

SEXUAL HARASSMENT AT WORKPLACE: MYTH, REALITY OR JUST A PERCEPTION

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INTRODUCTION

The concept of sexual harassment in Malaysia is of recent origin but the behavior in the workplace is not a recent phenomenon. While the evidence of sexual harassment type behavior could be traced throughout the history of the nation, yet it remained as a silent or hidden as a social issue until mid 1990's. In fact, the history of sexual harassment occurred in our country way back in 1950's (Nor Affizar, 2001) whereby female rubber estate workers from the Panavan Karupiah in Sitiawan and a Klang estate went on strike in protest against sexual harassment in the plantations and demanded an end to the problem.

Based on numerous incidences of sexual harassment at workplace (Rahaiza, 1999; Letchumanan, 1997; Yusri, 2001; Ahmad Fawzi, 1999; Ainul Asniera, 2001; Alina, 1997; Asiah, 1990; Sabitha, 1999, 2000, 2001,2002, Cecelia, 2002; "Enam kes gangguan seksual"1998; "Ex-bank manager", 2000; "Gangguan seksual oleh Bos", 1995; Khairunnisa, 1997; Kamisah, 1999, Joint Action Group, 2000; Kartini, 1993; Laila & Shyfuldin, 2000), women groups have come forward, suggesting that action should be taken against sexual harassment (Nor Affizar, 2001). Today, due to government's effort, the issue of sexual harassment has found its place in the Sixth and Seventh Malaysia Plan. Under the Ministry of National Unity and Social Development, a National Action Plan has been drawn up to conduct training and awareness program to help women understand the issue of sexual harassment. In 1999 the Minister of Human Resource launched the Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace. The message of the Code is clear, that is sexual harassment violates a person's dignity and safety, thus it must be prevented and eradicated.

SEXUAL HARASSMENT BEHAVIORS

According to the Code of Practice on The Prevention and Eradication of Sexual Harassment in The Workplace (Workshop on Code of Practice, 1999), sexual harassment as outlined by the Ministry of Human Resources is "any unwanted conduct of a sexual nature having effect of verbal, non verbal, visual, psychological or physical harassment:

- i. That might, on reasonable grounds, be perceived by the recipient as placing a condition of a sexual nature on her/his employment;
or
- ii. That might, on reasonable grounds, be perceived by the recipient as an offence or humiliation, or a threat to her/his well being, but has no direct to her/his employment."

According to the Code of Practice, sexual harassment is divided into two categories, that is sexual coercion and sexual annoyance. Sexual coercion is sexual harassment that results in some direct consequence to the victim's employment. That is sexual harassment occurs when decisions on hiring, firing, promotion, and salary are based on employees submission to sexual demands. If the demands are rejected and the employee suffers adverse job consequences as a result, the employer has engaged in an illegal sexual discrimination and is strictly liable for quid pro quo sexual harassment. Meanwhile, sexual annoyance is sexually-related conduct that is offensive, hostile or intimidating to the recipient, but nonetheless has no direct link to any job benefit

(Workshop on Code of Practice, 1999). This is actually much more difficult to define due to its subjective nature.

This is similar to the definition made by Equal Employment Opportunity Commission in America, whereby behaviors that create a 'hostile' environment, that makes it difficult for people to do their job are also defined as sexual harassment. Thus, repeated sexual advances by a co-worker may constitute harassment because they create an environment in which it is difficult for the individual to work.

In relation to the definition of sexual harassment itself, a wide range of behavior is identified by many workers as harassment, which includes physical, verbal, non verbal and visual. According to a number of research that were conducted among administrators (Sabitha, 1999, 2000; Mahmood et al., 2002), management and support staff in organization (Sabitha, 2001; Sharifah, 2001), students in higher learning institutions (Sabitha, 1999) and factory workers (Mazlinda, 1999/2000), it was found that the following items are perceived as sexual harassment in our country:

