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Cuomo allegations spark harassment discussions in real estate, finance

When women are in positions of power they are cautious, careful

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Associated Press

Cuomo

As chief executive of Brown Harris Stevens, [Bess Freedman](#) is one of the few female executives in the male-dominated industry of [New York real estate](#). Her 18 years of experience as an agent and executive have given her insight on [workplace sexual harassment](#).

Freedman recalled how a female agent told her in the early 2000s that a male photographer sexually harassed her during a photo shoot at an uptown property.

“It wasn’t flattering, like, ‘This is a pretty dress.’ It was pervy,” Freedman said. “She told me how odd it was that a photographer would say those things. But she never made a complaint.”

Freedman said she believes the episode reflects a significant element of sexual harassment.

“I’m sure if this gentleman did this once, it happened many more times with others,” she said, adding that the photographer “got this reputation of women being uncomfortable around him.”

The sexual harassment allegations against Gov. Andrew Cuomo have jump-started conversations about workplace harassment in New York.

“I would say the problem is severe, and I would say the problem is pervasive,” said Gloria Allred, a leading women’s rights lawyer.

Allred, who practices in New York and California, said public allegations don’t fully capture the widespread nature of sexual harassment in society. Many credible allegations result in confidential settlements and pre-litigation filings that never see the light of day, she said.

“We’ve been doing this for 45 years, and it’s as prevalent now as it was previously,” she said. “Having said that, I also feel that it’s more likely that a victim will exercise her legal rights than she would’ve 35 years ago.”

Following the #MeToo movement, which brought newfound awareness to sexual harassment and sexual assault, New York amended its laws to uncapped punitive damages and lower the standard for harassment allegations from “severe and pervasive” to any treatment that subjects “an individual to inferior terms” or what a reasonable victim would deem more than crass remarks.

Lawyer Damien Weinstein, who defends people accused of sexual harassment, says the pendulum has swung in a different direction. “It is so easy to file a complaint against someone now,” he said. “I can make anything I want and file it. There’s no fact-checking at the courthouse door for filing.”

More sensitivity

When talking to female executives, it’s clear that the new laws and a social justice movement more conscious of victim’s rights have shaken up traditional workplace protocols and dynamics.

“There’s overt and more subtle forms of harassment, and I think some things that might be common sense are not,” Freedman said. “Anyone who is in a position of power must be very sensitive of that. It’s a different world today.”

Other observers—including Karen Altfest, an executive vice president at Altfest Personal Wealth Management, where she has worked for more than 35 years—say the nature of sexual harassment in the workplace has changed over time because different people mean different things when attempting to define harassment.

“Some people will cringe at anything,” Altfest said. “Someone notices I had a haircut. That makes some people very uncomfortable. He isn’t saying anything out of the normality, but some women would cringe at that and say, ‘Why is he looking at my hair?’”

The difficult nature of defining sexual harassment, and even identifying it, has created different interpretations of what constitutes a safe workplace.

“We’re human, and there’s always going to be a default to doing things that are not right, to use levity, to joke around,” Freedman said. “Your intent might not be to harm them, but it did.”

Need for equality

Some advocates say the confusion around sexual harassment will decrease if greater gender integration occurs in the workplace, with women earning the same pay and achieving an equal number of executive leadership roles as men enjoy.

“I believe it should be at least 50-50, if not more,” Allred said. “It is more likely women will be sexually harassed and become victimized if they do not enjoy equal power with men in the workplace.”

Freedman said increasing female leadership at firms can bring a culture change rooted in the sociology of gender differences and historical behavior patterns.

“When women are in positions of power, for the most part they are cautious, careful, sensitive,” she said. “They handle power safely. Look at history and men in the positions of power: the destruction, the rape, the killing. All of the power has been in the hands of men.”

Altfest dismisses that line of thought, however. When power is on the line, she said, nothing should be taken for granted.

“You can’t just assume that a woman-run firm is better,” she said. “I don’t think anything is a given.”

To some experts, workplace sexual harassment might be an intractable element of society, due to the way humans interact with one another.

“Regardless of whether there’s more women or not in positions of leadership, I honestly feel there will always be sexual harassment so long as men and women are working in the same workplace,” said Douglas Wigdor, a leading sexual harassment lawyer.

Sexual harassment doesn’t always take place in the four corners of an office, Wigdor added. It can occur at off-site meetings and training sessions, during travel, and while at dinner and drinks.

“You can do all the training you want in the world, educate people,” he said. “But when people are out and about, and in a restaurant and bar, or at a training, there will be sexual harassment cases.”