

**THE EFFECT OF SEXUAL HARASSMENT IN THE WORKPLACE ON EMPLOYEE
WELL-BEING**

by

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DEDICATION

To my Lord and Saviour, without whom I would not be able to undertake and complete this study.

My parents, for all their love and support and for giving me the opportunity to fulfill my dream.

My sister, for her love and support and suggestions through the years.

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TABLE OF CONTENTS	Page
List of tables	4
List of figures	6
Summary	8
Chapter 1: Introduction	10
Chapter 2: Sexual Harassment Theories	23
Chapter 3: Sexual Harassment in the Workplace	34
Chapter 4: Stress and Work: A Model	57
Chapter 5: Organizational and Personal Consequences of Sexual Harassment	63
Chapter 6: Research Methodology	74
Chapter 7: Presentation of Results	83
Bibliography	115

<u>LIST OF TABLES</u>	Page
Table 1: Frequency distribution: Age groups	83
Table 2: Frequency distribution: Years in Public Service	84
Table 3: Years in specific job	84
Table 4: Organizational level	85
Table 5: Marital status at time of harassment	86
Table 6: Educational level	87
Table 7: Knowledge of anyone currently being sexually harassed	87
Table 8: Sexual harassment at work	89
Table 9: Bravais-Pearson Product Moment Correlation: Interval data	110
Table 10: Detrimental effect on physical and emotional well-being	111
Table 11: Negative effect on productivity	111
Table 12: Creates a hostile working environment	112
Table 13: Detrimental effect on physical	112

and psychological well-being

Table 14:	Experience and show symptoms of organizational stress	113
Table 15:	Put up with harassment out of fear of losing job	113
Table 16:	Descriptive statistics	114

<u>LIST OF FIGURES</u>	Page
Figure 1: Proposed model of the effects of sexual harassment on employee well-being	75
Figure 2: Sexual harassment and age of victim	90
Figure 3: Sexual harassment and marital status	91
Figure 4: Age and marital status of victims	92
Figure 5: Sexual harassment and organizational level	93
Figure 6: Sexual harassment and educational level	94
Figure 7: Sexual harassment and number of years in Public Service	95
Figure 8: Sexual harassment and years in specific job	96
Figure 9: Organizational level (supervisor), age and gender of harasser	97
Figure 10: Organizational level (supervisor), age and marital status of harasser	98
Figure11: Organizational level (Snr. Manager), age and gender of harasser	99
Figure12: Organizational level (Snr. Manager) and marital status of harasser	100

Figure 13:	Where did sexual harassment mostly Happen?	101
Figure 14:	When and how many times?	102
Figure 15:	Duration of sexual harassment and coping strategy	103

SUMMARY

THE EFFECT OF SEXUAL HARASSMENT IN THE WORKPLACE ON EMPLOYEE WELL-BEING

by

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Sexual harassment has been a reality in the workplace for a number of years. Occurring at any level of the organization, sexual harassment is costly, both financially - with employees claiming and being awarded vast sums of money by the courts or through arbitration, and in terms of loss of productivity.

This study, which was conducted in the Public Service, investigates the link between sexual harassment and the well-being of employees, which for the purposes of this study is categorized into physical, psychological, behavioural and cognitive effects.

Although it cannot be attributed solely to sexual harassment, a correlative relationship was found, with variables in all the said categories.

Two hundred questionnaires were distributed; 146 were returned, and 32% of the respondents indicated that they had been sexual harassed.

In terms of the profile of the victim and the harasser, it was found that most victims were between the ages of 26 and 44, below the level of Assistant-Director, with an even spread between those never married and those married.

An interesting finding was that most of the victims were in possession of a university degree or diploma and had not been working in the Public Service for longer than five years.

The harasser's profile depicted a mostly male person who was married and between 35 and 44 years old.

Only one third of the respondents admitted to having been sexually harassed, indicating that it did not seem to be a serious problem. It should be noted however that this might not be a true reflection of the current reality, as respondents may have remained silent for fear of reprisal and victimization, or might not have known that they had actually been sexually harassed.

The occurrence of sexual harassment should not be trivialized or ignored. Although it would seem not to be an overwhelming problem at the time of this study, its mere existence is cause for concern and should be taken seriously by the employer.

CHAPTER 1

INTRODUCTION

A number of forces today are instrumental in reshaping the nature of South African organizations. One of these forces is sexual harassment and its effect on the well-being of an organization's employees.

Sexual harassment is typically understood in one of two ways: as the imaginary complaint of humourless prudes, or the titillating stuff of scandalized headlines. Rarely is it understood as an obstacle to the economic and social development of a country. Yet its multiple and cumulative costs, both to individuals and to the broader community, make sexual harassment a problem that cannot be disregarded.

It is potentially damaging to the workplace, as it affects the individuals being harassed, as well as the person accused thereof, whether guilt has been proven or not. Being exposed to sexual harassment affects the individual employee's motivation level, morale, work performance, productivity, work focus and effectiveness. It also leaves him or her with feelings of disempowerment, insecurity and powerlessness.

Sexual harassment is very expensive for the individual being harassed as well as for the organization as, at the very least, it causes low morale, which consequently decreases productivity. Angry, humiliated employees living in fear of continued harassment are incapable of performing well. If not addressed, sexual harassment may result in expensive lawsuits, terrible publicity and the ruination of an organization's image that took years to build up.

The occurrence of sexual harassment can have an effect on the entire life of an organization and its members. Feelings of embarrassment, self-blame and fear of what will happen on a professional and personal basis if a person lodges a complaint of sexual harassment may result in only a small number of actual cases being

reported. This tip of the iceberg phenomenon does not however mean that it does not happen nor that it does not have an effect on the individual and on the organization as a whole.

Common wisdom has it that sexual harassment is rife and probably on the increase. However, the effects thereof are far from being confined to harasser and victim alone. Other staff, observing what is happening, may join in the harassing behaviour or form factions in the workplace, with one or other of the factions refusing to work with either or both of the parties. It also causes a ripple effect through the entire organization as whole groups of employees may suffer while the victim of sexual harassment tries to cope with his or her situation. As employees, and potential victims of sexual harassment, co-workers wonder what the organization will do to end the harassing behaviour and when it will act.

Furthermore, those witnessing the harassment may lose confidence in management and co-workers – particularly when cases are poorly handled. At its most extreme, this loss of confidence may increase staff turnover. People resign as they are unwilling to work in such an environment. Under these circumstances, organizations rapidly gain a bad reputation amongst prospective and current clients and employees – a reputation that can only be worsened by court cases and the publicity they attract.

When the working environment is perceived as hostile because of instances of sexual harassment, an employee's ability to trust the employment relationship is affected. It can also influence an employee's job satisfaction. When job satisfaction is influenced, it affects an employee's ability to produce, which in turn can affect the organization's productivity and chances of being globally competitive.

It must be considered how productivity is affected by time lost to actual incidents of harassment, time lost in worrying about the harassment, and time spent avoiding the harasser, which may even extend to absenteeism or the use of additional sick leave.

Vacant posts increase the workload of others who now need to spend time finding replacements, or doing the work themselves. These unanticipated increases in workload affect performance, with standards dropping, deadlines being missed and, at worst, contracts lost. Replacing staff is also expensive, considering the cost of advertising and recruitment, the time spent on conducting interviews and the training of new staff.

An organization's public image can also be badly hurt when incidents of harassment occur, particularly when they attract media attention. Customers may quickly become dissatisfied and communicate negative views and comments to friends and contacts. This in turn can affect the bottom line of the employer, and could even reach into the pocket of supervisors, managers and co-workers.

Facing pressures from outside, such as changes in the economic, political, technological and social environment, South Africa's low skills base, poor economy, pressure for increased productivity, competitive world markets and globalization, many organizations make the mistake of taking employees for granted.

Managers tend to forget that employees are the organization's most important asset.

To stimulate South Africa's investment growth, as well as its economy, it is imperative that organizations add to the country's productivity by delivering quality products and services to their clients, that are globally acceptable. Achieving high levels of performance from people at work is essential in today's competitive marketplace.

Organizations should treat any form of intimidating behaviour seriously because it can lead to under-performance at work. Also, if ignored, incidents of harassment lead to and perpetuate an environment in which it is not pleasant to work. People cannot contribute their best or work well in teams when under fear of harassment, bullying or abuse.

South African organizations need to eliminate any and all factors that could impact negatively on them. One of these factors is the influence of sexual harassment on employee well-being. Investing time and resources in workplace training and education programmes seems a small price to pay if they prevent sexual harassment altogether, or ensure that cases are promptly dealt with as soon as they occur.

One cannot overemphasize the effective and efficient management and utilization of our greatest resource, our people.

The management of sexual harassment is an important issue, both for economic reasons and with a view to good personnel practice. Ultimately, prevention is better than cure.

The cost of sexual harassment to the organization, and ultimately to South Africa as a country, should not be underestimated.

Sexual harassment is not a minor disruption for a few minutes. The effects of sexual harassment are not trivial: it increases psychological stress levels and lowers job satisfaction, while severely affecting the victims both physically and psychologically, impacting on their professional and personal lives, and on their current and future careers. It also affects the performance and productivity of the harasser, who cannot concentrate fully on his or her work as attention may be diverted to possibly causing severe damage to themselves or others.

Sexual harassment in the workforce generally will bring with it low staff morale, friction, poor working relations and lack of respect for management and senior staff for not preventing it.

Claims of sexual harassment are expensive and time consuming. An organization may lose a respected member of staff and incur unnecessary expense to replace him or her, while many work hours are wasted investigating the allegation or having meetings in terms of the grievance procedure, interviewing witnesses, supporting the victim,

writing reports, disciplining the harasser, preparing for and attending court hearings. Legal fees must be paid, and there is the risk of having to pay damages – possibly millions of rands, as well as industrial action and negative publicity for the employer. In the U.S.A. the law is clear, and perpetrators pay dearly for their lack of knowledge or responsiveness.

Rising numbers of complaints of sexual harassment mean the potential for litigation is serious for organizations. In the U.S.A. the compensation for punitive damages awarded to complainants has risen sharply in recent years. Sexual harassment cases over the last two decades show a steep climb in awards, as indicated by the complaints lodged at the Equal Employment Opportunities Commission where a total of 3 661 charges were recorded in 1981, with a gradual rise up to 1989 when charges reached 5 623. An explosion occurred in the nineties with 6 127 cases being reported in 1990, increasing to 14 420 complaints in 1994.

Prior to 1998, the US Supreme Court decided only two sexual harassment cases. In these cases it was clarified by the Court that organizations were liable for sexual harassment committed by supervisors or managers. These decisions extended an employer's potential liability for sexual harassment while also providing a description for avoiding liability. In the case of *Meritor Savings Bank, FSB vs Vinson* (US Supreme Court, 1986) the Court ruled that employers could be held responsible and liable for both quid pro quo harassment and hostile environment sexual harassment. The Court further found that employers would not automatically be granted immunity based on the mere existence of an organizational grievance procedure or the lack of knowledge by senior management. Either factor, however, could be viewed relevant to liability. This case for the first time dramatically increased an employer's liability. The "reasonable women" standard was created in *Ellison vs Brady* (the standard was affirmed by the U.S. Supreme Court in 1993) and the *Jacksonville Shipyards* case (760 F. Supp. 1486) which ruled for the inclusion of workplace pinups as proof of a hostile environment.

Barnes vs Train (1974 WL 10628 (DDC)) was viewed as the first case of sexual harassment by the U.S. District Court, District of Columbia. In this case a woman working as the administrative assistant to the director of one of the divisions of the Environmental Protection Agency filed suit alleging that her position was abolished after she refused to engage in an "after hours" affair with the director. The District Court dismissed the case. Barnes' claim was based not on the fact that she was a woman but that she refused to engage in sexual relations with her manager. The judgment was reversed on appeal and Barnes was awarded \$18 000 in back pay as damages.

The rise in awards over the years that followed would seem to be directly proportional to the deemed seriousness of the complainants' charges, as the 1990 settlement in Bihun vs AT& T Information Systems, Inc. (13 Cal. App. 4th 976) for \$2 million would indicate. This award was made to a person who, suffering from mental distress after receiving unwelcome advances from her supervisor, took time off work to recuperate, only to find her job eliminated when she returned.

The shift from an "after hours affair" to "verbally abusive" behaviour as part of the definition of sexual harassment, mirrors the shift in the moral world view. As noted by Ellen Frank, we have moved from punishing behaviour that is objectively wrong to behaviour which is offensive. As the courts' sensitivity to super-sensitive women has expanded, the settlement being awarded to complainants has skyrocketed, reaching the \$250 000 mark today. The \$18 000 awarded to Barnes may seem little by comparison.

The high cost of sexual harassment cases can be further demonstrated by the following:

- In the case of Grobler vs NASPERS Bpk and another ([2004] 5 BLLR 455 (C)), the plaintive, a secretary, resigned after she had been subjected for a number of months to repeated sexual advances from a trainee manager in the department in which she worked. The advances included sexual suggestions, kissing and other

forms of physical contact, and ultimately the drawing of a firearm. The Cape High Court accepted that the plaintiff had been sexually harassed and that she had suffered severe psychological harm and as a result was suffering from post traumatic stress disorder. The Court further noted that the sexual harassment had transferred the plaintiff from a lively individual into an “emotional wreck” incapable of working or living a normal life. The prognosis for recovery was poor and as such she was awarded general damages of R250 000, as well as agreed medical costs of R23 000 which Grobler’s medical aid fund refused to pay, and an amount of R47 348 for loss of Income (Sacht, April 2004). The Court further ordered Naspers to pay Grobler’s legal costs. The Court noted that “the working relationship between manager and secretary is more intense, intimate and personal than the relationship between other employees and can accordingly promote sexual harassment. By appointing the trainee manager, NASPERS had placed him in authority over Ms Grobler, making it possible for him to abuse his position to intimidate her and other employees in an attempt to gain sexual favours.

The Court also held that, if the common law did not protect secretaries against harassers, the Constitution bound the court to develop common laws so that it did. Both NASPERS and the former trainee manager were accordingly held jointly liable for Ms Grobler’s damages.

- In *Rajmoney and Telkom SA* ([2000] 9 CCMA 8.25.3 – Substantive Dismissal: Sexual Harassment, the employee was subjected to sexual harassment and decided to resign as the harassment was experienced to be unbearable, thus constituting a constructive dismissal. In this arbitration case the CCMA ordered that the applicant should be paid the sum of R76 179,52, which was equal to the remuneration that the applicant would have been paid between the date of dismissal and the last day of the arbitration.
- In *Pretorius vs Brits* ([1997] 5.BLLR 649) (CCMA) the applicant employee resigned after 18 months with the employer citing as reason that she was the victim of continuous sexual harassment by her manager. The victim complained that her manager had questioned her about her virginity, made unwelcome and unwanted

suggestions, gave her gifts, including a set of g-string panties, and had physically molested her on a number of occasions. The CCMA ruled that the applicant's version was likely on a balance of probabilities. Questioning a female employee on her virginity was extremely degrading and thus the Commission awarded the plaintiff, who had found other employment, compensation equivalent to 9 months' salary, calculated at the rate of the employee's salary at the time of "dismissal".

- The case of *Payton vs Premier Chemical Industries* ([1999] 8 BLLR 922 (CCMA)) saw the CCMA giving notice of its intention to take the Code of Conduct on Sexual Harassment seriously. Ms Payten resigned from her workplace after being sexually assaulted by fellow employees who she claimed removed her shirt, fondled her breasts and attempted to remove her shorts. She claimed that to continue working there would be intolerable as the employer had failed to address her grievance in an acceptable way. The Commissioner found that, even though Ms Payten could have possibly provoked the incident and the men involved could have viewed the incident as a joke, their actions amounted to a serious assault on her person and dignity, resulting in her being traumatized. Evidence suggested that Ms Payten had been subjected to previous unwanted sexual attention. The fact that the responsible manager decided to ignore the applicant's complaint, and that the organization failed to investigate the issue, justified the decision of Ms Payten to leave the organization. The organization's failure to investigate the matter, as well as the continued attack on Ms Payten's dignity during the arbitration, resulted in the Commissioner awarding compensation of R30 000 plus costs to be paid within 60 days of the date of the award.
- In *Ntsabo vs Real Security CC* ([2004] 1 BLLR 58) (Labour Court), the applicant, a security guard, resigned after being sexually harassed by her immediate manager, which left her psychologically shattered. The reason cited was that she had no alternative but to resign as her employer continued to ignore her requests for assistance, had transferred her to another site on night shift, and had informed her that she could resign when she complained.

The applicant claimed compensation for unfair dismissal, damages for medical costs, as well as contumelia, pain and suffering. The Court ruled that the applicant had been sexually harassed, that she had asked for the respondent's assistance and that the said respondent had turned a deaf ear to her situation. The Court held that Ms Ntsabo had been dismissed and that by effectively condoning the manager's behaviour, the organization had violated the provisions of the Employment Equity Act, which makes harassment a form of discrimination, making the employer liable. It awarded Ms Nstabo R12 000 as compensation for unfair dismissal, and R70 000 as damages in respect of sexual harassment (R20 000 for future medical costs and R50 000 for general damages). The Labour Court also strongly urged the employer to adopt a sexual harassment code in the workplace.

Although the amounts awarded in sexual harassment cases can be high in monetary terms, they are just the tip of the iceberg. The hidden costs of sexual harassment are even higher and more risky than the litigation, as employers are likely to suffer from symptoms such as lower productivity, increased absenteeism and turnover, decreased morale, loss of professionalism, decreased loyalty, belief that the organization is not concerned about the individual's rights, employee distrust of the employer, and increased harassing behaviour.

The figures available on how much alleged sexual harassment costs organizations in terms other than court awards and legal fees are astounding. Many employees, mostly women, who feel that they have been sexually harassed use leave time to avoid the situation.

At least 15% leave their jobs, while some try to ignore the harassing behaviour - resulting in a 10% drop in productivity. The friends who are aware of the situation also suffer a 2% drop in productivity. A lot of costs are incurred annually through absenteeism, employee turnover, low morale and low productivity.

Faced with this surge in sexual harassment cases, employers are now adopting a two-pronged approach in an attempt to combat the problem, i.e. an offensive

strategy, and a defensive approach. The offensive strategy is based on re-educating their employees, in the hope that sexism and thoughtlessness that result in sexual harassment will be eliminated, while the defensive approach is to appoint legal specialists to review the sexual harassment policies in order to prepare for anticipated charges. More recently organizations have even started to buy a new type of business insurance, termed sexual harassment liability insurance, which is designed to assist them through a sexual harassment case without being destroyed financially (Larson, 1996:1 – 3).

The tangible and intangible costs of sexual harassment more than outweigh the price of eliminating the problem. The best way to combat potential claims and litigation is to understand what sexual harassment is and to ensure that policies and procedures are in place to prevent it.

The message to employers is clear: sexual harassment will not be tolerated, and those who continue to disregard the serious nature of this growing phenomenon could be threatening their own existence.

It has been established, through public attention and media coverage, that the issue of workplace sexual harassment is both widespread and extensive. What we do not yet know and need to establish, is the effect, if any, on the personal well-being of employees who are exposed to sexual harassment. This study intends to focus on precisely this aspect.

The research study that is reported here examines sexual harassment as an extremely important potential factor that has a negative influence on both the physical and the emotional well-being and careers of those exposed to it.

The primary focus of this study is thus on establishing whether there is a link between sexual harassment and employee well-being, as altered behaviour could have a detrimental effect on an organization's productivity, service delivery and ability to be globally competitive.

The study aims to find answers to the following questions:

- Does being exposed to sexual harassment have a detrimental effect on the physical and emotional well-being/behaviour of employees?
- Does being exposed to sexual harassment affect an employee's productivity negatively?
- Is there a link between being exposed to sexual harassment and an employee's perception of his or her working environment?
- Does being exposed to sexual harassment have a detrimental effect on an employee's physical and psychological health?
- Does being exposed to sexual harassment cause an employee to experience and show symptoms of organizational stress?
- Do employees who are being exposed to sexual harassment put up with it out of fear of losing their jobs, considering it to be part of a normal occupational hazard?

