



Sexual Harassment at Workplace

KEYWORDS

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INTRODUCTION

In earlier days, women had quiet and passive attitude at their workplace since very few women stepped out for jobs. But now the Indian economy heads towards a double-digit growth where women have surpassed men in the area of employment with a 3.35 % increase in employment between 1998 and 2004, **Associated Chambers of Commerce and Industry (ASSOCHAM)** - Women Employment Growth Rate and Gender. Statistics reveal that almost 40% of business school graduates are women, 38% of all businesses in America are owned and operated by women, 25% of doctors and lawyers are female while 43% of all students in any medical or law school are females.

But with all the factual growth of women, the workplace bias and discrimination still cripple them from reaching the standards they deserve. Workplace discrimination happens when an employee suffers an unfair or unfavorable treatment on the basis of race, gender, religion, caste, nationality and so on. It is evident that most of the problems of working women are rooted in the social perspective of the women position. Traditionally men are seen as the bread winner and women as the house-keepers, child bearers. This type-cast role model continues to pull down women from reaching heights. So at the basic level a change is required in the attitudes of the employers, policy makers, family members and the public at large because many of the biggest workplace challenges faced by today's super women still revolve around gender. In most cases there is always *disparity in wages* between men and women. The inbuilt conviction that women are capable of less work than men or less efficient than men governs this injustice of unequal salaries and wages for the same job. Technological advancement results in retrenchment of women employees. Most of the problems of working women are rooted in the social perspective of the women position in India.

Why do women still earn less than men holding the same job? Will the glass ceiling ever be reached or for that matter shattered? Is a balance between family and career attainable? What will it take to establish a work environment where gender is a non-issue? So many factors have dominated the women's workforce for many decades. Over the years, even though women have long yearned to be in the workplace, some of their choices have not come without disappointment. In United Nations according to the concept of Glass Ceiling, there is hardly any society where women are at par with men. An **USA government-funded group**, stated that "Over half of all Master's degrees are now awarded to women, yet 95% of senior-level managers, of the top Fortune 1000 industrial and 500 service companies are men. These figures prominently shows that there is gender bias in the work place even in a world super power country

So what is Sexual Harassment? UNWELCOME is the key in defining it. It is termed as "Eve-teasing" in India and is described as 'unwelcome sexual gesture or behaviour whether directly or indirectly as sexually coloured remarks; physical contact and advances; showing pornography; a demand or request for sexual favours; any other unwelcome physical, verbal/non-verbal conduct being sexual in nature'. Sexual Harassment at work is an extension of violence against women in everyday life and is discriminatory, exploitative, thriving in atmosphere of threat, terror and reprisal. The issue is of concern for both women and the employers as studies show that sexual harassment touches lives of nearly 40-60% of working women. Several studies have already indicated sexual harassment as a factor in professional and personal decline employees in the any industry particularly in media and hotel industry.

CONCEPTS – LEGAL DEFINITION

In India, it has been only six years since sexual harassment was for the first time recognised by The Supreme Court. **The Supreme Court** defined sexual harassment very clearly as well as provided guidelines for employers to redress and prevent sexual harassment at workplace.

According to The Supreme Court definition, sexual harassment is any unwelcome sexually determined behaviour, like

- Physical contact
- A demand or request for sexual favours
- Sexually coloured remarks
- Showing pornography
- Any other physical, verbal or non-verbal conduct of a sexual nature.

The mandatory guidelines is given by Apex Court, known as **Vishaka Guidelines**, for resolution and prevention of sexual harassment enjoining employers by holding them responsible for providing safe work environment for employees especially for women but the issue still remains under carpets for most women and employers. Vishaka guidelines apply to both organized and unorganized work sectors and to all employees whether working part time, on contract or in voluntary/honorary capacity.

Sexual Harassment takes place if a person:

When he/she subjects another individual to an unwelcome act of physical intimacy like grabbing, brushing, touching, pinching etc.