1. Touching of the intimate parts of the body;
2. Touching of the non-intimate parts of the body or hand, etc;
3. Patting;
4. Kisses;
5. Hugs;
6. Pinching;
7. Brushing up your body;
8. Stands close to you in a way that makes you uncomfortable;
9. Acting in over familiar behavior;
10. Comments on appearance to make you look more attractive in the workplace;
11. Pressure for dates for example drinks, dinners etc;
12. Asks to stay late and work late with him/her when there is no work to do;
13. Give intimate gifts for example night gaunt, lingerie and alike;
14. Starring or excessive eye contact or suggestive looks;
15. Leering/ogling/cornering;
16. Sexual jokes, stories or language;
17. Pinups, display, circulation, pictures, cartoons, stories or pornography of sexually suggestive materials;
18. Sexual remarks about cloth;
19. Sexual remarks about the body;
20. Sexual remarks about sexual practices;
21. Demands for favors with threats or mistreatments;
22. Implied reward or better treatment for sexual cooperation;
23. Sexual letters;
24. Sexual telephone calls;
25. Whistling and making cat calls (making sound);
26. Sexually suggestive displays of pictures, break time games in the computer;
27. Not dressed according to the normal dress code as stated by the organization or out of the norm;
28. Made reference to your sex life and personal life;
29. Tried to force you physically into having sexual intercourse;
30. Tried to force you verbally into having sexual intercourse;
31. Treated differently because you are a woman/man, mistreated, slighted, or ignored;
32. Sexist remarks or put you down because of your sex, e.g. suggesting that women or men are too emotional or chauvinist;
33. Subjecting someone to insults or ridicule because of their sex;
34. Making sexually suggestive gestures;

35. Told jokes or had conversations about women which you found offensive to women;
36. Told jokes or had conversations about men which you found offensive to women;
37. Made offensive sexual remarks about self to others;
38. Co-worker spread sexual rumors about yourself to others;
39. Made it necessary to respond positively to sexual or social invitations in order to be well-treated;
40. Target of sexual innuendos;
41. Using words in a patronizing way, for example, “sexy”, “sweetie”, “darling”;
42. One employee alleging another employee who got a raise, promotion or better job assignment because the other woman /man and the boss were intimate;
43. Male co-worker refusing to listen to her work-related ideas or suggestions seriously; and
44. An employee commenting on her morality.

INCIDENCE OF SEXUAL HARASSMENT

Looking at the cases that have been reported in the media, it shows that sexual harassment is rampant at workplace. A series of studies conducted by the writer (Sabitha, 1999a; Sabitha, 2000b; Sabitha, 2000c; Sabitha, 2000d; Sabitha 2000e; Sabitha, 2001b; Sabitha 2002a; Sabitha, 2002c) and other researchers (Cecelia, 2000; Mahmood, 2000, 2001; Mazlinda, 1999/2000; Sharifah, 2001) also reveal that a large number of workers are victims of sexual harassment at work. One of the studies indicated that, 83.1% men and 87.8% women has faced some form of sexual harassment at the workplace (Sabitha, 2002c). Although survey showed that almost all the victims are women and the harassers are men, but men and women both are equally at risk of being harassed at workplace (Sabitha, 1998; Badriyah, 1988).

Meanwhile other studies also showed (Sabitha, 1999b, Sabitha, 2000b) that harassment could occur at any level of organization, although harassment by a supervisor is viewed as more serious than by a co-worker. In terms of incidence it was found that co-workers are by large the harasser and not the boss as it was always assumed (Bargh & Raymond, 1995; Sabitha, 20001).

MYTHS OF SEXUAL HARASSMENT

Although sexual harassment happen to men and women, but generally it is assumed that sexual harassment only happens to women (Fitzgerald, 1993, Fritz, 1989). Hence several general assumptions about women and sexual harassment are that (Gutek, et al., 1996; Jones, Dougherty et al., 1996; Remland, 1992; Gruber & Smith, 1995; Landis, 1996; Workman & Johnson, 1991):

a. Women ask for it

Victims being accused of having “invited” the harassment by their behaviour. This defense is known as “blaming the victim”. A woman’s neither behaviour nor dressing gives any individual the right to abuse her.

b. Women say No but mean Yes

Sexual harassers claim that women secretly like the attention they receive from the sexual harassment. Harassment usually continues or escalates when the victim gives no positive or negative response.

c. Women Lie

Accused harassers often argue that women lie about sexual harassment in order to get men they dislike in trouble, although women knows the difficulties in trying to raise the issue of sexual harassment.

d. Women did not fight so she wanted it

If the victim did not report the behavior because of fear of losing her job, retaliation, etc., harassers argue that women have liked their behavior, otherwise they would have objected it.

The above arguments have been used by the harassers to put the blame on the victims. Hence when undertaking an investigation, we need to assess our own attitudes and perception so that we can deal with the investigation rationally and objectively. At the end of the day, it is the harasser's word against the victims, unless there were witnesses at the particular incident. Unless the organization has a clear policy or grievance procedure, sexual victims are unlikely to state their case for they are afraid of being retaliated.

