THE MANAGEMENT OF SEXUAL HARASSMENT IN THE WORKPLACE

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B.Com. Honns

Dissertation submitted in fulfillment of the requirements for the degree Master Commercii in the School of Behavioural Sciences (Industrial Sociology) of the North - West University (Vaal Triangle Campus).

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2004

ACKNOWLEDGEMENTS

- My Heavenly Father, for blessing me with the strength and perseverance required for the completion of this study.

- My sister, Odette, for all her patience, encouragement and support during my studies.

- My mother and father, Cecilia and Manuel, who have provided me with endless love and encouragement throughout my studies.

- My supervisor, Dr L. Moolman, for his guidance, support and advice throughout my studies.

- Mrs Aldine Oosthuyzen for all her help and advice on the statistical analysis of my data.

- Mrs. Conradie, for all the enthusiasm she showed in editing my work.

- The company, who wishes to remain anonymous, who allowed me to conduct my research in their organisation.

- All the managers who were willing to take part in my study.

DECLARATION

I, the undersigned, hereby declare that the work contained in this thesis is my own original work and that I have not previously or in its entirety or in part submitted it at any university for a degree.

Signature: _____ **Date:** 2 June 2005

ABSTRACT

This study aims to determine how sexual harassment can effectively be managed in the workplace in accordance with sexual harassment policies and procedures.

The literature review takes an in depth view into: local and international codes with reference to the differences and similarities between the codes; the processes and procedures managers should follow when faced with sexual harassment grievances; the legal alternatives available to victims of sexual harassment.

The empirical research was conducted by means of a survey which was distributed to all four managerial levels (senior, middle, junior and lower level management) in Company X, upon which the data was analysed by the researcher.

Since no standardised measuring instrument exists to measure sexual harassment, the researcher took the initiative to develop a questionnaire which would address managers' knowledge regarding sexual harassment policies and procedures. The responses were analysed with the assistance of the Statistical Consultant Service of the North – West University.

The study was conducted to determine managements' knowledge / understanding on sexual harassment policies and procedures. The results of the analysed data showed that managers have a good understanding on the core issues around sexual harassment policies and procedures. Even though the managers at Company X are informed on sexual harassment policies and procedures, the results reveal that managers at Company X do not receive training on sexual harassment issues.

The study concludes with the recommendation that Company X train their managers according to each management level's needs. This way each management level's needs are addressed in the training programme.

OPSOMMING

Die doel van hierdie studie is om te bepaal hoe seksuele teistering effektief in die werksplek bestuur kan word in ooreenstemming met beleid en prosedures vir gevalle van seksuele teistering.

Die literatuurstudie is 'n dieptestudie van: plaaslike en internasionale kodes met verwysing na die verskille en ooreenkomste tussen die kodes; die prosesse en prosedures wat deur bestuurders gevolg behoort te word wanneer klagtes van seksuele teistering gele word; en die wetlike alternatiewe wat beskikbaar is vir slagoffers van seksuele teistering.

Die empiriese navorsing is gedoen deur middel van 'n opname wat versprei is onder al vier bestuursvlakke (senior, middel, junior en laervlakbestuur) in Maatskappy X, waarna die data deur die navorser ontleed is.

Aangesien daar geen gestandardiseerde meetinstrument bestaan om seksuele teistering te meet nie, het die navorser die inisiatief geneem om 'n vraelys te ontwikkel wat die bestuurders se kennis aangaande beleid en prosedure rakende seksuele teistering sou ondersoek. Die antwoorde is ontleed met die bystand van die Statistiese Konsultasiediens van die Universiteit van die Noordwes.

Die studie is geloods om die bestuurders se kennis / begrip van beleid en prosedures rakende seksuele teistering te bepaal. Die resultate van die data wat ontleed is, toon dat bestuurders 'n goeie begrip het van die kernkwessies met betrekking tot beleid en prosedures rakende seksuele teistering. Hoewel die bestuurders by Maatskappy X ingelig is oor beleid en prosedures rakende seksuele teistering, dui die resultate daarop dat die bestuurders by Maatskappy X nie opleiding ontvang oor sake rakende seksuele teistering nie.

Die studie sluit af met die aanbeveling dat Maatskappy X sy bestuurders oplei volgens die behoeftes van elke bestuursvlak. Sodoende sal die behoeftes van elke bestuurdersvlak aangespreek word in die opleidingsprogram.

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CHAPTER 1
INTRODUCTION AND PROBLEM STATEMENT

1.1 INTRODUCTION

The enigma of sexual harassment, which was first identified 10 years ago in the United States, has become acknowledged as one of the most crucial issues facing working women today (Pattinson, 1991). Sexual harassment in all societies and classes impedes the incorporation of women into the labour market. In addition to intimidating a woman's right to principle, it also intimidates a woman's independence, freedom and equality by limiting the rights and opportunities of women in the workplace (Zalesne, 2001).

Sexual harassment in the workplace presents an ongoing and increasing risk to companies, internationally and locally. Thus the time has come for companies to begin managing sexual harassment more wisely. Preventing sexual harassment in the workplace requires an incredible outlay of personnel and time. However, the end justifies the means, as these costs are insignificant in comparison to the costs associated with legal fees and health – care costs. Not only is this a righteous step for the employer but a wise one(Robert and Mann, n.d.).

1.2 PROBLEM STATEMENT

Sexual harassment is not a new phenomenon that is uncommon in the workplace (Cleveland, 1994). Irrespective of the fact that sexual harassment has always been a problem in the workplace, sexual harassment has only recently been characterised and identified (Montemurro, 2003). Studies, internationally and locally have shown that sexual harassment has indeed become a problem in most organisations due to the fact that women often become victims of unwanted sexual attention (Green and Retief, 2001).

According to Ryder (1998), sexual harassment can be best described as unsolicited acts (which include physical, verbal and non – verbal acts) of sexual nature affecting women and men's dignity at work. Robert and Mann (n.d.) on the other hand believe that sexual harassment should be further categorised into Quid Pro

Quo and hostile environment harassment where the former would involve authority figures requesting sexual favours in return for job security and where the latter would involve managers or supervisors engaging in behaviours that result in hostile or offensive working environments. Due to the lack of consensus on a definition, it is essential that sexual harassment be defined and its consequent behaviours categorised in order for victims to avoid dismissing sexual harassment as a trivial incident (Montemurro, 2003).

Employers and employees tend to view sexual harassment differently on account of the fact that employers believe that they should be provided with an opportunity to resolve problems whereas employees believe that the employers themselves are accountable for these problems in the first place (Kessler, 2001). Fundamentally, employers are liable for sexual harassment especially when managers bring a hostile working environment into existence and when they know of sexual harassment taking place in the company and do nothing about it. A survey done in 1992 on members of the Institute of Personnel Management and Institute of Directors confirms that only 38% of companies are aware of sexual harassment taking place in their companies and, even so, only 6,5% of the companies have formal policies to handle sexual harassment (Halfkenny, 1996).

Employers who take immediate action and appropriate corrective action can not be held liable for sexual harassment taking place in the organisation (Robert and Mann, n.d.). Employers can avoid liability and reduce sexual harassment taking place in their organisations by introducing a policy that:

- Clearly defines sexual harassment;
- Does not tolerate sexual harassment in the workplace;
- Incorporates a complaint and investigation procedure;
- Executes disciplinary actions against harassers;
- Offers training to all employees (Robert and Mann, n.d.)

However, employers who introduce strong policies and procedures against sexual harassment may still find it difficult to ascertain whether sexual harassment has truly occurred (CCH Industrial Law Editors, 1992) since procedures can not guarantee that sexual harassment will be reported (Halfkenny, 1996). In a study undertaken by

the University of Cape Town it was found that even though sexual harassment was a major issue on campus, the reported rates of sexual harassment were low due to the fact that students feared being blamed or exploited. This problem is not only prevalent on campuses, but a reality in the working environment (Halfkenny, 1996). Employers should consider conducting anonymous employee surveys in order to ascertain whether the company's policies and procedures on sexual harassment are effective (Otto, 1997).

Despite wide spread acknowledgement of sexual harassment, employers still exhibit an arrogant attitude towards sexual harassment (Robert and Mann, n.d.) The reality is that sexual harassment in the workplace is disruptive, costly and unfair (Ryder, 1998). Employers who fail to address sexual harassment can expect negative publicity, loss of employees' productivity and law suits (Sexual harassment in the workplace, 2002). A survey carried out by the COHSE (Confederation of Health Service Employers) revealed that 86% of individual experience sexual harassment affects emotional well – being; 59% revealed negative feelings towards their work and 33% revealed that their quality of work worsened (Collier, 1995).

Prior to 1998, no legislation specifically addressed sexual harassment to be a problem in South Africa even though routes were available for combating sexual harassment (Zalesne, 2001). However, legislation has changed in the sense that sexual harassment is now acknowledged as a form of violence which not only violates an individual's rights but also creates a hostile working environment (Kumalo,1998). This change now enables victims to seek redress in terms of criminal and labour law (Dancaster, 1993). Under criminal law, action is brought against the offender whereas under labour law, action can be brought against the employer on grounds of unfair labour practice (Employers take note, 1996).

On the basis of the above – mentioned problem statement, the following research questions can be formulated.

- Do managers on certain levels view sexual harassment differently?
- Are managers adequately informed on sexual harassment policies and procedures?

- Are managers trained on sexual harassment policies and procedures?
- Are managers aware of the legal procedures available to employees for the effective resolution of sexual harassment grievances?

1.3 OBJECTIVES

The aim of this research can be divided into specific and general objectives.

1.3.1 Specific objective

Through this study the researcher will endeavour to address the following aspect:

- To determine how sexual harassment can be effectively managed in the workplace.

1.3.2 General objectives

The general objectives are:

- To determine whether managers on certain levels view sexual harassment differently.
- To determine whether managers are adequately informed on sexual harassment policies and procedures.
- To determine whether managers are trained on the respective sexual harassment policies and procedures.
- To determine whether managers are aware of the legal procedures available to employees for the effective resolution of sexual harassment grievances.

1.4 DEFINITIONS

Focus is placed on the following definitions which will be used on a continuous basis throughout the study.

1.4.1 Sexual harassment

Sexual harassment refers to unsolicited acts of an intimate nature, or other acts based on sexual orientation influencing individuals' self – esteem / self respect. These acts often include physical, spoken and unspoken acts which are viewed as uninvited and unwanted. Uninvited sexual proposals, demands for sexual favours

and other physical or spoken acts of sexual nature constitute sexual harassment when:

- Compliance to such acts is made part of the individual's condition of employment;
- Compliance is used for employment decisions;
- These acts affect employees' work performance;
- Victims make it clear to their harassers that their acts are offensive;
- The acts become repetitive, unsolicited and threatening (University of Witwatersrand, n.d.).

1.4.2 Informal complaint

An informal complaint can be defined as a claim submitted to a Sexual Harassment Advisor with the purpose of being resolved.

1.4.3 Formal complaint

A formal complaint is only submitted when resolutions to informal complaints have failed. Supervisors or Department Managers may handle formal complaints. When a Sexual Harassment Advisor is unable to reach a solution for an informal complaint, it is the Sexual Harassment Advisor's duty to refer the complaint to the Supervisor or Department Manager (Willamette University, 1995).

1.4.4 Complainant

According to Willamette University (1995), a complainant is an offended employee bringing forth a complaint of sexual harassment.

1.4.5 Respondent

A respondent is an employee replying to a complaint of sexual harassment.

1.4.6 Retaliation

It is against company policy to victimise employees for reporting sexual acts taking place in the company (University of Colorado, 2003). No person will be punished for taking part in the procedures described above. Any individual who takes revenge

against a complainant / respondent will be subjected to a separate charge. Grievances of retaliation should be taken up with the Human Resource Manager. The Human Resource Manager then provides the employee with information regarding his / her rights. The Human Resource Manager will help the grievant in processing a retaliation complaint (George Mason University, 1994).

1.4.7 Unfair labour practice

The labour relations act has incorporated schedule 7 to address unfair labour practice occurring in the workplace. Subsequently, sexual harassment falls under the definition of unfair labour practice, and yet surprisingly enough, most of the disputes surrounding sexual harassment come from the harasser's claiming unfair dismissal. It would be expected that most of the disputes surrounding sexual harassment ought to come from victim claiming unfair labour practice (Employers take note, 1996). Unfair labour practice refers to discriminatory conduct that soars between an employer and employee concerning:

- Issues relating to an employee's promotion, demotion, training or benefits;
- Disciplinary action that falls short of terminating the employee's employment contract;
- Negotiation of re – employing an employee.

1.5 RESEARCH METHOD

The research method consists of two phases, namely of a literature review and an empirical investigation.

1.5.1 Literature review

Theoretical information will be used to obtain relevant information on the study. The theoretical information will comprise of books, articles, journals, newspapers and electronic media.

1.5.2 Empirical research

1.5.2.1 Research design

A survey design will be used to support the research objectives since the researcher intends to use questionnaires as a data collection method. The questionnaires will be delivered by hand so that respondents may complete the questionnaire in their own time. The researcher will make use of purposive samples where respondents will be chosen according to the researcher's judgement (De Vos, Strydom, Fouché and Delport, 2002). The sample will contain elements that are representative of the population.

1.5.2.2 Study population

The participants that will be taking part in this study represent managers from various levels within the company. Due to confidentiality issues, the researcher has decided to refer to this company as Company X. The managers in Company X represent the following levels in the company: senior management; middle management; junior management; and lower level management. The above mentioned managers are representative of the population due to the fact that they are in positions that warrant knowledge into issues such as sexual harassment.

1.5.2.3 Measuring instrument

The research measuring instrument is not a standardised measuring instrument as the researcher compiled a questionnaire which specifically addresses managers and employees knowledge/understanding on their company's sexual harassment policies and procedures.

1.5.2.4 Statistical analysis

The Statistical Consulting Services of the North – West University, Vaal Triangle Campus, will be carrying out the statistical analysis. Descriptive statistics will be used to analyse data, where the mean will specify the centre or average point of the group and where the standard deviation will signify the extent to which individual scores differ from the mean obtained. Graphic presentations will be used to promote a comprehensive understanding of essential features of frequency distributions.

1.6 CHAPTER DIVISION

Chapter 1 will be dedicated to the comprehensive defining of the problem, the purpose and extent of the study as well as the methods applied in the research.

Chapter 2 compares the South African and International Code of Good Practice for sexual harassment so that similarities and differences can be drawn between the different Codes.

Chapter 3 centres around the occurrence of sexual harassment in the workplace in order to provide clarity on the issues that come forth when an employee is sexually harassed by a superior or manager.

Chapter 4 focuses on important aspects of sexual harassment policies and procedures that managers can use in order to manage sexual harassment in the workplace more effectively.

Chapter 5 deals specifically with the empirical study, with some of the prominent findings of the study being analysed and discussed.

Chapter 6 will focus on the researcher's conclusions, findings, recommendations and limitations.

CHAPTER 2
CODE OF GOOD PRACTICE: SEXUAL HARASSMENT

2.1 INTRODUCTION

This chapter discusses the Codes individually (Local and International) in order to provide a pragmatic framework of what each Code entails.

2.2 SOUTH AFRICAN CODE OF PRACTICE

The South African code of practice on sexual harassment focuses on: the application of the code; defining sexual harassment; different forms of sexual harassment; guiding principles; policy statements; procedures; confidentiality; education and training.

2.2.1 Aim

The South African Code aims to eliminate sexual harassment in the workplace by providing procedures that will deal with such problems. The code also aims to promote a working environment free of sexual harassment so that employers' and employees' integrity can be maintained.

2.2.2 Application of the code

Even though the code is applicable to employers and employees, harassers may still include owners, employers, managers, supervisors, employees, job applicants, clients, suppliers and contractors. Non – employees who experience sexual harassment while they are performing a job for the harasser's employer, may also lodge a complaint against the harasser's employer (Pons and Deale, 2003).

2.2.3 Definitions

When an individual is forced to act in a way that goes against his/her values and principles, this is defined as intimidation (University of Pretoria, 1999). Sexual harassment can be clearly defined as sexual behaviour that is unwanted and unwelcome by the other party. Sexual scrutiny changes into sexual harassment if:

- Behaviour is repetitive;
- The victim has clearly communicated to the harasser that his behaviour is unacceptable;
- The harasser knows his/her behaviour is not acceptable.

2.2.4 Forms of sexual harassment

Sexual harassment comprises of (COSATU, 1995):

- Physical conduct (this includes all forms of unwanted physical touching);
- Verbal conduct (this includes sexual jokes, comments, inappropriate personal questions and even whistling in a sexual manner);
- Non – verbal conduct (this includes inappropriate pictures and gestures of sexual nature);
- Quid pro quo harassment (this refers to individuals in authority who use their influence in processes such selection, placement, training and dismissal in substitution for sexual favours)

2.2.5 Guiding principles

Employers should provide a working environment in which employees may feel respected. Employees' grievances about sexual harassment should not be categorised as unimportant by the employer as this shows ignorance on the part of the employer. According to Bendix (2001), the above mentioned principles can be attained by means of:

- Communicating that sexual harassment acts should be avoided;
- Communicating that all employees and employers have an obligation to design and produce a working environment free of sexual harassment;
- Communicating to employers their obligation to ensure that individuals who have undertakings with the employer are not subjected to sexual harassment;
- Creating awareness that it is the employer's responsibility to take appropriate action when incidences of sexual harassment do occur.

2.2.6 Policy statements

According to Nedlac (1998), employers can show their apprehension and dedication with regards to resolving problems of sexual harassment by providing a policy where: (1) employees and individuals who have undertakings with the employer can be considered with courtesy; (2) sexual harassment will not be authorised in the workplace; (3) victims of sexual harassment can lodge a complaint when it occurs so that appropriate action can be taken.

Managers should be given the responsibility of introducing a policy where disciplinary action will follow should an employee go against the policy. It is essential that managers include the procedure to be followed should an employee become a victim of sexual harassment. The policy should incorporate that: (1) accusations of sexual harassment will be handled sincerely and privately; and victims of sexual harassment will not be exploited or reprised. It is extremely important that such a policy be communicated to all employees in the company (Nedlac, 1998).

The researcher is of the opinion that a sexual harassment policy will be effective if:

- Management is trained on the specific issues related to sexual harassment;
- Management is dedicated to making the policy work;
- Employees are willing to adopt a positive attitude towards the policy;
- Employees are willing to conform to such a policy.

2.2.7 Procedures

When developing sexual harassment procedures, employers should take cognisance of the fact that comprehensible procedures lead to effective resolution of problems. According to Pons and Deale (2003) procedures should include: advice and assistance; options to resolve a problem; informal procedures; formal procedures; investigation and disciplinary action; criminal and civil charges; and dispute resolution procedures.

2.2.7.1 Advice and assistance

The fact remains, victims of sexual harassment have difficulty in approaching the realties of being sexual harassed and have even greater difficulty in lodging a formal complaint. It is for this reason that it is advisable for employers to appoint an "outsider" to deal with these delicate issues. An "outsider":

- can be a trade union representative, fellow employee or outside professional;
- should have the ability, knowledge and experience to advise and assist victims of sexual harassment;
- should have a thorough understanding of labour relations to effectively assist a victim of sexual harassment;
- should always maintain confidentiality.

2.2.7.2 Options to resolve a problem

Employees should be made aware of the fact that problems relating to sexual harassment can be solved in one of two ways. The options available to solve the problem can be done formally or informally. It is entirely up to the victim which option he/she chooses (Labour Protect, n.d.).

2.2.7.3 Informal procedure

The employee may confront the harasser by bringing to his attention the fact that his behaviour is unwelcome and offensive. The victim should make it clear that if such unacceptable behaviour is repeated, further steps will be taken. Should this approach not deliver the intended outcome, it may be advisable for the employee to approach a more formal procedure.

2.2.7.4 Formal procedure

It is crucial for a company to have a formal procedure so that employee grievances can be addressed and resolved. The formal procedure should:

- indicate the person in charge of such grievances so that the victim's may lodge their complaints;
- identify the time limits in which the grievances can be dealt with quickly, effectively and efficiently;
- make provisions for cases that are not resolved satisfactorily so that these cases may be resolved according to the dispute procedures mentioned later on.

2.2.7.5 Investigation and disciplinary action

Firstly, it is important that the victim of sexual harassment is not disadvantaged in any way during the investigation of the grievance. It is also equally important that should the grievance be found to be groundless, that the other party not be subjected to any prejudice. Secondly, harassers must be made aware of the fact that they can be dismissed after warnings on account of misconduct for serious and repeated acts of sexual harassment according to Schedule 8 of Chapter VIII of the Act. Thirdly, should harassers continue this behaviour, employers are urged to follow the procedures set out in Schedule 8 of the Act. Lastly, employees must be made aware that they will be subject to disciplinary sanctions if their grievances are unfounded. Should their grievances be founded, they are to be in no way subject to be exploited or reprised since their grievance was made in good faith (Nedlac, 1998).

2.2.7.6 Criminal and civil charges

The code in no way prevents a victim of sexual harassment from pressing separate criminal charges against a harasser as well as making a formal complaint against the harasser.

2.2.7.7 Dispute resolution

Figure 1 illustrates the resolution procedure to be followed when sexual harassment complaints are lodged.

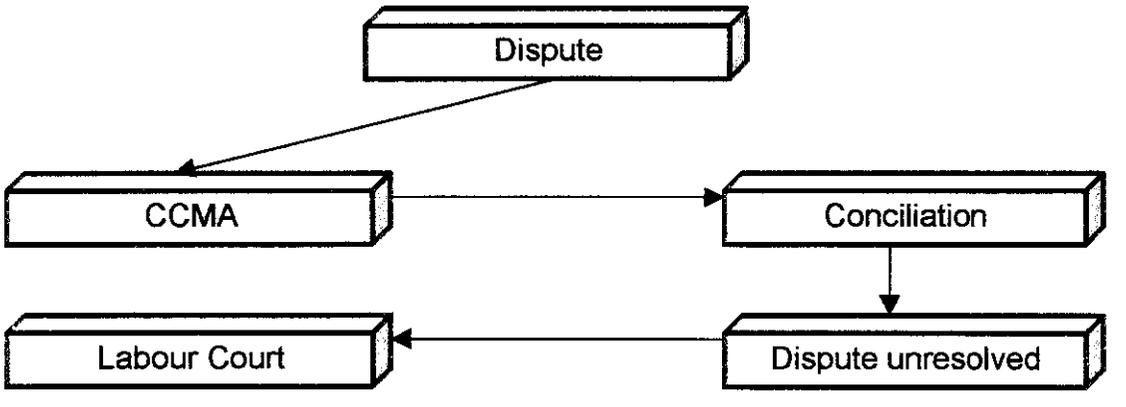


Figure 1. Dispute resolution procedure for sexual harassment complaints

If the complaint is not resolved satisfactorily by the above mentioned procedures (informal and formal procedures), either party may refer the dispute to the CCMA for conciliation within 30 days from the time the dispute arose. If the dispute still remains unresolved, either party may refer the dispute to the Labour Court (CCMA, n.d.).

2.2.8 Confidentiality

When employers and employees deal with sexual harassment grievances it is advisable that the investigation be carried out in such a way as not to reveal the identity of the victim. Such discretion should also be applied during the disciplinary enquiries. The victim, the victim's representative, the harasser and witnesses should be the only people allowed to be present in the disciplinary enquiry. It is recommended that both parties disclose pertinent information to the other party in order for the other party to be prepared for the proceedings (Nedlac,1998).

2.2.9 Additional sick leave

An employer is obliged to provide an employee who has been victim to sexual harassment additional sick leave if his/her sick leave entitlement has been used up due to the fact that he/she has been seriously sexually harassed.

2.2.10 Information and education

According to Bendix (2001), the Department of Labour is responsible for making copies of the code available to all employers and employees. The education and training programmes companies offer should incorporate sexual harassment as an issue so as to educate and train employers and employees with regards to what constitutes sexual harassment and what does not. Employers can go one step further and ensure that the trade unions also incorporate sexual harassment into their training programmes. Last but not least, the CCMA commissioners should be well informed, educated and experienced with the undertakings of sexual harassment cases.

Employers need to be aware of the fact that there is a difference between trainers who inform employees and trainers who educate employees. Trainers who inform

employees may resort to information overload in order to get employees to absorb all the information, whereas trainers who educate employees make use of everyday experiences to demonstrate behaviours that may and may not constitute sexual harassment. Thus, employers need to ensure that the training provided to employees is not a waste of time, money and energy.

2.3 AUSTRALIAN CODE OF GOOD PRACTICE

The Australian code of good practice on sexual harassment focuses on: the purpose of the code; defining sexual harassment; different forms of sexual harassment; liability; duties of employers; policy statement; procedures; security and record keeping.

2.3.1 Purpose

According to the Human Rights and Equal Opportunity Commission (1996,a), the purpose of this code is:

- To familiarise and steer employers on the aspects of sexual harassment according to the Federal Sex Discrimination Act;
- To aid employers to install policies and procedures which will prohibit and stop sexual harassment in the workplace.

2.3.2 Scope

This code is applicable to and protects individuals from sexual harassment by: employers; employees; contract workers; partners; unions; employment agencies.

2.3.3 Definition of sexual harassment

Sexual harassment can be defined as any unsolicited, unpleasant or unsought actions of a sexual kind which makes the individual feel embarrassed, threatened or insulted. Sexual harassment has diverse constituents which range from physical contact, to sexual suggestions which generate an uncomfortable working environment.

Harassment on the other hand can be defined as individual or group behaviour that (Human Rights and Equal Opportunity Commission, 1996, b):

- Is not returned by the other individual;
- Exploits, embarrasses and threatens an individual or group;
- Society would regard as embarrassing and threatening to a victim's well – being.

Harassment can be clearly aimed at an individual or group to cause an uncomfortable working environment. Harassment taking place at work is overseen by the anti – discrimination law and should be covered by the company's harassment policies and procedures (Independent Education Union of Australia, 2003).

2.3.4 Forms of sexual harassment

Physical, verbal, visual and non - verbal behaviour are elements of sexual harassment which are unsolicited and undesirable. Sexual harassment can include:

- Conduct that occurs with certain repercussions if the individual refuses to exchange sexual favours for benefits and promotions. This conduct is referred to as "quid pro quo" harassment because sexual favours are requested in return for employment opportunities.
- Conduct that promotes an adverse working environment.
- Conduct that would be categorised as a violation under criminal law.

Sexual harassment does not include behaviour that is invited, welcome and solicited. According to the Human Rights and Equal Opportunity Commission, (1996, c), sexual harassment is forbidden in: (1) Headhunting and selection; (2) Conclusion of employment; (3) Period of employment; (4) Any situation that emerges within the workplace.

2.3.5 Liability

Liability falls on the following three individuals/groups:

- **Individuals**

Individuals (included are employers, employees, commission agents, contract workers, partners and union members) are responsible for actions that lead to

sexual harassment. Individuals are also held accountable for their actions if they take part in exploitation or if they assist another individual to discriminate (Human Rights and Equal Opportunity Commission, 1996, a).

- **Employers**

Employers are responsible for conscious and unconscious actions of sexual harassment taking place in the organisation by employees. The only time the employer is not responsible for sexual harassment taking place in the workplace is when he/she has taken measures to stop sexual harassment from occurring.

- **Unions**

Unions are responsible for conscious and unconscious actions of sexual harassment taking place in the organisation by employees or agents. The only time the union is not responsible for sexual harassment taking place in the workplace is when the union has taken measures to stop sexual harassment from occurring. Agents may include shop stewards or worker representatives.

2.3.6 Duties of employers

Employers are obliged to take sufficient measures to forestall sexual harassment since this is the only way employers can avoid liability. When the employer takes into consideration the extent to which he/she is willing to eliminate sexual harassment, attention should be paid to the following aspects: (1) The arrangement of the company; (2) Capital; (3) Characteristics of the work; (4) Gender instability in the company; (5) Culture of the company; (6) Culture differences; (7) Background information on sexual harassment; (8) Other factors.

In a nut shell, it is the employer's responsibility to take the necessary measures to stop sexual harassment from occurring. Although, when the employer considers introducing a sexual harassment programme, it is advisable that all relevant parties be notified and informed.

2.3.6.1 Preventive measures

The Human Rights and Equal Opportunity Commission, 1996 (b) states that employers can stop sexual harassment by means of:

- Encouraging managers to assist in the development of a programme that will focus on sexual harassment;
- Cultivating a code which forbids sexual harassment ;
- Circulating the code throughout the company;
- Transcribing the programme into different languages so that the code may be comprehensible to all employees;
- Securing that managers take the initiative to put the programme into action by means of consultation;
- Supplying new employees with information regarding the programme;
- Evaluating the effectiveness of the programme;
- Demonstrating their anti – sexual harassment via pamphlets;
- Educating managers on how to maintain a sexual harassment - free working environment;
- Including manager liability as part of the job description;
- Including criteria (such as the ability to handle sexual harassment complaints) in the headhunt for competent managers;
- Evaluating and monitoring managers through performance appraisals;
- Training employees on sexual harassment issues;
- Eliminating all material that has sexual connotations;
- Forbidding e – mail that has sexual connotations.

2.3.6.2 Remedial measures

Employers may take the following measures to handle the development of sexual harassment (Human Rights and Equal Opportunity Commission, 1996, a):

- Execute a procedure for handling sexual harassment complaints;
- Make certain the company's code supplies employees with information regarding what they need to do if they are sexually harassed.
- Employees should be instructed:
  - on how to personally handle sexual harassment;
  - to talk to their supervisors regarding the handling of sexual harassment complaints
- Appoint agents/representatives at all levels in the company where they will be accountable for:
  - supplying employees with relevant sexual harassment knowledge;

- supplying responses to questions about sexual harassment;
- supplying classified information on the alternatives available to employees for handling sexual harassment complaints;
- assisting employees' approach their harassers;
- Supplying counselling services to those employees who need it.

2.3.7 Policy statement

The policy should make it clear that the company is accountable for stopping sexual harassment. If the policy is not made clear, the employer can be held accountable for employees' conduct. Thus, employers and managers are accountable for:

- Overseeing the workplace to make sure that employee conduct is always appropriate;
- Portraying acceptable conduct;
- Developing the company's policy in their work level;
- Attending to complaints earnestly;
- Handling investigations promptly to resolve matters faster (Human Rights and Equal Opportunity Commission, 1996, c).

Employees should conform to the company's sexual harassment policy; help co – workers who have been sexually harassed and consider information they have been supplied during an investigation as classified.

2.3.8 Procedures

The procedures victims of sexual harassment may follow consist of informal and formal procedures which will be discussed below.

2.3.8.1 Informal complaint procedure

The informal complaint procedure focuses more on providing a solution for the problem than obtaining evidence for a sexual harassment case. Sexual harassment can be handled by:

- The victim's themselves, although victims may receive guidance from superiors as to what courses of action they may take;
- Superiors who have been asked by the victims to approach their harassers;

- The harasser who acknowledges guilt, accordingly avoiding an investigation and resolving the complaint via conciliation;
- An employer who witnesses sexual harassment and takes corrective action even if no grievance is lodged.

Informal complaint procedures are applicable where: (1) The accusations are not too grave; (2) Victims do not want to proceed to formal procedures; (3) Victims prefer to resolve the complaint via informal procedures; (4) Victims who will be working with their harassers want to solve the complaint informally so that employment relationship can be maintained. Victims of sexual harassment are under no obligation to resort to informal procedures first before proceeding to formal procedures (Osborne, 2000).

2.3.8.2 Formal complaint procedure

Formal procedures aim to determine whether a complaint is validated. Formal complaint procedures incorporate:

- Enquiries of accusations;
- The ethics of justice;
- Verdicts which determine whether sexual harassment has taken place;
- Suggestions decision – makers can implement;
- Activation of suitable results.

Formal procedures are suitable where: (1) informal procedures have not achieved the intended results; (2) victims of sexual harassment are exploited; (3) grievance includes accusations of misconduct; (4) informal procedures jeopardise the rights of the victim and the harasser; (5) a grievance is made against an individual in a higher ranking; (6) accusations are dismissed; (7) victims want to continue the investigation to prove that the accusations are true; (8) victims want to proceed immediately to formal procedures.

Employers are required to keep track of formal complaints in order to ensure impartiality and uniformity. Representatives should be allowed to offer support to both parties. According to Osborne (2000), formal grievance should not be disregarded on the basis that there were no witnesses. Sexual harassment usually

occurs when there are no witnesses present. Investigators should reach their conclusions on the principle of probabilities. The following proof may be significant:

- Verification produced by a medical practitioner;
- Managers statements and employee documents;
- Grievances made by other employees about the harasser's actions;
- Documents that the victim has collected;
- Whether the proof put forward by either party was believable;
- Proof that should be available but is not.

The formal complaint procedure can have the following results (Human Rights and Equal Opportunity Commission, 1996, b): consultation; corrective action in defiance of the harasser's behaviour; warnings that will be recorded on the perpetrator's record; corrective action for victims who falsely accuse individuals of sexual harassment; confessions; solutions which were reached by a mediator which are acceptable to both parties; compensating costs affiliated with harassment; providing extra leave to victims who have taken leave due to sexual harassment.

Results rely upon aspects such as: seriousness and prevalence of harassment; significance of evidence; requests of the victim; the perpetrator's knowledge and awareness that his/her conduct was unacceptable; level of remorse; previous warnings. Irrespective of whether harassment has taken place, it is important for the employer to:

- Prompt perpetrators on aspects such as inappropriate behaviour;
- Promote educational programmes on sexual harassment;
- Keep an eye on sexual harassment cases.

2.3.8.3 Dispute resolution

Figure 2 illustrates the procedure a victim of sexual harassment should follow if he/she feels that the company's resolution procedure yielded no positive results.

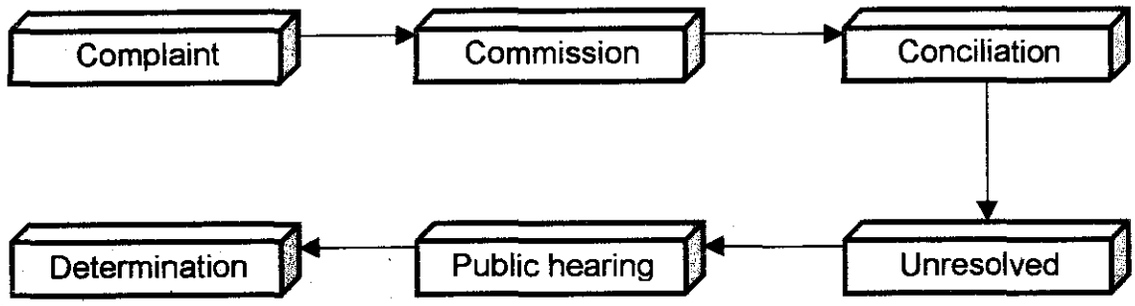


Figure 2. Dispute resolution procedure

An individual can lodge a sexual harassment complaint to the Commission where the Commissioner can then attempt to resolve the complaint via conciliation. If the complaint still remains unresolved via conciliation, the complaint can then be referred to a public hearing. At the public hearing a determination will then be made taking into account all the relevant aspects.

The confirmation that is needed to categorise unacceptable conduct as sexual harassment must be verified on a balance of probabilities. There is no rule or regulation stating that an individual needs to solve the complaint at his/her place of work before appealing to the Commission.

2.3.9 Security

Sexual harassment grievances always involve delicate and harmful information. It is due to this fact that all employee information be kept confidential. The only individuals who should be allowed to read such confidential information should be individuals who are directly linked to the sexual harassment cases.

2.3.10 Record keeping

According to Osborne (2000), employers should establish instructions on how grievances should be recorded. This secures:

- The tracking of sexual harassment so that employers are always aware of new developments;
- That documents remain up to date;
- Proof on how the company handles sexual harassment cases.

2.4 EUROPEAN CODE OF GOOD PRACTICE

The European code of good practice focuses on: the scope of the code; defining sexual harassment; different forms of sexual harassment; liability; duties of various parties; policy statements; procedures; communication of policy; confidentiality; training and monitoring.

