

SEXUAL HARASSMENT

By

SAM MBOGO

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ABSTRACT

Sexual harassment refers to any repeated or unwanted sexual advance, sexually explicit derogatory remarks or sexually discriminatory remarks that are likely to cause the victim some discomfort or humiliation. Sexual harassment is a serious crime that negatively affects the freedom of the victims to freely carry out their obligations without interference, humiliation or discrimination. Sexual harassment has adverse negative effects to the victims. Psychologically, sexually harassed students are likely to develop low self-esteem, depression, fear for personal safety, anger and increased risk of suicide. Similarly, they are likely to avoid attending school, refuse to talk in class, have difficulty concentrating, lose trust in school officials, become isolated, have a lower academic attainment or drop out of school altogether.

Keywords: Sexual harassment; Sexual abuse; offensive sexual advance; Sexual impropriety

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ABSTRACT

Sexual harassment can be defined as any repeated or unwanted sexual advance, sexually explicit derogatory statements, sexually discriminatory remarks that are likely to cause the victim some discomfort or humiliation. Sexual harassment is a serious crime that negatively affects the freedom of the victims to freely carry out their obligations without interference, humiliation or discrimination. Sexual harassment has adverse negative effects to the victims. Psychologically, sexually harassed students are likely to develop low self-esteem, depression, fear for personal safety, anger and increased risk of suicide. Similarly, they are likely to avoid attending school, refuse to talk in class, have difficulty concentrating, lose trust in school officials, become isolated, have a lower academic attainment or drop out of school altogether.

1.1 Introduction to Sexual Harassment

Sexual harassment is a serious crime that negatively affects the freedom of the victims to freely carry out their obligations without interference, humiliation or discrimination. The term sexual harassment was coined in by feminist activists in the 1970s in the United States (Crouch, 2001). Specifically, the term sexual harassment was coined and popularized by Lin Farley in 1975 (MacKinnon & Siegel, 2004). According to Jahya¹ (2014), sexual harassment was accepted as a form of gender discrimination in United States by mid 1970s while the first case of sexual harassment was prosecuted in 1976 for using inappropriate language and sexually harassing female work colleagues.

Sexual harassment has adverse negative effects to the victims. Psychologically, sexually harassed students are likely to develop low self-esteem, depression, fear for personal safety, anger and increased risk of suicide. Similarly, they are likely to avoid attending school, refuse to talk in class, have difficulty concentrating, lose trust in school officials, become isolated, have a lower academic attainment or drop out of school altogether (The Panos Institute, 2003).

1.2 Definition of Sexual Harassment

Gerdes (1999) broadly defines sexual harassment as any repeated or unwanted sexual advance, sexually explicit derogatory statements, sexually discriminatory remarks that cause the recipient discomfort or humiliation.

Sexual harassment is a type of sexual discrimination that includes unwelcome sexual advances, requests for sexual favors, and sexual conduct that is directed toward a person because of gender (Boland, 2005).

Dromm (2012) defines sexual harassment as the bullying or coercing someone to have sex, or making unwanted sexual advances or inappropriate promises of rewards in exchange of sexual favours.

Baker (2008) defines sexual harassment as any repeated and unwanted sexual comments, looks, suggestions, or physical contact that one may find objectionable or offensive and causes some form of discomfort to the victim.

One thing that is clear from these definitions is that sexual harassment is usually committed by someone in a position of power to coerce or seek sexual favours from a person mainly of the opposite gender against their will, which end up humiliating such victims. The behaviour is both unwanted and hampers an individual's advancement or well-being.

1.3 Forms of Sexual Harassments

There are two recognized types of sexual harassment. One type is called quid pro quo, and includes a situation in which some benefits are conditioned upon sexual favors. The second type is called a hostile work environment, in which the severe or pervasive conduct causes a hostile, intimidating, or offensive work or school environment. Many times, both types exist in the same case (Boland, 2005).

