Commons in December 1983. Tellingly, it received only the most peremptory coverage in both newspapers. Moreover, the lack of an easy definition of 'sexual harassment' meant that much of the coverage of the early 1980s (in both broadsheets and tabloids) was preoccupied with trivialised debates regarding when it was that 'a glance became a leer' or 'natural flirtation' became an unwanted intrusion. Desirous of simple packaging for stories, the popular press struggled to understand that 'sexual harassment' often referred to a pattern of behaviour that was iterative and cumulative.

However, given the tendency of the popular press of the 1970s to 'black out' (or simply ignore) the women's movement and feminist voices,[37] it was extremely significant that the discussion of 'sexual harassment' at the TUC conference ended up as a front-page *Mirror* lead in August 1983 and that all four papers surveyed covered the NALGO campaign. Despite ostensibly negative packaging, this enabled the issue to break through to the mainstream and enter public consciousness and debate. The tethering of narratives to cultural tropes or signifiers (as well as the ordering of information) clearly prompts

a dominant way of reading and emoting. Yet, Stuart Hall's work on 'encoding' and 'decoding' reminds us that meanings are not fixed and that readers may interact with texts in a multitude of ways as they draw, too, on their own experiences, understandings and, indeed, other sources of information.[38] For example, whilst the *Mirror* continued to carry material that mocked the issue, some readers' letters articulated a counter view: 'Your cartoon on sexual harassment was in very poor taste. Women have enough to contend with from men without you making a joke' (18 June 1986). The *Mail* was not averse to carrying a reader's letter disagreeing with Lee-Potter for 'missing the point the NALGO union was trying to make' (3 December 1980). Polysemic stories drew on quotation from a range of voices, including those who originated them (through press releases and publications). Whilst the viewpoint of columnists (such as Proops, Waterhouse or Lee-Potter) was clearly foregrounded and often deliberately provocative, subordinate meanings were contained within the text or elsewhere in the paper. As a 'news' topic, 'sexual harassment' had capacity to attract coverage because it fitted with established tabloid news values of titillation and sensationalism which thus enabled break-through. If readers ventured beyond attention-grabbing headlines, they learnt that the TUC women's conference deemed 'sexual harassment' 'a very serious problem' or that employment lawyer Michael Rubenstein advised employers of their potential liability (*Mirror*, 17 March 1983, 5 October 1981). Remarkably prescient comments made by the NCCL's Ann Sedley were quoted in the *Mail*: 'The more the issue is talked about, the more women will start thinking about something that perhaps happened in the past and say to themselves "Yes, it did happen to me"' (7 July 1982).

The EOC and convergence with news values

As we demonstrate next, there was a discernible shift across the 1980s as women began to win 'sexual harassment' cases at industrial tribunals and as judge-made law came to provide the definition that government was reluctant to enact. There were two reasons for the shift. Firstly, court cases easily fitted with a further core news value of 'personalisation' by centring on the 'stories' of individual women. This meant they were covered and quotations from claimants and their legal teams were sought (alongside photographs) as part of a 'human interest' narrative that included feelings and affect. Secondly, and relatedly, whilst 'sexual harassment' as a concept was perceived to lack definition (including legally until landmark test cases were won), details of successful tribunal hearings (in which actual behaviours and events were described) could be understood in clear black and white terms through the characterisation of heroes and villains (as for other court cases).[39] Thus, in September 1983, the *Mail* praised the courage of 21-year-old Miss Walsh, whose case was 'a milestone for women's rights' as 'the first time a tribunal [in the UK] has ruled that sexual harassment is discrimination under the Sex Discrimination Act'. It foregrounded her agency: she 'was fired because she slapped' a company director 'and then poured lager over him' following his behaviour towards her at an office party. It also framed the article by quoting a spokesperson for the EOC (who had supported her legal costs): 'We are very pleased at the result, because now if women are harassed at work they have some protection' (*Mail* 9 September 1983).

As an equalities regulator with finite resources, the EOC made strategic decisions on whether to assist claimants through advice or payment for legal representation.

According to the Commission, its policy in the 1980s was to assist 'many cases' and 'purely on the basis of their merits', aiming to 'firmly root the concept of sexual harassment' as 'falling within the scope of the SDA'.[40] The first of these to come to court involved claims brought by three women against both their employer (Mirror Group Newspapers) and their trade union (SOGAT 82) relating to 'abuse and threats' from male colleagues 'for taking jobs previously done by men'. It is worth noting here, too, that this case underlined the systemic problems within trade unions as established and male-dominated institutions, as well as the masculinist culture of the print and journalism industries themselves. An EOC spokesperson told the *Times* 'This a very important case. We welcome it as a chance to test in court whether the Sex Discrimination Act covers sexual harassment' (22 October 1982). Although settled out of court in January 1983, the EOC framed this as a success, stating publicly that the 'offer to pay costs and compensation was tantamount to an admission' (*Guardian* 5 January 1983).

Following the 1976 Sex Discrimination (Northern Ireland) Order, a separate Equal Opportunities Commission for Northern Ireland (EOCNI) was set up to monitor sex discrimination. As the EOCNI's Senior Education and Information Officer, Evelyn Collins was invited by BBC Northern Ireland to comment live on the TUC pamphlet *Sexual Harassment at Work* in August 1983. As a direct result of her offer to assist anyone coming forward with a complaint, the EOCNI supported a 17-year-old apprentice garage mechanic forced to quit her job as a result of the appalling behaviour of her colleagues (and lack of action by her boss). Collins has described how 'Almost the next day [after the interview] … a young woman … rang the office and said, "That happened to me. What Evelyn was talking about on the news the other night, that happened to me"'. The industrial tribunal hearing (Mortiboys v. Crescent Garage Ltd), which concluded in February 1984, was the first successful case in which 'sexual harassment' was found to constitute unlawful sex discrimination in Northern Ireland.[41] Mortiboys and the EOCNI went on to collaborate with the BBC to produce a half-hour documentary for the current affairs programme *BBC Northern Ireland Spotlight* on her experience.[42] The Belfast press covered her case with due attention to the legal details (based on Collins's press release), whilst the *Belfast Telegraph* provided a resounding endorsement of the outcome in an editorial comment on its front page: 'Yesterday's decision stands as a salutary reminder that women have a channel of redress and that offensive behaviour need not go unpunished' (24 February 1984). The case was exemplary of what could be achieved by campaigners working towards reformist feminist objectives within and through mainstream institutions (in this case a statutory body, the press and broadcast media): to raise 'consciousness' and increase the 'self-confidence' of those experiencing discrimination through strategies of education and law enforcement that were mutually reinforcing.[43] This consciousness-raising was reflected in increased complaints of 'sexual harassment', with over 60 a year being reported to the EOCNI by 1988.[44]