2.4.1 Aim

The European sexual harassment code was drafted to focus on the employer's demands in an extensive and obtainable manner. The code aims to:

- Clarify the binding requirements of the statute;
- Explain fundamental views from case law;
- To propose ideas to reduce employer liability.

2.4.2 Scope

The Employment Equality Act guards employees from sexual harassment and harassment by: employers; co – workers; clients; customers; suppliers, professional contractors and volunteers.

2.4.3 Definitions

Harassment can be described as behaviour that is undesired and uninvited and which could be regarded as insulting, embarrassing or appalling based on discriminatory grounds. Common examples of harassment (Xazoylhs, n.d.):

- Mocking individuals on one or more of the nine discriminatory grounds;
- Disgraceful and degrading statements;
- Omission in the workplace;
- Unpleasing criticism regarding looks;
- Unjustified comments on accomplishments;
- Threatening the control of a co – worker in the workplace;
- Revealing insulting material.

Sexual harassment includes (Employment Equality Act, 1998): acts of bodily caressing; appeal for sexual approval; behaviour which can be regarded as insulting, embarrassing and threatening.

2.4.4 Forms of sexual harassment

Sexual harassment consists of the following forms of behaviour (Eur – Lex, 1991):

- Physical behaviour with sexual connotations (i.e. unwelcome bodily contact, touching another individual for a period of time that is longer than required)
- Verbal behaviour with sexual connotations (i.e. insinuations for a relationship outside the work environment even when the individual has rejected the idea)
- Non – verbal behaviour with sexual connotations (this may range from insulting pictures to insulting e – mails)
- Sex – based behaviour (this behaviour humiliates an employee on the basis of his/her sex)

For behaviour to form part of the sexual harassment definition, the behaviour must be uninvited. It is the employer's initiative to distinguish behaviour that is uninvited from behaviour that is invited, without taking other individuals' opinions into consideration. Uninvited behaviour that falls into the category of sexual harassment or harassment differentiates itself from behaviour that is invited and accepted. In addition for an act to form part of the sexual harassment or harassment definition, it is necessary that such behaviour be regarded as degrading, embarrassing and threatening.

The purpose of the harasser's behaviour is not pertinent. The fact that the harasser did not intentionally sexually harass a fellow co – worker is no defence. The impact that such behaviour has on an employee is the only important issue.

2.4.5 Liability

Employers are held accountable for sexual harassment taking place against: co – workers; clients; customers; other contacts. The employer can refuse to take accountability if he/she can substantiate that steps were taken to stop:

- Victims being harassed;
- The differential treatment victims receive once they lodge sexual harassment complaints;
- Differential treatment if it occurs (Employment Equality Act, 1998)

An employer can refuse to take accountability for sexual harassment taking place in the workplace if the employer has proved that the company's sexual harassment policy is extensive, effectual and concentrates on the elimination of sexual harassment by means of competent grievance procedures. The course taken to introduce the policies and procedures into the company need to be taken into consideration since effective policies achieve nothing without being implemented effectively.

2.4.6 Duties of various parties

The European code of good practice places responsibility not only on employers but also on various other parties which will be discussed below.

2.4.6.1 Management duties

According to Employment Equality Act (1998), managers should:

- Act as role models to show employees how to treat others admirably and graciously;
- Encourage recognition of sexual harassment policies and complaint procedures;
- Be alert to indications of sexual harassment or harassment so that action can be taken before the problem worsens;
- Be sympathetic towards victims complaining of sexual harassment;
- Describe the process that needs to be followed when sexual harassment occurs;
- Protect victims from exploitation;
- Check up on the progress of complaint procedures so that sexual harassment can be minimised.

2.4.6.2 Trade union duties

Trade unions can take part in: prohibiting sexual harassment and harassment in the workplace; promoting and activating sexual harassment policies and procedures by means of training and education; providing assistance and advice to harassed employees; providing assistance and advice to those employees accused of sexual harassment or harassment.

2.4.6.3 Employee duties

Employees can promote sexual harassment policies by: (1) working together with employer and trade union tactics to reject sexual harassment and harassment; (2) communicating that sexual harassment and harassment will have adverse implications for the harasser.

2.4.6.4 Non – employee duties

It must be made clear that sexual harassment performed against non – employees will be regarded as misconduct and can lead to dismissal.

2.4.7 Policy statement

The policy should state: (1) employer's determination to establish a working environment free from sexual harassment and harassment; (2) that all employees need to be treated with honour and admiration; (3) that all sexual harassment claims will be dealt with confidentially; (4) sexual harassment and harassment by managers, supervisors, employees and employers will result in disciplinary procedures (Employment Equality Act, 1998).

2.4.8 Procedures

A complaint procedure should set out the routes an employee is expected to follow to make a sexual harassment complaint.

2.4.8.1 Informal complaint procedure

Victims of sexual harassment should consider resolving the complaint informally before proceeding to formal procedures. In instances where victims of sexual harassment feel that they are unable to approach their harassers, such victims may rely on trusted others to approach their harasser. Should these informal procedures fail, the victim may follow the formal complaint procedures.

2.4.8.2 Formal complaint procedures

The formal complaint procedure should offer a complaint process where (Employment Equality Act, 1998): (1) grievances are considered rigidly; (2) serious sexual harassment/harassment acts are not categorised under informal but formal

procedures; (3) formal procedures overpower informal procedures that have failed to resolve the dispute; (4) sexual harassment has continued to take place even after informal interventions.

2.4.8.3 Investigation of the complaint

The outcome of an investigation is to inspect claims and concentrate on the accusations made. Investigators should not be associated with the accusations made. Investigators should endeavour to decipher the complaint as quickly as possible. The victim and harasser should be notified:

- On the components of formal procedure and the available time frames;
- That they are allowed representation whether it be a representative, trade union, friend or co – worker;
- That sexual harassment claims need to be presented in written form;
- On aspects of the grievance (aspects such as written statements, evidence, witness statements and records);
- Of the time limits they have for an appropriate response regarding the sexual harassment complaint;
- That the investigation will be conducted in confidentiality;
- That all engagements and investigations will be recorded;
- That upon the successful completion of the investigation, a written report will follow, specifying the investigator's conclusions;
- That if a sexual harassment claim is brought against a non – employee, the non - employee should be disciplined accordingly. The disciplinary action may include:

- the eradication of the harasser from the workplace;
- consummation of service;
- consummation of a supply service

- the brief may make suggestions as to how to improve the company's sexual harassment policy;
- that appeals are allowed to be made and the time frames on such appeals.

2.4.8.4 Disciplinary offence

According to Eur – Lex (1991), it is suggested that transgressions against the company policy should be settled as a disciplinary transgression and that disciplinary regulations be made comprehensible as to what actions are

inappropriate in the workplace. The policy should list the retributions perpetrators will face should they infringe the rule. Exploiting an employee for lodging a complaint will be regarded as a disciplinary transgression. When a complaint is maintained, and a transfer is considered, it is up to the victim to choose whether or not a transfer would solve the problem. Victims of sexual harassment should not be punished for maintaining that such acts are still taking place in the workplace. In the instances where victims maintain complaints of sexual harassment, it's the employer's responsibility to monitor the situation so that such behaviour is not repeated. Even where complaints have not been maintained, the employer should take the initiative to reassign the victim to another working area so that the victim is not in constant contact with the harasser.

2.4.8.5 Dispute resolution

According to the Employment Equality Act (1998), a sexual harassment complaint can be made to the Office of Directors of Equality Investigations where the complaint is then referred to the Equality Office or for mediation. (All dismissals need to pass the Labour Court.) A sexual harassment complaint may skip the step where it is referred to the Equality Officer or mediation, and instead be referred to the Circuit Court. The complaint must be made within six (6) months of the occurrence, although twelve (12) months is the maximum time allowed for making such a complaint. The most the Office of Directors of Equality Investigations and the labour court may award is 104 weeks' pay, although there are no such limits if the complaint is referred to Circuit Court. Figure 3 illustrates the procedure a victim of sexual harassment should follow if he/she feels that the company's resolution procedures yield no positive results.

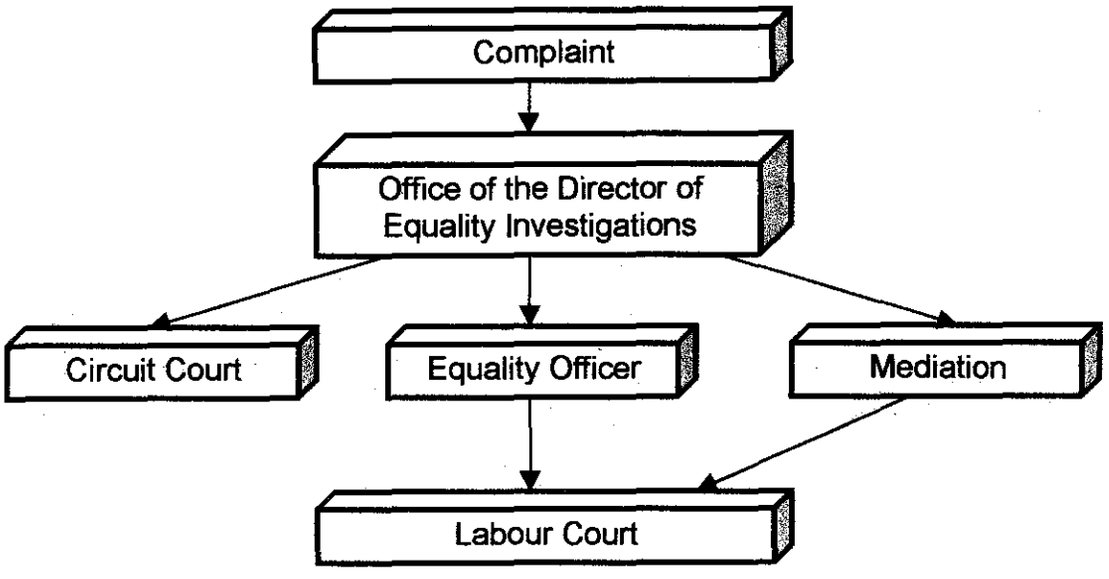


Figure 3. Resolution of complaints

2.4.9 Communication

As soon as the policy has evolved: (1) it is necessary for the policy to be disclosed to all employees so that they may be aware of the fact that sexual harassment complaints can be made; (2) complaints can be handled unprejudicely; (3) employees will become sensible enough as not to engage in sexual harassment or harassment. By communicating the policy through the entire organisation, management will be promoting a sexual harassment free environment (Eur – Lex, 1991).

2.4.10 Confidentiality

All the procedures regarding the investigation of a complaint must be kept confidential in order to remain impartial.

2.4.11 Training

Employers can reduce the occurrence of sexual harassment by providing training that assists in the resolution of problems. Training can offer employees a working environment free of sexual harassment or harassment. Training can create awareness among employees regarding their responsibilities under the policy.

2.4.12 Monitoring

Employers need to observe policies and procedures in order to ensure that sexual harassment complaints are being handled and resolved. Observing the policies and procedures should take place regularly so that inefficiencies can be recognised and adjusted appropriately (Employment Equality Act, 1998).

2.5 COMPARISON BETWEEN LOCAL AND INTERNATIONAL CODES OF PRACTICE

The similarities and differences between the local and international codes of practice will be illustrated by means of tables, although, the most important aspects in the codes will be tabulated and the similarities and differences will be discussed accordingly.

Table 1

Comparison between the local and international scopes

Scope	**South Africa** (Refer to p.9)	**Australian** (Refer to p. 15)	**European** (Refer to p.23)
Owners	✓		
Employers	✓	✓	✓
Managers	✓		
Supervisors	✓		
Employees	✓	✓	✓
Job applicants	✓	✓	
Clients	✓	✓	✓
Suppliers	✓	✓	✓
Contractors	✓	✓	✓
Non - employee	✓		
Partners		✓	
Unions		✓	

From the table above, it can be deduced that the international codes share many similarities with the South African code, although the most prominent differences between the Codes are as follows, the:

- Australian code does not cover owners, managers, supervisors and non – employees;

- European code does not cover owners, managers, supervisors, job applicants, non – employees, partners, unions and employment agencies;
- South African code does not cover partners and unions.

Establishing a code that covers all possible parties eliminates the possibility of parties claiming that they are not covered in the code and thus can not be subjected to disciplinary actions.

Table 2

Comparison between local and international forms of sexual harassment

Forms of sexual harassment	**South Africa** (Refer to p.10)	**Australian** (Refer to p.16)	**European** (Refer to p.24)
Physical	✓	✓	✓
Verbal	✓	✓	✓
Non - verbal	✓	✓	✓
Quid Pro Quo	✓	✓	
Sex based			✓
Sexual favouritism	✓		

The Local and the International Codes share many similarities with regards to the forms of sexual harassment, although some differences do occur. The main difference between the Codes is that the South African and Australian codes do not classify sex based conduct as a form of sexual harassment, whereas the European code on the other hand does not classify quid pro quo as a form of sexual harassment. However, the South African code is the only code that acknowledges sexual favouritism as a form of sexual harassment.

Table 3

Comparison between local and international codes regarding liability

Liability	**South Africa**	**Australia** (Refer to p.16 & 17)	**Europe** (Refer to p.24 & 25)
Employer		✓	✓
Employees		✓	
Union		✓	

From the table above it can be deduced that the South African code does not incorporate liability on employers, employees or unions, whereas the Australian code does. The Australian and European codes are similar in the sense that both codes place responsibility on employers to prevent sexual harassment from occurring in the workplace, although the Australian code goes one step further in requiring that:

- Employees take no part in exploitation;
- Unions take preventative measures to stop sexual harassment from occurring in the workplace.

Table 4

Comparison between local and international codes regarding the duties of various parties

Duties of various parties	**South Africa** (Refer to p. 10)	**Australia** (Refer to p.17)	**Europe** (Refer to p.25 & 26)
Employers	✓	✓	✓
Employees			✓
Non – employees			✓
Union			✓

The Australian code differs from the European code in the sense that the Australian code places responsibility on employers:

- To take preventative measures to ensure that sexual harassment is effectively eliminated or reduced in the organisation (refer to p.17);
- To take remedial actions should sexual harassment still persist in the organisation (refer to p.17 & 18).

The European code on the other hand places responsibility on:

- Employers to encourage recognition of the sexual harassment code in the company;
- Trade unions to provide necessary sexual harassment training to all new and old employees;

- Employees and non - employees to work co – operatively with employers and unions' initiatives to stop sexual harassment from occurring.

The South African code, however, does not mention anything on employer, employee, non - employee or union duties, although the South African code can be enhanced by placing responsibility on:

- Employers to implement an effective sexual harassment policy that must be communicated to all employees;
- Employees not to tolerate any form of sexual harassment and not to victimise those employees who do complain of sexual harassment;
- Trade unions to provide training in order to create awareness of sexual harassment that may be occurring in the workplace.

Table 5

Comparison between local and international codes regarding the procedures of a sexual harassment code

Procedures	**South Africa** (Refer to p. 11 – 14)	**Australia** (Refer to p. 19 – 22)	**Europe** (Refer to p. 26 – 28)
Informal	✓	✓	✓
Formal	✓	✓	✓
Investigation	✓	✓	✓
Disciplinary action	✓	✓	✓
Dispute resolution	✓	✓	✓

The informal complaint procedure followed by the South African, Australian and European codes are similar since all three codes require victims of sexual harassment to confront their harassers, the only difference is that the South African code does not require managers to approach harassers should the victim feel that he/she is unable to confront the harasser.

The formal complaint procedure of all three codes differs in the following aspects:

- The South African code merely states that formal complaints procedures should: (1) have specific individuals in charge of the complaints; (2) have time limits; (3) have alternative procedures should grievances not be resolved satisfactorily.

The South African code should incorporate aspects dealing with: (a) how an individual should go about lodging the complaint; (b) how the investigation will be carried out; (c) possible alternatives victims may consider should they want to withdraw a complaint.

- The Australian code states that a formal complaint procedure should include: (1) an enquiry of accusations; (2) verdicts which determine whether sexual harassment has taken place; (3) decision – makers' recommendations; (4) activation of suitable results. The Australian code goes one step further by providing a list of incidences which guide victims as to when to lodge a formal complaint (refer to p.19).
- The European code briefly states that: (1) grievances should be considered rigidly; (2) formal procedures should overpower informal procedures that have failed to resolve the grievance; (3) sexual harassment acts should be directly categorised under formal procedures.

The South African, Australian and European codes differ with regards to the aspects they concentrate on during an investigation process. These differences are as follows:

- The South African investigation procedure does not concentrate on the exact sequence of steps that should be followed during an investigation procedure, it mainly deals with ensuring that victims of sexual harassment are not disadvantaged in any way during such procedures. The South African investigation procedure provides more of a framework for a sexual harassment investigation, the details of such a process are left to the company's discretion. Regardless, the code could be enhanced by specifying that the investigation process deal with aspects such as: (a) collecting information for documentation; (b) interviewing victims, harassers and possible witnesses; (c) review of records: (d) possible solutions for the complaint.

- The Australian investigation procedure on the other hand requires that investigators reach conclusions on the principle of probabilities. This is achieved by acquiring proof such as: management statements; employees' documents; grievances made by other employees; documents that the victim has collected.

The Australian code, however, does elaborate a bit more on what kind of proof investigators need in order to carry out a successful investigation.

- The European investigation procedure is more elaborate in the sense that: (1) it focuses on providing parties with representation; (2) grievances need to be presented in written form; (3) harassers are given time limits within which to provide a response; (4) engagements and investigations are recorded; (5) in the final stage of the investigation procedure a written report is written specifying the investigators conclusions; (6) appeals are allowed to be made within certain time limits.

The disciplinary actions taken internationally and locally are similar in the following respects, with few differences:

- The South African disciplinary code only mentions that harassers will be dismissed upon serious acts of sexual harassment. The South African code is very vague regarding the possible disciplinary actions that can be taken against a harasser. The code should provide a table where all forms of sexual harassment are categorised from less severe acts to severe acts so that disciplinary action can be taken according to the severity of the act.

- The Australian disciplinary code on the other hand provides various possible disciplinary actions, these actions include: consultation, demotion, transfer, suspension, probation or dismissal.

- The European disciplinary code disciplines harassers by means of a transfer, suspension or reassignment to another work area.

The dispute resolution procedures the three codes follow differ in the following aspects:

- Within the South African code, if the dispute is not resolved via formal procedures, either party may refer the dispute to the CCMA for conciliation. If, after conciliation, the dispute still remains unresolved, either party may refer the dispute to the Labour Court.

- Within the Australian code, an individual can lodge a complaint to the Commission where the Commissioner can then attempt to resolve the complaint via conciliation. If the complaint still remains unresolved, the complaint can then be referred for a public hearing. At the public hearing a determination will then be made taking into account all relevant aspects.

- Within the European code, a complaint can be made to the office of Directors of Equality Investigations where the complaint is then referred to the Equality Office. A complaint may skip the step where it is referred to the Equality Office and instead be referred to the Circuit Court. The complaint must then be made within six (6) months of the occurrence. The most the Office of Directors of Equality Investigations and the Labour Court may award is 104 weeks' pay.

The European code, however, is the only code that incorporates monitoring as a crucial aspect of the code. Monitoring policies and procedures is the only way employers can truly determine whether their current sexual harassment policies and procedures are truly effective. The South African and Australian codes do not incorporate this aspect in the code.

2.6 CONCLUSION

Even though the International and Local Code share many similarities the most prominent difference is that the International Codes provide comprehensive and thorough explanations regarding the aspects dealt with in the Code, whereas the South African Code merely outlines these same aspects. Regardless of the fact that the South African code could be more elaborate, employers need to take the initiative of using the code as a guideline when formulating their sexual harassment policies and procedures. The South African code merely states the components of a typical sexual harassment policy and procedure, the contents thereof need to be adapted accordingly to suit the company. It is advisable that employers consider international codes when drawing up a sexual harassment policy and procedure in order to develop a more complete and comprehensive sexual harassment policy and procedure.

Once a policy has been drawn up, employers need to ensure that the proper measures are taken to communicate the policy to employees and managers alike. Once the policy has been communicated, it is essential that managers and employees receive proper training on the company's policy and procedures. Management training would focus on aspects such as managements role in: (1) addressing sexual harassment complaints; (2) taking the appropriate steps to stopping or confronting the harasser; (3) resolving the complaint effectively and efficiently. Employee training would focus on aspects such as: (1) identifying inappropriate behaviour; (2) alternatives available to harassed employees. Employers who implement the above mentioned procedures communicate to managers and employees their dedication in promoting a healthy and safe working environment.

CHAPTER 3
SEXUAL HARASSMENT IN THE WORKPLACE

3.1 INTRODUCTION

Even though sexual harassment has gained increasing attention in the workplace, many organisations are still not up to date with the serious repercussions sexual harassment can have on an organisation. Employers' lack of interest to address sexual harassment can lead to law suits, negative corporate image and a decrease in productivity. Employers should therefore take it upon themselves to ensure that:

- employees have a good comprehension of what constitutes sexual harassment;
- they have efficient and effective means of eliminating sexual harassment in the workplace (Sexual harassment in the workplace, 2002).

3.2 DEFINING SEXUAL HARASSMENT

In order to promote awareness about sexual harassment, the following factors need to be addressed: what is sexual harassment; how to identify sexual harassment; why does sexual harassment happen; who is subject to sexual harassment; why people do not report sexual harassment; and the myths surrounding sexual harassment.

3.2.1 What is sexual harassment?

Before sexual harassment can be defined, a distinction must be made between sexual harassment and flirtation. Sexual harassment refers to any unsolicited and uninvited sexual acts directed at another individual (McFarland, 1996), which can include (CCH Industrial Law Editors, 1992): physical touching such as kissing and grabbing; invitations of sexual nature; sexual favours; uninvited comments on an individual's physical attributes; jokes with sexual connotations (Pattinson, 1991); posters with sexual connotations. Harassment makes an individual feel bad; cheap and degraded. Harassment in tends to make individuals helpless and out of control (Dublieux, 1997). Flirting can be defined as behaviour that is mutual between two individuals (Havelin, 2000). Flirting makes an individual feel attractive and good

about himself or herself. Flirting is received as a compliment; it is positive and it is enjoyed by the individual (Dubliex, 1997).
The researcher defines sexual harassment as behaviour (physical, verbal or non – verbal) that is disgusting and uncalled for by the recipient.

3.2.2 How to identify sexual harassment

Victims of sexual harassment need to bear in mind that sexual harassment is under no circumstances (Bouchard, 1992):

- Their own fault;
- Innocent;
- A normal attraction between individuals;
- Experienced by individuals who are unfriendly;
- Attributed to the myth that victims want to be sexually harassed.

According to Bouchard (1992), sexual harassment can be recognised: as being one – sided and uninvited; power; being repetitive; when circumstances are aggravated.

3.2.2.1 It is one – sided and uninvited

Sexual harassment is characterised by acts that are one – sided and uninvited. Sexual harassment acts tend to be one – sided when individuals do not respond to other individuals' advances. These situations often make victims feel guilty without having fault. Individuals who force unsolicited sexual attention onto others are the ones who are at fault, not the victims.

3.2.2.2 Power

Sexual harassment does not focus on physical attraction but rather on power. Sexual harassment usually occurs when the harasser makes use of his/her power to intimidate victims to succumb to his/her demands. Harassers thrive on the idea that they are feared by their victims.

3.2.2.3 It is repetitive

When inappropriate behaviour becomes repetitive, it becomes sexual harassment to the person experiencing it. One offensive gesture can be regarded as tolerable, but

offensive gestures that are repeated every day become sexually harassing to the victim. These repetitive gestures may eventually result in the victim staying away from work.

3.2.2.4 When circumstances are aggravated

In instances where victims ignore harassers' advances, more often than not the harassers' advances become worse and even more intolerable, thus making the situation worse.

3.2.3 Why does it happen?

Sexual harassment can happen for a number of different reasons: power; different treatment of sexes; differences between sexes and lack of knowledge (Havelin, 2000).

3.2.3.1 Power

Power is not rooted to the kind of power a superior has over a subordinate. People can have power because of their personality or age. For example: people can use their age to force younger individuals to do what they want them to do.

3.2.3.2 Different treatment of sexes

Previously, men had more power and influence than women, because they were viewed as the superior sex. Today, men and women are meant to be treated as equals but yet women are still viewed as the inferior sex. This difference may result in sexual harassment as men may condemn women for doing "men's work".

3.2.3.3 Differences between sexes

Physically, men and women differ, men are bigger and stronger than women. Due to physical attributes, men are less prone to rape or sexual assault whereas women are more vulnerable to such conduct. Since women are more vulnerable to sexual assault, women will obviously feel more threatened by uninvited sexual advances.

3.2.3.4 Lack of knowledge

Miscommunication between individuals can result in sexual harassment since what

may be said as a compliment, may be taken as an insult. According to Bouchard (1992), harassers take on different roles, namely that of:

- **Bully**

Bullies need victims and they are efficient at finding them. Bullies will harass victims who are weaker and not likely to defend themselves. Victims will usually find that bullies harass because they have a bad self – image and harassing those weaker than themselves is a way of compensating for their bad self – image. Victims may find that confrontation is the best method to discourage harassers from continuing their harassing behaviour. Bullies may be supervisors, managers, owners and co – workers.

- **Egotist**

An egotist does what it takes to have things go his/her way. Egotists will use anyone to get what they want. Although, when an egotist is confronted by a victim, he/she will usually stop harassing the victim and find another victim.

- **Macho man**

A macho man will play the part in order to feel important and attractive. Macho men tend to live in an unrealistic world expecting others to follow suit. Macho men will usually imitate popular characters and think that they have the right to treat others shamefully.

- **Sadist**

Sadists gain pleasure through causing other people pain. Sadists have learnt through past experiences that power can be used to hurt others and they will use this power to humiliate their victims. Of all the above mentioned harassers, sadists are usually the most dangerous.

Bullies, egotists, macho men and sadists often come forth and find their victims in the workplace because victims do not recognise these different roles.

3.2.4 Who is subject to sexual harassment?

Bouchard (1992) states that sexual harassment can take place where an individual in authority has power over another individual, although some individuals are more prone to being sexually harassed than others. Victims of sexual harassment include:

- **New employees**

New employees may be at risk of being sexually harassed because they are often not familiar with what is routine and what is not routine in a new job.

- **Women**

Many cases of sexual harassment happen to victims who have been previously abused. Victims of sexual harassment usually have low self – esteem and feel that they need to please others to experience self - satisfaction. This leaves women vulnerable to sexual harassment. The sooner sexual harassment is prevented, the better. The following suggestions can assist in the prevention of sexual harassment: (a) do not tolerate pessimistic attitudes towards either sex; (b) consider the repercussions of dressing in a certain way; (c) avoid situations where one can be left in the presence of an individual who makes one feel uncomfortable; (d) be firm and in control of uncomfortable situations (Bouchard, 1992).

- **Men**

Xinxin (2003) believes that women are not the only victims of sexual harassment. Men are also the targets of sexual harassment. More and more men are faced with situations that render them jobless if they do not succumb to female authority demands.

- **Victims**

Harassers will harass victims who appear to be afraid. Harassers will take advantage of: (a) those who do not mind being treated badly and those who will not complain; (b) those who seek attention; (c) those who do not quite fit in the organisation (Bouchard, 1992)

3.2.5 Why people do not report sexual harassment

Hayter (1996) believes victims of sexual harassment do not report sexual harassment due to the fact:

- The onus of proof lies on the individual declaring sexual harassment. Individuals do not lodge complaints of sexual harassment because they believe that they have insufficient proof.

- Power imbalances and unemployment discourages victims from declaring sexual harassment. Victims fear retaliation for declaring sexual harassment.

- Grievants fear loss of confidentiality. Victims of sexual harassment fear exclusion from the workplace and do not want their experiences publicised in the company or anywhere else.

- Policies with formal complaint procedures tend to make victims feel that they have no control over the situation.

- The customary approach only enforces disciplinary action after the harassment has become intolerable. The customary approach does not focus on preventing sexual harassment before it occurs.

The researcher is of the opinion that victims of sexual harassment do not report sexual harassment due to the fact that such disclosures result in a great deal of embarrassment and humiliation.

3.2.6 Myths of sexual harassment

Rubenstein (1989) has identified the following misconceptions about sexual harassment:

- **Sexual harassment is an incidence effort to commence sexual relations**

Perpetrators do not harass victims on the grounds of lust. Perpetrators harass victims as a way of showing that they have power over their victims. Men may retell

a dirty joke as a means of humiliating fellow women colleagues. This can be regarded as means of telling women indirectly that they are inferior to men (Otto, 1997).

- **Attractive women are the only targets of sexual harassment**

Sexual harassment has no preferred recipient. The vulnerability of individuals is often what makes them victims of sexual harassment. Single or divorced women who work in male dominated companies are usually prone to sexual harassment, although women need to consider the implications of wearing eye - catching clothing as this often brings attention their way (Retief, 2000).

- **Women are responsible for being the recipients of sexually harassing behaviour**

As stated above, vulnerability often causes individuals to become victims of sexual harassment, not physical attractiveness, although women should think of the repercussions of wearing suggestive clothing to work as it will elicit reactions from the opposite sex.

- **It's a way of life**

Sexual harassment stopped being a way of life when organisations started implementing sexual harassment policies and procedures to prevent such behaviour (Rubenstein, 1989).

- **All men harass**

One can not generalise and say that all men are harassers as there are a number of men who avoid behaviour that can be sexually harassing, although men who do harass, tend to harass the same victim on more than one occasion (Retief, 2000).

- **Sexual harassment is not applicable to men**

Sexual harassment is not only applicable to women, sexual harassment is applicable to both men and women. The only difference is that women may experience a greater degree of sexual harassment compared to men.

- **Preventing sexual harassment can be regarded as an invasion of employee privacy**

Employers are accountable for sexual harassment taking place in the workplace due to the fact it is the employers' responsibility to provide a safe and healthy working environment for all employees (Rubenstein, 1989).

- **Only supervisors harass**

Some supervisors harass employees because they have the power to harass them. Supervisors may require an employee to comply to a sexual request in order for the employee to be eligible for extra company benefits. However, sexual harassment does not only occur between supervisors and employees, it may take place among fellow co – workers thus promoting a harmful working environment for the victim.

- **Only supervisors harass**

Employers should not be naïve enough to believe that supervisors are the only individuals who can harass employees. Co – workers are as capable of sexually harassing fellow co – workers. Sexual harassment has no boundaries when it comes to those who harass (Retief, 2000).

- **Preventing sexual harassment is more costly than ignoring it**

Table 6 compares the cost of preventing sexual harassment versus the cost of ignoring sexual harassment.

Table 6

Cost of prevention against the cost of ignorance

Cost of preventing sexual harassment	**Cost of ignoring sexual harassment**
- Training programmes	- Sick leave (due to sexual harassment)
	- Decreased productivity
	- Defamation of a victim's character
	- Labour turnover
	- Lawsuits costs

It is evident from the table above that ignoring sexual harassment will be far more costly for the company in the long term.

- **Men will not tolerate the elimination of pin – ups**

Why not play the scenario of "would you pin up these posters in front of your wife and children?." This way men will become aware of how offending certain pin – ups really are to some women. But it is ultimately up to the manager to decide what is appropriate and what is not (Otto, 1997).

3.2.7 Sexual Harassment versus Humour

Where sexual harassment is regarded as inappropriate, humour is regarded as appropriate. However, humour may have harmful effects on certain individuals. The problem with humour is that (Dowd, Davidhizar, Davidhizar, 2003):

- It is difficult to draw the line between what is acceptable and unacceptable humour;
- What the work environment prohibits, the social environment encourages;
- Individuals' values have changed so drastically that it is difficult to recognise appropriate from inappropriate behaviour;
- It tends to belittle men and women's status quo.

Upon taking the above mentioned problems into consideration, it is especially important for employers to implement and execute sexual harassment policies in order to distinguish sexual harassment from workplace humour (Dowd, Davidhizar and Davidhizar, 2003).

3.3 FORMS OF SEXUAL HARASSMENT

Sexual harassment includes uninvited physical actions, propositions for sexual services and spoken actions with sexual connotations (Van der Westhuizen, 1999).

3.3.1 Physical actions

Physical actions include uninvited: physical contact (such as touching or grabbing an individual inappropriately); sexual assault (such as stalking an individual to go

out on a date); rape. Physical acts are regarded as an invasion of an individual's privacy on the basis that all the above mentioned acts are unwelcome and uninvited.

3.3.2 Verbal actions

Slabbert (1994) believes that verbal actions include uninvited: hints (eg. "you have a body that would earn you lots of money at a strip club"); implications (eg. "you can earn more money working at night"); remarks with sexual connotations (eg. I'm sure that ladder in your stockings leads to heaven"); jokes with sexual connotations; remarks on a person's appearance (eg. "you look sexy in short skirts"); sex based remarks (eg. "do not send a woman to do a man's job"). Verbal actions humiliate victims on the basis that it leads to defamation of the victim's character in the organisation.

3.3.3 Non – verbal actions

According to Van der Westhuizen (1999), verbal actions include uninvited: suggestive motions; sexually connotated pictures; suggestive lip licking. Non – verbal actions cause victims a great amount of discomfort especially if the harasser repeats the behaviour continuously.

3.3.4 Quid pro quo

Quid pro quo harassment refers to high status individuals who request sexual services from lower level employees as a means of getting a promotion or as a means of avoiding dismissal (Stockdale, 1996). Wagner (1992) identifies the following components that qualify as quid pro quo harassment:

- The harasser must be in a position where he/she has power over the victim;
- The victim must demonstrate that quid pro quo harassment has cost them money in the form of possible promotions, merit increases and wage increases.
- A single incident is sufficient to claim quid pro quo harassment.

3.3.5 Hostile environment

Moran (2002) states that a hostile environment is one in which threatening and insulting actions are carried out by superiors or managers. Wagner (1992) identifies the following components that qualify as hostile working environment:

- Perpetrators may include superiors, co – workers, suppliers and customers;
- A single incident is not sufficient for claiming hostile working environment. The perpetrator's actions have to be repetitive and continuous over a period of time;
- Victims do not need to demonstrate that the hostile working conditions cost them money;
- The perpetrator's actions need to be severe enough for the victim to claim that his/her work performance has suffered or deteriorated;
- The victim needs to demonstrate that the perpetrator's actions would be regarded as offensive to any other third party.

3.3.6 Sexual favouritism

Sexual favouritism occurs when high status individuals reward employees who comply to their sexual requests and punish those employees who do not comply to their sexual requests (Sexual harassment in the workplace, 2002).

3.4 REQUIREMENTS FOR SEXUAL HARASSMENT TO EXIST

Moran (2002) identifies six requirements that need to be present for sexual harassment to exist:

- The victim claiming sexual harassment must be part of the protected class;
- The grievance must be gender related;
- The victim must at no time have succumbed to sexual advances;
- Harassment must be centred on sex;
- The actions the victim has grieved of must have had an adverse effect on his/her job;
- Harassment must have taken place during the course of the victim's employment.

3.5 EXPLANATORY MODELS FOR SEXUAL HARASSMENT

Several interpretations have been presented to explain the occurrence of sexual harassment and the unwanted sexual attention individuals are exposed to in the workplace. Due to this situation, three models have been presented in order to broaden individuals' understanding as to why sexual harassment may sometimes occur in the workplace (Slabbert, 1994).

3.5.1 Biological model

The biological model focuses on the idea that sexual harassment occurs as a result of natural sexual interaction between individuals. The model suggests that men ultimately have a stronger sex drive than women have. The model also suggests that men are less prone to containing their sex drive and therefore exhibit their sexual nature more openly in the work environment (Otto, 1997).