Hypothesis

Sexual harassment does not affect the physical and emotional well-being of an employee.

CHAPTER 2:

SEXUAL HARASSMENT THEORIES

It is important to understand the elements and dimensions that face individuals within organizations. This chapter focuses on issues such as the employment contract, perceptions of the working environment, motivation and organizational stressors, as it is believed that a link can be established between the working environment and employee well-being and behaviour.

An organization's human resources is the only resource that will react when acted upon. This means that, with the exception of human resources, all resources in an organization are static and derive their dynamic character from human resources.

The workplace of today is very different from that of the past in terms of values and needs, staffing policies, longer working hours, greater workload, more emphasis on performance, productivity and service delivery and, in many cases, greater autonomy.

Human resource management processes and principles, be they positive or negative, affect the employee, as well as his or her performance.

When an employee is confronted with sexual harassment, be it as a victim, an offender, supervisor, co-worker, employee representative or ultimate manager, his or her ability to perform effectively is greatly diminished.

It is important to remember that as individuals, employees have unique personalities that result from the environmental influences to which they have been exposed.

They also have certain expectations or goals in life, particularly with regard to their careers, which can only be met by joining organizations where they are afforded the opportunity to let these expectations materialize or to satisfy their needs.

Observation and analysis of individual behaviour and performance require the consideration of at least two sets of variables which directly influence individual behaviour or what it does, i.e. production. The two sets of variables are classified as being individual and organizational.

Both the individual and the organization have an equal responsibility towards each other, as both have certain goals that need to be achieved.

At work, the individual functions in three environments, namely that of job content, job context, and external environment. The job content environment refers to the work a person does or the position he holds. It can be related to the higher-order needs of Maslow and the motivators of Herzberg. Some of the dimensions that make up this environment are: the nature of the work, the degree of challenge in the work, utilization of training, knowledge and skills obtained, goals, significance of the job, and job satisfaction. Human resource management processes that address these dimensions are: human resource planning, recruitment, selection, and training and development.

The job context environment can also be referred to as the task environment.

The dimensions that make up this environment include things like the organization itself, the working group, other groups within the organizational environment, and leadership. Theoretically it relates to Herzberg's hygiene factors and Maslow's lower-order needs, and includes the following: leadership style, organization structures and personnel policies, working conditions, service benefits, career planning, and quality of work life.

The external environment represents factors outside the organization that affect personal functioning. Theoretically this environment includes the following: The

effect of social and other groups outside the organization to which the employee belongs, such as labour unions, or his or her participation in the organization and the current economic climate and globalization. According to the systems approach to organizations, the three environments mentioned above always exert an influence on individual employees, be it positive or negative.

Individual employee performance is the basic building block to organizational success. An employee's attitudes and perceptions determine his or her personal functioning and can affect the way he or she identifies with goals and situations related to the job, group and the formal organization in which he or she operates.

Important to the dynamics of the individual within an organization, is the issue of the employment relationship that comes to pass between the employer and an employee.

The employment relationship deals essentially with people who, because of the mutual involvement in the work situation, have been placed in a specific relationship with one another. The relationship formed is a human one, and as such will contain certain elements common to all other relationships, such as friendship, marriage, business partnerships, social, religious and political liaisons. It is multi-layered and dynamic and is dependent on the evolving status, needs, attitudes and perceptions of the parties concerned.

Like all other relationships, the employment relationship needs to be nurtured by mutual interest, reciprocal support, understanding, trust, facilitative communication, shared goals and shared values. If one or more of these qualities are absent, the relationship will falter.

The major distinguishing feature of this relationship is that it arises from the need to be economically active within society, and from a person's need to work and earn a living (Bendix, 1996: 4-5).

The employment relationship rests on a contract of employment, which may be verbal, written or implied. This contract comes into effect when both parties agree that the employee will enter into employment with the employer.

It presupposes agreement on the period for which the employee will work for the employer, the kind of work he or she will do, and the remuneration he or she will receive. Once a contract has been entered into, be it in writing, verbally or implied, the parties need to accept that they have, by implication, agreed to certain rights and duties at common law. The duties of one party constitute the rights of the other.

The common law duties of the employer include the following: To pay the employee, to provide safe and healthy working conditions, to provide work for the employee, not to make the employee do work junior to the status for which he or she was employed, and not to contract the employee's services to another employer without the employee's consent.

It is understood that, in return, the employee will perform his or her work faithfully and diligently, obey reasonable orders given to him or her in the normal course of his or her employment, not act dishonestly with the property of the employer, and not compete in his or her private capacity with the business of the employer.

This contract of employment also consists of a psychological contract, which can be explained as an unwritten agreement between the individual and the organization. It specifies what each party expects to give and receive from the other.

While some aspects of the employment relationship, such as remuneration, may be explicitly stated, many others are not. These implicit agreements may focus on exchanges involving job satisfaction, the provision of challenging and stimulating work, fair treatment, loyalty and the opportunity to be creative, and may take precedence over written agreements.

In the ideal psychological contract, those contributions the individual was willing to give would correspond perfectly to what the organization wanted to receive; similarly, what the organization wanted to give would correspond totally with what the individual wished to receive. In reality, however, this seldom occurs, if ever.

The employees' view of this contract is that employers must be honest, open and fair. They expect the employer to provide a safe working environment, free of sexual or other kinds of harassment. Employees also want employers to pay more attention to their physical and mental health, as well as to their family situations.

From the point of the employer though, employees do not have lifetime jobs, guaranteed advancement or raises, and assurances that their job roles will be fixed. This forms an ideal and fertile ground for those that want to exploit and discriminate against employees who are vulnerable and dependent on their jobs to gain sustained income.

Employees, being all too aware of this, specifically in today's economic climate where losing one's job is a very big reality, put up with organizational issues such as being sexually harassed. This in turn can have a detrimental effect on the organization's ability to produce and be globally competitive.

Managing the psychological contract successfully is one of the more important and challenging aspects of most managers' jobs. The more attuned the manager is to the needs and expectations of subordinates, the greater the number of matches that are likely to exist and be maintained in the psychological contract. This in turn can positively impact on the direction, intensity and persistence of motivation in the organization (Invanchevich & Matteson, 1993: 159, 161).

Some employees even joke that it is one of the great tragedies of their working life that they have never been sexually harassed. But this is no joke, as sexual harassment has a profound impact on workplace relationships. It affects the dignity

not only of the person being harassed, the victim, but also that of the person doing the harassing, the harasser.

Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute 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 and offensive working environment.

A hostile working environment occurs when unwelcome sexual advances or other verbal or physical conduct of a sexual nature unreasonably interferes with an employee's working environment.

This type of sexual harassment can occur between a supervisor and a subordinate, as well as between co-workers. A general example would be unwelcome sexual jokes, slurs and innuendoes.

If an employee is subjected to sexual harassment, he or she will experience motivational problems, which in turn will affect his or her behaviour, well-being and capacity to work productively. As important as motivation is though, it is not the only factor that determines performance.

The impact of sexual harassment on individuals and organizations, as well as the complexity of sexually harassing behaviour, necessitates that research paradigms be designed that ensure better understanding and the development of appropriate remedies.

As stated by Whaley & Tucker, 1998:1, numerous theories and explanatory models can be found in the literature of the 1980s and 1990s which offer explanatory models about the origin of sexual harassment.

Many theorists active in the area of sexual harassment have explored the behaviour using aspects of the socio-cultural perspective, which positions sexual harassment as a product of western society, i.e. generally delineating male dominance over females (Malovich & Stake, 1990) by perpetuating beliefs, attitudes and actions that devalue women because of their sex (Tangri and Hayes, 1997).

This cluster of models sees sexual harassment as the result of culturally legitimated power and status differences between men and women. Sexually harassing behaviour is further viewed as an inevitable consequence of cultural experiences, and is not considered typical or unique to the workplace environment.

According to Gruber (1992), as quoted by Whaley & Tucker, 1998:1), a second class of causal models that defines sexually harassing behaviour is the organizational models which conceive sexual harassment as a result of power and status inequalities within an organization.

Whaley and Tucker, 1998:1, found that Farley (1978) and MacKinnon (1979) defined sexual harassment as an abuse of power to sexually coerce or intimidate women. Stringer, et al (1990), went further and established the following concepts of power: ascribed power, achieved power, and situational power.

Stringer's model focuses on facilitatory factors or conditions within an organization that make it more likely for sexual harassment to occur. Opportunity structures, sex ratios and organizational norms are examples of these conditions or factors.

The individual difference models are a third class of sexual harassment causal models. These models try to explain sexual harassment behaviour by linking it to individual characteristics and perceptions of harassers and non-harassers, as well as to victims and non-victims. Gutek and Morasch (1982) conducted research on likely harassers and linked the characteristics found to those viewed likely to rape. Burt (1980) linked sex role stereotyping as a prerequisite for focusing on women as potential sexual victims and acceptance of rape myths, while Muehlenhard and

Linton (1987) tied the acceptance of rape myths to people who had been exposed to acts of sexual aggression, such as verbal coercion and rape. Research conducted by Jensen & Gutek, 1982 & Malovich & Stake, 1990 on victim perceptions of sexual harassment also links perceptions of sexual harassment to traditional sex roles.

Although it might be viewed as somewhat naive, some researchers classify sexual harassment behaviour in a nature / biology format.

Models with this as foundation, state that harassing behaviour should simply be seen as a natural expression of sexual attraction. According to these models, men and women have an inner drive to be sexually aggressive (Barak, 1995) with the sexual behaviour not meant as harassment. Sexual harassment is trivialized by these models as normal and harmless, the result of a few "sick" proclivities of a small group of men (Tangri, Burt & Johnson, 1982 as mentioned by Whaley and Tucker, 1998: 2).

The models discussed above are of the opinion that sexual harassment stems from one general factor, though limited research has been conducted on the integration of the diverse body of literature that exists on sexual harassment.

The work of Tangri, Burt and Johnson (1982) brings together three explanatory models of sexual harassment, i.e. natural (sexual attraction), organizational (opportunity structures within the organization), and socio-cultural (society's differential distribution of power and status between the sexes) models.

Their findings provide some support for the power-based, organizational and socio-cultural models, although the interaction between them is not explored.

Gutek's (1985) sex-role spillover model proposes that the sex-ratio at work often leads to sex-role spillover that results in sexual harassment. Fitzgerald and Shullman (1993) defines sex-role spillover as the spilling over into the workplace of gender-based expectations for behaviours that are irrelevant or inappropriate to the working environment. It can be illustrated by the following example: When the workplace is

dominated by one gender or the other, the gender of the predominant group influences work role expectations and the treatment of women within that working group.

Pryor's, et al (1993), is of the view that a person-environment where sexual harassment behaviour is explained via an individual's pre-disposition to harass, allows or facilitates sexual harassing behaviour when combined with organizational norms.

Although all of the explanatory models mentioned have added to an understanding of sexual harassment, many of the ideas and models have been examined independently with the focus mostly on main effects, while ignoring the interaction between them. The underlying purpose and approach differed, with some research focusing on causes and other on harasser characteristics, aspects of power, and sexual behaviour at work. Additionally, because sexual harassment is multi-dimensional in nature, overly simplistic answers are produced by research that is descriptive or directed at etiology. Whaley and Tucker recommend that research be conducted that examines interactions of various factors that would result in greater differentiation of the causes, meaning, recognition, types, harshness and, ultimately, the prevention of sexual harassment.

CHAPTER 3:

SEXUAL HARASSMENT IN THE WORKPLACE

According to sociology professors Christopher Uggen and Amy Blackstone, many young workers, both male and female, have been victims of sexual harassment without realizing it. Interviews and surveys conducted with 700 men and women between the ages of 14 and 26 show that one in three women and one in seven men were sexually harassed in the workplace before reaching their mid-twenties (Lindgren, 18 April 2004).

A study conducted in 1987 by the Institute of Directors concluded that 68% of working class women have experienced sexual harassment during their working lives, while 76% of women interviewed had experienced some form of sexual harassment in the workplace.

International surveys show that the occurrence of sexual harassment is widespread in working places and that in the majority of cases women are harassed by men, although they are reluctant to complain for various reasons. Statistics have shown however that the number of false complaints were negligible.

In 1992 a joint survey by the Institute of Personnel Management, Institute of Directors, UNISA – Centre for Women Studies, Women's Bureau and the ANC Women's League found that only 6,5% of companies had a sexual harassment policy. In 1995 and 1996, the Financial Mail Survey found that 76% of career women in South Africa had experienced some form of sexual harassment.

As was substantiated previously, complaints of sexual harassment have shown a steady escalation in South African workplaces as more and more employees become aware of their rights.

Harassment in a general sense is taken to refer to a range of behaviours, including bullying, badgering, pestering, intimidating and malicious teasing of others because of race, disability, age or sex.

In all its forms, harassment involves someone with power or authority bothering a person or persons in a less powerful position, teasing or victimizing them, being unkind, having a joke at their expense, behaving thoughtlessly, touching them, invading their private space, ignoring them, and isolating or picking on them. These acts are performed because perpetrators believe that they have the right to behave in this way. They do not care about the impact that their behaviour will have, and believe that the recipient can or should put up with it.

The term "sexual harassment" has been in use for just over twenty years, as a way of naming and addressing a serious social issue. It is recognized and used by the law, the media, institutions, employers and employees to describe unwanted sexual attention. It has been taken up by anti-discrimination legislation and has become an integral part of workplace procedures and codes, as well as a key issue in contemporary debates about gender issues and gender relations.

Allegations of sexual harassment are seen as particularly hazardous, as everyone involved has rights, which frequently conflict. Employers are well aware of the ease with which any employee can sue on a variety of bases, with or without real merit to the cause.

Sexual harassment is a complex issue. There is no single definition that can encompass all the situations that may arise. Much depends on the circumstances, on the individual at the receiving end, and on the person exhibiting the behaviour.

It is important to distinguish between sexual harassment and flirtation, as flirtation can be harmless fun. The pre-requisites though are that the interest must be mutual and that no intimidation is involved.

Sexual harassment can be defined as a form of sexual discrimination that involves unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is made either explicitly or implicitly in a term or condition of a person's job, pay or career, submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person, and such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment, even if it does not lead to tangible or economic job consequences.

The above definition emphasizes that for workplace conduct to be actionable as 'abusive' harassment, it does not need to result in concrete psychological harm to the victim, but rather needs only be so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or abusive (Cape Metropolitan Council – Sexual Harassment Policy).

Sexual harassment is not about sex, it is about power. Typically such behaviour is designed to humiliate and control. It does not occur between equals. In most cases the sexual harasser has greater physical and/or economic power, which is often accompanied by control or reprisal.

It can take the form of demands for sex in exchange for job promotion or other job-related favours, offensive gestures, inappropriate touching, public display of offensive or degrading pictures, comments or suggestions of a sexual nature, persistent unwanted sexual advances and sexual assault or rape.

As stated by the Sexual Harassment Education Project (SHEP), sexual harassment is unwanted, one-sided attention that does not show an appreciation for women and has nothing to do with mutual attraction or friendship (SHEP, 1997:1).

One of the most useful definitions of sexual harassment is the one contained in the 1991 Code of Practice of the European Commission (EC), which states that sexual

harassment is “unwanted conduct of a sexual nature, or other conduct, based on sex, affecting the dignity of women and men at work”. This definition is clear, concise and flexible enough to serve as a basis for organizations, recipients and harassers alike to understand the elements of this type of behaviour.

An advantage of this definition is that it characterizes the non-sexual behaviour to which a person may be subjected because of his or her sex, as well as unwanted sexual behaviour, as sexual harassment. Behaviour to which a man is subjected because he is a man, or to which a woman is subjected because she is a woman, particularly on the basis of stereotypical assumptions, and which undermines an employee’s professionalism and dignity could thus be viewed as sexual harassment.

The EC’ definition also states that sexual harassment is “unwanted, unreasonable and offensive to the recipient”. It implies that the recipient’s feelings and response to specific behaviour is crucial in determining whether the conduct exhibited constitutes sexual harassment or not.

The European Code of Practice considers sexual harassment to be a workplace issue and describes the way in which the unwanted sexual behaviour could affect the working life of the recipient: In this Code the rejection by the recipient of such behaviour is used explicitly or implicitly as a basis to decide a person’s access to vocational training, employment, continued employment, promotion, salary or any other employment decision (Herbert, 1999: 3).

Lastly, the European Union’s definition deals with the environment that is created by unwanted sexual attention, i.e. whether it affects a person directly or indirectly. In a culture where many more men than women occupy senior or supervisory posts, it is not easy to ensure that women do not feel ostracized, patronized or disregarded. Some men behave as if it is acceptable to say and do things that undermine, threaten or offend women in a general way. Yet conduct which creates an “intimidating, hostile or humiliating working environment” can constitute sexual harassment (Herbert, 1999:3).

A newer definition of sexual harassment views sexual harassment as an expression to be used when describing sexual assault (especially less serious sexual assault). This can include non-physical sexual overtures and other sexually implicated conduct that a reasonable employee may find degrading or oppressive (see Brassey Employment and Labour Law Vol.1 at E.4 26-27).

When looking at sexual harassment in this way, one sees that it includes not only a situation where a woman or a man is expected to engage in sexual activity in order to obtain or keep employment or obtain promotion (this is called quid pro quo sexual harassment), but also the creation of a hostile environment (M-Web Experts: Cyber Law – March 2000).

Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

Sexual harassment should not be confused with sexual attention. Harassment is an unacceptable form of social interaction. By definition sexual harassment is unwanted sexual pestering and should not be confused with genuine interpersonal compliments or invitations which are reciprocal.

Sexual attention becomes sexual harassment if the behaviour is persistent, although a single incident of harassment can also constitute sexual harassment if the recipient has made it clear that such behaviour is considered offensive; or the perpetrator should have known that the behaviour is regarded as unacceptable.

Sexual harassment is degrading and humiliating. Being exposed to sexual harassment means being treated as a sexual object, not as an employee.

It can be direct or indirect and can be aimed at a specific person, or influence a third party. The following example illustrates this: A woman walks into a canteen and is shown a lewd picture of a naked woman by four men. If she does not like it and is offended or embarrassed, it constitutes direct sexual harassment. If, however, she is

just sitting in the canteen during a coffee break and the four men are at another table leering over the said lewd picture, the woman may feel that this creates a humiliating, offensive or hostile work environment for her. In this situation the behaviour exhibited would be seen as indirect sexual harassment.

According to Herbert (1999), sexual harassment can be physical and may include any and all unwanted or unwelcome contact. This can range from touching any part of the body, stroking, grabbing, kissing, poking or pulling, to sexual assault and rape. It can include a strip search by or in the presence of the opposite sex (Code of Good Practice on the handling of sexual harassment cases, 1998: 2). Unwanted brushing against another's body, touching clothing, hair, breasts and hips or other parts of the body, standing too close, excessively "lengthy" handshakes, impeding a colleague's exit from a room, stroking a teammate's cheek, sidling up to a staff member or rubbing up against a subordinate, and physical attack can all constitute sexual harassment.

It may also be verbal, which refers to what people say to others or what others overhear. Unwelcome suggestive comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, inappropriate enquiries about a person's sex life, playing games with a person's name and asking questions about someone's private life or sexual habits or their partner's sexual practices, unwelcome whistling directed at a person or group of persons, persistent requests for dates and name-calling, using terms of endearment by calling a co-worker "honey", "dear", "sweetheart" or some similar expression are all viewed as verbal sexual harassment (Code of Good Practice on the handling of sexual harassment cases, 1998: 2).

Telling sexual or sexist jokes amongst a group of people at work, comments, innuendoes, suggestive remarks or reference to a woman's or a man's physique or sexual activity, however 'subtle', is included in verbal harassment (Cape Metropolitan Council – sexual harassment policy, 1999:2).

A female or male employee passing by, who is not part of the group but overhears what is being said, may feel humiliated by the language and behaviour because it fosters an anti-woman environment and creates an intimidating and hostile workplace for others.

