A model for the management of sexual harassment in South African companies

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ABSTRACT

Sexual harassment is an issue shrouded in both controversy and ambiguity. As the literature indicates, its presence manifests itself negatively on both the well-being of the employees and the organisation. Consequently, management need to view sexual harassment as an area of concern because it ultimately affects the overall efficiency of organisations.

The existing theoretical principles relating to the management of sexual harassment in the workplace have been analysed in depth, and a model is proposed which introduces, describes and integrates the various processes, steps and actions required for the efficient and effective management of sexual harassment in the workplace.

INTRODUCTION

All companies have strategic assets comprising financial, physical, human and organisational capital, which, when effectively utilised, contributes to the much-needed competitive advantage necessary to survive in the globalised economy (Barney, 1995: 149-61). The mani-festation of adverse factors in a company, will impact detrimentally on the performance of these strategic assets. In recent years, one factor has become prominent in the management of a company's human capital in South Africa, namely sexual harassment (Venter, 2002: 38-40).

Sexual harassment constitutes behaviour of a sexual nature that leads to, and perpetuates, a working environment in which it becomes unpleasant to work, and if allowed to go unchecked, will lead to the underperformance of the company's human capital. Besides the cost of litigation associated with sexual harassment, companies are confronted with the more troubling and subtle costs arising out of the psychological and physiological harm to both victims and co-workers (Knapp, Faley, Ekeberg & Du Bois, 1997: 688; Pearson, 1997: 25; Tang & McCollum, 1996: 55). The psychological and physiological effects manifest themselves in symptoms such as depression, frustration, decreased self-esteem and fatigue which, in turn, lead to decreased productivity and increased absenteeism (Hanisch, 1996: 174).

Accordingly, in a quest to gain the competitive advantage to survive in the globalised economy, companies must manage the phenomenon of sexual harassment in the workplace. One would think that sexual harassment could only occur between opposite sexes. However, this is not the case, and same-sex sexual harassment is also a reality (Fink & Perry, 1999: 23).

This study offers guidelines on how to successfully manage the phenomenon of sexual harassment in companies.

LITERATURE REVIEW

Sexual harassment is an issue shrouded in both controversy and ambiguity. As indicated in the foregoing introductory remarks, its presence manifests itself negatively in both the well-being of the employees and the organisation. While the reasons for its existence can be found in cultural, social, behavioural and numerous other areas, the consequences are twofold. Firstly, sexual harassment holds several cost implications for companies emanating from lawsuits involving, say, monetary awards for sexual harassment claims. Secondly, the employees affected tend to take more sick leave, productivity decreases, and employee motivation declines (Allerton, 1999: 12; Sack, 2002: 26-27).

The pioneering work of Mac Kinnon (1979: 10), recognised two broad categories of sexual harassment, namely "quid pro

quo" and harassment which creates an offensive (hostile) work environment. The above distinction has subsequently been widely accepted as the appropriate method of categorising the phenomenon of sexual harassment in the workplace (Altman & Lavelle, 1998: 65).

According to Canoni (1999: 13), the two judicially recognised types of sexual harassment may overlap and 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, while cases without are known as "hostile work environment cases" (Canoni, 1999: 13). Accordingly, "quid pro quo" sexual harassment arises when someone demands sexual favours in return for work-related benefits, whilst "hostile work environment" sexual harassment arises when the unwanted conduct is severe and pervasive enough in the employee's workplace to create 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 may appear.

Silbergeld and Joiner (1999: 113) believe that identifying conduct that is sufficient to create a "hostile work environment" is more elusive than recognising "quid pro quo" harassment. This elusiveness stems from the fact that the conduct has to be assessed from a subjective and objective perspective. According to Orlov and Roumell (1999: 10), the minimum objective issues to be considered are, inter alia, 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. As indicated earlier, "quid pro quo" sexual harassment relates to a situation in which 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 (Jameson, 1997: 36; Altman & Lavelle, 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, because the employee is forced into choosing between acceding to the sexual demands or losing work-related benefits. "Quid pro quo" harassment represents a breach of trust and an abuse of power (Rubenstein, 1992: 13). This is based upon the fact that the harasser has the power within the organisation to demote, transfer, or deny raises, benefits and promotion in the event of non-compliance by the victim to the sexual advances (Reddi, 1994: 109).

"Hostile work environment" harassment focuses on the work atmosphere created by the employer through supervisors and other employees (Koen & Morgan, 1997: 7). Whilst this conduct does not directly affect the victim's work-related benefits, the victim regards it as personally offensive because this form of harassment results in a severe and pervasive hostile environment (Fink & Perry, 1999: 23).