Putforths an unwelcome demand or request or sexual favours from another person, and further makes it a condition for employment/payment of wages/increment/promotion etc.

Unwelcomed remark with sexual connotations, like sexually explicit compliments/cracking loud jokes with sexual connotations/ making sexist remarks etc.

When the harasser shows a person any sexually explicit visual material, in the form of pictures/cartoons/pin-ups/calendars/screen savers on computers/any offensive written material/pornographic e-mails, etc.

Engages in any other unwelcome conduct of a sexual nature, which could be verbal, or even non-verbal, like starting to make the other person uncomfortable, making offensive gestures, kissing sounds, etc.

TYPES OF HARASSMENT

Sexual harassment at workplace is generally classified into two different types.

'Quid pro quo'- seeking sexual favors or advances in exchange for work benefits. When there is a consent to sexually explicit behaviour is a condition for employment or refusal to the 'request' resulting in action such as dismissal, demotion, difficult work conditions.

'Hostile working environment' – this is more pervasive form of harassment where the work conditions or behaviour that make the work 'hostile' for the woman or the man to be in. For example, sexist remarks, display of pornography or sexist/obscene graffiti, physical contact/brushing against female employees.

These are brief summations of each type given by **Dzeich and Truida Prekel**

Power-player – the legal term is "quid pro quo" harassment, these harassers ask for sexual favors in exchange for benefits they can provide like getting or keeping a job, favorable appraisals, recommendations, projects, promotion, orders, and other types of opportunities.

Mother/Father Figure (a.k.a. The Counselor-Helper) - Here the harassers try to create mentor-like relationships with their targets by masking their sexual intentions by pretending towards personal, professional, or academic attention.

One-of-the-Gang – Here the harassers act individually in order to belong or impress the others or groups may gang up on a particular target.

Serial Harasser - they carefully build up an image so that people would find it hard to believe they would do anyone any harm. They strike the victims in private so that it is their word against that of their victims.

Opportunist – He / she uses physical settings and circumstances to cover the premeditated or intentional sexual behavior towards targets. This often involves in changing the environment in order to minimize inhibitory effects of the workplace or school or taking advantage of physical tasks to 'accidentally' grope a target.

Bully – here the physical threats is used to frighten and separate two who would be lovers who willfully are engaging with each other. The intent of the harasser can be due to a range of reasons such as jealousy, racism, or their own hidden sexual agendas.

Confidante - Harassers of this type approach subordinates, or students, as equals or friends, sharing about their own life experiences and difficulties to gain trust. Soon these relationships move into an intimate domain.

Situational Harasser – Here the harassing begins when the harasser endures a traumatic event or experiencing very stressful life situations, such as psychological or medical problems, marital problems, or divorce. So the harassment stops if the situation changes or the pressures are removed.

Pest - This is the exact stereotypical "won't take 'no' for an answer" harasser who persists a target for attention even after numerous rejections.

Great Gallant - here mostly it is verbal harassment involving excessive compliments and comments focusing on appearance and gender embarrassing to the recipient. These comments are often accompanied by leering looks.

Intellectual Seducer – This happens mainly in educational settings, here they harass using their knowledge and skills to gain access to students, or information about students, for sexual purposes.

Incompetent – The perpetrators are socially inept individuals who want the attentions of their targets, who do not reciprocate the feelings. They display a sense of entitlement where they believe that their targets should feel flattered by their attentions.

Stalking - Persistent following, contacting or observing an individual, sometimes motivated by what the stalker believes to be love, or sexual obsession, or by anger and hostility.

Unintentional - Acts or comments of a sexual nature but not intended to harass can also constitute sexual harassment if another person feels uncomfortable with such subjects.

Age, Designation and Marital status do not exclude people from being harassers or being harassed. In many cases, alcohol reduces inhibitions and people who normally would not harass become harassers and also in certain sexual harassment is also be linked to self-esteem problems on the side of the perpetrator, causing a need to "prove himself".