The effect, rather than the intent, is the primary issue. It should be noted however that terms of endearment or other expressions can be used as a form of courtesy. It would therefore be the context in which the word was used that would dictate whether it was potentially harassing or embarrassing, or simply used as a courtesy (Cape Metropolitan Council – sexual harassment policy, 1999:2).

Questionable compliments, for example “nice legs!” or “you look sexy in that outfit!”, can make individuals feel uncomfortable or worse. Even if the person who received the “compliment” was not disturbed by it, others might well be (Cape Metropolitan Council – sexual harassment policy, 1999:2).

Gruber (1992) provides the following comprehensive categorization of eleven types of harassment: four types of verbal requests for sexual intimacy, three types of verbal remarks, and four types of non-verbal displays (Bagilhole & Woodward, 1995: 40-41) as follows:

(A) Verbal requests for sexual intimacy

- (i) Sexual bribery (requests with a threat and / or promise of reward);
- (ii) Sexual advances (requests with a threat or promise of reward);
- (iii) Relational advances (requests for a social relationship which is repetitive, without taking 'no for an answer'); and
- (iv) Subtle pressures / advances (statements in which the goal of sexual intimacy is implicit or ambiguous).

(B) Verbal comments

- (i) Personal remarks (comments directed to a woman, including jokes);
- (ii) Subjective objectification (remarks about a woman, either in her presence or as rumours); and
- (iii) Sexual categorical remarks (comments about other women or women in general).

(C) Non-verbal displays

- (i) Sexual assault (prolonged or intense and aggressive form of sexual contact involving coercion);
- (ii) Sexual touching (sexual and sexualized touching);
- (iii) Sexual posturing (violations of personal space and attempts at physical contact); and
- (iv) Sexual materials (pornographic materials or objects which sexually debase women).

According to an article published by Staff (1992:1), Gruber and Kaupinnen-Toropainen interviewed women engineers in Finland, Sweden, Denmark and the United States; Finish architects and technicians; American autoworkers, and technical specialists from the Soviet Union. A high number, 79%, of female autoworkers

experienced sexual harassment defined as unwanted touching, leaning over, cornering, sexually suggestive looks or gestures, sexual teasing, remarks or questions and sexually orientated notes, letters or posters, while only 33% of Scandinavian professionals experienced sexual harassment. The study also showed that Soviet female technical specialists faced less sexual harassment than American women working in blue-collar jobs or as engineers.

It would seem that, regardless of the job or country, young and unmarried women, as well as those in low status jobs, are especially vulnerable to sexual harassment.

The effects of sexual harassment are not inconsequential. They increase women's psychological stress levels and lower their job satisfaction. For some women, especially blue-collar workers in the United States, it diminishes self-esteem (Staff, January 1992:1). Avoidance of sexist language and sexist forms of address to women would go far in eradicating verbal harassment.

A third type of sexual harassment is that known as gestural harassment. This form of harassment is very subtle, insidious and difficult to deal with. It includes nods, winks, gestures with the hands, fingers, legs or arms, as well as leers, signs and other offensive behaviour that can be viewed as sexually suggestive. It is often employed as a tactic after verbal or physical harassment has been perpetrated to make the victim realize that the harasser is still around and potentially able to act again.

Unwanted love letters, poems, faxes, e-mail messages and other communications of a sexual or sexist nature, including graffiti, pin-ups, suggestive literature and unwanted gifts, can constitute written or graphic harassment.

All the above forms of harassment to some extent or another include elements of emotional harassment. It is important to only use the term to specifically describe behaviour that isolates, is discriminatory towards, or excludes someone on the grounds of his or her sex.

The scenario of quid pro quo (a Latin expression used in legal circles to mean “this for that”), would arise if someone asked for or demanded sexual favours in return for actual or promised favours in the workplace. Typical quid pro quo situations are suggestions of unnecessary after-hours work or out-of town travel. “I heard you say you were looking for a promotion this year. How about having dinner with me tonight?” would be an example of such harassment.

The most direct way an employee can prove sexual harassment, is to prove that a supervisor promises tangible benefits, such as a raise or promotion. For the harasser to make these kinds of job-related threats or promises, he or she needs to be in a position of authority over the employee being harassed. In this form of harassment, the accused is mostly found to be the immediate supervisor or someone who has the actual or apparent authority to affect terms and conditions of employment. Since supervisory personnel have the authority to hire, fire, reward or punish, their sexual advances to their employees are fundamental abuses of the power conferred on them by the organization. Rather than sex, quid pro quo harassment is really about power of the “bosses” (mostly male) over subordinates (mostly female) and the abuse of that power.

Sexual harassment can lead to the perception that a hostile working environment exists. It can be created by supervisors, co-workers or customers of the organization.

An example of a hostile working environment created by a supervisor would be where a supervisor’s sexual harassment substantially affects an employee’s emotional and psychological ability to the point where he or she feels that he or she has no choice but to resign.

Even though no direct threats or promises were made in exchange for sexual advances, the fact that the advances interfered with the employee’s performance and created an offensive working environment, was enough to constitute sexual

harassment. In labour relations terms this could be viewed as a constructive dismissal.

For advances to qualify as sexual harassment they do not have to be made only by an employee's supervisor. Co-workers or even customers can cause the employer to be held responsible for sexual harassment. An example of this would be where the employer required a female employee to wear a provocative uniform that led to lewd comments and innuendoes by customers. When she complained about this and said that she would no longer wear the uniform, she was fired. Upon taking the matter to court, the employer could not prove that wearing this uniform was a job-related requirement. Neither could he prove why only female employees had to wear such a uniform. The court ruled that the employer, in effect, was responsible for the sexually harassing behaviour.

Sexual harassment can also occur between members of the same sex, as the harassing behaviour is not aimed at the victim's sexual preference, but occurs because of the victim's sex. It is important for employers to realize and to be aware of the possibility of same-sex harassment from both supervisors and co-workers, regardless of whether the preference is shared with the employee being harassed. The same standards of liability and the same theoretical analysis apply (Wagner, 1992: 1-17).

Traditionally the world of work has been made up of predominantly men. Women usually occupied specific kinds of jobs like teaching and nursing, with mostly other women.

It is alleged that men in today's organizations are uncertain of how to act towards women. Questions arise such as: Should men hold doors open for women?, Who pays the bill when men and women at work have lunch together?, Who lifts heavy boxes that need to be moved to the organizational storeroom?, and: Can the good old jokes men used to tell each other at meetings be told in front of women?

In the face of these changes, individuals have two choices: Adapt or struggle more intensively. According to Lightle & Doucet, 1992:32, sexual harassment is one form of this struggle.

The US Equal Employment Opportunity Commission views sexual harassment in a variety of circumstances and is of the opinion that the victim and/or the harasser may be a woman or a man. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

To be a victim of sexual harassment you do not have to be targeted directly; it is anyone who is affected by the offensive conduct. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

Sexual harassment violates human rights, undermines trade unions and workers' solidarity, threatens the economic security of employees, their physical and psychological well-being and their work performance. It often results in unexplained absenteeism, late coming and poor concentration at work because the victim is stressed. It also creates a hostile, offensive and intimidating working environment (SHEP pamphlet, 2000).

Sexual harassment in the workplace is very common and occurs in all countries, not just in South Africa. Anyone can be a victim of sexual harassment, although most victims are women.

Research conducted by organizations and individuals nationally indicates that although men do experience sexual harassment, the majority of victims are women. This is because sexual harassment is about the imbalance of power between men and women, and most people in positions of power or authority at work are men.

It can take place anywhere – in the workplace, in the street, in school or college, even in the home. Over three quarters of women in paid employment have experienced sexual harassment at some time in their working lives.

Women may experience sexual harassment because most positions of power in the workplace are held by men. Some men may abuse these positions of power and demand sexual favours from women. Many women are employed in insecure and low paying jobs. Some men take advantage of this, knowing that women will often keep quiet and put up with the harassment rather than risk losing their jobs. Women are also harassed by their co-workers. This may be because women are seen as sexual objects instead of co-workers who should be treated with respect (SHEP: 1997: 2).

There is no specific modus operandi, race, sex or age for sexual harassers. They come from all walks of life, all ages and both sexes. In classic cases managers or supervisors use their formal power to harass, although harassment also occurs among co-workers. Clients and customers have also been known to harass employees.

The harasser is often, although by no means always, a supervisor, line manager or senior manager. A key element is that person's ability to exert influence over another's training, education, advancement or day-to-day working life. It is true that most harassers are men, although it is not true that most men are harassers.

The person who perpetrates sexual harassment feels that he or she is able to exert power over the recipient. This power can take many forms, for example a man may be appointed in a managerial position over a woman, or he may have access to information or resources that she needs to do her job. In order to complete a task or get the equipment she needs, a woman may be expected to put up with a kiss, a cuddle or a saucy remark.

Many harassers claim not to realize that their behaviour causes a problem. In fact, many say they thought the recipient liked the treatment because she did not object or express displeasure and she was smiling when being "harassed". Many women stay silent in the face of harassment, and are unable to ask the harasser to stop.

Some even smile because they do not know what else to do. Given these circumstances, such behaviour may be seen as simply thoughtless or ignorant.

Some men have never thought about the effect of calling a women employee "sweetheart" or "darling", putting an arm around her shoulders, standing too close, looking her up and down, or giving her a bunch of flowers. Men who have supervisory jobs or managerial responsibilities may never have considered the negative impact their behaviour can have.

Although they may have no intention to upset, intimidate or compromise a woman colleague, the fact remains that many women find behaviour of this kind unwelcome, embarrassing and unprofessional.

It could well be that the harasser will modify his behaviour when it is pointed out as unwelcome. It can also go the other way, i.e. that he reacts negatively or responds angrily. When this happens, it can be taken as a sign that the behaviour was not innocent and the offence was deliberate.

Probably the most common incidents of sexual harassment at work involve a manager, an employer, or a person in a position of trust, responsibility and influence, who upsets, distresses or humiliates a younger or less-senior staff member through words or actions of a sexual nature.

Then there is the harasser who simply does not care about the victim, the impact he has, or the consequences of his actions. This type of harasser is very difficult to deal with. It is virtually impossible to change their deeply held attitudes and values, although organizations with clear, well-implemented policies can ensure that all employees are aware that sexual harassment will not be tolerated in the workplace and that inappropriate behaviour could lead to disciplinary action.

Some cases of harassment are obvious manifestations of psychological illness. Stalking and persistent or obsessive behaviour, coupled with threats or assaults, all

indicate that the person perpetrating the behaviour needs specialized medical attention (Herbert, 1999: 33 – 35).

Each person's life experiences are unique. As people, we all have different thresholds or tolerances for particular behaviour.

Every one of us brings along with us our own "baggage", i.e. our feelings and reactions to certain situations, our understanding of the "behaviour" of others, and the inferences we draw from our past experiences.

Personal experiences differ. What one person may take to be amusing, friendly, light-hearted banter or a friendly hug, another could experience as threatening, undermining, offensive, unwelcome and intrusive. One person may accept the attention, while another views it as sexual harassment (Herbert, 1999: 7).

Because each person has different threshold or tolerance levels, each decides if a particular behaviour is sexual harassment. The intention of the offender is viewed as of lesser importance. What is important is whether the recipient views the behaviour as unwelcome. The person carrying out the harassment claiming that no offence was meant, carries little weight. Justifying offensive behaviour on the grounds that it was "just a bit of fun", "I thought she would like it" or "It wasn't meant to hurt", will not lessen the pain or embarrassment experienced by the recipient.

Both employers and employees have a role to play in contributing towards creating and maintaining a working environment which is free of sexual harassment. They should ensure that their standards of conduct do not cause offence, and should discourage unacceptable behaviour. They should also take appropriate action when instances of sexual harassment are brought to their attention.

As a first step in expressing concern and commitment when dealing with the problem of sexual harassment, employers should issue a written policy statement which provides that all employees, job applicants and other persons who have dealings with

the business, have the right to be treated with dignity. The policy must make it clear that sexual harassment is illegal and will not be tolerated, permitted or condoned.

It should further define sexual harassment and state what action will be taken against offenders. People who have been subjected to sexual harassment in the workplace have a right to raise a grievance should it occur, and expect that appropriate action will be taken by the employer.

Employers should create and maintain a climate in the working environment in which the dignity of employees is respected and where victims of sexual harassment will not feel that their grievances are ignored or trivialized, or where they should fear reprisals.

The Supreme Court of the USA, on 26 June 1998, passed legislation which made employers more liable for incidents of sexual harassment when it ruled on two sexual harassment cases, *Faragher vs City of Boca Raton* (524 U.S. 775), and *Burlington Industries, Inc. vs Ellerth* (524 U.S. 742). In its ruling the Supreme Court basically stated that the employer was responsible for the actions of the supervisor, even when the employer was unaware of the supervisor's behaviour. Interpretation of this ruling would suggest that employers can no longer claim that they were oblivious to the sexual harassment because the employee exposed did not inform them, nor can they maintain that they were ignorant of the behaviour of the supervisor.

Furthermore, the Supreme Court also stated that it would no longer greatly rely on the two different forms of sexual harassment, i.e. "quid pro quo" and "hostile environment", when assessing the liability of an employer, importing that an employee who refuses the unwelcome or unwanted sexual harassment of a supervisor and who suffers no adverse job consequences can still bring a sexual harassment lawsuit against her employer if the employee can show that she was discriminated against by the sexual content. She will not necessarily be required to show a loss of advancement, retaliation, loss of income or stress, as was once required under "quid pro quo" and "hostile environment".

All that she will need to show is that the nature of the sexual harassment content she experienced caused her to feel discriminated against. This means that, even though employers have a policy in place against sexual harassment and training is provided to their supervisors, they can still be held vicariously liable in cases where a supervisor uses sexual content to discriminate against an employee. The courts are now looking at what a "reasonable person" would determine to be sexual content that could cause discrimination, versus the old standards of "quid pro quo" and "hostile environment".

Although the Supreme Court did not throw out these standards, it will not rely on them as strongly as in the past.

There is at present no legislation in South Africa which specifically addresses or defines sexual harassment. Sexual harassment currently constitutes a form of unfair discrimination in terms of the Employment Equity Act of 1998. This Act prohibits all types of harassment on discriminatory grounds. Employees who are the victims of sexual harassment may prefer to use the remedies provided in this Act. Both the Human Rights Act, 1993 and the Employment Contracts Act, 1991 state that sexual harassment is unlawful discrimination. Depending on the facts, the employee may elect to use the organization's internal grievance procedure.

Women exposed to sexual harassment must either lay a criminal charge of rape or assault (which attracts a high burden of proof on the complainant), *crimen injuria* (damage to reputation or dignity) or use civil delict remedies (i.e. wrongful and intentional impairment to, inter alia, physical integrity) (Commission on Gender Equality). A personal grievance claim may also be lodged with the Human Rights Commission.

Sexual harassment will be viewed as illegal if an employee's job or conditions of employment (such as pay, promotion, vacation) depended on his/her going along

with this behaviour, or if the harassment creates a hostile or offensive working environment which interferes with an employee's ability to do his or her job.

An organization can incur legal costs if the problem of sexual harassment is ignored. Sexual harassment used to be dealt with by way of the Industrial Court as an unfair labour practice, but today it has been declared unlawful and can lead to both criminal action and civil claims.

Sexual harassment has been identified as an unfair labour practice, falling foul of the Labour Relations Act. The victims of sexual harassment, habitually, keep quiet or opt to resign rather than make the employer aware of the harassment. Having resigned, the employee may argue that there are grounds for a constructive dismissal. If this can be proven, i.e. that the employer made continued employment intolerable, and it can be shown that discrimination, taking the form of harassment, prompted the constructive dismissal, it could be viewed that the employer's conduct constituted an automatically unfair (constructive) dismissal. Dismissals based on discrimination are automatically unfair in terms of section 187 of the Labour Relations Act, 1995, chapter 10. It should also be noted that sexual harassment constitutes misconduct, which should be dealt with in terms of the principles applicable to dismissal for misconduct (Grogan, p 3).

However, the nature and scope of sexual harassment has largely been left to judicial determination in the few cases that have reached the courts. This means that there has been a great deal of uncertainty in this critical area of law.

The first reported case of sexual harassment in South Africa, *J v M Ltd* [1989] 10ILJ 755 (IC), was heard in the Industrial Court in February, 1989. The Court said, at 757I – 758A: "Sexual harassment, depending on the form it takes, will violate that right to integrity of body and personality which belongs to every person and which is protected in our legal system both criminally and civilly. An employer undoubtedly has a duty to ensure that its employees are not subjected to this form of violation

within the workplace. Victims of harassment find it embarrassing and humiliating. It creates an intimidating, hostile and offensive work environment.”

In terms of the Constitution sexual harassment infringes the right to human dignity. Section 6 provides: “Everyone has inherent dignity and the right to have their dignity respected and protected, as well as the right to privacy enshrined in Section 14.”

This case provides a useful framework for sexual harassment in South Africa as it highlights many problems associated with sexual harassment and possible legal protection offered to employees. In this case the Court found a senior executive guilty of sexual harassment and took the view that it was a serious matter requiring attention from employers. It upheld the sanction imposed by the company, i.e. dismissal, as the gravity of the matter justified the action taken.

The Court recognized the wide sphere of activities that comprise sexual harassment, as well as the fact that these behaviours could be of a physical or verbal nature. Furthermore, it argued that these acts do not have to be repeated to constitute harassment. The view of *J v M Ltd* appears to be endorsed as it argued that sexual harassment “violates the right to integrity of body and personality which belongs to every person and which is protected in our legal system both criminally and civilly”.

This is different from, although not contradictory to the view that sexual harassment is a form of sexual discrimination.

J v M Ltd provides a number of positive points that need to be welcomed. In the first place, it views sexual harassment as a serious problem that needs to be addressed. Moreover and perhaps most significantly, it emphasizes that it is the responsibility of an employer to make sure that sexual harassment does not occur (Sutherland: 1992: 7).

In order to assist employers with the prevention and punishment of sexual harassment, a Code of Good Practice on Sexual Harassment has been agreed at

NEDLAC for issuing in terms of the LRA. This provides a more substantial enumeration of what is to be understood as sexual harassment in the workplace. This Code has as its objective the elimination of sexual harassment in the workplace. It provides appropriate procedures to deal with the problem and prevent its recurrence. It further encourages and promotes the development and implementation of policies and procedures that will lead to the creation of workplaces that are free of sexual harassment, where employers and employees respect one another's integrity and dignity, their privacy, and the right to equity in the workplace.

The case of *Nstabo vs Real Security* ([2004]BLLR 58 (LC)) should serve as a wake-up call to employers as it sends a clear message. Employers who have not studied the Code of Good Practice on Sexual Harassment and followed its recommendations should do so before they receive a complaint of harassment, and when they do they should take the necessary step, even if it means dismissing the harasser.

The Code recognizes the primacy of collective agreements regulating the handling of sexual harassment cases, and is not intended as a substitute for disciplinary codes and procedures containing such measures, whether these are the subject of collective agreements or the outcome of joint decision-making by an employer and a workplace forum. However, collective agreements and policy statements should take cognizance of and be guided by the provisions of this Code (Code of Good Practice on the handling of sexual harassment cases, 1998: 3).

The Code also encourages employers to issue a policy statement to the effect that all employees, applicants and other persons have the right to be treated with dignity, that sexual harassment will not be tolerated, and that the victims of sexual harassment have the right to lodge a grievance. It details the employer's duties in doing away with harassment and lists procedures to be followed where an employer is responding to allegations of sexual harassment (M-Web Experts: Cyber Law – March 2000).

CHAPTER 4:

STRESS AND WORK: A MODEL

Stress became one of the most serious health issues of the 1990s, and its impact is likely to continue well into the 21st century.

Many employees are subjected to pressure when organizations take action to remain globally competitive. As organizations change, they need to become more flexible, which places employees under considerable stress. One understands that it is not always possible to prevent stress associated with the working environment and increases in work intensity, but employers should undertake to control known causes, such as management style, overwork due to strict deadlines, capacity constraints, lack of competence, bullying and harassment, or adverse environments, including excessive travel and inadequate or inappropriate training.