Sexual harassment can be seen as a "contest" between sexual equals, unconcerned with position in the organisation. Hence, recipients should not view sexual advances as unacceptable behaviour but rather as a portrayal of the other individual's true feelings. When there is no sign of mutual attraction between individuals, the model suggests that the advances should subside. According to this model, sexual harassment is viewed as harmless with no influence on an individual's employment opportunities (Slabbert, 1994).

This model does not consider the effects sexual harassment can have on an individual. It assumes that harassers will stop their behaviour if the recipients do not share their same attraction.

3.5.2 Socio – cultural model

The socio – cultural model maintains that sexual harassment results from a discrepancy in social status between classes of individuals, such as women and men. Sexual harassment is perceived as one of the indications of men asserting their power in a predominantly male system. The model suggests that sexual harassment as a socio – cultural occurrence results from the notion that since men dominate the home environment that it is only right that they also dominate the work

environment. Male roles encourage men be aggressive and competitive. These characteristics which define common male conduct are sometimes the same characteristics which lead to sexual harassment. Alternatively, women roles encourage women to be passive and submissive which results in women tolerating sexual harassment (Otto, 1997).

This model thus assumes that women are more likely to be victims of sexual harassment than men. However, this model does not take into consideration that:

- men may also be sexually harassed by women;
- women may sexually harass other women.

3.5.3 Organisational model

The organisational model maintains that certain organisational characteristics contribute to the development of sexual harassment in the workplace. The model suggests that authority and power differences between men and women in a company may promote the occurrence of sexual harassment in the organisation especially between supervisors and subordinates (Slabbert, 1994).

Yet, men harass women more often than women harass men. This can be attributed to the fact that women are usually in subordinate positions which renders them vulnerable to sexual harassment. Sexual harassment tends to occur in organisations that (1) are highly structured; (2) require overtime or weekend work; (3) have disproportioned sex ratio; (4) do not have a strict sexual harassment policy.

According to this model, women are vulnerable to the economic, social, psychological, and physical consequences of sexual harassment. This model can be used as a basis for individuals to understand the implications sexual harassment can have on a victim (Otto, 1997).

None of the above mentioned models can be used in isolation to explain the occurrence of sexual harassment in the workplace. The models can only be beneficial to an organisation if combined. This way, all factors discussed in each

model can be integrated to formulate a better understanding of why sexual harassment occurs.

3.6 VARIABLES, CAUSES AND EFFECTS OF SEXUAL HARASSMENT

3.6.1 Variables of sexual harassment

In order for an individual to understand the whole concept of sexual harassment, it is necessary that the individual take all the relevant variables into consideration before making biased judgements. According to Retief (2000), there are six variables which promote the comprehension of sexual harassment in the workplace, namely:

- **Harasser**

Three kinds of harassers have been identified, namely the "hard core", "opportunist" and the "insensitive" harasser. The "hard core" harasser's behaviour is unlikely to stop even after confrontation. The "opportunist" harasser will wait for opportunities to arise in order to harass victims (Otto, 1997). The "insensitive" harasser is not conscious of the fact that he/she may be harassing an individual, and they are likely to retreat upon a victim's confrontation.

- **Situation**

There are situations that create climates for sexual harassment, namely situations where women are in positions that are non – conformist to the female role and where sexual harassment is seen as acceptable in the organisation.

- **Behaviour**

Harassers' behaviour occurs on three paradigms, namely on a physical, spoken and non – spoken level which have been discussed in 3.3. Sexually harassing behaviour can vary from one single incident to many continuous incidents. Such behaviour also varies in terms of less severe forms of sexual harassment to more severe forms of sexual harassment.

- **Victims' reactions**

Victims react to sexual harassment differently. Where one victim will lodge an informal or formal grievance, another will ignore or avoid the harasser. A victim's

reaction is influenced by whether or not he/she has fallen victim to sexually harassing acts before (Retief, 2000).

- **Victims' clarification**

Victims interpret harassing actions according to their views in order to determine which actions are acceptable or unacceptable. Past experiences may render some victims more sensitive to certain actions than others. Victims are also sometimes influenced by employers or co – workers' reactions to such incidents.

- **Organisational influence**

The organisation itself plays a vital role in the way victims interpret sexual harassment. An organisation that is tolerant of sexual harassment will render victims' of sexual harassment also tolerant to this unacceptable behaviour (Retief, 2000).

3.6.2 Causes of sexual harassment

Sexual harassment is the end result of an abuse of power and not physical attraction. Petrocelli and Repa (1994) believe that sexual harassment is caused by:

- **Violence and self – awareness**

As violence prevails in relationships, it also prevails in the workplace. The problem of sexual harassment has grown because what has been termed as a "man's world" is steadily changing to become a "woman's world".

- **Economics of women's work**

Men tend to resort to sexually harassing behaviour when faced with competition (women) as a means of reasserting control. Society may view men and women as equals, but salary wise, women are still paid less than men for doing the same work.

- **Discrimination**

Not only are women employed in lower paying jobs, they are kept there directly or indirectly via sexual harassment. When taken into consideration, what laws restrict

organisations from exercising, is exactly what sexual harassment succeeds at promoting, sex – based requirements for a job.

3.6.3 Effects of sexual harassment

Rubenstein (1989) believes that sexual harassment affects victims and organisations, either directly or indirectly. Sexual harassment affects:

- **Victims**

Victims of sexual harassment often experience anxiety, irritability, depression, fatigue, insomnia and stress. Victims may also experience dismissal, loss of wages or benefits and rebuttal for claiming sexual harassment (Petrocelli and Repa, 1994).

- **Workplace**

The repercussions sexual harassment can have in the workplace are endless. Sexual harassment can lead to: (1) decrease in productivity; (2) increased absenteeism; (3) decreased proficiency; (4) increase in costs for the employer; (4) unmotivated employees; (5) increase in job – related accidents. Essentially, the effects sexual harassment has on an employee will be directly or indirectly transferred to the organisation (Rubenstein, 1989).

3.7 MANAGEMENT DUTIES

"Employers have already recognised the necessity of introducing rules in regard to racial tension. Perhaps they should also consider introducing rules expressly prohibiting sexual harassment" Sutherland (1992).

Mulligan and Foy (2003) believe that sexual harassment in a company results from faulty management which projects a poor and demoralising company image. The comprehension of sexual harassment policies and procedures will direct an organisation away from sexual harassment problems. Prevention starts with having a policy in place, a policy which incorporates (Volkwein and Sankaran, 2002):

- Description of sexual harassment;
- Grievance procedures;
- Enquiry procedures;

- Disciplinary actions to deal with transgressors

Figure 4 illustrates managements duties with regards to implementing policies and procedures that will contribute to reducing sexual harassment in the workplace. The figure also focuses on possible actions employers may take against those who contravene the company's sexual harassment policy.

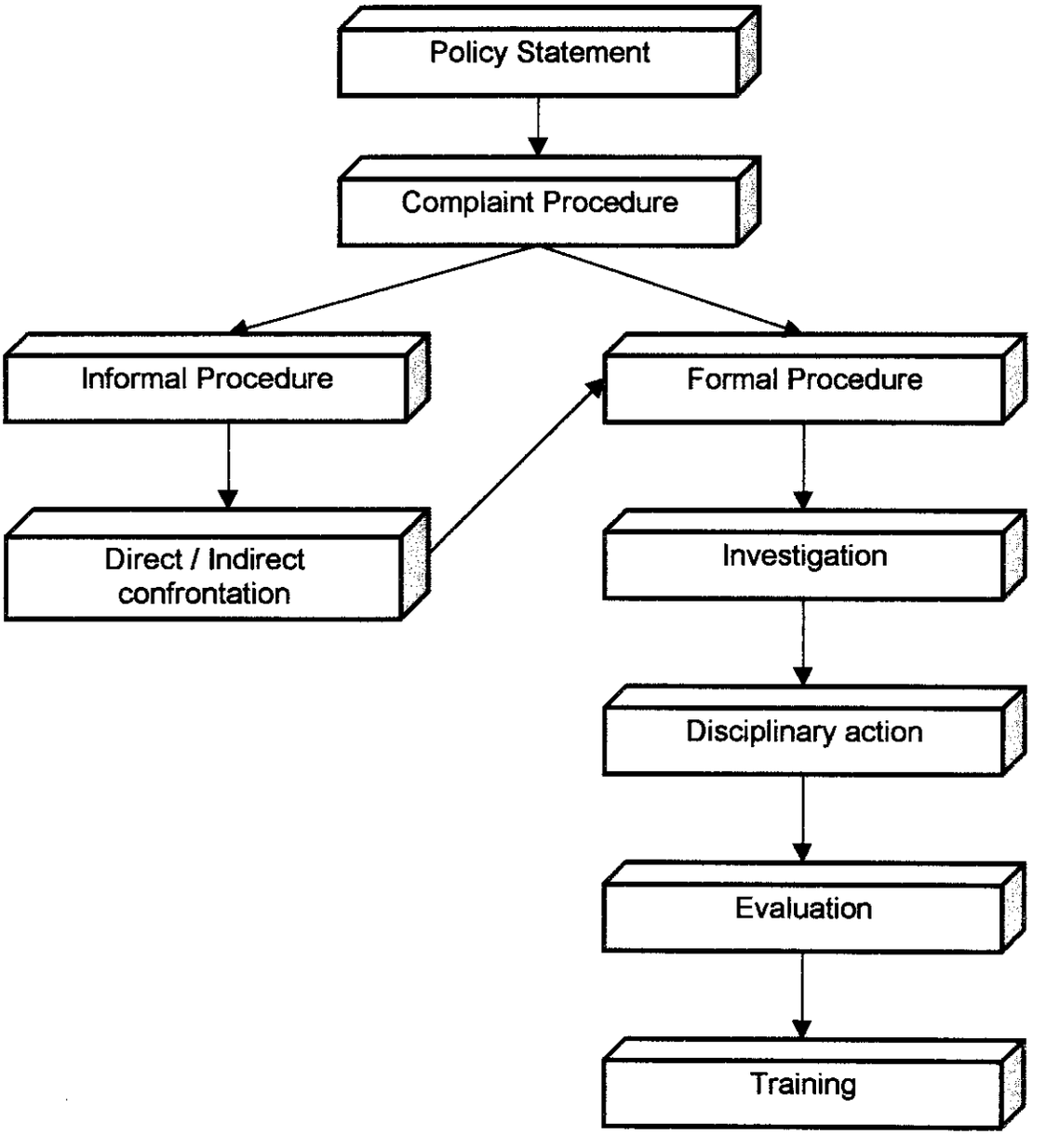


Figure 4. Management duties

3.7.1 Statement of policy

If employers adopt a superb sexual harassment policy, this will show that employers are acting in good faith by trying to stop misconduct centring on sexual harassment (Is it sexual harassment, 2001). The policy statement should focus on:

- A sexual harassment definition;
- Handling sexual harassment claims severely;
- Demonstrating possible disciplinary actions for sexual harassment;
- Exploitation as subject to disciplinary action;
- Employers' dedication to eradicate and stop sexual harassment;
- Keeping employees grievances confidential (Sexual harassment in the workplace,2002).

3.7.2 Grievance procedure

Rubenstein (1989) states that grievance procedures should give employees the assurance that sexual harassment is taken earnestly. Employee grievances should be dealt with in such a manner as to promote privacy. The goal of a grievance procedure should be to: promote solutions to grievances; to ensure perpetrators are disciplined accordingly; protect victims from exploitation.

Employees should be acquainted with the procedures they should follow should they become victims of sexual harassment. Procedures that are ineffective will encourage victims to abstain from making sexual harassment complaints. Sexual harassment grievances differ from other grievances in the sense that victims of sexual harassment are disinclined to make a grievance. The reasons attributed to this fact is that victims of sexual harassment (Rubenstein, 1989):

- Believe that if they overlook this behaviour it will cease to exist;
- Believe that such acts are inevitable;
- Do not want to be seen as the instigators;
- Fear exploitation;
- Do not want the perpetrators to be punished;
- Believe that their grievances will be ridiculed;
- Believe no action will be taken against the perpetrator;
- Fear that they will not sound credible.

3.7.2.1 Informal procedure

Herbert (1994) divides the informal grievance procedure into two separate procedures, namely:

- First informal grievance procedure; &
- Second informal grievance procedure

a) First informal grievance procedure

Consultants should firstly advise victims to tell their harassers to stop their unacceptable behaviour. Consultants can provide the victim with four ways in which to confront harassers, being: (1) face – to – face confrontation; (2) written letter; (3) telephonic confrontation; (4) face – to - face confrontation with the consultant being present.

Should the victim feel comfortable using one of these approaches, the consultant is required to consult the victim on how to go about it. A consultant should never pressurise a victim into a decision as this may lead to complications. If the victim does not want to use any of the above mentioned methods, the victim may make use of the second grievance procedure.

b) Second informal grievance procedure

The second informal grievance procedure can only be used if the victim does not want to confront his/her harasser. The second informal grievance procedure involves a higher ranking manager to confront the perpetrator on the issues at hand. Before the higher ranking manager confronts the perpetrator, it is vital for the victim to write down his/her grievance, add a date to it and sign it. The higher ranking manager will review the grievance and request the presence of the perpetrator. The perpetrator will be notified that his/her presence is requested and the perpetrator may attend the meeting with a trusted co – worker. The goal of the meeting is to reach a solution. Everything that takes place during a meeting should remain classified.

In the interview, the higher - ranking manager needs to determine exactly what happened between the perpetrator and the victim. It is important for the higher – ranking manager to determine whether the perpetrator's actions were conscious or

unconscious and whether the actions were intended to hurt or offend the victim. If the perpetrator admits that his/her actions were inappropriate, then the grievance can be solved more efficiently. The higher – ranking manager should then communicate to the perpetrator that it would be to his/her advantage to apologise to the victim. The higher – ranking manager should make it clear to the perpetrator that: all relationships in the company should remain professional; no exploitation should occur; all information and findings should remain classified.

During the meeting it is necessary for the higher – ranking manager to: (1) avoid labelling individuals as harassers; (2) listen to what the accused has to say; (3) inform the accused that the aim of the informal procedure is to conciliate and reach a solution, although employers need to be aware of the advantages and disadvantages involved in an informal complaint procedure. Table 7 below summarises the advantages and disadvantages of an informal complaint procedure.

Table 7

Advantages and disadvantages of an informal grievance procedure[1]

Advantages	Disadvantages
▪ It is prompt	▪ It leaves victims liable to exploitation
▪ It urges victims to talk	▪ It does not convey the message that sexual harassment is being stopped

3.7.2.2 Formal grievance procedure

Herbert (1994) divides the formal grievance procedure into two procedures, namely:

- First formal grievance procedure;
- Second formal grievance procedure

a) First formal grievance procedure

This formal grievance procedure should only be followed when: sexual harassment claims are more severe than in the informal procedures; it breaks the organisation's

[1] Adapted from "Combating sexual harassment in the workplace," by R. Collier, 1995, p. 87. Buckingham: Open University Press.

code of practice; the harasser alleges that the victim 's complaint is not true. When the accused disclaims that sexual harassment took place and the victim claims that it did, it is necessary to involve a higher – ranking manager to execute an investigation. The Managing Director may not be the investigator as it is the Managing Director's duty to reach a decision once the investigation has been completed. The investigator should be completely unbiased throughout the investigation process in order to be recognised as an honest and trustworthy investigator. The investigator needs to: (1) gather as much information as possible; (2) interview witnesses, victim and the accused; (3) submit his/her report to the Managing Director. Once the report has been submitted to the Managing Director, the Managing Director will decide on a course of action.

b) Second formal grievance procedure

The second formal grievance procedure may be followed if: (a) the nature of the harassment is very serious; (b) the victim is dissatisfied with the results of the previous procedures. When the informal procedures have been exhausted, the victim is left with no other option but to refer the case to the Labour Court. The victim may demand remuneration; that the employer be held accountable and that the harasser be found guilty and discharged. It is, therefore, important for employers to have sexual harassment policies in place in order to avoid being held accountable for the sexual harassment acts taking place in the organisation. Table 8 below summarises the advantages and disadvantages of a formal complaint procedure.

Table 8

Advantages and disadvantages of a formal grievance procedure[2]

Advantages	Disadvantages
▪ Employer is held accountable	▪ Confidentiality may be a problem
▪ Reduces possibility of exploitation	▪ It is harder to gather proof
▪ It enables the company to discipline harassers	▪ There can be animosity from co - workers

[2] Adapted from "Combating sexual harassment in the workplace," by R. Collier, 1995, p. 87. Buckingham: Open University Press.

A formal complaint form should record the most important facts of the incident. The form should record: the date when the harassment took place; the facts of the incident; the name of the harasser and the steps the victim took to discourage further harassment from the harasser.

3.7.3 Factors to be considered before investigation proceeds

When an investigator carries out an investigation, he/she must consider the following factors:

- **Perceptions of sexual harassment**

Golden, Johnson and Lopez (2002) believe that harassing acts that are viewed as deliberate and constant are likely to uncover feelings of anger towards the harasser.

- **False victim syndrome (FVS)**

Schell (2003) identifies three types of false victim syndromes, namely:

- Type 1: "victims" claim to experience physical symptoms related to sexual harassment even when sexual harassment has not occurred.
- Type 2: "victims" declare crimes of sexual harassment where the "harasser" is known.
- Type 3: "victims" declare crimes of sexual harassment where the "harasser" is unknown.

False victim syndrome does not occur frequently, but when it does occur, it impacts the company negatively. False victim syndrome can lead to wrongful dismissal, destroyed reputations and loss of careers.

- **Three big surprises**

Janove (2001) identifies three surprises employers may encounter when sexual harassment claims are made, namely that:

- employees who embark in extreme sexual acts allege to be victims of hostile environments they have generated;
- victims of sexual harassment seldom complain of sexual harassment;
- perpetrators often have no intention of offending others

3.7.4 Investigation procedure

The investigation procedure consists of a variety of steps that need to be taken should a sexual harassment complaint arise. Figure 5 illustrates the steps required in an investigation procedure.

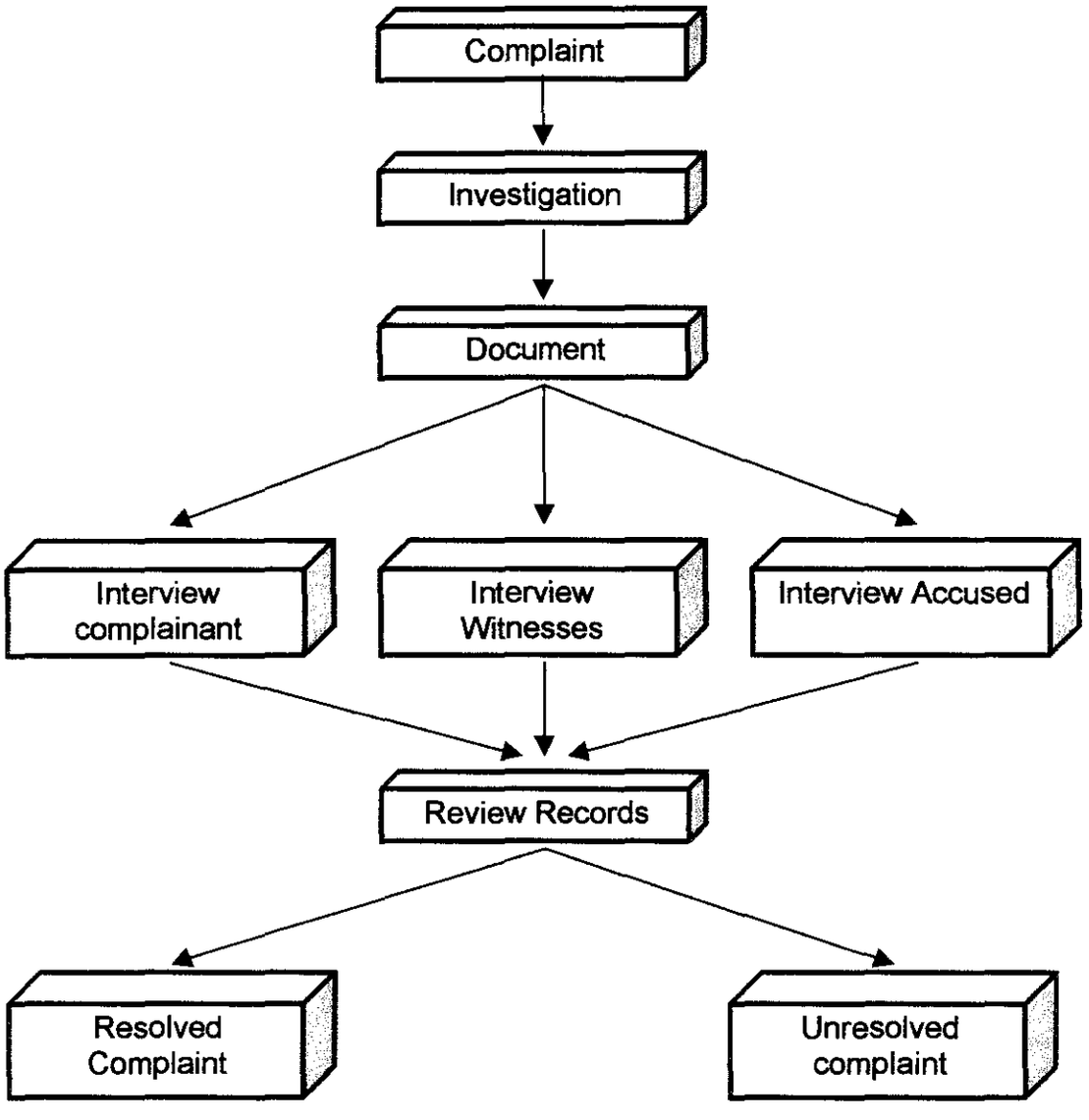


Figure 5. Investigation procedure

3.7.4.1 Appointing an investigator

It is not sufficient for an organisation to have a sexual harassment policy, the employer must show his/her commitment to the policy. The employer can do this by

selecting one or more individuals to investigate sexual harassment complaints (Lightle and Doucet, 1992). When appointing an investigator, the employer should weigh the advantages and the disadvantages of appointing an internal versus external investigator. Table 9 compares the advantages against the disadvantages of appointing an external investigator.

Table 9

Advantages and disadvantages of an external investigator [3]

Advantages	Disadvantages
▪ More experienced	▪ Higher cost implications
▪ Willing to testify	▪ Time consuming
▪ Remains unbiased towards both parties	▪ Unfamiliar with company's culture
▪ Not as time consuming	

3.7.4.2 Internal investigation

According to Lightle and Doucet (1992), all enquiries should and ought to be kept classified, although there are issues that can not be kept classified. Therefore, care should be taken to keep as much information as possible private during the interviews.

3.7.4.3 Role of the investigator

The investigator needs to be educated, experienced and well – informed in order to conduct interviews competently. The investigator should be seen as honourable by all or most of the employees in the organisation. Upon investigation of a grievance, the investigator should:

- Ensure that he/she grasps the grievance;
- Gather all pertinent information from the grievant;
- Gather all pertinent information from witnesses;

[3] From "Investigating workplace harassment: How to be fair, thorough and legal," by A. Oppenheimer and C. Pratt, 2003, p. 62. USA: Society for Human Resource Management.

- Query the harasser;
- Gather all reports made;
- Make a summary of the investigation;
- Provide possible actions the employer can take

3.7.4.4 Report procedures

Due to the complicated matters incorporated in sexual harassment complaints, it is absolutely essential for investigators to use efficient and effective report procedures. Reports should include: (1) enquiries with witnesses. Dates and signatures are essential; (2) reports involving the grievant (this would include employment petitions, citation checks, assessment of employment period and disciplinary warnings for parties involved); (3) reports of any other relevant cases.

3.7.4.5 Interview grievant

In an interview, a grievant will be expected to recall details of the offender's harassing behaviour – including dates, names, places and specific behaviour. Confidentiality should always be stressed during this process in order to assure grievants that the matter will be kept private.

Even though a grievant is permitted to discuss his/her harassing experience with a friend, once a grievance has been filed, he/she should not elaborate too extensively on the particulars of the investigation. Investigators should follow a good investigation procedure due to the fact that grievants tend to forget some details of the incident/incidents (Petrocelli and Repa, 1994).

3.7.4.6 Interviewing witnesses

Once the grievant has been interviewed, the investigator then needs to interview possible witnesses. The investigator may find that the grievant and the harasser name the same individual as a witness. It is, therefore, advisable that the investigator interview witnesses that appear on both the grievant's and harasser's lists. The investigation procedure that the investigator follows is similar to that of the grievant's. The investigator should start the investigation procedure by explaining the purpose of the investigation and then proceed to specific and general questions (Deblieux, 1997).

3.7.4.7 Interviewing the harasser

Investigators need to explain the essence of complaints brought against a harasser. The investigator is also required to interview the harasser in order to obtain a signed written statement of the recollected events. Harassers who fail to acknowledge their behaviour allow the investigator the right to record their refusal in their personal file (Petrocelli and Repa, 1994).

3.7.4.8 Review records

After the investigation has been carried out, all the evidence that has been collected needs to be kept in a file that is classified. This way, a limited number of individuals has access to the files.

3.7.4.9 Resolving the grievance

As soon as all the witnesses have been interviewed and all evidence collected, the investigator then needs to establish whether sexual harassment has taken place. If sexual harassment has taken place, the investigator needs to provide possible solutions to resolve the situation. Possible solutions to the situation would include (Lightle and Doucet, 1992):

- Discussing ways in which to solve the problem;
- Receiving payment for lost opportunities such as a promotion;
- Reinstating an employee if he/she was demoted or transferred;
- Termination of employment for the harasser or a written warning.

The investigator should compile a document that can be accessed by the organisation's lawyer. The victim should also be allowed to have a lawyer access the document. But what happens if the investigation yields no proof that sexual harassment has occurred? The investigator then needs to provide the victim and the accused with documentation stating the findings of the investigation. The documentation must incorporate: (a) that the findings were indecisive; (b) that the victim may be transferred as per request; (c) that employees must immediately declare inappropriate behaviour (Lightle and Doucet, 1992)

3.7.4.10 Grievance unresolved

A grievance that is unresolved must be referred to the labour court as an unfair labour practice. According to Grogan (2003), disputes concerning an unfair labour practice must be referred for conciliation to a bargaining council, if there is no bargaining council, to the CCMA. The dispute must be referred for conciliation within 90 days from the date of the act or within 90 days when the employee first becomes aware of the act.

3.7.5 Disciplinary actions

The disciplinary action to be taken against an offender depends on the results presented by the investigator after the investigation procedure. Before an offender is disciplined, the employer should consider:

- Aggravating and mitigating circumstances that may have contributed to the offender's unacceptable behaviour;
- Credibility of the individual accused of sexual harassment;
- Credibility of the victim claiming sexual harassment;
- Comparing both statements delivered by the victim and the accused;
- Severity of the offender's harassing acts
- Disciplining the accused according to the severity of the acts.

Once the employer has considered the above mentioned issues, the employer is then in a sound position to make a decision regarding the most appropriate action to be taken against the offender. Figure 6 illustrates the routes an employer may take when disciplining an offender.

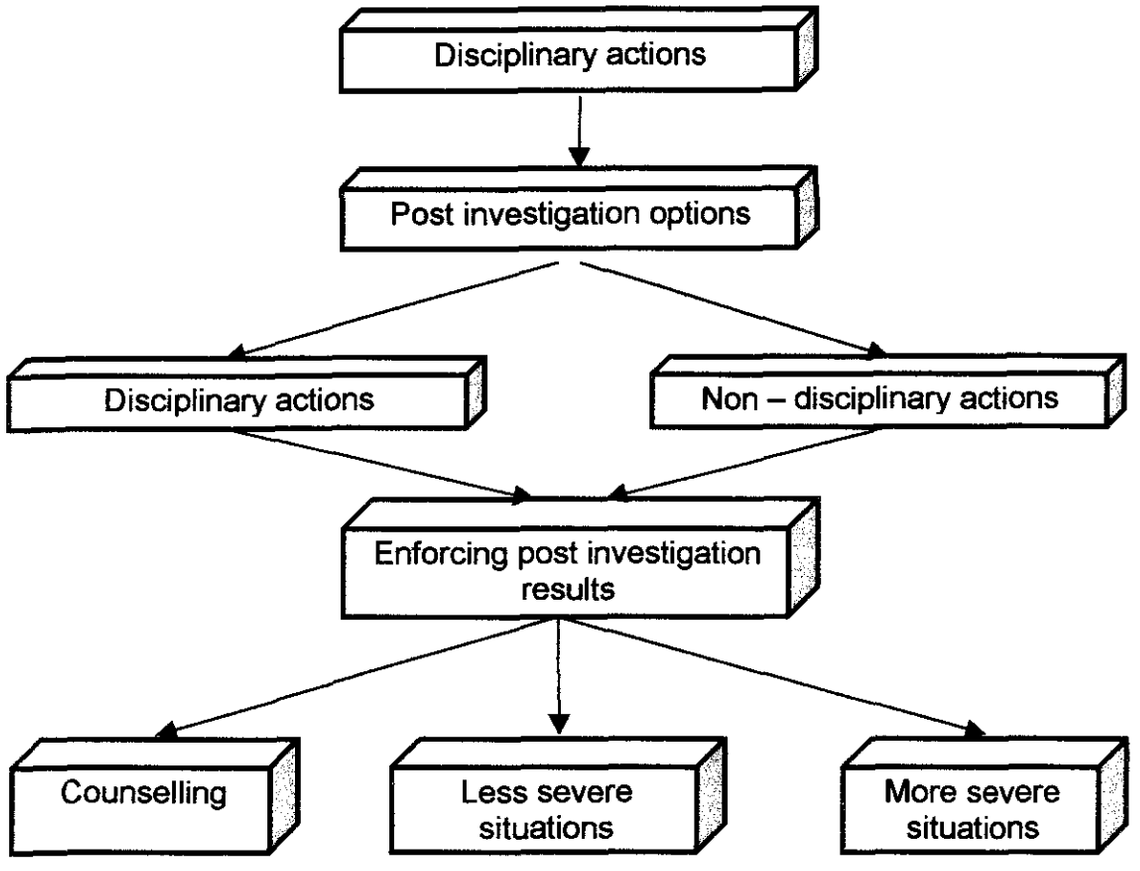


Figure 6. Disciplinary actions

3.7.5.1 Post investigation options

Wagner (1992) states that once the investigation is concluded and the accused is found guilty, the employer is left with two choices. The employer may:

- Discipline the harasser; or
- Implement non – disciplinary actions.

a) Disciplinary actions

When an employer considers possible disciplinary actions for the harasser, the employer must take into consideration the following: (1) situational factors; (2) seriousness of the sexually harassing acts;(3) frequency of the incidents; (4) previous complaints. Disciplinary actions may include suspension, transfer, written warning or dismissal.

b) Non – disciplinary actions

Non – disciplinary actions an employer may take against a perpetrator include: (1) counselling to assist victims cope with work; (2) conciliation to assist both parties to reach solutions jointly; (3) assessing the EEOC criteria on sexual harassment; (4) distributing the organisation's policy on sexual harassment to all employees; (5) educating managers on sexual harassment at work (Otto, 1997).

c) Enforcing post investigation results

Post investigation results need to be enforced according to the severity of the harassment. Post investigation results may include one of the following:

- **Counselling and conciliation**

Counselling is beneficial when the grievant: makes claims that seem unreasonable; appears to be too sensitive, in terms of interpreting normal workplace activities as sexual harassment; misconstrues business conduct due to culture diversity; misinterprets manager actions, leading to miscommunication; has communicated that sexual advances were once welcome and are not welcome any more.

To solve the above mentioned scenarios, the responsible body should work through the misinterpretations with the grievant to resolve cultural differences. Counselling is beneficial for harassers when:

- They are oblivious to the fact that their behaviour is considered as sexually harassing by the grievant;
- They have been previously involved with the grievant and do not realise that their advances are no longer welcome;
- They are oblivious to how grievants view acceptable behaviour.

In circumstances where the accused and the complainant have had a previous relationship, it is advisable to arrange a meeting where both parties may be present to discuss misunderstandings that may have occurred. Such meetings are often successful. The mediator's role is to set the rules and ensure that both parties reach

mutual agreement, if both parties are unable to reach such an agreement, appropriate action will be taken (Wagner, 1992).

- **Reacting to less severe situations**

Less severe situations refers to situations where: (1) the grievant was not misjudged but instead misinterpreted; (2) grievants have been subjected to sexually connotated jokes on rare occasions; (3) the grievant's work may be slightly affected.

The above mentioned situations may be resolved using non – disciplinary actions. Agreement must be reached on what constitutes appropriate business behaviour to prevent the re- occurrence of such an incident. It is important to monitor less severe situations as it:

- Projects that grievances are taken seriously;
- Communicates that sexual harassment is not tolerated.

If the situation renders it necessary to document the incident in the perpetrator's file (even if the investigation yielded no results), it is the higher - ranking manager's responsibility to do so. The reason for this is that should the perpetrator repeat the incident, he/she will be disciplined more seriously. Employers can decrease the probability of sexual harassment from re – occurring in the organisation by transferring the harasser to another job which in no way demotes him/her from his/her previous job (Wagner, 1992).

- **Reacting to more severe situations**

More severe situations refers to situations where: (1) grievants are constant victims of sexual harassment; (2) the perpetrator should have known that his/her behaviour was uninvited; (3) the grievant's job depends on his/her willingness to succumb to the perpetrator's advances; (4) physical body contact was uninvited; (5) the grievant's ability to work was severely affected.

When deciding on possible disciplinary actions, it is important for the employer to consider mitigating circumstances. In most situations, it is preferable for the employer to dismiss the perpetrator due to the fact that should the perpetrator be retained and he/she repeats his/her behaviour, the employer may be held

accountable for negligent retention. When the employer decides to dismiss a perpetrator, the employer should make sure the perpetrator knows why he/she is being dismissed. The dismissal meeting must: (1) be short; (2) be to the point in the sense that the perpetrator understands that he/she is being dismissed on the results of the investigation; (3) state that the perpetrator's dismissal was a corporate decision; (4) state the date of dismissal (Wagner, 1992).

d) Monitoring sexual harassment

Petrocelli and Repa (1994) state that the best way to monitor whether sexual harassment is still a problem in a company is to provide employees with a questionnaire which will determine whether or not sexual harassment is still taking place. This questionnaire should address: the most recent incident of sexual harassment taking place in the organisation; who is the alleged harasser; the nature of the harassment; the victim's response to the harassment; whether the victim was victimised for taking action; the outcome of taking certain actions. This will demonstrate the employer's dedication to eliminating sexual harassment in the workplace.

e) Training

Reese and Lindeberg (2002), state that training can be the answer to informing employees on sexual harassment. Training can also give managers the willpower to pursue and implement sexual harassment policies introduced by the organisation to prevent sexual harassment. Training has the following advantages:

- It promotes awareness;
- It elaborates on sexual harassment definitions;
- It promotes confidence;
- It encourages the reciting of sexual harassment;
- It specifies the causes of sexual harassment (Van Meelis, 1999);
- It specifies the effects of sexual harassment;
- It distinguishes between facts and myths of sexual harassment

Training of management should focus on (Reese and Lindeberg, 2002):

- Delicate matters such as gender differences, cultural differences and race differences;

- Enquiry processes which involve maintaining privacy, collecting information, interviewing witnesses and keeping documentation;
- How information should be collected and organised;
- Encouraging victims to report sexual harassment.

Training of employees should focus on:

- The clarification of sexual harassment;
- How to increase one's consciousness on sexually harassing behaviour;
- Encouraging employees to report sexual harassment;
- The process of enquiry;
- Disciplinary actions perpetrators will face.

3.7.6 Other proactive steps

Employers can reduce liability for sexual harassment by considering other proactive steps such as (Green and Retief, 2001):

3.7.6.1 Walking the floors

Employers should take it upon themselves to tour the workplace premises as an extra preventative measure against sexual harassment. This way, employers may quickly come across displays of inappropriate materials such as suggestive calendars and graffiti.