Clearly, the distinct political context created a very different policy ecosystem in Northern Ireland, but there were broad synergies in the EOC approach across jurisdictions. It was seen as vital to bring cases to tribunal to prove that the law was enforceable, and thus to drive home the point that employers should have appropriate policies in place to deal with it. Whilst the first cases were making their way through industrial tribunals, the need for formal written judgements (heard through appeal to the higher courts) was a pressing one to establish a common law precedent. The EOC supported school

laboratory technician, Jean Porcelli, in her case against Strathclyde Regional Council, which became in 1986 the 'first definitive ruling by a British court' that sexual harassment constituted discrimination under the 1975 Act.[45] The case attracted less interest from the Fleet Street popular press, which tended to be drawn to proceedings involving young women, older male bosses and unwanted attempts at sexual gratification (the '*quid pro quo*' framing). Yet Porcelli's case was an important one legally because it solidified the argument that a hostile working environment (entailing insults, innuendo and bullying in which a person was treated differently because of their sex) also constituted sexual harassment. As more cases came to court across the 1980s, the EOC sought to capitalise on them by working with the press to educate as broad a public as possible. As the EOC's Fiona Fox told the *Mirror* (in relation to another case) 'Every time a case like this is reported, we hear of more complaints'. These were just 'the tip of the ice-berg' and Fox encouraged more women to come forward (20 April 1989). By 1987, Coote and Beatrix Campbell felt able to conclude that 'The campaign against sexual harassment … was conducted mainly through established organisations and through litigation. The campaign was effective, but its political dimension was muted'. They thus implied it had become disconnected from a broader feminist critique grounded in analysis of the power dynamics of workplaces and the labour market.[46]

In terms of EOC strategy, both the legal route and any press coverage of it was beneficial, but for complainants it was often beyond endurance. Comments made by successful litigants, reported in the press to emphasise individual bravery, revealed both huge personal costs and their motivation of self-sacrifice for a greater good. In 1983 Walsh was reported in the *Mail* as having 'wept' at the tribunal and telling of the 'emotional strain waiting for the decision': 'I am just happy I won and I hope it will help other women in the same position' (9 September 1983). Indeed, following an Employment Appeal Tribunal ruling of 1987, employers were permitted to bring evidence (which might also be reported) suggesting a complainant had welcomed sexual advances in the workplace. Press scrutiny and raking through personal lives, character and sexual reputation took its toll on women. In 1989 a successful litigant told the *Mail*: 'It's been a very difficult ten months since all this happened and I have tried not to let it affect my marriage, my personal life or my professional life' (22 November 1989). The effects were even worse for women who did not win their cases or whose cases did not quickly cohere into the 'young brave victim' narrative. An all-too common experience for complainants was that 'We were made to feel like the villains at the hearing, not the victims'.[47] Studies of gender and criminal justice have demonstrated notable continuities across time: women in the courtroom have tended to be evaluated in relation to their ability to perform or adhere to codes of 'acceptability femininity', whether appearing as defendants or complainants. For women, the sexual double standard has placed an emphasis on sexual respectability or continence (also refracted through the lens of social class).[48] Even within the 'young brave victim' narrative in 'sexual harassment' cases, the tabloid press continued, in many cases, to comment on physical appearance—including hair colour, attractiveness and the clothing worn in court.

The EOC's press strategy was successful, nevertheless, to a considerable degree because there was an increased sharing of objectives and, to some extent, values with the tabloids of the 1980s across the political spectrum. Both the EOC and the press were interested in promoting human-interest stories relating to sexual harassment,

and there was convergence around the narrative of the courageous (young) woman. Importantly, too, the popular press was increasingly happy to report the legal points of cases because it assumed they were of interest to female readers (22 November 1989). Very noticeably, in 1989, both the *Mirror* and the *Mail* (and the female editors and writers of their women's pages) had pivoted to endorse the framing of 'sexual harassment' as both unacceptable and illegal. Notably, the 'office Romeo' disappeared from headlines and the stereotype of the 'office sex pest' was widely used (and into the next decade) to frame stories and publicly shame male protagonists as villains. Used in relation to other forms of sexual violence to describe a sexual predator, the 'sex pest' was very much a negative construction (suggesting both annoyance and menace) but located blame in the individual failings of weak and perverse masculinity (rather than as a structural and institutional problem). Covering the successful claim brought by two litigants (supported by the EOC) against the owner of the company for which they worked, the *Mirror's* Mary Riddell described 'the typical sex pest' as 'a self-employed creep, running his own small business with a sideline in unpleasant seduction techniques'. For Ridell, there were 'two ways to beat men like him. To complain. And to fight' (20 April 1989). The paper's female readers were encouraged to write in with their responses, published the following week: 'I'm so glad they won their case and that *Mirror Woman* has used their victory to highlight the problem that so many working women face' (27 April 1989). Significantly, on the women's page of the *Mail*, journalist Vicki Woods was already writing in a similar vein (in marked contrast to Lee-Potter previously), admitting that newspapers were 'sexist' environments and that she had herself now realised she had experienced harassment: 'So what can women *do* about harassment and sexual threats? At work, in offices or elsewhere, they can break the conspiracy of silence … . They must come out. Tell. Talk. And ask for help … ' (*Mail* 17 June 1987). The fact that the motivation for the column was an article in *Elle* (a glossy women's magazine) rather than a trade union pamphlet made it easier to adopt this line. Across the political spectrum, female journalists were admitting 'sexual harassment' was a workplace issue about which individually 'brave' women had a responsibility to speak out. Perhaps the most illuminating example of the shift within popular journalism was the publication of the paperback book *Sexual Harassment at Work* by the *Mirror's* Terry Pattinson in the first half of 1991, which aimed, according to the publicity puff on the back cover, 'to take sexual harassment out of the realm of strictly feminist issues to show it as a concern for us all'.[49]

The combined publicity strategy of the EOC, trade unions and NCCL had in many regards paid off—each tipping towards slightly different audiences. Reaching an already-converted Socialist-feminist audience or network through *Spare Rib*, the issue of 'sexual harassment' had a much lower profile in the magazine than other forms of sexual violence or discrimination. Nevertheless, articles by Root and Benn saw them articulating the feminist position in an unmediated way, seeding information within workplaces and women's networks. At *New Statesman*, the deputy editorship of Coote facilitated in-depth treatment of the issue. The broadly liberal *Everywoman* included a regular factual column written by the EOC's press officer advising readers on their rights, including coverage of 'sexual harassment' as a form of discrimination (18 August 1986). These specialist publications were closely aligned with campaigners (in terms of values and aims), enabling them to have significant control over the message, although with

comparatively low reach. Amongst newspapers, the issue was most covered in the *Guardian*, where campaigners reached a much larger sympathetic audience (extending beyond those who were already activists), and its women's page was an important forum for the dissemination of information about campaigning events, resources and legal aid in the 1980s. Nevertheless, this coverage tended to be informative rather than 'passionate' (to use Benn's words in *Spare Rib* in July 1985).