Stress is part of the human condition, i.e. in order to survive and be alert, everyone needs a certain amount of stress. Stress can be either positive or negative. Positive stress or pressure can stimulate, excite and enhance performance, though long term or excessive stress is counterproductive and has a negative effect on a person's creativity, achievement and health.

As mentioned in a previous chapter, everyone has a threshold at which point the individual finds it difficult to cope, i.e. pressure becomes too much, causing the "dam to burst" and resulting in negative stress or mood.

Research conducted by the Institute of Performance Development has found that the way people are managed has the biggest influence on employee attitudes.

Adoption of enlightened management practices, e.g. job design, skills development, involvement, work environment, organizational culture and

effective occupational health programmes form the basis for a positive psychological contract. A carefully thought through psychological contract in turn supports organizational commitment and job satisfaction, which are associated with higher productivity and profitability.

Employees who perceive themselves as being under excessive stress are likely to be working long hours, or believe themselves to be in a hostile working environment. They have a poor psychological contract, whereas those who find pressure motivating also exhibit high levels of commitment. This argument suggests that a positive psychological contract can help reduce feelings of uncomfortable pressure and help employees to deal with circumstances. This in turn will have a payoff in terms of increased performance, job satisfaction and enhanced employee well-being. Those with a poor psychological contract will, however, find themselves under continual pressure, working harder and longer hours, and are likely to suffer more stress, resulting in increased sickness, absence and job dissatisfaction.

Work related or organizational stress can be defined as the reaction employees have to excessive demands or pressures arising when they try to cope with tasks, responsibilities or other types of pressures connected with their jobs or working environment. Employees can experience stress when they find that trying to cope becomes difficult, strenuous or worrying (Institute of Personnel Development, 1998:1). Not being able to cope is a common denominator in the definition of stress.

Central to this research is the notion that workplace sexual harassment can be viewed within the framework of organizational stress. This allows us to understand both its nature and possible consequences.

Merely defining an incidence of sexual harassment as a stressor would not fully capture the psychological meaning of sexual harassment to the victim. What this emphasizes explicitly is the subjective rather than the objective

nature of sexual harassment. This can be seen to some extent in the US Equal Employment Opportunities Commission definition (1980) of sexual harassment, which describes it as “unwelcome sexual advances ...”. Of course different people would find the same behaviour differentially unacceptable. It should be argued that to capture the full meaning of sexual harassment, two contextual factors surrounding the objective event need to be incorporated. First, as the event occurs with increasing frequency, it is more likely to be viewed as unwelcome and harassing. In addition, as sexual harassment increases in frequency, victims are likely to believe that the events will recur. In this sense the stress and uncertainty surrounding sexual harassment are likely to persist, and when victims believe that recurrences are likely, any negative effects will endure. Second, the perception of, or response to, the event must be considered. Where the response to a particular workplace event, i.e. being the target of touching, being asked sexual questions and witnessing sexual gestures is negative, the individual will probably perceive the event as sexually harassing. In some cases, however, being the target of touching would not be experienced negatively and no negative effects would ensue.

Thus any psychological understanding of sexual harassment must take account of both the frequency of its occurrence and the psychological reaction, developing a model of the effects of sexual harassment on personal and organizational outcomes. It can therefore be argued that sexual harassment is a major organizational stressor.

One of the primary characteristics of organizational stressors is that they bring about negative mood; for example, work stress causes a negative mood, whether the job stress is experienced daily or on a chronic basis. Consequently it could therefore be suggested that experiencing sexual harassment will result in negative mood in the workplace. The effects of stress are many and varied. Some of course are positive, such as self-motivation, stimulation to work

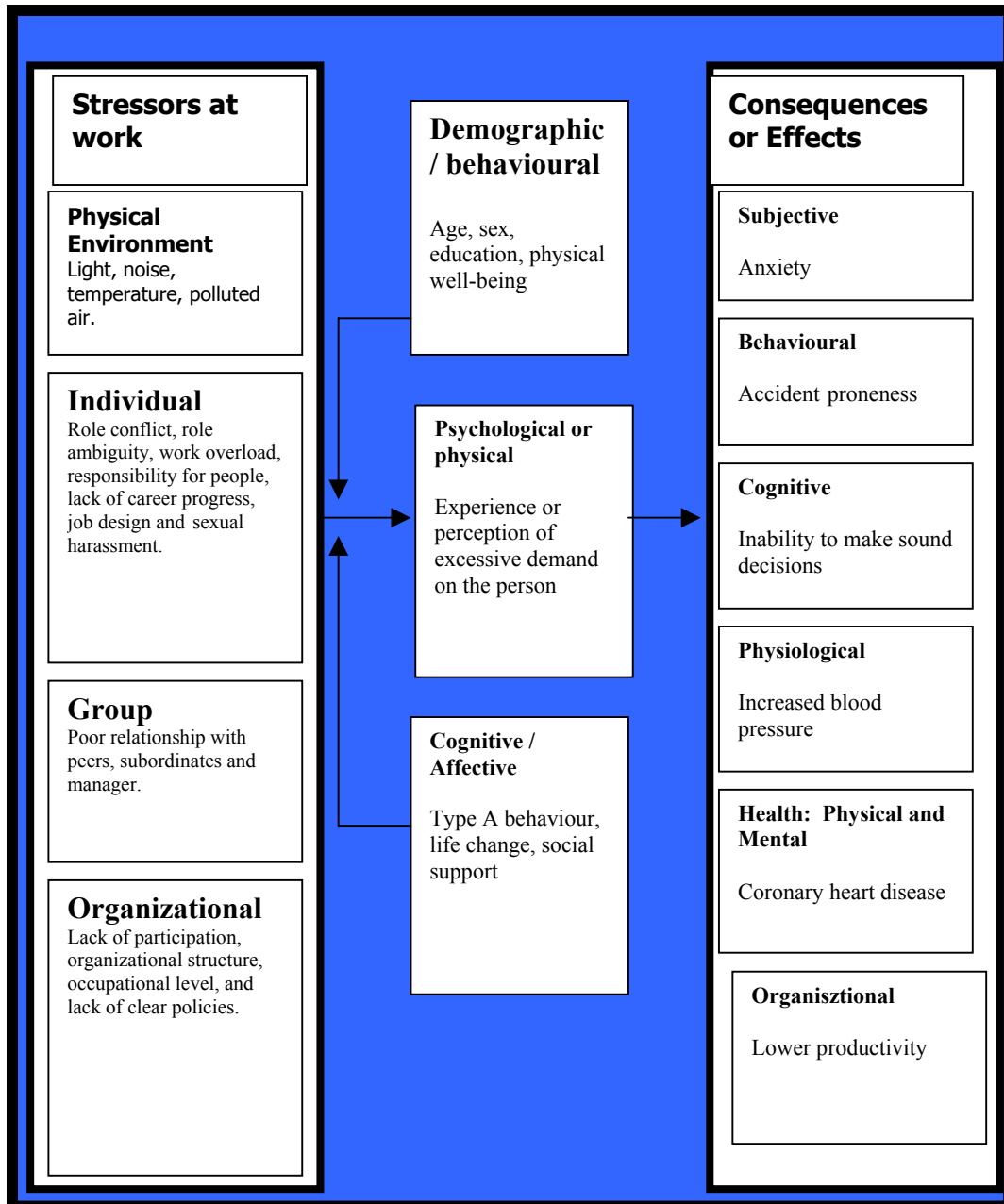
harder, and increased inspiration to live a better life. On the other hand, stress can be disruptive and potentially dangerous.

The integrative model of stress and work divides stressors at work into four categories: Physical, Employee, Group and Organizational, while it introduces “moderators” like age, sex, work addiction and self-esteem (Ivancevich, JM & Matteson, M, 1993: 245). It also presents five potential categories of the effects of stress on job performance.

Cox (1978:92) identified five potential consequences of the effects of stress, which he categorized as follows: Subjective effects such as anxiety, aggression, apathy, boredom, depression, fatigue, loss of temper, low self-esteem, nervousness and feeling alone; Behavioural effects like accident proneness, alcoholism, drug abuse, emotional outbursts, excessive eating, excessive smoking, impulsive behaviour and nervous laughter; Cognitive effects, which could constitute inability to make sound decisions, poor concentration, short attention span, hypersensitivity to criticism and mental blocks; Physiological effects, which include increased blood glucose levels, increased heart rate and blood pressure, dryness of the mouth, sweating, dilation of pupils, hot and cold flashes; and Organizational effects, consisting of absenteeism, turnover, low productivity, alienation from co-workers, job dissatisfaction, and reduced organizational commitment and loyalty.

These five types are not all-inclusive, nor do they infer that stress always causes the effects as listed. For the purposes of this study it is believed that an employee who is subjected to sexual harassment will experience and display behaviour that is remittent of the effects stated.

Stress at work: A Working Model (Ivancevich & Matteson, 1993: 246).



CHAPTER 5:

ORGANIZATIONAL AND PERSONAL CONSEQUENCES OF SEXUAL HARASSMENT

Research has shown that male-dominated occupations and organizational environments where women are in a minority are more prone to the incidence of sexual harassment.

Kanter (1977) demonstrates that structural characteristics of organizations, including power and authority, determine male and female behaviour, and the smaller a minority of women find themselves to be in an organization, the greater their chances of being isolated and marginalized (Bagihole & Woodward, 1995:39).

Enlightened employers and employing bodies are well aware of the benefits of having a workforce that is at ease with itself. Under these conditions employees work better. There is increased productivity, lower staff turnover, a better team spirit, higher morale, and enthusiasm for achievement. Sexual harassment destroys that feeling of well-being and produces an unhappy workforce. It damages businesses and institutions, as well as the individuals involved. It makes working conditions difficult, lowers morale and often sets a pattern or creates a culture that undermines or counters positive practices, preventing people from reaching their full potential.

As stated earlier, sexual harassment can be viewed as a major organizational stressor that affects negative mood. One can predict that experiencing sexual harassment will result in negative mood in the workplace. What is less clear from the literature though, is just how workplace sexual harassment might influence personal well-being and aspects of employee functioning. One can suggest that most of the negative effects of workplace sexual harassment will be transmitted through its direct effects on negative mood. In this respect it can be hypothesized

that work-related negative mood will mediate the effects of sexual harassment on three variables.

Firstly, as Gutek suggests, being the victim of sexual harassment is likely to influence job satisfaction on two aspects, i.e. co-worker and supervisor dissatisfaction, because most sexual harassment incidents are perpetrated either by co-workers or by people in supervisory positions.

Workplaces that are low in perceived equality are the site of more frequent incidents of harassment. Sexual harassment both reflects and reinforces the underlying sexual inequality that produces a sex-segregated and sex-stratified occupational structure.

Sexual harassment creates an unfriendly, intimidating and offensive workplace. It can be assessed according to the impact that the harassment has on the recipient, including the effect it has on that person's well-being, health, ability to do the job or to cope with life generally. Crucial to remember are issues like thresholds, personal limits, and life experiences.

Unwanted sexual attention is destructive and insensitive to the feelings of women and treats women as sexual objects. It can lead to stress-related illnesses, absenteeism (people stay away from work), an apparent lack of commitment, poor performance, lack of standards of work, and high staff turnover as employees resign rather than continue to suffer harassment at work (Institute of Personnel and Development, 1998: 2).

A study published in the *Journal of Applied Psychology* (1997) reports that even a small act of discrimination in the form of infrequent, small and offensive comments, insults or pranks is very stressful for women and has job-related implications. According to this study, sexual harassment goes hand in hand with how women feel about their environment and their psychological well-being, causing them to form negative feelings. It is suggested that the more severe the sexual harassment, the greater the impact on job satisfaction, supervision and psychological well-being.

This association between harassment and feelings of well-being and job-related factors holds true even when the women's interest in their work and mental health is taken into account. Most important, the report states that women's positive or negative satisfaction with their work does not have a significant bearing on the women's feelings about acts of sexual harassment (Schneider, Swan & Fitzgerald, 1997: 401 – 415).

As numerous surveys suggest, sexual harassment affects our health, our relations, our home life and our workplace. Being the victim of sexual harassment and feeling unable to do anything about it can put people under a lot of stress. This stress can be associated with psychosomatic symptoms, such as headaches, problems with sleeping, gastric problems, depression and other health problems (SHEP: 1997: 3-4). This would seem to suggest that any effect of sexual harassment on psychosomatic health is transmitted primarily through the effects of negative mood because of consistent associations between negative mood and psychosomatic problems.

Victims of sexual harassment are like victims of crime, except that crime victims get sympathy while sexual harassment victims get accusations and scrutiny. Crime victims may have visible scars, like a broken arm, but sexual harassment victims may have a broken spirit for many years (Diane Donelson, City of Omaha, Nebraska, Employee Assistance Programme).

Sexual harassment extracts a high price from employees and employers alike. Employees can be subjected to fear, stress and anxiety, which can put great strain on personal and family life.

As stated by Christine Crawley, Chair of the European Parliament Women's Rights Committee, sexual harassment is the most common and least discussed occupational health hazard for women. It makes millions of women miserable every day, causes work absenteeism, depression, underachievement and poor motivation (Guardian, 1991).

Harassment in the workplace affects recipients, harassers and the organization as a whole. The human cost of sexual harassment, as well as the damage, tension and conflict and its impact on an employee's psychological well-being should not be underestimated. The result is not just poor morale but higher labour turnover, reduced productivity, lower efficiency and divided teams.

The impact of sexual harassment can be assessed according to the impact that the harassment has on the recipient, including the effect it has on the person's well-being and ability to do the job.

Psychosomatic illness, headaches, impairment of concentration and other stress-related problems are typical consequences of sexual harassment that lead to a drop in performance – a drop typically used as an excuse to transfer, dismiss and demote. Additionally, refusals to trade sexual favours for jobs or promotions may result in opportunities for further development or promotion being denied.

These costs may be particularly severe for single parents and unskilled workers – life circumstances that often coincide for women. Given current rates of unemployment, these women are not in a position to readily change jobs or rock the workplace boat.

It may be suggested that the psychological experience of sexual harassment differs markedly for men and women. At least two reasons can be provided for this statement. Survey data have indicated that there are distinct differences in the extent to which men and women report being sexually harassed in the workplace. While estimates of sexual harassment differ across studies, women invariably report higher levels of sexual harassment than men. Secondly, women probably feel more threatened than men by inappropriate behaviour perpetrated by the opposite sex, supervisors, co-workers or subordinates in the workplace.

The harassed person often feels powerless. A lower position in the hierarchy at work, personal circumstances, the need to keep the job, feelings of isolation and the

sense of being less important to the harasser and thus more expendable may all be factors that contribute to the feeling of being powerless.

Recipients of sexual harassment are unable to concentrate properly. Their health suffers and they may experience a range of physical problems, such as headaches, backaches, stomach and neck pains, high blood pressure, nausea and vomiting. They may also suffer a range of psychological problems, such as depression, loss of confidence, panic attacks, hysteria, paranoia and uncontrollable weeping or fits of anger.

Many stress-related illnesses have other associated conditions. Some people turn to alcohol, cigarettes, tranquilizers, sleeping pills or anti-depressants. Their family life suffers as their emotional energy is drained by their daily efforts to cope at work. Husbands, wives or partners often do not know why their spouse has developed a low tolerance level or a short temper, or has become depressed, anxious or miserable. They just know that over a series of weeks and months this person has changed. Sexual harassment can result in the break-up of relationships.

Continued sexual harassment can have serious effects on a person's ability to do complex and dangerous jobs. Harassment may affect the concentration of workers who operate complicated machinery, and may result in accidents which could injure, maim or kill.

Costly litigation can arise from workplace accidents involving cases of sexual harassment. Continuous harassment can lead to a general deterioration in employees' job performance, leading to complaints, close and intrusive monitoring, warnings (both informal and formal) or the threat of a disciplinary hearing or eventual dismissal. Recipients of harassment might decide long before this stage that their health and welfare are more important than the stress they are suffering, and they resign.

Someone who has suffered from harassment and associated problems may not find it easy to pick up the pieces and move on. If the harassment has resulted in dismissal or resignation, it may be difficult to find another job. Loss of confidence, low self-esteem and a sense of blame for this may lead to depression or feelings of despair. A person being harassed may decide that suicide is the only way out, with death appearing to be the sole possible relief from the unremitting and frightening behaviour.

Employees subjected to harassment are very vulnerable and reluctant to complain. They may be embarrassed or unsure of how to lodge a complaint, or they may be concerned that it might be trivialized. People often suffer harassment in silence, because they are reluctant to draw attention to the situation. They just want to see an end to the unwelcome behaviour.

Typically, women who have been sexually harassed and who leave their jobs as a result of it tend to apply for a post with a lower salary, status and career prospects than the one they have just left. Young women at the beginning of their career in law or medicine or another profession in which men still hold much power, may decide to leave that type of work altogether and find something more traditional. This has obvious livelihood consequences in terms of career advancement, status, salary and lifestyle. Unfortunately, some women believe that it is the employment context that brought on the harassment, rather than an individual male.

Victims of sexual harassment may exhibit the following symptoms: Reduced concentration, withdrawal, being demoted for lack of productivity or good work practices, depression, increased absenteeism, physical injury as in assault or rape, psychological problems such as self-doubt, self-blame and denial, humiliation and degradation, or repressed anger, avoidance or fear, loss of trust, loss of promotion, salary increases or other benefits / demotion or involuntary transfer, resignation, dismissal (including constructive dismissal), negative performance appraisal, and retaliation (SHEP: 2000, Sexual Harassment Presentation and Herbert, 2000: 90).

These factors can in the long term have economic consequences for women who leave particular jobs and can then only find part-time work. Those suffering from harassment may be passed over for promotion for showing lack of initiative or enthusiasm. Complainants of sexual harassment suffer tension, anxiety, anger, fear and frustration. These psychological effects often manifest themselves in physical ailments such as headaches, ulcers and other nervous disorders.

A harasser whose behaviour is condoned or even supported by co-workers will influence the general atmosphere at work. Onlookers who are not harassers themselves may be unable or unwilling to put a halt to their colleague's behaviour. They might feel remorse or discomfort at the effect it is having on the victim, but feel powerless to do anything about it. The sexual harasser may serve as a role model for younger workers, setting the tone and the ethos in the workplace, and encouraging others to be disrespectful to their colleagues and subordinates.

Harassers who have been behaving in this way for years may be resistant to change, though the workplace is changing and tolerance of harassment is on the decline. Someone with "sexual harassment" written on a reference would face great difficulties in finding a new job. So the potential consequences for the harasser have become quite serious.

Sexual harassment has a ripple effect in companies of all kinds. It stifles enthusiasm and engenders disappointment, dwindling loyalty and even greater apathy, which result in low productivity. Employees may feel that by not protecting them, by not stopping the behaviour and by not caring about them or the particular victim who is being targeted, the organization's management is letting them down.

This will bring more widespread discontent and loss as employees spend time complaining about the bosses and managers and discussing who is doing what to whom. Eventually people will leave because of their dissatisfaction with the working environment.

Staff turnover entails advertising costs, recruitment expenditure, time and money lost while a new employee gets used to the job, expenses for induction and training, and other related costs. This investment will be to no avail if the perpetrator continues to harass colleagues who also decide to leave.

Over time, as more and more staff leave and new members are recruited, rumour and gossip about the organization will spread. Badly treated staff is not a good advertisement for an organization, and when they hand in their notice they take goodwill, previous customers, clients and business with them. The firm's reputation may suffer adversely, affecting business prospects and profits.

Sexual harassment wastes vast sums of money. Poor quality work, days off due to ill health and the expense of having to employ temporary staff to cover the recipient's workload may also result. The stress and anxiety may have led to expensive mistakes being made, while weeks of sick leave with pay may result as the recipient feels unable to attend work.

Once an investigation starts, the alleged perpetrator may be suspended on full pay. The perpetrator and the claimant will need to be interviewed, trade unions consulted, witnesses heard and statements taken. The norm seems to be to appoint two senior managers to conduct investigations. This means that time spent on investigating is time lost from their jobs, as lengthy interviews are held and hand-written notes made and documented. Notes need to be processed and returned to the originator for checking. Cross-referencing, re-interviewing and new notes will then have to be prepared.

