

SECTION B

**SEXUAL HARASSMENT -
A THEORETICAL OVERVIEW**

CHAPTER 2

SEXUAL HARASSMENT : TYPES, FORMS AND COSTS

2.1 INTRODUCTION

Sexual harassment is a controversial and ambiguous issue that impacts negatively on both the well-being of the employees as well as the organisation. Consequently, management needs to view sexual harassment as an area of concern as it ultimately affects the overall efficiency of organisations (Hanisch, 1996:174). For organisations to effectively manage sexual harassment, it is important to identify the reasons for it, as well as its multiple and varied consequences.

There are cultural, social, behavioural and other reasons for sexual harassment and it has two consequences for organisations. Firstly, sexual harassment holds cost implications for companies emanating from lawsuits. For example, monetary awards for sexual harassment claims in the United States reached approximately US\$49,5 million in 1997. This constituted an increase of 597% since 1991 (Allerton, 1999:12). Secondly, sexual harassment results in increased sick leave being taken by employees, decreased productivity and declining employee motivation (Knapp & Kustis, 1996:201). Understanding the various costs associated with sexual harassment, namely lawsuits, absenteeism, turnover, abuse of sick leave benefits as well as declining productivity, enables management to devise preventative measures based on business concerns of profits and organisational effectiveness (Hanisch, 1996:174). To determine and understand the impact of sexual harassment, then, it is necessary to examine the basic principles of sexual harassment, the definition of sexual harassment, types of sexual harassment, forms of sexual harassment behaviour, the most dangerous personality types, the cost of sexual harassment, the effects of sexual harassment on the harasser and how sexual harassment victims respond. This knowledge will enable management to effectively implement strategies to manage this problem in the workplace.

2.2 BASIC PRINCIPLES OF SEXUAL HARASSMENT

The sexual exploitation of working women and, to a lesser degree, working men dates back to the Industrial Revolution. However, it was not recognised as a major problem in the workplace until the pioneering work undertaken in the United States during the 1970s by Catherine MacKinnon (Halfkenny, 1995:216).

MacKinnon's work led to two perspectives of sexual harassment, namely a **micro** and a **macro** perspective. These perspectives form a framework for examining sexual harassment.

2.2.1 Micro and macro perspectives of sexual harassment

The experience and consequences of sexual harassment such as psychological and organisational outcomes, can best be understood from a micro and a macro perspective. The micro perspective examines individual issues of sexual harassment. The macro perspective examines organisational behaviour, sociology and anthropology, focusing on personal correlates and mechanisms of sexual abuse (Stockdale, 1996:5).

The micro and macro perspectives will be examined next in order to gain a clear understanding of sexual harassment in the workplace.

2.2.1.1 The micro perspective

The micro perspective of sexual harassment explains sexual harassment in terms of perceptions (Gutek, Morasch & Cohen, 1983; Stockdale, 1986), a biological model (Carbonell, Higginbotham & Sample, 1992; Tangri, Burt & Johnson, 1982; Saal, 1996), an organisational model (Tangri et al, 1982; Bargh, Raymond, Pryor & Strack, 1995; Saal 1996), a socio-cultural model (Tangri et al, 1982; Saal, 1996) and a sex role spillover model (Gutek & Morasch, 1982; Saal, 1996).

- **Perceptions**

Gutek et al (1983) state that perceptions are central to a definition of sexual harassment. This perception-based explanation of sexual harassment implies that people view what constitutes sexually harassing conduct differently. For example, what one person or group interprets as sexually harassing behaviour will not necessarily be the same as another person's or group's view. Thus, the determination of whether or not a specific type of conduct constitutes sexual harassment will depend on the observer's and the victim's frame of reference. Accordingly, in addition to observers' characteristics (e.g. gender) and situations (e.g. severity), attribution processes are important for victims' perceptions of what constitutes sexual harassment (Stockdale, 1996:5).

- **The biological model**

The biological or natural model of sexual harassment holds that harassing behaviour is biologically based and, therefore, men cannot help themselves (Carbonell et al, 1992:3). This model advocates that sexual harassment occurs when men lose control over their sex drive in an organisational setting (Tangri et al, 1982). According to this model, men are naturally attracted to women and have a stronger sex drive than women. Stockdale (1996:68) states that in terms of the biological model, sexual harassment ostensibly occurs when men lose or abdicate control over their stronger sex drive in an organisational setting.

- **The organisational model**

The organisational model of sexual harassment focuses on the unequal distribution of power among men and women in an organisational context. Saal (1996:68) explains that the organisational model attributes sexual harassment to different levels of power typically associated with traditional male (e.g. manager) and traditional female (e.g. secretary) positions in organisational hierarchies and to social norms and climates that permeate organisations (Bargh et al, 1995). Men and women are socialised to roles that attribute more power to men than women and in the organisational context, sexual harassment constitutes an exaggerated extension of these stereotyped social roles. Carbonell et al (1992:3) maintain that traditionally, women were

socialised to be passive and submissive and men were socialised to be aggressive. Furthermore, since women on average have lower status and salaries than men in the workplace, men see the workplace as a potential arena for sexual conquests, whereas women perceive sexual advances at work as potential threats (Gutek & Dunwoody, 1987:249; Stockdale, 1996:11).

- **The socio-cultural model**

Like the organisational model, the socio-cultural model focuses on the unequal distribution of power among men and women, but is broader in scope. According to the socio-cultural model, sexual harassment of women by men is best understood as a “mechanism by which existing disparities in these two groups’ access to social and economic power and status, are maintained throughout a society” (Saal, 1996:68). For example, a woman is more likely to be harassed if she is young and if she is single or divorced. Women who are well educated also experience more sexual harassment than lower educated women because they are more likely to perceive something as sexual harassment even if it was not intended to be offensive (Tang & McCollum, 1996:55). MacKinnon (1979), Gruber and Bjorn (1982) and Essed (1992) is of the opinion that race is an important factor because of cultural and economic marginality or vulnerability of women in minority status groups (Murrell, 1996:55). For example, Gruber and Bjorn (1982:271) found that black women are more sexually harassed than white women. However, Murrell (1996:55) states that there is no conclusive evidence that race/ethnicity increases vulnerability to sexual harassment or that ethnicity/race is only a surrogate for the effect that power has on the likelihood of being sexually harassed.

- **The sex role spillover model**

The sex role spillover model resembles the organisational model in that it highlights the ratios of men to women in particular jobs, occupations, and organisational settings (Saal, 1996:68). According to this model, sexual harassment is more likely to occur where the ratio of men to women, is skewed (Gutek et al, 1982). Thus, when men outnumber women in a particular job, that job assumes a feminine sex role resulting in men treating all the female incumbents as women rather than as fellow employees. According to Saal

(1996:69), these unbalanced ratios are thought to facilitate sexual harassment because a vital component of the traditional female sex role is to be sexually attractive and at least potentially available to men.

2.2.1.2 The macro perspective

The macro perspective of sexual harassment centres on the analysis of sexual violence according to the personal characteristics of the victims of sexual abuse and the actual forms (mechanisms) of the sexual abuse to which they are subjected. The macro approach equates sexual harassment to other forms of violence and abuse of women because it also arises from and reinforces the subordinate position of women in society (Fitzgerald, 1993; Goodman, Koss, Fitzgerald, Russo & Keita, 1993). Cleveland and McNamara (1996:218) point out that various forms of abuse against women are a consequence of gender role socialisation, which promotes male dominance, sexual objectification of women, and cultural approval of violence against women, among other things. Extending this perspective, it becomes possible to define wife battering and rape as sexual harassment in so far as these forms of behaviour strive to maintain the patriarchal structure of society complying with the socio-cultural explanation of sexual harassment. The link between sexual violence/abuse and sexual harassment, therefore, relates to the characteristics of the victim and the perpetrator and the interactions that contribute to the harassment. Stockdale (1996:5) points out, however, that there is an organisation-related distinction between sexual harassment and other forms of sexual violence. In other words sexual harassment is distinguished from other forms of sexual violence because it is illegal since it violates workers' rights to non-discriminatory employment, or to a non-discriminatory working environment.

The above micro and macro models may be utilised to classify sexual harassment in terms of the victims' perspective (Williams, 1993:67). The victims' perspective, in turn, forms the basis of a definition of sexual harassment.