3.7.6.2 Rumour and innuendo

Even though rumours are often regarded as office gossip, it is the employer's prerogative to discreetly investigate repetitive rumours centring around sexual harassment as these discreet investigations may yield deep routed sexual problems in the organisation.

3.7.6.3 Complaint resolution audits

It is regarded as sound practice to audit the organisation's internal complaint resolution system. Employers should look for (Wagner, 1992):

- **Level of company use**

Firstly, the employer needs to determine how many lawsuits have been made against the organisation. Secondly, the employer needs to determine how many employees made use of the company's internal complaint resolution system before filing the lawsuit. From the above mentioned steps the employer will then be able to determine whether the organisation has an effective complaint resolution system.

- **Credibility**

Credibility needs to be established in order for employers to evaluate how users of the system perceive the system. Employers should consider carrying out surveys in order to gather information on how employees perceive the system.

- **Trust**

Trust refers to the extent to which individuals believe that they will not be punished for lodging a sexual harassment complaint. The employer needs to access whether users of the system feel threatened when using the system. Employers can attain this information by informally talking to past users.

3.7.6.4 Minimising defamation risks

Prevention is an ideal means of minimising defamation risks usually related to sexual harassment cases. Due to defamation risks, investigators try to carry out investigations with the utmost of caution in order to protect respective reputations. Defamation can be minimised by (Wagner, 1992):

- **Organising inquiries**

Specific individuals need to be appointed to handle sexual harassment inquiries in order to promote consistency. By appointing an individual to oversee these inquiries, employers are relieving managers from time - consuming checks and from risk liability.

- **Requesting that inquiries be made in writing**

Requesting that inquiries be made in writing in a way discourages individuals from making inquiries that are unfounded. This method allows the inquiry to be recorded for future reference.

- **Isolating fact from myth**

Employees should be unbiased when giving references in order to attain the facts. This discourages employees from providing facts that centre on gossip, rumours and innuendo.

- **Establishing a company wide policy**

The policy adopted by a company should identify the kind of information that is to be made available and accessible to victims of sexual harassment. Employers should consult with competent consultants on issues relating to minimisation of defamation risks (Wagner, 1992).

3.8 EMPLOYEE ALTERNATIVES

Sexual harassment needs to be eliminated in the workplace in order to reduce the number of individuals leaving the organisation and to promote a harassment – free working environment. However, eliminating sexual harassment should not only be a management initiative, employees should also take action against sexual harassment (Otto, 1997).

3.8.1 Areas to avoid

Petrocelli and Repa (1994) identify five areas of conduct that individuals should avoid: office relationships, suggestive dress codes, suggestive posters, jokes and insinuations.

3.8.1.1 Office relationships

Even though employers have implemented policies forbidding employer - employee relations, it is very difficult to enforce this provision on employers and employees. It is important to remember that sexual harassment results from power abuse not relationships that have gone bad. If a supervisor and employee are romantically involved, it is essential for both parties to keep work and social activities separate. There are criterions employers may use to avoid sexual harassment, namely:

- Be genuine. Employers should not invite employees on dates to discuss business when the ulterior motive is clearly not business related.

- Employers should not persistently ask an employee out on a date if the employee has made it clear that he/she is not interested.
- Employers should keep social interactions with employees strictly confined to meetings after work.
- Employers should pay attention to the significant other party's non – verbal body language to access whether their behaviour is still appropriate.

3.8.1.2 Suggestive dress codes

There is no dress code specifying what women are meant to wear but it is advisable that women wear clothing that does not project the wrong impression. This in no way confines a woman to wearing nun's clothing. Women should wear clothing that is appropriate for work, clothing that shows sophistication and professionalism.

3.8.1.3 Suggestive posters

Publicly exhibiting suggestive posters in the workplace is definitely sexual harassment. Employees may take the following steps should they come upon suggestive posters exhibited in the workplace: (a) employees can remove suggestive posters exhibited in a work area; (b) employees should confront the perpetrators of such acts and request that they stop it; (c) employees can bring these matters to the attention of management (Petrocelli and Repa, 1994).

3.8.1.4 Jokes

There is a fine line between appropriate work jokes and inappropriate racist or gender based jokes. Employees and employers alike should refrain from jokes that could hurt or offend other employers or employees. An employee can show his/her displeasure for an inappropriate joke by:

- Not laughing at the joke;
- Abandoning the premises;
- Directly informing the perpetrator that his/her joke is not appreciated.

3.8.1.5 Insinuations

Insinuations are less direct but just as insulting as jokes. It is not advisable for employees to comment on insinuations as this may only reinforce the behaviour.

The researcher is of the opinion that all forms of insinuations should be avoided since what may be acceptable for one individual may be unacceptable for another individual.

3.8.2 Weighing the situation

It is important to note that there is no one specific way or method to respond to sexual harassment. Victims of sexual harassment are often reluctant to complain about sexual harassment because they often become the targets of victimisation. Where employers may victimise employees by making their working lives that more difficult, co – workers may on the other hand also victimise employees by avoiding association with such individuals. Victims of sexual harassment need to assess the perpetrator's behaviour in order to determine which procedures to use. A less severe act will constitute a less severe action and vice versa.

3.8.3 Confronting the perpetrator

Direct confrontation brings the perpetrator to the realisation that his/her behaviour is not welcome (CCH Industrial Law Editors, 1992). This kind of direct confrontation may discourage the perpetrator from repeating his/her unacceptable behaviour, especially when the behaviour is not that serious in nature. When confronting a perpetrator, the victim should (Petrocelli and Repa, 1994):

- Keep the confrontation short and straight to the point;
- Tell the perpetrator exactly which behaviours are offensive and sexually harassing;
- Ensure that he/she does not give the perpetrator the wrong impression.

If the perpetrator's behaviour continues even after confrontation, the victim should write the perpetrator a letter stating the behaviours he/she finds offensive and the course of action which will be pursued should the behaviour continue. Before sending the letter to the perpetrator, the victim should have: (1) a trusted colleague review the letter to ensure that the letter is specific and to the point; (b) a duplicate made of the letter for future reference. By following the mentioned procedure, the victim will have proof of the perpetrator's actions should his/her behaviour continue.

This way, the victim will have evidence of misconduct should he/she pursue formal complaints procedures.

3.8.4 When confrontation is not an option

When confrontation is not an option for the victim, the victim may make use of the following methods (Havelin, 2000):

- **Confiding in a friend**

Confiding in a friend relieves victims from the burden of keeping the secret to themselves. It is better for a victim of sexual harassment to talk to a friend as this allows the friend to be a potential witness should the matter go to court.

- **Record keeping**

When an individual becomes a victim to sexual harassment, it is important that he/she keeps track of the following information: (1) who the perpetrator was; (2) what the perpetrator's actions were; (3) where it happened; (4) whether there were witnesses; (5) what happened once the behaviour was reported.

- **Writing letter**

When victims write a letter to their harassers, they should: (a) be straight forward and blunt; (b) not excuse their own emotions; (c) pin point what they expect to happen; (d) emphasise the actions that will follow if harassment persists; (d) retain a duplicate of the written letter.

- **Refer the matter to authority**

It is often very helpful to approach someone in authority who has the power to stop sexual harassment. A line manager may prove to be helpful in stopping the harasser from continuing his/her unacceptable behaviour.

- **Reciprocating behaviour**

Victims should be made aware that some perpetrators become even more offensive when they have been told to stop their harassing behaviour. It is during this time that victims should turn to friends for guidance and support.

3.8.5 Actions to take if sexual harassment persists

Petrocelli and Repa (1994) states that serious perpetrators will continue with sexually harassing behaviour even after victims have warned them off. This is the time victims need to act. It is suggested that victims of sexual harassment should:

- **Gather data**

It is advisable that victims retain data such as letters, suggestive posters and e – mails as proof that they have been sexually harassed. The victim should also record the dates on which the data appeared in his/her working environment.

- **Keeping a diary**

Behaviour that is sexually harassing must be recorded as follows: (1) name of perpetrator; (2) sequence of events; (3) where harassment took place; (4) when harassment took place. If a victim receives harassing phone calls, he/she should record the time the calls were received; the dates on which the calls were received and the length of the calls (Otto, 2000).

- **Speaking to friends**

Victims of sexual harassment should speak to trusted friends about their harassing experiences. This is a simple means of gaining a witness to corroborate a sexual harassment claim. If victims do not confide in friends, investigators may conclude that the harassment did not occur (Havelin, 2000).

- **Speaking to colleagues**

If a victim communicates his/her harassing experience with a colleague, the victim must make sure that the colleague's job is not jeopardised. Colleagues may provide corroborating evidence that they have either seen or experienced the same kind of harassment.

- **Approaching a supportive group**

Victims can approach support groups in order to: gain information as to what constitutes sexual harassment; access the best ways of handling sexual harassment; get a legal perspective on their situation (Petrocelli and Repa, 1994).

- **Arranging a team**

Victims who feel that their employers evade sexual harassment in the workplace, should rather approach other employees who have experienced sexual harassment in the organisation. This way victims of sexual harassment form support groups (Petrocelli and Repa, 1994).

- **Duplicating documents**

Victims should make duplicates of their work evaluations so that employers do not negatively evaluate them after they have filed a sexual harassment complaint. The copies can prove to be very persuasive if the harasser denies sexual harassment claims.

- **Being bold**

Victims should consider gaining family support in order to reduce stress or any other symptoms related to sexual harassment. Victims should build up the confidence to approach their problems, since ignoring harassers yields no results.

- **Considering formal complaint procedures**

If harassers persistently carry on with their unacceptable behaviour, it is then up to the victim to approach a higher – ranking manager with their letter of complaint. If the harasser is the higher – ranking manager, the victims should approach the higher - level manager (Havelin, 2000).

- **Exercising formal complaint procedures**

If the above mentioned steps have not resolved the problem, it is then advisable that the victim follows the company's formal complaint procedure.

3.8.6 Coping mechanisms

Green and Retief (2001) provide the following coping mechanisms employees may use to deal with uninvited sexual advances:

- Be proficient in the way you act and dress;
- Avoid flattery as this may be interpreted as showing interest;
- Ignore harassers as this may prove fruitful in some situations;

- Abstain from environments prone to sexual harassment;
- Gather information on the company's sexual harassment policies and procedures;
- Do not view all behaviours as sexually harassing;
- Try to gather information on other employees who have also shared your own experiences;
- Hint your rights to the perpetrator;
- Should a problem surface, record the relevant information as it may prove useful during an investigation.

3.9 LEGAL ASPECTS PERTAINING TO SEXUAL HARASSMENT

When sexual harassment is of such a nature that the company's formal complaint procedures are unable to resolve the complaint, it is advisable that victims resort to the appropriate legal procedures for a successful solution. These legal procedures will be discussed below.

3.9.1 Labour Relations Act

The Labour Relations Act solely aims to enhance economic development; labour peace; social justice and democratisation of the workplace. The Labour Relations Act therefore serves as all – important factor in the labour relationship, since it not only regulates and facilitates the roles of the parties, but also facilitates the transition of social democracy to labour democracy.

3.9.1.1 Unfair labour practice

The labour relations act has incorporated schedule 7 to address unfair labour practice occurring in the workplace. Subsequently, sexual harassment falls under the definition of unfair labour practice, and yet, surprisingly enough, most of the disputes surrounding sexual harassment come from the harassers claiming unfair dismissal. It would be expected that most of the disputes surrounding sexual harassment ought to come from victims claiming unfair labour practice (Employers take note, 1996). Unfair labour practice refers to discriminatory conduct that soars between an employer and employee concerning:

- Issues relating to an employee's promotion, demotion, training or benefits;

- Disciplinary action that falls short of terminating the employee's employment contract;
- Negotiation of re – employing an employee.

a) Promotion

According to Grogan (2003), employees who feel that they have been denied a promotion they rightly deserve need to prove that:

- They have more experience than the individual who was selected;
- They have more qualifications than the individual who was selected;
- Their employer can not provide a valid reason for not selecting them for the job.

Therefore, victims who feel that they have been denied a promotion due to the fact that they have rejected an employer's sexual advances may claim this issue an unfair labour practice.

b) Demotion

Employees who are expected to occupy a position inferior in status to that of their previous position may claim this an unfair labour practice. This is especially relevant if the employee feels that this demotion is as a result of rejecting the employer's sexual advances.

c) Training

Even though employers are not obligated provide to employees with training, the CCMA may intervene and dictate to employers how they ought to go about providing training. The researcher is of the opinion that training is essential in a company facing severe sexual harassment lawsuits. Sexual harassment training can prove to be very beneficial to an organisation due to the fact that it may be an eye opener to those exercising inappropriate behaviour (Pons & Deale, 2003).

d) Benefits

Sexual harassment may easily lead to the elimination of certain benefits. If an employer were to ask an employee out on a date with the condition that the employee's refusal could lead to the elimination of certain benefits, the employee may obviously claim this as an unfair labour practice.

e) Transfer

Employees who are transferred to other departments on the basis of lodging sexual harassment complaints may claim this act as an unfair labour practice. This may be seen as a disciplinary action taken to punish the employee for lodging a sexual harassment complaint, which is unfair towards the employee (Pons & Deale, 2003).

f) Disciplinary action short of terminating an employee's service contract

The disciplinary action taken to discipline a perpetrator should be disciplinary in every sense of the word. If a perpetrator is suspended for a period of time that is unreasonable, he/she may declare a dispute for unfair labour practice.

g) Negation of re- employment

Should an employee be dismissed on grounds that he/she has refused an employer's advances, he/she should declare a dispute for unfair labour practice and automatic unfair dismissal (Pons & Deale, 2003).

3.9.1.2 Remedies for unfair labour practice

According to S.A. (1995), schedule 7 specifies that: (1) employees may submit their grievances about unfair labour practice in writing to a bargaining council (depending if the council has jurisdiction) or commission; (2) employees submitting their grievances to a council/commission should prove that the accused party has also received a copy of the grievance; (3) the bargaining council/commission must try to solve the grievance via conciliation; (4) if the grievance is not solved, it can be referred to the Labour Court as a form of discrimination or as a form of unfair labour practice where the commissioner will act as arbitrator and allocate an arbritary award.

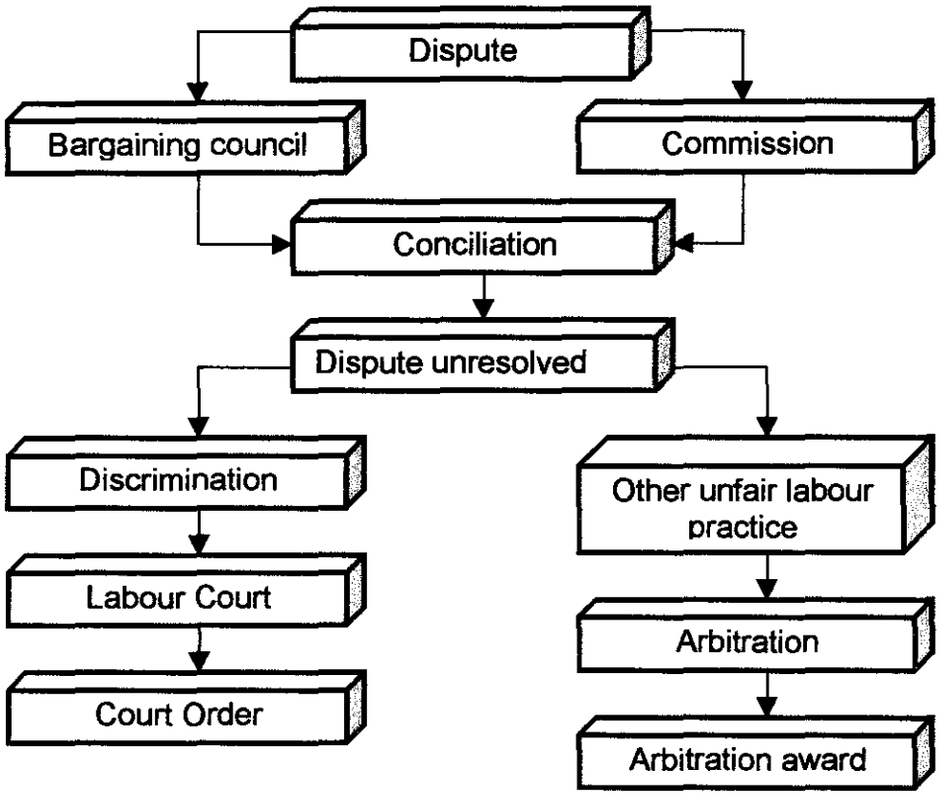


Figure 7. Unfair labour practice[1]

Advantages of civil remedies are that: (1) the victim does not need a substantial amount of proof; (2) victims are more in control of the process; (3) victims do not feel as interrogated as in criminal proceedings; (4) victims can sue the perpetrators; (5) victims can sue their employers for negligence (Kumalo, 1998).

3.9.2 Employment Equity Act

According to Grogan (2003), sexual harassment forms part of unfair discrimination which is prohibited. Termination of employment is an unfair labour practice when an employer dismisses an employee due to the fact the employee no longer welcomes the employer's advances.

3.9.2.1 Prohibition of discrimination

Prohibition of unfair discrimination incorporates:

[1] From "Industrial relations in South Africa," by S. Bendix, 2001, p. 580. Lansdowne:Juta.

- All employees and employers;
- All employees even those applying for work;
- Any discrimination that is unfair.

3.9.2.2 Applicant for employment

An applicant for employment can only be considered accordingly if he/she is applying for a position or benefit. The researcher is of the opinion that an applicant for employment can also become victim to sexual harassment, especially if the interviewer makes it known to the applicant that his/her appointment depends on whether or not the applicant will succumb to the interviewer's advances (Grogan, 2003).

3.9.2.3 Recruitment and selection

Candidates for recruitment may be discriminated against directly or indirectly. Indirect discrimination occurs when applicants are discriminated against in an employer's personal selection criteria. The employer's personal selection criteria will solicit information that is not relevant to the job. Direct discrimination occurs when the employer makes it known that the employee's recruitment depends on the employee's willingness to succumb to the employer's advances.

3.9.2.4 Remuneration and benefits

Salary discrimination based solely on an individual's sex, is unfair. When employees are discriminated against in terms of their salary, they need to show that:

- Their work is the equivalent to that of the opposing sex;
- They have the same qualifications and skills of that of the opposing sex;
- There is no justifiable reason for them to be receiving a lower salary.

3.9.2.5 Dealing with unfair discrimination

Dealing with unfair discrimination involves four steps, which include the following (Pons & Deale, 2003):

- Proof of discrimination;
- Direct discrimination;
- Indirect discrimination;
- Proving discrimination.

Firgure 8 below graphically illustrates the steps that should be taken when dealing with unfair discrimination.

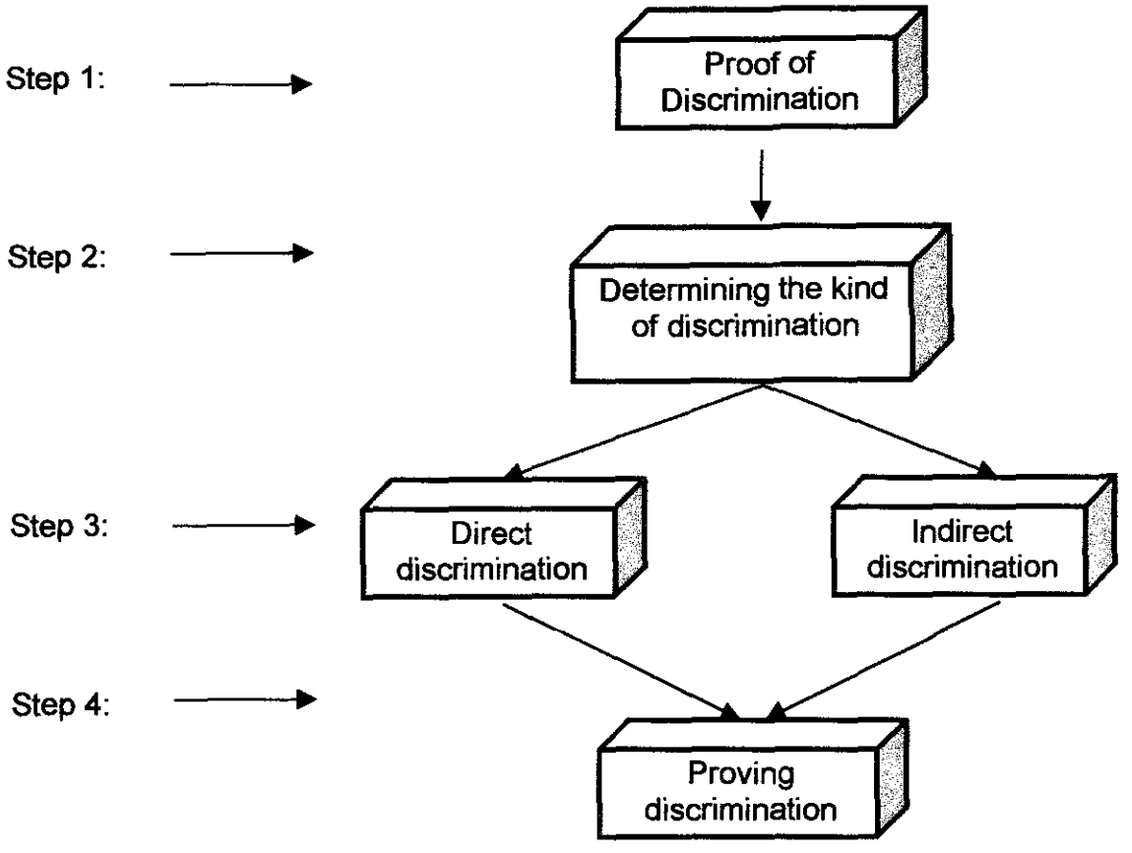


Figure 8. Dealing with unfair discrimination

a) Proof of discrimination

Where candidates are required to prove that they have been unfairly discriminated against, employers are required to prove that the discrimination was fair. For an employee to prove that he/she has been discriminated against, the candidate must prove that he/she has been discriminated against on arbitrary grounds.

b) Direct discrimination

Direct discrimination occurs when an employer treats an employee differently on the basis of the employee's sex (arbitrary grounds). Direct discrimination does not occur on an unintentional level but rather on an intentional and conscious level.

c) Indirect discrimination

Indirect discrimination takes place on a very subtle level. Indirect discrimination is so subtle that what appears to be fair selection criteria for candidates is actually a selection criteria that excludes certain candidates from being selected.

d) Proving discrimination

When discrimination has been proven, it is the employer's responsibility to prove that the discrimination that occurred was fair. There are two options available to the employee to prove that the discrimination was in fact fair the employer may:

- Claim that the discrimination that occurred was part of affirmative action;
- Claim that the candidate was excluded due to the inherent requirements of the job.

3.9.3 Criminal law

Rape and assault are acts categorised under sexual harassment which can be trailed under criminal law due to the fact that it can often be detrimental to an individual's dignity and reputation. The South African Law Commission (n.d.) thus aims to safeguard:

- Individuals' honesty;
- Individuals' self – respect;
- Individuals' reputation.

Transgressions against an individual's dignity and reputation can be summoned as defamation or *crimen injuria*.

3.9.3.1 Defamation

Defamation occurs when one individual illegitimately and deliberately sets out to cause damage to another individual's reputation. Defamation is made up of: phrases; verbal acts; or acts which affect an individual's self – esteem. Defamation can focus on:

- An individual's ethical attributes;
- An individual's ability to do his/her work competently;

- Demoralising an individual to the extent of rendering the individual isolated from others.

Gibson (1977) states that for victims to claim defamation of character, the following factors need to be present:

- **Publication**

Publication occurs when the accused discloses information that is personal to the victim to other individuals. The accused can disclose this information via speech, writing or photographs.

- **Unlawful**

There must be proof that the accused intentionally wanted to defame the victim in order to claim that the act was unlawful.

- **Defamatory matter**

The defamatory matter must be of such nature that it harms the victim's good name. A victim's good name may be harmed in instances where the accused publicises information that causes the victim to be the receiver of hatred and contempt.

- **Referring to the accused**

A victim claiming defamation must prove that the acts or words were aimed at them personally. The defamatory material used against the victim must be of such nature that it indirectly implicates the victim.

- **Perpetrator**

There needs to be corroborating evidence that the accused is accountable for the victim's defamation of character.

3.9.3.2 Crimen injuria

Crimen injuria illegitimately and deliberately devalues an individual's dignity. The severity of the acts relies on factors such as: (1) the location where the acts occurred; (2) the connection between parties; (3) status. Every individual has a right to be treated with dignity, although it is difficult to determine which situations will

disentitle an individual from his/her right. For an individual to claim a case of crimen injuria, the invasion taken against such an individual must be of such a severe nature that he/she feels violated. There is a fine line between injuria and crimen injuria. Injuria would constitute stares or suggestive glances whereas crimen injuria would constitute incidents close to stalking (Gibson, 1977).

a) Remedies for crimen injuria

There is no effective system in place to deal with defamation and crimen injuria as criminal law has been established to focus more on incidents of murder and theft. The disadvantages of laying a criminal charge against a perpetrator is that (Kumalo, 1998):

- The victim requires a substantial amount of proof;
- The accused needs to be found guilty without a doubt.

3.9.2.3 Intentional infliction of emotional distress

Intentional infliction of emotional distress occurs when an individual suffers mental anguish due to being sexually harassed. In order for an employee to succeed at winning such a case, the employee needs to prove that: (1) the harasser's actions were offensive; (2) the harasser knowingly caused the employee distress; (3) they have become victim to emotional distress; (4) this distress was brought upon by the harasser's conduct. For behaviour to be categorised as outrageous, the following factors need to be present (Petrocelli & Repa, 1994):

- **Coercion**

The harasser should be in a position to threaten an employee's work opportunities before such a claim may be made. If the harasser is in a position where he/she may influence the victim's work opportunities, the victim then has a valid reason to make a sexual harassment complaint.

- **Frequency**

Behaviour that is not repetitive is not sufficient for proving that the harasser's behaviour is outrageous.

- **Duration**

Harassment that takes place over a long period of time proves to be more outrageous than single incidents when presented in court.

- **Physical symptoms**

Behaviour becomes outrageous when individuals fall victim to depression, sleeping disorders due to sexually harassing behaviour. Evidence becomes persuasive in instances where victims can prove that they have been to psychologists for treatment.

3.10 CONCLUSION

Sexual harassment is and always will be an issue for employers. Even though employers have implemented structures to stop sexual harassment from occurring, the fact remains, no policy or procedure will eliminate sexual harassment completely from the organisation, although if employers persist in developing new and better sexual harassment policies and procedures, it will positively contribute towards a harassment free working environment. Even though there is no cure for sexual harassment, employers are expected to try and prevent sexual harassment from taking place in the organisation (Towns and Johnson, 2003).

CHAPTER 4

A SEXUAL HARASSMENT POLICY AND PROCEDURE: IMPORTANT REQUIREMENTS AND ASPECTS

4.1. INTRODUCTION

A sexual harassment policy and procedure needs to address: the company's position on sexual harassment; what the company wishes to achieve by implementing such a policy; the different types of sexual harassment; the company's position on office relationships; actions that can be taken when sexual harassment occurs; the individuals responsible for the execution of such a policy; the procedure for handling sexual harassment; how the policy is going to be communicated; the training of management and employees. Since a sexual harassment policy does not end with training, it is the employer's responsibility to ensure that it is monitored on a continuous basis.

4.2 STATEMENT OF INTENT

Firstly, a sexual harassment policy should be introduced to ensure that all employees are treated equally regardless of colour, race, ethnic origin, marital status, sex, gender, disability or religion. Secondly, sexual harassment inhibits an individual's ability and right to work, often leading to anxiety, stress and ill – health. Thus, all employees have a right to work in an environment free from discrimination, victimisation and harassment (University of Glamorgan, n.d.).

Organisations' sexual harassment policies should :

- Regard claims of sexual harassment seriously and in correspondence with well chosen disciplinary procedures;
- Handle claims of sexual harassment in accordance with disciplinary procedures;
- Be applicable to all incidents of harassment and bullying taking place on the employers' premises;
- Be implemented so as not to subject any employee to any form of harassment;
- Be implemented effectively in order to: inform all employees of the Code of Practice; reassure victims that the company's policy and procedures are

available and effective; provide victims with the reassurance that all procedures are kept confidential (University of Glamorgan, n.d.).

4.3 OBJECTIVES OF A SEXUAL HARASSMENT POLICY

Employers should be dedicated to the eradication of sexual harassment. According to University of Pennsylvania (1995), the objective of a sexual harassment policy is to:

- **Remind individuals of the necessity for co – operation**

Employees are encouraged to remain sensitive towards co – workers who have been exposed to severe forms of sexual harassment as this shows common courtesy.

- **Create awareness of what constitutes sexual harassment at work**

Employers and employees need to be aware of which behaviours constitute sexual harassment in order to ensure that employees are not being taken advantage of. This allows employees to avoid behaviours that may be harassing towards other employees.

- **Stress that sexual harassment will be handled immediately and fairly**

It is in the best interest of the company that sexual harassment claims be handled immediately since lawsuits have severe cost implications for the company.

- **Inform victims of sexual harassment about available support**

Victims of sexual harassment need to know that they can approach individuals who will assist them regarding the procedures they should follow if they intend to make a complaint.

- **Introduce procedures which are followed when sexual harassment occurs**

Complaint procedures need to be well established in order for employers to avoid being held accountable for sexually harassing acts taking place in the company.

- **Ensure complaints are dealt with quickly and privately**

Victims of sexual harassment have no desire to endure a complaint procedure that seems to carry on forever with no positive end result.

4.4 KEY CONCEPTS

Focus is placed on the following key concepts as these are the most frequently used terms in sexual harassment procedures.

4.4.1 Complainant

According to Willamette University (1995), a complainant is an offended employee bringing forth a complaint of sexual harassment.

4.4.2 Respondent

A respondent is an employee replying to a complaint of sexual harassment.

4.4.3 Sexual harassment advisor

A sexual harassment advisor provides victims of sexual harassment with advice and assistance regarding informal complaint procedures. As soon as an advisor is presented with a grievance/complaint, it is the advisors responsibility to ensure that appropriate disciplinary action is taken. Sexual harassment advisor's are available to those individuals who find it difficult to cope with sexual harassment procedures. The sexual harassment advisors are there to:

- Assist victims and offenders prepare their statements;
- Provide victims and offenders with valuable information regarding the company's policy and procedure;
- Provide reassurance to parties who feel stressed during the process (Willamette University, 1995).

4.4.4 Investigator

An investigator can be described as an individual who:

- Collects and examines sexual harassment complaints;

- Records findings;
- Debates specific complaints;
- Checks to determine whether other complaints have been brought against the respondent.

4.4.5 Informal complaint

An informal complaint can be defined as a claim submitted to a Sexual Harassment Advisor with the purpose of being resolved.

4.4.6 Formal complaint

A formal complaint is only submitted when resolutions to informal complaints have failed. Supervisors or Department Managers may handle formal complaints. When a Sexual Harassment Advisor is unable to reach a solution for an informal complaint, it is the Sexual Harassment Advisor's duty to refer the complaint to the Supervisor or Department Manager (Willamette University, 1995).

4.4.7 Appointing authority

According to University of Colorado (2003), appointing authority refers to an individual who has the authority to make employment decisions regarding specific employees.

4.4.8 Retaliation

It is against company policy to victimise employees for reporting sexual acts taking place in the company (University of Colorado, 2003). No person will be punished for taking part in the procedures described above. Any individual who takes revenge against a complainant / respondent will be subjected to a separate charge. Grievances of retaliation should be taken up with the Human Resource Manager. The Human Resource Manager then provides the employee with information regarding his / her rights. The Human Resource Manager will help the grievant in processing a retaliation complaint (George Mason University, 1994).

4.4.9 Malicious complaints

Malicious complaints refers to complaints that are not substantiated. Repetitive malicious complaints will result in disciplinary actions taken against the complainant. Thus, malicious complaints are strongly discouraged (University of Houston, 2000).

4.4.10 Sexual harassment

Sexual harassment refers to unsolicited acts of an intimate nature, or other acts based on sexual orientation influencing individuals' self – esteem / self respect. These acts often include physical, spoken and unspoken acts which are viewed as uninvited and unwanted. Uninvited sexual proposals, demands for sexual favours and other physical or spoken acts of sexual nature constitute sexual harassment when:

- Compliance to such acts is made part of the individual's condition of employment;
- Compliance is used for employment decisions;
- These acts affect employees' work performance;
- Victims make it clear to their harassers that their acts are offensive;
- The acts become repetitive, unsolicited and threatening (University of Witwatersrand, n.d.).

4.5 FORMS OF SEXUAL HARASSMENT

The interpretation of sexual harassment is biased since it is "unsolicited" and "uninvited". Individuals need to take it upon themselves to determine what behaviour is acceptable or unacceptable to them. Sexual harassment can be categorised into the following six categories:

4.5.1 Spoken acts of sexual nature

Spoken acts of sexual nature may include, but is not limited to, the following acts (Neelb, 1998.):

4.5.1.1 Sexually suggestive jokes or sex / gender based jokes

Suggestive jokes become sexually harassing when victims feel that their self – esteem and self – respect has been compromised in their working environment (Otto, 1997). It is advisable that all individuals avoid all sex and gender based jokes since some individuals find it offensive and inappropriate.

4.5.1.2 Proactive or offensive sounds

A working environment demands professionalism from its employees so that all employees may treat each other with dignity and respect. Offensive sounds such as whistling and howling shows a great amount of disrespect to the recipient of such behaviour which shows no professionalism.

4.5.1.3 Sexual remarks about an individual's figure

Sexual remarks may seem harmless but for some employees who are physically attractive, they may resort to gaining weight to become unattractive so that the sexual remarks may stop.

4.5.1.4 Improper remarks or comments about an individual's private life

What employees decide to do in their private time is of no concern to any co – worker, supervisor or manager as it has no bearing on the employee's ability to do his/her work competently.

4.5.1.5 Verbal threats

Employees subjected to verbal threats as a result of rejecting a supervisor/manager's sexual advances are in no way obligated to tolerate this inappropriate behaviour because it has no bearing on an employee's work capabilities (Indutrial relations: Sexual harassment, n.d.).

4.5.2 Unspoken acts of sexual nature

Unspoken acts of sexual nature refers to acts that are not verbally voiced but instead implied, these acts may include:

4.5.2.1 Sexual looks

Sexual looks may vary from staring at an individual for long periods of time to winking at an individual every time he/she happens to look in the direction of the individual winking.

4.5.2.2 Suggestive posters or calendars

Suggestive posters / calendars would include women who are semi – naked or women wearing bikinis. This kind of behaviour affects an individuals level of self – confidence in terms of being compared to the picture perfect women who appear in posters and calendars (Industrial relations: Sexual harassment, n.d.).

4.5.3 Physical acts

Physical acts may include, but is not limited to:

4.5.3.1 Fondling or handling individuals inappropriately

Fondling does not imply an innocent pat on the back, fondling refers to individuals who touch, kiss, grab and brush against other individuals in a sexual manner which is totally uncalled for and unacceptable.

4.5.3.2 Forced intercourse / rape

Employees who are given an alternative of dismissal if they do not engage in sexual intercourse with their employers are exposed to a severe form of sexual harassment leaning towards rape.

4.5.3.3 Undressing in front of members of the opposite sex for the purpose of a strip search.

Members of the opposite sex often take advantage of a strip search to satisfy a need to see the individual naked. Strip searches should be executed by members of the same sex in order to avoid embarrassment on the part of the individual being strip searched (Industrial relations: Sexual harassment, n.d).

The researcher is of the opinion that physical acts that constitute sexual harassment to one individual may not necessarily constitute sexual harassment to another

individual. Therefore, it is important to stress that the above mentioned physical acts are only a few of many acts that may constitute sexual harassment.

