Are men afraid of mentoring women after #MeToo?

"How do I get out of the room as fast as possible without alienating Harvey Weinstein?"

These words, published in an October 2017 New York Times <u>expose</u> on the disgraced movie mogul, came from actress Ashley Judd as she recalled her thoughts during an encounter with her potential employer.

She understood his power, and as a young ambitious woman who wanted to keep her career intact, had to be careful not to offend him.

As dozens more women came forward with allegations of sexual assault against Weinstein and others, it became clear this was a shared experience - a systematic abuse of power, where women's career prospects were dangled over their heads as negotiating tools.



Jane Lipsitz, Harvey Weinstein, Heidi Klum, Tim Gunn and Nina Garcia at the 67th Annual Peabody Awards Luncheon at the Waldorf-Astoria Hotel New York, June 16, 2008 (photo credit: Anders Krusberg / Peabody Awards)

The wave of sexual assault allegations that followed became known as the "Weinstein effect", and though the initial repercussions were felt largely in the entertainment industry, the mass scale of the problem became shockingly evident when a tweet from actress Alyssa Milano went viral.

"If you've been sexually harassed or assaulted write 'me too' as a reply to this tweet," it read.

She had 55,000 replies by morning, launching one of the biggest grassroots campaigns in history. #MeToo had opened the floodgates and they haven't closed since.

In an article for Canadian Lawyer Magazine, author and legal blogger Jim Middlemiss wrote, "in less than a year, Milano's tweet has managed to do what decades of the women's movements could not — get employers and company boards to take sexual harassment in the workplace seriously."

"All of a sudden, you know, almost overnight, businesses realized that the consequences of allowing harassment might be far worse than the consequences of taking action against the harasser," said Stuart Rudner, employment lawyer and mediator with Rudner Law.



Stuart Rudner, employment lawyer and mediator at Rudner Law (photo courtesy of Stuart Rudner)

For decades prior to #MeToo, workplace harassment was tacitly acknowledged, but effectively condoned, he said. If someone was a high performer or in a position of power they were often protected.

The complainant, typically a woman, would often be shunned and disbelieved, and essentially forced out of the workplace, Rudner said. Now it's often the opposite, where the accused is disbelieved and forced out of the workplace.

It was really the public shaming, more than legal implications, that motivated companies to stop protecting harassers after #MeToo, Rudner said.

Companies started to realize that if they were outed as a company that would protect a harasser, they would lose in the court of public opinion, he said. "All of a sudden the cost was tremendous."

The legal implications for workplace harassment in Ontario really changed far before #Metoo, in 2009, when the government brought forward <u>Bill</u>

<u>168</u>, said Emma Phillips, employment lawyer and partner at Goldblatt Partners LLP. The bill required all workplaces to implement sexual harassment policies and investigation processes that allowed employees to receive an impartial investigation upon reporting a complaint.

"That really changed workplaces," Phillips said, adding that it led to real growth in the number of harassment complaints brought forward and resulted in many more independent workplace investigations.



Emma Phillips, employment lawyer and partner at Goldblatt Partners LLP (photo courtesy of Emma Phillips)

Six years later, the Ontario government unveiled the It's Never Okay campaign. The campaign aimed to raise awareness around the prevalence of sexual assault and to create "a longer-term generational shift to end deeprooted attitudes and, behaviors."

The strategy also proposed legislation to make it easier for sexual assault survivors to come forward with The Sexual Violence and Harassment Action Plan Act, 2015 or Bill 132, which came into effect in September 2016. Among other things the bill amended the definition of workplace harassment within the Ontario Health and Safety Act to include workplace sexual harassment.

Bill 132 was an expansion of the legislation established in 2009's Bill 168, Phillips said, making it more rigorous and robust.

It's Never Okay and Bill 132

both came after, and in response, to the changing social narrative in Canada, after the trial of disgraced CBC radio host Jian Ghomeshi.

Ghomeshi was charged with four counts of sexual assault and though eventually acquitted, his career never recovered and his very public fall from grace called for reforms, prompting hashtags like #IBelieveWomen and #RapedNeverReported to circulate the web.

In Canada it could be argued that the conversation around sexual assault had really begun at this point, three years prior to the Weinstein scandal.

"I think that the public conversations that were happening in, I suspect many staffrooms and lunchrooms and cafeterias across many workplaces, regardless of whether or not there was a criminal conviction that came at the end of the day, probably really did influence employer awareness of their obligations," Phillips said.

