Jenson v. Eveleth:

Encountering Sexual Harassment & Exploring Women'sRights in the Workplace

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"The best protection any woman can have... is courage."

-Elizabeth Cady Stanton

In 1975, Lois E. Jenson walked into Eveleth Taconite Company (Eveleth Mines) in northern Minnesota for her first day on the job, where she encountered extreme sexual harassment from her male coworkers which continued for over ten years. Determined to make conditions better for herself and her female coworkers, Jenson explored the rights of women being sexually harassed in the workplace and filed the first ever class action lawsuit for sexual harassment in the United States and won. Because of Lois E. Jenson and the women who helped her, the definition and treatment of sexual harassment in the workplace was changed to the extent that companies could no longer ignore the rights of their female workers.

Title VII of the Civil Rights Act

Ten years earlier, Title VII of the Civil Rights Act of 1964 prohibited employment discrimination based on race, color, religion, sex, and national origin ("Title VII"). After many companies failed to comply with the act, especially many of the mining companies in Minnesota, the Equal Employment Opportunity Commission (EEOC) required the industries involved to provide 20 percent of its jobs to women and minorities (Carlson). Most jobs that were available to women at the time failed to provide health care coverage or decent salaries. Because of the EEOC, women would be able to find jobs in which they could support themselves financially. But in workplaces dominated solely by men, the arrival of female workers was unwelcome.

Eveleth Mines

Twenty-seven year old Lois Jenson sent in her application to Eveleth Mines on February 25, 1975. Jenson graduated from Babbit High School in 1966, then traveled to the Twin Cities where she worked as a file clerk. In 1967, she was a victim of a date rape and became pregnant with a son whom she gave birth to in 1968. Feeling she had no hope left in the cities, Jenson traveled back to Babbit. Living off welfare and food stamps, Jenson decided to apply for a job at Eveleth Mines, where the pay was more than double the minimum wage and had excellent benefits. After going through health examinations and orientation, the Supervisor of Safety and Training said to Jenson, "You're too tiny; you're too feminine. The work is too hard; it's too dirty; it's too noisy" (Bingham). Yet Jenson and the three other women who applied accepted the job.

One month after she applied, March 25, 1975, was Jenson's first day working at Eveleth Mines. Her job was working in the fine ore surge building, where she cleaned up thick sludge that had fallen off a conveyor belt above her and cleaned the machinery. Walking in on her first day, Jenson could feel the eyes of the male workers on her. She later recalled, "They acted like they had never seen a woman before" (Grimsley). The next day, Jenson was shoveling her work area when a man walked by her and said, "You f***ing women don't belong here. If you knew what was good for you, you'd go home where you belong" (Bingham).

Sexual Harassment in the 70s and 80s

Sexual harassment is currently defined by the University of Michigan as unwelcome sexual advances, request for sexual favors, and verbal/physical conduct of a sexual nature. Any conduct that creates a hostile, offensive, or intimidating surrounding is also considered sexual

harassment ("What"). In 1975, the understanding of sexual harassment was extremely limited, especially in Minnesota's Iron Range. Most men on the range didn't know what sexual harassment was or as one miner put it, it was "beating up a woman or continually pestering her" (Bingham). In Title VII of the Civil Rights Act, sexual harassment was a form of sex discrimination and courts were starting to accept it, yet few companies understood it or did much to prevent it (Bingham).

Harassment in the Mines

Over the next ten years, Jenson and her female coworkers experienced sexual harassment to the extreme. One day in December of 1975, Jenson was alone in an elevator with a foreman who attempted to kiss her. Pornography and explicit graffiti covered the walls. Repeatedly, the women were threatened with rape and stalked outside of work. Judy Jarvela, who worked in the pit, opened her locker three times to find it broken into and semen deposited onto her clothing. Several men exposed themselves in front of the women. They were groped and humiliated.

Nooses were hung over the women's work stations. One man slit miner Audrey Daniels' pant leg and drew blood. Another man broke into Jenson's house where she and her son were sleeping. The women reported incident after incident to management, yet few changes were ever made. Some went to Patricia Kosmach, a respected woman at the mine and member of the union, but even she couldn't do much. Some women, who believed their lives were at stake, took measures into their own hands. Miner Shirley Burton, packed a knife and mace into her lunch everyday, and Audrey Daniels started carrying a gun.

Working at the mines also had negative affects on the women's physical and mental health. Jenson's weight shot up, her blood pressure rose, and she slipped into depression. Her immune system faltered and she contracted pneumonia multiple times. Other women were experiencing similar problems, some caused by the lack of women's restrooms. Kathy O'Brien quit drinking water at work after she complained and was lectured. As a result, O'Brien suffered dehydration and bladder infections (Bingham). Over time, many of the women developed post-traumatic stress disorder that they would never overcome.

