

One of the First Silence Breakers

Iron Range women built foundation for combating workplace harassment, paving the way for #MeToo



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December 9, 2017



EVELETH — Somewhere among the mammoth trucks traversing the dirt terrain, the crushed rock moving by conveyor, the concentrator roaring to life, the piles of pellets loaded into a rail car and whisked away to shipping ports, the workers clad in hard hats and coveralls — and not to be overlooked — the often majestic views of land below, a movement started that almost 30 years later would resonate across the country.

Lois Jenson in 1988 sued her employer, Eveleth Mines, for sexual harassment. The class action case, the first of its kind for sexual harassment, was as much precedent setting as it was considered by some to be an affront to the largest employer on Minnesota's Iron Range. But all Jenson and the other women involved wanted was a policy and the fair right to a middle class lifestyle that only the mines could provide.

"I did not set out to change the world, the company, the union or the workplace, or to make a statement for the feminist movement," said Jenson, who spoke over email this week from her home in Babbitt. "I didn't want to file charges, report these things or even talk about them. I wanted a job where I didn't have to go to work everyday wondering what was going to happen next. I didn't want special treatment, I wanted the harassment to stop."

The Iron Range is no stranger to fighting for the middle class. More than 100 years ago in 1916, it was miners in northeastern Minnesota that engaged the companies — sometimes to violent ends — and earned union protection, giving birth to the United Steelworkers that represent thousands of modern day workers in the region.

Just as the struggle for middle class jobs didn't end by establishing unions, Jenson v. Eveleth Mines didn't end sexual harassment. But the case marked harassment as more than an individual complaint and established corporate responsibility for sustaining a hostile work environment.

The next wave of fighting workplace sexual harassment is now here — built on the foundation Jenson and other women miners put in place. Emboldened through a social media campaign and the national media's attention, the #MeToo movement has broken the seal on harassment claims and toppled high-profile characters in Hollywood, TV and politics.

To understand the real impact of the #MeToo movement on the sexual harassment conversation — is this just a moment or in fact the national reckoning that precedes cultural change? — it requires a critical look at the unresolved issues left between the aftermath of Jenson's case and the conversation's arrival at the nation's doorstep.

"I don't know if it is a turning point for sexual harassment," Jenson said. "Certainly there is momentum and women coming forward are being supported and believed for the most part. This time in history, however, is fragile for many reasons. Are the people going to continue to listen? There is much to change."

Jenson vs. Eveleth Mines

In 1975, as a 27-year-old single mother, Lois Jenson began working at Eveleth Mines in Forbes. The Iron Range was breaking out of a bust cycle that in 1973 saw unemployment in St. Louis County reach 10 percent. By 1975, times were booming, more than \$900 million was in

planned construction projects at taconite plants, and northeastern Minnesota was considered among the largest national construction booms, [Richard Paull, then-president of the Hibbing Chamber of Commerce, told The New York Times.](#)

A year prior, in 1974, nine steel companies reached a settlement with the Equal Employment Opportunity Commission (EEOC), the U.S. Department of Justice and the Labor Department. The agreement provided 20 percent of new jobs to women and minorities. Combined with the industry's up-cycle in 1975, steel companies opened their doors for women to enter mining's hard labor workforce.

Jenson worked several jobs in 17 years at the mine: laborer, grinding mill helper, electrician's helper, warehouse clerk, lab technician, truck driver and more. It was during that period she experienced and began to report harassment from some of her male colleagues.

"People say that the anger was because 'The government made the mining companies hire women,'" recalled Mona Putzel, an Iron Ranger living in Eveleth at the time, who remains active in women's issues. "That is all crap. The women had the skills, ability, training and work ethic second to none. The women worked harder than some of the men and got recognized for it."

Sexual harassment comes in many forms. It may be an unwanted touch, groping, a comment, coercion, threats. Minnesota state statute defines sexual harassment as "any unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature."

The state applies the definition situationally as pertaining to a term of obtaining employment, a factor in decisions made about an individual's employment or when the conduct and communication "interferes with an individual's employment or creates an intimidating, hostile, or offensive employment environment, and the employer knows or should know of the existence of the harassment and failed to take timely and appropriate action."