If any of the people involved are on leave or are otherwise unavailable during the process, the investigation will take even longer to complete.

During the course of the investigation the other employees will be speculating about what is happening, gossiping about tell-tale signs, rumour-mongering and generally

not being able to get on with their work. Of course they may take sides, dealing out punishments of their own. If this amounts to victimization, a further case may erupt.

At the end of the process, there could be a schism within the department where the harassment occurred, some believing that the victim made it all up and some thankful that at last the perpetrator's behaviour has been seen for the sexual harassment that it was. This does not make for good work relations and team building, and counselling and expert advice required to restore the department will involve further time and expense (Herbert, 1999: 24-26).

Organizational effects of sexual harassment may include bad publicity, litigation and expensive legal battles, low productivity and poor job performance, absenteeism and bad work relations, victimization or lack of co-operation.

In order to be productive, people have to feel safe and secure from overt physical and psychological harm, have good relationships with others with whom they work, and feel respected for who they are and what they can contribute. Sexual harassment destroys all these criteria.

All employees have the right to work in a pleasant and productive environment where the individual rights and dignity of each employee are respected. This includes the right to work in an environment that is free from conduct of an harassing or abusive nature. In order to maintain an atmosphere of mutual respect, conduct characterized as sexual harassment cannot be condoned or tolerated.

Enlightened employers and employing bodies are well aware of the benefits of having a workforce that is at ease with itself. Under these conditions employees work better. There is increased productivity, lower staff turnover, a better team spirit, higher morale and enthusiasm for achievement. Sexual harassment destroys that feeling of well-being and produces an unhappy workforce. It damages businesses and institutions, as well as the individuals involved. It makes working conditions difficult, lowers morale and often sets a pattern or creates a culture that

undermines or counters positive practices, preventing people from reaching their full potential.

CHAPTER 6:

RESEARCH METHODOLOGY

The complexity of sexually harassing behaviour and the impact thereof on both the individual and the organization necessitated the development of a research paradigm that aims to establish a link between the occurrence of sexual harassment in the workplace and the well-being of the employee exposed to it.

In this descriptive study both the personal and the organizational consequences of sexual harassment for the employee were viewed while also using the integrative model of stress and work as described in Chapter Four.

Central to this research is the prediction that the occurrence of sexual harassment affects the physical and emotional well-being of an employee, as well as the employee's physical health. It could also have organizational effects.

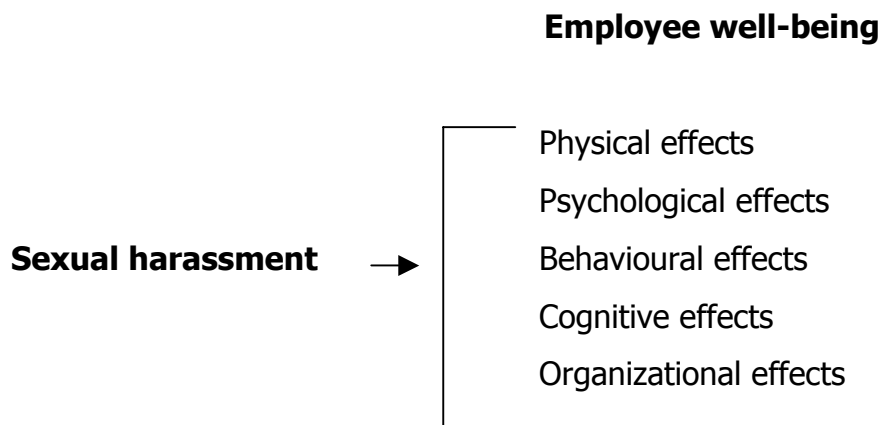


Figure 1: Proposed model of the effects of sexual harassment on employee well-being.

If the model indicated in Figure 1 receives empirical support, the negative consequences of sexual harassment could be relevant as all four proposed outcomes are of some importance to the optimum functioning of the employee within the organization.

In the *Journal of Managerial Psychology*, Vol.11, No. 5 of 1996, it is indicated that several methods exist in which data on sexual harassment can be obtained, i.e. through self-disclosure, grievances lodged, or organizational reports. An alternative to the use of reports generated by employees exposed to sexual harassment would be to access existing organizational records. A key problem with this method though is that very few incidents of sexual harassment translate into formal organizational action and reports, making the validity of information obtained in this way questionable.

For purposes of this study it was decided to follow the approach of asking respondents directly whether they were sexually harassed or not. The possibility that this method might, to a high degree, rely on the respondent's own inherent definition of what legally comprises sexual harassment was taken into account as plausible rival explanations might exist because mono-method bias might be operating.

Respondents were asked to share their experience of or reactions to being sexually harassed. They were further requested to give their opinion on certain statements provided.

The aim of the study is two-fold: firstly to determine whether sexual harassment exists in the Public Service and, if so, to establish profiles and their possible effects on those exposed to it. Once information has been obtained, analysed and interpreted, a written report will be drawn up stating the problem, as well as recommendations as to the way forward.

The study was undertaken under the banner of the South African Management Development Institute (SAMDI), and specifically located in the Directorate: Human Resource Management Training.

The study explored and described the effect of sexual harassment on the physical and psychological well-being of employees exposed to it. Information obtained will provide valuable insight in deciding if there is a need for a formal sexual harassment capacity building programme in the Public Service.

Having established the phenomenon, the study sought to provide information on the profile of the harasser and harassee, the types of sexually harassing behaviour exhibited, when, where and how often it occurred, as well as how long it lasted. The effect on the physical and psychological well-being of employees exposed to it and the coping strategy used by the harassee were also examined. Some indication as to the effect of sexual harassment on the organization (public service departments) will also be provided.

The data categories mentioned below were specifically identified for this study and can be divided as follows:

- Sexual harassment:

Respondents needed to indicate whether they had been subjected to sexual harassment, the frequency, length and type of harassment, as well as where and when it occurred. They were also asked if they knew of any people who were currently being sexually harassed.

The type of harassment was divided into four categories. In each of these categories respondents were asked to indicate which they had experienced.

- Effect of sexual harassment on employee well-being:

This was measured through variables in the following categories:

- Physical and psychological health effects
- Behavioural effects
- Cognitive effects
- Organizational effects

As the research process is a logical one, the following steps were addressed: data collection methods and forms, demarcation of the population, designation of the sample, collection of data, data analysis and interpretation.

The research was conducted as part of the requirements to fulfill the MPhil degree in Labour Relations.

The universum or research population consisted of public servants situated in national and provincial departments. It was targeted at women between the ages of 18 and 65, and was representative of all race groups. The study encompassed all organizational levels, and focused on human resource and development practitioners, as well as at junior, middle and senior management levels.

Public service departments included in this study were identified by way of an opportunity sample, meaning that these departments had previously requested SAMDI to provide them with training programmes on gender equity and equality issues. Female public servants were the target group for this study. Potential participants were selected through a 10% systematic quota sampling process.

It was envisaged that 200 women would be engaged in this study. Once selected the women were approached and invited to participate as voluntary participation was essential for quality information to be obtained.

An anonymous questionnaire was provided to the participants for completion. Upon completion it was gathered by a departmental representative and provided to SAMDI. It was hoped that a better response rate could be ensured in this way, while the study was undertaken with the necessary sensitivity as some participants might view providing information about their experiences as traumatic.

The following nine departments were included in the study: Social Development (Free State), Mpumalanga Provincial Government, Department of Labour (Western Cape), Social Development (national), Premier's Office (Free State), Department of Labour (KZN), SAPS (national), Social Services and Population Development (national), and SAMDI (national).

The instrument used to collect the primary data that were required took the form of a structured questionnaire with a fixed set of alternative answers. As this method of data collection lends itself more to quantitative research, questions were close-ended with possible responses being coded beforehand to aid the data analysis phase, although some questions had an open ended category requesting them to provide any alternative that was not provided for. This category was also coded beforehand. Variables were measured on the nominal, ordinal, and interval levels. This aided the internal validity and reliability of the measuring instrument. No variables fitting the ratio measuring level were included in the questionnaire.

The questionnaire was divided into specific categories to ensure that information obtained would address the purpose of the study as set out in the foregoing.

This was done after the pilot study had been completed and changes (if any) made. It was composed in two sections, with Section 1 providing information on biographical data in order to compare measurements, and Section 2 addressing issues pertaining to sexual harassment, as well as identifying trends and profiles with regard to the public service, and employees being exposed to it. Section 1 represented variables on the nominal level, while Section 2 addressed those on ordinal and interval levels. Data on the ordinal level were rated, with the Likert Scale being used to obtain data on the interval level.

Two hundred questionnaires were distributed and one hundred and forty-six (146) completed ones were returned. It needs to be mentioned that of these 146 questionnaires, 34 were not usable due to the fact that the page providing data on the biographical profile of the respondent was missing. As these respondents also indicated that they were not sexually harassed, these questionnaires were not able to make a significant contribution to this study. These respondents did however complete the last section of the questionnaire requiring them to provide an opinion on certain statements made on a five-point rating scale.

Each questionnaire was accompanied by a covering letter indicating that the reason for this research exercise was to determine whether sexual harassment existed in the identified public service departments, and, if so, to establish profiles and trends associated with it. Great pains were taken to ensure the anonymity and confidentiality of respondents.

Once collected, the raw data were processed and keyed into a computer. The SPSS computer package was used to statistically process the raw data. It was also used to describe data obtained by using frequency distributions, histograms, bar and pie charts.

Thereafter the data were subjected to specific statistical methods compatible with the variables identified. As this study's purpose is more descriptive and exploratory in nature, it was decided to analyse the data obtained by using

parametrical statistics. Section 1 of the questionnaire provided descriptive statistical information on the number of females that completed questionnaires, as well as their age, marital status, educational level, organizational level and years in the public service. It also enabled the candidate to draw cross-tables by combining biographical information with that obtained from categories in Section 2, for example a cross-tabulation could be drawn between marital status and exposure to sexual harassment to investigate whether a single mother or divorced woman was more prone to be sexually harassed than a married woman.

Both correlational and inferential statistics were used to determine if there was a correlation between sexual harassment and employee well-being. Correlational statistics were drawn using the Bravais-Pearson Product Moment Correlation, while inferential statistics used consisted of Kruskal-Wallis One-Way Analysis of Variance on Independent Sample and Mann-Whitney U-test for 2-Independent Samples. Parametric methods included the Student's T-test for 2 Independent Samples and One-Way Analysis of Variance. Kendall's Tau_b and Spearman's Rho were also utilized.

Once the data had been analysed, the results were interpreted and the findings reported.

Chapter 7:

PRESENTATION OF RESULTS

In this chapter the results of the statistical analysis of the data are presented. The applied questionnaire has three (3) sections, viz questions relating to biographical information (nominal scale), sexual harassment (nominal as well as ordinal data), and six questions on an interval scale concerning the detrimental effects of sexual harassment. The raw data were compiled on Manova.

1. Descriptive Statistics

The biographical data and the nominal data regarding sexual harassment are presented as frequency distributions in Tables 1 - 7.

Table 1: Frequency distribution: Age groups

	Frequency	Percentage	Valid percentage	Cumulative percentage
Valid 18 – 25	5	3.4	4.7	4.7
26 - 34	47	32.2	43.9	48.6
35 - 44	38	26.0	35.5	84.1
45 - 54	14	9.6	13.1	97.2
55 - 65	3	2.1	2.8	100.0
Total	107	73.3		
Missing System	39	26.7		
Total	146	100.0	100.0	

Table 1 shows that the majority of respondents were in the age group 26 – 34 (N=47) and 35 – 44 (N=38), with only three (3) in the age group 55 – 65. The frequencies with regard to years in the public service are presented in Table 2, which shows that the respondents were quite evenly spread between the different groups, with the majority in the group 0 – 5 years of service.

Table 2: Frequency distribution: Years in public service

	Frequency	Percentage	Valid percentage	Cumulative percentage
Valid 0 – 5	39	26.7	36.8	36.8
6 – 10	27	18.5	25.5	62.3
11 – 16	24	16.4	22.6	84.9
17 or more	16	11.0	15.1	100.0
		72.6	100.0	
Total	106	27.4		
Missing System	40	100.0		
Total	146			

The frequencies regarding years in a specific job are presented in Table 3.

Table 3: Frequency distribution: Years in a specific job

	Frequency	Percentage	Valid percentage	Cumulative percentage
Valid 0 - 5	66	45.2	62.3	62.3
6 – 10	25	17.1	23.6	85.8
11 – 16	11	7.5	10.4	96.2
17 or more	4	2.7	3.8	100.0
Total	106	72.6	100.0	
Missing System	40	27.4		
Total	146	100.0		

It is quite obvious from Table 3 that the majority of the respondents were clustered in the intervals 0 – 5 (N=66) and 6 – 10 (N=25).

Table 4 shows the frequency distribution with regard to organizational level.

Table 4: Frequency distribution: Organizational level

	Frequency	Percentage	Valid percentage	Cumulative percentage
Valid Below Assistant Director	53	36.3	50.0	50.0
Assistant-Deputy Director	45	30.8	42.5	92.5
Director & higher	8	5.5	7.5	100.0
Total	106	72.6		
Missing System	40	27.4		
Total	146	100.0	100.0	

The majority of respondents in Table 4 were below the level of Assistant-Director (N=53) with 30,8 % being on Assistant-Deputy Director, i.e. middle management, level (N=45).

Table 5 reflects the marital status of those harassed at the time of harassment.

Table 5: Frequency distribution: Marital status at time of harassment

	Frequency	Percentage	Valid percentage	Cumulative percentage
Valid				
Never married	19	13.0	37.3	37.3
Life partner	8	5.5 13.0	15.7 37.3	52.9 90.2
Married	19	2.7 7	7.8 2.0	98.0 100.0
Divorced	4			
Widowed	1	34.9		
Total		65.1		
Missing System	51	100.0		
Total	95			
	146			

As stated in Table 5 marital status was equally spread between those who were never married (N=19) and those who were married (N=19), with only 4 respondents being divorced. This would seem to dispute the stereotype that unmarried females are more likely to be sexually harassed than their married counterparts.

The educational level of respondents is provided in Table 6.

Table 6: Frequency distribution: Educational level

	Frequency	Percentage	Valid percentage	Cumulative percentage
Valid Primary school	2	1.4	4.3	4.3
High school	6	4.1	12.8	17.0
University / Technikon (degree/diploma)	27	18.5	54.7	74.5
University / Technikon (higher degree/diploma)	12	8.2	25.5	100.0
Total	47	67.8		
Missing System	99		100.0	
Total	146	100.0		

Table 6 reflects the frequency distribution of the respondents' educational level at the time of harassment. As indicated in this table the majority of respondents were in possession of a university degree or diploma (N=27).

The frequencies indicating the knowledge of anyone currently being harassed at work is provided in Table 7.

Table 7: Knowledge of anyone at work currently being sexually harassed

	Frequency	Percentage	Valid percentage	Cumulative percentage
Valid Yes	15	10.3	13.2	13.2
No	99	67.8	86.8	100.0
Total	114	78.1	100.0	
Missing System	32	21.9		
Total	146	100.0		

In Table 7 the frequency distribution reflects that the majority of respondents (84,2%) did not have any knowledge of anyone at work being sexually harassed at the time (N=99). This would seem to suggest that sexual harassment is not a serious problem in the departments that took part in the research. Caution needs to be raised, however, that this could be a false reflection of the actual situation as sexual harassment is such a sensitive and emotional topic. Another factor that must be taken into consideration is that many people keep quiet about being sexually harassed out of fear that it will become worse when exposed or that they will lose their job or be labelled as troublemakers.

The responses to the question dealing with the types of sexual harassment experienced indicated that although women were subjected to all four types of sexual harassment, i.e. physical, written, verbal and gestural, the most common was that of verbal harassment. Respondents marked all categories relevant to them and the result was as follows: Suggestive remarks (22,6%), sexually suggestive comments about appearance (21,9%), asking questions about private life, sexual habits or partner's sexual habits (17,8%), sexual innuendo (14,4%), sexual or sexist jokes or comments (13%) and name-calling (11,6%). Sexual harassment of a physical nature included touching of clothing, hair or any part of the body (16,4%), stroking (6,2%), grabbing (7,5%), kissing (7,5%) and attempts by the harasser to prevent the respondent from exiting the room (14,4%), with gestural sexual harassment emerging in the form of nods (11%) winks (15,8%) and gestures with hands, fingers, legs or arms (8,9%). Written sexual harassment was experienced by the respondents having received unwanted love letters (13%), poems, faxes or e-mails and other communication of a sexual or sexist nature, graffiti, pin-ups, literature or gifts (8,9%) and pornographic pictures or videos (3,4%).

Taking a holistic view of these variables it is evident that harassers prefer touching, sexual innuendo, questions about private life and sexual habits of partner, sexual or sexist jokes, preventing exit from a room, suggestive comments about appearance

and unwanted love letters to stroking, grabbing, kissing and pornographic pictures and videos.

Table 8 provides a glance at responses to the question “have you been sexually harassed at work”.

Table 8: Sexually harassed at work

	Frequency	Percentage	Valid percentage	Cumulative percentage
Valid				
Yes	48	32.9	33.8	
No	94	64.4	66.2	
Total	142	97.3	100.0	33.8
Missing	4	2.7		
System				
Total	146	100.0		100.0

Of the 142 respondents, one third admitted to being sexually harassed (N=48).

Figures 2-9 represent histograms drawn between sexually harassed at work and the biographical variables age, marital status, organizational level, educational level, number of years in the public service and number of years in the specific job of those exposed to sexual harassment.

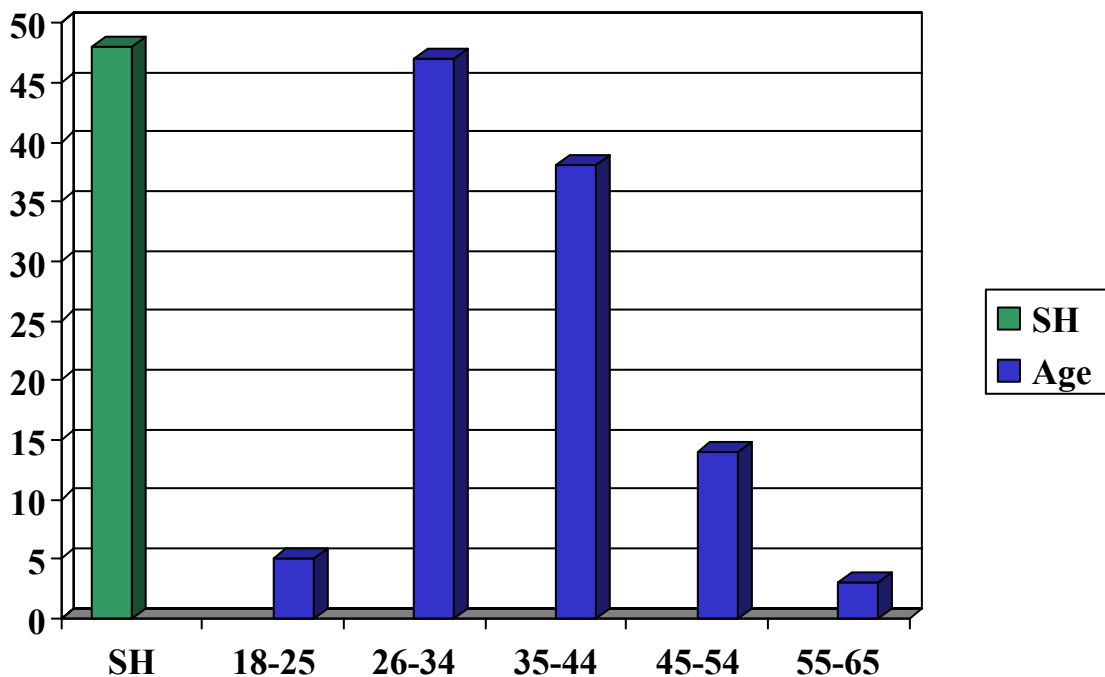


Figure 2: Sexual harassment and age of victim.

