

Sexual Harassment In The Work Place: A Literature Review

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ABSTRACT

Sexual Harassment (SH) is one of the challenging human resource management problems in the work environment. It usually has a great impact on individuals and affects the image and profitability of the organisations. It can be classified into two; the quid pro quo and hostile environment sexual harassment. Apart from its effect on the victim's psychological, economic, and physical stability which influences their ability to work effectively, it also causes incalculable harm to their families.

Although the majority of sexual harassment complaints come from women, the number of complaints filed by men is swiftly increasing. In order to mitigate SH in the Ghanaian work environment, clearer policies and laws should be formulated and enacted so that perpetrators and victims alike will know what constitutes SH, and the corresponding punishments. Both employer and employees have a role to play to curb its effect; while the onus lies on employers to draw SH policies, employees must acquaint themselves with it, and discourage the act immediately it starts.

This paper discusses sexual harassment in the work environment from the literature review perspective and provides an in depth review of the issue from different countries and institutions. It also examines some trends in the issue, and explores some causes of SH in Ghana. In addition, the paper provides precautionary measures that can be adopted by both victims and organisations to curb the menace and enhance stability and growth in organisations.

BACKGROUND

Sexual Harassment (SH) is one of the most pressing problems in the work environment. It usually has a great impact on individuals and affects the image

and profitability of organisations. Also, it can occur in different situations and can take many forms. Although SH is an age-old dilemma, it is an emerging issue in Human Resource Management (HRM) that presents a great challenge to a reasonable number of organisations the world over. For the purposes of this paper, the work environment is defined as: "Anywhere one is legally or officially working to earn a living" or "anywhere one is practicing his or her profession."

Apart from its devastating effect on the victims' emotional stability, SH also impacts greatly on their ability to work effectively. It exacerbates the economic conditions of victims and damages their ability to achieve equality with their fellow employees (Minnesota Advocates for Human Rights, 2003). The British Psychological Society (2008), Salisbury et al., 1986; Bartell and Robin, 1990, identified a variety of devastating effects of SH including emotional, psychological, occupational and physical which affect a large number of employees in workplaces around the world.

The numerous consequences emphasize why sexual harassment is not only a serious problem but a legal issue and a serious offence in almost every country. It is illegal; a violation of human rights and a prohibited form of violence against the dignity of humankind. In fact, SH in the workplace is a punishable offence under Title VII of the US Civil Rights Act of 1964 (Englander, 1992). In Ghana, the behaviour is equally unacceptable and is punishable by law.

Faley et al. (1999), in commenting on the effects of SH explained that, it costs organisations hundreds of millions of dollars per year in lost productivity and decreased efficiency. The British Psychological Society also explains that, a United States survey

research has bolstered the view that harassment is a serious problem in the work environment and that it represents cost to businesses.

Whilst historically SH begun in 1964 when the US Congress attached seriousness to the issue; passed Title VII of the Civil Rights Act, and also created the Equal Employment Opportunity Commission (EEOC), Constance Jones, in her book *Sexual Harassment*, traces incidents of SH back to the 1830s when increased numbers of women began working in the textile mills in New England. She noted that printers in Boston conducted a campaign of intimidation to force women out of their jobs in that industry in 1835. Back then, there was no term to describe this course of action; the term "sexual harassment" was however coined by feminists in the 1960s.

It is interesting to note however that, today, SH is not about women alone because men are also sexually harassed at the workplace. Accordingly, the EEOC Fiscal Year Report (2007) indicates that, the number of complaints filed by men is rapidly increasing. According to Wamahiu and Chege, cited in Britwum and Anokye (2006), even though, SH is not limited to a particular sex, women tend to suffer from it more than men.

Although most people may not be aware of it, SH is extremely prevalent in the work environment, and it is among the most offensive and demeaning experiences an employee can undergo. It is regrettable to note that, in spite of its negative effects on the victims, their families as well as their organisations, most people do not fully understand the problem, its causes and consequences, as well as how it can be dealt with.