PERCEPTION OF SEXUAL HARASSMENT BEHAVIOURS

One major problem in dealing with sexual harassment in organizations is its perceptual nature (Linenberger, 1983; Popovich, Gehlauf, Jolton, Somers, and Godinho, 1992). Other than that men and women generally differ in what they perceive to be sexual harassment (Baird et al., 1995; Baker et al., 1990; Hendrix et al., 1998; Katz, Hannon & Whitten, 1996). What is dispelled by one as sexual harassment is likely to be considered as an incident by the other. Since sexual harassment is in the eye of the receiver, hence sometimes it is mentioned as a crime of perception.

Hence it seems that if behavior is not perceived as harassment then it is not harassment. This confusion is understandable because, there are definitions of sexual harassment that stipulate that the sexually harassing behavior must be rejected before it is considered to be sexually harassing. In order to reject the behavior, it must be first recognized. Such interpretations are clearly incorrect. This apparent loophole in some definitions does not diminish the impact of the behavior, which was sexually harassing regardless of the semantics employed in the definition. Thus, the unnamed should not be taken for the nonexistent (MacKinnon, 1979).

In my survey (Sabitha, 2000) among 102 respondents (61 men and 41 women) in two government departments in Penang and Perlis, showed that 83.1% of men and 87.8% of the women had said they experienced at least one form of sexual harassment. However, only 5.2% of the male respondents compared to 30% of the female respondents labeled the incident as sexual harassment. I found that most employees do not know what sexual harassment means, nor are they knowledgeable of the various forms of sexual harassment. In fact my interviewees, both men and women, asked us to explain to them what sexual harassment meant.

Part of the difficulty with sexual harassment is achieving consensus about what behaviors constitute harassment. Applied sociologist recognizes that this difficulty is in part due to cultural conflict resting on the fact that men and women tend to attach different meanings to some behaviors. Although most men and women agree that demanding sexual favors as a condition of employment or promotion is wrong, many research in the past found that men's and women's perceptions indeed differ (Collins & Blodgett, 1981; Gervasio & Ruckdeschel, 1992; Gutek, Morasch & Cohen, 1983; Kanekar & Dhir, 1993; Kenig & Ryan, 1986; Mazer & Perceival, 1989; Saal, Johnson, & Weber, 1989).

Further, research showed that, many men see such behaviors as relatively harmless and claim they would even be flattered if they were the recipients of such actions by coworkers. Most women, by contrast, find such behaviors insulting, offensive, and even frightening when an economically or socially vulnerable woman sees an implied threat in the advance. Therefore, such behaviors do create a hostile atmosphere in many women's minds.

In an exemplary study conducted by Abbey (1982), it was found that males interacting with females perceived the female's behavior as more flirtatious than those females perceived their own

behavior. Moreover, the tendency for males to perceive greater sexual interest in a female's communication behaviors extends to the observer's perspective (Shortlad & Craig, 1989). These findings indicate that males attach greater sexuality to friendly communication from females, other research reveals that females see sexual messages at work as more problematic than do males.

Similarly during my interview with women surveyed in one of the public agencies in Kedah, regarding their perception towards sexual harassment by men, commented that 'they just don't get it'. In other words, men fail to understand why women find such behaviors offensive, demeaning, and maybe even frightening. Meanwhile the men commented that women did not show any sign that they 'did not like it'.

The differences in perception might be due to the threshold towards sexual harassment. According to Saal, Johnson and Weber (1989), they postulated that males have a lower 'threshold' than females in interpreting friendly behavior as sexual. This means that as women's interpersonal behavior varies on a continuum ranging from unfriendly and distant to friendly and outgoing, men are quicker than women to label increasingly friendly behavior as sexy or sexually motivated.

The threshold phenomenon may apply to Abbey and Melby's (1986) work. Based on the hypothesis that males and females will have diverse perceptions of sexual intent due to nonverbal cues. Abbey and Melby (1986) studied the stimulus effects of three non-verbal cues: touch, eye contact, and interpersonal distance. As had been assumed, 1) male and female responses differed sharply along gender lines in their perceptions of behavior, and 2) males rated the female target higher on sexual traits than females did. In all the studies, males perceived the target as flirtatious, sexy, and more seductive than did the women. Also, in the distance and eye-contact studies, males saw the target as more promiscuous and they were more sexually attracted to her than were the females to male targets. In sum, males tended to see more sexuality in females than women did, and this occurred with minimum of cues; also they tended to misinterpret women's friendliness as an indication of sexual interest.