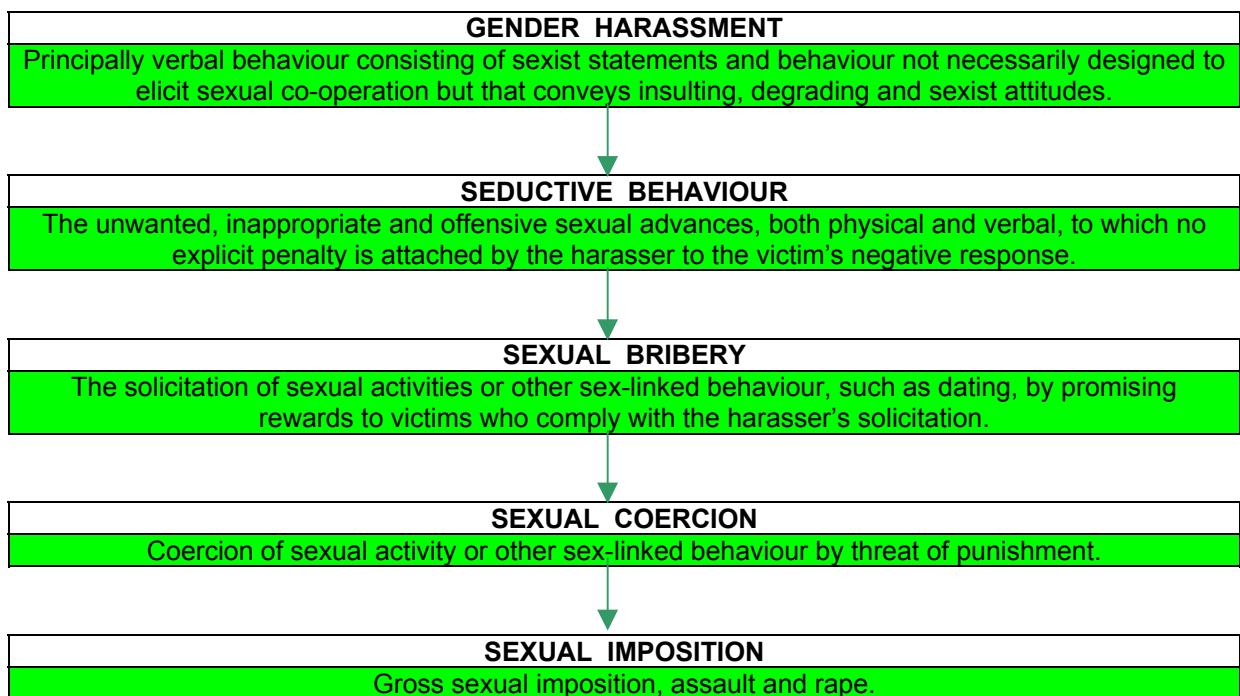
2.3 SEXUAL HARASSMENT DEFINED

According to the International Labour Organisation (ILO) (1992:10), the term “sexual harassment” was first used in America (USA), which was also the first country to devise steps to deal with the issue. Although sexual harassment has received widespread publicity, there is no consensus on its definition (Fortenberry, 1990:16). The lack of a precise definition of sexual harassment stems from the complexity of sexual harassment as it involves both men and women, their perceptions and behaviour and also social norms of society which result in sexual harassment not being immediately recognised by those who see it, or even by those who experience it (Aggrawal, 1992:1; Williams, 1993:68). This, therefore, causes confusion and consequently makes it difficult for managers to recognise what behaviour constitutes harassing behaviour, thereby hampering their ability to manage and prevent the occurrence of sexual harassment in the workplace (Peirce, Smolinski & Rosen, 1998:43). Accordingly, the divergent perceptions of employees of what constitutes proper behaviour and behaviour which could constitute sexual harassment, render a single precise and comprehensive definition impossible. Some definitions are given below.

2.3.1 US and European Community (EC) perspectives

According to Williams (1993:67), sexual harassment in the USA consists of behaviour that occurs along a continuum, which is graphically depicted in figure 2.1 (page 2-8).

The elements in figure 2.1, namely verbal behaviour, unwanted, offensive and physical behaviour, as well as the promise of rewards and threats of punishment, form the basis of defining sexual harassment. These elements may be used in isolation to define sexual harassment in a broad or general sense of unwanted behaviour of a sexual nature, or in combination according to specific types of behaviour such as touching, pinching and staring. More broadly defined, sexual harassment constitutes the “unsolicited non-reciprocal behaviour that asserts a person’s sex role over his/her function as a worker” (Tang et al, 1996:54).

FIGURE 2.1 THE BEHAVIOURAL CONTINUUM OF SEXUAL HARASSMENT

Source: Adapted from Williams (1993:67)

The Equal Employment Opportunities Commission (EEOC) (1980), the federal agency responsible for enforcing anti-discriminatory laws, define sexual harassment as follows (Jameson, 1997:36):

Unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

This broad definition refers to advances, requests or other verbal or physical conduct and thereby any type of behaviour could be regarded as sexual harassment. Furthermore, it fails to elaborate on the actual effects of such behaviour on the victims other than such behaviour being made a condition of employment, being used as a basis for employment decisions, and interfering with the victim's performance.

In 1988, the USA's Fair Employment Practices and Housing Act expanded the definition (ILO, 1992:161) to include

- Verbal harassment, e.g. epithets, derogatory comments or slurs.....
- Physical harassment, e.g. assault, impeding or blocking movements, or any physical interference with normal work or movements when directed at an individual.....
- Visual forms of harassment, e.g. derogatory posters, cartoons or drawings.....
- Sexual favours, e.g. unwanted sexual advances which condition an employment benefit upon an exchange of sexual favours.....

Although this definition expands on what behaviour constitutes harassment, it fails to take cognisance of the fact that sexual harassment goes further than conduct that is merely of a "lustful" nature. Conduct of a sexual nature should be seen in the context of a power play between workers.

Stockdale (1996:11) points out that individuals with disproportionate power over others begin to view the others as weak, lazy and worthless and deserving to be treated as the power holders deem fit. In introducing preventative measures to manage sexual harassment, organisations should be sensitive to the unbalanced power distribution in order to ensure that subordinates remain motivated and productive and, in so doing, ensure the growth of the organisation.

The European Community's (EC) 1991 recommendation on the Protection of the Dignity of Women and Men at Work (ILO, 1992:31) addressed the weaknesses of the 1980 and 1988 US definitions. The EC Commission stated that conduct of a sexual nature or other conduct based on sex that affects the dignity of women and men at work is unacceptable if

- such conduct is unwanted, unreasonable and offensive to the recipient;

- a person's rejection of, or submission to, such conduct on the part of employers or workers (including superiors of colleagues) is used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment, promotion, salary or any other employment decision; and/or
- such conduct creates an intimidating, hostile or humiliating working environment for the recipient.

The EC definition incorporates the various elements reflected in figure 2.1 (page 2-8). Accordingly, behaviour that constitutes unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when

- submission to such conduct is made explicitly or implicitly a term or condition of employment
- submission to, or rejection of, such conduct is used as the basis of an employment decision;
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or workplace environment (Jameson, 1997:36).

Therefore, the following elements need to exist in combination, in order for a specific form of behaviour to be regarded as sexual harassment:

- the conduct must be of a sexual nature or hold some sexual connotations;
- the nature of the conduct must be both unwanted and offensive to the recipient of such behaviour;
- the behaviour must cause discomfort for the recipient in that it is intimidatory or humiliating;

- the failure by the recipient to respond “favourably” to the offender’s conduct must hold negative work-related consequences for the recipient.

The above definitions constitute an international perspective. However, since the objective of this study was to develop a model to manage sexual harassment in a South African context, it was necessary to identify definitions in this country as well.

2.3.2 A South African perspective

Prior to the enactment of the Employment Equity Act 55 of 1998, and the drafting, in 1998, of the Code of Good Practice on the Handling of Sexual Harassment Cases, the concept of sexual harassment was not defined specifically in any South African legislation. The absence of a legislated definition of sexual harassment prior to 1998, however, does not in itself mean that the problem of workplace sexual harassment was not dealt with under other legislation. For example, the Labour Relations Act 28 of 1956 dealt indirectly with sexual harassment under the definition of an unfair labour practice. In terms of this Act (*Government Gazette*, 3310:5), an unfair labour practice was defined as any act or omission which has or may have the effect that

- any employee or class of employees is or may be unfairly affected or that his or their employment opportunities or work security is or may be prejudiced or jeopardised thereby;
- the business of any employer or class of employers is or may be unfairly affected or disrupted thereby;
- labour unrest is or may be created or promoted thereby;
- the labour relationship between employer and employee is or may be detrimentally affected thereby.

The fact that the occurrence of workplace sexual harassment may have the effect of an unfair labour practice made it possible for an action of sexual harassment to be

brought in terms of the 1956 Act, despite the absence of a specific definition of sexual harassment. The Act, therefore, indirectly had the power to deal with cases of sexual harassment. This is supported by the fact that in 1989, the then Industrial Court, being the institution established in terms of the Labour Relations Act, 28 of 1956 to adjudicate disputes in South Africa, was called upon to determine whether or not the dismissal of an employee found guilty of sexual harassment constituted an unfair labour practice. In the 1989 case of JvM, the Industrial Court ruled as follows regarding sexual harassment (Halfkenny, 1996:216):

In its narrowest form, sexual harassment occurs when a woman (or a man) is expected to engage in sexual activity in order to obtain or keep employment or obtain promotion or other favourable working conditions. In its wider view it is, however, any unwanted sexual behaviour or comment which has a negative effect on the recipient. Conduct, which can constitute sexual harassment, ranges from innuendo, inappropriate gestures, suggestions or hints of fondling without consent or by force to its worst form, namely rape. It is also not necessary that the conduct must be repeated. A single act can constitute sexual harassment.