The problem of SH tends to be even more complex when past experiences discourage victims from reporting issues of harassment either because they are aware that no proper investigation would be conducted or that their confidentiality would not be guaranteed. The fact that perpetrators normally have so much power in the workplace makes it difficult for any action to be taken against them. This creates a great challenge for all involved.

According to the American Federation of Government Employees (AFGE), some simple behaviours like the abuse of familiarity such as the use of the words "honey", "baby", "sweetie", "darling" or "dear" in the work environment constitute SH. Regrettably, most employees are unaware of this and the few who know just ignore the consequences of their actions on victims. This suggests that the need for continuous education and awareness creation on SH is imperative. Combating SH is crucial and the legislature, employers, and employees must endeavour to discourage this undesirable behaviour.

The paper explores how various institutions define SH, identifies the types that exist, discusses various forms of SH at the work environment, some major causes and some trends in the issue through an extensive literature review. It also examines the legal and policy issues of SH and how technology is promoting SH in Ghana and abroad. The paper concludes with measures that can be adopted by both victims and organisations to address the problem.

SEXUAL HARASSMENT DEFINED

The definition of SH differs from country to country and from one institution to another and the seriousness attached to the offence determines the way it is defined. Many jurisdictions outside the United States have adopted their own definitions intended to cover essentially the same forms of undesirable conduct.

The EEOC, from whom most institutions and legislature draw their definitions, defines SH as: "Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when:

- i. submission to such conduct was made either explicitly or implicitly a term or condition of an individual's employment,
- ii. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual's employment, or
- lii. such conduct has the purpose or effect of unreasonably interfering with an individual's

work performance or creating an intimidating, hostile, or offensive working environment.”

In the United Kingdom, the Discrimination Act of 1975 was modified in 1986 to establish SH as a form of discrimination. It states that:

“Harassment occurs where there is unwanted conduct on the ground of a person's sex or unwanted conduct of a sexual nature and that conduct has the purpose or effect of violating a person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them. If an employer treats someone less favourably because they have rejected, or submitted to, either form of harassment described above, this is also harassment.”

Sexual harassment in India and Pakistan is termed "Eve Teasing" and is described as:

“Unwelcome sexual gesture or behaviour whether directly or indirectly such 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. The critical factor is the unwelcomeness of the behaviour, thereby making the impact of such actions on the recipient more relevant rather than intent of the perpetrator.”

In the Czech Republic, SH is explained as:

“An undesirable behaviour of a sexual nature at the workplace if such conduct is unwelcome, unsuitable or insulting, or if it can be justifiably perceived by the party concerned as a condition for decisions affecting the exercise of rights and obligations ensuring from labour relations.”

According to the Chartered Institute of Personnel and Development (CIPD) UK, SH is:

“Any unwanted behaviour that violates dignity or creates an intimidating, humiliating or offensive environment.”

Section 175 of the Ghana Labour Act, 2003 (Act 651) defines SH as:

“Any unwelcome, offensive or importunate (persistent) sexual advances or request made by an employer or superior officer or a co-worker to a worker, whether the worker is a man or woman.”

The above definitions of the EEOC, the United Kingdom, India, Pakistan, the Czech Republic and Ghana, are clear and detailed. They plainly state what kind of behaviour denotes SH, its effect on the victim as well as their work. This makes it easy for all concerned to understand the meaning of the term, and to easily identify perpetrators. This may probably mean that those who drafted those definitions attach much value to the issue.

The CIPD's definition on the other hand, does not appear to be a solid definition of SH. When compared to the EEOC's definition for instance, it lacks some significant emphasis. In fact, it does not mention anything “sexual”; instead “dignity” is mentioned but that does not necessarily mean sexuality. This thus creates some confusion when people need to be charged with the offence under the law.

Similarly, the definition in Section 175 of the Ghana Labour Act, 2003 (Act 651) also raises some questions. Unlike the EEOC's, it does not mention the fact that SH can affect the employee's condition of employment, work performance, and can create a hostile or offensive work environment. The Act is also silent on punishment for the offence. These are important indicators and one would have thought it should be present in the definition because most organisations will formulate their harassment policies based on this provision since it is the Act that governs employer-employee relationships in Ghana.