Further Tannen (1990) also conducted research on the communication patterns of men and women. She found that males and females employ different methods to communicate; and, that often times problems occur because males and females do not understand the messages being conveyed by the opposite sex. Tannen denoted that women need to learn to be more direct in articulating messages and more explicit in expressing to men what is unacceptable behavior. More important, though she stressed that men need to improve their ability to decode females' nonverbal cues, that they need to understand that just because a woman does not verbally say "NO!" to advances does not mean she consents to continued actions.

Further, according to Booth-Butterfield (1989), males seem to learn to ignore much of what they hear and require the communicator to prove the "value" of what is being said before they actually listen. This translates into the workplace, suggests Booth-Butterfield, where men may not be aware of emotional messages from their peers. Male employers may not listen for subtle feelings, not hearing hurt and frustration until much damage has occurred in the relationship. Similarly, Gutek's (1985) findings revealed that men seem less sure than women whether or not an incident is sexual harassment and they are less likely than women to label any sexual harassment incident at work as sexual harassment.

Meanwhile Tannen's (1990) explanation for gender role differences in perceptions is that childhood socialization standard influence how and whether or not we accept certain sexual behaviors. Specifically she relates that males are taught to be aggressive and to "take charge" and taught to communicate to effect results. Females, on the other hand, are taught to communicate to affect results, to be passive, nonassertive and polite – to communicate to be accepted and liked. Or, stated more emphatically that "men are generally socialized to be sexual initiators, and women as limit setters" (Semonsky & Rosenfeld, 1994). Such behaviors carry over into adulthood and far too often males, in particular, do not realize and/or accept that being aggressive and manipulative to

acquire sexual favors is an invasion of the recipient's privacy as well as a violation of his/her civil rights.

In sum among the reasons for the differences in perception between men and women are first, females are more condemning of organizational romances than males (Kenig & Ryan, 1986; Powell, 1986). In addition, more females than males view sexual harassment as a serious social problem (Loy & Stewart, 1984; Tangri et al., 1982). Third, females express less tolerance for harassing behaviors than do males (Margolin, 1990; McKinney, 1990; Tangri et al., 1982) and are more likely to judge social sexual situations as harassing (Gutek & Dunwoody, 1987; 1980; Kenig & Ryan, 1986, Pryor & Day, 1988; Valentine French & Radtke, 1989). Finally, whereas females attribute greater responsibility for harassing episodes to the initiator of sexual communication (Valentine French & Radtke, 1989) males are more likely than females to explain a woman's experience with sexual harassment as a natural part of the workplace or as a result of something the woman may have done (Jensen & Gutek, 1982; Kenig & Ryan, 1986, Summers & Myklebust, 1992). These findings suggest that female's perception regarding sexual communication at work both less desirable and more harassing than do males.

SHOULD SEXUAL HARASSMENT BE ELIMINATED

Every organization should work towards zero tolerance sexual harassment at workplace. This is because sexual harassment has been found to cause employees to face stress at work. Organizational stress has been defined as the uncomfortable feelings derived from forces found in the workplace that an individual experiences when he or she is forced to deviate from normal or desired patterns of functioning (Summers, DeNisi, & DeCotiis, 1989). It has caused workers to feel uncomfortable and to engage in adaptive behaviors that have costly consequences to organizations (Nazura, 2000; Noor Hazani, 2002). In fact according to Brown (Stockdale, 1996) individuals who are sexually harassed are exposed to and undergo multiple abnormal stressors.

Sexual harassment also will cause additional problems related to organizational relationships. Organizations, which have high rates of sexual harassment, also have high rates of racial harassment, discrimination, and other forms of unfair treatment (Sandroff, 1992). This finding indicates that companies, which tolerate sexual harassment, tend to have personnel problems in general.

One of the most disturbing consequences of sexual harassment is the human impact, with devastating short and long-term physical and psychological consequences (Gosselin, 1986, Mahmood et al., 2001). Many victims suffer detrimental physical and psychosocial effects ranging from sickness, anger, anxiety, tiredness, fear, sleep problems, weight loss, relationship problems, depression and loss of confidence, to nervous breakdown (Earnshaw and Davidson, 1994; Wright & Bean, 1993). Not surprisingly, the victim's relationship with others (particularly other man – if the harasser was a man) can also be adversely affected (Gutek, 1985). Further also affecting the general attitude towards work in terms of lowered motivation, decreased job satisfaction (Mat Lazim, 1999) lowered confidence to do the job and lowered organizational commitment (Jensen & Gutek, 1982; Loy & Stewart, 1984; Mahmood et al., 2000; 2001).