Most significantly, however, 'sexual harassment' as a concept had broken through into the popular mainstream—and at the end of the 1980s even female journalists in the right-wing popular press were happy to endorse the work of the EOC. The campaign to raise awareness of 'sexual harassment' led to an incremental rise in the number of women coming forward for advice. This was a clear indicator of success given there was little correlation between reporting and actual incidence. From an annual figure of zero in 1980, the EOC reported that 150 women had approached them for advice about 'sexual harassment' in 1988, rising to 900 in 1992.[50] Whilst, at the beginning of the 1980s, there had been little alignment of values or aims, a notable convergence had created a space for overtly sympathetic coverage. To reach these potentially large audiences, however, campaigners had to relinquish control over the message. Convergence enabled the personal stories of 'brave' women to be utilised as exemplary, but it also individualised and depoliticised the problem, as the 'sex pest' stereotype cast perpetrators as 'bad apples' or weak and unmanly 'creeps' to be shamed.

'Compensation culture', party politics and the EU, 1991–2005

Whilst trade union women and the NCCL drove forward the media campaigns of the early-1980s, the EOC was firmly centre-stage in the 1990s. With formal recognition achieved for the legal principle that harassment was a form of sex discrimination, the EOC focused assistance on legal aspects that remained unresolved and on cases through which employers might be persuaded to introduce preventative policies.[51] Despite consensus across the party-political spectrum in the popular press of the late-1980s, we show next how editorial policy diverged in the period 1991–2005 as 'sexual harassment' was harnessed to other political and economic debates. *The Mirror* continued to carve itself out as a leading campaigner against 'sexual harassment'. However, the *Mail* drew back to a more equivocal stance grounded in anti-regulatory discourse articulated through a sense of national identity and Euro-scepticism. We demonstrate that these differing positions became increasingly polarised by cohering around a set of issues relating to, on the one hand, exposure of sexual harassment in the male-dominated services (policing and the armed forces), and, on the other (and relatedly), increases in the value of compensation awards. The contrast was most stark in relation to coverage of the Sarah Locker case (1991–2000), which we examine at the end of this section. We argue that this ambivalence within public discourse created a climate in which it remained extremely difficult personally for women to bring cases of sexual harassment and which enabled cynicism to continue as a thread within workplace cultures. A significant driver of press coverage in the early 1990s was international—more specifically US—political and cultural events, which we examine first, and which also raised important questions about the relationship between race and gender.

The Hill-Thomas hearings

Press references to 'sexual harassment' spiked in 1991 through coverage of the allegations of sexual harassment made by African-American law professor Anita Hill against African-American Judge Clarence Thomas and in relation to his nomination (by Republican president George H.W. Bush) as the first Black nominee for the Supreme Court. The allegations related to the period when Thomas was Director of the EEOC (a role to which he had been appointed as Norton's successor) and Hill had worked as his personal assistant. The case was seen as hugely controversial because of the politics of race (and the harmful depiction of Black men, historically, as sexually dangerous to white women), which Thomas, contentiously, drew on to describe the hearings as 'a high-tech lynching for uppity blacks'.[52] In the UK the story broke through coverage of Thomas's nomination hearings (broadcast live on American television) in October, elevating the topic of 'sexual harassment' to front pages (as had rarely happened before).

Synthesising a number of media studies, Zippel has suggested that the continental European press constructed the Thomas/Hill controversy as 'other', reflecting American prurience and puritanism in contrast to the sexually liberated outlook of 'Europeans'.[53] There were some residues of this in the UK. For Keith Waterhouse, now writing for the *Mail* not the *Mirror*, it was a disturbing example of 'sexual McCarthyism', echoing the line argued by Ambrose Evans-Pritchard in the Conservative-supporting *Daily Telegraph* (14 October 1991). He voiced concerns that 'the sexual harassment star chamber' was a 'virus' that would spread to the UK (responding to Thomas's own Cold War analogy that the hearing was 'kafkaesque' and revisiting the anti-American/anti-feminist discourse voiced in Britain in the mid-1970s). Setting the tone that was to become dominant in the paper across the 1990s, he argued that 'yes, of course sexual harassment is a social evil' *but* 'a state of affairs where the female thought police roam workplaces' was to be resisted at all costs (17 October 1991). Elsewhere within the UK coverage, the 'psycho-drama' was depicted through the trope of 'only in America' because it was a 'vicious domestic soap opera' or over-the-top public 'spectacle'. Grounded in the 'internal domestic wars' of a 'divided nation' (relating to polarities of sex, race and Republican/Democrat) it was implicitly contrasted with the decorum of British politics (*Guardian* 12 October 1991; *Observer*, 13 October 1991).

For those commentators in the UK who ventured an opinion or sought to analyse it further, the Hill-Thomas hearings were presented as about *either* gender *or* race (*The Times*, 23 October 1991). For female columnists such as Ann Robinson in the *Mirror* (16 October 1991) and Sally Brampton in the *Guardian* (15 October 1991), it was a women's issue, with writers siding emotionally and empathetically with Hill, but side-stepping the issue of race altogether. US lawyer Kimberlé Crenshaw, who had developed the theory of 'intersectionality' in 1989 with specific reference to discrimination law, was part of Hill's legal team. She went on to argue that 'it was no "Twighlight Zone"' of 'baffling contradictions' that 'America discovered when Anita Hill came forward'. Rather:

> American simply stumbled into the place where African-American women live, a political vacuum of erasure and contradiction maintained by the almost routine polarization of 'blacks and women' into separate and competing political camps. Existing within the overlapping margins of race and gender discourse and in the empty spaces between, it is a location whose very nature resists telling.[54]

For Crenshaw, it was not simply that 'black women are in a sense doubly burdened' but that 'their marginalisation within dominant discourses of resistance limits the means available to relate and conceptualise our experiences as black women'.[55] This commentary is invaluable in understanding the UK mainstream press discourse of the period where the lack of Black and minority ethnic voices was palpable.[56] Indeed, there had been low-level and often politicised coverage of a series of UK cases in which women (Black and White) had brought sexual harassment cases against (Black) race relations officers employed by 'left-wing' local authorities in the mid-late 1980s. Without explicit commentary or opinion, the inference was to denigrate and undermine equal opportunities work generally (in relation to both sex and race) as hypocritical or ineffective (see, for example, *Mail* 13 December 1984).

In the UK the advocacy and campaigning of Southall Black Sisters (SBS) was unique in focusing centrally on the issue of gender-based violence within Black communities, confronting issues that the group recognised were challenging for other anti-racist campaigners: criticism of Black masculinities might reinforce racist tropes whilst ignoring gender-based violence might endanger Black women further. Indeed, SBS involvement in the campaign for the release of Kiranjit Ahluwalia (gaoled for the homicide of her abusive husband) was taking place at the same time, culminating in her release in 1992.[57] As Pragna Patel of SBS told journalist Julia Baird in an article published shortly before the Hill-Thomas hearing:

> We are constantly told that to raise our experience in public is to invite a racist backlash, yet we have to confront daily violence, abuse, rape and harassment of women. We are left to pick up the pieces, to meet the challenge of addressing a deeply divided community. (28 August 1991)

More broadly, feminist discourse acknowledged that Black women experienced 'double discrimination' or harassment (as the *Guardian* had highlighted in its first article of 1976), but there was little reflection on this in the mainstream and popular press with regard to Hill-Thomas.