In addition, former Supreme Court Justice Marie Deschamps led an independent investigation into the RCMP and Canadian Forces, resulting in a report from the Supreme Court of Canada that found both organizations fostered a work environment that facilitated sexual abuse and

harassment towards women and members of the LGBTQ+ community. The report stated that victims were afraid to come forward due to the negative impact it could have on their career.

Two years later in 2017, the <u>Globe and Mail published a story</u> by Robyn Doolittle addressing the findings of a 20-month investigation into the dismissal of sexual assault claims by police across Canada. The investigation found that at that time, even though the true rate of false reporting was between two and eight per cent, the national rate of unfounded dismissals in Canada was almost 20 per cent.

The investigation received a quick response from at least 100 police services across Canada who promised to review the almost 37,000 closed cases of sexual assault. They also reopened 400 unfounded files, and in 2017 the rate of unfounded cases dropped to 14 per cent.

With all of this information at hand, Canadian public educator Julie Lalonde claimed in an October 2018 Maclean's article, that #MeToo was "just the rest of North America catching up."



A protestor holding a #MeToo sign at the Oslo Women's March 2018 (photo credit: GGAADD)

"I think by the time #MeToo happened, we were already seeing a real trend, an increase in workplace harassment complaints," Phillips said, referring specifically to changes in Ontario's laws.

It's not that #MeToo hasn't had an impact overall, she said, but in terms of the workplace, employment law was already seeing an increase in sexual harassment complaints due to prior legislation.

But while the environment for change was developing and changes were being made, there is evidence to show that #MeToo did have a direct impact on sexual assault in Canada.

According to a Statistics Canada report titled <u>Police-reported sexual assaults in Canada before</u> and after #MeToo, 2016 and 2017, there was a sharp rise in police-reported sexual assaults, immediately following the movement. The report compared the nine months prior to #MeToo with the three months following it, citing a 25 per cent increase, from 59 per day to 74 per day.

The report clarifies that these rising numbers indicate more reporting of incidents, not more sexual assault, implying that more women felt empowered to come forward after #MeToo.

The Toronto Star also reported in August 2018 that one in five Human Resource Professionals Association Members reported an increase in workplace sexual harassment complaints since #MeToo.

The data suggests that more women feel comfortable and secure enough in their jobs to come forward with their complaints. And while that is no doubt a positive change, there is recent growing concern from women about potential negative repercussions on future mentoring relationships with men.

An article published in December 2018 by the <u>New England Journal of Medicine</u>, just over a year after the start of the #MeToo movement, said that some men in positions of power are less likely to participate in mentoring relationships with women because they are afraid.

The article took a specific look at the medical field and said that while women represent over half of medical school graduates in the U.S., they only represent 16 per cent of deans. If the other 74 per cent of deans that are male are too afraid to mentor young women, the gender gap will remain.

The impact from this fear of mentoring goes beyond the mentoring itself, the article said. It implies that women aren't intelligent enough to know the difference between a good mentor and a bad mentor, and it also serves to discredit and punish women who do come forward.

If men view their mentorship of women as dangerous or risky, institutional discrimination will be deepened, negatively impacting positive advance's women should be making in the #MeToo era, the article said.

The idea that a man and woman can't be alone in a room together, Phillips said, relies on the fallacy that men are not able to control themselves and that women are somehow "the Eve" or the seductress in the story, with the poison apple.

"Or it relies on some completely overblown belief that there are going to be all of these false allegations. That women are going to start to fabricate," she said.



Fortune Most Powerful Women Dinner, The Four Seasons Hotel Washington D.C., May 4, 2016 (Photo Credit: Kelsey Brannan, ECA, State

Either way the viewpoint is based on heavily held and deeply rooted stereotypes of men and women, Phillips said.

Stereotypes that <u>The Harvard Business Review</u> addressed prior to #MeToo, in a May 2017 article responding to U.S. Vice-President Mike Pence's assertion that he would never have a meal alone with a woman who was not his wife.

It cited a National Journal survey in which female congressional staffers in Washington D.C. reported workplace policies that prevented them from spending any one-on-one time with their male colleagues outside of working hours. Men were only allowed to spend that time with other male colleagues, effectively cutting women out of the conversation.

The survey also reported there were fewer women in leadership positions and that women were making about \$6000 less than the men on an annual basis, showcasing the direct impact of the restrictive policies.

"I would find it hard to imagine that a Canadian company that created such a rule would not be subject to a human rights complaint on the basis of discrimination," Phillips said, adding that she'd never heard of a policy like this in Canada.