4.5.4 Psychological acts

Psychological acts includes, but is not limited to:

4.5.4.1 Continuous requests for dates / requests for intimacy

An employer who continuously asks an employee for a date/requests intimacy places pressure on the employee to agree. The employee may feel obligated to agree since an employer is higher in rank.

4.5.4.2 Sexual invitations

Sexual invitations often come with attached job benefits such as a promotion or an increase in salary. On the other hand, rejections to such invitations often come with an attached dismissal form.

4.5.4.3 Urging individuals to wear seductive clothing

Urging individuals to wear seductive clothing basically means that employers would be requiring employees to work in short skirts and revealing shirts (Industrial relations: Sexual harassment, n.d.).

4.5.5 Sexual favouritism

Sexual favouritism occurs when an individual in authority shows preference towards an employee who responds positively to sexual advances. Sexual favouritism can thus be regarded as a form of discrimination due to the fact that employees who do not respond positively to sexual advances are treated less favourably.

4.5.6 Quid pro quo

Quid pro quo occurs when a superior wishes to exchange employment benefits for sexual favours. The problem with this kind of behaviour is that it often interferes with employees' work performance (University of Kwazulu – Natal, 2004). An employee exposed to such harassment often chooses one of the following routes: the

employee either rejects the employer's advances and sacrifices a good job opportunity; or the employee complies with the employer's advances and still receives no job benefit; or the employee complies with the employer's advances and receives a great job opportunity (Otto, 1997). Ethically, employees should reject employers' advances and complain to an individual higher in authority.

4.5.7 Hostile working environment

Hostile working environment occurs when an individual in authority suggests that a promotion may be in order if the victim succumbs to his/her sexual advances. Hostile working environment refers to any unsolicited act that alters conditions of employment and creates an environment that a reasonable individual would find hostile or offensive (University of Colorado, 2003).

4.6 INTERACTIONS WHICH MAY LEAD TO SEXUAL HARASSMENT

The biggest concern for an employer is determining whether to allow sexual relations between individuals in the company. The problem with allowing sexual relations between supervisors and employees is that other employees may claim that the supervisor shows favouritism to his/her relevant other because of their relationship (Tamminen, 1994). Employers need to consider the following before making a decision regarding sexual relations between individuals:

4.6.1 Mutual attraction

Mutual attraction between two individuals within a working environment does not constitute sexual harassment, however:

- This does not imply that office relationships will never become an area of concern for the employer;
- Office relationships between supervisors and employees can, however, result in legitimate grievances from fellow co – workers;
- These grievances may be well founded due to the fact that it may result in favouritism;
- In such instances, employers have a right to be concerned since such conduct is regarded as unprofessional.

Should an office relationship develop between a superior and employee, it is advisable that top management be notified thereof. Interpersonal problems may occur should parties to the relationship decide not to notify top management. If grievances do occur due to the office relationship, the employer has the right to relocate one of the individuals in order to promote fairness in the work environment. If the employer can not relocate either individual, it is then up to the parties involved to solve the problem however they deem fit (University of Portsmouth, 2000).

4.7 ACTIONS TO CONSIDER WHEN SEXUAL HARASSMENT OCCURS

Employees who feel that they have been harassed must not feel obligated to tolerate such unacceptable behaviour. Employees are encouraged to take the following actions (University of Portsmouth, 2000):

- **Don't ignore it**

Employees who are exposed to sexual harassment on the basis of their sexuality must not feel obligated to endure such unacceptable behaviour. Employees who ignore harassers are usually subjected to further harassment which is due to the fact that they are easy targets for their harassers. It is, therefore, important for employees not to tolerate such behaviour.

- **Ask the perpetrator to stop**

It is advisable that victims ask their harassers to stop their unacceptable behaviour. It is also advisable that victims be accompanied by a harassment advisor / friend when approaching their harassers. This prevents harassers from denying that they were not approached about their unacceptable behaviour. The conversation will be kept as classified unless desired otherwise by the victim. If the victim wishes to take the matter further, he/she may prepare a written statement listing exactly which behaviours he/she finds offensive (University of Portsmouth, 2000).

- **Acquire some assistance**

Victims of sexual harassment are encouraged to approach sexual harassment advisors with their problems. Victims should not feel reluctant to approach sexual harassment advisors even if they have only experienced a single incident of sexual

harassment. Sexual harassment advisors may provide victims with ways in which to solve the problem. If the sexual harassment advisor is unable to solve the problem, the sexual harassment advisor, as well as the victim, should consult the Human Resource Manager for further assistance.

- **Gather proof of the harassment**

It is vital that victims of harassment keep track of all relevant information including times, dates and places. This will prove to be useful should the victim want to make a formal complaint.

- **Lodging a formal complaint**

If the problem still remains unresolved, the victim should consider lodging a formal complaint against the perpetrator. Once a formal complaint has been lodged, an investigation will follow to determine whether the accused harasser is innocent or guilty. Should the accused harasser be found guilty, appropriate disciplinary actions will be taken (University of Portsmouth, 2000).

4.8 RESPONSIBILITY OF EMPLOYERS AND EMPLOYEES

Even though sexual harassment is a sensitive topic in any organisation, employers and employees need to establish responsibilities in order to promote a harassment – free working environment.

4.8.1 Responsibility of employers

It is the employer's responsibility to ensure that employees work in a harassment free environment. Employers should also encourage employees to take precautionary measures as a way of reducing sexual harassment from occurring. Employers should reassure employees that they will experience no retaliation from fellow co – workers should they lodge a sexual harassment complaint. Employers are responsible for:

- **Establishing a sexual harassment policy**

The company's sexual harassment policy should: (1) clearly state the company's position on sexual harassment; (2) identify behaviours that constitute sexual harassment; (3) prohibit the identified behaviours that constitute sexual harassment; (4) communicate the grievance procedure employees may follow should they experience any form of sexual harassment (Retief, 2000).

- **Creating awareness**

Victims of sexual harassment can not complain of sexual harassment if they are unaware that such a policy exists. Therefore, employers have a duty to inform employees that the company has an established sexual harassment policy for dealing with sexual harassment complaints.

- **Effectively communicating the policy**

A sexual harassment policy needs to be communicated to all employees and managers within the company. Communication should extend to informing employees and employers of all the relevant aspects pertaining to sexual harassment and the company's policy regarding sexual harassment.

- **Training**

Training should take place on three levels, employee level, management level and new employees level. Training should focus on the issues around the company's sexual harassment policy so that not only will individuals be aware that such a policy exists but they will also be able to use it effectively.

- **Monitoring**

Implementing a training programme can not be regarded as the last step the company takes in reducing or preventing sexual harassment. Preventing sexual harassment from occurring in a company needs to be an ongoing process with training taking place on a yearly basis. Employers need to review sexual harassment claims in order to address whether further action can be taken to reduce sexual harassment even further (Retief, 2000).

4.8.2 Responsibility of employees

Employees who have experienced sexual harassment should consider taking individual action. The objective of individual action is to:

- Allow the offender and the victim to view the situation in the same way. Mediation may assist both parties in reaching a positive solution.

- Warn the offender that his/her actions are inappropriate. This gives offenders the opportunity to change their inappropriate behaviours, although this route is rarely taken with serious sexual harassment claims.

- Bring forth some evidence that sexual harassment is taking place in the company. Usually when employees complain of sexual harassment, evidence is the one facet that is lacking the most, which is why it is important to make use of individual action.

- Give harassees the opportunity to stop the harassment without: facing public humiliation; damaging the company's good name.

- Reassure victims that they have tried all reasonable means of stopping the harassment from continuing (Retief, 2000).

It is important that employees do not take part in any acts that can be categorised as sexual harassment. An employee experiencing sexual harassment should refer the problem to the appropriate individual in charge.

4.9 COMPLAINT PROCEDURE

In determining whether sexual harassment has occurred, those responsible for enforcing the policy are required to take into consideration the circumstances and the nature of the offence upon the commencement of a complaint procedure.

4.9.1 Purpose of complaint procedure

According to George Mason University (1994), the complaint procedure focuses on determining whether the company's sexual harassment policy has been breached. It is, therefore, important that the complaint procedure be available to all victims of sexual harassment, irrespective of whether these victims are employees or applicants for employment. No employee or employer is immune to the company's complaint procedure.

The Human Resource Manager decides which complaints should be pursued and which complaints should not. A grievant has the right to lodge a grievance with an external agency without risking the right to a fair company hearing. However, the Human Resource Manager is not obligated to continue a grievance procedure if the grievant has approached an external agent with the grievance.

4.9.2 Time limits for complaints

Grievants are encouraged to lodge complaints as soon as possible, although it is not always possible to lodge a complaint instantaneously. The company policy allows victims 120 days within which to file a complaint for sexual harassment. The 120 day allowance period can be extended if the complainant can justify himself / herself. Grievants need to be informed that their right to file a complaint extends to external agencies and not only to the company grievance procedure. But, grievants are only given 180 days within which to file a complaint with an external agent.

The time limits allocated are designed for the effective and efficient solution of complaints. Failure to comply to the time limits outlined will not be considered as a basis to appeal panel findings, although it is in the interest of both parties that the situation be dealt with speedily. If a respondent refuses to answer questions during a hearing, the Divisional Manager should be notified immediately. A respondent's refusal to answer questions will in no way keep the hearing stagnant. A respondent's refusal to answer questions will lead to a finding solely based on a complainant's testimony (George Mason University, 1994).

4.9.3 Procedure for complaints of sexual harassment

Figure 9 illustrates the route taken when a complaint is lodged, investigated and presented before a hearing panel.

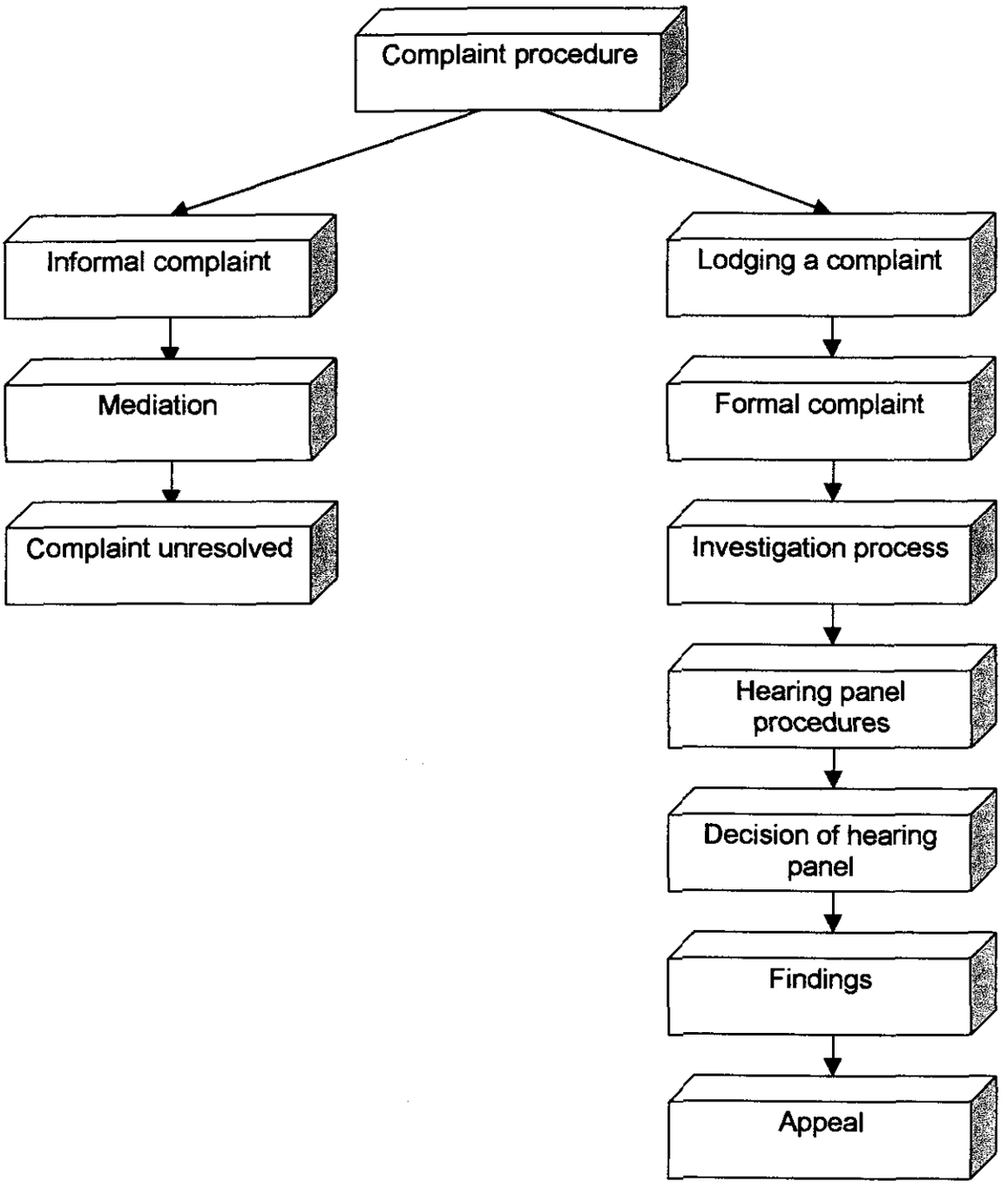


Figure 9. Procedure for complaints of sexual harassment

4.9.3.1 Informal procedure

Employees with sexual harassment grievances are urged to consult with Sexual Harassment advisors or Superiors to gather information on the options available to them. In certain instances, informal resolutions (mediation) yield better results than formal hearings. Informal resolutions such as mediation aims to bring two parties together in order to reach a mutual agreement, although mediation will not be possible in instances where:

- Either party refuses to conciliate;
- Sexual harassment is of such a severe nature that informal procedures will be inappropriate (University of Kwazulu – Natal, 2004).

Should the complainant and the respondent agree to mediation, a suitable mediator will be provided. The mediator will inform the complainant and the respondent on the workings of a mediation process. Once the mediator has received all the pertinent facts from the grievant, the mediator will then:

- Brief the offender about the nature of the grievance and request a response;
- Inform the offender of the fact that he/she may seek advice from a sexual harassment advisor;
- Brief the offender on the company's sexual harassment policies and procedures;
- Brief the offender and the grievant of his/her rights;
- Act with complete objectivity;
- Try to achieve a satisfactory resolution to the grievance (University of Kwazulu – Natal, 2004).

If mediation leads to unanimous agreement, copies of the unanimous agreement will be sent to the Supervisor or Manager for review. If mediation leads to disagreement between the two parties, the problem will then be referred to the Divisional Manager for a formal hearing.

4.9.3.2 Lodging a grievance

According to George Mason University (1994), an employee who decides to lodge a formal sexual harassment grievance should do so with the Supervisor, Department

Manager or Divisional Manager in accordance with the time limits mentioned in 4.9.2. If the employee has been sexually harassed by:

- Co – worker, the employee should approach his/her supervisor.
- A supervisor, the employee should approach the Department Manager.
- The Department Manager, the employee should approach the Divisional Manger.
- The Divisional Manager, the employee should approach the Managing Director.

The Supervisor or Department Manager will inform complainants about: the formal complaint procedure; counselling; different types of remedies. The Supervisor or Department Manager's objective is to: work fairly with all parties involved; consult both parties on their rights and responsibilities within the process.

The Supervisor or Department Manager is responsible for keeping track of all complaints received, including the victim's and offender's names; the results of the proceedings as well as the sanctions imposed. It is crucial that the Supervisor or Department Manager prepares a report on the sexual harassment statistics in the company to the Divisional Manager (George Mason University, 1994).

4.9.3.3 Formal procedure

A grievant may lodge a formal complaint:

- **Immediately after a sexually harassing experience**

Investigators tend to question grievants who wait too long before lodging a formal sexual harassment complaint. It is better for the victim if he/she lodges a serious sexual harassment complaint as soon as possible.

- **When attempts at informal resolutions have failed**

When informal resolutions have failed to stop the offender from sexually harassing the victim, it is advisable that the victim move towards more formal methods of dealing with the offender and his/her inappropriate behaviour. Figure 10 illustrates the procedure a victim should follow when lodging a formal complaint.

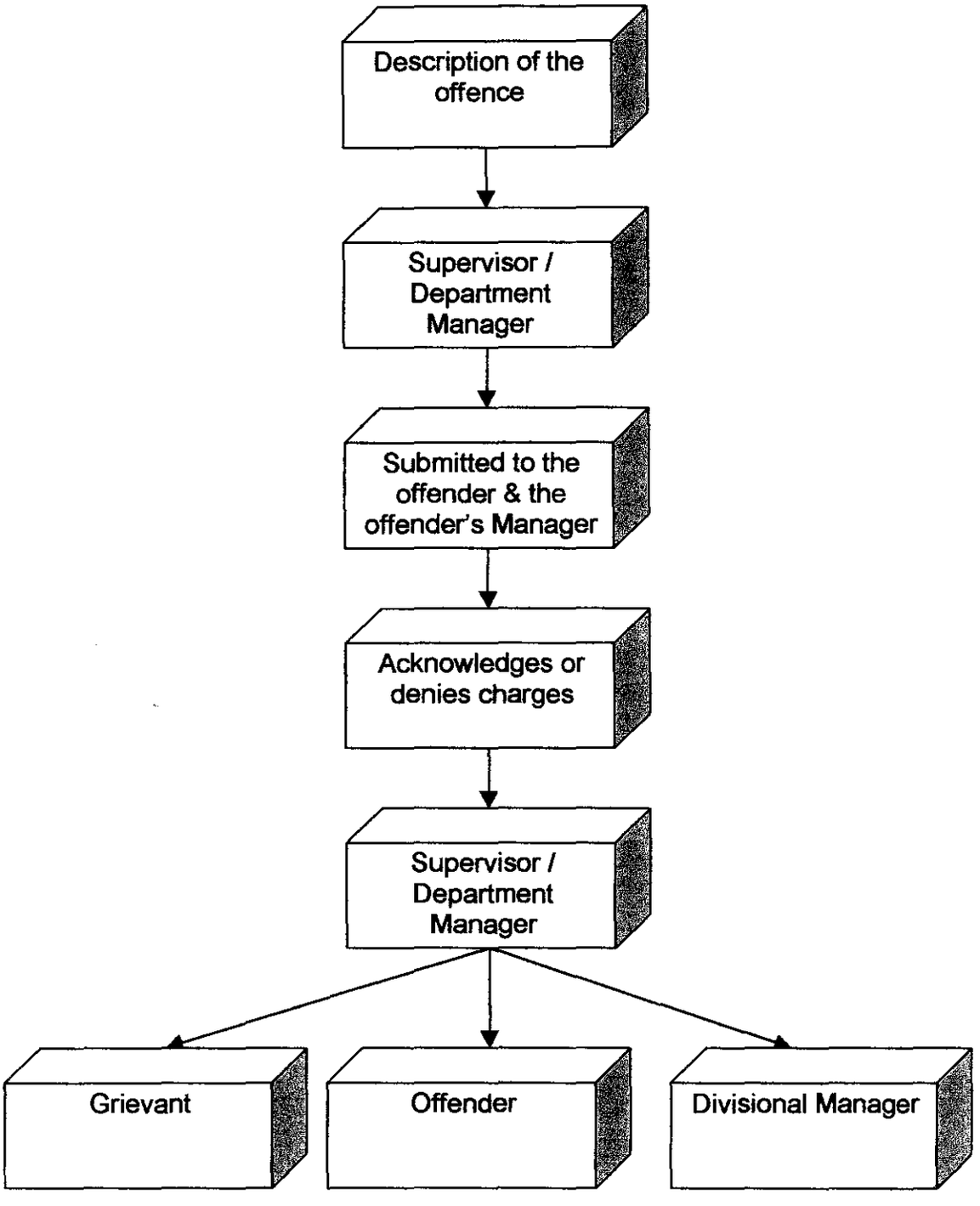


Figure 10. Procedure for lodging a formal complaint

The grievance must be written on a form provided by the Human Resource Department and filled out by the grievant. The form will provide a complete description of the incident as well as sought remedies. The form must be signed by

the grievant. The Supervisor or Department Manager will forward the offender a copy of the grievance within 5 days of receiving it. A copy of the grievance is also forwarded to the offender's immediate Supervisor or Department Manager.

The offender has 9 days within which to reply in writing. The form contains complete and explicit responses to each charge acknowledging or denying the charges. The offender must then sign his/her declaration which will then be attached to the initial grievance. Within 3 days, the Supervisor or Department Manager will send both reports to the:

- Grievant;
- Offender;
- Divisional Manager (George Mason University, 1994)

Formal grievances are then presented to the Hearing Panel.

4.9.3.4 Investigation process

A grievance needs to be addressed immediately after a sexually harassing incident. All investigations need to be completed within 90 days for review by the hearing panel. The final investigation report needs to be forwarded to the Divisional Manager 30 days after the hearing panel has reviewed the report. The investigator must address grievances by firstly investigating grievances made and by establishing the facts of the grievance. The investigator would do this by interviewing the grievant, the witness(es) and the offender. Once all parties have been interviewed, it is up to the investigator to provide the Supervisor or the Department Manager with possible solutions to the grievance (University of Colorado, 2003).

If an investigation is administered, the victim and the offender are entitled to:

- Receive a report stating the charges;
- Provide investigators with necessary information;
- Receive a copy of the concluded investigation report.

The offender's supervisor or Department Manager must be made aware of the fact that an investigation is being carried out. If the offender is in an authoritative position, it is advisable that the offender's Manager relieve him / her from his / her duty while the investigation is being carried out. Once the investigation is complete, the investigator needs to compile a report which states the findings and determines whether the company's sexual harassment policy has been breached. The report is then forwarded to the hearing panel. The Supervisor or Department Manager will answer any queries about the investigation report.

4.9.3.5 Hearing panel

Within 9 days of receiving a formal complaint, the Divisional Manager is responsible for appointing five representatives to make up the Hearing Panel. Two representatives need to be appointed from the complainant's and respondent's sides respectively. The fifth representative must be an individual who does not represent the complainant or the respondent. The fifth representative will act as the Chairperson of the Panel. Before a hearing panel convenes, parties are granted the right to object to the nomination of panel representatives they believe are biased or prejudiced (George Washington University, 2002).

Before a suit is heard before a hearing panel, the grievant and the offender, together with their representative attorneys are required to convene with the Chairperson of the Hearing Panel in order to address the areas of conflict. The Chairperson must then inform the hearing panel about both parties' areas of agreement and disagreement. The hearing panel needs to listen to both parties' statements and the proof presented by the grievant in order to determine whether the company's sexual harassment policy has been violated. If the hearing panel reaches the conclusion that the company's sexual harassment policy has been violated by the respondent, the respondent will then be punished appropriately (George Mason University, 1994).

The role of the Chairperson is to:

- Ensure that all evidence is displayed in an orderly fashion;
- Ensure that all reports are documented;

- Ensure that the panel decision is based on the evidence presented during the hearing.

The role of the Hearing Panel is to:

- Carry out a fair and unprejudiced hearing without violating either parties' rights;
- Carry out a hearing where privacy can be maintained at all times;
- Specify matters of contention;
- Ask the victim, offender and witness(es) questions which will assist the hearing panel in reaching a decision;
- Make sure that the grievant and the offender have a chance to present their allegations orally, and to introduce witnesses and evidence that can corroborate their allegations;
- Postpone a hearing if either party has additional witnesses / evidence;
- Alter the date / time of a hearing on a justified request of either party;
- Allow both parties to present written arguments within a 9 day period from the time the hearing was concluded;
- Act as majority vote on all matters of regulations, rules, policies and procedures (George Mason University, 1994).

4.9.3.6 Hearing procedure

The purpose of a hearing is to determine whether the company's sexual harassment policy has been violated. A complete and fair hearing is afforded to each party. The procedure of a hearing is in no way related to Court procedures. In most situations, grievants and offenders are required to speak for themselves. The hearing panel will only listen to and accept evidence that is relevant to the case at hand. The hearing panel administers hearings according to the following procedures:

- Hearings take place 9 days after a hearing panel has been chosen
- Victims and offenders are given the freedom to: listen to all declarations; analyse all evidence; reply to all declarations and present evidence which will forward the issues at hand.
- Both parties are allowed to be advised at any time during proceedings. Advisors are not allowed to address the hearing panel.

- All hearings are recorded on tape. Duplicates of the tapes may be obtained by both parties.

The procedure that is to be followed before the hearing panel is as follows:

- The Chairperson will read the allegation(s) and request that the offender admit or deny the allegation(s).
- The victim may start the proceedings with an opening statement, followed by the offender's opening statement.
- Both parties may make a closing statement.
- Either party may appeal a hearing panel's decision given that: the Chairperson is notified within 2 days after the hearing; a written complaint is submitted within 9 days after the hearing.
- The Hearing Panel may introduce new rules regarding the hearing on the condition that the majority of its members agree to the new rule (George Washington University, 2002).

4.9.3.7 Proof

The panel needs to take all evidence into consideration in order to determine whether the company's sexual policy has been violated. It is of utmost importance that the hearing panel base their decision strictly on the amount of evidence they are presented with.

4.9.3.8 Decision of the hearing panel

The hearing panel is required to take all evidence and statements into consideration in order to determine whether the company's sexual harassment policy has been violated. If the panel establishes that the company's sexual harassment has not been violated, the Supervisor, Department Manager and Divisional Manager need to be notified as soon as possible. If the panel establishes that the company's sexual harassment policy has been violated, the panel then needs to propose a suitable punishment for the offender (University of Houston, 2000).

The panel needs to determine the "severity of the harassment" in order to establish a suitable punishment for the offender. Punishment may include:

- **Verbal warning**

Verbal warnings are only used for first time offences or offences that are less severe in nature. This would include offences such as spoken and unspoken forms of sexual harassment (refer to 4.5.1 and 4.5.2).

- **Written warning**

Written warnings are used if the offender has ignored a verbal warning or if the offender's offence is more serious in nature. This would include offences such as psychological forms of sexual harassment (refer to 4.5.4)

- **Final written warning**

A final written warning is used if the offender has ignored the previous warnings or if the seriousness of the offence warrants a final written warning. A final written warning is used for offences such as quid pro quo harassment (refer to 4.5.6).

- **Dismissal**

Offenders will be dismissed if the panel decides that counselling has been exhausted or if the offence is of such gross nature that dismissal is the only viable solution. Dismissal would be warranted in instances of physical assault, forced intercourse and rape.

The panel may request that the offender seek counselling and that the victim be reinstated if he / she has been dismissed.

4.9.3.9 Review of findings

According to George Mason University (1994), the hearing panel's decision is then forwarded to the Department Manager and the Divisional Manager. The Department Manager and the Divisional Manager will then convene to discuss:

- The offender's penalty;
- The offender's past harassing violations.

The Divisional Manager may alter the hearing panel's decision provided that the alteration be affixed to the hearing panel's findings. The Divisional Manager is required to notify the hearing panel of any adjustments made to the panel's findings.

The Divisional Manager will then forward the hearing panel's decision together with the relevant adjustments made to the Managing Director. The Managing Director may either accept or reject the hearing panel's decision. The hearing panel's decision may only be rejected on grounds of:

- Newly introduced information;
- Unsystematic procedures;
- The Divisional Manager's findings.

A meeting is usually held when the Managing Director refers the case back to the Divisional Manager. If the Managing Director accepts the recommendations, he / she is required to notify the victim, the offender and the Divisional Manager within 15 days of receiving the recorded version of the hearing. The Managing Director is responsible for enforcing the offender's penalty and the victim's remedy.

4.9.3.10 Appeals

The victim or the offender may appeal the Managing Director's recommendations by requesting that the Executive Managing Director reassess the recommendations. The victim and offender only have 9 days in which to appeal the Managing Director's decision. The petition must specify why the victim or the offender is requesting an appeal. The Executive Managing Director then needs to send a duplicate of the petition to (George Mason University, 1994):

- Hearing panel;
- Victim;
- Offender.

The Executive Managing Director may then work through: (1) the recorded version of the hearing; (2) records considered by the panel; (3) panel's conclusions; (4) any of the offender's previous offences in order to either change or withdraw the panel's decision. The Executive Managing Director may:

- Maintain or reject the Managing Director's decision;
- Seek the panel's recommendations;
- Request that the case be heard by a newly elected hearing panel.

The Executive Managing Director needs to make a decision within 15 days of receiving the petition; the Managing Director's decision and the hearing panel's decision. The Executive Managing Director's decision will be forwarded to: Managing Director, victim, offender; Hearing panel. The Executive Managing Director's decision may not be appealed.

4.9.3.11 Records

All documentation including the hearing and petition is kept in the Human Resource Department. Documentation is only made available to: (1) offender; (2) Supervisor or Department Manager; (3) Divisional Manager; (4) Managing Director; (5) Executive Managing Director.

Documentation is only made available when: (1) offender's penalties need to be determined; (2) victims complain about victimisation; (3) decision is appealed; (4) An offender takes on a supervisory position (George Mason University, 1994).

4.10 COMMUNICATION

Merely establishing a sexual harassment policy is not sufficient. It is the employer's duty to communicate the company's policy to all its employees (Aggarwal and Gupta, 2000). Employers can communicate the company's sexual harassment policy by means of:

- **Memos**

One way of publicizing an organisation's new sexual harassment policy is by making use of memos. The memo should: elaborate on the significance of having a sexual harassment policy and strongly state that sexual harassment is not allowed in the company.

- **Articles**

Employers can make use of articles to discuss the company's sexual harassment policy and the impact sexual harassment can have on the individual as well as on the organisation. Articles should be informative rather than alienating.

- **Meetings**

Managers should consider discussing the company's policy and procedures during meetings so that offenders may not claim that they were unaware of the company's policy and procedures regarding sexual harassment (Lightle and Doucet, 1992).

4.11 AWARENESS AND TRAINING

Training should start from an awareness perspective so that employers and employees alike may become sensitive to the issues surrounding sexual harassment (Tamminen, 1994). Therefore, awareness training should focus on:

- Describing which behaviours are appropriate and which behaviours are inappropriate
- Allowing individuals to participate in activities such as role – playing, discussions, group activities and problem solving;
- The appropriate adaptation of the individuals in question (training provided to young employees should differ from the training provided to older employees);
- The company's policies and procedures regarding sexual harassment;
- The cost implications sexual harassment has on the individual and the organisation (Reese and Lindenberg, 1999).

Training provided to managers should differ from the training provided to employees. Management training should focus on: (1) defining sexual harassment; (2) familiarising management with the company's sexual harassment policy statement; (3) the legal implications sexual harassment has on a company; (4) the reasons why victims avoid lodging sexual harassment claims; (5) the effect sexual harassment has on a victim; (6) methods of preventing sexual harassment in the work place; (7) the methods on how to approach and resolve sexual harassment complaints; (8) establishing appropriate disciplinary actions. Employee training should focus on: (1) defining sexual harassment; (2) identifying sexually harassing

behaviour; (3) the effects sexual harassment has on its grievants; (4) victims' legal responsibilities; (5) methods victims may use should they be confronted with an incident of sexual harassment (Tamminen, 1994).

4.12 MONITORING

The company's sexual harassment policy should be monitored every six months to ensure that it is functioning effectively. Monitoring should incorporate informal and formal grievances. The data collected should include (Collier, 1995):

- The departments in which harassment occurred (this will help Supervisors or Department Managers determine where most incidents of sexual harassment take place);
- Form of harassment;
- How grievances were handled and solved (this will help Supervisors or Department Managers determine which methods are most effective);
- Response times;
- Information about the grievant (race, gender and age);
- Information about the offender (race, gender and age).

The purpose of collecting the above mentioned information is so that Supervisors and Department Managers can determine the specific areas where sexual harassment is taking place. There is no point in retraining departments without a sexual harassment problem. Retraining should be provided to those departments experiencing high levels of sexual harassment.

4.13 CONCLUSION

In summary, sexual harassment policy outlines important aspects such as: what constitutes sexual harassment; which procedures need to be followed should an employee feel sexually harassed; as well as remedies for both the victim and the offender. A sexual harassment policy should also incorporate:

- actions employees may take should they feel that they are being sexually harassed;
- responsibilities of both the employer and the employees regarding sexual harassment;

- communication of the policy to respective employers employees
- awareness training for employers and employees

However, this does not imply that because a company has a sexual harassment policy all cases of sexual harassment will be solved via this policy. If victims feel that the policy has served them no justice they may turn to criminal and labour law for a better solutions.

The researcher is of the opinion that policies need to be monitored regularly to ensure effectiveness. This way, employers will be able to identify and rectify the problem areas in the organisation.

CHAPTER 5
EMPIRICAL RESEARCH

5.1 INTRODUCTION

In the previous chapters, the concept of sexual harassment was discussed in terms of: the different sexual harassment codes and procedures; and what management and employees could do to reduce or eliminate sexual harassment in the workplace. As a result, employers then needed to consider the factors mentioned above in order to adopt a sexual harassment policy and procedure that could focus on the most important aspects and requirements of sexual harassment.

This chapter deals with the effective management of sexual harassment by means of ascertaining whether managers have adequate knowledge to handle sexual harassment complaints or grievances made by individuals. The data which has been obtained from the sexual harassment questionnaire will be statistically analysed in terms of tables and graphical representations.

5.2 THE AIM OF THE STUDY

The aim of the research is to determine whether employers/managers are adequately informed about the company's sexual harassment policy and procedures in order to handle sexual harassment complaints effectively.

5.3 OBJECTIVES OF THE RESEARCH

The objectives of this research can be obtained on page 4.

5.4 STUDY POPULATION

The study population consists of 55 respondents working in the chemical industry of which 40 (72,7%) respondents represented management, 11 (20%) represented employees and 4 (7,2%) did not specify whether they represent management or employees. Management was further categorised into three levels, namely: Senior

Management Level (includes level 2 and 3), Middle Management Level (includes level 4, 5A and 5B) and Junior Management Level/Supervisors (includes level 6C, 6 and 7). Lower level management were representative of levels 8, 9 and 10. Of the 100 questionnaires sent out, 55 were received. This results in a response rate of 55% which is representative of the study population since 45% is the suggested response rate for a population of 100 respondents (De Vos, Strydom, Fouche and Delport, 2002).

5.5 MEASURING INSTRUMENT

The research measuring instrument is not a standardised measuring instrument as the researcher compiled a questionnaire which specifically addresses managers' and employees knowledge/understanding of their company's sexual harassment policies and procedures.

5.6 STATISTICAL ANALYSIS

The raw data in the form of the questionnaire has been obtained from the respondents, and the data has been processed by the Statistical Consultation Services of the North – West University.

5.6.1 Descriptive statistics

The researcher made use of frequency percentages to gather information regarding management and employee understanding of their company's sexual harassment policies and procedures. Section A and B, which focus on the respondents' biographical information and respondents' perceptions regarding sexually harassing behaviours, respectively, will be illustrated with the aid of graphs and tables. Section C will graphically illustrate the data in terms of disagree and agree, even though the questionnaire differentiated between strongly disagree, disagree, agree and strongly disagree. The written explanations regarding this data will also be grouped into two groups, namely disagree and agree.