In its definition, the Industrial Court failed to take cognisance of the dignity of the victim or the power play within an employment relationship. The definition, the first in South Africa, was too broad to provide a meaningful guide for organisations to manage the occurrence of sexual harassment. This definition was subsequently refined by the Industrial Court as follows:

- unwanted, signifying a subjective test i.e. in the eyes of the person being harassed;
- of a sexual nature or where an employee's gender is treated as being more important than his or her work or status as an employee;
- physical, verbal and non-verbal;

- affects the dignity of the harassed person at work, or creates a negative or hostile environment for that person, and
- an element of coercion or abuse of power is implicit in such conduct [(1994), 15ILJ, 491(IC)].

Except for its subjective nature, this definition, compared to the US and EC ones, is uncontentious and accurately reflects what is understood by the concept of sexual harassment (*IMSSA Arbitration Digest*, Vol 1, Part 1, 1993:136). The subjectivity of the definition implies that an employee will be guilty of sexual harassment if the victim alleges that the conduct was either “offensive” or “unwanted”. This, however, ignores the fact that the “harasser” may not have intended to offend the “victim” or that the “harasser” may have thought that his/her actions may be welcomed by the recipient of such conduct.

Although an improvement on the earlier one used in JvM, this definition ignores the fact that when disciplinary action is initiated for workplace sexual harassment, the victims will be required to prove that the harasser “acted with mens rea in the sense that he/she knew or realised that his/her conduct would be unwanted or unwelcome, before he/she is found guilty” (*IMSSA Arbitration Digest*, Vol 1 Part 1, 1993:142).

The following phase in defining workplace sexual harassment in South Africa came about with the repeal of the Labour Relations Act, 28 of 1956 and the enactment of the Labour Relations Act, 66 of 1995. However, this Act also failed to define sexual harassment specifically and dealt with sexual harassment indirectly in terms of the definition of an unfair labour practice. In terms of Schedule 7 of the new Act, an Unfair Labour Practice meant any unfair act or omission that arises between an employer and an employee, involving:

- the unfair discrimination, either directly or indirectly, against an employee on any arbitrary ground, including, but not limited to race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language, marital status or family responsibility;

- the unfair conduct of the employer relating to the promotion, demotion or training of an employee or relating to the provision of benefits to an employee;
- the unfair suspension of an employee or any other disciplinary action short of dismissal in respect of an employee;
- the failure or refusal of an employer to reinstate or re-employ a former employee in terms of any agreement (Government Gazette 16861, 1995:253).

The new Act introduced the concept of a new anti-discriminatory framework, which aimed to promote employment equity in the workplace. Sexual harassment is covered indirectly under this framework in that harassment is offensive, hostile, intimidatory, having the effect of disrupting the work environment and in so doing, it does not promote employment equity (Hayter, 1996:55).

One of the objectives of the 1995 Act was to give effect to the Constitution of South Africa. Accordingly, the new Act indirectly addresses sexual harassment in terms of the concept of protecting the dignity of every person under the Constitution. One of the first cases of sexual harassment under the 1995 Labour Relations Act was that of Pretorius v Britz (1996). Although the Commission for Conciliation, Mediation and Arbitration (CCMA) did not specifically define sexual harassment in the Pretorius v Britz case, it provided the following test to be applied in order to determine whether or not sexual harassment had occurred [NW75, 2 May 1997, (ARB)].

Firstly, the organisation must determine whether or not there was:

- Any “quid pro quo” sexual harassment, that is, unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature which may have led to:
 - (i) submission to such conduct being made, either explicitly or implicitly, a term or condition of an individual’s employment, or
 - (ii) submission to, or rejection of, such conduct by an individual being used as the basis for employment decisions affecting such individual.

- Any “hostile environment” sexual harassment, that is, unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature that might lead to, or have the purpose or effect of, unreasonable interference in the employee’s work performance or the creation of an intimidating, hostile or offensive working environment

Secondly, the organisation needs to establish:

- whether the conduct was verbal or physical or both;
- whether the conduct was hostile or patently offensive;
- the relationship between the alleged harasser and the victim;
- whether the harassment was directed at more than one individual.

Finally, the organisation has to establish whether the sexual conduct was unwelcome since sexual conduct becomes “unlawful” only when it is unwelcome and if the victim regarded the conduct as undesirable or offensive.

The absence of a legislative definition of sexual harassment was rectified in 1998 when the National Economic Development and Labour Council (NEDLAC) developed the Code of Good Practice on the Handling of Sexual Harassment Cases, which was subsequently included as a schedule to the Labour Relations Act, 66 of 1995. The Code of Good Practice on the Handling of Sexual Harassment Cases has had the effect of bringing South Africa in line with progressive countries such as the USA, France, Canada, Spain, New Zealand and Sweden, who have outlawed sexual harassment in the workplace by statute rather than case law (Smythe 1998:18). The Code (1998:3) defines sexual harassment as “unwanted conduct of a sexual nature”. It is the “unwanted nature” of sexual harassment that distinguishes this type of behaviour from behaviour that is welcome and mutual. The Code (1998:3) goes further in stating that the sexual attention becomes sexual harassment if:

- the behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or

- the recipient has made it clear that the behaviour is considered offensive; and/or
- the perpetrator should have known that the behaviour is regarded as, “unacceptable”.

As in the case of the 1994 Industrial Court definition of sexual harassment, the Code’s definition is subjective in stating that the harasser “should have known” that his/her conduct would be regarded as “unacceptable” by the victim. The problem with this criterion is that what one person may regard as “reprehensible conduct” may not necessarily be regarded as unacceptable by another. The problem is further compounded by the fact that the South African workplace is not homogenous but rather comprises various cultural groupings with different norms of conduct.

Having defined the phenomenon of sexual harassment, the Code goes further to describe forms of sexual harassment. Section 4 of the Code (1998:3) states that sexual harassment may include “unwelcome, physical, verbal or non-verbal conduct” and proceeds to set out the following examples:

- Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex.
- Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults of unwelcome graphic comments about a person’s body made in their presence or to them, unwelcome and inappropriate enquiries about a person’s sex life, and unwelcome whistling at a person or group of persons.
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects.

- “Quid pro quo” harassment occurs where an owner, employer, supervisor, member of management or co-employee undertakes or attempts to influence or influences the process of employment, promotion, training, discipline, dismissal, salary increments or other benefits of an employee or job applicant in exchange for sexual favours.

Like legislation on sexual harassment in the USA, Canada, France, Sweden and elsewhere, the Code gives examples of what type of behaviour would constitute sexual harassment. The problem arises, however, when the harasser does not perceive that his/her conduct is “unacceptable” since in terms of the Code’s definition, the perpetrator should have known or ought to have known that his/her behaviour is unacceptable in order for his/her behaviour to be classified as sexual harassment.

The Code thus places the onus on employers to create and maintain a working environment in which the dignity of employees is respected. The climate that the employers should strive to create is one in which the victims of sexual harassment will not feel that their grievances are ignored or trivialised, or fear reprisals.

2.3.3 A proposed comprehensive definition of sexual harassment

Alterman and Khumalo (1995:67) point out that the existing definitions of sexual harassment acknowledge that it is about power, privilege and control, through sex. The definitions discussed earlier make reference to the following elements:

- unwanted conduct;
- conduct of a verbal, visual and physical nature;
- the conduct must be offensive to those subject to the actual conduct;
- the effect of the conduct must hold some form of negative work-related consequences for those persons subjected to it.

For the purpose of this study, the researcher has, after taking cognisance of the various definitions discussed so far, proposed the following definition:

Sexual harassment constitutes any form of unwanted and/or uninvited verbal, visual or physical conduct that manifests itself in the workplace, which conduct, not only directly or indirectly, bears sexual undertones and is reasonably known by the harasser to be offensive to the recipient thereof but is also calculated to create an unpleasant working environment for the recipient or is designed to extract sexual favours from the recipient in return for beneficial employment benefits, including but not limited to pay, promotions, working hours and training opportunities for the recipient.

This definition refers to two consequences of sexually harassing conduct, namely, the creation of an unpleasant working environment and the promise of beneficial treatment for persons who respond favourably to the sexual harassment conduct. These consequences are often referred to as types of sexual harassment (Greenlaw & Kohl, 1996:5; Jameson, 1997:36). The types of sexual harassment will be examined next.