The range of behaviour/conduct which may be regarded as sexual harassment can extend from mild forms such as verbal innuendoes to extreme behaviour such as rape. Physically, victims may encounter pinching, grabbing, patting and leering, whilst psychological harassment involves relentless proposals of physical intimacy, or overt requests for sexual favours (Reddi, 1994: 109).

The various definitions found in both the literature and the law acknowledge that sexual harassment is about power, privilege and control through sex (Alterman & Khumalo, 1995: 67). An example of an all-inclusive definition, based on the discussion thus far, could read as follows:

> Sexual harassment constitutes any form of unwanted and/or uninvited verbal, visual or physical conduct that manifests itself in the workplace, which conduct, directly or indirectly, bears sexual undertones and is reasonably known by the harasser to be offensive to the recipient thereof, and 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, promotion, working hours and training opportunities for the recipient.

From detailed study of the literature on sexual harassment, it became clear that no formal model on the management of this phenomenon exists, although elements to build such a model have appeared in detail in books and journals on the topic, as well as in the South African Code of Good Practice on the Handling of Sexual Harassment Cases (Smythe, 1998: 17). A sexual harassment model, devised and structured on the various concepts available in the literature, is proposed in the sections to follow.

A MODEL FOR THE MANAGEMENT OF SEXUAL HARASSMENT

According to Kleine (1998: 61), one could say that the goal of any organisation should be to prevent, if possible, the occurrence of sexual harassment. This is a sensible approach, especially in view of the effects that sexual

harassment can have on a company's bottom line, directly through litigation and settlement costs, and indirectly through the redirection of management's attention, loss of shareholder confidence, and reduced morale (Pearson, 1997: 25). To help combat sexual harassment, numerous authors such as Fink and Perry (1999: 25), Kleine (1998: 61), Lightle and Doucet (1992: 36), Marshall (1999: 57), McAfee and Deadrick (1996: 87), Raphan and Heerman (1997: 11), Rowe (1996: 248) and Schaefer and Finegold (1995: 55) suggest that organisations should do the following: develop a written sexual harassment policy, if one does not exist; communicate this policy to the employees; train key personnel to recognise and correct behaviour that could be considered sexual harassment and handle complaints of sexual harassment; conduct a prompt, unbiased investigation of every sexual harassment claim, and when necessary, take corrective action that matches the severity of the harassment and is sufficiently severe to prevent its recurrence.

The specially designed model illustrated in Figure 1 creates a framework within which the various elements can interact with one another in order to empower the organisation to effectively and efficiently manage this phenomenon. The model is interactive and integrative, and at each step permits both the exchange of data and feedback. The model can be implemented by any type of company, and it is suggested that the model be implemented by a sexual harassment management committee, consisting of a chairperson (the head of HR in the company), a legal advisor, the head of the employment assistance programme, union representatives, the head of training, and an industrial psychologist.

Company-specific audit

The first step in the model entails the execution of a company-specific audit. If a company is sincere in its attempts to manage the occurrence of sexual harassment, it must be sensitive to the complexities in the workplace emanating from socio-cultural background, and the ethnic and racial origin, as well as the gender, of the individuals it employs. The heterogeneous composition of the South African workforce will result in different individuals having different perceptions on what constitutes sexual harassment and what interventions are required to prevent and manage such behaviour. The company audit is specifically designed to determine what individual members of the workforce regard as sexual harassment, and also how they should react if they become victims. If the company fails to conduct such an audit, but merely develops a policy which defines the company's views on the subject, various individuals may not agree with the company's interpretation/definition of the phenomenon.

This, in turn, will result in individuals rejecting the policy. Stated another way, the policy ultimately developed will be based only on the drafter's perceptions, and ignore the perceptions of those whom it is intended to assist. The correct methodology to be adopted is to ensure "buy-in" by all individuals making up the workforce. By integrating all the responses received from the audit, the company will be able to formulate in definitive terms, what type of behaviour constitutes sexual harassment for the particular company. Since all individuals are consulted, they will feel that cognisance has been taken of their views, and accordingly, be more receptive and willing to invoke the company policies and procedures when an incident of sexual harassment occurs.

