

SEXUAL HARASSMENT IN THE WORKPLACE: IMPLICATIONS FOR A HUMAN RESOURCE MANAGER

EKANG ANIETIE ETUKAKPAN, PhD.
 Department of Public Administrator
 Heritage Polytechnic
 Ikot Udo Eket Akwa Ibom State.

And

NGOZIKA A. OLEFORD, PhD.
 Department of Public Administrator
 Heritage Polytechnic
 Ikot Udo Eket Akwa Ibom State.

Abstract

For the umpteenth time, I have asserted that sexual harassment is a despicable and a demeaning behaviour in any organization capable of portraying one in bad light and can drag ones' reputation in the mud. This kind of demeaning, humiliating and mortifying behavior should find no place in modern workplace, yet it appears to be the order of day, though most have been unreported giving the false impression that it does not exist in these organizations. Every sexual harassment charge is extremely serious. You and your organization can be held liable for the conduct of your employees and non-employees who engage in sexual harassment, even where "victims" comply with unwelcome sexual advances. Realize also that sexual harassment knows no bounds men as well as women may be sexually harassed by the same or opposite sex, by members of management, co-worker, or non- employees. If the harasser is not a member of management, who can affect employment decisions and or benefits, the harassment constitutes a "hostile work environment", which can result in low productivity, depression, stress, absenteeism, etc. None of these contributes to organization's growth. To nip them in the bud, the human resource manager should do what we have suggested in this work, as anything to the contrary will be a remedy worse than a malady.

Introduction

No matter the angle one stands to look at it, sexual harassment is a despicable behaviour in an organization. The world over, sexual harassment has assumed a dangerous, and infact a frightening dimension in the modern workplace. One thing that tends to fuel this ugly incident is that in most cases, this act goes unreported for fear of shame or adverse effects.

In the workplace, harassment may be considered illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision such as the victim being fired or demoted, or when the victim decides to quit the job. This has a serious implication for the Human Resource Manager.

The 'harasser' can be the victim's boss, a boss in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer. It includes a range of behaviour from mild transgressions to sexual abuse or sexual assault. Sexual harassment is a form of illegal employment discrimination in many countries, and it is a form of abuse. The Human Resource manager must therefore ensure that prospective and existing employees are protected from sexual harassment.

What is Sexual Harassment?

In the United States of America, the Civil Rights Act of 1964, has defined sexual harassment as "Unwelcome sexual advances, requests for sexual favours, and other verbal or physical contact of a sexual nature which constitutes illegal sexual harassment." When submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Fitzgurald, Shullman, Gold and Watzman (1988) maintained that sexual harassment is "an unacceptable sexual advance and inclination".

Any unwelcome sexual activity ties to employment decisions or benefits is sexual harassment. Sexual harassment may include, but not limited to, jokes, vulgar language, sexual innuendoes, sexual gestures, physical grabbing, pinching, or rubbing against, other unwelcome or offensive physical touching or contact, and pornographic pictures, books, magazines and the like. According to Robbins et al (2012), sexual harassment is defined as any unwanted activity of a sexual nature that affects an individual's employment and creates a hostile work environment.

The "victim" may be a man or a woman. The "victim" does not have to be of the opposite sex, nor does the "victim" have to be the person harassed, but someone nearby who was negatively affected by the behaviour or the situation.

Causes of Sexual Harassment

What causes sexual harassment in the workplace is generic in nature. According to Ferguson and Collins (2006), causes of sexual harassment can be traced to the dress culture or a female colleague's smile or kind gesture which is misinterpreted as an 'invitation'. Indeed, factors causing sexual harassment are intrinsically based.

Causes of sexual harassment have been identified by Idehen (2011:38). These include:

- (i) Undue pressure and intimidation by the boss or colleague.
- (ii) Promises made to help or assist in the workplace including promise of marriage.
- (iii) Physical threat such as if you do not agree to his/her demand, you'll be sacked.
- (iv) It is the in-thing (that is what is in vogue), everybody seems to be doing it, so I don't want to be an exception.
- (v) Dress culture among women in the workplace is also alleged to be predisposing men to temptation, and hence sexual harassment.

According to Idehen (2011) undue pressure from bosses and colleagues who insist that they must have their way or make promises which they may never fulfill often result in sexual harassment.