2.4 TYPES OF SEXUAL HARASSMENT

MacKinnon (1979:1) recognised two broad categories of sexual harassment, namely “quid pro quo” harassment (sexual blackmail) and harassment which creates an offensive (hostile) work environment. The distinction of sexual harassment as “quid pro quo” harassment and the “hostile work environment” harassment has subsequently been widely accepted as the appropriate method of categorising sexual harassment in the workplace (Conte, 1990; Lindemann & Kadue, 1992; Rubenstein, 1992; Aggrawal, 1992; Stockdale, 1996). According to Canoni (1999:13), the two judicially recognised types of sexual harassment of “quid pro quo” and “hostile work environment” harassment can overlap and may even exist simultaneously. What distinguishes the two is the existence of non-tangible employment actions. Cases with a tangible employment action are “quid pro quo cases”, and cases without any tangible employment action are “hostile work environment cases” (Canoni, 1999:13).

Thus, “quid pro quo” sexual harassment arises when someone demands sexual activity in return for employment benefits, and “hostile work environment” sexual harassment arises where the unwanted conduct is severe and pervasive enough to the employee’s workplace, creating a hostile and offensive environment (Altman & Lavelle, 1998:65). The issue of distinguishing between the two types of sexual harassment is not as simple as it might appear. Silbergeld and Joiner (1999:113) state that identifying conduct that is sufficient to create a “hostile work environment” is more elusive than recognising “quid pro quo” harassment because the conduct has to be assessed subjectively and objectively. According to Orlov and Roumell (1999:10), the minimum objective issues to be considered include: the frequency of the conduct, the severity of the conduct, whether the conduct was physically threatening or humiliating, whether the conduct interfered with the victim’s performance, whilst from a subjective perspective the issue of whether or not the victim perceived the conduct to be sexually hostile or abusive, needs to be considered. It becomes apparent, then, establishing a case of “hostile work environment” may not be so easy.

The International Labour Office (ILO)(1992) found that the industrialised countries of Australia, Canada, France, Germany, the United Kingdom (UK) and the USA all deal with sexual harassment in terms of either “quid pro quo” harassment and “hostile work environment” harassment. The Commission for Conciliation, Mediation and Arbitration (CCMA), the authority charged with dealing with sexual harassment cases in South Africa, makes the same distinction of “quid pro quo” and “hostile work environment” harassment. In the case of Du Preez v The Car Connection (GA2257:1997), the CCMA ruled that the employer’s use of repeated foul language and comments of a sexual nature, resulting in the victim being booked off for acute anxiety and nervous tension, created a “hostile working environment” thereby rendering the employer guilty of a charge of sexual harassment. The CCMA came to a similar conclusion in the case of Pretorius v Britz (NW75:1997), where the employer continuously subjected the employee to overt sexual comments and requests that she not wear a brassiere, and expressed a desire to have sex with her, and in the case of Mjaji v Creative Signs (KN543:1997), where the employer fondled the employee’s buttocks. In the case of Anthony v 007 Casino (KNZ248:1997), where the employer reduced an employee’s salary agreeing to reinstate the correct salary if she agreed to certain sexual favours, the CCMA ruled that this constituted “quid pro quo” harassment.

It should be noted that the Code of Good Practice on the Handling of Sexual Harassment Cases also upholds the distinction between “quid pro quo” and “hostile work environment” harassment.

2.4.1 “Quid pro quo” harassment (sexual blackmail)

As indicated earlier, in this form of harassment a victim is coerced into acceding to the sexual advances of a superior in exchange for work-related benefits and in so doing a link is established between sexual advances and the receipt or denial of specific employment benefits (Stockdale, 1996:6; Jameson, 1997:36; Altman et al, 1998:65). The “quid pro quo” form of sexual harassment therefore describes a situation in which a supervisor offers job benefits in exchange for sexual favours (Fink & Perry, 1999:23).

The harasser’s conduct is tantamount to blackmail as the employee is forced into choosing between acceding to the sexual demands or losing employment benefits. “Quid pro quo” harassment represents a breach of trust and an abuse of power. The harasser has the power in the organisation to demote or transfer, and deny raises, benefits and promotions in the event of non-compliance by the victim to the sexual advances (Rubenstein, 1992:13; Reddi, 1994:109). In this instance, the harassers typically occupy supervisory and managerial positions in the organisation while the victims occupy lower positions in the organisational hierarchy. This type of harassment not only affects the victim’s livelihood, but also the organisation as the victim’s work performance is undermined. In cases where the victim’s non-compliance with the harasser’s advances leads to non-employment or the denial of a promotion, there is also a possibility of an unsuitable person being employed or promoted thereby leading to a decline in the organisation’s efficiency. Conte (1990:97) points out that in such instances, the organisation would be guilty of discrimination as a person had been denied an appointment or promotion on grounds other than job requirements. In terms of the South African Labour Relations Act, 66 of 1995, an employee who has been discriminated against for failing to respond positively to a harasser’s sexual blackmail will be able to bring a case of an automatic unfair labour practice against the company in terms of Section 187. Should the employee prove

that he/she was, either directly or indirectly, unfairly discriminated against, that employee may claim compensation equivalent to 24 months' remuneration in terms of Section 194(3) of the Act. Accordingly, where a victim successfully challenges a non-appointment or promotion due to declining sexual advances or bribes, that organisation will be confronted with litigation costs and the cost of a compensatory award, which directly affects its profit.

2.4.2 Hostile (offensive) work environment harassment

According to Rubenstein (1989:11), sexual harassment can poison the work environment resulting in adverse consequences for the victim's psychological, emotional and physical well-being. Thus, where sexual harassment results in the creation of a hostile, abusive or offensive atmosphere for the victims who have to work in such an offensive atmosphere, they enjoy less favourable working conditions than their colleagues. "Hostile work environment" harassment focuses on the work atmosphere created by the employer through supervisors and other employees (Koen & Morgan, 1997:7). Although this conduct does not directly affect the victim's employment benefits, it is regarded as personally offensive by the victim as this form of harassment results in a severe and pervasive hostile work environment (Fortenberry, 1990; Rubenstein, 1992; Fink et al, 1999:23).

Rubenstein (1989:13) and Stockdale (1996:4) indicate that the principles set out below should be used when determining whether or not the conduct complained of by the victim is tantamount to "hostile work environment" harassment:

- The conduct complained of was neither solicited nor incited and is regarded by the victim as undesirable or offensive.
- The conduct complained of must be sufficiently severe to affect the victim's working conditions since the law is not concerned with trivia (*de minimis non curat lex*). Accordingly, a trivial or isolated incident is unlikely to constitute a hostile work environment even if the incident was unwelcome and annoying. Whether the conduct complained of constitutes a hostile work environment will

thus be a matter of degree and whether it is consistently detrimental to the victim by putting the victim under a disadvantage over a period of time.

- Whether the conduct detrimentally affected the victim's working conditions should be judged objectively and subjectively. The victim must show not only that the harasser's conduct is offensive but that the conduct affected his/her working conditions and that his/her reaction to being exposed to the behaviour is not unreasonable.
- Evidence of the general working environment of the victim's co-workers is relevant to establish whether an offensive working environment exists. Where the work environment affects the motivation and performance of other employees, due to the repugnant nature, the victim who complains will have grounds to substantiate his/her claim (Rubenstein, 1989:13).

Ganzel (1998:94) states that "hostile work environment" harassment potentially opens a case of sexual harassment to every employee in a company and by virtue of it being a bigger field, it is much more likely that someone will bring a complaint.

A brief discussion of conduct that constitutes either "quid pro quo" or a "hostile work environment" harassment follows.

2.5 SEXUAL HARASSMENT CONDUCT

Behaviour/conduct which may be considered sexual harassment, ranges from mild, such as verbal innuendoes, to extreme, such as rape. Physical harassment includes pinching, grabbing, patting and leering, whilst psychological harassment involves relentless proposals of physical intimacy or overt requests for sexual favours (Reddi, 1994:109).

The Australian Anti Discrimination Act of 1991 describes sexual harassment behaviour as "physical contact such as patting; pinching or touching in a sexual way, unnecessary familiarity such as deliberately brushing against a person; sexual propositions; unwelcome and uncalled for remarks or insinuations about a person's

sex or private life; suggestive comments about a person's appearance or body; offensive telephone calls; indecent exposure" (ILO, 1992:68).

Clearly, then, conduct which could constitute sexual harassment ranges from innuendoes, inappropriate gestures and fondling to rape, and may, therefore, be verbal (trivial or gross), visual or psychological (Robertson, 1990:365; Baxter & Hermle, 1989; Conte, 1990; Aggrawal, 1992; Lindemann et al, 1992). In table 2.1 below, Grobler, Wärnich, Carrell, Elbert and Hatfield, (2002:60) depict the range of sexual harassment behaviour on a continuum ranging from visual to force.