Hill's courage certainly inspired and galvanised women in the UK to seek advice, although the Senate ultimately chose not to believe her. As a global media event, the hearings had far-reaching impact with 'the search lights of public debate switched on' to 'sexual harassment' and what constituted it (Guardian, 15 October 1991). It also acted as a lens that magnified the issue—and competing representations of it—within the public arena. WASH had reportedly received over 50 calls from women in the UK within a week of the US Senate's decision to ratify Thomas's nomination on 15 October: 'most . . . feared the publicity accompanying the Thomas decision' would 'hinder' their cases (*The Times*, 21 October 1991). By fuelling disbelief and depiction as hysterical or vengeful. As we will see, the circulation of contradictory and polarised messages about 'sexual harassment' complainants continued across the popular press in the 1990s and early 2000s with potentially damaging effects. Nevertheless, Hill's story was hugely important in bringing the issue to public attention, and it was used as an opportunity in the broadsheets to highlight (and compare) current jurisprudence on 'sexual harassment' in the US and UK, for the benefit of employers (and employment lawyers) as well as employees.

The timing of the Hill-Thomas hearings was particularly salient because the European Parliament was in the process of approving a soft law Recommendation and Code of

Practice' on 'sexual harassment at work and its consequences'. The European Commission Recommendation included an important definition of 'sexual harassment' as 'unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of women and men at work'. This meant 'conduct that is unwanted, unreasonable and offensive to the recipient' (and was thus victim-centred), and which included both the 'hostile environment' and '*quid pro quo*' understandings of 'sexual harassment' (identified by Mackinnon).[58] The UK and Ireland were unusual within the EU in that the common law had clearly established that 'sexual harassment' was a form of unlawful discrimination. Importantly, however, the Recommendation provided a more coherent definition on which UK industrial tribunals could draw. Moreover, the Code of Practice outlined policies and procedures that employers and trade unions should adopt.

The Hill-Thomas hearings provided a hook for UK proponents of the European Recommendation and Code to use to publicise it. Thus, MEP Christine Crawley (Labour), who chaired the EU Women's Rights Committee, highlighted the European Commission's (new) definition of 'sexual harassment' and called, further, for a Directive that would *require* member states to 'deal with this very serious hazard for millions of working women' (letter to the *Guardian*, 15 October 1991). In *The Times*, human rights lawyer David Pannick took a different tack, advising employers who wanted to avoid 'publicity and damages' to use the Code to take 'sexual harassment seriously'—as good business sense rather than an unwanted intervention (29 October 1991). The Recommendation and Code largely went under the radar in the popular press, likely explained by its status as soft law and thus not mandatory. As Zippel has argued, the EU 'provided new political opportunities' for feminist campaigners within institutions—in part because it was not associated with a specific 'public sphere and only an emerging civil society'. Concerns about 'public opinion' that dogged nation state governments (including those articulated through the press and broadcast media) were replaced with bureaucratic processes and technocratic recognition of 'expertise', including that of 'equalities' professionals.[59] As we shall see, however, the issue of compensation and damages costs—and good business sense in taking 'sexual harassment seriously'—was to become increasingly contentious within the news agenda of the 1990s.

The unravelling of consensus

For the populist press, the erosion of consensus around 'sexual harassment' was palpable in the 1994 coverage of the making and release of the controversial Hollywood film *Disclosure* (directed by Barry Levinson). Starring Michael Douglas and Demi Moore, and based on the novel by Michael Crichton, the thriller storyline involved a female executive (Moore) who 'harasses' a more junior colleague (Douglas) and then brings a false allegation against him. In the USA the novel/film sparked significant and often polarised debate, as feminists read it as a clear example of 'backlash',[60] raising concerns that its depiction of sexual harassment as 'false' and complaints as malicious (in the same way that Hill's allegation had also been disbelieved) was hugely damaging to women's ability to speak out without victimisation. In the UK, anti-feminist and 'post-feminist' tropes were on full display in 'Femail' (the women's page of the *Mail*) where it was argued that *Disclosure* 'exposes the hypocrisy and humbug of feminist extremists' (7 January 1994). 'Femail' rejected formal interventions to regulate 'quintessential', 'biological' heterosexual

behaviour, depicting any man who complained of harassment by women as a 'feeble' and 'sad figure', and expressing incredulity that WASH 'now deals with complaints from men as well as women' (7 January 1994). In contrast, the *Mirror* saw itself as a campaigner against sexual harassment, encouraging regulation and use of complaints procedures to assert legal rights by men as well as women. Rather than viewing male complainants with derision, the *Mirror* highlighted the stigma they faced, reporting on the case of a male nurse who had quit because he felt unable to make a formal complaint (25 January 1995). Similarly, for the EOC, the *Disclosure* controversy provided a further opportunity to encourage men to take sexual harassment seriously and also to demonstrate that the Commission promoted gender equality generally and equivalently (and not solely discrimination against women) (*Mirror*, 13 January 1994).

In summer 1996 a series of 'sexual harassment' cases involving women in the fire, police and armed services came to the forefront of press attention. Controversies within these occupations (in which the reputation of the 'job' was seen to be at stake) were exacerbated as they were harnessed in the public forum to debates regarding heterosexual gender norms, 'compensation culture' and membership of the EU as a general election loomed (won by Tony Blair's 'New Labour' in May 1997). Of particular significance was reporting of the industrial tribunal case brought by Karen Wade against West Yorkshire Police. This was not simply individualised (as was usual) but included claims by another female witness of a 'canteen culture of yobbishness' and of 'dozens of women officers suffering years of indecent assaults and obscene taunts from male colleagues' but feeling unable to complain. The implication was that 'sexism' (misogyny) was 'rife' (systemic or institutionalised), fuelled by Wade's claim that the Police Federation (the equivalent of the trade union for the police service) had refused to help her bring her complaint (*Mirror* 16 May 1996 and 18 May 1996). As the debate escalated into a newspaper war, the *Mail* reported that 'a group of policewomen' had written to the paper to 'hit back at allegations that the force is riddled with sexist men', that they 'defended male colleagues against claims of sex harassment and urged fellow women PCs not to make "paltry and vindictive complaints"'. Women, they said, should be able to 'deal with a pest making a pass or insult without having to lean on the support of legislation' (*Mail*, 6 June 1996).