5.6.2 Section A: Biographical information

The biographical information of the population sample is found in section A of the questionnaire which is alternatively found in Appendix A. The biographical information obtained in the study will be discussed in the following categories:

- Gender
- Age
- Home language
- Occupational level

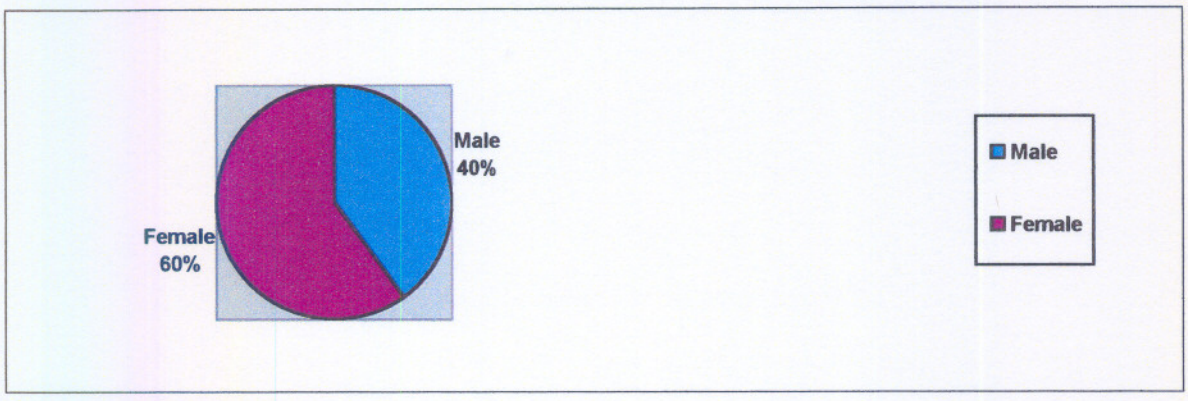


Figure 11. Graphical illustration of the sample population's gender

The graph above graphically illustrates that 40% (22 out of 55 respondents) of the sample population were male whereas 60% (33 out of 55 respondents) were female.

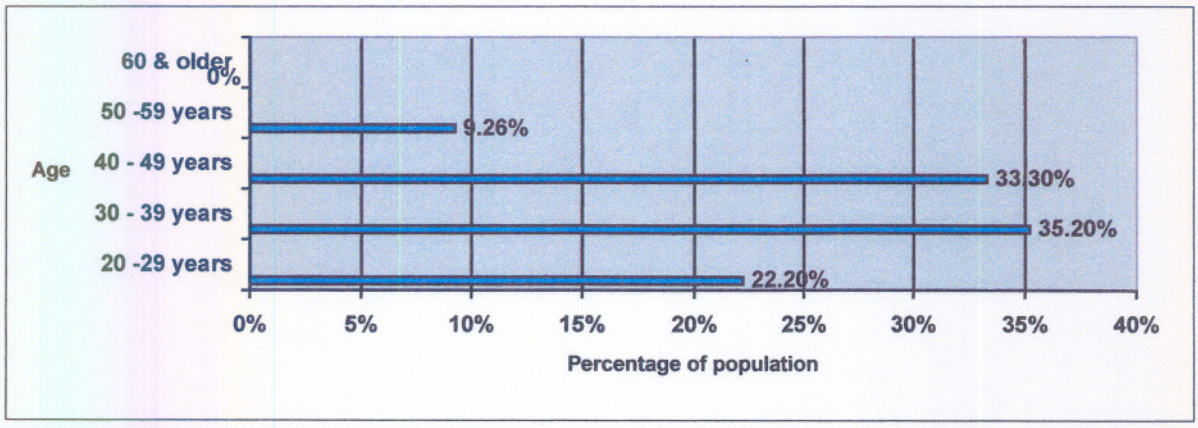


Figure 12. Graphical illustration of the sample population's age

According to the graph above, 22,2% of the respondents are between the ages of 20 – 29 years; 35,2% of the respondents are between the ages of 30 – 39 years; 33,3% of the respondents are between the ages of 40 - 49 years; 9,26% of the respondents are between the ages of 50 – 59 years; and 0% of the respondents were between the ages of 60 and older. Thus, the majority of respondents lies between the ages of 30 – 39 years and the minority of respondents lie between the ages of 50 – 59 years taking into account that no respondents lies in the 60 and older category.

Table10

Tabulated illustration of the sample population's home language

Biographical information	**Category**	**Number of respondents**	**Percentage**
Home language	English	7	12.97%
	Afrikaans	45	83.33%
	Sotho	1	1.85%
	Xhosa	1	1.85%
	Zulu	0	0%

From the information provided above, it can be seen that majority of management is Afrikaans speaking, with English only representing 12.97% of management , and Sotho and Xhosa only representing 1.85% of management respectively. Thus it can be deduced that majority of the respondents were of white population, whereas a small minority represented the black population.

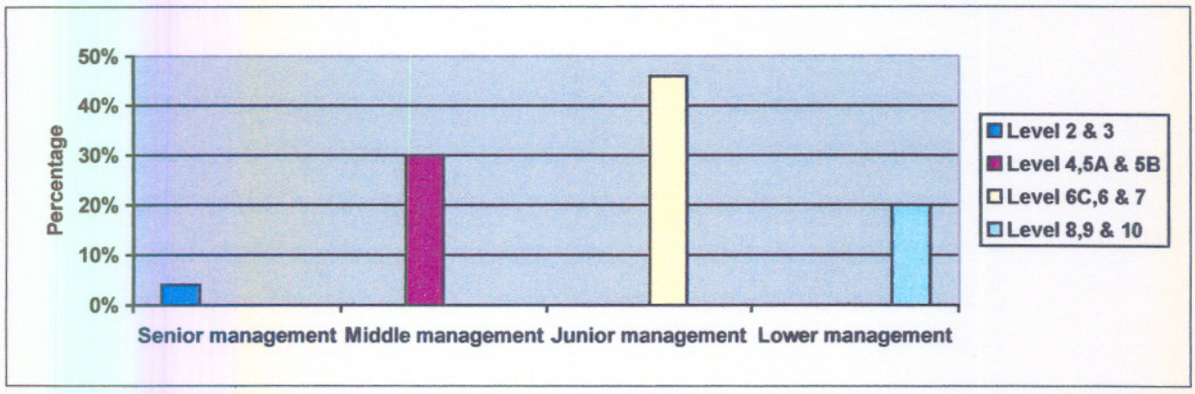


Figure 13. Graphical illustration of sample population's occupational level

Figure 12 graphically illustrates the distribution of respondents into the various levels in Company X. From the graph above it can be seen that 4% represent senior management; 40% represent middle management; 46% represent junior management and 20% represent lower level management. From the data above, it can thus be deduced that Junior management is most representative of the company and Senior management is least representative of the company.

5.6.3 Section B: Forms of sexual harassment

In section B, respondents' responses will be divided into the 4 managerial levels in order for the researcher to draw conclusions on how the different managerial levels perceive sexual harassment in the workplace.

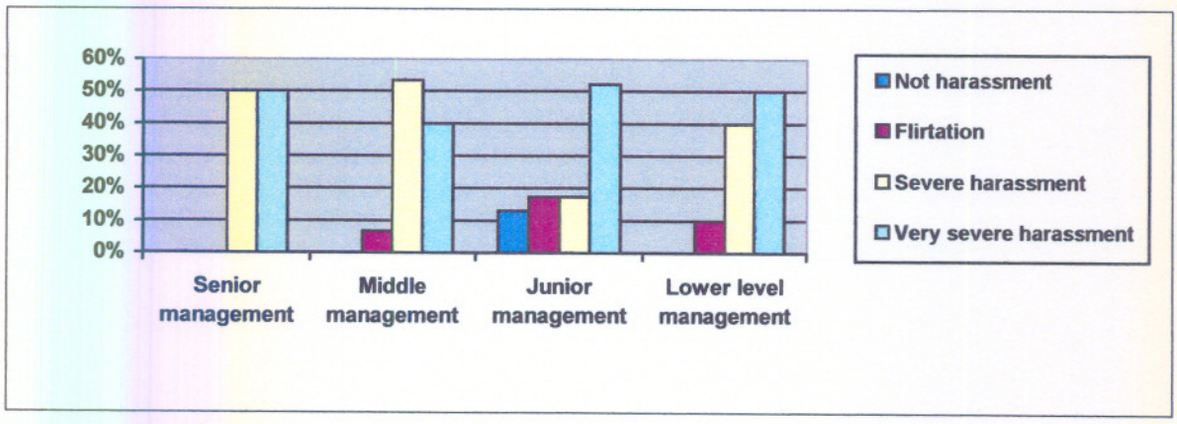


Figure 14. Statement 1:Touching/grabbing individuals inappropriately

From the figure presented above, the following can be concluded about the different managerial levels:

- 0% of senior, middle and lower level managers felt that the inappropriate touching of an individual could be categorised as not constituting harassment. Alternatively, 13.04% of junior management felt that the inappropriate touching of an individual could be categorised as not constituting sexual harassment. For junior management to be of the opinion that the inappropriate touching of an individual does not constitute harassment is puzzling since this statement falls within the definition of actions that constitute sexual harassment (Refer to 3.2.1, p.38).

- 6.67% of middle managers, 17.39% of junior managers, and 10% of lower level managers felt that the inappropriate touching of an individual could be considered as mere flirtation whereas 0% of senior managers felt that the inappropriate touching of an individual could be categorised as flirtation. If the statement were phrased to suggest that the touching of another individual was welcomed, then this behaviour would constitute flirtation. Unfortunately, the statement implicitly stated the exact opposite, which rules out that such behaviour could be categorised as flirtation (Refer to 3.2.1,p.38).

- 50% of senior management, 53.33% of middle management, 17.39% of junior management, and 40% of lower level management felt that the inappropriate touching of an individual could be regarded as a severe form of sexual harassment. Respondents' opinions regarding this statement support the theoretical perspective, considering that the inappropriate touching of an individual forms part of the sexual harassment definition (Refer to 3.3, p.46).

- 50% of senior management, 40% of middle management, 52.18% of junior management, and 50% of lower level managers regarded the inappropriate touching of an individual as a very severe form of sexual harassment. Theory suggests that fondling does not imply an innocent pat on the back, but rather refers to a brush against another individual in a sexual manner which is totally uncalled for (Refer to 4.5.3.1, p.93). Thus, according to the percentages presented above, it is evident that the managers across the different

management levels are knowledgeable on what actions constitute sexual harassment.

Table 11

Statement 2: Stalking an individual

Statement 2	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Not harassment	0	6.67%	4.35%	0%
Flirtation	0	6.67%	8.70%	0%
Severe harassment	50%	40%	56.52%	50%
Very severe harassment	50%	46.66%	30.43%	50%

From the table provided above, it can be concluded that:

- A total of 11.02% of middle and junior management collectively regard the stalking of an individual as not harassing. It is important to note that senior management and lower level management did not consider the stalking of an individual as not harassing behaviour. Respondents should bear in mind that a single incident of one individual pursuing another individual may be tolerable and maybe even considered as not harassing but as soon as such an incident becomes repetitive this behaviour is no longer tolerable but rather sexually harassing (Refer 3.2.2.3, p.39).

- A total of 15.37% of middle and junior management collectively considered the stalking of an individual as mere flirtation. Senior management and lower level management once again did not consider the stalking of an individual as mere flirtation. A single pursuit made on another individual may be regarded as flirtation but as soon as this behaviour is repeated and the recipient makes it clear that the pursuer's behaviour is unwelcomed then this behaviour can no longer be classified as flirtation (Refer to 3.2.1, p.38).

- Majority of all the management levels consider stalking as a severe to very severe form of sexual harassment. Theory supports management's opinion in the sense that stalking is regarded as an invasion of an individual's privacy which in turn can be regarded as a physical form of sexual harassment (Refer to 3.3.1, p.46).

Table 12

Statement 3: Inappropriate remarks of sexual nature

Statement 3	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Not harassment	0%	7.14%	4.35%	0%
Flirtation	0%	21.43%	8.70%	18.18%
Severe harassment	100%	57.14%	73.91%	63.64%
Very severe harassment	0%	14.29%	13.04%	18.18%

The table above can be summarised as follows:

- A minority of 11.49% of middle and junior management collectively perceive inappropriate remarks of sexual nature as not harassing as opposed to the 0% of senior management and lower level management who express the exact opposite perception. The percentage of respondents who perceive inappropriate remarks of sexual nature not to be harassing may have this opinion due to their lack of knowledge. Respondents therefore need to consider that what may be said as a compliment may be taken as an insult, which results in miscommunication between individuals (Refer to 3.2.3.4, p.40).

- Middle management (21.43%), junior management (8.70%) and lower level management (18.18%) consider inappropriate remarks of sexual nature as flirtation as opposed to the 0% of senior management who have a different opinion. Respondents need to distinguish between appropriate and inappropriate

remarks. The former is considered as flirting when the recipient feels flattered, whereas the latter is considered as sexually harassing when the recipient feels cheap or unflattered (Refer to 3.2.1, p.38).

- Majority of the management levels regard inappropriate remarks of sexual nature as either a severe or a very severe form of sexual harassment. Theory supports this statement on the basis that verbal actions can humiliate victims and lead to defamation of their character. (Refer to 3.3.2, p.47).

Table 13

Statement 4: Remarks on a person's appearance

Statement 4	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Not harassment	50%	46.67%	34.78%	27.27%
Flirtation	0%	46.67%	39.13%	27.27%
Severe harassment	50%	6.66%	26.09%	18.19%
Very severe harassment	0%	0%	0%	27.27%

As depicted in table 13, the following can be concluded:

- Majority of all the management levels feel that remarks on a person's appearance is in no way harassing. Remarks that are welcomed by recipients contradict that definition of sexual harassment (Refer to 2.2.3, p.9).

- A large percentage of middle management (46.67%), junior management (39.13%) and lower level management (27.27%) feel that remarks on a person's appearance is a form of flirtation. It is important to take note that remarks made to make a person feel good and positive are elements of what constitutes flirtation, which substantiates the relevant management levels opinions regarding the statement (Refer to 3.2.1, p. 38).

- A total of 50% of senior management, 6.66% of middle management, 26.09% of junior management and 18.19% of lower level management feel that remarking on a person's appearance is a severe form of sexual harassment. Remarks on a person's appearance may seem harmless. However, some individuals may go to drastic lengths to stop remarks on their appearance. For example: an attractive individual may resort to gaining excessive weight as a means to stop remarks made on his/her appearance (Refer to 4.5.1.3, p.92).

- Only 27.27% of lower level managers feel that making remarks on a person's appearance is a very severe form of sexual harassment as opposed to the 0% of senior, middle and junior managers who feel that making remarks on a persons appearance does not constitute a very severe form of sexual harassment. One must take into consideration that not all remarks are made to flatter. Remarks such as: " you look fat in short skirts" moves away from being said as a compliment towards being said as an insult meant to humiliate the individual (Refer to 3.3.2, p.47).

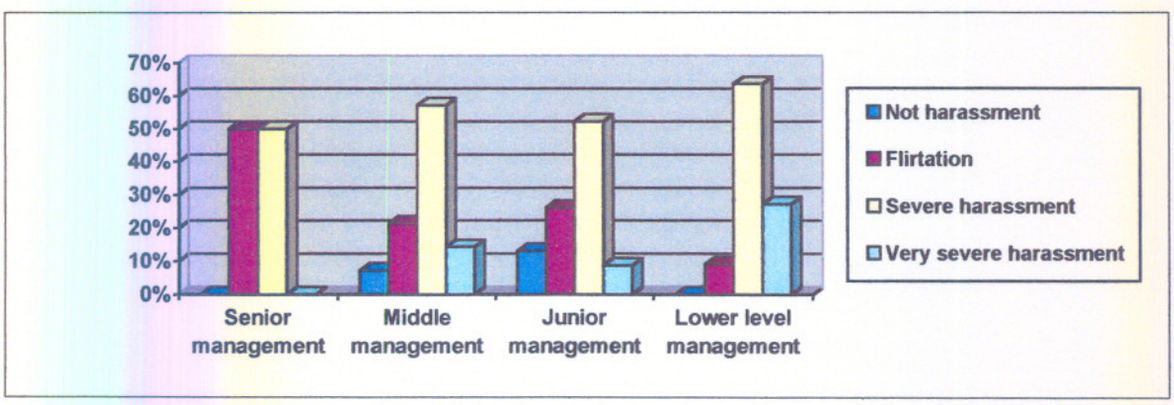


Figure 15. Statement 5: Jokes of inappropriate sexual nature

Taking all the managerial levels into consideration, the following can be said for each of the levels:

- 7.14% and 13.04% of middle and junior managers respectively view jokes of inappropriate sexual nature as not harassing in comparison to the 0% of senior and lower level managers who share the opposite view. Respondents may be of

the opinion that inappropriate jokes are not harassing due to the fact that on a multitude of occasions humour is encouraged in the social setting and then later discouraged in the work setting. Therefore, it is important that distinctions be made in order to draw the line between good and bad humour (Refer to 3.2.7, p. 46).

- 50% of senior management, 21.43% of middle management, 26.09% of junior management and 9.09% of lower level managers view jokes of inappropriate sexual nature as flirtation. Jokes that degrade other individuals are characteristic of behaviours that are harassing and not characteristic of behaviours that are regarded as flirtation according to the relevant management levels (Refer to 3.2.1, p. 38).

- Majority of senior management (50%), middle management (57.14%), junior management (52.17%) and lower level management (63.64%) perceive jokes of sexual nature as a severe form of sexual harassment. Suggestive jokes become sexually harassing when victims feel that self - respect has been compromised. It is, therefore, advantageous if individuals avoid jokes bordering on becoming offensive and inappropriate (Refer to 4.5.1.1, p. 92).

- Furthermore, only 14. 29% of middle managers, 8.70% of junior managers and 27.27% of lower level managers perceive jokes of inappropriate sexual nature as a very severe form of sexual harassment. According to Van der Westhuizen (1999), jokes with sexual connotations are descriptive of behaviours that are verbally sexually harassing.

Table14

Statement 6: Pictures of sexual nature

Statement 6	Percentage of respondents			
	Senior management	Middle management	Junior management	Lower level management
Not harassment	0%	7.14%	13.04%	0%
Flirtation	0%	7.14%	8.70%	0%
Severe harassment	50%	50%	43.48%	30%
Very severe harassment	50%	35.72%	34.78%	70%

From the table presented above, it is evident that:

- Majority of the sample population considers pictures of sexual nature as either a severe or very severe form of sexual harassment. Theory supports management's opinion, as pictures of sexual nature affect individuals' level of self confidence (Refer to 4.5.2.2, p. 93).

- A minority percentage of 15.84% of middle and junior management consider pictures of sexual nature as flirtation. Pictures of sexual nature is distinctly categorised as a form of non – verbal sexual harassment, so for the relevant management levels to regard such material as flirtation is unfounded (Refer to 2.2.4, p. 10).

- A total of 20.18% of middle and junior managers regard pictures of sexual nature as not harassing material. Respondents who were of the opinion that pictures of sexual nature are not harassing need to ask themselves whether or not they would place such posters in front of their wives and children. This way the respondents will become aware of how offensive such pictures may be to other individuals (Refer to 3.2.6, p.46).

since theory states that such behaviour can cause a victim a great amount of discomfort (Refer to 3.3.3, p. 47).

Table 16

Statement 8: Provocative lip licking

Statement 8	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Not harassment	0%	0%	4.35%	9.09%
Flirtation	50%	60%	43.48%	0%
Severe harassment	50%	40%	34.78%	0%
Very severe harassment	0%	0%	17.39%	90.91%

- Majority of management levels regard provocative lip licking as either severe or very severe form of sexual harassment. According to Van der Westhuizen (1999), provocative lip licking can also cause a victim a great amount of discomfort especially if such behaviour is repeated.

- A large percentage of the management levels, except for lower level management, regarded provocative lip licking as mere flirtation. Provocative lip licking can only be considered as flirtation if both parties reciprocate the behaviour. As soon as such behaviour is rejected by the other party, it becomes sexually harassing (Refer to 3.2.1, p.38).

- A total of 13.44% of junior and lower level management collectively regard provocative lip licking as not harassing behaviour. Management's opinion that suggestive lip licking can not be considered as sexually harassing is totally unfounded since theory states that it is a form of non – verbal sexual harassment (Refer to 3.3.3, p.47).

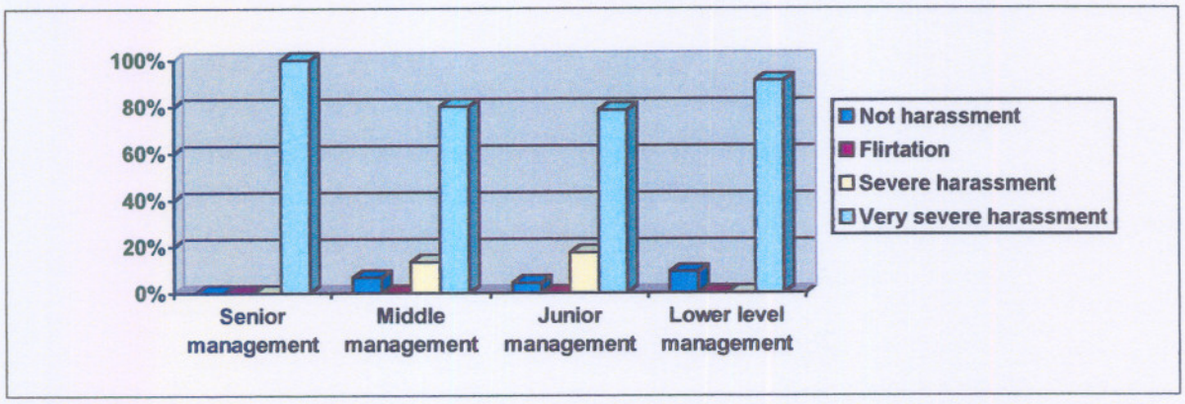


Figure 16. Statement 9: Rewarding an employee for submitting to sexual requests

The figure above graphically illustrates the following:

- Majority of senior management (100%), middle management (80%), junior management (78.26%) and lower level management (90.91%) feel that rewarding an individual for submitting to sexual requests is a very severe form of sexual harassment. Quid pro quo harassment is a severe form of sexual harassment due to the fact that victims may submit to sexual requests as a means of avoiding dismissal (Refer to 3.3.4, p. 47).

- To a lesser degree, 13.33% of middle management and 17.39% of junior management feel that rewarding an individual for submitting to sexual requests is a severe form of sexual harassment. Management's opinion on the above statement is in agreement with what theory proposes, that when authority makes use of power to reward individuals for submitting to sexual requests, it can be classified as quid pro quo harassment (Refer, 2.2.4, p. 10).

- 6.67% of middle management, 4.35% of junior management and 9.09% of lower level management feel that there is no harassment taking place when rewarding an individual for submitting to sexual requests. Quid pro quo harassment is one of the most serious forms of sexual harassment as it directly interferes with an individual's work performance, so for the relevant management levels to regard this kind of behaviour as not harassing is unfounded (Refer to 4.5.6, p. 94).

- However, none of the management levels classified the rewarding of individuals for submitting to sexual requests as flirtation.

5.6.4 Section C: Sexual harassment processes, policies and procedures

In section C, respondents' responses will be divided into the 4 managerial levels in order for the researcher to draw conclusions on how the different managerial levels view their company's sexual harassment processes, policies and procedures.

Table 17

Q1: My company has a policy regarding sexual harassment

Question 1	Percentage of respondents			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	13.33%	4.35%	9.09%
Agree	100%	86.67%	95.65%	90.91%

From the data presented above, it can be noted that:

- Most of the managerial levels agree that there is a policy regarding sexual harassment in their company. Since managers agree with the statement presented above, this then confirms that employers are taking initiative and showing dedication towards the establishment of a sexual harassment free environment (Refer to 2.4.7, p. 26).

- A small percentage of middle, junior and lower level management disagree with the statement that their company has a policy regarding sexual harassment. If managers are of this opinion, this then shows that a policy on its own is ineffective if it is not communicated to managers and employees alike (Refer to 4.10,p. 111).

Table 18

Q2: Employees are informed on the company's informal complaint procedures on sexual harassment

Question 2	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	13.33%	13.64%	40%
Agree	100%	86.67%	86.36%	60%

From the data presented above, it can be noted that:

- Most of the managerial levels agree with the statement that employees are informed on the company's informal sexual harassment complaint procedures. If this is the case, it is then safe to assume that employees are informed on the different informal confrontational methods available to them should they be confronted by a potential harasser (Refer to 3.7.2.1.a, p. 56).

- A smaller percentage of middle, junior and lower level management feel that employees are not informed on the company's formal sexual harassment complaint procedures. The fact that some managers feel that employees are not informed on the company's informal sexual harassment procedures may be attributed to the fact that even though there is a policy some employees are still not informed on the specific procedures which they may follow should they experience a harassing incident (Refer to 4.10, p.111). Thus, if employees are not acquainted with the proceedings of an informal sexual harassment complaint, such procedures will prove to be ineffective, resulting in victims abstaining from making sexual harassment complaints (Refer to 3.7.2, p. 55).

Table 19

Q3: Employees are informed on the company's formal complaint procedure on sexual harassment

Question 3	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	20%	17.39%	45.45%
Agree	100%	80%	82.61%	54.55%

As depicted in table 19:

- 100% of senior management, 80% of middle management, 82.61% of junior management and 54.55% of lower level management are of the belief that employees are informed on the company's formal sexual harassment complaint procedures. Managers agree with the statement above on the basis that the company's sexual harassment policy is distributed via the intranet. Thus, it can therefore be expected of employees to know that formal complaints can only be made in instances where: informal procedures have not achieved the desired results; victims have been exploited; informal procedures have failed (Refer to 2.3.8.2, p. 20).

- 20% of middle management, 17.39% of junior management and 45.45% of lower level management believe that employees are not informed on the company's formal sexual harassment complaint procedures. Those managers who are of the opinion that employees are not informed on the formal aspects of a sexual harassment complaint, stress the importance of not only communicating the policy to all the relevant employees and managers but also of communicating the relevant procedures employees are to follow should they need to lodge a complaint (Refer 4.8.1, p.98).

Table 20

Q4: All sexual harassment complaints are investigated

Question 4	Percentage of respondents			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	26.67%	8.70%	O%
Agree	100%	73.33%	91.3%	100%

From the data presented above, it can be noted that:

- Majority of managers agree that all sexual harassment complaints in their company are investigated. Managers who believe that all sexual harassment complaints are investigated may have this opinion due to the fact that most unresolved informal complaints are ultimately handled via formal procedures, which always undergo investigation (Refer to 2.4.8.1, p. 26).

- A small percentage of middle and junior management believe that not all sexual harassment complaints in their company are investigated. The fact that a few managers believe that not all sexual harassment complaints are investigated can be attributed to the fact that informal complaints are usually resolved via some form of confrontation, where managers would have expected a formal investigation procedure (Refer to 2.2.7.3, p.12), or it may be attributed to the fact that managers are uninformed or unaware that all sexual harassment complaints are investigated (Refer to 4.11, p. 112).

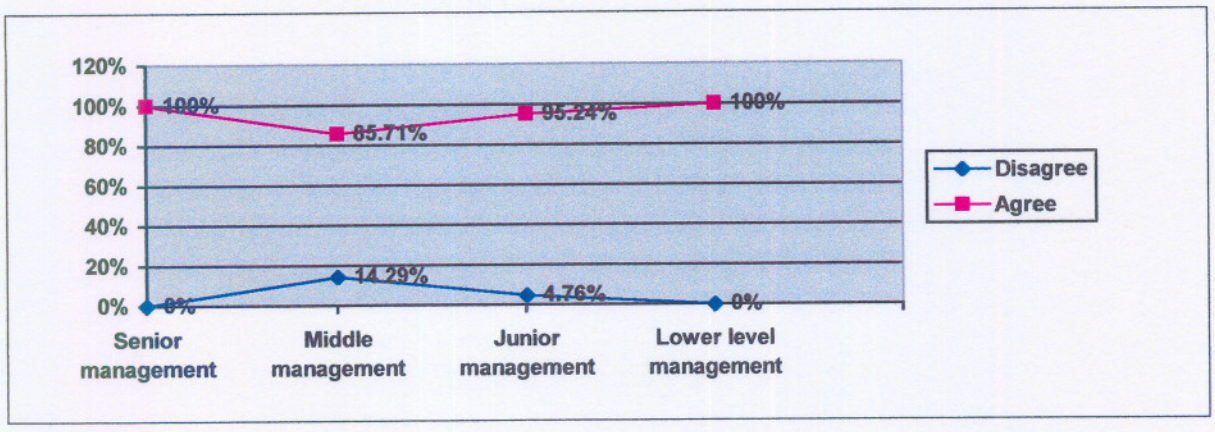


Figure 17. Q5.1: Sexual harassment investigation procedures focus on appointing an investigator

The graph above illustrates that:

- A very high percentage of managers in general believe that investigation procedures focus on appointing an investigator. Theory states that employers need to show their commitment towards eliminating sexual harassment by means of appointing investigators. However, when appointing an investigator it is important for employers to weigh the advantages and disadvantages of appointing an internal investigator versus an external investigator (Refer to 3.7.4.1, p. 60). It is also important that the individual chosen to execute the investigation procedure is well informed on his/her role as an investigator (Refer to 3.7.4.3, p. 61). Thus management is of the opinion that employers are showing commitment towards the eradication of sexual harassment in the workplace

- A very low percentage of middle and junior management believe that investigation procedures do not focus on appointing an investigator. The researcher is of the opinion that the low percentage of managers who disagree with the statement are either uninformed or unaware that investigation procedures require the appointment of an investigator.

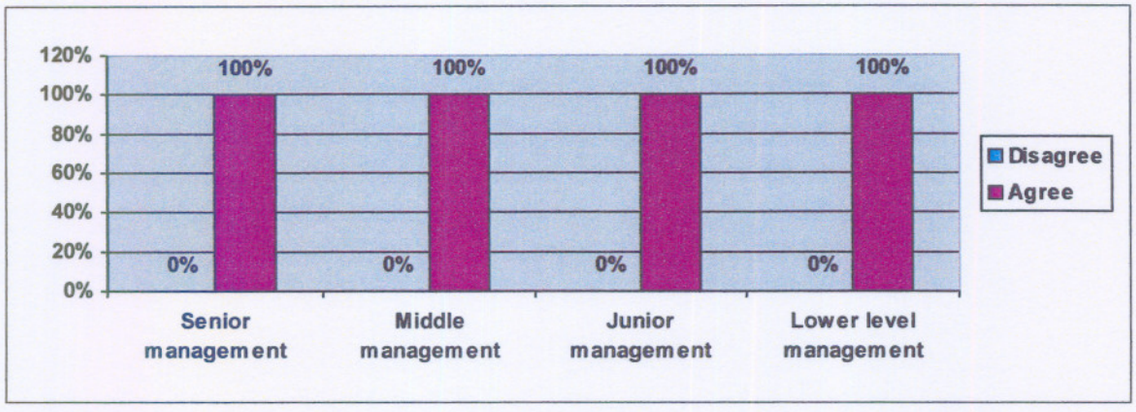


Figure 18. Q5.2: Sexual harassment investigation procedures focus on interviewing grievants

The graph above reveals that:

- All four levels of management agree with the statement that interviewing grievants forms part of the company's sexual harassment investigation procedure. According to Petrocelli and Repa (1994), grievants need to be interviewed so that investigators may determine what events lead to the grievant lodging the sexual harassment complaint (Refer to 3.7.4.5, p. 62). According to Doucet (1992), this then shows that employers take sexual harassment complaints seriously.

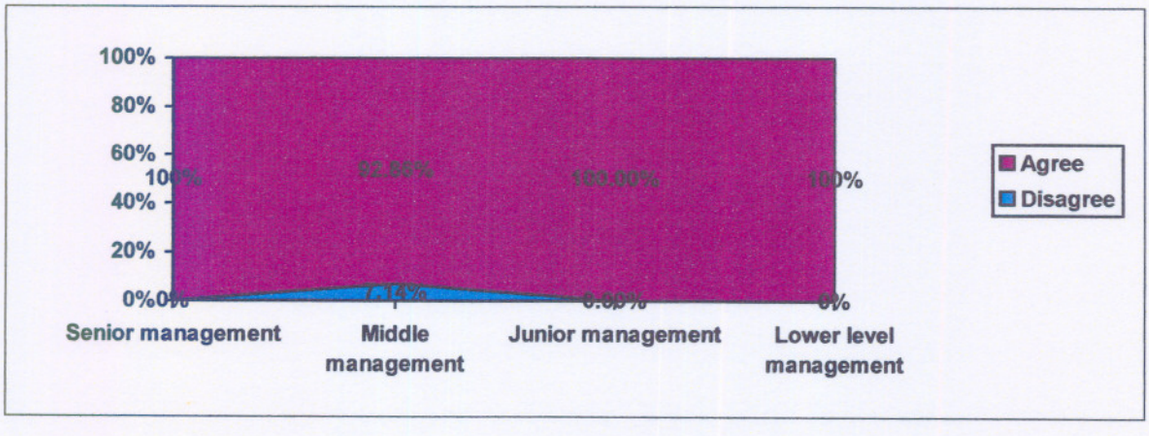


Figure 19. Q5.3: Sexual harassment complaint procedures focus on interviewing alleged offenders

- From the graph above, it can be seen that majority of the management levels agree that investigation procedures involve the interviewing of alleged offenders. From the information provided above, it is evident that employers allow alleged harassers the opportunity to present their recollection of the proposed events (Refer to 3.7.4.7, p. 63). This way, investigators are able to gather information from victims and from the alleged harasser on the events leading to the incident (Refer to 3.7.4.3, p.61).

- 7.14% of middle management, however, disagree with the statement that investigation procedures involve the interviewing of alleged offenders. Middle management may be of the opinion that investigation procedures do not involve the interviewing of alleged offenders due to the fact that severe forms of sexual harassment result in immediate dismissal (Refer to 4.9.3.8, p. 109). Alternatively, managers may not be informed or aware that investigation procedures involve interviewing alleged offenders (Refer to 4.11, p. 112).

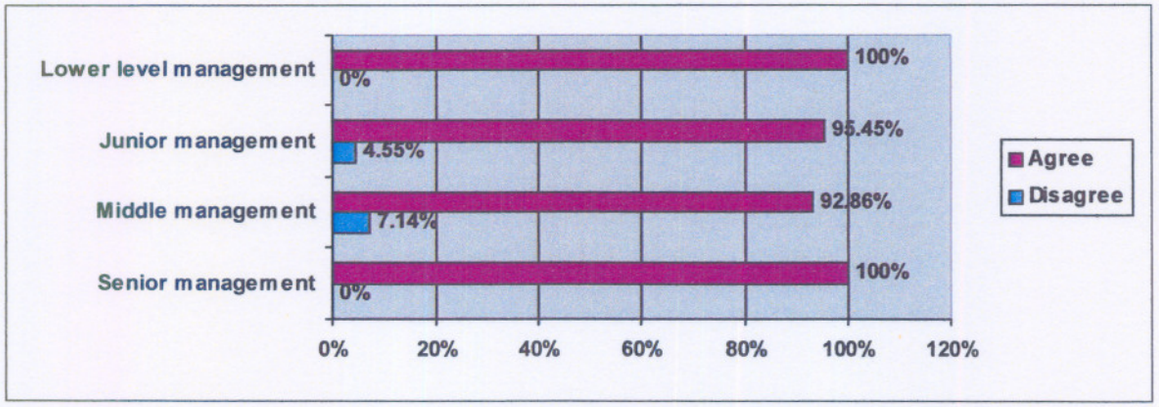


Figure 20. Q5.4: Sexual harassment complaint procedures focus on interviewing witnesses

- Majority of senior, middle, junior and lower level management agree with the statement that the interviewing of witnesses forms part of the investigation procedure. Theory states that it is beneficial for investigators to try and interview witnesses who represent both parties as this can provide clarity on the occurrence of the proposed events (Refer to 3.7.4.6, p. 62).

- A total of 11.69% of middle and junior management collectively disagree with the statement that witnesses are interviewed during the investigation procedure. Middle and junior management may disagree with the statement due to the fact that more often than not the only witnesses present to witness the harassment are usually the victim and alleged harasser (Refer to 3.7.4, p. 62).

