Sexual Harassment of Women at Workplace with reference to HR Policies & Practices.

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Abstract:

Sexual Harassment of Women at workplace is a critical human resource and overall managerial issue which is widely discussed in many organizations due to the overwhelming liabilities that they hold. The research paper is based on review of the literature and of policies and procedures from various organizations. Five dimensions of harassment were studied to explore the current status of sexual harassment at the workplace. The paper was accomplished by examining various secondary sources like journals, articles which will provide an in depth view into sexual harassment, and its role in today's work environment. This paper will succour the various workplace(s) to address the issue of sexual harassment explicitly and ensure that they have policies, procedures, and practices in place for both deterring sexual harassment and dealing with it in an equitable and confidential manner when it arises.

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Introduction:

The last two decades or so have engendered considerable discussion throughout much of the world about issues of sexual harassment in the workplace. The term 'sexual harassment' as a descriptor for this conduct was only coined in the 1970s. Since then the issue has become a recognised phenomenon throughout the world in all cultural and occupational contexts. They have also witnessed legal and other action initiated by local and national governments and by such international organizations as the European Communities, the ILO, FAO, the World Bank and the United Nations. According to the *International Labour Organisation (ILO)*, "*sexual harassment is a clear form of gender discrimination based on sex, a manifestation of unequal power relations between men and women*". It is not that the problem is new, only that it has been exacerbated and made more visible as increasing numbers of women have entered the workforce. The problem also relates to the gender or social roles attributed to men and women in social and economic life, and perceptions about male and female sexuality in society that can lead to unbalanced male-female power relationships

Understanding the Workplace Sexual Harassment

Sexual harassment is a clear manifestation of unequal power relations – it is not about deriving sexual pleasure out of the act, but about asserting power. In the workplace, harassers are usually in senior positions, wield decision-making authority or other influences that can affect career outcomes, and/or desire to assert or exhibit power and control vis-à-vis the victim. The latter tends to have limited decision making authority, lack self-confidence, be in a vulnerable or insecure position, or be socialized to 'suffer in silence'.

What is Sexual Harassment?

Sexual harassment, in all its configurations, is not easy to define. Other than conduct that involves physical violence, it is, to some extent, in the eye of the beholder. The Equal Employment Opportunity Commission (EEOC) in the United States, however, has developed a useful definition in the following:

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

(1) *Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,*

(2) *Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or 2*

(3) *Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. 29 C.F.R. 160.II(a) (1987) (Eskenazi and Gallen, 1992)*

Definition of the Workplace:

This study focuses the concept of the workplace with the physical space or location of the organisation where work takes place.

Forms of Workplace Sexual Harassment:

The following forms, or examples, of sexual harassment are those most commonly referred to:

• Receiving career threats such as indications that you will be fired or withheld promotion if you did not accede to requests for a date, or sexual favours

• Sexual assault and rape at the workplace

• Verbal sexual harassment – being addressed by unwelcome and offensive terms such as 'bitch', 'dick', 'darling', 'bimbo', 'ah kua', etc;

• Verbal sexual harassment – receiving unwelcome comments or being asked intrusive questions about appearance, body parts, sex life, menstruation etc;

• Verbal sexual harassment - being made to repeatedly and intentionally listen to dirty jokes, crude stories that are unwelcome and discomforting;

• Verbal sexual harassment – being pestered for dates or receiving unwelcome sexual suggestions or invitations;

• Verbal sexual harassment – being repeatedly subjected to sexually suggestive, obscene or insulting sounds, which are unwelcome and offensive;

• Visual sexual harassment – repeatedly receiving emails, instant messages, SMSes, which contain unwelcome language of a sexually-explicit nature;

• Visual sexual harassment – having someone expose their private parts to you, or repeatedly stare at your body parts in a way that is unwelcome and discomforting;

• Visual sexual harassment – being made to repeatedly look at sexually explicit images or pictures, or being shown obscene sexual gestures, that are offensive and unwelcome;