As can be seen from this graph, the majority of those sexually harassed (N=48) fell in the age group 26–44. There was a definite correlation between sexual harassment and age group. This is significant as people are viewed to be sexually mature in this phase of their lives. The age group 55–65 is also significant in that for people in this phase of their lives sexual intimacy takes on a different dimension.

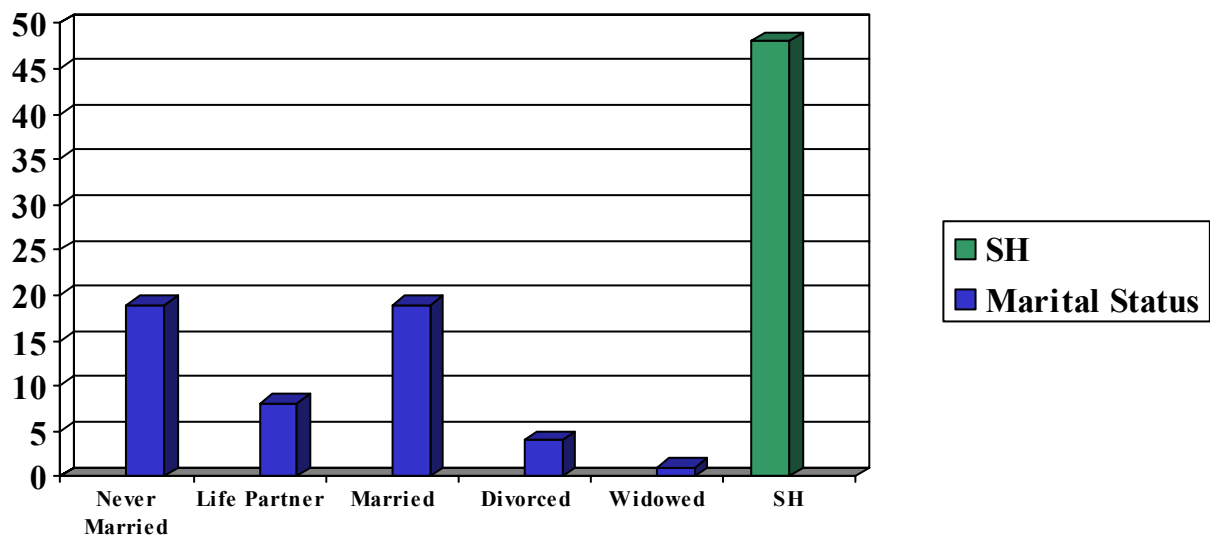


Figure 3: Sexual harassment and marital status of victim.

The graph shows an even spread between those sexually harassed (N=48) and the categories never married and married. This is interesting as the stereotype view would normally be that divorced women have dependants to look after. They have a strong need for financial security, which could make them more vulnerable to sexual harassment. In the research conducted this did not seem to be the case. A possible inference that could be drawn on why married women are targeted is that the harasser feels this is safe ground as married women would as a rule not expose the unwanted behaviour out of concern for their spouse and marital relationship.

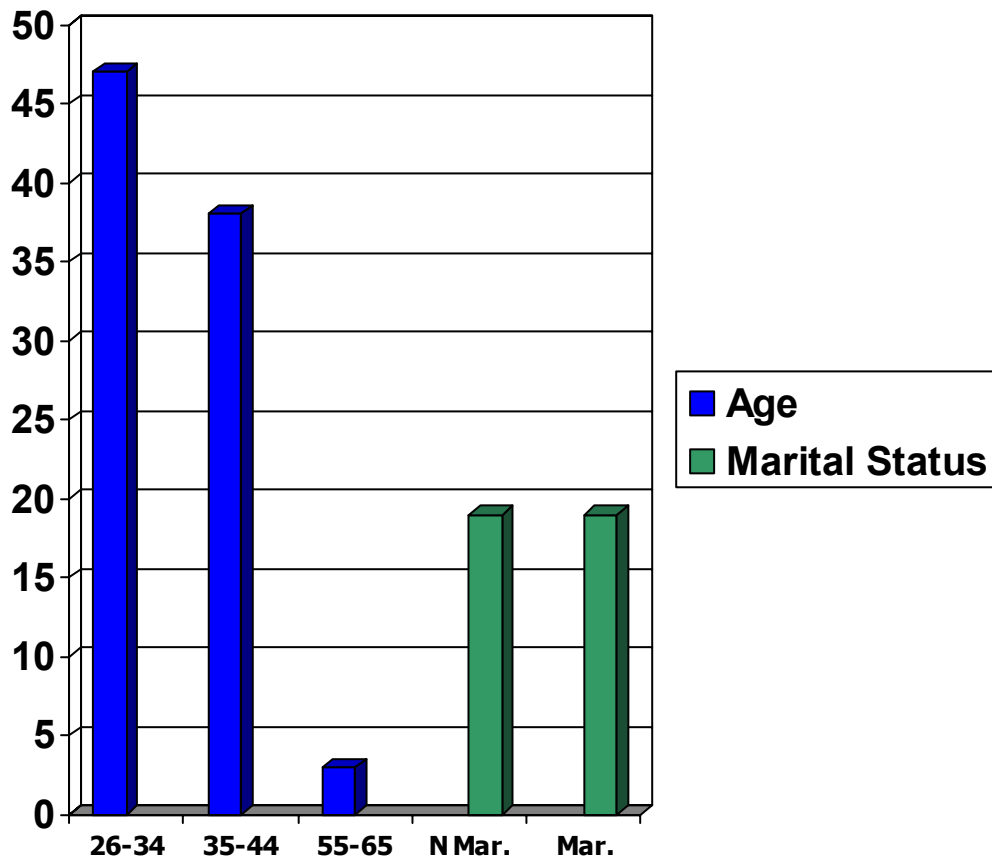


Figure 4: Age and marital status of victims.

This figure was drawn to determine whether a correlation existed between the age and marital status of those sexually harassed. There does not seem to be an obvious relationship.

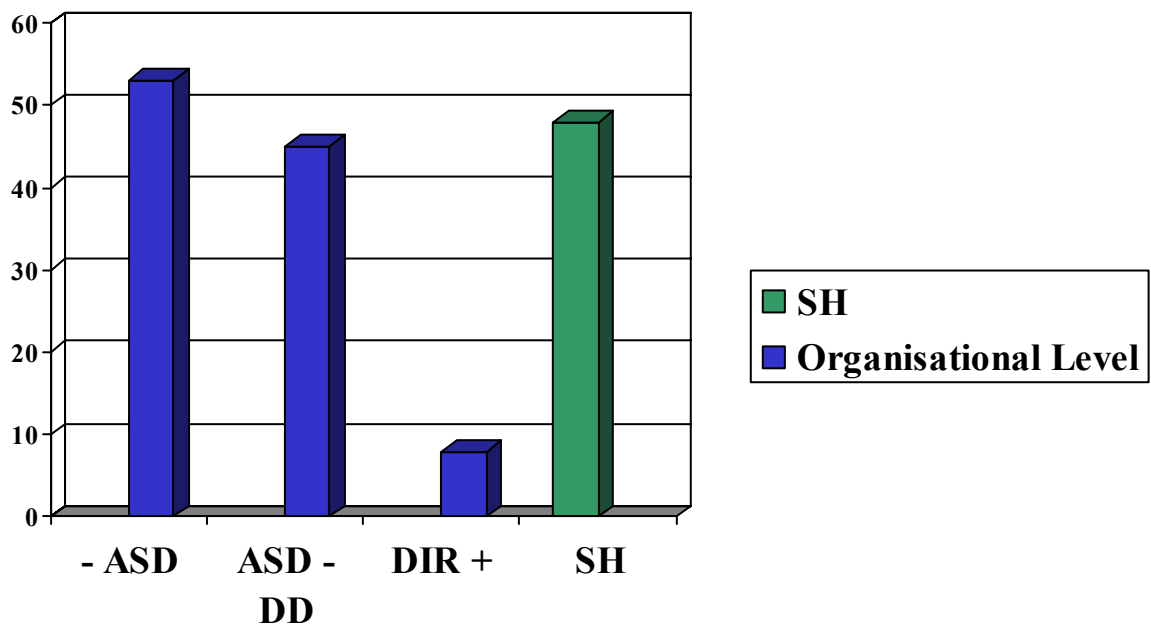


Figure 5: Sexual harassment and organizational level.

The majority of respondents (N=53) that were sexually harassed were below the level of Assistant-Director, with the harasser being mostly the immediate supervisor and in some cases a senior manager. This evidence seems to fit the view that sexual harassment is about one person having power over another.

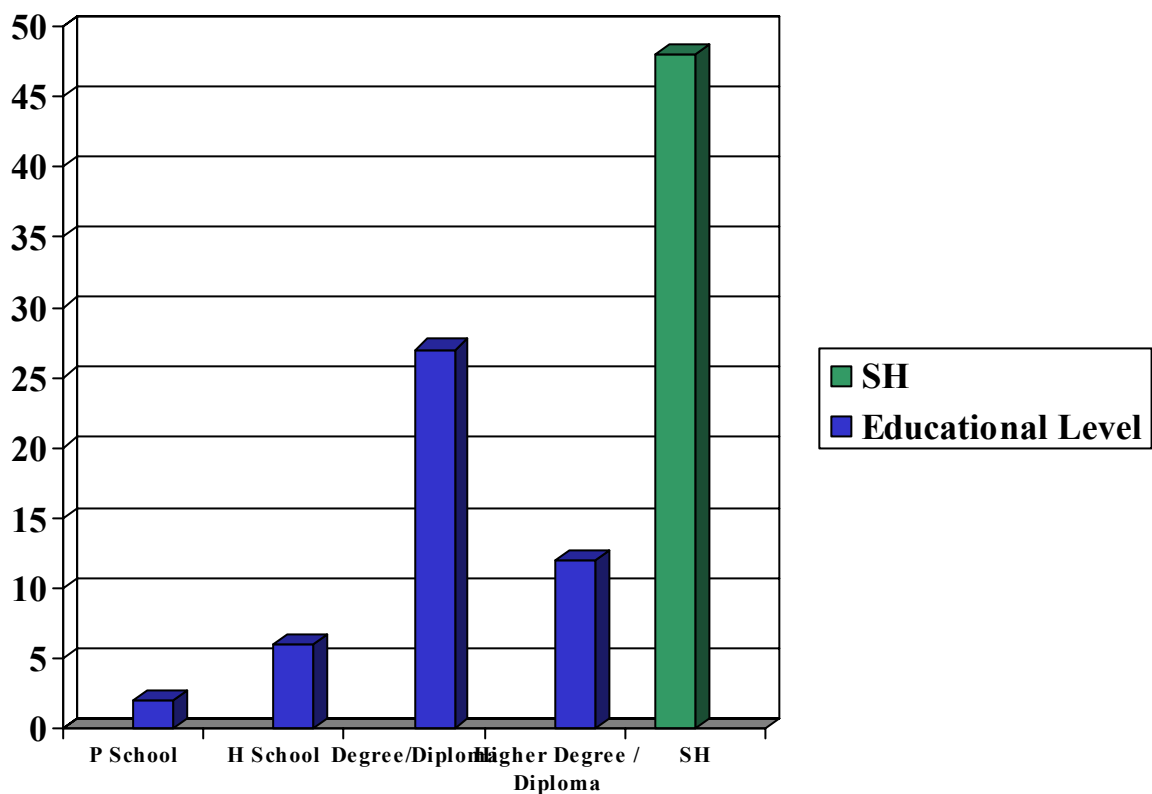


Figure 6: Sexual harassment and educational level.

In this figure the relationship between sexual harassment and the educational level of the victim is shown. As can be seen, those with a university degree or technikon diploma rated the highest (N=27) with higher degree / diploma rated second highest (N=12). This is interesting in that it would suggest that women with an education seem to be more attractive to the harasser. This correlation could logically make sense if one compares it to the argument that sexual harassment is about power, in that the harasser might have a lower educational level than the victim, which could subjectively make him feel inferior. He then harasses her and through the harassment has power over her, thus making him feel superior.

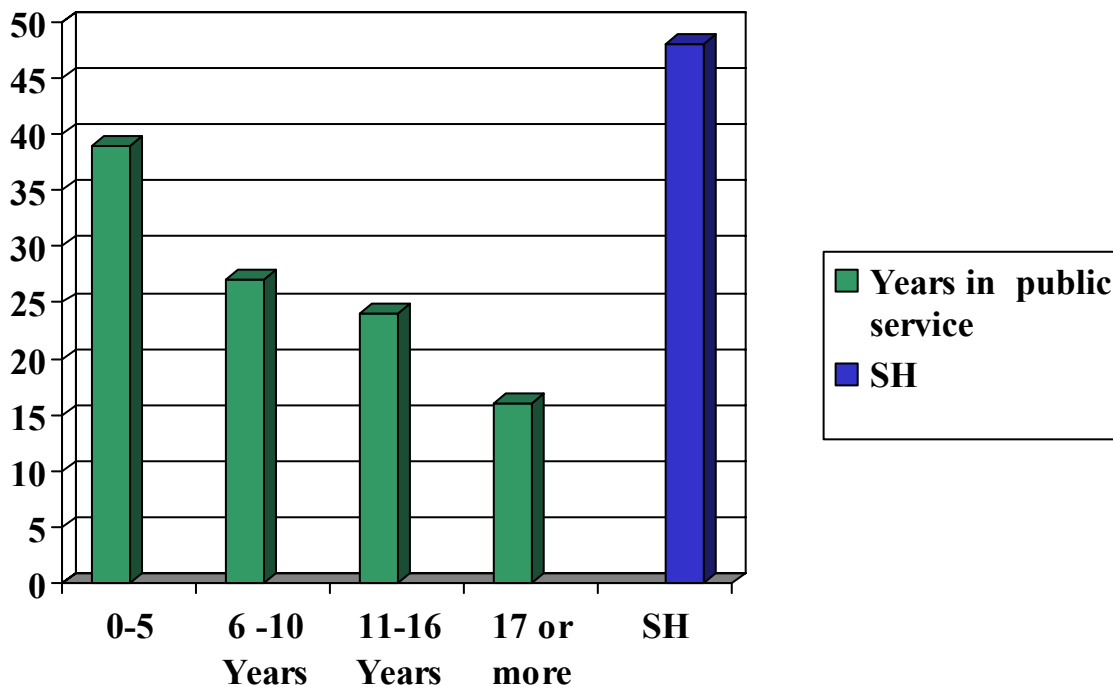


Figure 7: Sexual harassment and number of years in the public service.

The majority of respondents exposed to sexual harassment (N=48) significantly fell within the category of 0–5 years (N=39), and when compared to Figure 8: Sexual harassment and number of years in the specific job, the same tendency is exhibited (N=66).

A possible inference that may be drawn here is that employees are still relatively new to the organization. They are also mostly in junior positions, as well as emotionally young, as demonstrated in previous figures on age and organizational level. This being the case they are more easily accessible to the harasser, who might move from the premise that, since they are young both in years and in the organization, they will not act assertively to address or expose the unwanted behaviour.

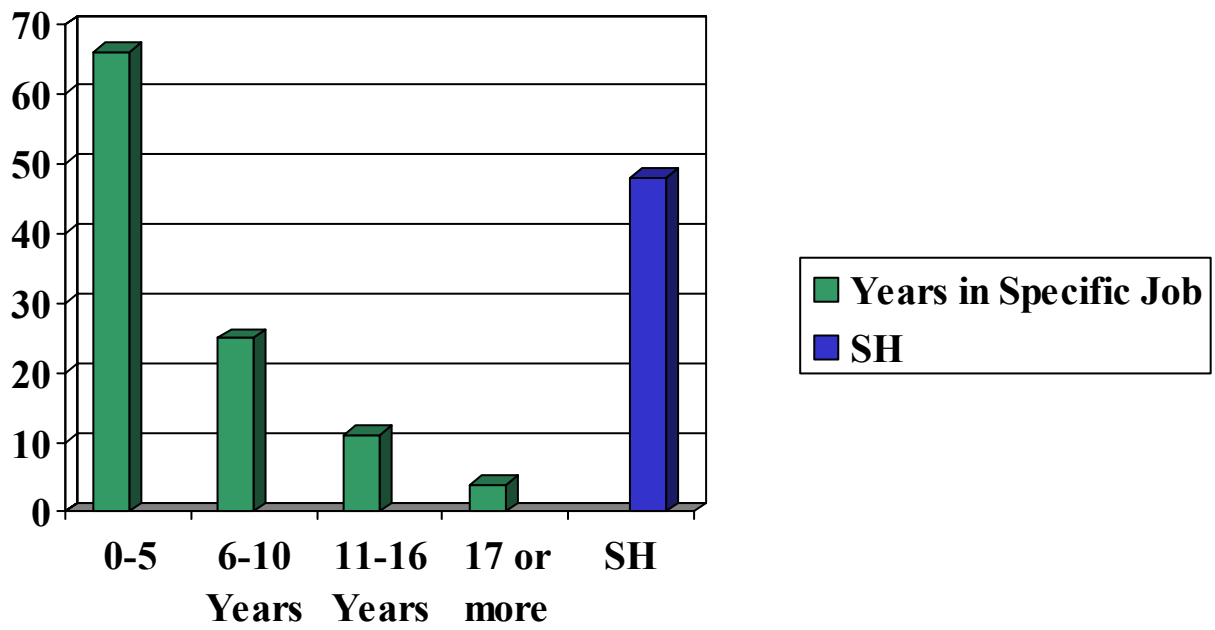


Figure 8: Sexual harassment and years in specific job.

Figures 9 to 12 provide information on the age, marital status, gender and organizational level of the harasser.

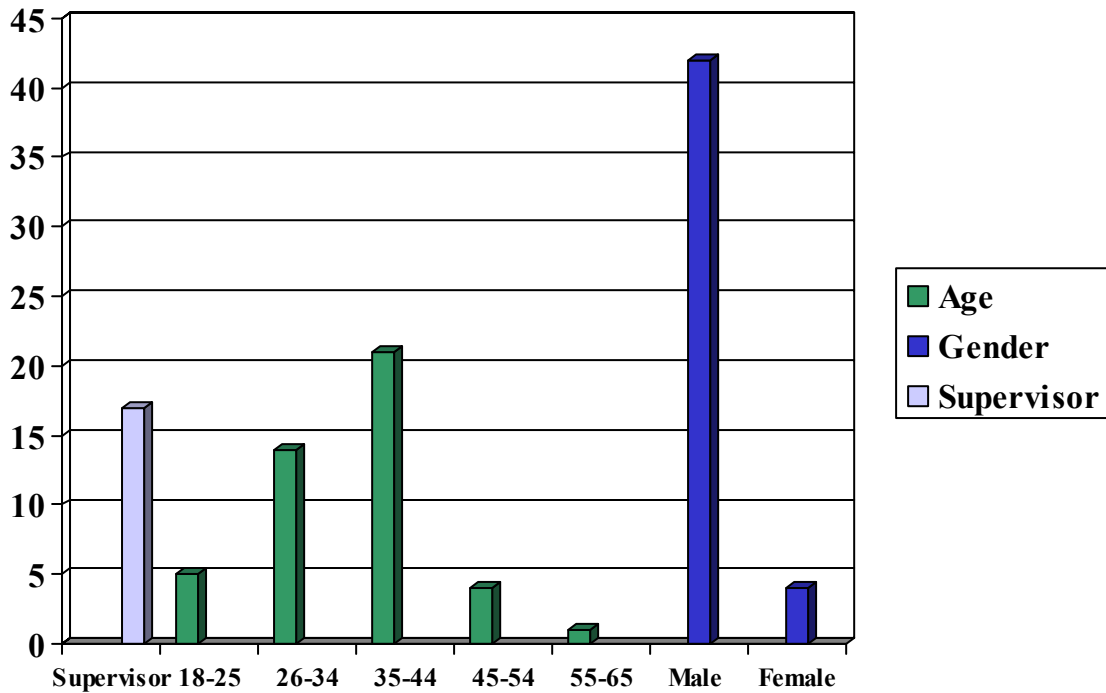


Figure 9: Organizational level (supervisor), age and gender of harasser.