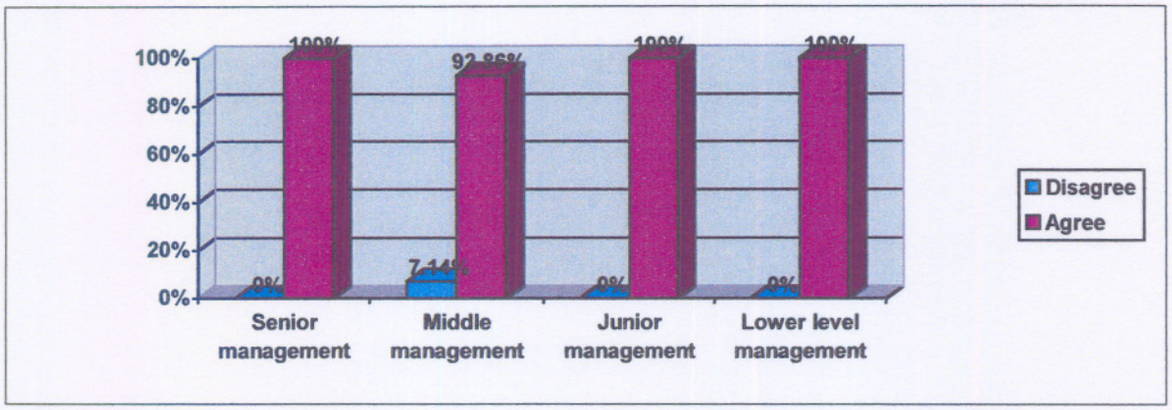


Figure 21. Q5.5: Sexual harassment complaint procedures focus on resolving complaints

- 100% of senior management, 92.86% of middle management, 100% of junior management and 100% of lower level management are of the belief that investigation procedures focus on the resolution of grievances. Theory suggests that investigators need to consider all the evidence collected, before determining whether harassment has taken place, in order to provide possible solutions to resolve the situation (Refer to 3.7.4.9, p. 63).

- 7.14% of middle management is of the belief that investigation procedures do not include the resolution of grievances. Managers may be of this opinion due to the fact that complaints are not always resolved via the investigation procedures. When investigation procedures fail to yield positive results, victims may refer their disputes to the labour court (Refer to 3.7.4.10, p.64).

Table 21.

Q6: Harassers/offenders are punished accordingly in my company

Question 6	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	7.14%	4.55%	0%
Agree	100%	92.86%	95.45%	100%

The data above indicates that:

- Most of the respective management levels agree that harassers are punished accordingly in their company. Management's opinion on the above statement correlates with the theoretical principles that all perpetrators should be punished according to the severity of their actions (Refer to 4.9.3.8, p. 108).

- A total of 11.69% of middle and junior management do not agree that harassers are punished accordingly in the company. Middle and junior management who feel that harassers are not punished accordingly may have this opinion due to the fact that harassers are sometimes punished too severely for their inappropriate behaviour or vice versa (Refer to 3.7.5, p. 64).

Table 22

Q7.1: Disciplinary actions taken for severe forms of sexual harassment include transfers.

Question 7.1	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	50%	14.28%	21.05%	30%
Agree	50%	85.72%	78.95%	70%

- Most of the respondents are of the belief that disciplinary actions taken for severe forms of sexual harassment include transfers. According to Wagner (1992), disciplinary actions may include transfers but it is important that employers take the seriousness and frequency of the incidents into account before making a decision (Refer to 3.7.5.1.a, p. 65).

- Alternatively, a substantial amount of respondents are of the belief that disciplinary actions taken for severe forms of sexual harassment do not include transfers. Theory supports the above statement since severe forms of sexual harassment such as physical assault and rape usually result in dismissal (Refer to 4.9.3.8, p.109).

Table23

Q7.2: Disciplinary actions taken for severe forms of sexual harassment include suspension

Question 7.2	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	14.28%	27.78%	10%
Agree	100%	85.72%	72.22%	90%

- Most of the management levels agree that disciplinary actions taken for severe forms of sexual harassment include suspension. Theory collaborates management's opinion above since disciplinary actions often include suspension when taking situational and other factors into account (Refer to 3.7.5.1.a, p. 64).

- Alternatively, a smaller percentage of management is of the opinion that a disciplinary action taken for severe forms of sexual harassment does not include suspension. Alternatively, theory also states that it is preferable to dismiss a perpetrator for severe forms of sexual harassment as employers tend to be held liable for negligent retention (Refer to 3.7.5.1.c, p66).

Table 24

Q7.3: Disciplinary actions taken for severe forms of sexual harassment include dismissal

Question 7.3	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	26.67%	18.18%	0%
Agree	100%	73.33%	81.82%	100%

From the data presented above, it can be noted that:

- Majority of senior, middle, junior and lower level management agree that the disciplinary actions taken for severe forms of sexual harassment include dismissals. Theory proposes that it is preferable for employers to dismiss harassers due to the fact that should the harasser repeat his/her behaviour, employers can eventually be held accountable for negligent retention (3.7.5.1.c, p. 66).

- A total of 44.85% of middle and junior management collectively disagree with the statement that disciplinary action taken for severe forms of sexual harassment includes dismissals. The researcher is of the opinion that managers may disagree with the statement on the basis that their perception of a severe form of sexual harassment may differ from employers' perceptions of a severe form of sexual harassment. Therefore, acts that managers believe warrant dismissal may not be the same acts employers believe warrant dismissal.

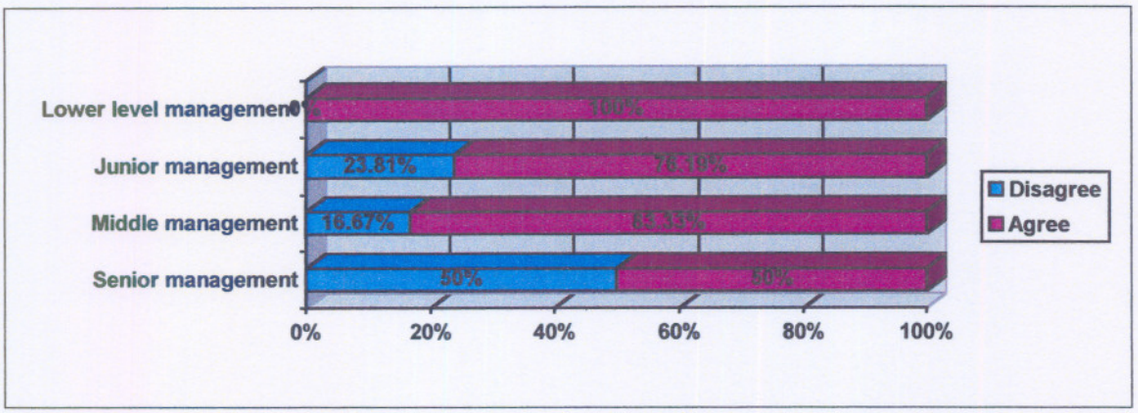


Figure 22. Q8.1: Non – disciplinary action taken for less severe forms of sexual harassment includes counselling

From the graph presented above, it can be concluded that:

- 50% of senior management, 83.33% of middle management, 76.19% of junior management and 100% of lower level management agree that non – disciplinary actions taken for less severe forms of sexual harassment includes counselling. According to Wagner (1992) counselling is a non – disciplinary form of corrective action taken to benefit harassers who: are oblivious of the fact that their behaviour is considered as sexually harassing; are oblivious of how grievants view acceptable behaviour (Refer to 3.7.5.1.c, p. 65).

- 50% of senior management, 16.67% of middle management, and 23.81% of junior management do not agree with the statement that non – disciplinary actions taken for less severe forms of sexual harassment includes counselling. Managers may disagree with the statement above on the basis that less severe forms of sexual harassment warrant a verbal warning that is recorded on the perpetrator's file rather than counselling (Refer to 4.9.3.8, p. 108).

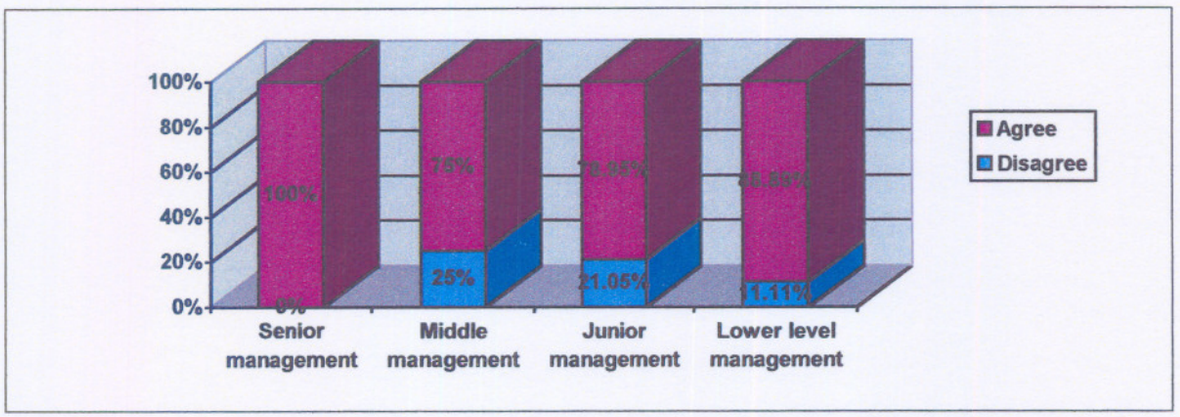


Figure 23. Q8.2: Non – disciplinary actions taken for less severe forms of sexual harassment include conciliation

- The graph above reveals that most of the managerial levels agree that non – disciplinary actions taken for less severe forms of sexual harassment include conciliation. According to Otto (1997), non – disciplinary action an employer may take against a perpetrator includes conciliation, which assists both parties in reaching a joint solution (Refer 3.7.5.1.b, p. 65).

- Alternatively, the graph above also reveals that 25% of middle management, 21.05% of junior management and 11.11% of lower level management disagree with the statement that non – disciplinary actions taken for less severe forms of sexual harassment include conciliation. From the information presented above, it seems that some managers feel that conciliation is not a considered form of non – disciplinary action taken for less severe forms of sexual harassment.

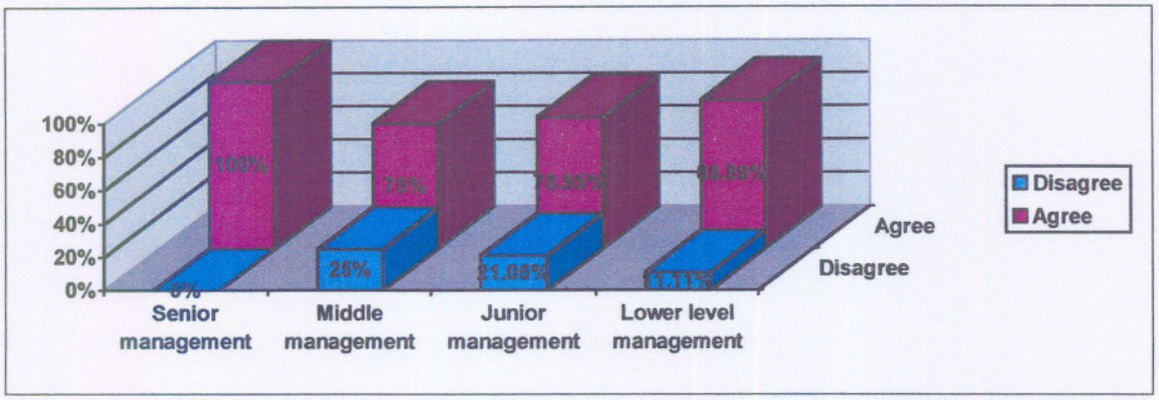


Figure 24. Q8.3: Non – disciplinary actions taken for less severe forms of sexual harassment include education and training

The graph above can be summarised as follows:

- 100% of senior management, 75% of middle management, 78.95% of junior management, and 88.89% of lower level management agree that non – disciplinary actions taken for less severe forms of sexual harassment include education and training. According to theoretical principles, education and training should be used as a preventive measure against sexual harassment and not as a non – disciplinary measure against a perpetrator (Refer to 2.3.6.1, p. 17)

- 25% of middle management, 21.05% of junior management and 11.11% of lower level management disagree that non – disciplinary actions taken for less severe forms of sexual harassment include education and training. Theory supports management's opinion above in the sense that non – disciplinary actions taken for less severe forms of sexual harassment usually include counselling and conciliation, rather than education and training (Refer to 3.7.5.1.c, p.65).

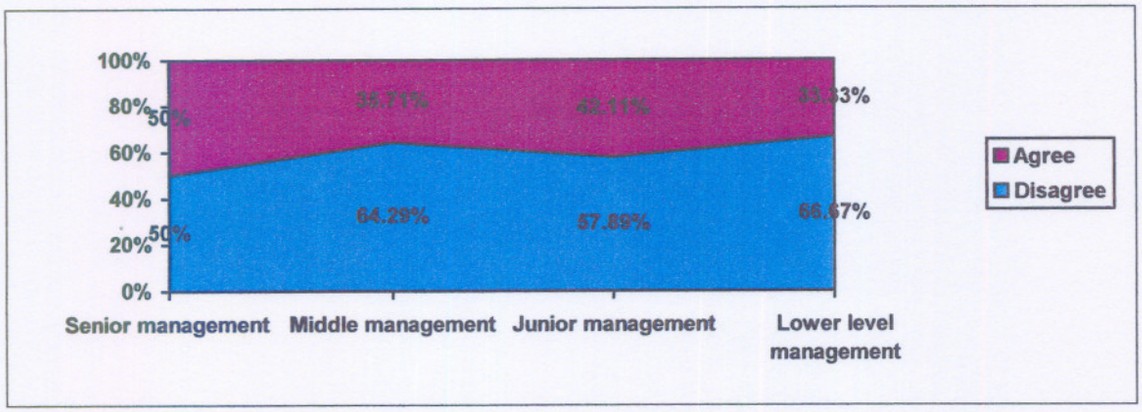


Figure 25. Q9: My company provides training regarding the company's sexual harassment policies and procedures

- 50% of senior management, 35.71% of middle management, 42.11% of junior management, and 33.33% of lower level management agree that their company provides training on sexual harassment policies and procedures. According to Reese and Lindeberg (2002), companies that offer sexual harassment training are at an advantage because sexual harassment training: promotes awareness; elaborates on sexual harassment definitions; encourages the reciting of sexual harassment; specifies causes and effects of sexual harassment (Refer to 3.7.5.1.e, p.67).

- Majority of the management levels above disagree with the statement that their company provides training regarding sexual harassment policies and procedures. Theory explicitly states that the only time employers can not be held accountable for sexual harassment taking place in the workplace is if he/she has taken sufficient measures to stop sexual harassment from occurring (Refer to 2.3.5, p. 16). It can thus be concluded that the employers at Company X are lacking a crucial element in their policy, namely sexual harassment training for managers and employees alike. According to Bendix (2001), it is important for companies to offer training programmes that incorporate sexual harassment as an issue so as to educate and train managers and employees with regards to what constitutes sexual harassment and what does not (Refer to 2.2.10, p. 14).

Table 25

Q10.1: Employees are encouraged to avoid office relationships

Question 10.1	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	33.33%	18.18%	36.36%
Agree	100%	66.67%	81.82%	63.64%

From the table above, the following can be concluded:

- 100% of senior management, 66.67% of middle management, 81.82% of junior management and 63.64% of lower level management agree that employees are encouraged to avoid office relationships. Even though managers are of the opinion that office relationships are not encouraged, managers need to bear in mind that sexual harassment results from power abuse and not from an office relationship that has gone bad (Refer to 3.8.1.1, p. 70).

- 33.33% of middle management, 18.18% of junior management and 36.36% of lower level management disagree with the statement that employees are encouraged to avoid office relationships. Even though managers disagree with the statement, managers need to bear in mind that even if employers have implemented policies forbidding employer – employee relations, it is very difficult to enforce this provision on employers and employees (Refer to 3.8.1.1, p. 70).

Table 25

Q10.1: Employees are encouraged to avoid office relationships

Question 10.1	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	33.33%	18.18%	36.36%
Agree	100%	66.67%	81.82%	63.64%

From the table above, the following can be concluded:

- 100% of senior management, 66.67% of middle management, 81.82% of junior management and 63.64% of lower level management agree that employees are encouraged to avoid office relationships. Even though managers are of the opinion that office relationships are not encouraged, managers need to bear in mind that sexual harassment results from power abuse and not from an office relationship that has gone bad (Refer to 3.8.1.1, p. 70).

- 33.33% of middle management, 18.18% of junior management and 36.36% of lower level management disagree with the statement that employees are encouraged to avoid office relationships. Even though managers disagree with the statement, managers need to bear in mind that even if employers have implemented policies forbidding employer – employee relations, it is very difficult to enforce this provision on employers and employees (Refer to 3.8.1.1, p. 70).

Table 26

Q10.2: Employees are encouraged to avoid inappropriate clothing

Question 10.2	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	33.33%	17.39%	0%
Agree	100%	66.67%	82.61%	100%

The following conclusion may be drawn from the table above:

- Majority of the managerial levels confirm that employees are encouraged to avoid inappropriate clothing at work. Theory supports this statement on the basis that women should wear clothing that is appropriate for work, this means wearing clothing that shows sophistication and professionalism (Refer to 3.8.1.2, p. 71).

- A small percentage of managers feel that employees are not encouraged to avoid inappropriate clothing at work. Managers who disagree with the statement are of the opinion that employees will be guided by their social values as to what is appropriate and what is inappropriate.

Table 27

Q10.3: Employees are encouraged to avoid inappropriate jokes and insinuations

Question 10.3	**Percentage of respondents**			
	Senior management	Middle management	Junior management	Lower level management
Disagree	0%	33.33%	26.09%	0%
Agree	100%	66.67%	73.91%	100%

- Majority of senior, middle, junior and lower level management agree that employees are encouraged to avoid inappropriate jokes and insinuations. According to Petrocelli and Repa (2002), employees and employers alike should refrain from jokes that could hurt or offend other employers or employees since some individuals find it difficult to draw the line between appropriate and inappropriate jokes (Refer to 3.8.1.4, p. 71).

- 33.33% of middle management and 26.09% of junior management disagree with the statement that employees are encouraged to avoid inappropriate jokes and insinuations. Managers who disagree with the statement are of the opinion that employees will be guided by their social values when determining which jokes are appropriate and which are inappropriate.

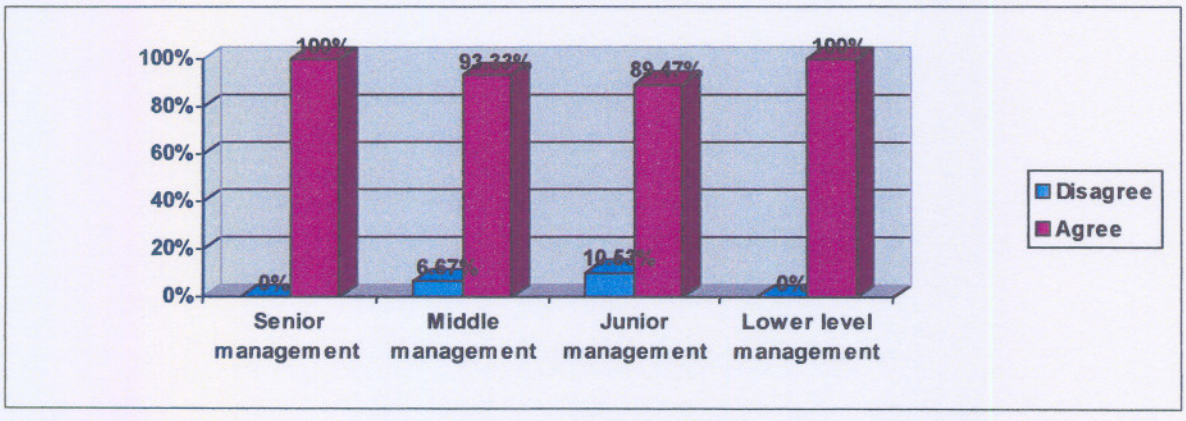


Figure 26. Q11.1: Employees who are dissatisfied with the results of the grievance procedure may claim unfair labour practice

The graph above graphically illustrates that:

- 100% of senior management, 93.33% of middle management, 89.47% of junior management and 100% of lower level management feel that employees who are dissatisfied with the results of the disciplinary procedure may resort to unfair labour practices. According to Herbert (1994), employees who are dissatisfied with the results of the grievance procedure may refer their case to the labour court as unfair labour practice (Refer to 3.7.2.2.b, p. 57).

- 6.67% of middle management and 10.53% of junior management disagree that with the statement that employees who are dissatisfied with the results of the grievance procedure may claim unfair labour practice. The researcher is of the opinion that those managers who disagree with this statement are not informed on the alternative solutions available to victims of sexual harassment since theory explicitly states that sexual harassment falls under the definition of an unfair labour practice (Refer to 3.9.1.1, p. 76).

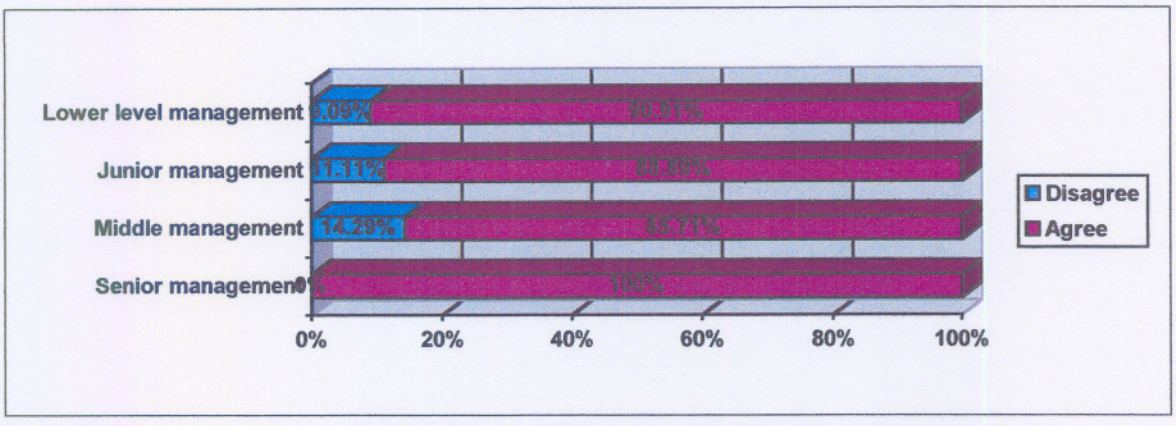


Figure 27. Q11.2: Employees who are dissatisfied with the results of the grievance procedure may claim defamation

- Majority of managers agree that employees who are dissatisfied with the results of the grievance procedure may claim defamation. Theory states that victims of sexual harassment may claim defamation when they feel that the incident: (a) has affected their ability to work competently; (b) has demoralised them to the extent that they feel isolated from others (Refer to 3.9.3.1, p.82).

- A total of 34.49% of middle, junior and lower level management disagree with the statement that employees who are dissatisfied with the results of the grievance procedure may claim defamation. The researcher is once again of the opinion that those managers who disagree with the statement are not informed on the alternatives available to victims of sexual harassment since theory provides proof that employees may claim defamation as long as the requirements thereof are met (Refer to 3.9.3.1, p 82).

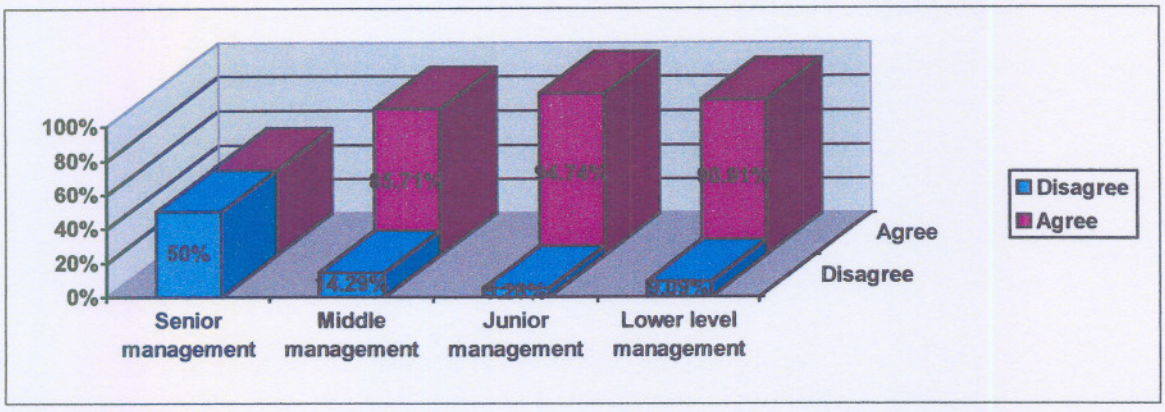


Figure 28. Q11.3: Employees who are dissatisfied with the results of the grievance procedure may claim crimen injuria

The graph above graphically illustrates that:

- 50% of senior management, 85.71% of middle management, 94.74% of junior management and 90.91% of lower level management agree that employees who are dissatisfied with the results of the grievance procedure may claim crimen injuria. Theory supports the statement above on the basis that individuals may only claim crimen injuria when the invasion taken against such an individual is of such a severe nature that he/she feels violated (Refer to 3.9.3.2, p. 83).

- 50% of senior management, 14.29% of middle management, 5.26% of junior management and 9.09% of lower level management disagree with the statement that employees who are dissatisfied with the results of the grievance procedure may claim crimen injuria. The researcher is of the opinion that managers who disagree with the statement are not informed on the possible alternatives available to victims of sexual harassment due to the fact that crimen injuria falls under criminal law (Refer to 3.9.3, p. 82).

5.7 Summary

The results of Section B and Section C will be divided accordingly since Section B deals with managers' perceptions regarding sexual harassment and Section C deals with managers' knowledge on their company's sexual harassment policies and procedures. The results for Section B are as follows:

- Most of the respondents felt that statement 1 (touching an individual inappropriately) and 2 (stalking an individual) could be regarded as a severe form of sexual harassment due to the physical nature thereof. Those respondents who felt that statement 1 and 2 could be regarded as not harassing or as flirtation need to re – think their opinions on these statements as statement 1 and 2 are regarded as severe forms of sexual harassment.

- Majority of the respondents were of the opinion that statement 3 (inappropriate remarks of sexual nature) and 5 (jokes of inappropriate nature) could be categorised as verbal forms of sexual harassment. Those respondents who were of the opinion that statement 3 and 5 could be regarded as not harassing and as flirtation once again need to re – think their opinions on these statements as statement 3 and 5 are regarded as verbal harassment.

- A small percentage of respondents viewed statement 4 (remarks on a person's appearance) as a form of verbal harassment. On the other hand, a very high percentage of respondents viewed statement 4 as not harassing or as flirtation. Respondents may not necessarily need to reconsider their opinion on this statement due to the fact that remarks on appearance may be made as a means of making the recipient feel good.

- Most of the respondents feel that statement 6 (pictures of sexual nature) could be regarded as a non – verbal form of sexual harassment. Respondents who felt that statement 6 could be regarded as not harassing or as flirtation need to reconsider their opinions regarding this statement since pictures of sexual nature are regarded as sexually harassing.

- Even though little more than half of the respondents regarded statement 7 (suggestive body movements) and 8 (provocative lip licking) as a non – verbal form of sexual harassment, it must be noted that a quite a few respondents regarded statement 7 and 8 as not harassing or as flirtation. Even though theory regards statement 7 and 8 as sexual harassment, respondents believe otherwise.

❖ Majority of respondents viewed statement 9 (rewarding an employee for submitting to sexual requests) as a severe form of sexual harassment. Those respondents who viewed statement 9 as not harassing seriously need to reconsider their opinions regarding this statement since theory states that rewarding an employee for submitting to sexual requests is regarded as quid pro quo harassment.

The results for Section C are as follows:

❖ Most of the respondents agree that their company has a policy on sexual harassment (statement 1). However, a few respondents disagree with the statement on the basis that they are not aware of such a policy.

● Majority of respondents agree that employees are informed on the company's informal and formal complaint procedures on sexual harassment (statement 2 and 3). Some respondents disagree with the statement due to their belief that some employees are not informed on such procedures.

❖ Most of the respondents agree that all sexual harassment complaints are investigated. Those respondents who disagree may be of this opinion due to the fact that only formal complaints are investigated (statement 4).

❖ Majority of the respondents agree that investigation procedures focus on: (1) appointing an investigator (statement 5.1); (2) interviewing grievants (statement 5.2); (3) interviewing alleged offender (statement 5.3); (4) interviewing witnesses (statement 5.4); (5) resolving grievances (statement 5.5). A small percentage of respondents who feel that investigation procedures do not focus on:

- appointing an investigator may be uninformed or unaware that appointing an investigator is part of the investigation process.
- interviewing alleged offender may be of the opinion that some sexual harassment incidents render immediate dismissal.
- interviewing witnesses, may be of the opinion that some sexually harassing incidents occur without witnesses being present.
- resolving grievants, may be of the opinion that unresolved grievances may be referred to the labour court as an unfair labour practice.

- A high percentage of respondents agree that offenders are punished accordingly in their company (statement 6). A small percentage of respondents disagree that offenders are punished accordingly in their company. These respondents may be of the opinion that some offenders are punished too severely for some forms of sexual harassment and vice versa.

- Most of the respondents agree that disciplinary actions taken for severe forms of sexual harassment include: (1) transfers (statement 7.1); (2) suspension (statement 7.2); dismissal (statement 7.3). Few respondents feel that disciplinary actions taken for severe forms of sexual harassment do not include:
  - Transfers due to the fact that severe forms of sexual harassment usually warrant a dismissal
  - Suspension
  - Dismissal due to the fact that some one individual may warrant a situation as severe sexual harassment whereas another individual may warrant the situation as a less severe form of sexual harassment.

- A high percentage of respondents are of the opinion that non disciplinary actions taken for less severe forms of sexual harassment include: (1) counselling; (2) conciliation; (3) education and training. A small percentage of respondents are of the opinion that non disciplinary actions taken for less severe forms of sexual harassment do not include:
  - Counselling on the basis that some forms of sexual harassment only warrant verbal warnings.
  - Conciliation
  - education and training on the basis that most acts that are warranted as less severe only warrant some form of counselling.

- Minority of respondents are of the opinion that their company provides sexual harassment training. Majority of respondents are of the opinion that their company does not provide sexual harassment training (statement 9).

- Most of the respondents agree that employees are encouraged to avoid: (1) office relationships (statement 10.1); (2) inappropriate clothing (statement 10.2);

(3) inappropriate jokes and insinuations (statement 10.3). Those respondents who disagree with the statements are of the opinion that employees are guided by their social values when it comes to office relationships; inappropriate clothing and inappropriate jokes and insinuations.

- Majority of respondents acknowledge that employees who are dissatisfied with the results of a grievance procedure may claim: (1) unfair labour practice (statement 11.1); defamation (statement 11.2); crimen injuria (statement 11.3). The minority of respondents who disagree with the statement may not be informed or aware that grievances may be handled under labour law and criminal law.

CHAPTER 6
FINDINGS, RECOMMENDATIONS AND CONCLUSION

6.1 INTRODUCTION

This chapter will primarily deal with the findings associated with the results obtained in the empirical research chapter. Recommendations will also be made regarding the results obtained in the empirical research chapter. This study will then be summarised in terms of a conclusion.

6.2 FINDINGS

The empirical research aimed to fulfil the objective of the study by engaging in the testing of a representative sample of the various managerial levels at Company X. A sexual harassment questionnaire (annexure 1) was given to various managerial levels in order to determine whether sexual harassment is effectively managed in Company X.

6.2.1 Section B: Findings regarding the various management levels

Even though the statements in Section B each had four alternatives, the researcher will only make use of two of the categories (severe sexual harassment and very severe sexual harassment) to ascertain which management levels regarded which behaviours as sexually harassing. The table below will be used to illustrate exactly which management levels regarded which behaviours as sexually harassing.

Table 28

Tabulated illustration representing majority of the different managerial levels perceptions regarding sexual harassment

	Senior management	Middle management	Junior management	Lower level management
1. Touching an individual inappropriately	✓	✓	✓	✓
2. Stalking an individual	✓	✓	✓	✓
3. Inappropriate remarks of sexual nature	✓	✓	✓	✓
4. Remarks on a person's appearance				
5. Jokes of inappropriate sexual nature		✓	✓	✓
6. Pictures of sexual nature	✓	✓	✓	✓
7. Suggestive body movements		✓	✓	
8. Provocative lip licking			✓	✓
9. Rewarding an employee for submitting to sexual requests	✓	✓	✓	✓

From the table above, it can be noted that:

- Senior, middle, junior and lower level management do not regard remarks on a person's appearance as sexual harassment (Refer to 5.6.3; Question 4; p.123);
- Senior management does not regard jokes of inappropriate nature as sexually harassing (Refer to 5.6.3; Question 5; p. 124);
- Senior management is of the opinion that suggestive body movements can not be regarded as sexually harassing (Refer to 5.6.3; Question 7; p.127);
- Senior and middle management do not consider provocative lip licking to be sexually harassing (Refer to 5.6.3; Question 8; p. 128).
- All the other statements are regarded as sexual harassment by all the various management levels.

6.2.2 Section C: Findings regarding the various management levels

The table below illustrates which management levels agreed with the various statements made. It is important to note that ticks are only made on statements where the majority of management agreed with the statement. Majority in this case represents any percentage higher than 52%.