Four days later, the *Mirror* launched 'a two-part investigation' lifting 'the lid on the shocking truth of harassment within the forces and other services'. It claimed to have assembled a 'dossier' in which 'for the first time, women from the police, fire brigade, army, navy and RAF tell how they have endured years of physical, verbal and mental abuse'. The first part of the investigation included a two-page interview with a female firefighter who had previously won an out-of-court settlement of £10,000 and agreed to a 'gagging order' but, on finally leaving the service, decided to speak out: 'I can't stay silent any longer. No woman should have to suffer what I went through' (10 June 1996). The following day the Labour-supporting paper cited further cases across the forces and in policing, quoting calls from Shadow Defence Minister Paul Murphy for 'urgent action to stamp out sexual harassment in the armed services' and Shadow Home Secretary Jack Straw for 'appropriate recording of complaints'. The issue had become a party-political issue, with the launching of Labour Party manifesto pledges—including signing up to the EU's 'social chapter' to improve employees' rights—in the summer of 1996. The Conservative Euro-sceptic *Mail* defended the reputation of the armed forces and services

from criticisms it located in 'political correctness'. In November 1996, journalist Leo McKinstry (who had defected from Labour) argued that '*equal opportunities* policy makers' were keen to 'lumber the services [and armed forces] with equality guidelines, grievance procedures, monitoring regulations, harassment counsellors and awareness programmes' in ways that were '*damaging* those whom they are meant to serve: the general public'. The strength of the services, he argued, was grounded in a masculinity that was 'simple biological fact', and feminisation was leading to a 'self absorbed culture of complaint' (*Mail* 23 November 1996).

The final strand that remains to be charted in the framing of this oppositional narrative —of the sexual harassment claimant as 'damaging'—was anxiety about the spread of 'compensation culture', as an American contagion further facilitated by Europe. Levels of compensation in early sexual harassment cases of the 1980s had been derisory (often £1,000–£2,000) but, as a result of a number of Court of Appeal rulings in 1987, payments for injury to feeling became permissible. The EOC argued that increased compensation was necessary for employers to take compliance seriously and to encourage complainants to come forward (*Daily Mail* 22 July 1993). Until 1993 there was a cap of £11,000 on compensatory awards in unfair dismissal and discrimination cases, with the full amount rarely awarded. However, following a European Court of Justice (ECJ) ruling, the UK government of necessity lifted the upper limit on any award including for injured feelings.[61] According to reporter Allan Massie, writing in the *Mail*, 'it's high time we ended this sexual farce'. Disparaging the Porcelli case as of dubious precedent, he argued that 'the European commission then got in on the act'. A 'hugely expensive industry' of lawyers and equality experts (as the real beneficiaries) had emerged: 'the sexual harassment gambit will be used by anyone who has been slighted or passed over for promotion' (*Mail*, 14 July 1994). In summer 1996, EU Social Affairs Commissioner Padraig Flynn appeared on Radio 4's 'Today' programme, hinting at the development of a European-wide Directive to 'standardise the "current uneven playing field"' of responses to 'sexual harassment'. UK business leaders (including the Institute of Directors) were described as 'infuriated' and opposed to 'more legislation from Europe', with Euro-sceptic Conservative MP John Redwood reportedly stating 'These matters are best dealt with by Westminster'. Excessive compensation was firmly linked to European mission creep: 'sexual discrimination awards have rocketed since the EU [through the ECJ] removed the £11,300 ceiling for compensation' whilst the number of tribunal cases had 'soared' (*Mail*, 26 July 1996). Thus, 'compensation culture', unleashed by European interference and red tape, was damaging UK business.

The Locker case

The interweaving of all of these strands, with highly problematic effects, is apparent in the changing coverage (across the 1990s) of Sarah Locker's lengthy case. Back in 1991, the EOC and the Commission for Racial Equality (CRE) had together agreed to assist Locker, a female police officer who was Muslim and of Turkish background, to bring an industrial tribunal claim involving both sexual harassment and racial harassment against the Met. The case was initially settled in December 1993, with compensation of £32,000, an apology, plans for equality training for staff and an agreement that Locker could return to her 'dream' job as a detective. Coverage of Locker's original settlement was neutral,

factual and even affirmative in the inside pages of the *Mail* (8 December 1993). Locker's experience on returning to work, however, was one of further victimisation, leading to retirement on medical grounds. In 1996 she decided to return to the courts (to sue for breach of contract in the High Court), and her case was featured sympathetically in the *Mirror's* 'investigation' of 'sex bullies' in the services and forces (11 June 1996).

Hostility towards Locker exploded in 2000 when the *Mail* ran a front-page lead story on the final out-of-court financial settlement framed as follows: '£1 Million for "Bullied" WPC' . . . 'Anger as police cave in on the eve of sex harassment case' (*Mail* 6 June 2000). The response of police officers was described as 'incredulity and anger'; Conservative opposition MPs were quoted as saying 'this country seems to be drifting towards a US style compensation culture'. Compensation sums awarded to female officers in harassment cases were compared negatively with that of 'colleagues injured catching violent criminals', suggesting that 'sexual harassment' was trivial alongside 'serious' physical injury. The 'record-breaking award' referred to was in fact a £215,000 lump sum and a £1500 monthly pension linked to the police regulations for pensions and injury on duty (on the understanding that Locker would be unable to work again because of the psychological harm caused). Locker's own perspective was buried beneath an editorial asserting that 'this country's crazy and offensive compensation culture reaches new heights of madness . . . at fault are the courts and the Europe-inspired compensation culture'. The following week, the *Mail* published a double-page spread impugning Locker's character and professional competence, based on an interview with a neighbour and a former colleague (12 June 2000).

Moreover, it was suggested that, in 'caving in', the Met had ill-advisedly chosen to settle (without admitting liability) because it was worried about further bad publicity in the wake of the Macpherson Report of 1997. The latter, on the inquiry into the racially motivated murder of teenager Stephen Lawrence, had highlighted serious failings in the police investigation and judged the Met to be 'institutionally racist'.[62] The inference was that Locker's case had not involved 'serious' racial abuse. It is noticeable, too, that press discussion of Locker's case (both in 1996 and in 2000) tended to focus on her sex, presenting it alongside other cases of 'sexual harassment' specifically. This speaks to the general ontological challenge of intersectionality (highlighted in the Hill-Thomas hearings) and the need to construct claims as being about race or gender rather than the synergy of both. The presentation of Locker's case in the *Mail* contrasted with the coverage of the case of Black Caribbean waitresses Freda Burton and Sonya Rhule who, in September 1996, won (on appeal) their claim of racial harassment against their employer (De Vere Hotels) relating to the behaviour of comedian Bernard Manning (and guests) at an all-male dinner. Their case was assisted by the CRE, although it was also highlighted as a landmark case by the EOC because it established an important precedent (although later overturned) regarding employer liability for third-party harassment. The insults the waitresses experienced were at the same time both racial and sexual, and they themselves had stated that 'to be degraded (a) because we are women, (b) because we are black, is unforgivable'.[63] Manning's jokes were described as offensive in the *Mail's* reportage because they were 'racist' (rather than for their sexualised or sexist content) (25 September 1996). Whilst commenting that their two-year legal case had 'cost tax payers thousands' and 'they could receive up to £10,000 compensation' (thus referencing this emerging trope), columnist Richard Littlejohn warned Manning that he had 'gone

beyond the pale', that the women had been treated 'shamefully and disgracefully', and that he owed them an apology (30 January 1997). The very different treatment of their case in the *Mail* seems likely to have resulted from a set of core elements, aside from the compensation sum, which sheds further light on Locker's treatment. Firstly, they do not appear to have posed a perceived threat to gender norms because of their location in a 'traditionally' female rather than male occupation. Secondly, and relatedly, their complaint was not against peers and colleagues. In the case of Locker, police officers as a collective institution closed ranks and used the press proactively to present a counter-narrative to Locker (who was highly visible and vocal because she was willing to give extensive media interviews). As Lizzy Barmes has argued in related contexts, employers as organisations have very significant 'systemic social and economic power' that creates a 'societal pressure towards silence'.[64] Here, the desire for silence was explicit.

