

## Chapter 8

### Boundary Violations: Sexual Harassment within Tenancy Relations

**Sylvia Novac**

*Sylvia Novac has been consulting on housing policy and research for several years. She has been an active member of the Housing Committee of the National Action committee for the Status of Women in Canada, as well as other women's housing advocacy groups in Toronto. She is a doctoral student at the Ontario Institute for Studies in Education, Department of Sociology in Education.*

Housing analyst Sophie Watson has argued that a systematic feminist analysis of housing must investigate those processes within a housing system which serve to produce and reproduce patriarchal relations.<sup>1</sup> Several of these processes can be categorized under the general theme of women's housing security or lack of it. A feminist understanding of security includes the ability to obtain suitable housing and remain in that housing with a feeling of safety.

In fact, the concept of safety is one of our premises for the meaning of home. Women's experiences, however, of feeling safe in their homes takes on a contradictory character. Women are more likely to seek refuge in the home, and to remain there as protection against male aggression in public places. Yet, ironically, women are at even greater risk of sexual violence in their homes. One of the little researched forms of male dominance that affects women's housing security is sexual harassment by landlords, their agents, and neighbor tenants. Awareness and recognition of this problem is partially veiled by the same screen of privacy that shields public acknowledgment of the familial or domestic abuse of women by male intimates, and by the myth of the safe home which parallels the myth of the safe family.

I will briefly outline what we know about the nature and extent of sexual harassment within tenancy relations using preliminary results from a recently conducted multi-method inquiry of women's experiences based on case studies, community-specific small group discussions, and a mail survey of tenant households in Ontario.<sup>2</sup>

#### Women as Renters

Where housing is treated as a market commodity, as it is in the advanced capitalist state of Canada, the ability to buy or pay becomes a paramount determinant of housing security. Government policies that favor private home ownership have resulted in two-thirds of Canadian households owning the housing they occupy. Of the remaining one-third who rent, women-led households are over-represented and constitute the most housing-disadvantaged groups, particularly as single mothers and single women. Almost two-thirds of women-headed households nation-wide are renters while a similar proportion of all other household types are owners of their housing.<sup>3</sup> This pattern is similar in Canada's largest city, Toronto, where single women are most likely to be renters.

**Table 1. Comparison of Housing Tenure Status and Core Housing Need of Wives, Single Mothers, and Lone Women in Toronto<sup>4</sup>**

Tenure Status				Core Housing Need (over 30% of income spent on housing)			
	Wives	Single Mothers	Single Women		Wives	Single Mothers	Single Women
Owners	72.8%	44.4%	28%	Owners	10%	20.1%	29.3%
Renters	27.2%	55.6%	72%	Tenants	20.6%	44.4%	44.2%

The increased proportion of women in the labor force over the past few decades has made women somewhat less dependent on familial-mediated housing provision, but they remain significantly disadvantaged in the housing market when they live without male partners (that is, employed men living with women as an economic unit). This relationship is well demonstrated in Table 1, showing statistics on women's tenure status and degree of affordability problems in relation to their family or household status.

Without male partners, and regardless of tenure status, women are much more likely to be paying over 30 percent of their income on housing, compromising their ability to pay for other basic needs. Renters are much more likely than owners to have such affordability problems. With a continuing reduction in low-cost urban housing stock, women are quite likely to have very limited housing options; this is a significant factor in their unequal relationship with landlords, private as well as public.

### Sexual Harassment

Within the past two decades Western feminists have publicly challenged a variety of forms of violence against women, including sexual harassment, transforming and reinterpreting what has been considered a private problem into a social issue.<sup>5</sup> The critical work of identifying and labeling the practice as detrimental to women is primarily focused on women's experiences in the workplace, as Catherine MacKinnon states, not because that's where most sexual harassment necessarily occurs nor because it is the only problem women have as workers, but because "the government promises

more."<sup>6</sup> So, too, for renters, does the government promise more; legislation in the Canadian province of Ontario addresses tenants' rights to "quiet and peaceful enjoyment," and to privacy from unwarranted entry. The Human Rights Code expressly prohibits sexual harassment. Reports from legal service providers, however, reveal that women rarely come forward with a complaint of sexual harassment, but rather mention such incidents amid other landlord-tenant problems, most usually when there is already a threat of eviction.

One of the distinctive features of sexual harassment of tenants is the violation of refuge in one's home. I use the theme of boundaries to tie together the personal and spatial aspects of harm inherent in this problem: while sexual harassment in any context is a violation of personal and sexual dignity, autonomy, and safety, sexual harassment of tenants is also a violation of personal space, privacy, and housing security. Our culture's psychic and symbolic association of women—their work and their bodies—with homes and houses combines to create a particularly potent powerlessness which leaves women, in material and psychological terms, nowhere to hide.