TABLE 2.1 SEXUAL HARASSMENT: A SPECTRUM OF BEHAVIOURAL PATTERNS

Visual	Verbal	Written	Touching	Power	Threats	Force
<ul style="list-style-type: none"> ➤ Obling ➤ Staring ➤ Posters ➤ Magazines ➤ Flyers 	<ul style="list-style-type: none"> ➤ Requests for dates ➤ Questions about personal life ➤ Lewd comments ➤ Dirty/Sexual jokes ➤ Whistling 	<ul style="list-style-type: none"> ➤ Love poems ➤ Love letters ➤ Obscene poems ➤ Obscene letters ➤ Cards 	<ul style="list-style-type: none"> ➤ Violating space ➤ Patting ➤ Grabbing ➤ Pinching ➤ Caressing ➤ Kissing 	<ul style="list-style-type: none"> ➤ Relationships to request dates, sex, etc. ➤ Using position 	<ul style="list-style-type: none"> ➤ "Quid pro quo" ➤ Demands ➤ Loss of job ➤ Selection process 	<ul style="list-style-type: none"> ➤ Rape ➤ Physical assault
<ul style="list-style-type: none"> ➤ Individual perceptions and reactions determine harassment ➤ Behaviours unwanted by recipients are harassment ➤ Behaviours may not be intended to harass, but that is often the result ➤ Illegal if the result is perceived as harassment 						
<ul style="list-style-type: none"> ➤ Behaviours are intentional; goal is to intimidate, harass, or hurt another person 						

Source: Grobler, Wärnich, Carrell, Elbert and Hatfield, (2002:60)

From the above discussion it would appear that sexual harassment could only occur between opposite sexes. Consequently, the question arises of whether or not same-sex sexual harassment can occur. This is discussed next.

2.6 SAME-SEX HARASSMENT

The question has been raised of whether same-sex sexual harassment can occur. To establish whether or not an actionable case of same-sex sexual harassment exists,

Fink and Perry (1999:23) state that the following elements need to be taken into account:

- The employee was a member of a protected class.
- The employee was subject to unwelcome harassment.
- The harassment was because of sex.
- The harassment unreasonably interfered with the employee's work performance and created an intimidating, hostile, or offensive work environment.
- There is a base for imputing liability to the employer.

Being either male or female easily satisfies the first element. If the conduct displayed by one male to another is found to be unwelcome by the recipient, then the second criterion has been met. Regarding the third element, Fink and Perry (1990:23) found that the courts accepted that male-to-female harassment was based on sex and the same applies about homosexuals harassing members of their own sex. The question that presented the courts with the most difficulty, is however, whether same-sex sexual harassment can exist where the harasser is not homosexual? Fink and Perry (1999:23) state that the fourth element is the deciding factor in most sexual harassment cases, and if it is found that the harassment was severe and pervasive enough to affect the recipient's conditions of employment, then sexual harassment has been proven. Accordingly, this element in same-sex sexual harassment is no different from opposite sex sexual harassment. The final element relates to whether or not the employer was aware of it, or ought reasonably to have been aware of, the sexual harassment and failed to take the appropriate action. There is no difference between this analysis in same-sex sexual harassment, and the analysis in opposite-sex sexual harassment. Fink and Perry (1999:22-24) therefore concur with Gemignani (1998:16) that same-sex sexual harassment can and does exist.

Having considered the various forms of sexual harassment behaviour, the question is whether it is possible to identify individuals beforehand in an organisation who would be prone to such behaviour.

2.7 DANGEROUS PERSONALITY TYPES

As prevention of sexual harassment is the main objective in any organisation, it has become even more important to recognise a potential sexual harasser and to take action before a situation becomes serious. Therefore, it is essential for every manager to watch the behaviour of co-workers, including other managers, and to report and deal with questionable conduct. Orlov and Roumell (1999:28-30) identify ten potentially dangerous personality types in companies, namely

- (1) **The dirty joker/office clown.** This person has a sense of humour and shares funny stories with co-workers. Although it can be healthy, when these jokes take a sexual turn, it is time to act and have a chat.
- (2) **The close encounter of the third, fourth and fifth kind.** This person always gets uncomfortably close to co-workers when speaking to them.
- (3) **The “touchy feeler.”** This person actually touches others (e.g. an arm around the shoulder).
- (4) **The office gossip.** Every workplace has a rumour mill and usually a handful of employees keep it going. Managers need to be perceptive and try to separate fact from fiction, especially when the gossip centres on sexual matters.
- (5) **The sexual braggart.** This person often goes around the workplace discussing his or her sexual conquests and, as a result, often offends people.

- (6) **The sexual enquirer.** This person goes around asking co-workers about their sex lives.
- (7) **The curser.** This person constantly uses the four-letter word – other with sexual connotations. This can lead to more serious offensive conduct and should be stopped immediately.
- (8) **The after-work socialiser.** When an employee persistently targets one or two co-workers with an invitation for after-work cocktails, trouble may be on the way.
- (9) **The date baiter.** This person constantly asks co-workers out on dates.
- (10) **The poster, pin-up or picture purveyor.** This person has pictures, posters or other visual or written material of a sexual nature on the office walls. These should be removed immediately as they can offend other employees and give the organisation a bad reputation.

Thus, identifying possible dangerous behaviour can be an important first step in the prevention of sexual harassment.

Another important aspect is the individual and organisational cost of sexual harassment. By becoming aware of these costs an organisation can make a concerted effort to proactively manage and prevent the occurrence of this type of behaviour in the workplace.

2.8 THE COST OF SEXUAL HARASSMENT

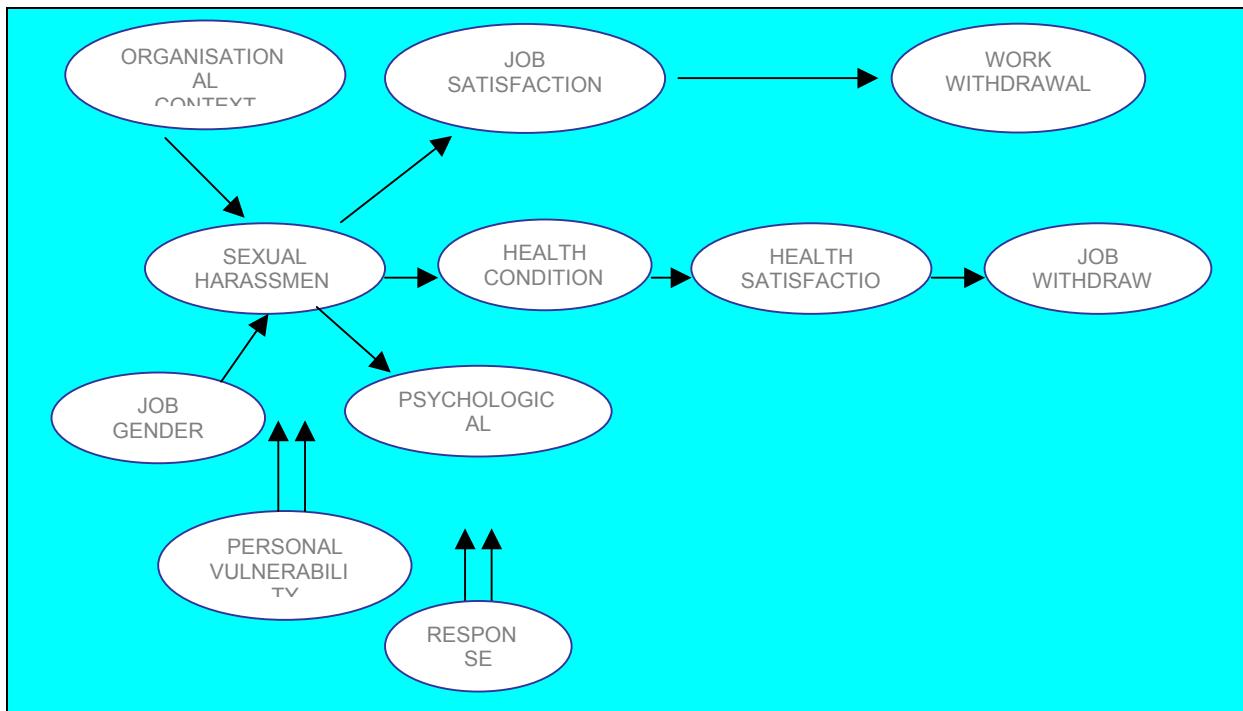
As mentioned earlier, sexual harassment holds negative implications for the victim as well as the organisation, which may be equated to financial losses. The financial costs are not limited to legal suits, since legal damages associated with sexual

harassment suits are minor when compared to the cost of reduced productivity, absenteeism, turnover, requests for transfers and medical and emotional counselling (Knapp, Faley, Ekeberg & du Bois, 1997:688). Allegations of sexual harassment affects an organisation's bottom line directly through litigation and settlement costs and indirectly through redirection of management's attention, reduction in employees' morale and finally by the loss of shareholders confidence (Pearson, 1997:25). The indirect costs to the employer, comprising job turnover, sick leave and reductions in both the individual and group productivity, are difficult to quantify. In addition to the monetary losses arising out of the indirect costs, the bottom line effect resulting from the damage to the company's image and loss of shareholders' confidence can be more significant than all other factors combined (Pearson, 1997:25). Psychological effects on victims are difficult to measure because victims attempt to minimise or hide their feelings. However, the psychological effects of powerlessness and loss of self-confidence have a negative effect on the victim's performance (Tang et al, 1996:55). The various costs of sexual harassment for the parties involved are discussed next.

