Law and Gender
Sexual Harassment

U.S. Supreme Court Case

Meritor Savings Bank v. Vinson (1986)

Petitioner: Meritor Savings Bank

Respondent: Mechelle Vinson

Petitioner's Claim: That under the Civil Rights Act of 1964 businesses are responsible for sexual discrimination in the workplace only when resulting in economic loss to the victim.

Chief Lawyer for Petitioner: F. Robert Troll, Jr.

Chief Lawyer for Respondent: Patricia J. Barry

Justices for the Court: Harry A. Blackmun, William J. Brennan, Jr., Chief Justice Warren E. Burger, Thurgood Marshall, Sandra Day O'Connor, Lewis F. Powell, Jr., William H. Rehnquist, John Paul Stevens, Byron R. White

Justices Dissenting: None

Date of Decision: June 19, 1986

Decision: Ruled in favor of Mechelle Vinson

Discussion of Significance: This case became the cornerstone for answering sexual harassment questions raised under Title VII of the Civil Rights Act of 1964. The Court, using Equal Employment Opportunities Commission guidelines, established that hostile environment is a form of sexual harassment even when the victim suffers no economic losses.

Testifying at the 1991 Senate hearings on the confirmation of Clarence Thomas to the U.S. Supreme Court, Ellen Wells talked about a form of gender or sex discrimination (unequal treatment of a person because of that person's sex) known as sexual harassment:

> You blame yourself. Perhaps its the perfume I have on. . . And so you try to change your behavior because you think it must be me. . . And then I think you perhaps start to get angry and frustrated. But there's always that sense of powerlessness. And you're also ashamed. . . What did you do? And so you keep it in. You don't say anything. And if someone says to you: You should go forward, you have to think: How am I going to pay the phone bill if I do that? . . . So you're quiet. And you're ashamed. And you sit there and you take it.

Although Wells said this in the 1990s, history indicates that sexual harassment is not new. For example, the following quote from *A History of Women in America,* by C. Hymowitz and M. Weissman (1978), describes the plight of women factory workers in the early twentieth century.

> Wherever they worked, women were sexually harassed by male workers, foremen and bosses. Learning to 'put up' with this abuse was one of the first lessons on the job. . . It was common practice at the factories for male employers to demand sexual favors from women workers in exchange for a job, a raise, or better position.

The Fourteenth Amendment, approved in 1868, guaranteed "equal protection of the laws" to all persons living in America. That is, no person or persons shall be denied the same protection of the laws that is enjoyed by other persons or groups. However, equal protection rights were not extended to women until almost a century later.

Congress Takes Action

By the 1950s and 1960s various forms of discrimination including racial and gender discrimination, had become a focus of the nation. To help remedy (correct) various forms of discrimination, Congress passed the Civil Rights Act of 1964. Title VII of the act prohibited discrimination on the basis of race, color, religion, sex, or national origin in employment matters. The act also created the Equal Employment Opportunities Commission (EEOC) to enforce Title VII. However, not until 1980 did the EEOC define sexual harassment as a form of sex discrimination prohibited by the 1964 act.

The EEOC developed guidelines which women could use to finally gain equal protection rights in sexual harassment matters. The guidelines defined sexual harassment as unwelcome sexual advances of either a verbal or physical nature. Examples of verbal or physical advances could include requests for dates or sex, comments about a person's body, whistles, hugging, kissing, or grabbing. For unwelcome sexual advances to be considered harassment they must be associated with at least one of the two following situations. First, the "agreement to" or "reflection of" the advances is tied to the targeted person's job. "Agreement to" could mean promise of promotions, raises or simply keeping the job. "Rejection of" could have the opposite effects. This type of sexual harassment is referred to as "quid pro quo," Latin for "you have to do 'this' to get 'that.'" In familiar terms this is called sex-for-jobs. The second type of harassment, referred to as hostile environment, occurs when the advances make a workplace so unpleasant or difficult that targeted persons have trouble doing their jobs.

The Story of Mechelle Vinson

Mr. Sidney Taylor, vice president and branch manager of Meritor Savings Bank, hired Ms. Mechelle Vinson as a teller trainee in September of 1974. She steadily rose from teller to head teller to assistant branch manager on merit (her abilities). After four years working at the same

branch, Vinson informed Taylor in September of 1978 that she was taking sick leave for an unknown period of time. After two months the bank fired her for using too much leave.

Vinson sued both Taylor and the bank under Title VII. She claimed that Taylor had constantly subjected her to sexual harassment during her four years at the bank. Vinson alleged (claimed) Taylor improperly touched her, exposed himself to her, and had sex with her. Fearing the loss of her job, Vinson never told the bank of Taylor's behavior nor had she submitted a complaint to the EEOC. Taylor, contending Vinson's charges resulted from a work dispute, denied all charges. Meritor Savings pointed out Vinson had suffered no economic loss, therefore no quid pro quo harassment existed, and also the bank claimed no liability (responsibility) since it was never notified of the behavior.