• Physical sexual harassment – being brushed against or touched in any way that was unwelcome and discomforting;

• Physical sexual harassment - being stood very close to or cornered in a way that was unwelcome and discomforting

• Physical sexual harassment – being forcibly kissed or hugged, or being forcibly made to touch someone;

Elements of effective deterrence:

1. A strong and broadly promulgated statement of policy, couched in clear, understandable language, defining what is prohibited and including illustrative examples without attempting to be all inclusive;
2. A grievance procedure that – a) preserves confidentiality and protects both the complainant and the alleged perpetrator from retaliation; b) offers alternative channels of communication in the event that the first-line supervisor is the alleged perpetrator; c) provides specially trained personnel who can help the employee determine if there has been harassment; and d) ensures that the complaint will be resolved equitably for all parties involved;
3. A clear indication of the consequences for non-compliance;
4. A training exercise designed to clarify behaviour included in sexual harassment and to develop skills for coping with it, with special attention to the sensibilities inherent in a multicultural environment;

5. A period review process to ensure that the policy is effectively setting the stage for a non-discriminatory work environment; and

6. An unequivocal indication from top management that sexual harassment will not be tolerated in any form.

Review of Literature

An overview of empirical literature focusing women harassment with diverse outlooks assisted this research in bringing novelty to this study along with knowledge augmentation of topic under discussion. Various studies (Barling, J., Rogers, A. G., & Kelloway, E. K., 2001; Berdahl, J. L., & Moore, C., 2006; Dekker, I., & Barling, J., 1998; Ellis, S., Barak, A., & Pinto, A., 1991; Fitzgerald, L. F., Shullman, S. L., Bailey, N., Richards, M., Swecker, J., Gold, Y., Ormerod, M., &Weitzman, L., 1988; Schneider, K.T., Swan, S., & Fitzgerald, L, F., 1997) have been carried out considering women harassment at workplace as their focal point, as some of them have focused psychological impacts of harassment on women and some explored its causes along with prevention strategies.

*   Fairchild, K., and Rudman, L. A. (2008) have taken into account women harassment with reference to their daily public life regardless indicating workplaces and found stranger harassment as daily experience of a woman's life. Moreover while considering stranger harassment as discrimination it stated that daily harassment can cause depression and eating disorders, increased fear of rape and restriction of movement among women.

*   Fitzgerald, Swan, and Magley (1997) defined sexual harassment as: "unwanted sex related behaviour at work that is appraised by the recipient as offensive, exceeding her resources, or threatening her well-being". Under this broader concept, they outline three types of sexually harassing behaviour - gender harassment, unwanted sexual attention, and sexual coercion.

*   Hulin et al., (1996) indicated in its studies that sexual harassment would have a negative outcome for the perpetrator that protect the victim from retaliation and other risks of reporting, and where it was broadly understood that grievances would be dealt with promptly and seriously, there is evidence that harassing behaviour was inhibited.

*   MacKinnon, (1992) & others studies have shown that the number of women reporting sexual harassment experiences is significantly correlated with her employee's impressions of organizational tolerance of such harassment. Where management seemed to ignore the problem and/or discourage reporting, employee tended to experience harassment more frequently.

*   Malamuth, N. M., and Briere, J. (1986) have conducted research on analyzing indirect effects of sexual violence in media against women and found that sometimes few features, which usually provoke violence against women, turn to cause sexual harassment and other nonviolent acts.