Irrespective of the political debate as to whether regulation and compensation were effective solutions, an unfortunate side effect of the *Mail's* coverage of the Locker case was its warning to other complainants: even if they 'won', they would be tried in the court of public opinion and, if they proved undeserving, they would be punished through further humiliation. Messages were conveyed that those who complained of harassment (and other forms of discrimination) were 'greedy', lacking in 'humour', that they were bad colleagues (who were lazy, useless and disloyal), that harassment was not *real* harm or injury and that it was possibly deserved. What is most worrying about the coverage in the *Mail* was its ability to reinforce and validate—within rank-and-file police culture itself and even in the wake of the Macpherson report—the idea that sexism and racism were not 'serious' problems. Locker continued to speak out, despite, and perhaps because of, extreme press vilification in some quarters (as well as valorisation in others). Her message was that she would not be silenced: 'People are judging my award in the wrong way. It is not a case of me getting too much, it is a case of [victims of crime] getting too little' (*News of the World* 11 June 2000).

'Not proper victims'

The press battles of the late-1990s were clearly important in exposing the presence of 'sexual harassment' in the services and forces. Whilst gender (as a set of ideas related to embodiment) is always under construction (across time) and is invariably the product (in part) of discursive tensions relating to broader power dynamics, the period examined here was seeing a significant shift in the 'tectonic plates of [the gender] order' (to paraphrase sociologist Jock Young).[65] Conventional assumptions about gender norms were being challenged as the institutions that were the bulwarks of hegemonic (heroic) masculinity and national identity for many C/conservatives were subject to critique and exposure for their slow adaptation to encroaching liberal values. These were 'moral disturbances rooted in significant structural and value changes within society', in which 'innovation' met 'resistance'.[66] In the case of Locker, that which had been contained within policing (as an institution) had burst into the forum of national public debate, and her act of speaking out engendered hostility, resentment and othering as a traitor.

Within the armed forces, a strong censure to remain silent because of fear of victimisation continued to be a significant issue for potential complainants. By 2005, the EOC, as a result of close monitoring, was about to launch a formal investigation

into sexual harassment in the armed forces. As the EOC's Jenny Watson explained to the press, she felt compelled to act because 'there was a huge gap between the level of incidents [uncovered through surveys] and the number of women coming forward to complain' (*Mail* 24 June 2005). The formal investigation was a statutory tool that enabled the EOC to undertake enforcement work with major employers where there were grounds for belief that there was systemic discrimination.[67] On this occasion, the MoD agreed to deliver a three-year action plan, on the understanding that the formal investigation would be put on hold. The EOC agreement with the MoD was carefully stage-managed and a joint press conference was arranged, involving Defence Secretary John Reid and Head of the General Staff General Sir Mike Walker. The *Mail* dutifully reported the story following the official framing of it. Yet, the last section of the story covered the answers given by Reid and Walker to journalists' questions: that 'sexual harassment' was not 'a bit of fun or harmless flirting', it was 'not a matter of political correctness', and there was not a 'risk' of 'destroying the tradition of banter and humour' (*Mail* 24 June 2005). The questions themselves appear to have been framed in relation to 'sexual harassment myths', which remained as tropes that might be decoded as the prevalent take-away by some readers. Certainly, there had been a significant reversal of the structure of the story/argument, compared to the paper's dismissal of the issue in the 1970s/80s and the front-page coverage of the Locker case in 2000. This time a message that was supportive of complainants dominated, with any hostile counter-discourse rendered subordinate and recessive—but nevertheless residual—at the end. Throughout 2004–5, the paper had covered tribunals relating to a small number of servicewomen bringing claims against the armed forces in an empathetic way. Yet the ambiguity remained on other pages, including opinion pieces by female columnists who branded high-powered female executives who brought cases within a 'burgeoning compensation culture' as 'not proper victims', 'greedy' and 'traitor[s] to our sex' (14 July 2004; 23 June 2005).

The SDA was finally amended in 2005, to make it clear that 'sexual harassment' was a form of sex discrimination under statute law. The change had been necessitated by European law, specifically a Directive of 2002 requiring all member states to adopt national sexual harassment legislation by 2005.[68] The *Guardian* noted in 2002 that the Directive 'was a great leap forward for social policy' in challenging behaviours in the southern countries of Europe but would make little difference in the UK where 'comprehensive laws on the subject' had already been developed (19 April 2002). The latter was a result of the strategic use of litigation in the 1980s-90s by the EOC and the other advocacy groups we have discussed here. The 2002 Directive itself had attracted little attention in the tabloids, but the 2005 amendment stoked faint anti-Brussels sentiment, even though the European definition had long been used by employment tribunals. The *Mail* warned 'bosses' that 'banter about the office pin-up, rude graffiti and even mistletoe at the office Christmas party' would be outlawed 'under strict workplace rules from Brussels', suggesting it was bad for business as employers 'become liable for any trifling evidence of harassment' (26 September 2005). The *bête noir* of the 'feminist' had been replaced by the 'red tape' of Europe, but she had not disappeared altogether. Reflecting on the 30 years that had passed since the enactment of the SDA, Melanie Phillips warned that it had 'encouraged women to think of themselves as victims' and the 2005 amendment

would 'open the floodgates to vexatious [sexual harassment] claims' (29 December 2005). Given the very considerable 'societal pressures towards silence' this was certainly not an accurate prediction.[69]

Conclusion

This article has demonstrated the considerable but qualified success with which feminist trade unionists, rights advocates and equalities professionals embedded the concept of 'sexual harassment' within 'everyday cultural discourse', used the courts to change the law and educated people about their legal rights through press and media. This success was a result of concerted efforts that involved working through mainstream (rather than grassroots) organisations, and utilising professional networks and practices (including interviews, press conferences and press releases) to seed the concept within newspapers. Women journalists played a crucial role, as mediators—especially through dedicated 'women's pages'—even though the mixed messages they conveyed at times complicated or actively opposed those promoted by campaigning organisations. Women formed a minority in national newsrooms—around 12.6 per cent in 1977 rising to 22.6 per cent across the 1990s—and it is clear that women in the industry faced significant discrimination themselves.[70] This increase in women's presence in journalism during the 1980s (constituting a critical mass), was undoubtedly significant in enabling a consensus (across conservative and leftist popular press) in recognising 'sexual harassment' as a workplace problem that might require a legal solution by the end of this decade.