The added advantage of defining sexual harassment on the basis of the individual employee's perceptions elicited during the audit process, is that it provides for certainty in his or her mind as to exactly what form of conduct constitutes sexual harassment. Typical questions to be asked in such an audit include the following: Which of the following examples do you feel constitute sexual harassment? How would you react to a co-worker or supervisor's sexual advances? How has sexual harassment affected you? Have you ever used your sexual attractiveness at work for promotion? Would you hesitate to report sexual harassment?
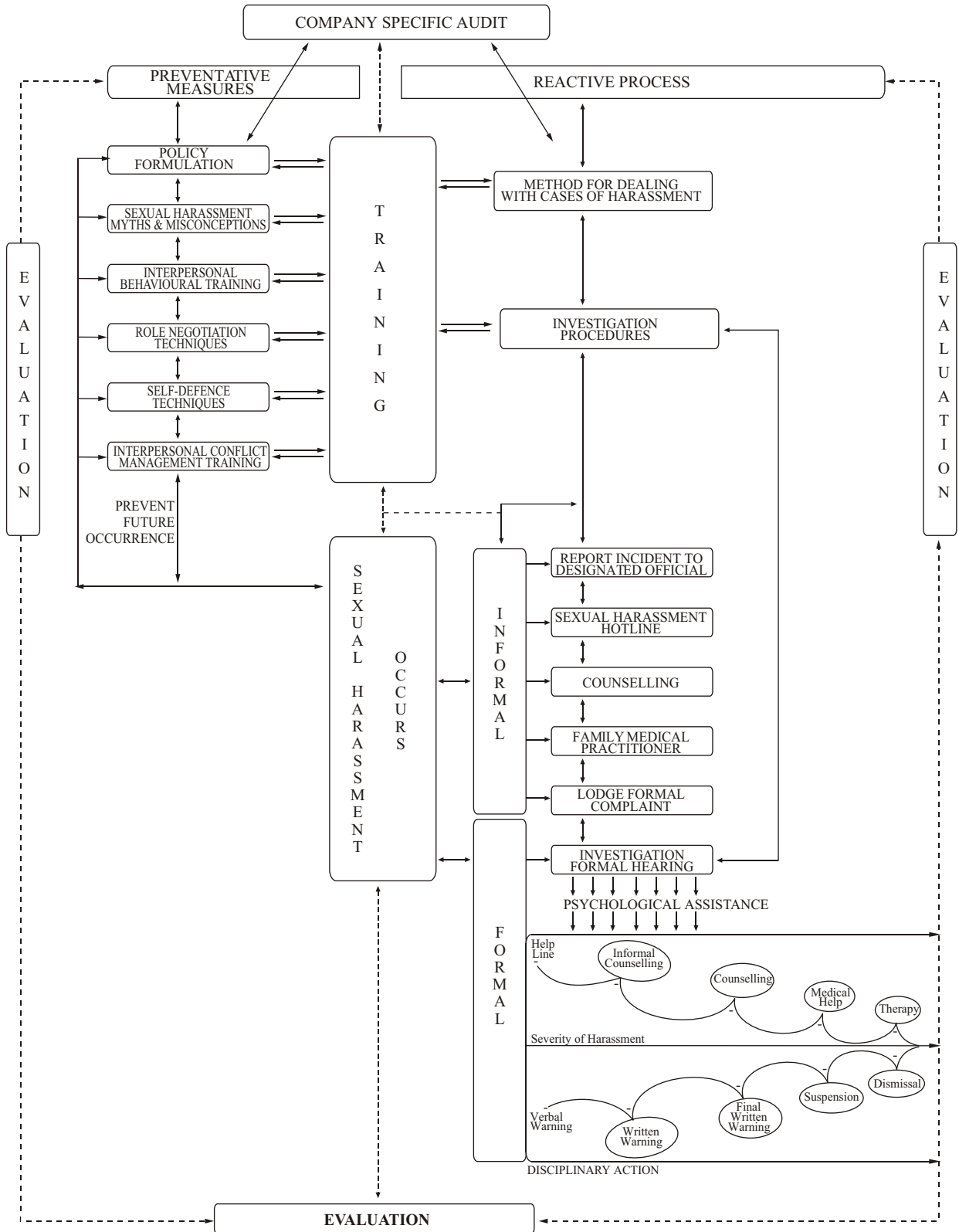
Preventive measures

The second part of the model involves the development of preventive measures. As indicated by the term, the emphasis is on interventions aimed at preventing the occurrence of various forms of behaviour constituting sexual harassment. In this part of the model, the company explores questions relating to the following: What are the possible underlying causes of the problem? How did the problematic situation originate? It is important for the company to address issues such as the company policy on sexual harassment, sexual harassment myths and misconceptions, interpersonal behavioural training, role negotiation techniques, self-defence techniques, and interpersonal conflict management training. All these issues must be combined into one overall preventive process. Each of these elements will now be briefly discussed.