In this same light, the Executive Director of the Justice and Human Rights Institute, Prof. Ken A. Attafua, at a day's training workshop organised in Accra by Commission on Human Rights and Administrative Justice (CHRAJ), on the topic “Prevention and Responding to Sexual Harassment in Ghana”, has called for the amendment of the law establishing the Commission on Human Rights and Administrative Justice (CHRAJ), Act 456, to explain

clearly what sexual harassment stands for. According to him, "there is no judicial definition of sexual harassment in the Ghanaian Constitution up to date, except for references to definitions in the United States Constitution and the Supreme Court of British Columbia. Hence, it would be helpful that any future amendment includes sexual harassment in order to erase any possible doubt about its illegality" (Daily Graphic, February 9, 2008).

In "Workplace Sexual Harassment in Singapore: The Legal Challenge", Lee (1999) quotes the definition of Fitzgerald and Alayne which states that:

"Sexual harassment involves the sexualization of a professional relationship; which frequently occurs in the context of an organisational power differential (e.g. supervisor-employee), although it can occur in the absence of one (e.g. hostile work environment). This consists of unwanted and unwelcome behaviour, both verbal and non-verbal in nature; and can be viewed along a continuum, from sexist remarks to non-verbal seductive gestures to sexual assault."

This explanation attempts to erase any ambiguity so that employees and management alike become conscious of their behaviour in the work environment.

This paper defines sexual harassment to include:

"Any form of unwanted advances or behaviour that is sexual in nature or requests for sexual favours from either male or female superiors, subordinates or colleagues. This could take place either on a one-time basis or several times and can be physical, pictorial, or verbal, which any reasonable human being will find offensive, unpleasant, intimidating, stressful, uncomfortable or embarrassing and which interferes with or has the ability to affect an individual's job performance in the work environment."

TYPES OF SEXUAL HARASSMENT

There are two legally recognised types of SH as identified by the EEOC and they are *Quid Pro Quo* and *Hostile Environment*.

1. Quid Pro Quo sexual harassment (Latin word

meaning "this for that" or "something for something") is where an individual's submission to or rejection of sexual advances or conduct is used as a basis for employment decisions like, recommendations, promotion and other types of employment opportunities.

It can be described a "sexual bribery". An example is the exchanging of sexual favours for job benefits or the promise of salary increment after yielding to the sexual advances of the Managing Director. Thus, *quid pro quo* harassment can take the form of a threat example, "have sex with me or I won't give you your promotion," or offers for example, "if you have sex with me I can help you advance in your career or cancel your transfer". Normally this is a bargain in a tactful and crafty manner.

2. Hostile Environment sexual harassment occurs when an unwelcome sexual conduct has the effect of unreasonably interfering with job performance or creating an intimidating, hostile, or offensive working environment. To be precise, it involves creating an environment which makes the life of an employee uncomfortable, offensive, and unpleasant. This kind of harassment has the tendency of unduly interfering with an employee's work. It usually involves a pattern of repeated and unwelcome behaviours which is sexual in nature, such as constant requests for a date; and a shoulder or back rubs as well as actions that create a hostile or intimidating environment such as comments about a person's appearance or display of sexually explicit materials in and around a person's work environment.

It is very important to note that, the essential characteristic of SH is that; it is a behaviour that is unwanted by the recipient. As explained by The British Psychological Society, it is a problem which may be identified solely on the basis of the recipient's view and this renders it difficult to measure or prove. For instance, jokes which were not meant to give offence, or the habitual (perhaps unconscious) use of terms of endearment, constitute harassment only if the recipient finds them offensive and has said so.

As in the 1993 case of *Harris vs. Forklift Systems, Inc.* the Court stated that the plaintiff was not required to prove psychological trauma in order to have a valid claim of harassment. The two standards the court used to determine SH in this case was the "reasonable person" standard and the victim's feeling that he or she was abused.

