

Employment Law

Expert Analysis

The Global Impact Of the #MeToo Movement (Part I)

The #MeToo movement went viral on social media when, on Oct. 15, 2017, Alyssa Milano tweeted #MeToo. Her tweet encouraged women who have been sexually abused to post about their experiences on social media with #MeToo to demonstrate how prevalent sexual harassment is. By early November, #MeToo had been retweeted 23 million times from 85 countries.

The current political climate and widespread social media use helped #MeToo promulgate its message and impact numerous industries throughout the United States. Due to distinct legal and cultural factors, #MeToo has taken a different shape and has had varying impact across international jurisdictions.

In the first part of this column, I'll take a look at its impact in Italy and France. In the second part, I'll take a look at the #MeToo movement and how it has affected Japan, India and Egypt.

Italy

In 1991, Italy enacted Law 125/1991 to encourage employers to employ women, and to combat the existing

ERIKA C. COLLINS, a partner with Proskauer, works with global companies on complex international and cross-border workplace issues, with particular expertise in navigating legal and cultural differences.

By
**Erika C.
Collins**



discrimination against women in the workplace. Law 125/1991 was amended in May 2005 to implement the EU Equal Treatment Directive. As amended, the law explicitly prohibits direct and indirect discrimination in the workplace, including sexual harassment, see Piergiorgio Mandruzzato & Sara Bittolo, *International Labor and Employment Laws 6-115-6-116* (William L. Keller et. al. eds., 4th ed. 2015). If employers make adverse employment decisions as a consequence of an employee's submitting to or refusing harassment, the employment decision is considered invalid. In addition to other remedies, the employer may be required to pay damages, including psychological damages to the victim-employee. Italian-born actress and director Asia Argento was one of the first women to report Harvey Weinstein sexually assaulted her. In the United States, the response was swift: three days after a New York Times report revealed sexual

assault accusations against Weinstein spanning more than three decades, Weinstein was fired from the company he co-founded, see Jodi Kantor & Megan Twohey, "Harvey Weinstein Paid Off Sexual Harassment Accusers for Decades," *The New York Times* (Oct. 5, 2017). But the response in Italy was much different. The media heavily criticized Argento for her report. An op-ed in *Libero*, an Italian right-wing newspaper, noted allegations may be borne out of regret for originally

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consensual sex, see Sylvia Poggioli, "In Italy, #MeToo Falters Amid Public Scorn," *NPR* (Jan. 18, 2018)). Female Italian public figures were similarly unsympathetic. Selvaggia Lucarelli, a feminist writer, characterized Argento's experience as consensual while calling her 20-year reporting delay not "legitimate," see Kenzie Bryant, "Asia Argento Escapes to Germany After Onslaught of Victim-Blaming in Her Native Italy," *Vanity Fair* (Oct. 20, 2017). Argento fled Italy to escape

the media's toxic victim-blaming and comparisons to prostitution. After 10 women accused Italian film director Fausto Brizzi of molestation, Warner Bros. suspended all future work with Brizzi. The media, however, supported the director, see Sylvia Poggioli, "In Italy, #MeToo Falters Amid Public Scorn," NPR (Jan. 18, 2018). Few other prominent Italian figures have faced consequences.

An unsympathetic Italian response is not unique to Argento's story. In December 2017, the president of Italy's lower house of Parliament, Laura Boldrini, held a women-only conference to highlight the fact that Italian citizens often ignore women's accusations. She noted the #MeToo movement has not "had the same effect" in Italy, see Jason Horowitz, "In Italy, #MeToo Is More Like 'Meh'," The New York Times (Dec. 16, 2017). As to why, she joked "in our country, there are no harassers." She went on to admit harassment was rampant, but Italy's "strong prejudice against them" causes women to remain silent.

Some believe religious education may contribute to Italy's point of view toward sexual harassment. Lorella Zanardo, an Italian women's rights activist and author, believes Italy's prejudices toward women are rooted in Catholic education. She notes that traditional Catholic education preaches gender roles that include a woman's role as an obedient "good wife." In the #MeToo context, this rigid gender role may discourage reporting unchaste or taboo acts of sexual harassment.

Italian politics also may contribute to prejudices against women. Silvio Berlusconi is an influential politician who served as prime minister for nine years between 1994 and 2011. While in office,

Berlusconi was known for his "bunga-bunga" parties, graphic accounts of which detail women being fondled, kissed and made to grope Berlusconi, see Jason Silverstein, "Former Italian Prime Minister Silvio Berlusconi had women kiss penis statue, sing his name at 'bunga bunga' sex parties: report," NY Daily News (Aug. 20, 2015). Berlusconi was acquitted of paying for sex with an underage prostitute at a "bunga-bunga" party only after a court found he did not know the woman was underage, see Agence France-Presse, "Silvio Berlusconi's 'bunga bunga' acquittal upheld by high court," The Guardian (Mar. 20, 2015). Berlusconi is also the controlling owner of Mediaset, Italy's largest commercial television broadcaster. Like much of Italian television, Mediaset's channels largely objectify women as silent provocative dancers and otherwise sexual objects. Berlusconi's political career is currently making a comeback as his six-year ban on political office for a tax fraud conviction nears an end. Berlusconi's prominence likely reinforces stereotypes and prejudices against women.

France

The #MeToo movement evoked a different reaction in neighboring France. The French equivalent of the hashtag, #BalanceTonPorc, translates into "rat out your pig." The hashtag inspired hundreds of thousands of posts. French President Emmanuel Macron's actions stand in stark contrast to Berlusconi's: Macron urged revoking Weinstein's Legion of Honor. He also generally encourages policies promoting gender equality. See Odette Chalaby, "Macron's fight for gender equality: the policies behind his 'grand cause', apolitical" (Mar. 13, 2018).

Still, the conversation sparked in France does not entirely support #MeToo. Indeed, a backlash brought to light a division between feminist theories in France. In January 2018, 100 famous French women, including Catherine Deneuve, published an open letter in a daily French newspaper denouncing #MeToo as "puritanical." Agence France-Presse, "Catherine Deneuve says men should be 'free to hit on' women," The Guardian (Jan. 9, 2018). These feminists believe #MeToo undoes much of the sexual revolution's work of de-censoring sexual desire. The #MeToo backlash in France likely is also influenced by a culture that encourages flirtation and seduction. See Elena Berton, "Why the French are balking at the #MeToo movement," USA Today (Feb. 7, 2018). Berlusconi described Deneuve's letter as "blessed words."

The divide between the authors and those who support #MeToo is largely generational. Many young women in France believe the days of exalting seduction are over, and the #MeToo movement emboldens women to draw boundaries in the workplace. See Saphora Smith, "France in the age of #MeToo grapples with seduction, harassment," NBC News (Jan. 29, 2018).

In France, home to the city-of-love, #MeToo sparked a clash between an age-old cultural adoration of seduction, and a modern understanding that seduction in the form of harassment is not welcome.