The harassment that Jenson and other women endured in the mines is detailed in court documents related to the lawsuit, in the 2002 book "Class Action" (a version of the story Jenson says she does not support) and the 2005 film "North Country."

Power is at the core of workplace sexual harassment. The way Harvey Weinstein held the power in Hollywood casting calls, men owned the steel industry. Employment at the mines in the 1970s and 80s was predominantly men, a ratio of 30:1 by some estimates and around 10:1 today.

That gender gap created a culture of power that helped foster a hostile atmosphere toward women joining the mine's ranks, said Lorrie Janatopoulos, a fellow at the Bush Foundation studying rural economics with an emphasis on women and girls, who also works alongside

the Department of Iron Range Resources and Rehabilitation on equity and workforce development, among other initiatives.

“Mines are really some of the best paying jobs around here,” she said. “But that entrenches economic sexism — it flows from that kind of power.”

Jenson adds that many of her male coworkers were quiet supporters of the women and the case. They didn’t want to associate with those who harassed women, and supported policy changes so their family would not have to experience the same treatment without repercussions to the violator.

“I fought back first for myself, then requested a class to give the other women the opportunity to stand up for themselves, if they chose,” she said. “Ironically some of the men got it ... some understood that when you make things better for one or a group, you benefit as well.”

The case eventually took its toll on Jenson. Health issues stemming from the stress of harassment and years of legal action forced Jenson to leave her job at Eveleth Mines in 1992. Battling chronic fatigue, pneumonia, colds, physical pain and other ailments, according to a 1999 Minnesota Women’s Press interview, doctors would not release her to return. Jenson was also dealing with effects of post-traumatic stress disorder.

Seventeen years working at Eveleth Mines, she spent 15 years seeing the lawsuit through numerous attempts, hearings and trials until its final settlement in 1998.

“What I knew is this case seemed to have a life of its own, it went places it should not have gone, but it also achieved some small gains,” she added. “Being the first class action for sexual harassment allowed other to use this class status as a tool. Companies started taking sexual harassment seriously, most for liability reasons, some because they wanted to protect their workers.”

#MeToo

A lot has happened between the time Jenson filed suit and Time Magazine honored the #MeToo movement as its Person of the Year earlier this month.

First, there was Anita Hill, who in 1991 was called to testify in the U.S. Senate about harassment from then-Supreme Court nominee Clarence Thomas. Thomas remains on the high court’s bench, but the high-profile nature of her story forced President George H.W. Bush to clear the way for a bill to pass Congress that allowed for federal damages to harassment victims. Harassment claims to the EEOC went up 50 percent and private companies began arming themselves with training programs in the aftermath, according to

The New York Times.

“Anita Hill should have been a watershed moment,” Jenson said. Her case was granted class status about a month after Thomas’ nomination was confirmed. A liability trial began a year in December 1992 and six months later a Minnesota judge ordered the mine to educate its employees on sexual harassment.

Unlike the women of today’s #MeToo movement, Jenson and the other plaintiffs weren’t national heroes for enduring the harassment, speaking up and making a difference. At the time, they barely registered on the media’s radar. Local coverage was scarce, and national attention didn’t come until 1996, near the end of the first trial.

“What’s happening now is only proving what import pioneers they were,” said Clara Bingham, who co-authored “Class Action” and also wrote “Women on the Hill: Challenging the Culture of Congress,” which was inspired by the Hill testimony.

During the 2016 presidential election sexual harassment was brought to the forefront from allegations against then-candidate Donald Trump and former President Bill Clinton, whose wife Hillary Clinton was the Democratic nominee. Several women’s rights movement took shape and gained national attention as a result.

The day after Trump’s inauguration, the Women’s March was held across the nation to bring attention to women’s causes and restart the conversation. With a president caught bragging on tape about sexual harassment — and later a senator and two congressmen resigning in the wake of allegations against them — the nation has been forced to process and decide the future of women’s rights.