The disturbing thing about the result, according to him, is the fact that workers who are harassed are physically threatened by their bosses and colleagues hence the victims yield easily to sexual demands from their colleagues.

From his study, it is evident that sexual harassment in the workplace is a significant issue because of its degree of occurrence. It is a bane and a critical factor in job performance and productivity.

In addition to the above, "there is need to recognize the fact that the issues that impinge sexual harassment are seemingly behavioural" (Idehen 2011). Therefore, the problem can be addressed through behaviour related techniques.

Harassment Situations in the Workplace

Sexual harassment may occur in a variety of circumstances. Often, but not always, the harasser is in a position of power or authority over the victim (due to differences in age, or social, political, educational or employment relationships) or expecting to receive such power or authority in form of promotion. According to Ezeilo (2006), forms of harassment relationships include:

- The harasser can be anyone, such as a client, a co-worker, a parent or legal guardian, relative, a teacher or professor, a student, a friend, or a stranger or a pastor.
- The victim does not have to be the person directly harassed but can be a witness of such behaviour who finds the behavior offensive and is affected by it.
- The place of harassment occurrence may vary from school, university, workplace, church, and others.
- There may be other witnesses or attendances, or not.
- The harasser may be completely unaware that his or her behaviour is offensive or constitutes sexual harassment or may be completely unaware that his or her actions could be unlawful.
- The harassment may be one time occurrence but more often it has a type of repetitiveness.
- Adverse effects on the target are common in the form of stress and social withdrawal, sleep and eating difficulties, overall health impairment, etc.
- The victim and harasser can be any gender.
- The harasser does not have to be of the opposite sex because of the activities of lesbians and homosexuals.

The above portrays the fact that sexual harassment can take place in any situation and in any condition. But according to Sekibo (2009), sexual harassment is likely to take place in a secluded environment and during an 'ungodly' hour. In other words, secluded places and 'wrong timing, provide the fertile ground for sexual harassment.

Effects of Sexual Harassment on the Victims

Sexual harassment has some negative effects on the victim. Common psychological, academic, professional, financial, and social effects of sexual harassment and retaliation are:

- (i) Psychological stress and health impairment. Sexual harassment tends to cause psychological stress on the victim and impair his/her health status which may culminate in low productivity and even absenteeism from work.
- (ii) Decreased work or school performance as a result of stress conditions occasioned by sexual harassment; increased absenteeism in fear of harassment repetition.
- (iii) Firing and refusal of a job opportunity, loss of income or benefits, lack of promotion and other victimization cases may be a by-product of sexual harassment.
- (iv) Having to drop courses, change academic plans and programmes, or leave school in fear of harassment repetition and / or as a result of stress.

- What is being said here is that sexual harassment has forced many students to drop courses, change academic plans and programmes just to avoid being sexually harassed.
- (v) Being objectified and humiliated by unnecessary scrutiny and gossip in the workplace has forced many into low productivity, resignation or stress.
 - (vi) Having one's personal life offered up for public scrutiny -- the victim becomes the "accused", and his or her dress, lifestyle, and private life will often come under attack.
 - (vii) Becoming publicly sexualized. That is, groups of people "evaluate" the victim to establish if he or she is "worth" the sexual attention or the risk to the harasser's career. More often than not, the harasser may lose his or her job if it is established that she/he commits the offence and if the organization has a policy that deals with such misbehaviour.
 - (viii) Defamation of character and reputation. In other words, it tarnishes the image of the victim and the harasser and drags their reputation in the mud. In addition, it reduces their self-worth in the eyes of right-thinking human beings.
 - (ix) Loss of trust in environments similar to where the harassment occurred. Put in another way, the victim would be careful and cautious of conditions and circumstances which resemble the one he she was sexually harassed. For example, if the victim's boss was a man, and the victim leaves to work in another organization that she has a male boss, she would still be afraid of being sexually harassed by her boss here who is a male. This may cause her stress and depression.
 - (x) Loss of trust in the types of people that occupy similar positions as the harasser or his or her colleagues, especially in cases they are not supportive, difficult or stress on peer relationships, or relationships with colleagues. This may make the victim believes that everybody in a position of power and authority harasses.
 - (xi) Another effect of sexual harassment is its untoward effects on sexual life and relationships of the victim. This can put extreme stress upon relationships with significant others sometimes resulting in divorce. The point here is that, being previously sexually harassed, the victim may resent any other types of sexual involvement even with the spouse, resulting, as the case may be, in divorce.
 - (xii) Another very debilitating effect of sexual harassment is it weakening of support network, or being ostracized from professional or academic circles (friends, colleagues or family members) who may distance themselves from the victim, or shun him or her altogether for the presumed embarrassment she/he has caused them.
 - (xiii) Having to relocate to another city, another job, or another school either to avoid shame or further sexual harassment.

