

# Sexual harassment: the new HR challenge

All companies have resources which constitute their strategic assets. By utilising these resources in an effective manner, they can contribute towards gaining the competitive advantage necessary to survive in the new globalised economy.

These resources can be identified as financial capital, physical capital, human capital and organisational capital resources. Any adverse factors that present themselves in the organisation will impact detrimentally on the performance of these resources.

In recent years, one factor has become prominent in the management of a company's human resources namely sexual harassment. Sexual harassment constitutes behaviour that leads to, and perpetuates, a working environment in which it becomes unpleasant to work.

The ultimate consequence of allowing sexual harassment to go unchecked is that it leads to the underperformance of those employees subjected to this form of conduct. Besides the cost of litigation that is associated with sexual harassment, other more subtle costs are associated with the psychological and physiological harm to the victims.

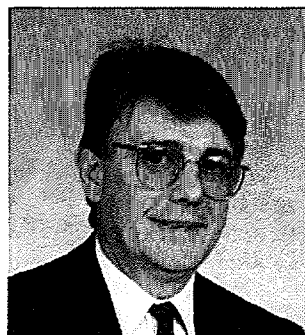
For example, victims often experience depression, frustration, nervousness, fatigue and hypertension which, in turn, leads to decreased productivity and increased absenteeism.

With more woman entering the work situation as a result of the implementation of the Employment Equity Act, sexual harassment is becoming more prevalent and this new dimension of discrimination is causing concern to management. Please note that males can also experience sexual harassment and that same sex sexual harassment is possible as well.

The question is: what can companies do to prevent this potentially damaging phenomenon?

In an attempt to assist in this regard, the government, in 1998, published a code of good practice on the handling of sexual harassment. It is included as an Appendix to the Labour Relations Act (section 203(1)). The main problem is that although the code provides some guidelines regarding sexual harassment, it does not assist companies in the actual management of this phenomenon.

Companies have turned to their HR department for guidance. The challenge for HR managers is thus to develop guidelines for the management of sexual harassment within their companies. Because of the potential impact sexual harassment can have on the company's growth potential, the focus has to be on prevention.



In studying the literature, it was found that potentially three challenges confront the HR manager namely:

- ❖ identifying/recognising the most dangerous personality types within the company,
- ❖ drawing up a good sexual harassment prevention policy,
- ❖ providing effective sexual harassment training.

These issues will be addressed in this article. Before proceeding, however, let us look at the concept of sexual harassment and the two main types that can be identified.

In defining sexual harassment the guidelines in the literature are very clear that a sexual advance, request for sexual favours or sexual conduct, verbal or physical, must be 'unwelcome' – the complaining individual must show that he or she did not want, invite, solicit or encourage the sexual conduct in order to show that sexual harassment actually occurred.

Two forms of harassment can be distinguished:

- ❖ 'quid pro quo' sexual harassment and
- ❖ "can't take it any more" or 'hostile environment' sexual harassment.

The former relates to a situation where 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. The *quid pro quo* form of sexual harassment therefore describes a situation in which a supervisor offers job benefits in exchange for sexual favours.

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 thus represents a breach of trust and an abuse of power.

Secondly, as mentioned earlier, sexual harassment can poison the work environment resulting in adverse consequences for the victim's psychological, emotional and physical wellbeing.

*Prof Piet Grobler (left) is head of human resource management in the Department of Business Management at Unisa, Prof Barney Erasmus (centre) is head of labour relations and training in the same department and Rudi Kölkenbeck-Ruh (right) is director of human resources at Philips South Africa.*

Where the effects of sexual harassment are the creation of a hostile, abusive or offensive atmosphere, the victims who have to work under such circumstances enjoy less favourable working conditions than their colleagues.

Where the effects of sexual harassment are the creation of a hostile, abusive or offensive atmosphere, the victims who have to work under such circumstances enjoy less favourable working conditions than their colleagues.

According to the literature the hostile environment, unlike *quid pro quo* describes a case in which a supervisor, a co-worker or even a customer can be the perpetrator.

With the foregoing as background, we will now address the first challenge facing the HR manager namely that of identifying/recognising the most dangerous personality types within the company.

