

interact with each other on a continuous and often daily basis. For example, in a number of cases in the Chapman and Mason study, the basis of the complainant's discomfort appeared to lie in the realisation that her sexuality had been 'found out' by others. These were cases where, on face value, the actual remarks of coworkers and supervisors seem to be somewhat ambiguous, perhaps less insulting, than in some other cases. Examples include: 'the girls at the salad bar are a bit wild'; 'X isn't sure which sex she prefers'; 'I'm surprised she's with a man' (said by a coworker whilst looking at a photo of the complainant with a male friend); 'you look great today ... see girls can say that to other girls'; 'It's horrible kissing boys isn't it Ms X, just horrible'. Certainly, context is crucial when it comes to harassment and any of these comments could easily be said in a way, or in a situation, that is unwelcome or insulting. However, I am not convinced that this fully explains the complainant's concern. I think this concern is also deeply embedded in the nexus between homosexuality and visibility.

Let me explain my thinking by citing another example. In this case, the complainant had cordial relationships with her coworkers. Following a commitment ceremony with her female partner, the complainant's coworkers learnt of her sexuality and her relationship with them changed. She stated that she became a topic of speculation and discussion: 'from then on we were the brunt of rumour and jest about the ceremony and about our sexuality'. Whilst the complainant had clear concerns about exactly what was being said about her ('jest') it is apparent that her complaint was not simply prompted by overt insults. She was also concerned about 'rumours'. One can only speculate that these rumours pertain to her sexuality in general; that is, she appeared to be concerned about the rumour that she is a lesbian. She implied that she experienced harm not only through overt homophobic remarks but also through the transfer of knowledge about her sexuality between others (as in the rumour 'she's a lesbian, you know'). Nowadays, this kind of rumour might seem insignificant, nothing to really worry about. Nonetheless, this complainant was worried: worried enough to go to the trouble of lodging a written complaint of discrimination. I do not believe that the basis of this concern is simply a matter of what was said and done or even how it was said and done. More fundamentally, it appears to lie with the very fact that it *was* said or done: 'it', of course, being the disclosure of the complainant's sexuality in a situation where such knowledge has the potential to engender immediate or future harm.

Collectively, these complainants seem to suggest that they are harmed because their sexuality is now public knowledge: they feel 'trapped' by the visibility of their homosexuality. Hence, one might say that the harm of sexuality harassment is found not just in how it makes a complainant feel about her sexuality (as in sexual shame) but also in the fear that such harassment engenders; and that to live with the fear of homophobia can be damaging.<sup>113</sup> Indeed, there is a definite sense in this group of complaints that simply being named as lesbian — whether in a negative or neutral way — has the potential to generate unwelcome effects,

<sup>113</sup> In contrast, to name someone as heterosexual would rarely constitute a negative comment on his or her sexuality. Nor would it be likely to expose an individual to the negative responses of others.

particularly in relation to the workplace or services that are accessed on a regular basis.

Another group of complainants described a different kind of situation, one where the harassing conduct appeared to be a reprimand, so to speak, for 'flaunting' their sexuality at work or in other public places. The decision to disclose, or not disclose, their sexuality is one that lesbians and gay men make on an almost daily basis. Except in the most unusual situations, lesbians and gay men know that there is always a risk, even if small, of immediate or future homophobia when they disclose their sexuality to others. For some, the negotiation of sexual visibility is such an everyday experience that it simply becomes second nature. For others, it is a constant and very real concern. The implications of this negotiation are well demonstrated in another discrimination complaint in the study: this complaint did not involve harassment but the scenario is applicable to all forms of sexuality discrimination. In this instance, the complainants, two women, made a reservation for overnight accommodation at a bed and breakfast. Upon arrival they were offered a room with two single beds. When they asked for a room with a double bed they were told that homosexuals were not welcome there. It was apparent from the start that, had they been prepared to accept the initial 'suggestion' of two single beds their booking would have been honoured. In other words, had they been prepared to pretend that they were not in a sexual relationship they would have received the accommodation they sought. Lesbians and gay men are only too aware of how this nexus between homosexuality and invisibility operates in relation to harassment: invisibility in return for the quiet enjoyment of one's workplace, places of education, and so on. Whilst nondisclosure is no guarantee of such quiet enjoyment, it does reduce the risks associated with disclosure. Indeed, it would not be too far-fetched to suggest that the nexus between visibility and homosexuality prompts lesbians and gay men to negotiate a 'quid pro quo' arrangement of their own: silence in exchange for a greater sense of security.<sup>114</sup>