- Rydell, R. J., and Boucher, K. L. (2009) have investigated and explored those situations where negative stereotypes expose their power to influence others along with that role of selfesteem in exclusion of impacts of negative stereotypes.
- SPDC (2009) conducted a survey on workplace violence and sexual harassment in Pakistan from 310 Pakistani working women and result shows that 26% confronted different forms of violence such as threats, beating, exposure to dangerous materials, and lifting of heavy objects, however 40% reported that they encountered harassment while 36% said that they knew of cases where either their friend or colleague experienced sexual harassment. It also concluded that harassment ratio is higher in private sector as compared to public.
- Schultz, V. (2003) mentioned that despite presence of laws to prevent sexual harassment aided in averting the situation but „larger institutional and cultural forces‟ make vivid difference in this regard because these two actually practice laws in daily life.
- Vijayasiri, G. (2008) studied sexual harassment reporting with regard to explore influence of organizational cultures and trust in complaining about harassment cases and concluded that „married or separated women are more likely to report harassment than never married, divorced, or widowed women‟.
- Tracey, J. B., Tannenbaum, S. I., and Kavanagh, M. J., (1995) in their study found strong impacts of workplace environment on newly trained employees.

Theoretical Framework

This research paper is focused on working environment for women in various organizations, as well as working relationship between males and females at workplaces have also been explored in order to determine gender predisposition and male dominance.

Research Methodology

Objective(s): The primary objective of this study was to observe current situation of women harassment at workplace thus an *empirical* method was adopted and in-depth interviews were conducted. It provides researcher to move in different directions, take time to see that all approaches, theories/ideas have been explored. The study also provides information on positive treatment of the problem where evident, and includes good policies and practices undertaken by the organizations. This was intended not only to balance the approach to the research, but also to offer best-practice examples that other companies might wish to follow.

Sampling: This study has used a non-probability (purposive) sampling strategy, 'snowball sampling technique', in selecting the potential respondents and collecting the relevant information to accomplish the research objectives.

Data Collection: Both primary and secondary sources were used. Checklist was designed to collect data. The in-depth interviews used both closed-ended and open questions about all the factors.

The study investigates the 5 dimensions of harassment to explore the current status of sexual harassment at the workplace.

- Working environment of the organization;
- Stereotype thinking patterns about women;
- Offensive Remarks about Appearance of Female Colleagues
- Reporting of harassment issues.
- Organisation's Policies and Practices

- **Working Environment**: Atmosphere of any workplace essentially determines productivity grid of its employees and poor work settings can plunge the situation into disarray. Harassment at workplace has been vitally associated with environment of the organization, as it causes and prevalence can be understood with an extensive examination of workplace environment. Dekker, I., and Barling, J. (1998) have also discussed that adequate organizational standpoints can assist in coping with sexual harassment issues from reduction to prevention. It is also interesting to understand that office climate and culture profoundly influence working behaviours of newly joined employees and consequently observing any type of harassment from office member can possibly indulge or attract those appointed recruits into harassment related activity (Tracey, J. B., Tannenbaum, S. I., & Kavanagh, M. J., 1995).

- **Stereotyped Thinking Patterns about Women**: It can be observed that members of society consciously or unconsciously attach certain stigmas to those things which appear to be against normative or rather conventional structure of society and those things can be particular deeds performed by some members of society, as for some time working women have been stigmatized and various stereotypes were developed and associated to scold women. The present study has also taken this point in order to examine women harassment at their workplaces. Rydell and Boucher (2009) have expressed consequences of stereotype thinking that negative stereotypes and stigma affect the thoughts, feelings, and behaviors of underprivileged group members. Hong (2003) have mentioned that male-dominated society and culture significantly contribute in developing stereotype thinking patterns with regard to gender. Majority of respondents mentioned that typical thinking patterns about women can be clearly observed in their offices and majority of those who rejected its existence in their workplaces, accepted it as reality of society thus it can be said that stereotype thinking patterns do exists at workplace.

- **Offensive Remarks about Appearance of Female Colleagues**: A large majority of interviewees mentioned that male colleagues make offensive remarks about appearance of female office workers. A female respondent said that sometimes men make offensive remarks to them and some comments appear to be bearable in office

settings but psychologically these offensive messages disturb them and indirectly affect productivity of their work.

