



University
of Victoria

Graduate Studies

Notice of the Final Oral Examination
for the Degree of Doctor of Philosophy

of

KAITLYN MATULEWICZ

MA (York University, 2010)

BA (York University, 2009)

**“Law, Sexual Harassment, and Restaurants: Exploring the
Experiences of Women Working in the British Columbia Restaurant
Sector”**

Faculty of Law

Wednesday, March 8th, 2017

10:00am

David Turpin Building

Room A144

Supervisory Committee:

Dr. Judy Fudge, Faculty of Law, University of Victoria (Supervisor)

Prof. Hester Lessard, Faculty of Law, UVic (Member)

Dr. Dorothy Smith, Department of Sociology, UVic (Outside Member)

External Examiner:

Prof. Colleen Sheppard, Faculty of Law, McGill University

Chair of Oral Examination:

Dr. Bonnie Leadbeater, Department of Psychology, UVic

Abstract

Sexual harassment in the workplace is both illegal discrimination under human rights law and a part of the everyday experiences of women working in the full-service restaurant industry in British Columbia (BC). This dissertation is a feminist, institutional ethnographic inquiry into how women's unwanted or uncomfortable sexual experiences with managers, co-workers, and customers within the context of full-service restaurant work in BC are still happening more than three decades after sexual harassment was first named sex discrimination in Canada. I argue that restaurant work is organized in such a way that uncomfortable or unwanted sexual experiences at work are made normal. My dissertation tells the story of how law is implicated in the construction of such restaurant workplaces within which sexual harassment and unwanted sexual experiences are normalized.

The complicated interaction between the social context of restaurant work, workplace practices in restaurants, and inadequate employment standards legislation constructs precarious work environments wherein workers have little economic or job security and rely on customers for tips. Tipping, a practice legally legitimized and reinforced with lower minimum wages for alcohol servers, means workers endure sexualized and discriminatory behaviour at work in exchange for tips. Moreover, gendered social relations, reflected in managerial hiring practices and restaurant dress codes, lead women workers to associate femininity and a sexualized presentation of their self with their employment. Sexual harassment law is implicated in the problem as well. Sexual harassment law in BC (re)produces the gendered social relations of work through an individualized human rights framework and a jurisprudential notion of "unwelcomeness" that both place the burden for addressing discrimination on the shoulders of workers.