2.8.1 Individual victim costs associated with sexual harassment

For the individual, the cost of sexual harassment may be categorised into three domains: physical health, psychological health and work outcomes (Gutek & Koss, 1993:28).

Fitzgerald, Drasgow, Hulin, Gelfand and Magley (1997:578), maintain that sexual harassment in an organisation is a function of the organisational climate and job gender. Organisational climate and job gender predict the prevalence of workplace sexual harassment, which, in turn, negatively affects job satisfaction, health conditions and psychological conditions. The interrelationship between organisational climate and job gender resulting in a negative impact on an employee's job satisfaction, health conditions and psychological conditions, is depicted in figure 2.2 on page 2-28.

FIGURE 2.2 ANTECEDENTS AND CONSEQUENCES OF SEXUAL HARASSMENT

Source: Fitzgerald, Drasgow, Hulin, Gelfand and Magley (1997:579)

Figure 2.2 above, indicates that the organisational context refers to the organisational characteristics that communicate tolerance of sexual harassment, whereas the job gender context denotes the gender nature of the workplace, such as the gender ratio and nature of the job, duties and tasks (i.e. gender traditional or non-traditional). The job satisfaction context includes factors such as work withdrawal, which manifests itself in victims' avoiding work tasks through absenteeism and tardiness, and job withdrawal by means of resigning; the health conditions relate to the victims' reactions to sexual harassment and include headaches, gastrointestinal disorders and sleep disturbances; and the psychological conditions constitute stress-related outcomes suffered by victims, such as anxiety and depression (Fitzgerald et al, 1997:579).

In addition, figure 2.2 above, indicates that the impact of sexual harassment on victims is moderated by the victims' personal vulnerability and by their response to the sexual harassment itself. In this regard it is important to note that the individual effects of sexual harassment may be evaluated against work stressors or organisational stressors.

Hanisch (1996:179) points out that sexual harassment must be seen as just one of several organisational stressors, such as work overload, unfriendly co-workers, role ambiguity and role conflict. Organisational stressors, including sexual harassment, have a causal relationship. Figure 2.3 (page 2-30), illustrates Hanisch's (1996) framework for studying sexual harassment as an organisational stressor.

Figure 2.3 (page 2-30) indicates that sexual harassment, being an organisational stressor, has an effect on the health, behaviour and attitude of the person who is exposed to workplace sexual harassment. Victims' health, behaviour and attitude can be affected in various ways.

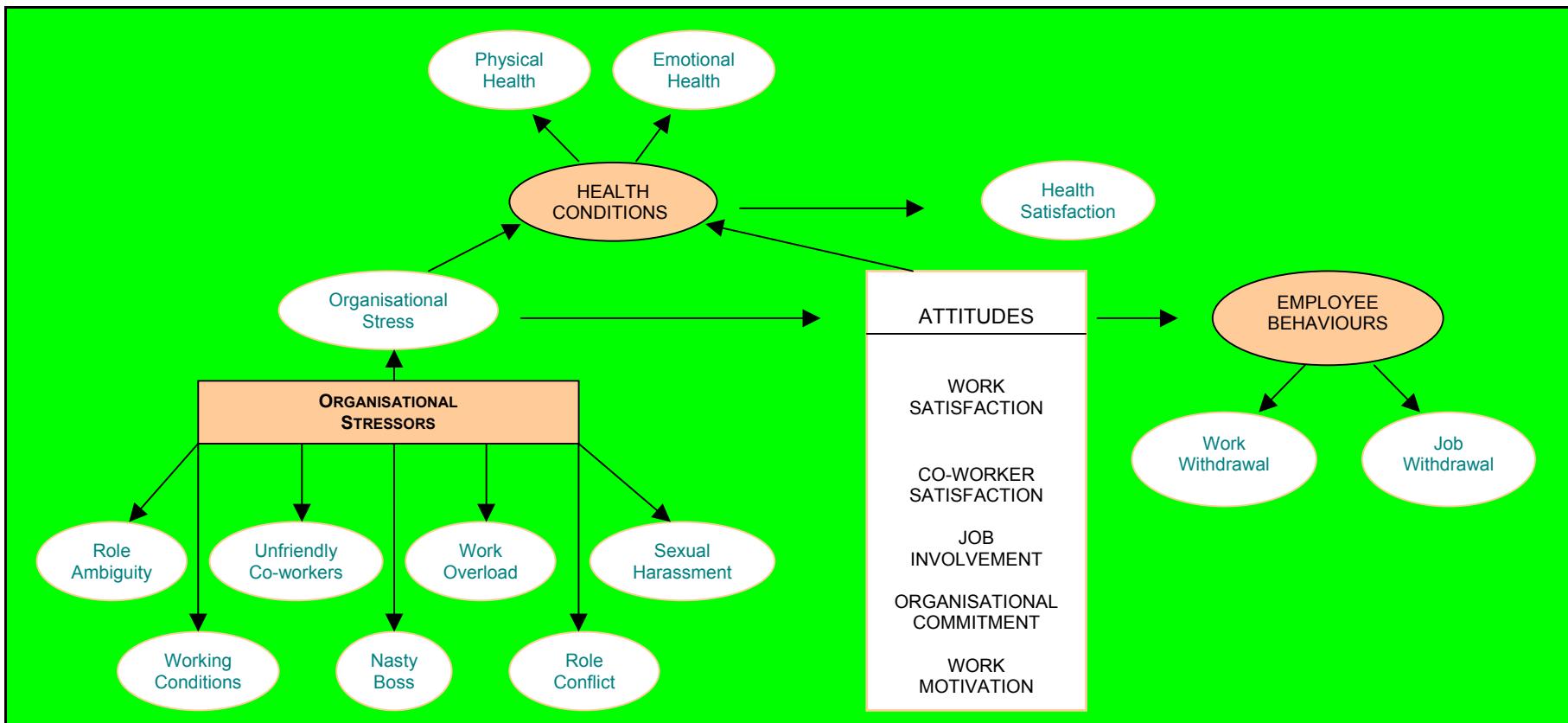
- **Health**

Victims of sexual harassment exhibit a deterioration in both physical and psychological health (Hanisch, 1996:181). The physical health symptoms range from inability to sleep, appetite disturbances, headaches, urinary tract infections, weight loss, nausea to physical injuries resulting from a sexual assault attack (Crull, 1982; Gutek, 1985; Webb, 1994). The emotional psychological health factors related to sexual harassment include fear, depression, anxiety, low self-esteem, humiliation, a sense of helplessness and loss of self-confidence (Gruber et al, 1982; Koss, 1990; Gutek, 1985; Tong, 1984). Hanisch (1996:181) established that victims who experience emotional stress seek psychological therapy and counselling as a result of the harassing experience. Therapy and counselling, in turn, cost money.

- **Attitudes**

Employees' attitudes are directly related to organisational stressors (Judge, Hanisch & Drankowski, 1995:574). Sexual harassment, as an organisational stressor, negatively impacts on victims' work satisfaction and on their commitment to the organisation (Gruber et al, 1982:271; Hanisch, 1996:182). These negative attitudes of victims contribute to a decrease in morale, which, in turn, could manifest itself psychologically.

FIGURE 2.3 INTEGRATED FRAMEWORK FOR STUDYING SEXUAL HARASSMENT AS AN ORGANISATIONAL STRESSOR



Source: Hanisch (1996:178)

- **Behaviour**

The employee behaviour manifested as a direct consequence of sexual harassment takes the form of work withdrawal or job withdrawal. Work withdrawal is any form of behaviour designed to avoid work tasks and minimise work role involvement, while still retaining organisational membership (Hanisch, 1996). It can take the form of tardiness, absenteeism and avoiding the harasser, which could include missing meetings or leaving the workplace whenever the harasser is present. Hanisch (1996:184) points out that in 1988 absenteeism by only 6% of victims of sexual harassment already cost the USA over US\$9 million in lost salaries. Therefore this individual cost should not be taken lightly as it has a direct impact on the bottom line of the organisation.

Job withdrawal means victims resign or take early retirement (Hanisch & Hulin, 1990:60). Victims who are forced to resign as a result of sexual harassment experience the stigma of being dismissed or fired which, in turn, negatively affects their employment opportunities. Hanisch (1996:185) also points out an additional cost for the victim, namely the cost of relocating, in order to start a new job.