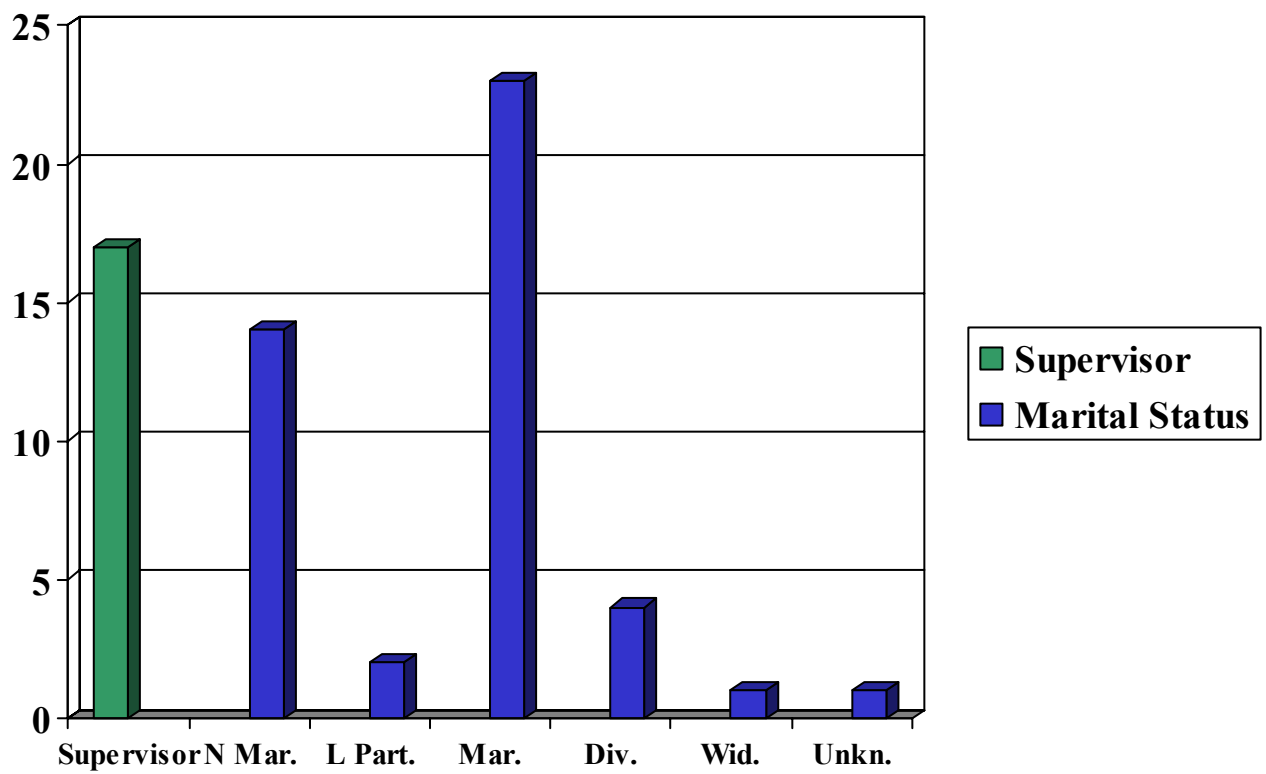


Figure 10: Organizational level (supervisor), age and marital status of harasser.

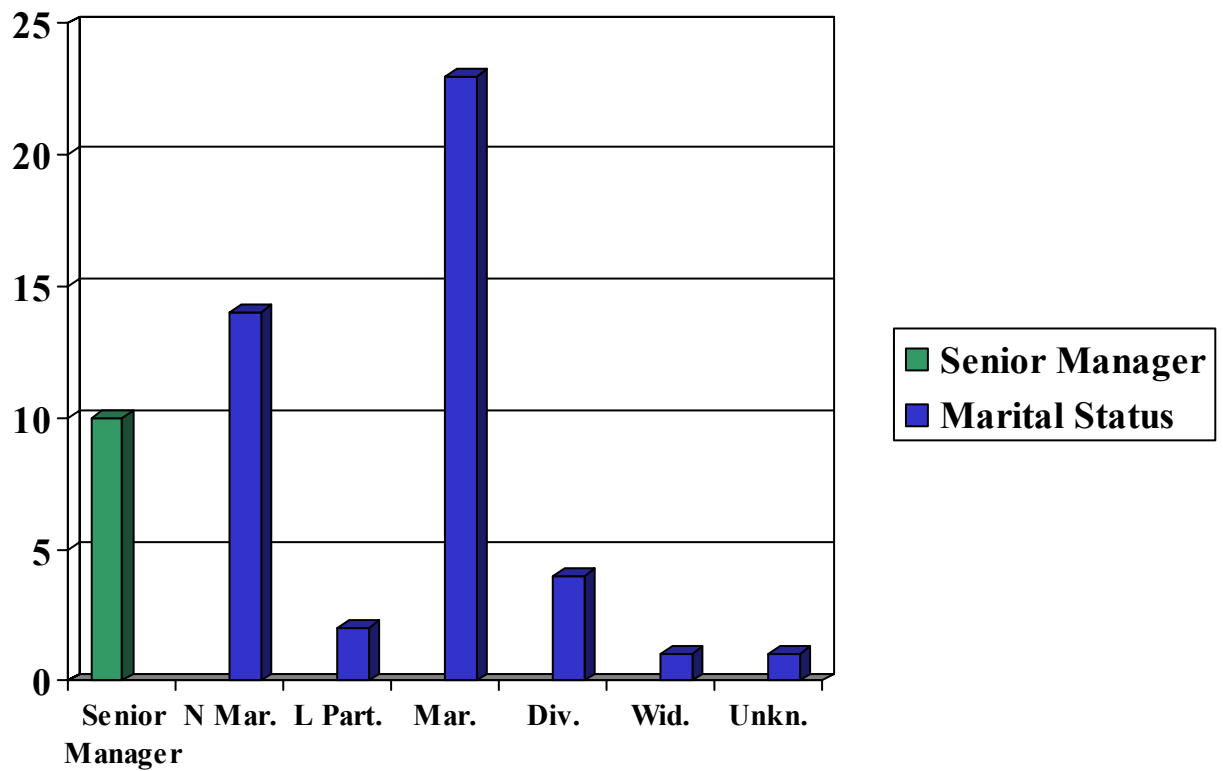


Figure 11: Organizational level (senior manager), age and gender of harasser

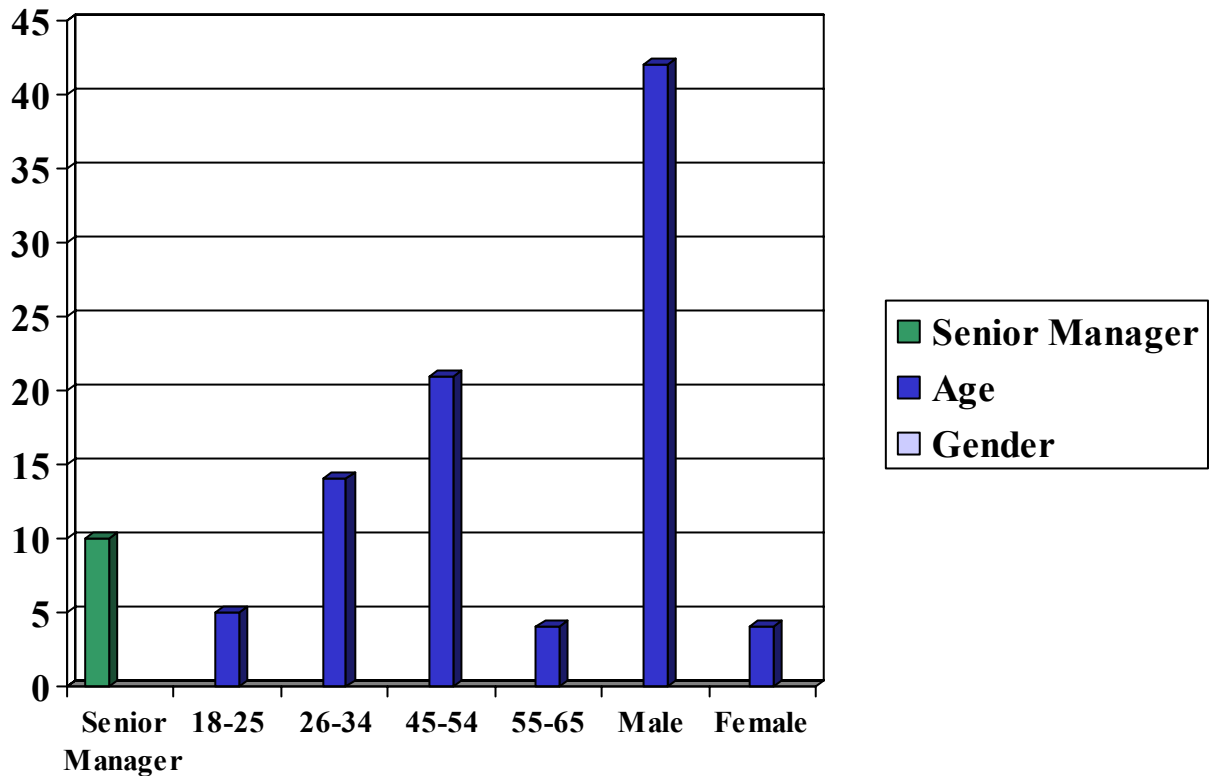


Figure 12: Organizational level (senior manager) and marital status of the harasser.

In both categories investigated, i.e. supervisors and senior managers, the evidence showed the harasser to be male, married and between the age of 35 and 44 years. This correlates with the age group of the victim, i.e. 26–44, and seems to confirm the suggestion that this is the age of sexual maturity. It could further suggest that the harasser, being mostly male, sees himself as being virile and wanting to prove his attractiveness to the opposite sex.

The fact that the majority of harassers were married could also be significant as a possible inference that may be drawn is that the harasser feels safe and protected by his being married, i.e. when confronted with sexual harassment he can use the argument, “why would I want to harass you, I am a happily married man”, thus

getting away with it. Trends on sexual harassment, i.e. when did it mostly happen, where, how many times and how long it lasted, can be found in Figures 13 – 14.

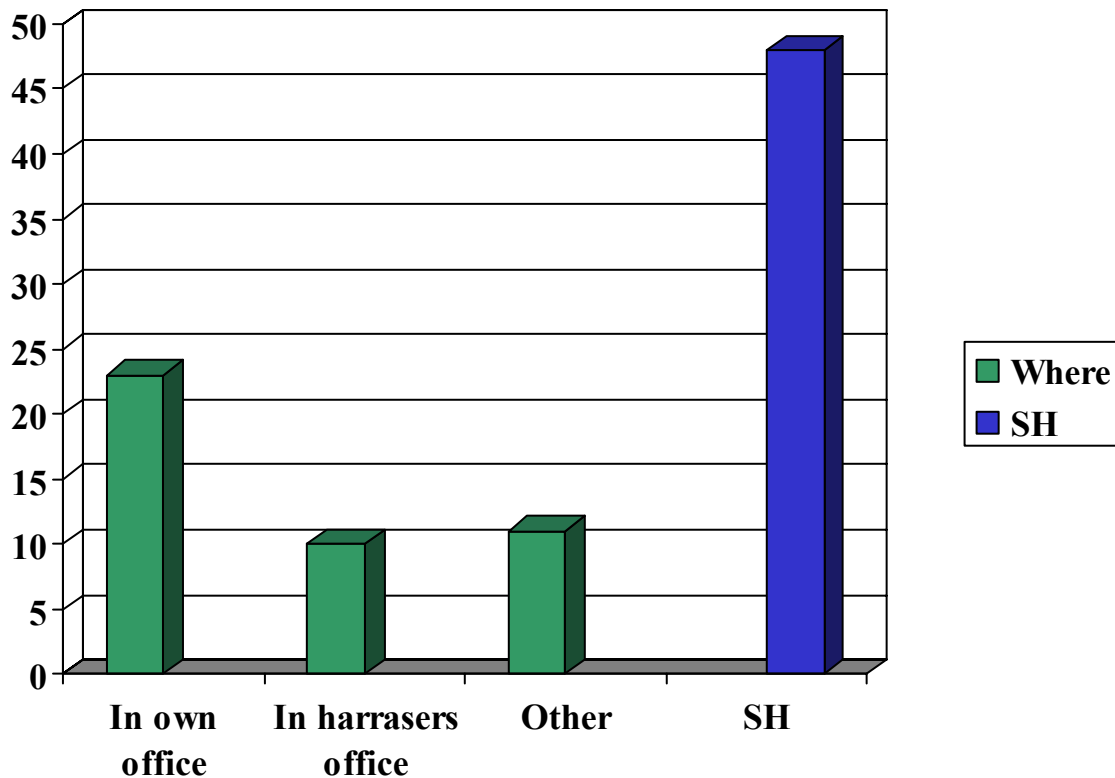


Figure 13: Where did sexual harassment mostly happen?

As can be seen in Figures 13 and 14, the sexual harassment mostly took place during working hours, in the victim's own office, and lasted longer than a month. A possible inference that may be drawn from this is that the harasser feels so comfortable with the organizational climate or culture that he does not view it as a risk to sexually harass in working hours. The fact that the sexual harassment took place mostly in the victim's own office is significant in that it reinforces the notion of power differences, i.e. the harasser has obvious power over the victim in that he is her immediate supervisor or senior manager.

The harasser's subjective power comes from the fact that he can come and sexually harass her firstly in her working environment, which should be a safe environment,

and secondly in her own personal space (her office). This evidence would support the notion that sexual harassment creates a hostile working environment.

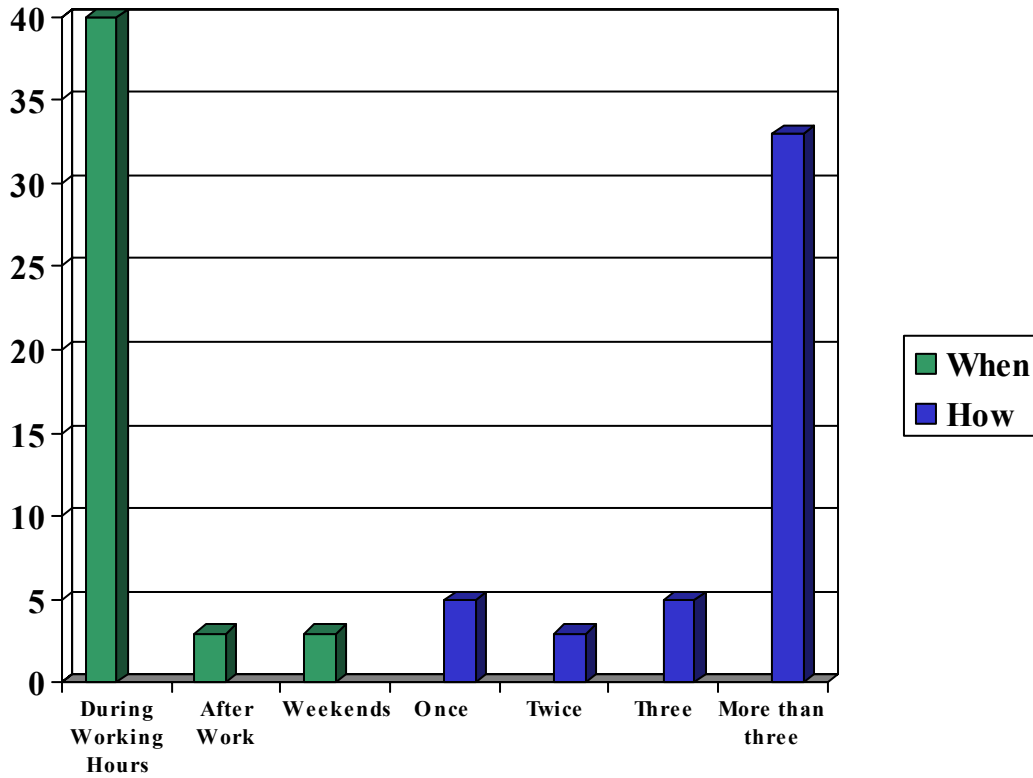


Figure 14: When and how many times?

Figure 15 shows a correlation between the duration of the sexual harassment and the victim's coping strategy.

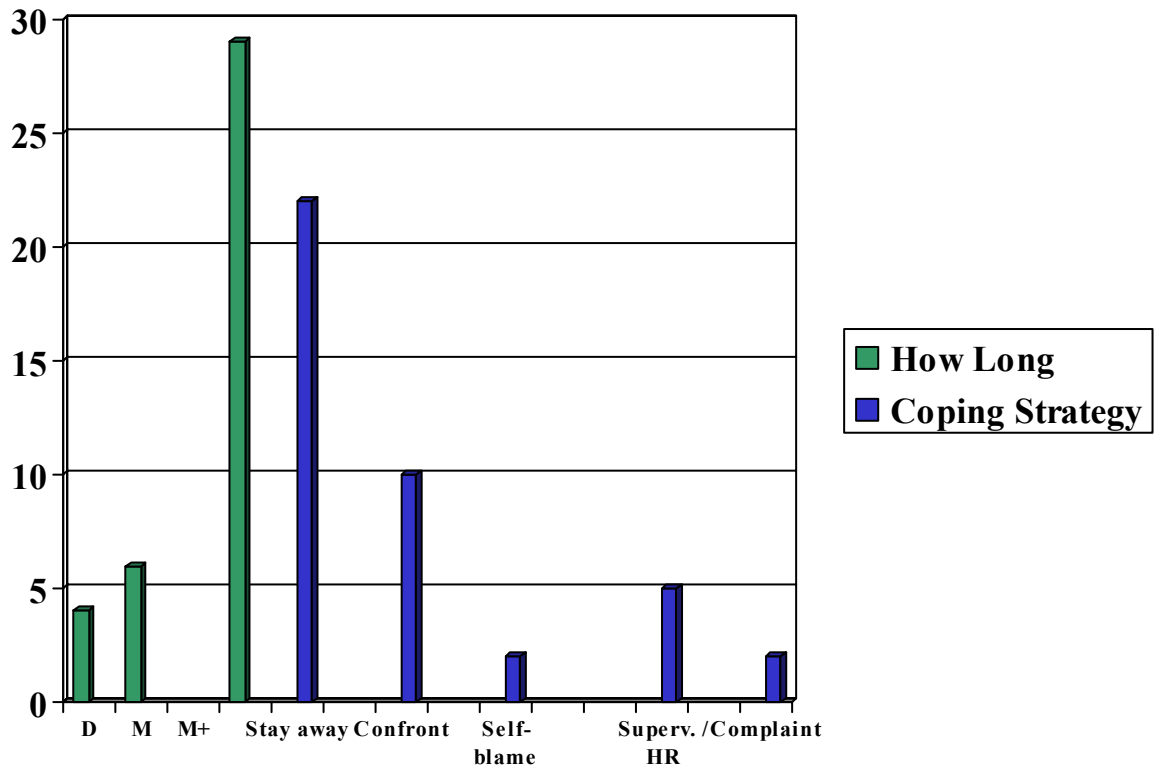


Figure 15: Duration of sexual harassment and coping strategy.

Figure 15 provides evidence that there was a correlation between sexual harassment and the coping strategy that the victim employed. The majority of cases reported that they stayed away from the harasser, hoping that it would stop if they stayed out of his way (N=22). Significant though is the fact that some respondents did tell the harasser to stop (N=10).

The inference that may be drawn here is that most respondents employed an “ostrich in the sand” approach, i.e. if I don’t acknowledge the problem it should go away. Staying away from the harasser was a rather timid strategy to use, which clearly did not influence his behaviour as the sexual harassment continued for more than a month.

2. Inferential Statistics

Inferential statistics is the second of two major statistical procedures, the other being descriptive statistics. Descriptive statistics do not seek to make an inference but merely provide a description of the sample data (Baley, 1978: 332).

Inferential statistics are used to infer the truth or falsity of a hypothesis and to reflect the inferences of the relationships between variables drawn about some characteristics in a sample population, based on evidence from a sample of observations from the population. It thus allows the researcher to reason from evidence found in the sample to conclusions being made about the population.