Policy formulation

Unless employees know which forms of behaviour are acceptable, and which forms are not, they will not be able to modify their behaviour in order to conform to the company's acceptable norms of conduct. Thus, the company policy will have to indicate which forms of

FIGURE 1
A MODEL FOR THE MANAGEMENT OF SEXUAL HARASSMENT

COMPANY SPECIFIC AUDIT

PREVENTATIVE MEASURES

REACTIVE PROCESS

POLICY FORMULATION

SEXUAL HARASSMENT MYTHS & MISCONCEPTIONS

INTERPERSONAL BEHAVIOURAL TRAINING

ROLE NEGOTIATION TECHNIQUES

SELF-DEFENCE TECHNIQUES

INTERPERSONAL CONFLICT MANAGEMENT TRAINING

TRAINING

METHOD FOR DEALING WITH CASES OF HARASSMENT

INVESTIGATION PROCEDURES

EVALUATION

EVALUATION

PREVENT FUTURE OCCURRENCE

SEXUAL HARASSMENT OCCURS

INFORMAL

REPORT INCIDENT TO DESIGNATED OFFICIAL

SEXUAL HARASSMENT HOTLINE

COUNSELLING

FAMILY MEDICAL PRACTITIONER

LODGE FORMAL COMPLAINT

FORMAL

INVESTIGATION FORMAL HEARING

PSYCHOLOGICAL ASSISTANCE

Help Line

Informal Counselling

Counselling

Medical Help

Therapy

Severity of Harassment

Verbal Warning

Written Warning

Final Written Warning

Suspension

Dismissal

DISCIPLINARY ACTION

EVALUATION

behaviour will not be tolerated in the workplace. The policy statement must go further by stating that action will be instituted against the offenders. Based upon the fact that perceptions determine what is acceptable and what is not, it is not possible to include an exhaustive list in the policy of unacceptable behaviour. What is possible, however, is to categorise specific types of unacceptable behaviour into distinctive groups with a number of examples. See Table 1 for such an example.

(3)   *Examples of prohibited conduct.* Sometimes people do not even realise that their behaviour could be construed by others as being offensive. By including examples of prohibited conduct in its policy, the company will circumvent any possibility of a harasser raising the defence of "I did not know..."

(4)   *Duties and responsibilities.* The policy should stress that every employee in the company has a duty to

TABLE 1
A SEXUAL HARASSMENT BEHAVIOUR GRID

Forms of sexual harassment				
B E H A V I O U R	**Verbal**	**Visual**	**Written**	**Physical**
	• Sexually charged jokes • Questions about one's sex life • Smutty remarks regarding a person's gender/ body • Verbal requests for sexual favours	• Posters of a sexual nature • E mails of jokes • jokes • posters/pictures of a sexual nature • Hand/boy gestures • Staring at a person's body/ undressing with one's eyes	• Letters of a sexual nature • E mails of a sexual nature • Written jokes/ comments of a sexual nature	• Touching • Pinching • Brushing against another in a sensual/ sexual manner • Grabbing/ fondling • Kissing • Forced sexual intercourse

It is proposed that this grid be given to all employees in the form of a plastic card. This will enable them to gain easy access to the information. In order to give effect to the Employment Equity Act 55 of 1998, the policy should be presented to the Employment Equity Committee, established in terms of the Act, for ratification. In so doing, the company will send a clear message to all employees that not only is the company serious about the policy, but that the policy has a degree of legality in terms of the Act.

The above discussion on the formulation of a sexual harassment policy, contains various elements aimed at achieving maximum protection. In dealing with the actual policy formulation, which is one of the preventive measures, the holistic model should include what Orlov and Roumell (1999:45) term the "top ten" list of any harassment policy. These include the following:

(1)   *Zero tolerance statement.* The policy must commence with a zero-tolerance statement, because this will set the tone for what follows. Zero tolerance means that any form of inappropriate sexual conduct will "never" be tolerated. The zero-tolerance statement must be formulated in such a way as to convey the message that every single employee will be treated with respect and dignity irrespective of his or her status in the company.

(2)   *Definition of sexual harassment.* A definition of sexual harassment must also be included in the policy and must cover both "quid pro quo" harassment and "hostile work environment" harassment.

report questionable sexual behaviour promptly, and not to engage in sexually harassing behaviour.

(5)   *Non retaliation.* Any preventive policy is worthless without a non-retaliation clause. Employees need to have the guarantee that no adverse action will emanate from any incidents reported.

(6)   *Complaints procedure.* The crux of any preventive policy is a well-drafted complaints procedure setting out exactly what to do and where to go if employees witness/experience sexual harassment. The complaints procedure should be hassle-free, cater for easy and direct access to management, include multiple complaint lodging options (formal/informal), and eliminate obstacles to open communication.