Sexual harassment also has economic cost to the organization. In 1988, Working Women magazine surveyed 160 of the Fortune 500 manufacturing and service companies in the US, representing 3.3 million employees (Sandroff, 1992) and found an average company loss of \$6.7 million a year in decreased productivity, increased absenteeism and higher employee turnover caused by sexual harassment. It was indicated that the U.S. Army could have purchased seventy eight Black Hawk helicopters with the direct and indirect financial resources expended on sexual harassment in 1994 (Harris & Firestone & 1999). Despite these tangible financial or economic costs, the 'real' or underlying cost to organizations and human suffering may be immeasurable (Koss, 1990).

COMBATING THE PROBLEMS

As has been discussed earlier, sexual harassment is a particularly troublesome type of job discrimination. Some people contend that it involves the “normal” social interaction between the sexes and are resistant to change their behavior that has been ingrained through the years. Because such resistance is not a defense to a charge of sexual harassment, an organization must find ways to deal with it effectively and efficiently.

The elimination of sexual harassment means recognizing the need to give respect and dignity to individual. Sexual harassment is violence against individual; it violates human rights and prevents individual enjoyment of their fundamental freedom. Therefore, sexual harassment is not a private matter but a social issue that demands organizational and national concern and action.

Hence, the goals of the elimination of sexual harassment is to promote changes in both men’s and women’s knowledge, attitudes and behavior to achieve a harmonious and equal partnership between men and women, and to enable individual to achieve their full creative potential. Further it is also to enable both men and women to understand the importance of joint and shared responsibilities, as it encourages them to feel responsible towards the need to eliminate sexual harassment and violence against women in general.

Thus persuading management to adopt a policy on sexual harassment at work is a crucial aspect of any campaign against sexual harassment (Thacker, 1992; Hulin et al., 1996). Unless management accepts sexual harassment as a legitimate issue for management action, it will trigger arguments whether each and every complaint should be taken up as a genuine grievance. A management policy statement removes the issue from being seen as a problem between individuals and clearly identifies sexual harassment as an effort to achieve equal opportunities and safe working conditions for all workers.

Since victims fail to label their experiences as sexual harassment, this brings us again to the problem of definition of sexual harassment. We recognize that what one person regards as sexual harassment another may see as inoffensive. Nonetheless a working definition is essential and, in my view it must clearly convey that sexual harassment constitutes actions, which are deliberate, persistent, unreciprocated and unwelcome. These may include, but are not limited to, verbal threats or abuse, sexual mockery or innuendo, non accidental touching, sexual assault, suggestions that sexual favors are a condition of retention of jobs or of promotion, etc., and the display of sexually offensive or pornographic material in the workplace.

Further, staff at all levels needs to be made aware that such actions are not acceptable. Managers, in particular as well as setting a good example themselves should be ready to act promptly to deal with complaints of sexual harassment. In this respect, it is obviously important and necessary that those whose behaviors are complained of should receive a clear indication that their attentions are unwanted and unwelcome. The complainant may well feel intimidated and may need support from a friend, sympathetic colleague, management or welfare officer in drawing attention to the matter. Thus, all staff should be assured they could proceed, if necessary, with a formal complaint without fear of subsequent victimization. The procedures for making a complaint should be clearly laid down and made known to all staff.

Further the policy statement should be publicized throughout the workplace. It is unlikely to be implemented, unless workers and management understand and support its contents (Savery, 1985). Adequate training must accompany the introduction of the policy and supports its content and be continued at regular intervals afterwards. Sexual harassment at work cannot be dealt with by simply telling people it is unacceptable. Any training program must offer an opportunity for workers and management to examine their own sexist attitudes and recognize behavior, which discriminates women or men. Hence the content of the training scheme should stress the reasons for

tackling sexual harassment, the procedures for taking up cases, and the approach of both management and victims to the issue.

CONCLUSION

Combating sexual harassment means putting together a policy and procedure that works, a task that is not easy because of the uniqueness of the phenomenon. But it is not impossible because organizations that are serious about sexual harassment are reporting great success in rooting it out through effective and comprehensive programs. The matter must be approached seriously and with a firm resolve or any undertaking will be doomed to failure. Thus success requires action to prevent and remedy sexual harassment, as well as to train the entire workforce on the various aspects of the issue.

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