- **Reporting of Harassment**: According to Gill and Febbraro (2008), after harassment women have been threatened for losing job, societal disrespect and disturbing court proceedings, in addition, a common outcome of women reporting sexual harassment is blaming the victim which generally keeps women away from reporting harassment. SPDC (2009) has described causes for not reporting harassment cases by women and mentioned that majority of women have accepted the socio-cultural settings by sustaining the status quo, along with that unavailability to legal assistance, fear of being defame and chances of harassed again are core causes for refraining them from reported harassment cases. If women experience harassment then most of them use passive, non-assertive coping strategies as response to harassment (Fairchild, & Rudman, 2008) and they don't formally complain about sexual harassment because they fear negative consequences‟ of reporting harassment case (Vijayasiri, 2008: 47).

- **Organisation's Policies and Practices**: Companies were approached to share their existing human resource or other policies and/or practices that addressed workplace sexual harassment. The information revealed that the every organisation follows a different policy to curb the menace of women harassment at workplace. Some Companies embeds its policy on sexual harassment within its general code of conduct but covers the issue with specificity. The code includes a prohibition against other forms of harassment and includes procedures adapted to such behavioral matters. Few have opted for a separate and very detailed policy with respect to sexual harassment which includes a clear definition of what constitutes such harassment and specific procedures relative to a complaint in this area. They emphasize on resolution through conciliation, but there is clear access to more formal grievance procedures that should become necessary. It also requires a follow up enquiry six months after closure to ensure that none of the persons involved have experienced retaliation. All the information on the presence or lack of such policies and practices reflects attitudes towards workplace sexual harassment from the employer's perspective.

Discussion

This study examines the existing situation of women harassment at various workplace(s). The responses have been composed in 5 primary parameters, as discussed above, which facilitated in establishing vivid picture of women harassment. Dekker, I., and Barling, J. (1998) have discussed that adequate organizational standpoints can assist in coping with sexual harassment issues from reduction to prevention. It is also interesting to understand that office climate and culture profoundly influence working behaviours of newly joined employees and consequently observing any type of harassment from office member can possibly indulge or attracts those appointed recruits into harassment related activity (Tracey, J. B., Tannenbaum, S. I., & Kavanagh, M. J., 1995).

Findings

- It was found that the impact on the individual who experiences sexual harassment in the employment context range from irritation to serious debility, with long-term physical and/or psychological implications.
- It was evident from the study that victims experience guilt, the sense that they are somehow to blame for the treatment they receive.
- The study also found that many harassed individual resign, take undue sick leave and reduce their own and their team's productivity as a result of poor job satisfaction and unhappy relationships with co-workers.

Key Recommendations

AT THE INDIVIDUAL LEVEL

What you can do as a recipient of sexual harassment?

• Tell the harasser to stop, expressing your feelings about the situation and making it clear that his / her behaviour is unwelcome and unwanted. If done in privacy, and the inappropriate behaviour ceases, the relationship can continue positively. If the harassment does not cease after you have made a clear request for it to stop, ensure that you keep a written record of all incidents of harassment in detail, including words, gestures, actions, time and place, and witnesses (if any). This helps in terms of remembering details for official investigation and reporting.

• It is often useful to speak to persons that you trust about the incident(s). Friends, family and trusted colleagues could help ease emotional distress. Colleagues could also act as 'safety nets' in the workplace, helping to diffuse uncomfortable situations, deterring further incidents, and possibly acting as witnesses.

• Make a report to the human resource department of your organization – request for an investigation, appropriate disciplinary action and preventive practices.

• If your organization has no human resource department, report to a higher authority who has the power to make decisions about what can be done (supervisor, head of department, etc).

• Consult a legal clinic or private lawyer to know your rights and strength of your case if you want to press charges – this is helpful in the event that you want to sue for damages, or breach of contract if there is a clause regarding sexual harassment in your employment contract.

• Make a police report, especially if there has been physical contact. The most obvious case for police investigation is 'outrage of modesty'. You need to know however, that once a police report is made, it is out of your hands.