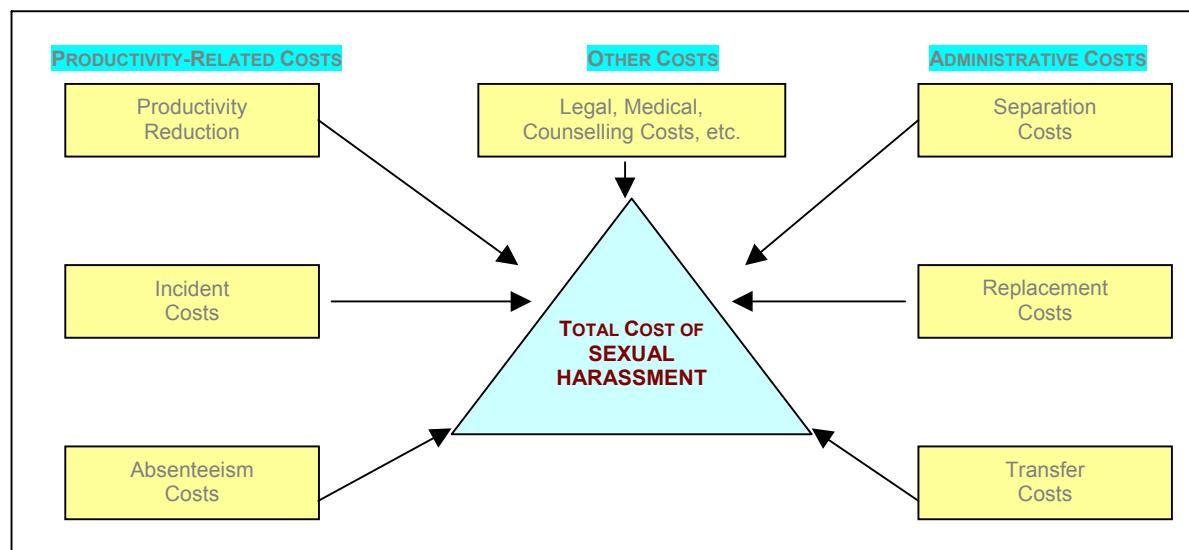
2.8.2 Organisational costs associated with sexual harassment

The cost to an organisation that fails to manage sexual harassment in the workplace includes increased absenteeism, staff turnover and decreased motivation leading to decreased productivity, which, in turn, affects a company's bottom line (Martindale, 1988; Gutek et al, 1993; Knapp et al, 1996). The first research into computing the organisational cost of sexual harassment was conducted by the United States Merit System Protection Board in 1982. According to this investigation, the cost to the federal workforce was an annual US\$88.7 million (Knapp et al, 1996:201). The study was repeated in 1987 and revealed that the annual cost had increased to \$167.3 million made up of (a) job turnover cost: \$36.7 million; (b) sick leave cost: \$26.1 million; (c) individual productivity cost: \$76.3 million; and (d) work group productivity cost: \$28.2 million (Knapp et al, 1996:201). A similar study to the one conducted by Knapp and Kustis (1996) was undertaken by the Board from April 1992 to April 1994

which study showed a significant increase in the cost of sexual harassment from the \$88.7 million in 1982 to U\$188.7 million in 1994 (Pearson, 1997:26). It is important to note that these costs excluded legal, transfer and counselling costs.

Knapp and Kustis (1996:199-213) developed a behaviour-costing model to indicate the interrelationship between the organisational costs associated with sexual harassment (see figure 2.4 below).

FIGURE 2.4 A BEHAVIOUR COSTING MODEL FOR SEXUAL HARASSMENT



Source: Knapp & Kustis (1996:203)

As can be seen from figure 2.4 above, the model is constructed in terms of three main cost categories, namely productivity-related, administrative and other costs. Knapp and Kustis (1996:203) devised various formulae to physically quantify the cost of sexual harassment in the company. Analysing the respective quantifiable costs enables an organisation to establish where best to spend time and effort to curtail sexual harassment so as to improve the company's bottom line profitability.

2.8.2.1 Productivity-related costs

Productivity-related costs are based on an economic assumption that an employee's compensation is a direct correlation of the employee's overall productivity contribution

to the organisation (Knapp et al, 1996:203). The productivity costs can be further broken down into (1) reduction in productivity; (2) cost of the time during the harassing incident and (3) absenteeism costs arising out of the harassing experience.

(1) *Productivity-reduction costs*

Productivity-reduction costs are costs arising from a decline in the victim's productivity during the period of the actual harassment. Knapp and Kustis, (1996:204) propose the following formula to calculate the annual productivity-reduction costs of sexual harassment in an organisation:

$$P = \sum_{i=1}^n t_i [p (Pay + Benefits)_e]$$

where P = total annual productivity-reduction costs
 p = percentage of reported productivity reduction
 t = length of productivity reduction
 e = employee
 n = number of employees affected
 i = a factor of 1
 Σ = sum of

(2) *Incident costs*

Incident costs relate to the actual working time lost by both the harasser and the victim as a direct result of the harassing incident. The incident costs are separate to productivity-reduction costs, in that the incident itself may take time away from productive work. However, the victim's productivity level itself may be unaffected after the occurrence of the incident (Knapp et al, 1996:204). A time estimate must be assigned to each incident, which would vary depending on the severity of the actual harassing incident. Knapp and Kustis (1996:204) indicate that no literature is available concerning the time it takes to harass an individual because incidences are often performed covertly and it is unethical to determine this information experimentally. Nevertheless they propose the following formula to estimate the total time-related incident costs due to sexual harassment in an organisation's workplace:

$$I = \sum_{i=1}^n t_i [(Pay + Benefits)_e + (Pay + Benefits)_h]$$

where I = total annual incident costs
 h = harasser
 e = employee
 t = time elapsed during incident
 n = number of employees affected
 i = factor of 1
 Σ = sum of

(3) Absenteeism costs

Absenteeism costs relate to unplanned leave taken by the victims. Whenever an employee is absent due to unplanned leave, the organisation faces an indirect cost of the supervisor's time while finding a replacement, instructing or inducting the replacement and inspecting the replacement's work.

The following formula may be used to determine the cost of absenteeism due to sexual harassment in an organisation's workplace (Knapp et al, 1996:205):

$$A = \sum_{i=1}^n h_i (Pay + Benefits)_e + \sum t_i (Pay + Benefits)_s$$

where A = total annual cost of absenteeism
 h = hours absent (employees)
 t = supervisory hours required to deal with employee absenteeism
 e = employee
 s = supervisor
 n = number of employees affected
 i = a factor of 1
 Σ = sum of

2.8.2.2 Administrative costs

Administrative costs are a combination of separation, replacement (severance) and transfer costs.

(1) *Separation (severance) costs*

Separation costs are a combination of the administrative cost of processing the separation and the actual separation (severance) pay. With a separation, an organisation would conduct exit interviews, which take time and therefore this can be seen as a cost. Various termination documents also need to be completed and due to the time involved, this also amounts to a cost.

The following formula may be used to estimate the total value of the separation (severance) costs due to sexual harassment in an organisation's workplace (Knapp et al, 1996:206):

$$S = \sum_{i=1}^n (s_i + a_i)$$

where S = total annual separation costs

s = cost of separation for an employee

a = administrative costs associated with separation

n = number of employees affected

i = a factor of 1

Σ = sum of

(2) *Replacement costs*

Replacement costs to the organisation comprise recruitment fees and training expenses for the newly appointed employee. Both these costs have a variable component. Training costs, for example, include induction-training expenses as well as specialised skills training, while recruitment costs include the indirect cost of the interviewing time as well as the processing of the actual engagement, and a direct cost for advertising and agency placement fees.

The cost of training and recruiting a new employee as a result of sexual harassment can be estimated with the following formula (Knapp et al, 1996:206):

$$R = \sum_{i=1}^n (t_i + r_i)$$

where R = total annual replacement costs
 t = training cost for employee
 r = recruitment cost for employee
 n = number of employees affected
 i = a factor of 1
 Σ = sum of

(3) Transfer costs

Transfer costs are the costs to an organisation whenever a victim of sexual harassment is transferred to another department or relocated geographically. Knapp and Kustis (1996:206) propose the following formula to determine the value of transfer costs due to sexual harassment in an organisation:

$$T = \sum_{i=1}^n (t_i + a_i)$$

where T = total annual costs
 t = cost of a move for an employee
 a = associated administrative costs
 n = number of employees affected
 i = a factor of 1
 Σ = sum of

2.8.2.3 Other costs

Other costs associated with sexual harassment include litigation, internal grievance and disciplinary intervention, as well as medical expenses related to psychological counselling of the victims in terms of the organisation's employee assistance programme. There may also be other indirect costs, such as lowered employee morale and mistrust of the organisation. The consequences of the indirect costs manifest themselves in errors and mistakes in work performance, and necessitate reducing the job/work performed by the victim of sexual harassment. Knapp and Kustis (1996:207) propose the following formula to calculate other costs due to sexual harassment in an organisation:

$$O = \sum_{i=1}^n (d_i + ci)$$

where O = total annual other costs
 d = direct other costs for an employee
 c = indirect other costs for an employee
 n = number of employees affected
 i = a factor of 1
 Σ = sum of