It may seem that the two kinds of situations described above are contradictory. In the first, it is the complainant who does not want others to know about her sexuality. In the second, it is the others who do not want to know about, or at least publicly recognise, the complainant's sexuality. In a sense, however, these scenarios represent two sides of the same coin. Both experiences of harassment are tied to the negotiation of sexual visibility. This is the case when an individual is uncomfortable about the fact that she has been publicly named as a lesbian: to be so is to be marked in a way that is rarely neutral or does not involve some risk of homophobia. It is also the case when an individual experiences a negative reaction to her decision to name herself as lesbian: in this situation it is her visibility as a lesbian that engenders the harassment. In short, the common denominator between these experiences of harassment is the imperative to negotiate one's sexual visibility. The negotiation itself can be a source of discomfort or concern in that it continually reminds lesbians and gay men about the risks of discrimination and inequality.

<sup>114</sup> The 'don't ask, don't tell' policy of the US military is probably one of the most notorious examples of this form of quid pro quo arrangement.

In this sense, visibility is central to the harm of sexuality harassment. Visibility is also central to the harm of sexual harassment, yet in a different way. For example, it is women's visibility as sexual subjects in the workplace that exposes them to harassment by some heterosexual men. This is why so many women act, dress and speak in ways that are designed to minimise the implied heterosexual availability of their feminine gender. Furthermore, when women do experience and/or complain about sexual harassment they may well feel that they have been sexually marked as a 'certain type' of woman in the eyes of others. In short, much sexual harassment is only possible because the target of that harassment is unavoidably visible as a woman. However, the difference between this experience of sexual harassment and the experiences of sexuality harassment that have been described above is that while a woman may feel that the former takes many things away from her, including her sense of self-respect, she is unlikely to feel that one of the things taken from her is her 'closet'. To put it bluntly, this is because she never really had one to begin with. This is not so for lesbians and gay men. In contrast to femininity, social *invisibility* is intrinsic to contemporary experiences of homosexuality ('the love that dare not speak its name'). It is the benchmark, or the norm, so to speak, that must be challenged and dismantled, over and over again. This means that despite its fragility and ambiguous nature, the closet represents an inescapable site of negotiation in the lives of lesbians and gay men. Even if only momentarily, sexuality harassment eats away at one's sense of control over it. It reminds lesbians and gay men that they must continually assess and reassess the rewards and risks of disclosure. This, I would like to suggest, is often experienced as harmful. This is not primarily because it engenders feelings of sexual shame about one's homosexuality: in some cases it may, in others it may not. Rather, it is harmful because it serves lesbians and gay men with a warning about the unwelcome implications of being *shameless* about their sexuality.

#### IV CONCLUSION

In this article I have attempted to make a very simple point: the experience of sexuality harassment cannot be equated with the experience of sexual harassment. This does not mean that the two are completely distinct phenomena. They are not. Both are shaped by discourses of gender and sexuality. In each, however, these discourses are likely to manifest with different emphases. In most cases of sexual harassment, the interaction between systems of gender and sexuality produces an environment with unwelcome heterosexual overtones or demands. In sexuality harassment, the environment may also be highly sexualised but this sexualisation has an anti-homosexual or homophobic flavour to it, a flavour that is unwelcome to lesbians and gay men. The very fact that an individual decides to lodge a complaint under the sexuality provisions in discrimination law means that she or he believes that the conduct complained of involves some form of homophobic sentiment. Whilst it is difficult to know how this homophobia is experienced, we can speculate that by highlighting the spectre of the closet such harassment inevitably operates to remind lesbians and gay men of the unequal

status that is accorded to homosexuality in far too many workplaces, services and educational institutions. This may well be experienced as harmful in itself.

Sexuality harassment and sexual harassment have much in common. But just as it would be unacceptable to argue that sexual harassment can be reduced to the terms of sexuality harassment, so too is it undesirable to argue that sexuality harassment can be encompassed by sexual harassment. This has implications at law. To accept, as Cornell does, that provisions designed to redress sexual harassment provide an adequate remedy for sexuality harassment is to risk the possibility that the only harm to be recognised will be that which runs close to the harm of sexual harassment. The harmful specificities of sexuality harassment may well fall through the legislative cracks.