• If the police will not investigate, you may take out a private summons against the harasser. Consult a lawyer or legal clinic first to understand the proper procedures and consequences – hiring a private lawyer is advisable but can be costly.

• Explore other avenues of support – organisations exist that can offer trauma counseling, information about rights, and help to determine what action is appropriate, such as neighbourhood Family Service Centers, counseling centers, and free community legal clinics. AWARE runs a helpline, legal clinic, and offers face-to-face counseling, and a 'Befriender' programme for the public.

What you can do if a friend/loved one is being harassed?

• A common fear of recipients of sexual harassment is that of not being believed. Provide a listening ear and acknowledge his/her feelings – do not judge or minimize his/her feelings or suggest that you doubt what he/she is saying.

• Recipients of sexual harassment often feel confused, afraid, angry or depressed about what has happened to them. Be patient - give them time to address their fears and emotions; do not rush them into making a hasty decision on what action to take.

• Recipients of sexual harassment may feel guilty or ashamed about what has happened to them. Emphasise that no one asks to be harassed and that they are not to be blamed for any unwanted and unwelcome attention.

AT THE ORGANISATIONAL LEVEL

There are several actions that employers can take to provide support and protection for their employees and ensure they enjoy a safe and conducive working environment.

What you can do as an employer?

• Establish a policy that explicitly prohibits sexual harassment in the workplace. This can be a stand-alone policy or integrated within broader policies on harassment in general.

• Establish a no-tolerance culture towards harassment – ensure that all employees are made aware not only about what constitutes sexual harassment, but also about possible disciplinary actions that may be taken against harassers, or against those who make false reports of harassment.

• Managers and supervisors should be made responsible for ensuring that their staff are protected from sexual harassment. Training should be provided for managers and supervisors to help develop their skills and sensitivity to deal with complaints effectively.

• Establish clear procedures to tackle grievances and complaints of sexual harassment – this includes identification of a department or person to whom the report should be made, and a description of the process that will be followed, including disciplinary actions that will be taken if necessary.

• Ensure strict confidentiality and impartiality in the treatment of complaints of sexual harassment – confidential reporting channels should be made available, staff appointed to conduct investigations should come from other departments and not be related in any way to the complainant or alleged harasser, assurances should be given to the complainant and any witnesses that neither will suffer any reprisals as a result of making a complaint or providing information about a complaint.

• Extend the definition of workplace sexual harassment beyond the physical office space, and beyond staff directly employed by the company – protection should be provided for any work-related incident of sexual harassment, no matter the time or place it occurs, and whether the harasser is a co-worker, client, customer or vendor.

Conclusion

In this century it is very important to have gender sensitive workplace which would fulfil the needs of its employees specially the needs of the women. Taking this scenario in mind it is essential to develop capacities and start a process of individual thinking. Rule, policies, norms and laws are always their but enactment and implementation is necessary and to understand this awareness is needed. Providing a safe working environment for everyone specially women is the duty of the employer. With the march of civilisation, the impact of social chances and developmental efforts benefit the women much less than man. The recent news reports indicate that sexual harassment has reached the highest levels of management.. As a result, the spectre of employer liability for sexual harassment continues to loom over the workplace. Failure to adopt a pro-active and aggressive stance on this issue, however, can result not only in costly lawsuits, but also in a loss of employee morale, decline in productivity, and an erosion of a company's public image. That businesses are still taking chances may reflect a failure to adequately consider the risks. To act wisely, companies need to understand the whole issue of sexual harassment. They need to consider the disturbing statistics behind an often hidden problem, the legal grounds available to victims, the current trends in the law, and the ways that companies can protect themselves. Preventing sexual harassment in the workplace requires a considerable investment of time and personnel. In the end, however, these costs will be offset by significant savings in legal fees and health-care costs. Companies will also benefit from increased worker productivity.

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