The Role of Human Resource Manager in Sexual Harassment

Human resource manager in an organization will not be able or as a matter of fact cannot detect sexual harassment unless somebody blows the whistle. However, sexual harassment could be dealt through or regarded as a grievance.

The role of Human Resource manager should be to devise proper policies on such issues and make all employees aware of it. This will enable the Human Resource manager or the human resource department to handle the matter in a justifiable manner. However,

these policies (that is, policies concerning sexual harassment) will have to be designed considering civil and criminal law in the country.

Furthermore, the Human Resource department should always maintain equal treatment of its employees irrespective of their positions in the organization. Whether this is possible or not is a case for further deliberation.

1. The first and foremost duty of the Human resource manager would be to prioritize the gravity of the offence. That is, in what category will you put sexual harassment? Would it require warnings, suspension, dismissal, termination of appointment or what on conviction? This should be clearly spelt out by the human resource manager or the human resource department.
2. The second major role of the Human Resource manager is to counsel everyone regarding the offense, its redressal procedure and remedy/punishment.
3. Third, the whole concept of sexual harassment should be neutral not gender based. A female as well as a male employee can be a victim of sexual harassment. Even gay or lesbian harassment should be recognized. The Human Resource Manager should not make the offence female-centred as it is bound to fail in the long run.
4. Counseling the victim as well as the employee who commits the crime is a must, and the human resource manager should play it as a major role.
5. Fifthly, the human resource manager should not make the act an attention creator. He should treat it as any other offence firmly and severely. In fact, he should apply the hot stove theory of discipline in handling the issue of sexual harassment in the workplace, such that any one who commits the offence is punished accordingly without fear or favour.
6. The last and not the least, the Human Resource manager must educate the employee population as to the scope and consequences of sexual harassment or any form of discrimination, for that matter.

Education is the key. What may be perceived as sexual harassment by some may seem as natural interaction between two people. The issue of what constitutes sexual harassment must be clearly defined and Parameters established by the human resource manager.

What can be Done?

The question now is what the human resource manager can do to curb or at least minimize incidences of sexual harassment in the workplace. This researcher suggests the following

(a) Communicate Policy

- (i) The human resource manager should issue a written policy against sexual harassment and discrimination in general in the workplace to safeguard the repeated occurrences of this despicable behaviour.
- (ii) The human resource manager should provide a clear definition of sexual harassment using examples of inappropriate behaviour
- (iii) He should review the policy with all employees at inception and at least yearly thereafter. The policy document should be presented to new employees during orientation and induction programme and have them acknowledged by signature that they have been provided a copy of the policy and have read and understood it.

(b) Establish Procedures

- (i) Appoint a senior officer of impeccable character to oversee the implementation of the policy.
- (ii) Designate a human resource officer or any other appropriate officer to receive sexual harassment allegation/ complaints.
- (iii) Outline procedures to be used to report sexual harassment including alternative routes for filling allegations/ complaints.
- (iv) The human resource manager should keep all sexual harassment allegations/ complaints confidential since it is only an allegation that is subject to proof. This is so because, unless it is proved, the 'harasser' can sue for defamation.
- (v.) Train supervisor and managers to recognize and prevent sexual harassment in the workplace.

(c) Enforce Policy

- (i) Encourage employees to report any incident of sexual harassment without fear of reprisal.
- (ii) Investigate all allegations of sexual harassment quickly and thoroughly, while safeguarding the rights of the accused, make sure you include the legal and human resource department in the investigation.
- (iii) Maintain accurate records of the investigation, discovery of fact and evidence, statement of witness (pro and con), and findings.

Where sexual harassment is found, take immediate, appropriate action against any employee (from the CEO to the messenger), or non- employee (customer, vendor, visitor) found to have engaged in the despicable behavior.