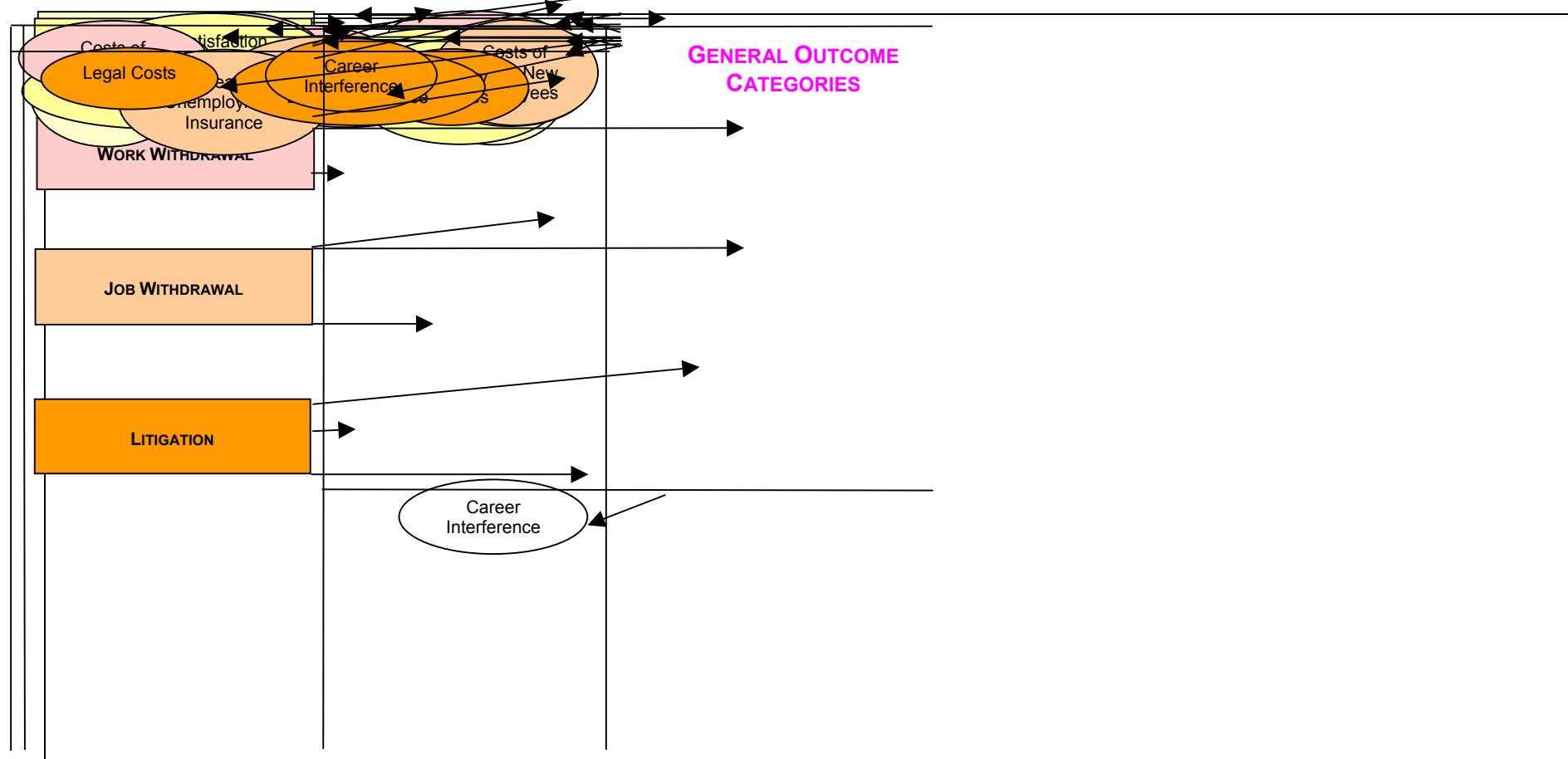
The aggregate of the various costs discussed above represents the total cost of sexual harassment to an organisation which, according to Knapp and Kustis (1996), can be calculated by using the formula: SH = $\int [P + I + A + S + R + T + O]$.

Thus, the above formula makes it possible to determine the actual monetary cost to an organisation that fails to prevent the occurrence of sexual harassment. In the absence of a method to quantify the costs, organisations would only be able to speculate the costs associated with separations, replacements and absenteeism. The inability to demonstrate, in monetary terms, the cost of workplace sexual harassment would render it extremely difficult to persuade any board of directors of the need to spend time, effort and money preventing this form of behaviour in the workplace. The formulae, therefore, become an important motivating tool to convince management of the need to proactively manage sexual harassment and in so doing, improve the financial bottom line of the organisation.

The various individual and organisational costs may be diagrammatically displayed in one model as indicated in figure 2.5 (page 2-38). By examining figure 2.5, it becomes apparent that the antecedents and consequences of sexual harassment set out in figure 2.2 (page 2-28), the organisational stressors in figure 2.3 (page 2-30), and the costs of harassment set out in figure 2.4 (page 2-32), are all contained in this model, thereby making it a comprehensive cost analysis model of workplace sexual harassment.

The effects of sexual harassment on the harasser are discussed in section 2.9.

FIGURE 2.5 INDIVIDUAL AND ORGANISATIONAL OUTCOMES OF SEXUAL HARASSMENT



Source: Hanisch (1996:174)

2.9 EFFECTS OF SEXUAL HARASSMENT ON THE HARASSEUR

The consequences for the harasser are an important issue in sexual harassment. A harasser faces the consequence of having his/her service in the organisation terminated. Employees of an organisation have the right to be safeguarded against abuse which means that the onus is on the company to protect the employees by dismissing offenders found guilty of such abuse (Lindemann et al, 1992:387). Over and above the immediate loss of employment, harassers could be liable for exemplary damages. This is aimed firstly at punishing the offender and secondly at deterring others from committing similar unlawful acts (Towers, 1992:376). In terms of tort law (Pepper & Kennedy, 1981:40), harassers could be held liable for pecuniary losses, injury to feelings and aggravated damages.

Finally, how victims respond to sexual harassment is an important consideration.

2.10 RESPONSE STYLES OF SEXUAL HARASSMENT VICTIMS

Based on their mental appraisal of the incident, victims of sexual harassment may respond to the harassment in various ways. Fitzgerald, Swan and Fischer (1995:117) identify two forms of appraisal conducted by victims of sexual harassment. The first appraisal is for a victim to assess whether or not the experience was either stressful or threatening. Gender differences in the appraisal process are important. Since, as indicated earlier, women are most often the victims, they are more likely than men to appraise the harassment as constituting a threat (Lindemann et al, 1992:6; Stockdale, 1996:16). The second appraisal that victims can make, depend on how they respond psychologically to the harassment.

Based on the appraisal, the victim will determine how to respond during the cognitive appraisal process and may elect to respond assertively or passively (Gruber, 1989; Stockdale, Cashin & Tardino, 1995). Passive responses would include ignoring or denying the experience whereby the victim believes that this will reduce the amount of

stress (Stockdale, 1996:17). Alternatively, the victim may respond assertively and try to stop the harasser or seek institutional redress. A victim's perception of the offensiveness of the harassment, including of the threats and advantages associated with potential forms of responding, will influence how the victim actually responds (Stockdale, 1996:18). Stockdale (1996:17) points out that the expectancy theory of motivation predicts that a victim will not elect a course of action, which he/she perceives as yielding undesirable consequences. Victims would be reluctant to report incidences of sexual harassment for fear of retaliation, such as being subjected to additional harassment, ostracised by co-workers or transferred to another department, or of being involved in a long and arduous process with little, if any, satisfaction, leading to both emotional and financial costs (Thacker, 1996:1107; Carbonell et al, 1990:4).

Organisations should take cognisance of the fact that victims may often decline to report incidences. The non-reporting of the incident constitutes a passive response by the victim. The fact that reports are not forthcoming does not mean that the workplace is free of harassment. Being aware of passive responses, enables organisations to identify behaviour that is uncharacteristic of employees and indicates a possible "sexually charged" workplace warranting management's active intervention. Alternatively, the victim may elect a response style that may be internally or externally focused. The internally focused response style is characterised by attempts to manage the psychological impact of the incident (Fitzgerald et al, 1995:117). In this type of response, the victim tries to minimise the stress of the sexually harassing behaviour, by ignoring, denying, enduring or re-defining the event. The external response style tries to change the circumstances giving rise to the harassment or to solve the harassment problem. In this case, the victim avoids the harasser, assertively tries to stop the harasser, or seeks redress from the organisation.

2.11 CONCLUSION

This chapter examined sexual harassment from a micro and a macro perspective. The discussion focused on the definition of sexual harassment, “quid pro quo” and “hostile work environment” harassment, same-sex harassment, and the cost of sexual harassment to the victim, the organisation and the harasser. In addition, a model for studying sexual harassment as an organisational stressor and formulae for assessing the total cost of sexual harassment, including productivity-related, administrative and other costs, were described in detail. Finally, the effects on the harasser and how victims responded to harassment were dealt with.

Chapter 3 discusses a sexual harassment policy for company use in order to manage this problem effectively.