Home has been portrayed as a place where one can dream; sexual harassment, especially by men who have keys to your unit, can prevent women's ability to get even a decent night's rest. In cases of severe sexual harassment, constant vigilance causes anxiety and exhaustion. The presence of other household members, especially children, may add to the risk potential. While some male partners or family members will attempt to support a woman who is being harassed, others hold her responsible for the "sexual attention" she receives.

Sexual harassment within tenancy relations has received some notice in the United States in terms of media attention and legal cases,<sup>7</sup> but almost no research.<sup>8</sup> The only previous systematic study of women's experiences is a telephone survey of 297 women tenants conducted by a community-based organization in Montreal.<sup>9</sup> Within the context of women's experiences of discrimination in rental housing, the survey revealed that 12 percent of the respondents had been victims of sexual harassment, coming from landlords or their agents in 77 percent of the cases.<sup>10</sup>

Results from the recently conducted survey of rental households in Ontario<sup>11</sup> show that 16 percent of 352 women report having received "unwanted sexual attention," coming from landlords and their agents in about half the cases. From a series of questions based on a typology of sexual harassing behaviors,<sup>12</sup> 28 percent of respondents had experienced sexual harassment, either as direct targets of the behavior, or as bystanders, or as confidants.<sup>13</sup> From the 141 incident reports, we learn that 58 percent of them were directed at the respondents, 30 percent were witnessed by the respondents, and 12 percent were experienced second-hand through personal disclosures.

Almost half of the perpetrators were landlords or their agents, which means that neighbor tenants are perpetrators much more often than in the Montreal findings. There are two possible explanations for this: first, the low number of incidents from the Montreal study (i.e.,  $N=35$ ) maximizes the error rate; second, the Montreal working-class neighborhoods that were sampled have a predominantly distinctive housing form of three-story walk-ups. It is likely that the inhabitants have fewer neighbor tenants and less contact with them than do women living in the multi-story apartment buildings which house many urban tenants, especially in Toronto, which accounts for about half the rental households in Ontario.

There is a consistent pattern in the research on sexual harassment of an inverse relationship between the severity of the incident and its frequency. In other words, the less severe forms of sexual harassment occur more frequently. The Montreal survey results suggest that the experience for women tenants follows this pattern. In fact, no respondent in that study revealed having experienced assault.<sup>14</sup>

In the Ontario study, the most common form of sexual harassment falls in the category of "degrading remarks,"

reported by 18 percent of the women. Sexual assault, that is sexual touching by threat or use of force, was reported least, by 2.5 percent of respondents, which is consistent with large survey results on workplace sexual harassment.

A summary of the frequency of different forms of behavior follows:

- about 1 in 6 women experienced, at least once, degrading remarks, either against women in general, or against a specific woman, and inappropriate questions or insults;
- about 1 in 10 women have experienced, at least once, indirect suggestions of sex, being "bugged" for dates, pressured for sex, being inappropriately touched, and attempts or threats of physical contact;
- about 1 in 20 women have experienced, at least once, sexual bribery, and exposure to sexual materials (such as pornography); and
- about 1 in 40 women have experienced, at least once, sexual assault (forced sexual contact).

A New York journalist's investigation of the problem of sexual harassment of women tenants, based on interviews with 25 individuals and 50 social service and women's advocacy groups, suggests that women of all age, racial, and income groups were affected, but that low-income women were "hardest hit."<sup>15</sup>

Half of the Ontario survey respondents have serious affordability problems; they pay 30 percent or more of their household income for housing which puts them in "core housing need" according to federal government guidelines. There is no correlation, however, between their level of income and reports of sexual harassment. Women who were born in Canada (as opposed to those born in other countries), and younger women, are both significantly more likely to report sexual harassment.

It has been suggested that two factors—greater economic vulnerability and stereotypes held about women of color—may account for a differential impact of sexual harassment on them, but we are unable to establish this since most of the research on sexual harassment has not asked respondents to indicate their ethnocultural or minority status.<sup>16</sup>

About one-quarter of the Ontario survey respondents are members of visible minority groups in Canada; they were not more likely to report sexual harassment. Community-specific group discussions indicate, however, that the experiences of visible minority women

frequently reflect forms of sexual harassment that integrate sexism and racism. For example, Aboriginal women report that landlords and neighbors frequently make unwanted sexual remarks by saying such things as, "I thought all natives shared their women—the Eskimos do, doesn't your band?" In one case, a building superintendent who had just fixed a kitchen light pulled down his pants in the presence of the tenant, a Black woman, and told her to "suck his white cock." In these situations, it is clear that racism is inherent in how women of color are sexually harassed.