Jenson attributes today’s ongoing conversation, in part, to the election’s prominence and the wide reach of social media.

Starting in October 2017 with the allegations brought against Weinstein, the Hollywood movie mogul, powerful men in various industries across the nation have faced allegations of sexual harassment and have been forced to acknowledge their improprieties.

The #MeToo movement started shortly after, and is one where women and men acknowledge that they too have been victims of workplace sexual harassment, using social media as their publishing tool. The movement springboarded following the allegations brought against Weinstein and show that workplace sexual harassment is visible across all industries.

“This is hopefully the final chapter in the Lois Jenson v Eveleth Mines saga,” Bingham said. “Now what we’re seeing is the next level, which needs to happen. We’re changing the paradigm here and that’s hard to change.”

Is this end of sexual harassment?

"I think we need to understand that like any law that is broken, this will continue to be a law that is broken," Jenson said. "This is a two-way street — men harass in larger numbers but women harass as well. I wish I had some answers for what needs to be done."

The publicity of the #MeToo movement, she added, will perpetuate some change. Shareholders, business partners, clients and consumers of big industry are taking note and feeling uncomfortable. That's what forced Weinstein out of his own movie company and pressure from constituents and colleagues led Sen. Al Franken of Minnesota to resign his seat.

But the current conversation on harassment is still young. Its end results unknown. If anything can be learned from Jenson's case it's that progress and change is slow. The women of Eveleth Mines set the table for the #MeToo movement, which in forcing men and women who abused their power out of high places, has already changed the tides for those victims of sexual harassment.

"I think that Lois and the other women of Eveleth Mines were pioneers in standing up to a system of oppression — sexual harassment and inappropriate sexual behavior in the workplace, Janatopoulos said.

She thinks the legacy of the case is two-fold. With courage they showed individuals can advance social justice movements, and the systems — along with their power — are far too slow to change.

"#MeToo has been a continuation of the movement with courageous women telling their stories and following in the footsteps of Lois and other pioneers like her," Janatopoulos added.

Bingham echoed many aspects of the case's impact today. "I hope they feel proud of what they did. Now that we have the historical context, we can see how important it was and how really difficult it was to come forward at a time when no women did that," Bingham said. "They changed the lives for many women and changed the workforce in America, but there was a lot more to be done."

Many of the steel companies adopted sexual harassment policies in the wake of Jenson's lawsuit earning class status. Those policies remain, the companies confirmed. At Cleveland-Cliffs, which owns the former Eveleth Mines and was not involved in case, employees are held to a code of conduct that is reviewed annually by the company. Policies at ArcelorMittal and U.S. Steel also enforce the equal employment goals Jenson fought for.

“U.S. Steel strives to foster a diverse and inclusive work environment where all employees feel valued and appreciated,” a spokesperson for the company said over email. “As set forth in our company Code of Ethical Business Conduct and communicated to all employees, treating others with dignity and respect in the workplace is essential to this goal.”

Representatives from the United Steelworkers District 11 were contacted numerous times by email and phone about their policies and the workplace environment. Those inquiries were not returned.

In numerous interviews since the release of “North Country” in 2005, miners on the Range have reported better working conditions. Denise Vesel, who was a subject of harassment at Eveleth Mines, told the Mesabi Daily News in 2005 that the industry was “great now,” adding that “it’s not roses” but a good workplace.

“The change will come,” said Putzel, the Eveleth resident, about eradicating workplace harassment. “I always thought it would change in my lifetime, but I don’t see that anymore.”

Sexual harassment wasn’t unique to the mines, Eveleth or the Iron Range during Jenson’s suit. It isn’t limited to men or women or sexual orientation. It remains to be about power, Jenson said, and who holds a seat at the table. Where the movement progresses from #MeToo, she added, depends on how long the media keeps reporting on allegations, if people are empowered on the lower rungs of society to speak up and be listened to, and if the momentum created a few months ago is strong enough to enact real change.

“A cultural change, that remains to be seen,” Jenson said. “There is movement in that direction. Time will tell us how true that is.”

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