CAUSES

The causes of sexual harassment vary from individual to individual and also varies according to situation. The causes are interrelated, and it is linked to the culture and values in society. And in companies it is related to the roles, relative power and status of the concerned men and women. Below are the main causes given by **Truida Prekel**

Socialisation

The way in which both men and women were brought up to understand themselves in relation with others strongly influences their attitude and behaviour. In a culture where it is "OK" to discriminate or bias people based on their gender, race, culture, religion, lifestyle, political conviction and so on, the power abuse that is typical of sexual harassment will not be unusual. The harassment is closely linked to prejudice in general and also to sexist attitudes.

It is a societal defined duty for women is that their highest calling is to please men and that gaining good name through obedience and service with men equals success. In also certain cases women also sexuality as their main power base, play along. Even though the research has proved that only a minority of women does this but this also encourage harassment of other women.

If women see themselves as dependent on, or of lesser value than men, or are unassertive, they find it difficult to handle harassers or to complain. Often women who are breadwinners are vulnerable and fear victimisation or even job loss, if they reject advances or complain.

Power games

There is a huge change in power relationships due to the shift in social and political areas. Threatened by the career advancement, newfound independence and assertiveness at home and at work of their female co worker or people of colour the harasser uses the gained power to discriminate the victims by regarding it as their entitlement or fringe benefits. In times of uncertainty, fear, limited promotion opportunities, retrenchments, personal stress and pressure on performance sexual harassment and trading of sexual favours forms the part of the power games played.

Aggressiveness or bravado

When men are in groups, they behave differently from how they would when they are as individuals. This explains the concept of "gang harassment" that occurs when a woman enters the situation or working area. But when they are alone these men are "harmless", or less bold.

Lack of company policy

Many companies don't have clearly defined policies and complaint process and disciplinary procedures to handle this issue. But in certain industries even if they have them, they do not implement them. In a research 76% of the women respondents said they had been harassed at work even if their companies had relevant policies. Women often leave their job rather than complain since it is not taken as a serious issue and dismissed as joke. If the victims end up being blamed, the perpetrator or the harasser directly or indirectly is encouraged to continue with his/her pattern of harassment resulting in more victims.

SEXUAL HARASSMENT AND HOSPITAL INDUSTRY

The Hospitality industries require close association with clients, which leaves both the party vulnerable to sexual harassment. Sexual harassment is a critical issue in any industry. However, it is very vulnerable particularly in hospitality industry because of the nature of the service it provides which requires close interaction with clients.

Woods and Kavanaugh (1994) found that more than 80 % of men and women perceive gender discrimination and sexual harassment in the workplace as an ongoing problem. Through their 49 - question survey to 1,550 hospitality managers, all of whom had earned a bachelor or master's degree from hospitality management programs within the preceding seven years where 58% of the respondents were women, they found that in many cases the reasons why most women graduates left the hospitality industry was due to gender discrimination or sexual harassment. Sexual harassment is the creation of an intimidating, hostile, or offensive work environment. Repeatedly staring provocatively and colour jokes or remarks are also considered as sexual harassment.

Woods in 1992 conducted a study on the frequency of sexual harassment occurred in the hospitality industry. "Nearly one - fourth of both female and male respondents agreed with the statement: 'Most women in my field have been subjected to sexual harassment at work'. Many recent researches on gender issues in employment in the hospitality industry reveals that "there is rapid rise of sexual violation in the hospitality field"

The Human Rights Commission in New Zealand's first study of sexual harassment in the hospitality industry conducted by Neil Lunt and Carl Davidson of No Doubt Research for the HRC. "One of the consequences of considering harassment a part of working in hospitality is that some staff normalise harassment behaviour and dealing with it becomes their responsibility," Mr Lunt says. Almost all the Hotel staff taking part in the survey reported dealing with various forms of harassment from colleagues and customers in informal ways ranging from laughing it off to leaving their jobs. Others who experienced harassment had reported it to the employer and the harasser was subsequently relieved from duty though it is not an option when the harasser is the boss.