- (iv) Make sure the offenders are disciplined or terminated.

Charges of sexual harassment in the workplace have been litigated in the United State of America (USA) under Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The regulations implementing Title VII define sexual harassment as follows:

Unwelcome sexual advances, requests for favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (ii) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (iii) 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.

In *Meritor Saving Bank V. Vinson* (1986), the Supreme Court of the United States identified two different forms of sexual harassment: *Quid pro quo* harassment and hostile environment harassment. *Quid pro quo* sexual harassment involves conditioning tangible employment benefits (e.g, promotion, demotion, transfer, termination) on sexual favours. Hostile environment sexual harassment involves a pattern of unwelcome and offensive conduct that unreasonably interferes with an individual's work performance or creates an intimidating or offensive work environment. The court warned that "for sexual

harassment to be actionable, it must be sufficiently severe or pervasive to alter the conditions of (the victim's) employment and create an abusive work environment.

Types of Sexual Harassment

Five types of sexual harassment have been identified.

These include:

- (i) **Sexual Bribery:-** Sexual bribery is solicitation of sexual activity or sex-linked behaviours by promise of rewards; the proposition may be either overt or covert.
- (ii) **Sexual Imposition:-** Examples of gross sexual imposition are forceful touching, feeling, grabbing, or sexual assault.
- (iii) **Gender Harassment:-** Gender harassment means generalized sexist statements and behaviours that convey insulting or degrading attitudes about the opposite sex. Examples include insulting remarks, offensive graffiti, obscene jokes, or humour about sex or women in general.
- (iv) **Sexual Coercion:-** Sexual coercion means coercion of sexual activity or other sex-linked behaviour by threat of punishment; examples include negative performance evaluations, withholding promotions, transfer to a 'bad' or 'interior' place, threat of , termination, etc.
- (v) **Sexual Behaviour:-** Sexual behaviour means unwanted, inappropriate, and offensive sexual advances. Examples include repeated, unwanted sexual invitations, insistent requests for dinner, drinks, dates, persistent letters, phone calls, and other invitations (Lowe and Strnadel 1999)

Human resource managers and school administrators should take positive steps to prevent sexual harassment in the workplace because it is despicable and contemptuous behaviour in any organization.

Summary and Conclusion

For the umpteenth time, I have asserted that sexual harassment is a despicable and a demeaning behaviour in any organization capable of portraying one in bad light and can drag ones' reputation in the mud.

This kind of demeaning, humiliating and mortifying behavior should find no place in modern workplace, yet it appears to be the order of day, though most have been unreported giving the false impression that it does not exist in these organizations. Every sexual harassment charge is extremely serious. You and your organization can be held liable for the conduct of your employees and non-employees who engage in sexual harassment, even where "victims" comply with unwelcome sexual advances. Realize also that sexual harassment knows no bounds men as well as women may be sexually harassed by the same or opposite sex, by members of management, co-worker, or non- employees. If the harasser is not a member of management, who can affect employment decisions and or benefits, the harassment constitutes a "hostile work environment", which can result in low productivity, depression, stress, absenteeism, etc. None of these contributes to organization's growth. To nip them in the bud, the human resource manager should do what we have suggested in this work, as anything to the contrary will be a remedy worse than a malady.

References

- Ezeilo, j (2006). Sexual Harassment: legal and socio -political perspectives. Vanguard, Friday April 28, p'39.
- Ferguson, B. & Collins, T (2006). Sexual Harassment and its implications on the Polity. International Journal of Violence, 2(1) 1-25.
- Fitzgurald, A; Shallman, C. & Gold, A. T & Watzmon, K. (1988). Issues incumbent on Sexual Violence in the Work Place. Journal of Human Psychology and Health. 50-61.
- Idehen, C. O (2011). Sexual Harassment in the Workplace and its Implications for Sex Education Curriculum. Journal of Education Vol. 4. No. 1. Faculty of Education Uniuyo.
- Robbins. S. P, Judge, T. A, Vohra, IV (2012). Organizational Behaviour. New Delhi. Manipal Publishers.
- Lowe, J. & Strandel, K. (1999). "Sexual Harassment: Approaches to more positive work Environment", Unpublished paper, Sam Houston State University January, 12.