Darlene Orlov and Michael Roumell have identified the following ten potentially dangerous personality types within companies:

- ❖ *The dirty joker/office clown* – this is a person that has a sense of humour and shares funny stories with co-workers. Although it can be healthy, one must be on the look out when these jokes take a sexual turn. Then it is time to act and have a chat.
- ❖ *The close encounter of the third, fourth and fifth kind* – this person always gets uncomfortably close to co-workers when speaking to them.
- ❖ *The 'touchy feeler'* – these are the type of people who actually touch others e.g. an arm around the shoulder.
- ❖ *The office gossip* – every work place has a rumour mill and usually a handful of employees keep it going. As a manager, you need to be perceptive and try to separate fact from fiction especially when the gossip centres around sexual matters.
- ❖ *The sexual braggart* – this person often goes around the work place discussing his or her sexual conquests and as a result, often offends people.
- ❖ *The sexual enquirer* – this person goes around asking co-workers about their sex lives.
- ❖ *The cusser* – this person constantly uses the four letter word – many with sexual connotations. This can lead to more serious offensive conduct and should be stopped immediately.
- ❖ *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.
- ❖ *The date baiter* – this individual constantly asks co-workers out on dates.
- ❖ *The poster, pinup or picture purveyor* – this person has pictures, posters or other visual or written material of a sexual nature of the walls of his or her office. These should be removed immediately as they can offend other employees and give the organisation a bad reputation.

Identifying possible dangerous behaviour can be an important first step in the prevention of sexual harassment. However, as this can only involve a limited number of employees, the HR manager should embark on other processes that will get the involvement of a larger audience. He or she can achieve this by drawing up a good sexual harassment prevention policy.

This is not an easy task. Various articles in the literature provide some guidance and we will look at some important aspects:

- ❖ *A zero tolerance statement* – one of the first and basic issues that need to be included in a sexual

harassment policy is a statement of zero tolerance.

- ❖ *Definition of sexual harassment* – a definition of sexual harassment that is simple and clear must be highlighted in the policy.
- ❖ *Examples of prohibited conduct* – to enhance the policy, a few clear examples of prohibited conduct that will or could be considered sexual harassment, must be included.
- ❖ *Duties and responsibilities* – it is important to state in the policy that it is the duty of every person in the company to report questionable sexual conduct promptly. It should also be stressed that communication and dialogue among workers is essential if the policy is to function effectively.
- ❖ *No retaliations* – the policy should state further that there will be no retaliation in respect of employees that report inappropriate sexual conduct or assist in its prevention.
- ❖ *Complaint procedure* – a proper complaint procedure should be included in the policy. This is important as it will help employees on what to do and where to go if they experience or observe sexual harassment. The employees must be given options on where to report, for example, if the harasser is the supervisor, who else can they go to, e.g. to a manager after hours. It must also be stated that the complaint need not be submitted in writing only, but can be lodged verbally as well. There must also not be a time limit on reporting such an incidence.
- ❖ *Investigating procedure* – the investigating procedure should be clearly spelt out in the policy. For example, the individual that will conduct the procedure needs to be disclosed. Besides this, the timing must be stated, the mechanics need to be announced, e.g. state that interviews will be conducted, evidence gathered by means of documents, photographs or any other tangible articles or items. The policy should also stipulate that the results of the investigation will remain confidential – shared only with those individuals who need to know.

Once the policy is drawn up a number of other steps need to be taken to make it available to every employee within the organisation. The policy is normally included in an employee handbook, but besides this, it is advisable to also send it as a separate memo to the entire work force at least twice a year – possibly by mailing it to the employees' homes.

It is essential that every employee also sign and date an acknowledgement form stating that he or she received the policy, read it, understood it and agrees to abide and be bound by it. The company should also, in the form of a poster, place the policy in conspicuous places at the work site.

It must be reviewed in small group meetings with employees preferably during the workday and shortly after it was distributed. It is advisable to make these meetings mandatory.

Having concluded the above steps, the next important process starts, namely the training of all employees in the company.

Implementing a sexual harassment training programme for all employees is vital as this will enable the work force to have the same knowledge and understanding of the issue. The key objective

of this training is to eliminate sexual harassment from the work place altogether.

A properly implemented training programme can have an extremely positive effect on employee morale provided that the focus is on communication and empowerment tools for employees. Fighting sexual harassment can be used as a method for improving teamwork and solidifying the employees with a common goal.