In the "reasonable person" standard, if a reasonable person would find the conduct severe or pervasive enough to create a hostile or abusive environment, then SH has taken place. The second standard to be met was that the victim felt that the environment was abusive. The onus, therefore, lies on individuals to determine what behaviour is acceptable to them and what they regard as offensive. This presupposes that, people should respect others when they object to certain behaviours or jokes they find offensive.

It is important to emphasise that, SH laws and policies adopted at the international, national, and organisational levels are not meant to inhibit normal socialization at work or relationships based on mutual consent. Rather, these laws are aimed at distasteful conducts which serve as obstacles to the freedom and equal progression of employees in the work environment.

SOME TRENDS IN SEXUAL HARASSMENT

Although some literature on SH can be found in Africa, including Nigeria, South Africa, and Ghana, most research on SH in the work environment is concentrated in advanced countries. Below are some trends which have developed from countries and institutions that report extensively on the issue.

The European Women's Lobby reports that, between 40 and 50 percent of female employees have experienced some form of sexual harassment or unwanted sexual behaviour in the workplace. Another survey showed that 56.7% of women have been sexually harassed by their superiors, while 39.1% had been harassed by colleagues (Lee, 1999). The Equal Employment Opportunity Commission (EEOC) filings find that, in the USA, SH cases have more than doubled, from 6,127 in 1991 to 15,342 in 1996. In 1998, it moved up to 17,176 (Bohlander et al, 2001).

According to the Centre for Social Policy Studies (2001), although Ghanaian women generally are the frequent victims, single or unmarried women and men are very vulnerable to SH in the work environment. Most employees experience SH for the first time between ages 21 to 25 years. It also asserts that two-thirds of the perpetrators of SH in the workplace are males and about 68% of the male perpetrators are men who are married and are in influential positions within organisations. The second frequent male perpetrators happen to be married male peers or colleagues.

In Canada, a 1983 survey by the Canadian Human Rights Commission of 2,004 men and women found that 45% of women and 33% of men had experienced unwanted sexual attention. A recent Canadian poll found out that, 4 out of 10 women had encountered some form of SH at work, and 5 of 10 men admitted that they had said or done something that could be construed as sexual harassment (Busby, 2006). These buttress the surge in male sexual harassment.

In academia, victims of SH in most cases have been women; though to a lesser extent, men have also been the targets of harassment (Ladebo, 2003). It is speculated that, in academia, male lecturers tend to suffer SH more than female lecturers since most female students may want to receive favours from male lecturers.

A telephone poll conducted by Louis Harris and Associates on 782 United States workers and released in March 1994 revealed that, 31% of the female workers and 7% of the male workers reported that they had been harassed at work and 62% of the victims took no action. With regard to the harasser, 100% of women reported that the harasser was a man; 59% of men reported the harasser was a woman and 41% of the men reported that the harasser was another man. Of the women who had been harassed, 43% were harassed by a supervisor, 27% were harassed by employees senior to them, 19% were harassed by a co-worker at their level and 8% were harassed by junior employees.

While the majority of SH complaints come from

women, the number of men filing SH complaints is swiftly increasing. In 2004, over 15% of EEOC complaints were filed by men with 11% of claims involving men filing against female supervisors. A 2006 government study in the UK revealed that two out of five SH victims are males, with 8% percent of all SH complaints made to the Equal Opportunities Commission of Britain coming from men. In fact, cases filed by men made up 15.4% of the 12,025 SH charges in the year 2006, compared to 14.3% in 2005 and 11.6 percent a decade ago.

Fisher, as cited by Stanko and Schneider (1999), indicates that 90 percent of Fortune 500 companies have dealt with sexual harassment complaints. More than a third have been sued at least once, and about a quarter have been sued multiple times. About 90 percent of complaints about SH are filed by women against men. The remaining complaints are filed by men against women or are same-sex complaints.