The Landlord and Tenant Act in Ontario gives landlords and superintendents the right of access for emergency repairs, and some leases specify further reasons for access. It is not at all unusual for this right to be abused by landlords and superintendents to enter apartments and homes at will. Women who have experienced sexual harassment and repeated illegal entries risk providing grounds for their own eviction if they change the lock and refuse to hand over a key to their abuser. Because of this, legal advocates who specialize in tenant issues advise women in these circumstances to purchase burglar alarms to warn them of illegal entry.

According to the Ontario survey, 29 percent of tenants reported that their unit had been entered by a landlord without the requisite 24 hours notice in writing. There is a significant correlation between those who had experienced illegal entry and those who reported an incident of sexual harassment. While several of the women I personally interviewed were sexually harassed by men who had entered their homes, illegally or otherwise, it is not clear what proportion of sexually harassing behavior occurs in conjunction with illegal entry.

About half of the survey respondents reported that they know about their rights as tenants in terms of discrimination, general harassment, and sexual harassment; and almost two-thirds know about their rights regarding privacy. Knowledge of tenants' rights, including privacy rights, is not a correlate of sexual harassment reports, but experience of discriminatory behavior is.

Women's experiences of discrimination while looking for housing or as a tenant is significantly correlated with their reports of sexual harassment, as is their attitudinal response that women experience more discrimination in housing. Temporal order cannot be established, but unlike knowledge of tenants' rights, knowledge of the law regarding sexual harassment is correlated to reports

of such experiences; this suggests that women learn about their legal rights after experiencing sexual harassment, or that women who are aware of the law are more likely to report incidents of sexual harassment, or some combination of both these processes.

By coincidence the survey was conducted from September to December of 1991, a time period which straddled a televised congressional hearing into allegations of sexual harassment by a Supreme Court judge candidate.<sup>17</sup> The media blitz during the weekend of October 12–15, which heavily penetrated Canadian audiences, resulted in very wide public awareness of the sexual harassment charge. Various outcomes have been proposed for the educational impact on women and men of the explicit description of the sexual harassment and of the treatment of the claimant. About 90 questionnaires received prior to that weekend of non-stop televised hearings were marked for a comparison with those received after any media acknowledgment of the story; there was no significant difference in the reporting rate of sexual harassment before and after the televised hearings. It may be that the media messages were ambivalent with canceled effects, or it may be that such reports do not have a significant impact on women's awareness of sexual harassment or willingness to report it in an anonymous fashion such as through a mail questionnaire.

### Women's Responses

The nine women who were interviewed exhibited a range of responses to being sexually harassed. Their responses included ignoring the behavior, telling friends and family, verbal complaints to the superintendent or landlord, formal complaints to legal authorities, and one woman-centered direct action. In several cases, the sexually harassing behavior did not stop as the result of a formal complaint, and appeals to authorities were not effective for the complainants; in fact, the authorities sometimes worsened the experience for the women by ignoring or questioning their interpretation of the events.

Only the woman-centered direct action had satisfactory results for the tenant whose friends confronted the landlord—with her consent, under her control, and in her presence—warning him that they would have to act against him if he repeated his behavior, and that they would tell his wife. The women involved were elated that they had successfully discouraged this man from engaging in further sexually harassing behavior, and that they had accomplished this by themselves.



Formal complaints of sexual harassment in Ontario are directed to the Human Rights Commission whose experience is predominantly with employment-related situations. While a complaint of sexual harassment takes one or more years to process through the Commission, a landlord can fairly easily find grounds and evict a tenant in less than six months. Over the past ten years, 28 accommodation-related complaints of sexual harassment have been filed with the Commission. From nine of these closed files,<sup>18</sup> it is clear that the outcomes for women have not been wildly successful. Minor monetary awards were given to two women for relocation costs. All but one case involved a landlord as perpetrator, most of whom agreed to sign a letter of assurance for the Commission. An assistant superintendent who had sexually harassed several women in the building was fired and evicted along with the superintendent when it was discovered that they were both in possession of stolen goods belonging to tenants.

One of the participatory research objectives for the community-specific small discussion groups was to empower the women, through connections with local organizations and provision of seed money, to plan and initiate some form of direct action that they thought would be appropriate for their community. The groups devised various forms of community outreach and education to inform more women of the problem of sexual harassment and of their rights as tenants. For example, a group of Francophone women in Ottawa (the capital city of Canada) attended workshops on popular theater methods, and used their skills to act out vignettes based on their experiences of sexual harassment and their ideas about how women might resist and fight back.