Mechelle Vinson

Conflicting Lower Court Decisions

At the first trial, a district court concluded Vinson was not the victim of sexual harassment because the sexual relationship with Taylor was "voluntary" and had no impact on her continued employment. No quid pro quo harassment existed. Also, the court agreed with the bank that it had no liability for its supervisor's actions since Vinson had never formally complained through its grievance (complaint) procedures.

Vinson appealed the court's decision. The court of appeals disagreed with the district court and reversed (changed) the decision. The appeals court ruled that it did not matter that Vinson's employment was not affected. What did matter was that a hostile environment "existed for years and that environment was a type of sexual harassment prohibited under Title VII." The court also questioned the "voluntary" nature of the Vinson-Taylor relationship. Considering the liability issue the appeals court ruled that businesses are always responsible for sexual harassment committed by their supervisors. Meritor Savings then appealed to the U.S. Supreme Court.

At Last, a Sexual Harassment Case Reaches Supreme Court

Agreeing to hear the case, the Supreme Court considered three questions most important:

(1) is a hostile working environment created by unwelcome sexual behavior a form of employment discrimination prohibited under Title VII when no economic loss or quid pro quo harassment exists;

(2) does a Title VII violation exist when the relationship is "voluntary"; and,

(3) is a business liable for a hostile working environment if it is not aware of the misconduct?

Supreme Court's Opinion

Justice William H. Rehnquist, writing for the unanimous court (all justices in agreement) and following the EEOC guidelines, answered the three questions.

1. The Court rejected the bank's argument that Title VII prohibits only quid pro quo harassment. EEOC guidelines state that hostile environment is a type of sexual discrimination prohibited in the workplace. The Court found Vinson's charges sufficient to claim hostile environment sexual harassment. The Court did write that hostile environment harassment must be severe or pervasive (happened again and again) to support a claim.

Clarence Thomas–Anita Hill Hearings

The issue of sexual harassment exploded into the living rooms of Americans the weekend of October 11 to October 13, 1991, preempting everything network television had to offer. Black conservative Clarence Thomas, a Supreme Court nominee, seemed on his way to a Senate confirmation. Then on October 6, a story broke through the news media that Anita Hill, a black law professor, had revealed to the Senate Judiciary Committee investigating Thomas' nomination that she had been sexually harassed by Thomas in the early 1980s as they worked together. Thomas' confirmation was thrown in doubt.

Amid public pressure, the Senate Judiciary Committee held a fully televised hearing to air Hill's complaint and Thomas' defense. Some of the most extraordinary public testimony ever given to a congressional committee began. Both Hill and Thomas spoke convincingly and with great emotion. Hill spent seven hours describing Thomas' sexual advances. Thomas denied all charges describing the hearing as a "high-tech lynching." In the end the Senate voted to confirm Thomas, but the controversy continued. Some critics accused Hill of being part of a liberal political or feminist move to defeat Thomas. Hill supporters, outraged at the committee's treatment of her, flooded women's organizations with calls and letters. The nature of sexual harassment in the workplace had come to the forefront of American discussion.

2. The Court also asserted that whether a sexual relationship was "voluntary" is not important, the key is whether or not the advances were unwelcome. A person, out of fear of losing a job, might well voluntarily cooperate even if the conduct was unwelcome. Therefore, to determine if the conduct was unwelcome the Court must look at all aspects of the case.

3. The Court did not specifically define employer liability, but did disagree with both the district and appeals court decisions. The Court stated that the "absence of notice to an employer does not necessarily insulate (protect) that employer from liability." At the same

time, employers are not always automatically liable for sexual harassment by their supervisors. The Court went along with EEOC suggestions which said liability issues require careful examination of the role of the supervisor in the company and whether or not an appropriate complaint procedure which employees knew about was in place.

Building on Meritor

After 1986, both state courts and the Supreme Court continued to clarify (make clearer) what constituted sexual harassment. For example, (1) damages (money payments) paid to the victim may be allowed, (2) psychological damage does not need to occur to claim a hostile work environment, (3) companies must have sexual harassment policies, and (4) harassment can occur even if the offender and victim are of the same sex.

Suggestions for further reading

Eskenazi, Martin, and David Gallen. *Sexual Harassment: Know Your Rights!* New York: Carroll & Graf Publishers, Inc., 1992.

Nash, Carol R. *Sexual Harassment: What Teens Should Know.* Springfield, NJ: Enslow Publishers, 1996.

Petrocelli, William, and Barbara Kate Repa. *Sexual Harassment on the Job.* Berkeley, CA: Nolo Press, 1994.

Swisher, Karin L. *Sexual Harassment.* San Diego, CA: Greenhaven Press, Inc., 1992.

SOURCE:

https://www.encyclopedia.com/law/legal-and-political-magazines/meritor-savings-bank-v-vinson-1986