Inferential statistics used here are the Kruskal-Wallis One-Way Analysis of Variance or Independent Sample, and the Mann-Whitney U-test for two independent samples. Both are powerful non-parametric methods. Parametric methods used are the Student's T-test for two independent samples and One-way Analysis of Variance.

Inferential statistics were drawn on the six potential consequences or effects identified in the stress at work model compiled by Ivancevich & Matteson (1993). These include physical, subjective and psychological health effects, behavioural effects, cognitive effects and organizational effects.

Although it cannot with certainty be solely attributed to a person being sexually harassed, correlative relationships were found between the variables in these categories and sexual harassment.

2.1 Physical, subjective and psychological health effects:

Kendall's tau_b was used to determine whether correlations exist between sexual harassment and physical, subjective and psychological health effects. This test indicated that correlations did exist, which was confirmed by Spearman's rho. It further pointed to the existence of a linear relationship between being exposed to

sexual harassment and the following variables: neck pains and headaches ($p=0,05$), nausea, vomiting and headaches ($p=0,02$), anxiety, panic attacks, nervousness and backaches ($p=0,03$), deteriorating relationship with spouse and backaches ($p=0,50$), demotivation, decreased job satisfaction/morale and headaches ($p=0,05$), inability to make sound decisions and backaches ($p=0,03$), high blood pressure and neck pains ($p=0,04$), aggression and loss of temper and neck pains ($p=0,03$), nervous laughter and neck pains ($p=0,04$), depression and high blood pressure indicated a correlation ($p=0,05$), hysteria, paranoia and nausea and vomiting ($p=0,03$), mental blocks, forgetfulness and high blood pressure ($p=0,004$), poor performance, low productivity and high blood pressure ($p=0,003$), mental fatigue and poor concentration correlated significantly with high blood pressure ($p=0,003$), backaches and anxiety, panic attacks and nervousness ($p=0,03$), hysteria, paranoia and respiratory problems ($p=0,03$), excessive use of tranquilizers and respiratory problems ($p=0,002$), poor performance, low productivity and respiratory problems ($p=0,04$), short attention span and anxiety, panic attacks and nervousness ($p=0,04$), mental blocks, forgetfulness and aggression and loss of temper ($p=0,04$), alienation from and deteriorating relationships with co-workers and apathy ($p=0,4$), mental fatigue, poor concentration and feeling depressed ($p=0,05$), mental blocks, forgetfulness and being depressed ($p=0,04$), deteriorating relationship with spouse and feeling depressed ($p=0,03$), reduced organizational commitment and loyalty and feeling alone ($p=0,03$), uncontrollable weeping, fits of anger and insomnia ($p=0,04$), emotional outbursts and hysteria and paranoia ($p=0,02$), inability to make sound decisions and hysteria and paranoia ($p=0,03$), mental blocks, forgetfulness and insomnia ($p=0,02$), poor performance, low productivity and hysteria and paranoia ($p=0,04$).

Spearman's rho found correlations between only excessive use of tranquilizers and neck pains ($p=0,03$), increased absenteeism, late-coming and stomach pains ($p=0,06$), deteriorating relationship with spouse and stomach pains ($p=0,05$), deteriorating relationship with friends/family and neck pains ($p=0,05$), neck pains and high blood pressure ($p=0,04$), nausea and vomiting and hysteria and paranoia ($p=0,03$), poor performance, low productivity and anxiety, panic attacks and

nervousness ($p=0,03$) as also confirmed by Kendall's tau_b, neck pains and aggression and loss of temper ($p=0,03$), increased absenteeism, late coming and hysteria and paranoia ($p=0,03$), this was confirmed by Kendall's tau_b, insomnia and hysteria and paranoia ($p=0,04$), emotional outbursts and hysteria and paranoia ($p=0,01$).

2.2 Behavioural effects:

Kendall's tau_b, as confirmed by Spearman's rho, was used to determine if there was a relationship between being sexually harassed and behavioural effects on the victim. The data indicated significant correlations, as well as a linear relationship with the following variables: Short attention span and impulsive behaviour ($p=0,03$), increased absenteeism, late-coming and impulsive behaviour ($p=0,05$), neck pains and nervous laughter ($p=0,04$), deteriorating relationship with spouse and excessive use of tranquilizers ($p=0,01$).

Spearman's rho also provided evidence in this regard: Poor performance and low productivity and emotional outbursts ($p=0,008$), demotivation, decreased job satisfaction/morale and excessive eating ($p=0,04$), neck pains and excessive use of tranquilizers ($p=0,03$).

2.3 Cognitive effects:

Relationships, although small, were found by Kendall tau_b between sexual harassment cognitive effects: Poor performance, low productivity and inability to make sound decisions ($p=0,002$), poor performance and low productivity and mental fatigue and poor concentration ($p=0,01$), reduced organizational commitment and loyalty correlated with inability to make sound decisions ($p=0,03$), anxiety, panic attacks, nervousness and short attention span ($p=0,04$), alienation from and deteriorating relationships with co-workers correlated with short attention span ($p=0,04$), deteriorating relationship with spouse and short attention span ($p=0,04$), alienation from and deteriorating relationships with co-workers correlated with mental blocks and forgetfulness ($p=0,03$), alienation from and deteriorating

relationships with co-workers and poor performance and low productivity ($p=0,02$). All these correlations were confirmed by Spearman's rho.

The following correlations were exhibited by Spearman's rho only: Excessive smoking and use of alcohol and mental fatigue and poor concentration ($p=0,01$), hypersensitivity to criticism and inability to make sound decisions ($p=0,04$), poor performance, low productivity and hypersensitivity to criticism ($p=0,04$), high blood pressure, poor performance and low productivity ($p=0,06$), depressed and mental blocks and forgetfulness ($p=0,04$).

2.4 Organizational effects:

To determine if correlations exist between organizational effects and sexual harassment, Kendal tau_b was utilized. Correlations were found with the following variables: Apathy and alienation from and deteriorating relationships with co-workers ($p=0,04$), feeling alone and reduced organizational commitment and loyalty ($p=0,03$), inability to make sound decisions and reduced organizational commitment and loyalty ($p=0,03$), deteriorating relationship with friends and family and reduced organizational commitment and loyalty ($p=0,01$), coping strategy and alienation from and deteriorating relationship with co-workers ($p=0,03$), impulsive behaviour and increased absenteeism and late-coming ($p=0,05$), hysteria, paranoia and increased absenteeism and late-coming ($p=0,02$), feeling depressed and deteriorating relationship with spouse ($p=0,03$), excessive use of tranquilizers and deteriorating relationship with spouse ($p=0,01$), short attention span and deteriorating relationship with spouse ($p=0,04$), coping strategy and alienation from and deteriorating relationship with co-workers ($p=0,03$), headaches and demotivation and decreased job satisfaction/morale ($p=0,05$).

Spearman's rho found a relationship between sexual harassment and the following variables: neck pains and deteriorating relationship with friends/family ($p=0,05$), excessive eating showed a correlation with and demotivation and decreased job satisfaction/morale ($p=0,04$), apathy and alienation form and deteriorating

relationships with co-workers ($p=0,04$), anxiety, panic attacks and nervousness correlated significantly with poor performance and low productivity ($p=0,03$), hysteria and paranoia and poor performance and low productivity ($p=0,04$), hypersensitivity to criticism and poor performance and low productivity ($p=0,04$), feeling alone and reduced organizational commitment and loyalty ($p=0,04$), excessive eating and alienation from and deteriorating relationships with co-workers ($p=0,05$), backaches and deteriorating relationship with spouse ($p=0,05$), stomach pains also correlated with deteriorating relationship with spouse ($p=0,05$), hysteria and paranoia showed a relationship with increased absenteeism and late-coming ($p=0,03$), mental blocks, forgetfulness and poor performance and low productivity ($p=0,02$).

Statistical analysis of the data indicated that a relationship does exist between sexual harassment and all the categories mentioned in the Stress and Work Model, thus confirming the H1 hypothesis that sexual harassment affects the physical and emotional well-being of an employee.

3. Correlational Statistics

Correlational statistics were also calculated between the six questions in interval form. The results of the Bravais-Pearson Product Moment Correlation are presented in Table 9.

Table 9: Bravais-Pearson Product Moment Correlation: Interval data

		Detrimental effect on physical and emotional well-being	Negative effect on productivity	Creates a hostile working environment
Detrimental effect on physical and emotional well-being	Pearson Correlation Sig. (2-tailed) Sum of Squares and Cross-products Covariance N	1 .000 55.896 .532 106	.760 .000 46.286 .445 105	.657 .000 37.286 .359 105
Negative effect on productivity	Pearson Correlation Sig. (2-tailed) Sum of Squares and Cross-products Covariance N	.760 .000 46.286 .445 105	1 .000 66.514 .640 105	.772 .000 47.750 .464 104
Creates a hostile working environment	Pearson Correlation Sig. (2-tailed) Sum of Squares and Cross-products Covariance N	.657 .000 37.286 .359 105	.772 .000 47.750 .464 104	1 .000 57.848 .556 105
Detrimental effect on physical & psychological health	Pearson Correlation Sig. (2-tailed) Sum of Squares and Cross-products Covariance N	.774 .000 44.615 .433 104	.748 .000 48.786 .478 103	.714 .000 43.476 .426 103
Experience & show of symptoms of stress	Pearson Correlation Sig. (2-tailed) Sum of Squares and Cross-products Covariance N	.581 .000 38.415 .366 106	.674 .000 48.486 .466 105	.550 .000 36.981 .356 105
Put up with harassment out of fear of losing job	Pearson Correlation Sig. (2-tailed) Sum of Squares and Cross-products Covariance N	.521 .000 38.038 .369 104	.580 .000 46.049 .451 105	.493 .000 36.981 .356 103

(* P< 0,05).

It is quite obvious that the six interval questions correlate positively ($r=0$) and significantly with each other ($p < 0,05$).

Table 10: Detrimental effect on physical and emotional well-being

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly disagree	1	.7	1.0	.9
Disagree				
Unsure	9	6.2	1.9	9.4
Agree	39	26.7	8.6	46.2
Strongly agree	57	39.0	36.8	100.0
Total	106	72.6	100.0	
Missing system	40	27.4		
Total	146	100.0		

The frequencies of responses with regard to the six interval questions were also calculated. These frequencies are presented in Tables 10 -15.

Table 11: Negative effect on productivity

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly disagree	1	.7	1.0	1.0
Disagree	2	1.4	1.9	2.9
Unsure	9	6.2	8.6	11.4
Agree	38	26.0	36.2	47.6
Strongly agree	55	37.7	52.4	100.0
Total	105	71.9	100.0	
Missing system	41	28.1		
Total	146	100.0		

Table 12: Creates a hostile working environment

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly disagree	1	.7	1.0	1.0
Disagree	1	.7	1.0	1.9
Unsure	7	4.8	6.7	8.6
Agree	38	26.0	36.2	44.8
Strongly agree	58	39.7	55.2	100.0
Total				
Missing system	105	71.9	100.0	
Total	41	28.1		
	146	100.0		

Table 13: Detrimental effect on physical and psychological well-being

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly disagree	1	.7	.9	.9
Disagree	1	.7	.9	1.9
Unsure	12	8.2	11.3	13.2
Agree	40	27.4	37.7	50.9
Strongly agree	52	35.6	49.1	100.0
Total				
Missing system	106	72.6	100.0	
Total	40	27.4		
	146	100.0		

Table 14: Experience and show symptoms of stress

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly disagree	3	2.1	2.8	2.8
Disagree	2	1.4	1.8	4.6
Unsure	10	6.8	9.2	13.8
Agree	41	28.1	37.6	51.4
Strongly agree	53	36.3	48.6	100.0
Total				
Missing system	109	74.7	100.0	
Total	37	25.3		
	146	100.0		

Table 15: Put up with harassment out of fear of losing job

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly disagree	3	2.1	2.8	2.8
Disagree	5	3.4	4.7	7.5
Unsure	16	11.0	15.0	22.4
Agree	39	26.7	36.4	58.9
Strongly agree	44	30.1	41.1	100.0
Total				
Missing system	107	73.3	100.0	
Total	39	26.7		
	146	100.0		

A global view of these frequency tables confirmed the inference drawn from the value of the mean scores (see descriptive statistics) that the respondents overwhelmingly strongly agreed on the six statements.

Table 16: Descriptive statistics

	Mean		Std.	Variance
	Statistic	Std. Error	Statistic	Statistic
Detrimental effect on physical and emotional well-being.	4.4245	.07087	.72962	.532
Negative effect on productivity.	4.3714	.07805	.79973	.640
Creates a hostile working environment.	4.4381	.07278	.74581	.556
Detrimental effect on physical & psychological health.	4.3302	.07668	.78947	.623
Experience & show of symptoms of stress.	4.2752	.08731	.91157	.831
Put up with harassment out of fear of losing job.	4.0841	.09678	1.00115	1.002

Evident from the data is the suggestion that the distribution is not normal. It is skewed to the left (negatively skewed) as the values of the skewness are all $< 0,0$. As regards the kurtosis, the peache is leptokurtic as the values of the kurtosis are all $> 0,263$. The Mean scores revolve around a value of 4, which is an indication that the respondents (N=76) are in strong agreement with the six (6) statements. Owing to the large values of the Standard Error of the Mean, the results cannot be generalized to the population from which the sample was drawn.

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Annexure A

Dear Participant

A number of forces today, are instrumental in reshaping the nature of South African organizations. One of these forces is sexual harassment.

Sexual harassment is very expensive and potentially damaging to both the workplace and the individual being harassed. At the very least, it causes low morale that consequently decreases productivity, as angry humiliated employees, living in fear of continued harassment, are incapable of performing well.

You have been identified to participate in this study by way of a random sample. The purpose of this questionnaire is twofold, i.e. firstly to determine if Sexual Harassment exists in the Public Service and if so, to establish profiles and trends.

It would be highly appreciated if you could spare a few minutes to complete the attached questionnaire as we value your opinion. To ensure confidentiality, you are requested not to write your name or surname on any part of this questionnaire.

Once information has been obtained, analysed and interpreted, a written report will be drawn up stating the problem, as well as recommendations as to the way forward in terms of capacity building programmes and initiatives.

I would like to take this opportunity to thank you for your time and for sharing your experiences with us.

Regards,

Leonore Neethling

Section A: Biographical information

This section pertains to you, the person completing the questionnaire. It requires only biographical information about you in order to make comparisons. No confidential information that can identify you are requested.

Nominal data**Age**

18-25	1
26-34	2
35-44	3
45-54	4
55-65	5

No of years in Public Service

0-5	1
6-10	2
11-16	3
17 or more	4

No of years in specific job

0-5	1
6-10	2
11-16	3
17 or more	4

Organizational level

HRM Practitioner	1
HRD Practitioner	2
Junior Manager	3
Middle Manager	4
Senior Manager	5

Marital status

Never married	1
Life partner	2
Married	3
Divorced	4
Widowed	5

Educational Level

Primary School	1
High School	2
University / Technical qualification (diploma / degree)	3
University / Technikon (Higher diploma / degree).	4

Section B: Sexual harassment**Nominal data****1. Have you ever been sexually harassed at work?**

Yes	1
No	2

2. Who was the harasser?

Co-worker	1
Immediate supervisor	2
Other person on immediate supervisor's level	3
Junior management	4
Middle Management	5
Senior Management	6
Member of public or other organization	7
Customer	8
Service Provider	9
Other (please specify)	10

3. Marital status of harasser

Never married	1
Life partner	2
Married	3
Divorced	4
Widowed	5

4. Age of harasser

18-25	1
26-34	2
35-44	3
45-54	4
55-65	5

5. Gender of harasser

Male	1
Female	2

6. When did it happen?

ring working hours	1
After workings hours (evenings)	2
Weekends	3
Other (please specify) _____.	4

7. Where did it happen?

In own office	1
In the harasser's office	2
Other (please specify) _____.	3

8. How many times did it happen?

Once	1
Twice	2
Three times	3
More than three times	4

9. How long did the harassment last

A day	1
A week	2
A month	3
More than a month	4
Other (please specify) _____.	5

10. What form did the harassing behaviour take?**Physical Harassment****Please mark all the choices that are applicable to you.**

Touching (clothing, hair or any part of the body)	1
Stroking	2
Grabbing	3
Kissing	4
Preventing exit from a room / office	5
Pressures for sexual favours	6
Other (please specify) _____.	7

Verbal harassment

Please mark all the choices that are applicable to you.

Suggestive remarks	1
Persistent requests for dates	2
Sexual innuendo	3
Name –calling	4
Playing sexually suggestive games with your name	5
Asking questions about your private life, sexual habits or your partner's sexual practices	6
Suggestive comments about your appearance	7
Sexual or sexist jokes or comments	8

Gestural harassment

Please mark all the choices that are applicable to you.

Nods	1
Winks	2
Gestures with the hands, fingers, legs or arms	3

Written or graphic harassment

Please mark all the choices that are applicable to you.

Unwanted love letters, poems, faxes, e-mails and other communications of a sexual or sexist nature.	1
Graffiti, pin-ups, suggestive literature or unwanted gifts	2
Exposure to pornographic pictures	3

Ordinal data**11. Effects of sexual harassment****Physical health effects**

Please rank in order of importance with 1 being the most important and 7 being the least important.

Headaches	1
Backaches	2
Neck pains	3
Stomach pains	4
High blood pressure	5
Nausea and vomiting	6
Respiratory problems	7

Psychological health effects

Please rank in order of importance with 1 being the most important and 9 being the least important.

Anxiety, Panic attacks and Nervousness	1
Aggression and loss of temper	2
Apathy	3
Depression	4
Feeling alone	5
Sleeping problems (insomnia)	6
Hysteria and Paranoia	7
Uncontrollable weeping or fits of anger	8

Behavioural effects

Please rank in order of importance with 1 being the most important and 7 being the least important.

Accident proneness	1
Emotional outbursts	2
Excessive eating	3
Excessive smoking and use of alcohol	4
Impulsive behaviour	5
Nervous laughter	6
Excessive use of tranquilizers, sleeping pills or anti-depressants	7

Cognitive effects

Please rank in order of importance with 1 being the most important and 5 being the least important.

Inability to make sound decisions	1
Mental fatigue and poor concentration	2
Short attention span	3
Hypersensitivity to criticism	4
Mental blocks and forgetfulness	5

Organizational effects

Please rank in order of importance with 1 being the most important and 7 being the least important.

Poor performance and low productivity	1
Alienation from and deteriorating relationships with co-workers	2
Reduced organizational commitment and loyalty.	3
Increased absenteeism and late coming	4
Deteriorating relationships with spouse or life partner	5

Demotivation, decreased job satisfaction and morale	6
Deteriorating relationship with friend and family	7

11. Coping strategy

Please mark category applicable to you

Stayed away from harasser	1
Told him to stop	2
Told myself it was not important	3
Assumed he meant well	4
Made an excuse so he would leave me alone	5
Blamed myself	6
Talked to a supervisor, a union representative or a person in the HR section	7
Tried to forget about it	8
Made a formal complaint	9
Put up with it	10
Resigned or requested a transfer	11
Other (please specify) _____.	12

Interval data

12. Being exposed to sexual harassment has a detrimental effect on the physical and emotional well-being of the victim.

Strongly disagree	Disagree	Unsure	Agree	Strongly agree
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13. Being exposed to sexual harassment has a negative effect on the productivity of the victim.

Strongly disagree	Disagree	Unsure	Agree	Strongly agree
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14. Being exposed to sexual harassment creates a hostile working environment for the victim.

Strongly disagree	Disagree	Unsure	Agree	Strongly agree
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15. Being exposed to sexual harassment has a detrimental effect on an employee's physical and psychological health.

Strongly disagree	Disagree	Unsure	Agree	Strongly agree
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16. Being exposed to sexual harassment causes an employee to experience and show symptoms of stress.

Strongly disagree	Disagree	Unsure	Agree	Strongly agree
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17. Employees who are being exposed to sexual harassment put up with it out of fear of losing their jobs.

Strongly disagree	Disagree	Unsure	Agree	Strongly agree
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