- Quid pro quo means "this for that." Sexual advances are made to a victim with the promise of some benefits. Quid pro quo harassment occurs when sexual demands are made (or threatened) as a basis for work-related decisions such as sex for good marks, job promotion or firing.
- Hostile environment harassment occurs when sexual conduct or materials in the workplace unreasonably interfere with a person's ability to perform her or his job, or

when they create a hostile, intimidating or offensive working environment. One could be subjected to comments of a sexual nature, unwelcome physical contact, or offensive sexual materials as a regular part of the work or school environment

1.4 Types of Sexual Harassments

Center for Victim Advocacy and Violence Prevention of South Africa (2010) has identified several types of sexual harassment as follows:

- Gender harassment: These are generalized sexist statements and behavior that convey insulting or degrading attitudes about women or men. Examples: insulting remarks, obscene jokes or humor about sex, etc.
- Seductive behavior: These are unwanted, inappropriate and offensive sexual advances. Examples include repeated and unwanted sexual invitation; insistent requests for dates/dinner/drinks; persistent letters, phone calls, etc.
- Sexual bribery: This involves solicitation of sexual activity or other sex-linked behavior by promise of reward; the proposition may be either overt or subtle.
- Sexual coercion: Coercion of sexual activity or other sex-linked behavior by threat of punishment; examples include negative performance evaluations, withholding of promotion, threat of termination.
- Sexual Imposition: This is gross sexual imposition such as forceful touching, feeling, grabbing, or sexual assault.

1.5 Theories of Sexual Harassment

Whaley and Tucker (1998) identifies three theories of sexual harassment which include the assumption that sexual harassment is a discrimination based on gender; sexual harassment is an offense against human dignity and sexual harassment is a health and safety issue. However, by de-emphasizing the issue of gender, this approach moves harassment law away from a theory of discrimination and violence against women toward broader questions of individual dignity and health and safety. This approach make the issue of sexual harassment more inclusive as it covers a wide variety of sexual harassment claims (Whaley & Tucker, 1998). Nevertheless, this approach is not without blame as it shifts the blame from one of the underlying causes of sexual harassment, which is the subordination of women to men. The health component regards sexual harassment as a degrading treatment or “psychoterror” which affects psychological stability of the victims (Gerdes, 1999).

Sbraga and O’Donohue (2000) propose five models to describe the development and maintenance of sexually harassing behavior. These are the natural or biological model, the sociocultural model, the organizational model, the sex-role spillover model and the four-factor model.

The Natural or Biological Model

The natural/biological model is the one mostly used in courtrooms to defend the perpetrators of sexual harassment. The model asserts that sexual harassment is a natural behavior that is the normal consequence of the stronger sex drive of men. As a result of this higher sex drive, there is a mismatch between the sexual desires of men and women, which results in sexually aggressive behavior at work. An extension of this theory is that evolution has produced different reproductive strategies in men and women and creates a conflict of interest that is

played out in the workplace. According to this theory, men seek to maximize their reproductive success by increasing the probability of impregnating as many females as possible. At the same time women must invest more time and energy in a pregnancy and want to ensure that the offspring will have adequate genes and resources from the male, thus they are choosier. As a result, men emit more sexual behaviors, and females are more rejecting of them. According to this theory, men emit sexual harassment behaviors in the workplace in order to improve the probability of gaining sexual access to more females.

The Sociocultural Model

The sociocultural model focuses on the larger social and political context in which sexual harassment occurs. This model proposes that harassing behaviors at work are an extension of male dominance in the society in which the organization is embedded. It posits that workers bring their gender roles and stereotypes into the workplace. The model asserts that men and women are socialized for stereotyped interactions to occur. Men are expected to display dominating and aggressive behaviors, whereas women remain more passive and blame themselves for being victimized. As a result of this manner of socialization, men view their behaviors as natural and justified. They consequently disregard the negative consequences for women.

The Organizational Model

The organizational model mainly addresses the immediate context of the harassment. It assumes that companies facilitate sexual harassment by creating power hierarchies and situations that set the stage for sexual harassment to occur. As a result of the power hierarchies that are established in organizations, people in positions of authority have the opportunity to exploit workers who are lower on the hierarchy. They can thus abuse their power to maintain dominance and to achieve sexual gratification. Organizations may also set up situations in

which men and women must travel together, spend time alone working on project, or work behind closed doors. Organizational norms may dictate that women appear sexy in order to be hired into that group (e.g., the personal appearance demands that were put on flight attendants for years). The organizational model asserts that institutional policies and power differentials provide an environment that is ideal for the development of sexual harassment.

The Sex-role Spillover Model

The sex-role spillover model assumes that workers bring gender-based expectations for behavior into the workplace, though these beliefs are not appropriate for work. They may or may not be appropriate for other contexts. This theory proposes that this occurs because gender identity is more salient than the worker identity. Men and women, therefore, fall back on these gender-based expectations in their work environments, where they are inappropriate. Conflicts are more likely to arise in situations in which the sex-role stereotypes are discrepant with the work roles of the particular genders. These are places in which gender is made more pronounced and is recognized over the work role. Women are, therefore, more likely to experience sexual harassment in nontraditional work situations involving works other than nurturing or being a sex object.