In the year 2007, EEOC received 12,510 charges of SH. About 16 percent of those charges were filed by males. EEOC resolved 11,592 SH charges in that same year and recovered \$49.9 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

Sexual Harassment Support 2008 reports that, in reality, SH affects 40 to 60 percent of working women, with similar statistics for female students in colleges and universities. About 10 to 20 percent of men have experienced sexual harassment in the workplace and approximately 15,000 sexual harassment cases are brought to the Equal Employment Opportunity Commission (EEOC) each year. According to them, while women continue to be the majority of sexual harassment recipients, men do get harassed--by other men and by women. Currently, approximately 11% of EEOC claims involve men filing grievances against female supervisors. Also, increasing numbers of women are being sexually harassed by other women.

SH also takes place in high places. In 1994, the issue of sexual harassment became front-page news when

a federal lawsuit was filed against President Clinton claiming that he sexually harassed a woman in 1991 when he was a Governor and she was an employee of the State of Arkansas. The allegation was that the then Governor Clinton misused his authority in an effort to obtain sexual favours from a state employee. In the case of *Jones v. Clinton* 1997, the US Supreme Court decided that a civil law suit alleging sexual harassment could go forward during the presidency of the President of the United States and should not be delayed until his term in office ended.

The issue of SH has not received much attention in developing countries as compared to the developed world. Ladebo (2003) asserts that although the subject of sexual harassment evokes spontaneous reactions from people whenever and wherever it is mentioned, there is no legislation in Nigeria that explicitly penalises sexual harassment at work, including academic environments. According to him, SH is yet to be officially recognised as the violation of the rights of an individual in the workplace. Organisations and members view it as an employer-employee personal problem, which should be resolved between the parties concerned and not a single case of sexual harassment has been known to come before the Nigerian courts.

In Ghana, research findings indicate that about 74% of female employees and 42% of male employees experience SH within the work environment. Although SH is very prevalent in Ghana, a great majority of the victims do not formally report their experiences and about 95% of the cases go unreported (Andoh, 2001). It is, however, important to acknowledge that statistics do not give a complete picture of the pervasiveness of the problem as most SH situations go unreported (Dzeich and Weiner 1990, Boland 2002). In order to mitigate SH in Ghana bold policy and legal initiatives should be developed.

EXAMPLES OF SEXUAL HARASSMENT

Behaviours that constitute SH are varied and can be verbal, physical, or visual. **A Guide for members and representatives of the American Federation of Government Employees (AFGE)**, a labour

organisation which represents approximately 600,000 employees of the United States federal government and the government of the District of Columbia, gives useful examples of what might constitute SH.

Verbal Conduct that might constitute SH includes but is not limited to:

- Direct demand for sexual favours, or asking personal questions about one's sexual life
- Making kissing sounds, whistling, smacking, or other noises suggesting sex or cat calling
- Use of demeaning names such as "cutie", "Sugar", "Sweetie", "Honey", "Darling", "Hey baby", "Doll", "Babe", "Hunk", "Girl," or "Boy" (when referring to an adult), "Dear," "Pussycat," or "Broad," etc.
- Referring to men or women by their private body parts
- Telling sexually explicit jokes or stories, telling sexist jokes or stories, turning work discussions to sexual topics, or using sexual innuendoes during work discussions
- Telling lies or spreading rumours about a person's sex life, discussing sexual activities or sexual teasing
- Making lewd or suggestive comments regarding an employee's appearance (body, clothing, anatomy, or looks) or personal life
- Making sexual advances or repeated requests for dates even after recipient indicates that they are unwelcome, etc.

Physical Conduct that might constitute SH includes but is not limited to:

- Actual or attempted rape or sexual assault
- Touching or rubbing oneself sexually in front of another person
- Stalking or hanging around a person without legitimate reason
- Blocking, leaning over, intentionally brushing up against, or cornering a person
- Invading someone's personal space in a way that indicates a desire for sexual activity
- Giving personal gifts that are unsolicited
- Assault in retaliation of person refusing sexual advance
- Touching that is sexual in nature, such as

massaging, touching a person's clothing, hair or body, hugging, kissing, patting, stroking, grabbing, and pinching.