However, this article has also demonstrated how ground was conceded. The take-up of the concept was contingent on convergence with news values, which, in the case of the popular press, hinged on personalisation (in combination with novelty, titillation and scandal) and thereby individualised the issue rather than presenting it as a systemic problem grounded in unequal gender power relations that were baked into workplaces through institutional structures and practices. As the 'news' agenda moved forward in the 1990s, other political and economic debates—regarding membership of the EU or 'compensation culture'—acted as carriers or vectors and these, in turn, were harnessed by opponents as points of resistance. Thus, the moment of consensus was fleeting, as free market economic discourse (including Euroscepticism) further inflected political and industrial relations narratives of the 1990s, and a 'post-feminist' frame focused on 'powerful' women as 'greedy', duplicitous or abusive within the right-wing media. In the 1980s, the archetypical complainant was a young female office worker in an inferior support role to a male boss, seen as brave in battling against the odds. By the 1990s the focus shifted to women working in traditionally male-dominated occupations and the debate, in part, played out as a defence of national strength and character (associated with martial masculinity) and therefore as more of a threat to the gender order. Moreover, a constant thread throughout has been a discursive reluctance (on anything other than a superficial level) to discuss the intersection of sexual and racial harassment.

There is no doubt that the basic argument was won by 1990: that sexual harassment *was* a workplace hazard *and* an unlawful form of discrimination. It was accorded legal and policy recognition—but endorsement was increasingly qualified and equivocal within a strong strain of opinion. In the same way that 'rape myths'[71] have shaped responses to complainants, so a set of 'sexual harassment myths' have remained in circulation: as

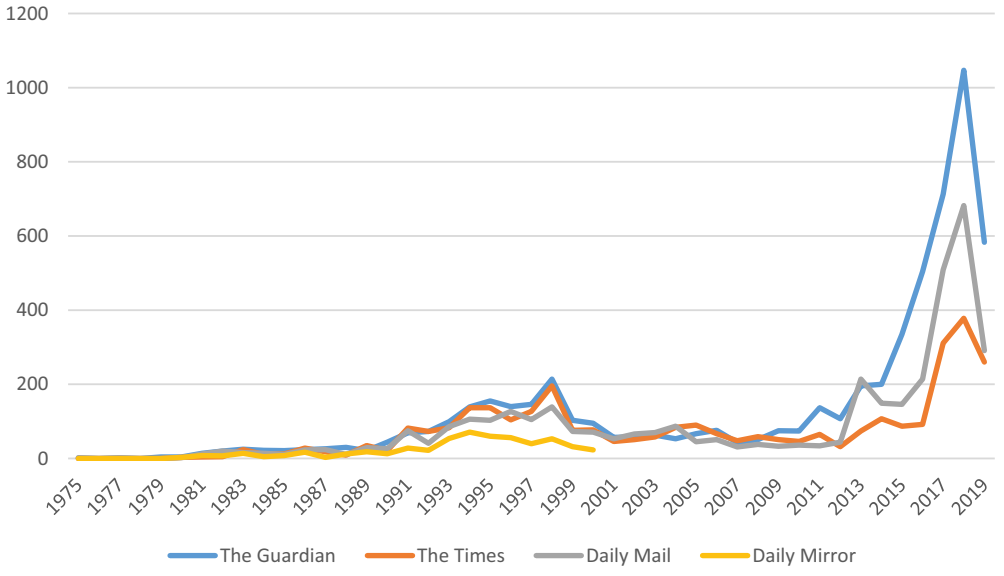

Figure 2. Frequency of term 'sexual harassment' in UK newspapers 1975–2019. Sources: see Figure 1.

recessive and subordinate (rather than dominant and accepted) within the bounds of public discourse, and stubbornly resilient within the micro-politics of some institutions. These 'myths' include the idea that 'sexual harassment' is less serious or trivial compared to *real* gender-based violence; that—in the context of a workplace specifically—complainants are troublemakers, 'whingers', selfish, disloyal, and thus bad colleagues and employees; and that it is the fault of the complainant for how they behave or how they dress. The continued existence of these 'myths' - and thus of a broad culture of equivocation—means that complainants fear reprisals involving humiliation, and feelings of shame and guilt if they make a complaint. As Lizzy Barmes has recently demonstrated, Non-Disclosure Agreements (NDAs), which have become ubiquitous over the last 20 years and whose very intention is to silence complainants within public discourse, enable 'organisations to condone sexual harassment and other workplace wrongdoing and, at the same time, inhibit systemic measures to address such behaviour'.[72]

Although 'sexual harassment' never left the radar, the amount of coverage dwindled to pre-1991 levels during the 2000s (Figure 2). This dissipation reflected, in part, the sense of 'job done' on the part of reformist legal and policy campaigners, but also the shortcomings of legal redress as a solution and, indeed, the take-off of NDAs. Whilst change had been effected at the level of employment law, formal practice, and in the human resources policies of larger employers, 'sexual harassment myths' were resilient as a thread within 'everyday cultural discourse' and thus woven within informal workplace practices. As Boyle has argued, it was in the 2010s that feminist discourse, concepts and arguments became 'fashionable' or 'resurgent' again in the Anglo-American context. Driven forward by new media platforms, including the 'Everyday Sexism Project' website (initiated by Laura Bates in 2012) and then, seismically, by #MeToo in 2017, increases in

references to 'sexual harassment' in both print and online media were, nevertheless, inextricably connected.[73] Indeed, if we compare the findings of this article with Boyle's analysis of #MeToo, we find significant commonalities in feminist critique, feminist strategizing and resultant discursive struggles. These include understanding of the problem of 'sexual harassment' as enmeshed within broad systems of power relations, recognition that 'feminist work' can be done by harnessing the popular media (whether the tabloids or twitter), but realisation that personalisation (through the very act of foregrounding women's testimonies, experiences and 'bravery') can have the unintended effect of deflecting from the collective endeavour.[74]