The encounter that finally pushed Jenson over the edge started in early 1981, when she tried to console Steve Povroznik, a worker who feared he was going to be fired. Over the course of the next three years, Povroznik sent letters that revealed his obsession with Jenson. In all, Povroznik's letters totaled 93 pages. After management and the union refused to intervene, Povroznik, who was at the time Jenson's supervisor, assaulted her in his office (Goldenberg). Jenson filed a union grievance about Povroznik and asked for him to be transferred, and for a sexual harassment policy to be implemented, yet management officials hesitated to respond, and a week later Povroznik was still there. Eventually Jenson had to complain to the Minnesota Department of Human Rights, which helped her realize that she had a possible case against the mine for its refusal to implement a sexual harassment policy. Jenson, along with Pat Kosmach, decided to take action against the company. Meanwhile, her coworkers spread rumors about her complaint, while others shunned her at the mine.

Class Action Lawsuit

After a young lawyer named Helen Rubenstein failed to stay with the case, Jenson feared she would never find a lawyer to take her case. But in 1988, Rubenstein gave her names of potential lawyers who could take on the case, and one of them was Paul Sprenger. Paul Sprenger, of Sprenger & Associates in the Twin Cities, graduated from the University of Michigan Law School and became one of the country's best lawyers in discrimination law. He met with Kosmach and Jenson, and asked Jenson what she expected out of the case, to which she replied,"I want to make sure that the other women who work in the mine do not have to go through what I went through. I want a policy" (Bingham). After hearing Jenson speak about her encounters, Sprenger was confident he could win the case for them. Jenson requested that her case be raised to a class action against the company.

A class action is a suit in which one or more plaintiffs prosecute on behalf of the group. The plaintiffs would have to have suffered the same wrong at the hands of the defendant ("Class Action"). In Jenson and Kosmach's case, this would require them to convince other women at the mine to join the case, and convince the judge that the claims of the potential class members were common and that there were enough plaintiffs to make it an efficient case (Bingham). In August of 1988, Sprenger filed *Lois E. Jenson and Patricia S. Kosmach v. Eveleth Taconite Co.*, with the complaint stating they had been subjected to sexual harassment and discrimination in the mines, where the environment was hostile to all female workers. During the months of trials and hearings, some female miners testified against Jenson and Kosmach, stating that there was no harassment or discrimination at the mine, but it was later discovered they were only doing it out of fear of losing their jobs. Later these women would join the class. On December 16, 1991,

Jenson and Kosmach's lawsuit was certified as a class action. Later in 1992, Lois was removed from working at the mine by her doctors, after being diagnosed with PTSD (Jenson).

The next phase of the lawsuit, which began in St. Paul on December 17, 1992, would be to prove that Eveleth Mines had maintained a hostile work environment. During this phase, with Judge Richard Kyle, Jenson and other female miners testified about their experiences at the mine. The women who had testified against the class originally, had to prove they had lied earlier to protect themselves. When Kyle issued his official opinion, it was clear that they had succeeded. Kyle stated in summary, "Plaintiffs have established that Eveleth Mines engaged in a pattern or practice of maintaining an environment sexually hostile to women" (Bingham).

The next phase of the trial would be to decide how much money each woman in the class would receive for compensation. In total, there were 21 women who had joined the case, and if Sprenger could prove each had personally suffered mental and emotional harm because of the treatment they received at the mine, each would receive a sum of money based on the severity of their experience. While each woman testified, the defendant tried to prove that the state the women were currently in was due to past harmful encounters that were unrelated to their time in the mine. This phase began on January 17, 1995, two months after Pat Kosmach's death. In court, the women felt as if they were being harassed again, as the defendants picked apart every detail of their personal and sexual pasts, trying to show that each woman herself, not the mine, was at fault for her own current condition (Carlson). The defense questioned each women's involvement in the suit, trying to show that they were just in it for the money (Boler). Yet through all the suffering caused by the trial, the women managed to come out on top.

The Settlement

Before the women could be awarded, they had to go to trial in front of a jury to decide how much each women would receive, unless Sprenger was able to come to a settlement with the mine. The settlement meeting was on December 30, 1998 in the Twin Cities. The company agreed to take the lawyers' fees out, which the company never had agreed to before. Women settled for anywhere from \$50,000 to \$150,000; larger damages awarded to more severe cases. Pat Kosmach's family received nothing for her participation in the trial, because her death before the case had concluded caused her to be ineligible for compensation (Bingham). The offer that Lois Jenson received was just under a million dollars, which she accepted. Although all of the women had won sums, they were still lower than what the attorneys were seeking. Overall, ten years and six million dollars were spent on the case. Many of the women faced PTSD and health problems they would never overcome. People on the Iron Range were faced with bad publicity toward the mines and were angry that it seemed like all male workers were blamed, when only some were at fault (Brown).