Visual Conduct that might constitute SH includes but is not limited to:

- Public displays of pornography
- Sexually suggestive graffiti or exploitive posters, pin-ups, calendars, cartoons, or magazine clippings
- Sending sexually explicit e-mail messages
- Viewing pornography via Internet in the work environment
- Leering, eyeballing, looking someone up and down, and staring at an individual or an individual's private body parts

SEXUAL HARASSMENT AND TECHNOLOGY

Today, an increasing number of employees are taking advantage of technology to assist them with their harassment. The most common abuse of current technology is sending sexually harassing messages or images through e-mail or a mobile phone. Occasionally, they forward sexually laden sites to fellow employees under a camouflaged name or heading which looks seemingly decent and working hours are sometimes used for this undesirable act.

Viewing pornographic sites which are visible and/or audible to other co-workers; who find it uncomfortable especially in an open-plan office situation is SH and abuse of technology. According to the AFGE, there are many creative abuses where for example, employees make photo-montage of their co-worker in the nude by downloading a nude photograph of a model off the internet and superimposing a photograph of the colleague's face in the place of the model's face. This represents a serious case of sexual harassment.

SOME CAUSES OF SEXUAL HARASSMENT

The causes of sexual harassment vary from person to person, situation to situation, and institution to institution. They include, but are not limited to the following:

- Ignorance and lack of knowledge on some

specific on-the-job behaviours that constitute sexual harassment under the law

- Lack of organisational policy on sexual harassment
- Sometimes, teamwork transcending professionalism
- Sheer lustfulness and "macho" beliefs like "real men pinch bottoms" and pester women
- Some women also believe their highest calling is to be popular with men or that "real women look sexy" so they turn to dress anyhow forgetting they may be perceived and treated "anyhow"
- Some women see sexuality as their only power base so they play along
- Power game - some men feel threatened by the career advancement of women and, therefore, decide to harass them
- Some people use sexual harassment attempts as humour or enjoy demeaning other people
- Other factors include poor moral values, marital problems, divorce, etc.

SOME CAUSES OF SEXUAL HARASSMENT IN THE GHANAIAN WORK PLACE

Ghana, as a developing country, faces serious unemployment problems. There are so many tertiary institutions that have produced a lot of graduates, who have to compete for the few vacancies in both the public and private sectors. This situation contributes to SH in the work environment because, unfortunately, some managers or employers have decided to make sex a condition for employment for qualified but desperate female employees. They sometimes will not employ women who refuse to succumb to their sexual advances. It is, therefore, not surprising that 68% of the perpetrators are in influential positions within organisations (Andoh, 2001).

Also, some of the women who manage to get the jobs without the initial sexual harassment are later pressurized to give in or quit their jobs. So the female employee has to contend with whether to stay on the job and put up with the intolerable sexual behaviours of her superior or to indeed quit the job a decision which is really stressful. Some employees have to contend with unfavourable performance

appraisal reports, unwarranted transfers, and sometimes unfair dismissals due to refusal to give in to the sexual demands of their superiors. Some men are also reported to go through this stressful situation.

Sometimes, married employees are pushed to accept sex-related conditions for employment. Meanwhile, giving in to these unwanted contacts and favours might lead to serious problems, including sex-related diseases and other complications. These sometimes make it difficult for the employees to maintain personal relationships outside the workplace

The Centre for Social Policy Studies (2001), asserts that, seeking for favours from especially members of the opposite sex also contributes to SH in the Ghanaian work environment. By looking for favours from others, one is placed at a somewhat subordinate level. Since power often plays an important role in the occurrence of SH, looking for favours creates opportunities for the individual giving the favour to come up with sex-related conditions that must be met on or before the needed assistance is granted. In other scenarios, female employees sometimes sexually harass or force themselves sexually on their male superiors as a means of gaining access to certain favours like promotion, salary increments, and other economic or social benefits.

The way some ladies dress to the workplace also "encourages" harassment. The irony is that when someone shows a picture of an improperly dressed person to another and it offends them it can be termed SH. It presupposes that, when someone also dresses and shows too much cleavage or beads and another person finds it offensive, it is tantamount to harassment. It is alleged in some circles that, female subordinates who sexually harass the male superiors are normally dutiful, but loosely dressed. Improper dressing to the workplace can to some extent promote SH and to discourage it, employers can prescribe proper dress codes for their employees.