Notes

1. Farley, *Sexual Shakedown*, 33.
2. Boyle, *#MeToo*, 24.
3. Ibid., 120.
4. Lambertz, 'Sexual Harassment'; Barber, 'Stolen Goods'; Moss, 'Sexual Harassment'; on New York, see Keire, 'Shouting Abuse.'
5. Wise and Stanley, *Georgie Porgie*.
6. Zippel, *Politics*, 71.
7. TUC, *Sexual Harassment*, 4.
8. London Rape Crisis Centre, *Sexual Violence*, 5–6
9. Jolly, *Sisterhood*, p.173.
10. Rees, 'Look Back.'
11. Browne, *Women's Liberation*; Flaherty, 'Women's Liberation'; Jolly, *Sisterhood*, 170. See also Setch, 'Women's Liberation.'
12. Browne, *Women's Liberation.*
13. Bingham, *Family Newspapers*.
14. Ibid., 6.
15. Nicholson, 'Digital.'
16. The *Mirror* was the most popular UK paper with a circulation of 3.85 million in 1976, until overtaken by The *Sun* in 1978 and then the *Daily Mail* by 1999 (when its readership had fallen to 2,307 million). The circulation of the *Daily Mail* was 1,755 million in 1976 and 2,378 million in 1999. Readership of the *Guardian* (306,000 in 1976 and 403,000 in 1999) and *The Times* (310,000 in 1976 and 735,000 in 1999) was much smaller. See Negrine, 'The Media,' 197 and Bingham and Conboy, *Tabloid Century*, 18–19.
17. Nicholson, 'Digital'; Bingham, 'Digitization'; Crymble, *Technology*.
18. Bingham, 'It Would Be Better'; Entman, 'Framing.'
19. Entman, 'Framing,' 52.
20. Faludi, *Backlash*; Mendes and Kay, 'Feminism'; Mendes, *Feminism in the News*.
21. Farley, *Sexual Shakedown*. See also Zippel, *Politics*, 58–61: as chair of the EEOC in the USA 1977–81, Norton was responsible for issuing guidelines on sexual harassment that framed them as a violation of the Civil Rights Act 1964.
22. Mendes, *Feminism*, 553–4; Bingham and Conboys, *Tabloid Century*, 161–2.
23. NALGO, *Sexual Harassment*.
24. Title VII of the Civil Rights Act 1964. Mackinnon, *Sexual Harassment*, 5–6.
25. SDA 1975, respectively, (s.1(1) a)) and (s.6(2)(b)).
26. Sedley and Benn, *Sexual Harassment*, 30.
27. Whilst the NCCL was an established institution (founded in 1934), its Women's Rights Committee had been set up in 1973 specifically to lobby for the introduction of a sex discrimination bill. See Moores, *Civil Liberties*.
28. NCCL, *Annual Report 1982*.
29. Sedley and Benn, *Sexual Harassment*, 5–6 and 20.

30. NCCL, *Annual Report 1982*.
31. Although its print run was limited to around 20,000 (insignificant in comparison to mainstream news media), *Spare Rib* was one of the most important publications that had grown out of the women's liberation movement because of its longevity (1972–1992) and because it was stocked in 'mainstream' newsagents such as John Menzies and W H Smiths; and Delap, 'Feminist Business,' 255 and 259.
32. Chambers et al., *Women and Journalism*, 37–39.
33. NCCL, 'Press ridicules,' 2.
34. Wise and Stanley, *Georgie Porgie*, 32.
35. Galt, 'Researching Around.'
36. Chambers et al. *Women in Journalism*, 12. Helen McCarthy characterises 'post-feminism' as 'a new sensibility, culturally resonant in Britain from the 1990s, which denies or downplays the persistence of structural gender inequalities and interprets women's actions as expressive at all times of free choice' (McCarthy, 'I don't know how she does it', 146). Also useful here is Angela McRobbie's evaluation of 'post-feminism' as 'new constraining forms of gender power which operate through the granting of capacity' (McRobbie, *Aftermath*,12–13).
37. Morris, 'Newspapers,' 42.
38. Hall, 'Encoding and Decoding.'
39. On 'personalisation' as a news value in the 1970s in relation to criminal court cases specifically, see Chibnall, *Law*.
40. EOC, Legal Committee, Briefing on Sexual harassment, L/03/NOV/99.
41. Under the 1976 Sex Discrimination (Northern Ireland) Order (the equivalent of the 1975 SDA in Britain).
42. EOCNI, *8th Report*; interview with Evelyn Collins, conducted by Ashlee Christoffersen, 7 April 2022 (withheld for anon review process).
43. EOCNI, *7th Report*, 6.
44. EOCNI, *12th Report*.
45. Strathclyde Regional Council v. Porcelli [1986] IRLR 134.
46. Coote and Campbell, *Sweet Freedom*, 9 and 47.
47. Pattinson, *Sexual Harassment*, 111.
48. See, for example, Smart ed., *Regulating Womanhood* and Smart, *Law*; Lees, *Carnal Knowledge*.
49. Pattinson, *Sexual Harassment*.
50. EOC data, quoted in *Mirror*, 20 April 1989, W1, and *Guardian*, 25 June 1992, 1.
51. EOC, Legal Committee, Briefing.
52. The events have been extensively covered in, for example, Hill, *Believing*; Morrison (ed.), *Racing Justice*.
53. Zippel, *Politics*, 100. This may also relate to a European policy context in which the significance of race has been generally denied and 'othered' to the USA; see, for example, Emejulu and Bassel.
54. Crenshaw, 'Whose story,' 403.
55. Ibid, 404.
56. Bingham, *Family Newspapers*, 27.
57. Southall Black Sisters, *Against the Grain;* Thomlinson, *Race and Ethnicity*. SBS was predominantly Asian, although it had participated in the wider Black infrastructure (for example the Organisation of Women of African and Asian Descent) in prior periods.
58. European Commission Recommendation 92/131/EEC of 27 Nov 1981 on the Protection of the Dignity of Women and Men at Work [Official Journal L 49 of 24.02.1992].
59. Zippel Politics, p. 85.
60. Faludi, *Backlash*, had discussed the earlier *Fatal Attraction* (1987), which had also starred Michael Douglas but alongside Glenn Close as a homicidal women pursuing the man who had rejected her. For Faludi 'backlash' was the attempt to devalue feminism through a series of myths that suggested that feminism had achieved its ends and that women who had benefitted from it were psychotic and unhappy.

61. Marshall v. Southampton and South-West Area Health Authority No. 2, 1993, IRLR 445; Sex Discrimination and Equal Pay (Remedies) Regulations 1993. Statutory Instrument 1993 No 2798.
62. The Stephen Lawrence Inquiry. Report of an Inquiry by Sir William Macpherson of Cluny (1999) Cm 4262-I.
63. Burton v De Vere Hotels [1996] IRLR 596).
64. Barmes, 'Silencing.'
65. Young, 'Moral panic,' 14. Our intention is not to read the Locker case through the lens of 'Moral panic' but to make the point that some of the literature of 'Moral panic' is useful in understanding why Locker became a focal point of concern.
66. Ibid., 4.
67. The EOC used formal investigation three times in relation to sexual harassment: into the Royal Mail in 2003, the Ministry of Defence (armed services) in 2005, and HM Prison Service in 2006. It is notable that these were all male-dominated occupations.
68. Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 (amending Council Directive 76/207/EEC).
69. Barmes, 'Silencing.'
70. Bingham, *Family Newspapers*, 26; and Chambers et al, *Women and Journalism*, 93.
71. Lees, *Carnal Knowledge*; Smith, *Rape Trials*
72. Barmes, 'Silencing,' 23.
73. Boyle, #MeToo.
74. Ibid., 43.

Acknowledgments

We are extremely grateful to our expert Advisory Group (Gender Equalities at Work project) for their invaluable guidance as we have developed the work over the last few years. We are grateful, too, to the journal's anonymous reviewers for their helpful suggestions.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

This work was supported by the AHRC, under Grant AH/V001175/1, Gender Equalities at Work – an Interdisciplinary History of 50 Years of Legislation.

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