Each of the action projects demonstrates a unique format and method of sharing information and working with women in community-specific ways. While legislative and administrative reform are a fundamental and necessary avenue for change, it is primarily the ongoing struggle of women at the community level that will change everyday oppressive practices and develop women's collective strength to resist exploitative and disrespectful treatment of tenants.

#### Notes

<sup>1</sup> Sophie Watson, "Women and housing or feminist housing analysis?" *Housing Studies* (January 1986):1.

<sup>2</sup> The Ontario Women's Directorate with assistance from the Ministry of Housing sponsored and funded this research from July, 1989, to March, 1992. The data were collected throughout this period.

<sup>3</sup> Janet McClain with Cassie Doyle, *Women and Housing: Changing Needs and the Failure of Policy* (Ottawa: The Canadian Council on Social Development with James Lorimer & Co., 1984).

<sup>4</sup> Gerda Wekerle and Sylvia Novac, *Gender and Housing in Toronto* (Toronto: City of Toronto Women and Work Institute, 1991): 27. The figures are based on an analysis of 1986 Statistics Canada Public Use Sample Tapes, Individual File for women living in the Census Metropolitan Area of Toronto, Ontario.

<sup>5</sup> Elaine Weeks, Jacqueline Boles, Albino Garbin, and John Blount, "The transformation of sexual harassment from a private trouble into a public issue." *Sociological Inquiry* 56, no. 4 (Fall) 1986, p. 432.

<sup>6</sup> Catherine MacKinnon, *The Sexual Harassment of Working Women* (New Haven: Yale University Press, 1979): 7.

<sup>7</sup> See Annette Fuentes and Madelyn Miller, "Unreasonable access: sexual harassment comes home," *City Limits* 11 (June/July 1986): 16-22; Andrea Boroff Eagan, "The girl in 1-A," *Mademoiselle* (April 1987): 252-255; Janet Bode, "Sex for shelter: when your landlord wants more than the rent," *Glamour* (November 1987): 318 *et passim*; and Jean Franczyk, "No peace at home: sexual harassment surfaces as problem for tenants," *The Chicago Reporter* 17 (July, 1988): 1, 6-7.

<sup>8</sup> See Regina Cahan, "Home is no haven: an analysis of sexual harassment in housing," *Wisconsin Law Review* 6 (1987): 1061-1097 for an assessment of the pervasiveness of sexual harassment in housing based on a survey of 150 fair housing agencies.

<sup>9</sup> Lyne Bourbonniere, Manon Cote, Jacqueline Desrosiers, and Edith Ouellet, *Discrimination, Harcèlement et Harcèlement Sexuel: Rapport de l'Enquête Femmes et Logement* (Montréal: Comité Logement Rosemont, Front Populaire en Réaménagement Urbain, avril 1986).

<sup>10</sup> L. Bourbonniere, M. Cote, J. Desrosiers, E. Ouellet, J. Aubin, and G. Paquin, *Discrimination, Harcèlement et Harcèlement Sexuel* (Montréal: Comité Logement Rosemont, 1986).

<sup>11</sup> Questionnaires were mailed to 1,000 randomly selected tenant household addresses. The effective response rate (conservative) was 38 percent. With adjustments for households without women, the response rate is 44 percent. Assuming differential response rates for women and men, the rate may be argued to approach 50 percent.

<sup>12</sup> James Gruber, "A typology of personal and environmental sexual harassment: research and policy implications for the 90s," *Sex Roles* (March 1992).

<sup>13</sup> Gruber has argued that we have little information on the effects of witnessing sexual harassment, or, I would add, the effects of disclosures from personal friends and family. The broadest net was cast for women who have been affected, especially in recognition of the classic problem of under-reporting in research on sexual harassment.

<sup>14</sup> Lyne Bourbonniere *et al.*, *ibid.*

<sup>15</sup> Annette Fuentes and Madelyn Miller, "Unreasonable access: sexual harassment comes home," *City Limits* 11 (June/July 1986).

<sup>16</sup> Darlene C. DeFour, "The interface of racism and sexism on college campuses," in Michele A. Paludi (ed.), *Ivory Power: Sexual Harassment on Campus* (New York: State University of New York Press, 1990): 45.

17 Hearings into the appointment of Clarence Thomas came to heightened public attention when Anita Hill claimed that Thomas had sexually harassed her while she had worked for him years earlier.

18 A request to the Human Rights Commission for access to all the relevant closed files resulted in nine records being forwarded more than one year later. The explanation given was that computerized retrieval by complaint type was hampered by system limitations.