"Various arguments have been put forward as to why the hospitality industry makes workers more vulnerable to sexual harassment," Mr. Davidson said. "Among them are that odd working hours blur the lines between work and social interaction, that restaurants and hotels are not as structured as offices or factories and that there is inherent ambiguity in the hotel industry where service and servitude are part of the job."

A study on hotel industry workers in New Zealand, **the Human Rights commission** concluded that:

- 31% of New Zealand women report that they have been sexually harassed
- 13% of New Zealand men report that they have been sexually harassed.
- And that 19% of sexual harassment complaints received by the Human

Rights Commission were from workers in the hospitality industry

In another study the **Cornell Quarterly**, February 1994, reports that 64% of female managers in the hospitality industry state they have been sexually harassed at work. Ninety percent report that sex discrimination and harassment occurs on a frequent basis. Over 30% (30.9%) of the female respondents stated they have been sexually harassed by a customer, manager or co-worker 42.4%. **Cornell Quarterly** concluded that "Management and owners have to do a better job of informing their employees of the restaurants sexual harassment policies. One way that restaurant owners and managers can limit their liability in sexual harassment lawsuits is to take reasonable precautions by issuing a policy prohibiting sexual harassment, establishing grievance procedures, establish a procedure for corroborating a change and establish discipline for violations".

CONCLUSION

The biggest assets of a company are its employees. The workforce and management, or basically the employees, of any company are essentially the ones running it. Good workplace health practice for their employees is always a big concern for all companies, no matter what industry they are in. Sexual harassment can occur in a various circumstances. Often, but not always, the harasser holds the

power and authority over the victim. The harasser can be anyone like a client, a co-worker, a teacher or professor, a student, a friend, or a stranger. The victim does not have to be the person directly harassed but he or she can be anyone who finds the harasser's behavior offensive and is affected by it. The victim can be any gender. The harasser can be any gender. A workplace that is safe and gives importance to health does not just gain healthier employees but they actually gain more.

REFERENCE

1. Alexander, B.H., Franklin, G.M., and Wolf, M.E. (1994): The Sexual assault of women at work in Washington State, 1980-1989, *American Journal of Public Health*, 84, 4, 640-642 | | 2. Argrusa, J. F., Coats, W., Tanner, J., and Leong, J. S. L. L. (2002): Hong Kong and New Orleans: A comparative study of perceptions of restaurant employees on sexual harassment. *International Journal of Hospitality and Tourism Administration*, 3, 3, 19-31 | | 3. Aron, T., and Dry, E. (1992): Sexual harassment in the hospitality industry. *The Cornell Hotel and Restaurant Administration Quarterly*, 33, 3, 93-95 | | 4. Dansky B., and Kilpatrick, D. (1997): Effects of sexual harassment. In: O'Donahue, W. (Ed.): *Sexual Harassment: Theory, Research, and Treatment* (pp. 152-174); Boston, MA: Allyn and Bacon | | 5. European Commission (1998): *Sexual Harassment in the Workplace in the European Union*. Brussels: European Commission | | 6. Folgero, I.S., and Fjeldstad, I.H. (1995): On duty – off guard: cultural norms and sexual harassment in service organizations. *Organization Studies*, 16, 299-313 | | 7. Gilbert, D., Guerrier, Y., and Guy, J. (1998): Sexual harassment issues in the hospitality industry. *International Journal of Contemporary Hospitality Management*, 10, 2, 48-53 | | 8. Giuffre, P.A., and Williams, C.L. (1994): Boundary lines: labelling sexual harassment in restaurants. *Gender and Society*, 8, 378-401 | | 9. Guerrier, Y., and Adib, A.S. (2000): 'No, we don't provide that service': the harassment of hotel employees by customers. *Work, Employment and Society*, 14, 689-705 |