PERPETRATORS OF SEXUAL HARASSMENT

Sexual harassment used to be perpetuated against

women. Today, the issue has taken a different turn and men also suffer from it. These men must, therefore, have the same rights as women to the protection of their dignity. The parties to the SH include:

- The harasser may either be a man or woman; thus both men and women sexually harass each other
- It is usually between a superior or supervisor and a subordinate
- A subordinate can equally harass a superior
- Colleagues also harass each other
- Customers/clients, visitors, contractors on site and other non-employees can also perpetrate SH

SOME CONSEQUENCE OF SEXUAL HARASSMENT

Sexual harassment is a serious problem, not only in the workplace but it also affects the employee even beyond the work environment. "It affects both women and men, causing stress, health problems and financial penalties when they leave their jobs to avoid it" says Jenny Watson, Chair of the Equal Opportunity Commission. Its effects encompass the employee or victim, the harasser, and the organisation.

The Victim or Employee

With respect to the individual employee or victim, the emotional consequences are several. Some face low self esteem, panic, headache, stress, anxiety, humiliation, frustration, and high blood pressure, among other things. Depending on the extent of the harassment, that is, if assault or rape ensues, the HIV virus could be contracted leading to AIDS and consequently death of the victim. This suggests that sexual harassment cannot be regarded as something trivial.

The Harasser

The harasser, when found out, loses self-respect, integrity, and any influence he or she may hold within the work environment. Depending on the magnitude of the offense, their appointment may be terminated; their career jeopardised. He can even be sued and jailed for the wrong doing.

The Organisation or Employer

To the organisation, the impacts of SH in the work environment are quite expensive. The positive image of the organisation can be tarnished when embarrassing headlines and lawsuits from victims are made public. No one will want to work in a sexually harassing environment, hence it will certainly be difficult to attract potential applicants. It can even lead to loss of key and competent employees and the organisation's customer base can also be affected.

SH can destroy positive working relationships between employees, lead to absenteeism due to sickness, and increase employee turnover since most people will not be coerced to work in a climate where integrity and decorum are not upheld. Once performance is lowered, there is likelihood of decrease in productivity and, eventually, profitability will suffer. Ultimately, SH can increase the financial burden of the organisation with respect to recruitment, compensation for victims, and adoption of measures to regain lost image.

SOME PRECAUTIONARY MEASURES AND ROLES OF EMPLOYERS/VICTIMS

The Role of the Organisation or Employer

If sexual harassment has such far reaching repercussions on both the employer and the employee, then organisations must play their roles effectively. Employers must ensure that sexual harassment does not occur in the work environment and, where it does occur, they must ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence.

As a matter of fact, the legal duties of an employer are not only to ensure that their staff are not subjected to unwanted conduct by other employees, but also in relation to all the individuals they have dealings with while carrying out their duties including agents, clients and suppliers. Employers must not tolerate actions that run counter to their employment policies or the law.

An employer has the obligation to take action when aware that sexual harassment is occurring or has

occurred. New rulings of the U.S. Supreme Court make it possible for employers to be liable for up to \$50,000 in sexual harassment damages even if they are totally unaware of the behaviour. In this vein, a 1999 survey by the Society for Human Resource Management reports that 62 percent of companies offer sexual harassment prevention training programs, and 97 percent have a written sexual harassment policy.

Employers have a big role to play to curb sexual harassment in the work environment. Indeed, the EEOC requires all organisations with more than 15 employees to have policies and procedures to deal with sexual harassment.

Firstly, organisations and employers for that matter must be encouraged to develop a policy against SH. This policy should be made available to every staff whether junior or senior. This could be done by sharing an information booklet to every employee, holding a company-wide training session, and possibly incorporating sexual harassment in induction or orientation of new staff. It is very important that the policy includes statement encouraging people to come forward with complaints of sexual harassment.