1.6 Causes of Sexual Harassment

Sexual harassment has been identified as a problem where the harasser want to exercise power over their victims by either reducing them from what they or limiting them from becoming what they might want to be (Buluma, 2009). For instance, incidents of head teachers and other educational officers demanding sexual favours with promises of promotions or transfers to preferred specific schools or districts have been reported by teachers. This is closely associated with gender stereotype and prejudice where men feels more superior to women and want to

abuse these powers to humiliate women. There is also a popular notion that women's highest calling is to please men.

Another cause of sexual harassment is the impression that when women look sexy they invite sexual advances. For instance, women who wear short dresses or indecently are likely to be sexually harassed.

Poverty is another cause of sexual harassment. Economically poor women are vulnerable to unwanted sexual advances. Others also trade sexual favours for marks, jobs or career advancement. Emotional distress in the society which leads to stress and depression is making people vulnerable to sexual harassment.

Modernity and globalization has led to moral laxity in the society where casual sex is increasingly becoming broadly acceptable. Hence, some individuals find it normal to sexually harass others.

Work politics is also to blame for sexual harassments. The harassed may be a high-level or highly-skilled person who is difficult to replace, while the victim is likely to be on a lower level, and thus more expendable.

There is also a common tendency of victim-blaming which often causes the plaintiff to end up virtually as the accused. This encourages others to involve themselves in sexual harassment thinking that the problem is tolerated. This is closely related to a problem of lack of clear policies. Lack of clear policies on how to make complaint and disciplinary procedures to deal with sexual harassment may exacerbate incidences of sexual harassments.

Men in groups often behave differently from how they would as individuals. This explains issues of "gang sexual harassment" (Center for Victim Advocacy and Violence Prevention, 2010).

1.7 Effects of Sexual Harassment on Victims

Sexual harassment has adverse effects on the victims. They are normally upset by the unpleasant experience, embarrassment, angry, afraid and scared. The experience also make the victims find it hard to study or pay attention in class while others either skip classes or drop out of school altogether. Experts notes that sexually abused victims experience difficulties later in developing age-appropriate relationships and gravitate toward pornography and one-night stands. They are also more likely as adults to suffer depression, anxiety and drug addiction (Cava, 2010).

Psychologically, sexually harassed students are likely to develop low self-esteem, depression, fear for personal safety, anger and increased risk of suicide (The Panos Institute, 2003).

Victims are likely to avoid attending school, refuse to talk in class, have difficulty concentrating, lose trust in school officials, become isolated, have a lower academic attainment or drop out of school altogether (The Panos Institute, 2003). Cava (2010) concurs by observing that sexual harassment victims find it hard to study or pay attention in class while others either skip classes or drop out of school altogether.

They are normally upset by the unpleasant experience, embarrassment, angry, afraid and scared. Experts notes that sexually abused victims experience difficulties later in developing age-appropriate relationships and gravitate toward pornography and one-night stands. They are also more likely as adults to suffer depression, anxiety and drug addiction (Cava, 2010).

1.8 Consequences of Sexual Harassments on Institutions

- Sexual harassment costs institutions money by reducing productivity, morale and motivation
- Institutions may lose valuable staff. Many women resign rather than go through the unpleasantness of a confrontation.
- The knowledge that harassment is permitted can undermine ethical standards and discipline in the organization in general, as staff lose respect for, and trust in, their seniors who indulge in, or turn a blind eye to, such behaviour.
- The image of an institution among its staff, customers and general public is likely to suffer when people get to know that an institution allows sexual harassment to go unchecked.
- Institutions can incur legal costs if the problem is ignored.

1.10 Effects of Sexual Harassment on the Harasser

- The harasser is likely to lose job
- The harasser is likely to serve jail term
- The harasser become a marked person in the society and is likely to be ostracized.
- The harasser suffers from embarrassment

1.11 Curbing Sexual Harassments

One of the most important steps towards curbing cases of sexual abuse especially in schools is through identification of the signs of the problem. There are several symptoms that can help to unravel cases of sexual child abuse. A child who unusually shows fear, withdrawal behavior, lack

of confidence or unusual knowledge of sexual matters is a child suffering from some form of sexual abuse. A child may also give hints or talks about sexual abuse and this again is a telltale sign of an abuse (Cava, 2010). Kay (2003a) states that indicators of child sexual abuse may include bruising or bite marks around genital area, bottom or thighs, unusual bleeding or discharge from the genitals, inappropriate sexual behaviour towards adults and other children and sexual knowledge inappropriate for the child's age. Others include self-harming, eating and sleeping disorders, depression, low self-esteem, suicidal behaviour and poor achievement in school.