One of the most important goals of training should be to change inappropriate behaviours. Employees will never know how to act properly if they do not understand what proper behaviour is.

Thus, the training programme needs to focus on behavioural changes by identifying specific behaviours that could pose a problem. When designing the training programme it is extremely important to assess the actual needs of the company and what you are trying to accomplish.

In this process it is important to identify what the culture in the organisation is concerning sexual harassment. One needs to determine if people are generally uninterested, if they have any awareness of the problem or if most believe it is no big deal.

It is important to determine whether there is an area of the company that would benefit the most directly from the training or whether a problem area already exists. The decision must be taken whether internal or external trainers will be used.

As this is a very specialised area, the services of an expert in the field may be the best. This will ensure that employees receive the best training available.

It is further important that besides the general training, managers must be trained to be able to recognise and deal with sexual harassment issues. They need to know the types of conduct that constitute sexual harassment, the procedures on how to take a complaint and report it through the proper channels as well as methods of implementing prompt corrective action and identifying and dealing with their own behaviours.

Certain topics must be covered in any sexual harassment training programme. It must be remembered that the goal is not only to educate employees on the legal perils of sexual harassment, but also to train them on appropriate and inappropriate behaviours as mentioned earlier as well as how to recognise and deal with a wide array of sexual harassment problems.

According to Orlov and Roumell the following primary topics need to be addressed in any sexual harassment training programme:

- ❖ outline the legal definitions of sexual harassment

with specific examples of the two types of harassment,

- ❖ stress the concept of 'unwelcome' sexual advances,
- ❖ clarify the company's existing sexual harassment prevention policy and offer suggestions for improvement,
- ❖ reinforce the organisation's commitment and top management's support for maintaining a work place free of sexual harassment,
- ❖ emphasise each individual employees' personal responsibility for following the organisation's policy in this regard and maintaining a work place free of sexual harassment,
- ❖ explain retaliation issues and give examples of how they can occur and how to avoid them,
- ❖ use role playing exercises to heighten the awareness and understanding of what is and what is not appropriate conduct. Underscore the importance of treating people in a respectful and professional manner,
- ❖ use additional role playing exercises to develop skills for identifying, preventing and stopping sexually harassing behaviours and other inappropriate conduct at the work place,
- ❖ offer detailed guidance on how to avoid and handle being the target of sexual harassment,
- ❖ carefully instruct on the proper procedures for reporting a sexual harassment complaint and a manager's responsibility in this regard. Listening skills should be stressed,
- ❖ clarify all sexual harassment complaint investigation procedures and the role of managers in investigating a complaint.

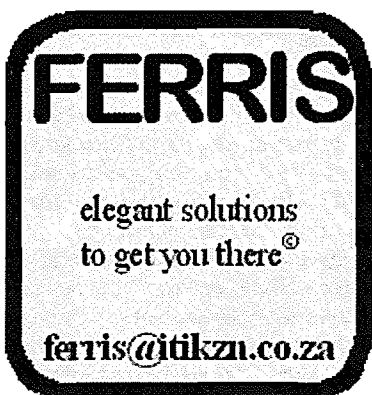
Sexual harassment is therefore an issue that is shrouded in both controversy and ambiguity. Its presence manifests itself negatively on both the wellbeing of employees and organisations. Consequently, management needs to view sexual harassment as an area of concern as it ultimately affects the overall efficiency of organisations.

To help company's cope with this issue, HR managers can address the challenge by doing the following:

- ❖ identifying dangerous behaviours on the part of employees,
- ❖ drawing up a good preventative policy and
- ❖ providing employees with the necessary training in this area.

Implementing these steps in the work place will probably not totally eliminate sexual harassment, but will help contribute to the process of preserving and ultimately improving the company's productivity and profitability. ■

*Sexual harassment is therefore an issue that is shrouded in both controversy and ambiguity. Its presence manifests itself negatively on both the wellbeing of employees and organisations. Consequently, management needs to view sexual harassment as an area of concern as it ultimately affects the overall efficiency of organisations.*



## FERRIS TECHNICAL SERVICES

a div of Ferris Eng Services (pty) Ltd



0860 21 9000

ZAC McDONALD

www.projectpartner.co.za



## QUALITY MANAGEMENT SYSTEMS SUPPLIER MANAGEMENT SOFTWARE