Where possible, employers should incorporate SH issues in employee appraisals, which is the regular performance review sessions, to determine how an employee is performing on his or her job. It should also provide an opportunity to identify the employee's attitude, feelings, and problems more thoroughly. This will create an opportunity for those who are facing any SH problems to be able to speak about them and get redress.

The third thing employers have to do is to ensure that they investigate complaints and allegations of sexual harassment promptly and thoroughly. This will mean promising employees of prompt and careful investigation and actually following through with such promises. It also necessitates assuring the complainants or victims of absolute confidentiality and protection against retribution.

Employers must also endeavour to properly discipline offenders so as to deter others from

following the same pattern of behaviour. Once the policy is in place, people cannot flout it and go unpunished. Depending on the magnitude of the offence, **sanctions** can range from public apology, relocation of harasser to a different department, giving a query or warning letter, termination of appointment, or referral to the appropriate law enforcement agencies.

The Role of Victims or Employees

The person being harassed also has a part to play in reducing the incidence of SH.

To begin with, employees must acquaint themselves with organisational policies and read in advance any existing employment policies and provisions in their establishment. This will ensure that they do not go contrary to those policies or fall victim due to ignorance.

The second thing is that, employees must understand their rights. All employees have the right to a work environment free from intimidation, hostility, harassment, and any other forms of hindrances to the effective execution of their duties. Violation of this right is an offence and its corrective measure can be pursued and obtained.

An employee being harassed must object to the harassment at the time it is taking place. He or she must forthrightly tell the harasser that the behaviour is unwelcome. He or she must be sure to say "**NO**" clearly, firmly and without smiling and must mean NO. The victim's response could prevent future harassment from the same person, especially if the harasser did not realise the behaviour was offensive. The next step is to tell someone about the harassment. He or she must talk to a trusted friend, colleague or counsellor who will be willing to help. The victim must ask for advice and support to stop the harassment.

The victims themselves should keep a record of what happened or is happening. They should make note of dates, places, times, witnesses, and the nature of the harassment. This is important because such information may be necessary if the harasser is adamant and the victim decides to press charges in future.

The victim should write a letter or send an email to the harasser. Sometimes an email or letter to the harasser can be an effective way to communicate objections to certain behaviours. It should state: (a) the facts of the situation, (b) the effects the behaviour has had on the victim, and (c) the fact that the victim wants the behaviour to STOP.

If the harassment continues, the victim must report the problem to the appropriate personnel or authorities responsible for handling such situations in the organisation, for example, the Human Resource Manager. Depending on the magnitude of the problem, they will in turn hold a hearing or report the matter to the law enforcement agencies.

CONCLUSION

SH is real and a menace in the work environment. It is an "old problem" that may not be totally eradicated, but can be curbed. Combating harassment is vital to ensure the dignity of women and men at work. Studies show that SH is still endemic, often concealed but present in almost all kinds of organisations. Yet, it is still not always viewed by some as a problem which has to be systematically tackled. Unfortunately, some perpetrators are not even aware of the consequences of their actions on other people. Employees often suffer the adverse consequences, including short and long-term damage to their employment prospects if they are forced to change jobs. SH may also have a damaging impact on those employees who are witnesses to or who are aware of the behaviour.

SH in the workplace is a violation of human rights and a prohibited form of violence against humanity. It causes incalculable economic, psychological, and physical harm to its victims. It serves to increase the already existing pressure on individual employees in the work environment. Prevention is the best tool to eliminate SH in the work environment. Employers should clearly communicate to employees that sexual harassment in any form will not be tolerated.

Definite and explicit national policy on SH in the Ghanaian work environment should be drawn. SH should be clearly seen as a criminal offence and this

will serve as a deterrent to harassers. Both employers and employees also have roles to play. They must, therefore, do all in their power to discourage this intolerable behaviour in the work environment. I believe that, if both parties follow through with their respective responsibilities as discussed, the work environment will be a more pleasurable place to be. The career goals of employees will be met and the objectives of employers in this competitive world would equally be attained. This can enhance the growth of the entire economy.

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