Changes in the Workplace

Although the lawsuit was incredibly long and demanding, Jenson v. Eveleth changed the way companies looked at sexual harassment. To be clear, Jenson v. Eveleth did not change any laws, but it helped enforce the laws that were already in place. Because of the lawsuit, companies everywhere implemented sexual harassment policies and started taking this issue seriously (Jollie). The court ordered Eveleth Mines to then have zero incidents of sexual harassment reported (Jenson). Companies implemented training programs and reporting systems to curb

sexual harassment. They created a system so women could make complaints, while still being protected. The amount of money each women in the class received as damages helped show that companies would pay a significant price if they failed to protect their female workers.

Before this case, there had been plenty of sexual harassment cases in the U.S., but Jenson v. Eveleth was the first one where the harassment was known to have affected more than one person. The fact that Jenson v. Eveleth was a class action case brought sexual harassment to the level of being a civil rights issue (Bingham). It was a real precedent that women who were victims of workplace sexual harassment could get together and make a real difference in their company. The case sent the message to employers that they could no longer ignore the rights of their female workers, and that sexual harassment would never be taken lightly again (Carlson). The decisions delivered in Jenson v. Eveleth helped make the workplace environment safer for all victims of sexual harassment.

Sexual Harassment Today

Sexual harassment in the workplace is still an issue today, but measures have been taken by companies to prevent it. Today, there are still workplace sexual harassment cases, but not many class actions. Mainly because after companies realized the consequences that could come from class action suits, they implemented policies to protect themselves from liability. It has been cited that Jenson v. Eveleth has been used in more than 100 cases (Lowen). The suit even inspired a movie that came out in 2005, "North Country," (Dargas). The movie helped bring awareness to the issue of workplace sexual harassment, and led viewers to root for the women facing it. Jenson recalls women reaching out to her to share their stories of sexual harassment, in

search of advice and guidance (Jenson). Jenson v. Eveleth allowed and inspired women to speak up and make a difference in their workplaces.

Although Jenson v. Eveleth Taconite Co. didn't eliminate sexual harassment in the workplace in America, it made companies realize they could no longer ignore it. Because of Lois Jenson's determination and bravery after encountering sexual harassment, women everyday are protected by policies Jenson and her coworkers were not. Lois Jenson and her lawsuit helped women in the United States be able to go to work with the knowledge that they are legally protected from harassment. As one lawyer, Jean Boler, who helped on the case described it, "It showed, that sometimes you have to go way down, get kicked way low, to rise high, to get major adjustment." (Bingham).

Works Cited

Personal Interviews

Boler, Jean. E-mail interview. 7 Apr. 2016. Jean Boler was an attorney who assisted Paul Sprenger on Jenson v. Eveleth. I found her email on her current firm's website and emailed her some questions. From her I learned that when she joined the case, she expected the company to realize they were in wrong and fix their problems, which was really the opposite of what happened. I learned that the defendants accused and tried to prove that the women didn't have good intentions for joining this case, which I used in the Class Action Lawsuit section of my paper. She told me that although it was such a long trial, it was really the women who kept her motivated, because they had to work in such a hostile environment, but still wouldn't give up.

Cleary, Edward. Personal interview. 5 Apr. 2016. Edward Cleary is the Chief Judge of the Minnesota Court of Appeals, and was a practicing attorney when Jenson v. Eveleth was occurring. I was able to get in contact with him through the president of my high school. I went to the Minnesota Judicial Center to interview him. From Judge Edward Cleary, I learned more about how significant it was that a sexual harassment case was a class action. He also provided me with some primary source documents that helped me understand more about the impact of the case.

Jenson, Lois. Telephone interview. 4 Apr. 2016. Lois Jenson was one of the lead Plaintiffs in Jenson v. Eveleth. I was able to call her and interview her over the phone. She really explained to me her side of things, and how the mine worked. She told me how it felt going to work at such a hostile environment. She also told me some of the changes in the

workplace that came from the case, such as specific policies, the court ordered zero harassment incidents at Eveleth Mines, and training programs. I learned that she was removed from her job at the mine by her doctors in 1992, because she was diagnosed with PTSD. She mentioned that the movie was interesting, but she really enjoyed people's reactions to it and that they really helped her. She was very adamant about the fact that she did not support the book "Class Action". She said that there was a lot of truth to it, but there was a lot that she didn't like about it, like how it seemed to put the women on trial again in a more public way. I was actually able to send her my paper, so she was able to tell me if anything in it was inaccurate. Because of that I was able to edit my mistakes and overall improve my paper.

Primary Sources

Bingham, Clara, and Laura Leedy Gansler. Class Action: The Story of Lois Jenson and the Landmark Case that Changed Sexual Harassment Law. New York City: Random House Inc., 2002. Print. This book really helped me with my project. It gave me details about Jenson's life before the mine, detailed examples of the harassment she and other women experienced and the in-depth story of the trial. It also gave me the amounts each woman was approximately awarded and what happened to each of them after the trial. In my paper, I used information from this book in almost every section. I took quotes directly from this source and used them to better argue my points.

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were somewhat disappointed at settling, but they accepted that it was what was best for the women.

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