Table 29

Graphical illustration representing majority of the different managerial levels' knowledge on their company's sexual harassment policy and procedures

	Senior management	Middle management	Junior management	Lower level management
1. My company has a policy regarding sexual harassment	✓	✓	✓	✓
2. Employees are informed on the company's informal complaint procedures on sexual harassment	✓	✓	✓	✓
3. Employees are informed on the company's formal complaint procedures on sexual harassment	✓	✓	✓	✓
4. All sexual harassment complaints are investigated	✓	✓	✓	✓
5. Sexual harassment investigation procedures focus on:				
5.1 Appointing an investigator	✓	✓	✓	✓
5.2 Interviewing grievants	✓	✓	✓	✓
5.3 Interviewing alleged offenders	✓	✓	✓	✓
5.4 Interviewing witnesses	✓	✓	✓	✓
5.5 Resolving grievances	✓	✓	✓	✓

Table 29 (continued)

	Senior management	Middle management	Junior management	Lower level management
6. Harassers are punished accordingly in my company	✓	✓	✓	✓
7. Disciplinary actions taken for severe forms of sexual harassment include:				
7.1 Transfer		✓	✓	✓
7.2 Suspension	✓	✓	✓	✓
7.3 Dismissal	✓	✓	✓	✓
8. Non – disciplinary actions taken for less severe forms of sexual harassment include:				
8.1 Counselling		✓	✓	✓
8.2 Conciliation	✓	✓	✓	✓
8.3 Education and training	✓	✓	✓	✓
9. My company provides training regarding the company's sexual harassment policies and procedures				
10. Employees are encouraged to avoid:				
10.1 Office relationships	✓	✓	✓	✓
10.2 Inappropriate clothing	✓	✓	✓	✓
10.3 Inappropriate jokes and insinuations	✓	✓	✓	✓
11. Employees who are dissatisfied with the results of the grievance procedure may claim:				
11.1 Unfair labour practice	✓	✓	✓	✓
11.2 Defamation	✓	✓	✓	✓
11.3 Crimen injuria		✓	✓	✓

It can be seen from the table above, majority of senior management acknowledges that:

- Their company has a policy on sexual harassment (Refer to 5.6.4, Question 1, p. 130);
- Employees are informed on the company's informal sexual harassment complaint procedures on sexual harassment (Refer to 5.6.4, Question 2, p. 131);
- Employees are informed on the company's formal sexual harassment complaint procedures on sexual harassment (Refer to 5.6.4, Question 3, p132);
- All sexual harassment complaints are investigated (Refer to 5.6.4, Question 4, p. 133);
- Sexual harassment investigation procedures focus on:
  - appointing an investigator (Refer to 5.6.4, Question5.1, p. 134);
  - interviewing grievants (Refer to 5.6.4, Question 5.2, p. 135);
  - interviewing alleged offenders (Refer to 5.6.4, Question 5.3, p. 135);
  - interviewing witnesses (Refer to 5.6.4, Question 5.4, p. 136);
  - resolving grievances (Refer to 5.6.4, Question 5.5, p137)
- Harassers are punished accordingly in their company (Refer to 5.6.4, Question 6, p.138)
- Disciplinary actions taken for severe forms of sexual harassment include:
  - suspension (Refer 5.6.4, Question 7.2, p.140);
  - dismissal (Refer to 5.6.4, Question 7.3, p.141)
- Non – disciplinary actions taken for less severe forms of sexual harassment include:
  - conciliation (Refer to 5.6.4, Question 8.2, p.143);
  - education and training (Refer to 5.6.4, Question 8.3, p. 144)
- Employees are encouraged to avoid:
  - office relationships (Refer to 5.6.4, Question 10.1, p.146);
  - inappropriate clothing (Refer to 5.6.4, Question 10.2, p.147);
  - inappopriate jokes and insinuations(Refer to 5.6.4, Question 10.3, p. 147)
- Employees who are dissatisfied with the results of the grievance procedure may claim:
  - unfair labour practice (Refer to 5.6.4, Question 11.1, p.148);
  - defamation (Refer to 5.6.4, Question 11.2, p.149)

It can be seen from table 29, majority of middle, junior and lower level management acknowledge that:

- Their company has a policy on sexual harassment (Refer to 5.6.4, Question 1, p.130);
- Employees are informed on the company's informal sexual harassment complaint procedures on sexual harassment (Refer to 5.6.4, Question 2, p. 131);
- Employees are informed on the company's formal sexual harassment complaint procedures on sexual harassment (Refer to 5.6.4, Question 3, p.132);
- All sexual harassment complaints are investigated (Refer to 5.6.4, Question 4, p.133);
- Sexual harassment investigation procedures focus on:
  - appointing an investigator (Refer to 5.6.4,Question 5.1, p. 134);
  - interviewing grievants (Refer to 5.6.4, Question 5.2, p.135);
  - interviewing alleged offenders (Refer to 5.6.4, Question 5.3, p.135);
  - interviewing witnesses (Refer to 5.6.4, Question 5.4, p.136);
  - resolving grievances (Refer to 5.6.4, Question 5.5, p.137)
- Harassers are punished accordingly in their company (Refer to 5.6.4, Question 6, p.138)
- Disciplinary actions taken for severe forms of sexual harassment include:
  - Transfers (Refer to 5.6.4, Question 7.1, p.139);
  - Suspension (Refer to 5.6.4, Question 7.2, p.140);
  - Dismissal (Refer to 5.6.4, Question 7.3, p.141)
- Non – disciplinary actions taken for less severe forms of sexual harassment include:
  - Counselling (Refer to 5.6.4, Question 8.1, p.142);
  - Conciliation (Refer to 5.6.4, Question 8.2, p.143);
  - education and training (Refer to 5.6.4, Question 8.3, p.144)
- Employees are encouraged to avoid:
  - office relationships (Refer to 5.6.4, Question 10.1, p.146);
  - inappropriate clothing (Refer to 5.6.4, Question 10.2, p147);
  - inappopriate jokes and insinuations (Refer to 5.6.4, Question 10.3, p.147)
- Employees who are dissatisfied with the results of the grievance procedure may claim:
  - unfair labour practice (Refer to 5.6.4, Question 11.1, p.148);

- defamation (Refer to 5.6.4, Question 11.2, p. 149);
- crimen injuria (Refer to 5.6.4, Question 11.3, p.150).

6.3 RECOMMENDATIONS

The researcher is of the opinion that Company X needs to implement some form of sexual harassment training in order to address sexually harassing behaviours some managers view appropriate. Not only must training focus on the above mentioned aspect, but also on informing management on the company's sexual harassment policy and procedures.

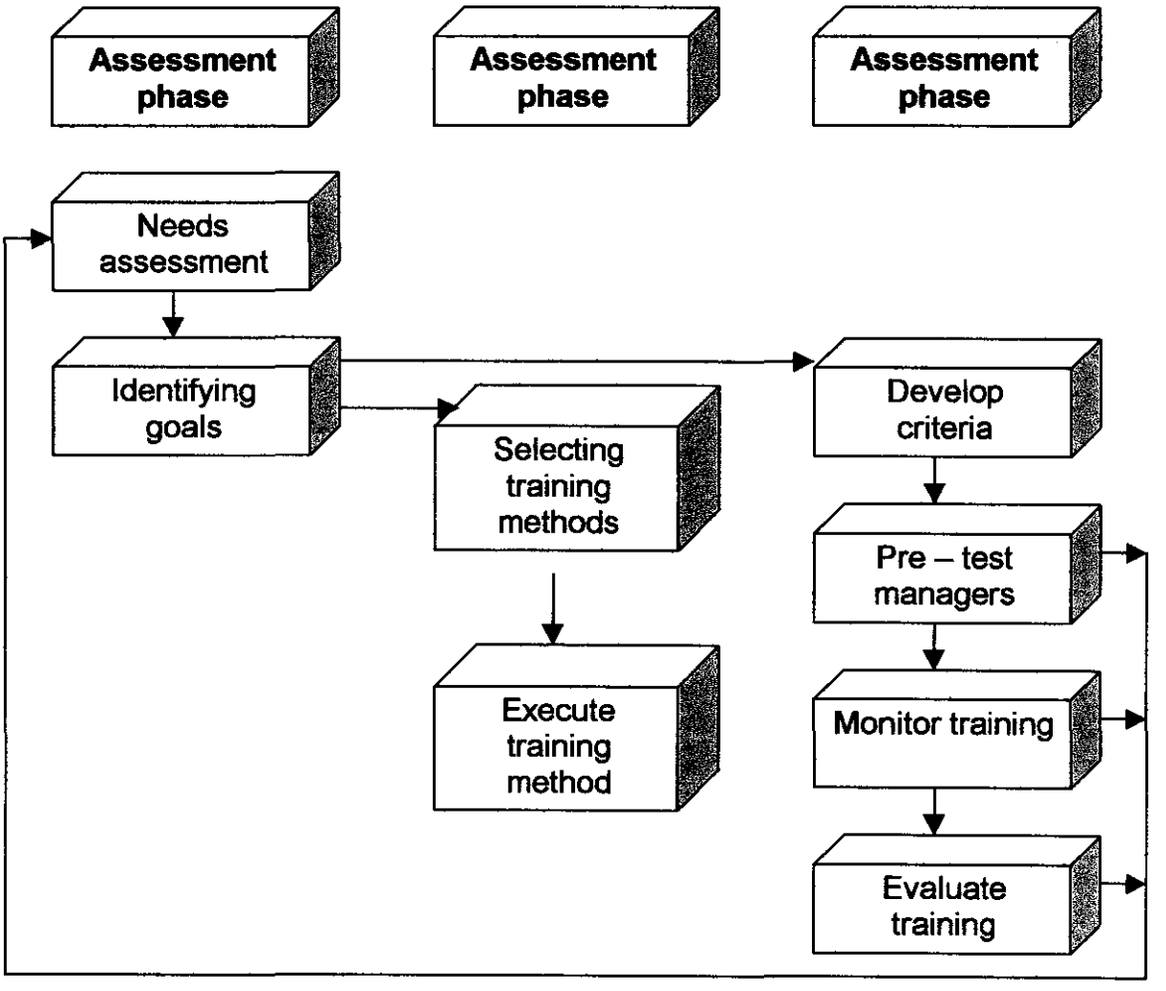


Figure 29. A training systems model[2]

[2] Adapted from "Human resource management in South Africa", by P.A. Grobler, S. Warnich, M.R. Carrell, N.F. Elbert and R.D. Hatfield, 2002,p. 317. London: Thomson Learning.

6.3.1 Needs assessment phase

According to Gröbler, Wärnich, Carrell, Elbert and Hatfield (2002), the needs assessment can be conducted across two levels, the organisational level and individual level.

- **Organisational level analysis**

The purpose of this phase is to uncover problem areas within the organisation that may require some form of training. Problem areas may include factors such as high absenteeism, high turnover or sexual harassment charges (Grobler, et al.,2002). Sexual harassment that occurs continuously over a period of time can result in high levels of stress for the victim and the harasser (Refer to 3.6.3, p.51). As a result if this, individuals' performance at work may suffer in terms of absenteeism and turnover (Aggarwal, 1992).

- **Individual level analysis**

Individual level analysis focuses on identifying managers' legible for training. Individual level analysis identifies: (1) those individuals (managers) who need training; (2) what knowledge or attitudes these individuals (managers) need to acquire. Individual level analysis can, therefore, be beneficial for Company X in terms of recruiting managers who have slightly skewed perceptions regarding sexual harassment. Company X can gather this information via attitude surveys or via questionnaires (Gröbler, et al. , 2002).

6.3.2 Identifying training goals

According to Ivancevich (1998), once this information has been gathered, a gap will occur which pinpoints where the organisation is and where it needs to be. For example: There is a small percentage of managers in each managerial level with slightly skewed perceptions of what sexual harassment actually entails, this would then indicate where the organisation is at the moment. But if Company X wants to correct these managers' perceptions regarding sexual harassment, this would then indicate where the organisation wants to be or where the organisation needs to be. Thus resulting in a gap analysis. Once the gap has been identified, Company X then

needs to establish attainable goals for training (Refer to 3.5.7.1,p.68). According to Levy and Paludi (2002), sexual harassment training goals should focus on:

- Providing managers with knowledge on their responsibilities;
- Enabling managers to distinguish between sexually harassing behaviour and behaviour that is not sexually harassing;
- Informing managers on the company's sexual harassment policy
- Informing managers on the company's sexual harassment investigation procedures;
- Establishing a harassment free environment

6.3.3 Develop criteria

Criteria are the points managers will be monitored against (Ivancevich, 1998). The criteria would then encompass the following:

- Are managers more informed on their responsibilities regarding sexual harassment?
- Can managers distinguish between sexually harassing behaviour and behaviour that is not sexually harassing?
- Are managers informed on the company's sexual harassment policy?
- Are managers informed on the company's sexual harassment investigation procedures?
- Has management established a harassment free environment?

a) Pre – test managers

By pre – testing managers, employers will have an idea on where management is at the moment and where management could be after training (Ivancevich, 1998).

6.3.4 Implementing training

According to Mathis and Jackson (2000), once the training goals or objectives have been established, training actually begins. Training can include off – the – job training, on – the – job training, apprentice training and vestibule training. The researcher is of the opinion that off – the – job training would be the most beneficial form of training for management.

a) Off – the – job training

According to Gerber, Nel and Van Dyk (1998), off – the – job training takes place in a classroom rather than in the workplace. Off – the – job training includes:

- **Lectures**

According to Grobler, et al. (2002), lectures are beneficial in the sense that a large amount of information can be transferred to a group of people in a short period of time. The researcher is of the opinion that this form of training can be beneficial when informing managers on the company's sexual harassment policies and procedures (Refer to 4.11, p.111). Once managers have been lectured on the company's sexual harassment policies and procedures, managers should then apply their knowledge to the case studies and the role – plays which will follow.

- **Case studies**

With case studies, managers will be required to analysis problems in order to provide possible solutions. This method affords managers the opportunity to use the knowledge they have acquired to deal with real life situations. For example: If a victim of sexual harassment approaches a manager for advice or assistance regarding the possible complaint procedures he/she may pursue, the manager would hopefully then be able to provide the victim with the correct information regarding the pursuance of such procedures.

- **Role – play**

According to Gerber, et al. (1998), role – play focuses on managers playing out a specific role by making use of theory. Role – play can be very beneficial to managers on the basis that it can make managers aware of their attitudes towards others.

- **Sensitivity training**

According to Erasmus and Van Dyk (1999), sensitivity training makes managers aware of their own behaviour and how others perceive their behaviour. Research has shown that sensitivity training can effectively change managers' behaviour. Sensitivity training should be encouraged when managers do not grasp the concepts behind the case studies and the role – plays.

b) Arrange for training

Here, it is up to the employer to decide whether an internal or external trainer would be more beneficial to the company. Internal trainers are selected within the company, whereas external trainers are selected from outside the company (Mathis and Jackson, 2000).

c) Conducting of the training

The researcher is of the opinion that training done outside the organisation is more practical than training done inside the organisation due to the fact that managers may feel more comfortable attending a training session outside the confines of the company.

6.3.5 Monitoring the training

Once management has undergone training, it is important for employers to monitor the process in order to ascertain whether the training was beneficial to the company (Refer to 3.7.5.1, p.67) (Mathis and Jackson, 2000).

6.3.6 Evaluation of training

Training is pointless without evaluating how well it worked. According to Grobler, et al. (2002), training is evaluated on four levels:

- **Level 1: How did managers react?**

This is where managers are given the opportunity to respond favourably and / or unfavourably on the training session.

- **Level 2: What did managers learn?**

It is important to test managers before and after the training session in order to assess whether they actually learnt something from the training session.

- **Level 3: How did managements behaviour change?**

In level 3, employers need to assess whether the training management has received has led to positive changes in managements behaviour. This is the only way for employers to determine whether the training was successful or not.

- **Level 4: Were organisational goals achieved?**

If the training goals set in 6.3.2 were achieved, then one can say that the training was successful in achieving the goals set in 6.3.2.

6.4 CONCLUSION

According to Levy and Paludi (2002), a company should always communicate its policy and procedures to all its employees. Employees need to know their duties with regards to being grievants, perpetrators or witnesses. Training programmes can only be effective if the procedures are communicated effectively. Training programmes can thus be beneficial in the sense that it sends out the message that employers will not tolerate sexual harassment.

The researcher is of the opinion that before employers embark on sending employees for training, it is important that employers take the factors mentioned in the training systems model into consideration since training can be a waste of money if it is not utilised in the correct departments or management levels. Employers also need to employ competent trainers to carry the training procedures mentioned above in order to ensure that training is successful.

6.5 FURTHER RESEARCH

It is recommended that further research be done on the following topics:

- The occurrence of sexual harassment in the workplace.
- Guidelines to the effective eradication of sexual harassment in the workplace.
- The effect of sexual harassment on employee's work performance.

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ANNEXURE 1:
PERMISSION TO CONDUCT RESEARCH

To Whom It May Concern

PERMISSION TO CONDUCT RESEARCH

I hereby request permission to conduct research on Sexual Harassment in the Vaal Triangle area.

This research is being conducted in fulfilment of the requirements for the degree Magister Baccalaureus Comercii in the School of Behavioural Sciences in the Faculty Vaal Triangle.

This study aims to gather pertinent information for the effective management of sexual harassment in a company.

If permission is granted, I will be testing managers via a sexual harassment questionnaire. The results will be anonymous and feedback will only be provided upon request and after the completion of the research.

Dr. L. Moolman, of the Department of Industrial Sociology, is the Supervisor of this study, and if you have any queries concerning the research being conducted, please feel free to contact him personally at (016) 910 – 3421 (during office hours).

Your co – operation in this matter is greatly appreciated.

Yours faithfully

.....

L. Jardim (Miss)

Permission granted:.....

ANNEXURE 2:
QUESTIONNAIRE

YUNIBESITI YA BOKONE-BOPHIRIMA
NORTH-WEST UNIVERSITY
NOORDWES-UNIVERSITEIT

PERCEPTIONS REGARDING SEXUAL HARASSMENT

Miss Lucy Jardim – (0826436575); eagleye@lantic.net

YUNIBESITI YA BOKONE-BOPHIRIMA
NORTH-WEST UNIVERSITY
NOORDWES-UNIVERSITEIT

Industrial Sociology
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16 September 2004

Dear Sir / Madam

I am presently conducting research for my Master's degree in Industrial Sociology and would greatly appreciate your participation in this study. The purpose of my study is to gather pertinent information on the effective management of sexual harassment in the workplace.

The aim of the questionnaire is to firstly obtain information on your perception on sexual harassment and secondly to obtain information on your company's sexual harassment policies and procedures.

The questionnaire will take approximately 15 minutes to complete and all information obtained from the questionnaires will remain confidential and anonymous.

Your time and willingness to participate in my study is greatly appreciated.

Lucy Jardim

YUNIBESITI YA BOKONE-BOPHIRIMA
NORTH-WEST UNIVERSITY
NOORDWES-UNIVERSITEIT

SCHOOL OF BEHAVIOURAL SCIENCES

Vaal Triangle Campus

QUESTIONNAIRE: PERCEPTIONS REGARDING SEXUAL HARASSMENT

Please answer all the questions. All questionnaires are anonymous to ensure confidentiality.

SECTION A: BIOGRAPHICAL INFORMATION

Just place a cross (x) in the block that is relevant to you.

1.	Gender				Male	Female
2.	Age	20 – 29 years	30 – 39 years	40 – 49 years	50 – 59 years	60 and older
3.	Home language	English	Afrikaans	Sotho	Xhosa	Zulu
	Other: Please specify					
4.	Occupational level	2	3	4	5A	5B	6C	6	7

SECTION B: FORMS OF SEXUAL HARASSMENT

Indicate the extent to which the following behaviours would or would not constitute sexual harassment in your opinion by placing a cross (x) on the appropriate number in the block.

		Not harassment	Flirtation	Severe harassment	Very severe harassment
1.)	Touching / grabbing an individual inappropriately.	1	2	3	4
2.)	Stalking an individual.	1	2	3	4
3.)	Inappropriate remarks of sexual nature.	1	2	3	4
4.)	Remarks on a person's appearance.	1	2	3	4
5.)	Jokes of inappropriate sexual nature.	1	2	3	4
6.)	Pictures of sexual nature.	1	2	3	4

		Not harassment	Flirtation	Severe harassment	Very severe harassment
7.)	Suggestive body movements	1	2	3	4
8.)	Provocative lip licking	1	2	3	4
9.)	Rewarding an employee for submitting to sexual requests	1	2	3	4

SECTION C: SEXUAL HARASSMENT PROCESSES, POLICIES AND PROCEDURES

Please answer these questions in accordance with your company's sexual harassment policies and procedures. Read through each statement in order to determine whether you strongly disagree, disagree, agree or strongly agree with the statement by placing a cross (x) on the appropriate number in the block.

		Strongly disagree	Disagree	Agree	Strongly agree
1.)	My company has a policy regarding sexual harassment.	1	2	3	4
2.)	Employees are informed on the company's informal complaint procedures on sexual harassment.	1	2	3	4
	Briefly elaborate:				
3.)	Employees are informed on the company's formal complaint procedure on sexual harassment.	1	2	3	4
	Briefly elaborate:				
4.)	All sexual harassment complaints are investigated.	1	2	3	4
5.)	Sexual harassment investigation procedures focus on:				
5.1)	Appointing an investigator	1	2	3	4
5.2)	Interviewing grievants	1	2	3	4
5.3)	Interviewing alleged offender	1	2	3	4
5.4)	Interviewing witnesses	1	2	3	4
5.5)	Resolving grievances	1	2	3	4
5.6)	Other: Please specify				
6.)	Harassers / offenders are punished accordingly in my company.	1	2	3	4

		Strongly disagree	Disagree	Agree	Strongly agree
7.)	Disciplinary actions taken for severe forms of sexual harassment include:				
7.1)	Transfers	1	2	3	4
7.2)	Suspension	1	2	3	4
7.3)	Dismissal	1	2	3	4
7.4)	Other: Please specify				
8.)	Non – disciplinary actions taken for less severe forms of sexual harassment include:				
8.1)	Counselling	1	2	3	4
8.2)	Conciliation	1	2	3	4
8.3)	Education and training	1	2	3	4
8.4)	Other: Please specify				
9.)	My company provides training regarding the company's sexual harassment policies and procedures.	1	2	3	4
10.)	Employees are encouraged to avoid:				
10.1)	Office relationships	1	2	3	4
10.2)	Inappropriate clothing	1	2	3	4
10.3)	Inappropriate jokes and insinuations	1	2	3	4
10.4)	Other: Please specify				
11.)	Employees who are dissatisfied with the results of the grievance and / or the disciplinary procedure may claim:				
11.1)	Unfair labour practice	1	2	3	4
11.2)	Defamation	1	2	3	4
11.3)	Crimen injuria (deliberately devaluing an individuals dignity)	1	2	3	4
11.4)	Other: Please specify				

Thank you for your time!

ANNEXURE 3:
STATISTICAL ANALYSIS

Senior Management													
	Gender	Age	HomeL	Level	B1	B2	B3	B4	B5	B6	B7	B8	B9
Valid N	2	2	2	2	2	2	2	2	2	2	2	2	2
Mean	1.50	1.00	2.00	1.00	3.50	3.50	3.00	2.00	2.50	3.50	2.50	2.50	4.00
Std Dev	0.71	0.00	0.00	0.00	0.71	0.71	0.00	1.41	0.71	0.71	0.71	0.71	0.00
Median	1.5	1	2	1	3.5	3.5	3	2	2.5	3.5	2.5	2.5	4
Maximum	2	1	2	1	4	4	3	3	3	4	3	3	4
Minimum	1	1	2	1	3	3	3	1	2	3	2	2	4
Skewness													
Kurtosis													
Frequencies													
1	1	2	0	2	0	0	0	1	0	0	0	0	0
2	1	0	2	0	0	0	0	0	1	0	1	1	0
3	0	0	0	0	1	1	2	1	1	1	1	1	0
4	0	0	0	0	1	1	0	0	0	1	0	0	2
5	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0	0	0
Percentages													
1	50	100	0	100	0	0	0	50	0	0	0	0	0
2	50	0	100	0	0	0	0	0	50	0	50	50	0
3	0	0	0	0	50	50	100	50	50	50	50	50	0
4	0	0	0	0	50	50	0	0	0	50	0	0	100
5	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0	0	0

C1	C2	C3	C4	C5_1	C5_2	C5_3	C5_4	C5_5	C6	C7_1	C7_2	C7_3	C8_1
2	2	1	2	2	2	2	2	2	2	2	2	2	2
4.00	3.50	3.00	3.50	3.50	3.00	3.00	3.00	3.00	4.00	2.00	3.00	3.50	2.50
0.00	0.71	#DIV/0!	0.71	0.71	0.00	0.00	0.00	0.00	0.00	1.41	0.00	0.71	0.71
4	3.5	3	3.5	3.5	3	3	3	3	4	2	3	3.5	2.5
4	4	3	4	4	3	3	3	3	4	3	3	4	3
4	3	3	3	3	3	3	3	3	4	1	3	3	2
0	0	0	0	0	0	0	0	0	0	1	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	1
0	1	1	1	1	2	2	2	2	0	1	2	1	1
2	1	0	1	1	0	0	0	0	2	0	0	1	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	50	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	50
0	50	100	50	50	100	100	100	100	0	50	100	50	50
100	50	0	50	50	0	0	0	0	100	0	0	50	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0

C8_2	C8_3	C9	C10_1	C10_2	C10_3	C11_1	C11_2	C11_3
2	2	2	2	2	2	2	2	2
3.00	3.00	2.50	3.00	3.50	3.00	3.00	3.00	2.50
0.00	0.00	0.71	0.00	0.71	0.00	0.00	0.00	0.71
3	3	2.5	3	3.5	3	3	3	2.5
3	3	3	3	4	3	3	3	3
3	3	2	3	3	3	3	3	2
0	0	0	0	0	0	0	0	0
0	0	1	0	0	0	0	0	1
2	2	1	2	1	2	2	2	1
0	0	0	0	1	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	50	0	0	0	0	0	50
100	100	50	100	50	100	100	100	50
0	0	0	0	50	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0

Middle Management

	Gender	Age	HomeL	Level	B1	B2	B3	B4	B5	B6	B7	B8	B9
Valid N	15	14	15	15	15	15	14	15	14	14	15	15	15
Mean	1.13	2.79	1.93	4.47	3.33	3.27	2.79	1.60	2.79	3.14	3.13	2.40	3.67
Std Dev	0.35	0.80	0.26	0.74	0.62	0.88	0.80	0.63	0.80	0.86	0.74	0.51	0.82
Median	1	3	2	5	3	3	3	2	3	3	3	2	4
Maximum	2	4	2	5	4	4	4	3	4	4	4	3	4
Minimum	1	2	1	3	2	1	1	1	1	1	2	2	1
Frequencies													
1	13	0	1	0	0	1	1	7	1	1	0	0	1
2	2	6	14	0	1	1	3	7	3	1	3	9	0
3	0	5	0	2	8	6	8	1	8	7	7	6	2
4	0	3	0	4	6	7	2	0	2	5	5	0	12
5	0	0	0	9	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0	0	0
Percentages													
1	86.66667	0	6.666667	0	0	6.666667	7.142857	46.66667	7.142857	7.142857	0	0	6.666667
2	13.33333	42.85714	93.33333	0	6.666667	6.666667	21.42857	46.66667	21.42857	7.142857	20	60	0
3	0	35.71429	0	13.33333	53.33333	40	57.14286	6.666667	57.14286	50	46.66667	40	13.33333
4	0	21.42857	0	26.66667	40	46.66667	14.28571	0	14.28571	35.71429	33.33333	0	80
5	0	0	0	60	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0	0	0

C1	C2	C3	C4	C5_1	C5_2	C5_3	C5_4	C5_5	C6	C7_1	C7_2	C7_3	C8_1
15	15	15	15	14	14	14	14	14	14	14	14	15	12
3.33	3.13	3.07	3.07	3.00	3.14	3.07	3.00	3.29	3.21	3.00	3.00	3.00	3.08
0.72	0.64	0.70	0.80	0.55	0.36	0.47	0.68	0.61	0.58	0.78	0.55	0.76	0.67
3	3	3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4	4	4	4
2	2	2	2	2	3	2	1	2	2	1	2	2	2
0	0	0	0	0	0	0	1	0	0	1	0	0	0
2	2	3	4	2	0	1	0	1	1	1	2	4	2
6	9	8	6	10	12	11	11	8	9	9	10	7	7
7	4	4	5	2	2	2	2	5	4	3	2	4	3
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	7.142857	0	0	7.142857	0	0	0
13.33333	13.33333	20	26.66667	14.28571	0	7.142857	0	7.142857	7.142857	7.142857	14.28571	26.66667	16.66667
40	60	53.33333	40	71.42857	85.71429	78.57143	78.57143	57.14286	64.28571	64.28571	71.42857	46.66667	58.33333
46.66667	26.66667	26.66667	33.33333	14.28571	14.28571	14.28571	14.28571	35.71429	28.57143	21.42857	14.28571	26.66667	25
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0

C8_2	C8_3	C9	C10_1	C10_2	C10_3	C11_1	C11_2	C11_3
12	12	14	15	15	15	15	14	14
2.83	2.83	2.43	2.80	2.87	2.80	2.93	2.86	2.86
0.58	0.58	0.65	0.68	0.74	0.68	0.26	0.36	0.36
3	3	2	3	3	3	3	3	3
4	4	4	4	4	4	3	3	3
2	2	2	2	2	2	2	2	2
0	0	0	0	0	0	0	0	0
3	3	9	5	5	5	1	2	2
8	8	4	8	7	8	14	12	12
1	1	1	2	3	2	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
25	25	64.28571	33.33333	33.33333	33.33333	6.666667	14.28571	14.28571
66.66667	66.66667	28.57143	53.33333	46.66667	53.33333	93.33333	85.71429	85.71429
8.333333	8.333333	7.142857	13.33333	20	13.33333	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0

8	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0	0	0
Supervisors													
	Gender	**Age**	**HomeL**	**Level**	**B1**	**B2**	**B3**	**B4**	**B5**	**B6**	**B7**	**B8**	**B9**
Valid N	23	23	22	23	23	23	23	23	23	23	23	23	23
Mean	1.65	2.30	1.82	7.48	3.09	3.13	2.96	1.91	2.57	3.00	2.70	2.65	3.70
Std Dev	0.49	0.88	0.39	0.85	1.12	0.76	0.64	0.79	0.84	1.00	0.93	0.83	0.70
Median	2	2	2	8	4	3	3	2	3	3	3	3	4
Maximum	2	4	2	8	4	4	4	3	4	4	4	4	4
Minimum	1	1	1	6	1	1	1	1	1	1	1	1	1
Frequencies													
1	8	5	4	0	3	1	1	8	3	3	2	1	1
2	15	7	18	0	4	2	2	9	6	2	8	10	0
3	0	10	0	0	4	13	17	6	12	10	8	8	4
4	0	1	0	0	12	7	3	0	2	8	5	4	18
5	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	5	0	0	0	0	0	0	0	0	0
7	0	0	0	2	0	0	0	0	0	0	0	0	0
8	0	0	0	16	0	0	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0	0	0	0	0	0	0
Percentages													
1	34.78261	21.73913	18.18182	0	13.04348	4.347826	4.347826	34.78261	13.04348	13.04348	8.695652	4.347826	4.347826
2	65.21739	30.43478	81.81818	0	17.3913	8.695652	8.695652	39.13043	26.08696	8.695652	34.78261	43.47826	0
3	0	43.47826	0	0	17.3913	56.52174	73.91304	26.08696	52.17391	43.47826	34.78261	34.78261	17.3913
4	0	4.347826	0	0	52.17391	30.43478	13.04348	0	8.695652	34.78261	21.73913	17.3913	78.26087
5	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	21.73913	0	0	0	0	0	0	0	0	0
7	0	0	0	8.695652	0	0	0	0	0	0	0	0	0
8	0	0	0	69.56522	0	0	0	0	0	0	0	0	0

0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
C1	C2	C3	C4	C5_1	C5_2	C5_3	C5_4	C5_5	C6	C7_1	C7_2	C7_3	C8_1
23	22	23	23	21	22	22	22	19	22	19	18	22	21
3.70	3.09	3.00	3.39	3.33	3.36	3.36	3.27	3.37	3.41	2.84	2.83	3.14	2.86
0.56	0.61	0.60	0.66	0.58	0.49	0.49	0.55	0.50	0.59	0.69	0.79	0.94	0.73
4	3	3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4	4	4	4
2	2	2	2	2	3	3	2	3	2	1	1	1	1
0	0	0	0	0	0	0	0	0	0	1	1	2	1
1	3	4	2	1	0	0	1	0	1	3	4	2	4
5	14	15	10	12	14	14	14	12	11	13	10	9	13
17	5	4	11	8	8	8	7	7	10	2	3	9	3
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	5.263158	5.555556	9.090909	4.761905
4.347826	13.63636	17.3913	8.695652	4.761905	0	0	4.545455	0	4.545455	15.78947	22.22222	9.090909	19.04762
21.73913	63.63636	65.21739	43.47826	57.14286	63.63636	63.63636	63.63636	63.15789	50	68.42105	55.55556	40.90909	61.90476
73.91304	22.72727	17.3913	47.82609	38.09524	36.36364	36.36364	31.81818	36.84211	45.45455	10.52632	16.66667	40.90909	14.28571
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0

0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
C8_2	**C8_3**	**C9**	**C10_1**	**C10_2**	**C10_3**	**C11_1**	**C11_2**	**C11_3**
19	19	19	22	23	23	19	18	19
2.79	2.79	2.26	3.05	3.00	2.83	3.16	3.11	3.16
0.63	0.63	0.87	0.90	0.74	0.72	0.60	0.58	0.50
3	3	2	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4
1	1	1	1	1	1	2	2	2
1	1	4	2	1	1	0	0	0
3	3	7	2	3	5	2	2	1
14	14	7	11	14	14	12	12	14
1	1	1	7	5	3	5	4	4
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
5.263158	5.263158	21.05263	9.090909	4.347826	4.347826	0	0	0
15.78947	15.78947	36.84211	9.090909	13.04348	21.73913	10.52632	11.11111	5.263158
73.68421	73.68421	36.84211	50	60.86957	60.86957	63.15789	66.66667	73.68421
5.263158	5.263158	5.263158	31.81818	21.73913	13.04348	26.31579	22.22222	21.05263
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0

9	0	0	0	0	0	0	0	0	0	0	0	0	0

Lower level management

	Gender	Age	HomeL	Level	B1	B2	B3	B4	B5	B6	B7	B8	B9
Valid N	11	11	11	10	10	10	11	11	11	10	11	11	11
Mean	2.00	2.00	2.18	9.00	3.40	3.50	3.00	2.45	3.18	3.70	2.64	2.91	3.73
Std Dev	0.00	0.77	0.75	0.00	0.70	0.53	0.63	1.21	0.60	0.48	0.92	1.04	0.90
Median	2	2	2	9	3.5	3.5	3	2	3	4	2	3	4
Maximum	2	3	4	9	4	4	4	4	4	4	4	4	4
Minimum	2	1	1	9	2	3	2	1	2	3	2	1	1
Frequencies													
1	0	3	1	0	0	0	0	3	0	0	0	1	1
2	11	5	8	0	1	0	2	3	1	0	7	3	0
3	0	3	1	0	4	5	7	2	7	3	1	3	0
4	0	0	1	0	5	5	2	3	3	7	3	4	10
5	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	10	0	0	0	0	0	0	0	0	0
Percentages													
1	0	27.27273	9.090909	0	0	0	0	27.27273	0	0	0	9.090909	9.090909
2	100	45.45455	72.72727	0	10	0	18.18182	27.27273	9.090909	0	63.63636	27.27273	0
3	0	27.27273	9.090909	0	40	50	63.63636	18.18182	63.63636	30	9.090909	27.27273	0
4	0	0	9.090909	0	50	50	18.18182	27.27273	27.27273	70	27.27273	36.36364	90.90909
5	0	0	0	0	0	0	0	0	0	0	0	0	0
6	0	0	0	0	0	0	0	0	0	0	0	0	0
7	0	0	0	0	0	0	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0	0	0	0	0	0	0
9	0	0	0	100	0	0	0	0	0	0	0	0	0

0	0	0	0	0	0	0	0	0	0	0	0	0	0
C1	**C2**	**C3**	**C4**	**C5_1**	**C5_2**	**C5_3**	**C5_4**	**C5_5**	**C6**	**C7_1**	**C7_2**	**C7_3**	**C8_1**
11	10	11	11	11	11	11	11	11	11	10	10	10	9
3.09	2.60	2.55	3.27	3.18	3.18	3.18	3.18	3.18	3.36	2.70	2.90	3.30	3.11
0.54	1.07	1.04	0.47	0.40	0.40	0.40	0.40	0.40	0.50	0.82	0.32	0.48	0.33
3	3	3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4	4	4	3	4	4
2	1	1	3	3	3	3	3	3	3	1	2	3	3
0	2	2	0	0	0	0	0	0	0	1	0	0	0
1	2	3	0	0	0	0	0	0	0	2	1	0	0
8	4	4	8	9	9	9	9	9	7	6	9	7	8
2	2	2	3	2	2	2	2	2	4	1	0	3	1
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	20	18.18182	0	0	0	0	0	0	0	10	0	0	0
9.090909	20	27.27273	0	0	0	0	0	0	0	20	10	0	0
72.72727	40	36.36364	72.72727	81.81818	81.81818	81.81818	81.81818	81.81818	63.63636	60	90	70	88.88889
18.18182	20	18.18182	27.27273	18.18182	18.18182	18.18182	18.18182	18.18182	36.36364	10	0	30	11.11111
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0

0	0	0	0	0	0	0	0	0
C8_2	**C8_3**	**C9**	**C10_1**	**C10_2**	**C10_3**	**C11_1**	**C11_2**	**C11_3**
9	9	9	11	11	11	11	11	11
3.00	3.00	2.11	2.55	3.09	3.18	3.27	3.00	3.09
0.50	0.50	1.05	0.93	0.30	0.40	0.47	0.45	0.54
3	3	2	3	3	3	3	3	3
4	4	4	4	4	4	4	4	4
2	2	1	1	3	3	3	2	2
0	0	3	2	0	0	0	0	0
1	1	3	2	0	0	0	1	1
7	7	2	6	10	9	8	9	8
1	1	1	1	1	2	3	1	2
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	33.33333	18.18182	0	0	0	0	0
11.11111	11.11111	33.33333	18.18182	0	0	0	9.090909	9.090909
77.77778	77.77778	22.22222	54.54545	90.90909	81.81818	72.72727	81.81818	72.72727
11.11111	11.11111	11.11111	9.090909	9.090909	18.18182	27.27273	9.090909	18.18182
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0