"Frankly that just buys into the view that men just can't control themselves and that somehow women are still the instigators or to blame in some way," she said. The responsibility should be on the individual to hold themselves accountable for their own behavior.

And the number of women who have experienced, but never reported sexual harassment in the workplace, far outweighs the number of men who have been impacted by a false allegation, Phillips said.

According to a February 2018 <u>Angus Reid survey</u>, 52 per cent of Canadian women said that they have been subjected to workplace harassment at some point in their lifetime. That same survey said that 89 per cent have taken steps to avoid unwanted advances at work, and of those, 36 per cent say they accept that they bear the burden of protecting themselves from unwanted sexual advances.

Fair process is important, Phillips said, but the rate of false accusations is very small.

"I don't think they have a reason to be afraid. I think men should absolutely know the difference between what's appropriate conduct and what's sexual," Phillips said. "It's not giving men enough credit and it's not giving them enough responsibility for their own actions."

Another female medical professional, Dr. Julie Story Byerley of the University of North Carolina's School of Medicine, wrote a personal essay expressing her concern for women in the medical field. She said she worries about "gender-based neglect" as an unintended backlash of the #MeToo movement.

All of her mentors have been men, she said in the essay. She never had a female leader and without the support and guidance of those men she wouldn't have been able to advance in her career.

According to Stats Canada, only 593,400 women occupy management positions in Canada, compared to 1,123,900 men. That's nearly half the number of women as men. If men aren't willing to mentor women, it could be nearly impossible to close the gender gap at the management level in Canada.

"Men are still predominantly seen as the default leaders," said Alicia Sullivan, senior associate at the Toronto chapter of <u>Catalyst</u>, a global non-profit research firm that works with CEO's and top companies to build inclusive workplaces for women that help them advance into leadership roles. "Ninety-five per cent of the powerful companies in Canada and globally, have men at the helm."

And although women make up a good representation of the workforce, at 47 per cent, they are just not progressing as fast, she said.

"We know that in Canada only about three per cent of CEO roles are now held by women. So you can see the gap in leadership," she said. And their research has shown that the perception, whether conscious or not, is "think leader, think male."

"With that context we know that engaging men is critical to get women up the pipeline into leadership roles," she said. "We firmly believe that men need to be engaged in getting to gender parity, and in the whole movement of equality in the workplace."

The onus in combating what she called the "chilling effect of #MeToo", is on senior leaders and organizations, Sullivan said.

Men in senior leadership roles need to leverage their power to drive change in the workplace, she said, and organizations need to have clear expectations about company policies and procedures, eliminating uncertainty and promoting transparency to create a secure atmosphere for both parties.

"We need to engage men as allies and empower them as champions to support women's careers," Sullivan said. "Senior male leaders need to set the tone from the top by mentoring and sponsoring women."

In the legal world, Phillips said she has seen the opposite of the chilling effect.

"In my world, in my professional environment, I do not see men stepping back or pulling back from mentoring. In fact, I see the opposite happening," she said. "There is really a strong view that men should be championing women. And I use that word deliberately, rather than mentoring, because there is a lot of discussion now about how men need to go beyond just mentoring."

Men should be proactively holding women up for credit and leadership roles, rather than just giving their "pearls of wisdom," Phillips said.

Rudner thinks the positive impacts of the movement far outweigh the negatives, and he doesn't anticipate a huge impact on mentorship between men and women.

"I think women are more aware of their rights and they're not going to tolerate things they may have in the past. But at the same time men are more aware of what they should and should not be doing," he said.

Thus far, the largest concern for the decline of mentorship between men and women seems to be coming from the medical field. Whether or not that concern will materialize or spread to other fields of work has not yet been substantiated with data.

However, current statistics on women in leadership in Canada indicates that these mentoring relationships are essential to workplace advancement.

In a February 2019 article, Vivian Tam, a resident doctor in the Department of Family Medicine at the University of Toronto, penned an article for <u>Healthy Debates</u> on mentorship of women in medicine. She too cited the gap in leadership between men and women as cause for concern, suggesting that transparency and open dialogue about expectations and boundaries would foster comfortable atmospheres for male-female mentorship relationships.

"Responding to the emerging empowerment of women by declining to mentor them threatens these gains, and suggests that women's perceptions of men's behaviours and intentions are hazardously unreliable," Tam wrote. "We must recognize that the unfounded fear of false allegations perpetuates structural sexism, and proactively seek strategies for its redress."

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