Kay (2003b) recommends that children should be helped to protect themselves by creating awareness among them such as not to go with strangers, to tell an adult if a stranger make advances, to yell, kick and scream for help if an assault or abduction takes place and stay together in groups with other children. Children should also be taught to protect themselves against sexual abuse by learning the difference between touch that is acceptable and one that is inappropriate.

Jahya (2014) observes that schools should have their sexual harassment policy in place, which should be distributed to all concerned staff members as well as students to make them aware of the need to observe zero tolerance towards sexual harassment. The school administration should have a policy and make it clear to teachers, support staff and students that sexual harassment will not be tolerated. Beyond prevention, schools must spell out clear policies against sexual harassment and make known the consequences of violations for harassers.

Victims of sexual harassment must know where to go to file a complaint. If possible, someone who specializes in helping students or other employees' document and report harassment should be designated. Everyone within the school should be observant and must speak up when harassment is observed.

If sexual harassment occurs, the school administration should take prompt steps to end the harassment. It is a well-known fact that the sexual harassers do not usually stop on their own and therefore prompt action has to be taken to the potential abusers. Similarly, sexual harassment is more about exercising power than about sex. Hence, the abuse of power is the key to understanding why sexual harassment occurs. The abuser is more concerned in asserting their power and inducing fear in their victims.

Much of what needs to be done on children sexual harassment is already enshrined in the Kenyan Constitution under children's Act. The children Act, Cap 141, Section 47, Part II, on the safeguards for the rights and Welfare of the Child, states that: A child shall be protected from sexual exploitation and use in prostitution, inducement or coercion to engage in any sexual activity, and exposure to obscene materials (Republic of Kenya, 2010). It is up to the stakeholders including parents, teachers, guardians, caregivers and law enforcements to enforce this law.

Sexual Offences Act Section 23 on Sexual harassment states that:

(1) Any person, who being in a position of authority, or holding a public office, who persistently makes any sexual advances or requests which he or she knows, or has reasonable grounds to know, are unwelcome, is guilty of the offence of sexual harassment and shall be liable to imprisonment for a term of not less than three years or to a fine of not less than one hundred thousand shillings or to both.

(2) It shall be necessary to prove in a charge of sexual harassment that— (a) the submission or rejection by the person to whom advances or requests are made is intended to be used as basis of employment or of a decision relevant to the career of the alleged victim or of a service due to a member of the public in the case of a public officer; (b) such advances or requests

have the effect of interfering with the alleged victim's work or educational performance or creating an offensive working or learning environment for the alleged victim or denial of a service due to the member of the; (c) public from a public office (Republic of Kenya, 2014).

1.12 How to Confront and Stop Sexual Harassment

- Do the unexpected: Name the behavior. Whatever the harasser has just done, say it, and be specific.
- Hold the harasser accountable for his/her actions. Don't make excuses for the harasser; don't pretend it didn't really happen. Take charge of the encounter and let people know what the harasser did. Privacy protects harassers, but visibility undermines them.
- Make honest, direct statements. Speak the truth (no threats, no insults, no obscenities, no appeasing verbal fluff and padding). Be serious, straightforward, and blunt.
- Demand that the harassment stop. Make it clear that all people have the right to be free from sexual harassment. Objecting to harassment is a matter of principle.
- Stick to your own agenda. Don't respond to the harasser's excuses or diversionary tactics.
- The harasser's behavior is the issue. Say what you have to say, and repeat it if the behavior persists.
- Reinforce your statements with strong, self-respecting body language: eye contact, head up, shoulders back, a strong, serious stance. Don't smile. Timid, submissive body language will undermine your message.

Respond at the appropriate level. Use a combined verbal and physical response to physical harassment (Center for Victim Advocacy and Violence Prevention, 2010).

1.13 Conclusion

Sexual harassment is a serious problem affecting pupils, students and staff in learning institutions.

It is a complex problem especially because of the secrecy involved in sexual matters.

It is therefore upon the stakeholders to be sensitized about this problem so that they know what to do to avoid it and know what to do when it happens.

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