(7)   *Investigation procedure.* An investigation procedure clearly and unambiguously advises employees what happens once a complaint has been lodged. This procedure should set out details of who will conduct the investigation, the time period for the investigation, and the investigation mechanisms.

(8)   *Corrective action.* The corrective action element of the prevention policy should emphasise prompt remedial or corrective action in all cases of sexual harassment that have been investigated. In order to comply with the substantive requirement of discipline, namely that the punishment must always fit the crime, the corrective action component of the preventive policy should cater for

various disciplinary options. These options may range from counselling, in cases of minor sexual harassment offences, to the termination of services in cases of gross harassment. Corrective action does not end with the disciplining of the harasser, but should offer counselling to a victim, to help him or her to deal with the effects of the harassment.

(9) *Confidentiality*. Most victims feel uncomfortable talking about their sexually harassing experience, and the last thing they need is to hear their experience being bounced around the luncheon table as gossip. Whilst total confidentiality cannot be guaranteed, because it may hamper a thorough investigation, the policy must state that the complaint will be kept confidential.

(10) *Training*. Sexual harassment can be effectively eradicated only by means of training. This is the focal point of the model and must also be clearly stipulated therein. Issues to be addressed in a training programme may include the following: explaining retaliation issues; emphasising each individual employee's personal responsibility; reinforcing the company's commitment and top management's support of maintaining a workplace free of sexual harassment; and using role-play exercises to develop skills for identifying, preventing and stopping sexually harassing behaviours, clarifying reporting procedures, investigating procedures, helping managers to address issues of harassment and explaining corrective actions.

Sexual harassment myths and misconceptions

The second element of the preventive part of the model concerns sexual harassment myths and misconceptions (Elger, 1995: 27). Often myths and misconceptions exist about what behaviour constitutes sexual harassment. One of the reasons for this could be what Vennix (1996: 14) refers to as an individual's mental model. Based upon our perceptions, we as individuals see things according to what we expect to see. Therefore, if we do not believe that a certain form of behaviour is sexually harassing, we will not regard the manifestation of this type of behaviour at work as sexual harassment. Our individual models are formed and shared by our cultural upbringing. Our cultural upbringing, including ethnic and racial origins, determines how we interact with each other. This interaction will determine whether or not men must act in a hypermasculine and sexually aggressive manner towards women. Sexual harassment is often defended on the basis that the victim invited it or brought it upon himself or herself by his or her manner or dress code. These misconceptions need to be dispelled in order to prevent a person from sexually harassing another merely because of his or her friendliness, dress code or behaviour. The process adopted to dispel these myths and misconceptions is group discussions. The groups should comprise people

from various sociocultural backgrounds, ethnic and social origins and gender, so that diverse perceptions can be expressed and discussed. By exploring the myths and misconceptions such as that a woman's friendliness constitutes sexiness whereby she invites behaviour of a sexual nature; that only physical conduct of a sexual nature constitutes sexual harassment; and that for behaviour to constitute sexual harassment, the harasser must have intended it to be harassing. Embarking upon this preventive measure equips all individuals with a frame of reference against which they can modify their individual conduct, to ensure that the conduct they display does not constitute sexual harassment. It is thus through the process of groups exploring sexual harassment myths and misconceptions that the company will enable individuals to modify their behaviour.

Interpersonal behaviour training

The next element in the model is that of interpersonal behaviour training. The focus of interpersonal behaviour training is vital in a heterogeneous workforce such as that of South Africa. As stated earlier, employees from various sociocultural backgrounds, ethnic and racial origins, function in one singular unit called the workforce. These employees bring with them their own divergent value and belief systems. The aim of this training is to equip employees with the means of interpreting the expectations of various members of different sociocultural backgrounds, ethnic and racial origins and gender groupings, in order not to confuse their expectations with those of others. The primary focus of this training is therefore to prevent sex-role-work-role confusion. Once this has been achieved, employees will be able to interact with one another in a manner that would not be regarded as sexual harassment.

Role negotiation techniques

The next element in the preventive management phase of the model is that of role negotiation techniques (RNT). These techniques are similar to interpersonal behaviour training because they also focus on equipping individuals with techniques to modify their behaviour in order for them to avoid displaying behaviour of a sexually harassing nature. Notwithstanding the previous preventive measures relating to myths and misconceptions and interpersonal behaviour training, the potential exists for individuals to display behaviour that is gender-based, and which may be regarded as offensive to the recipient. Accordingly, by integrating the principles of role negotiation techniques developed by Licata and Popovich (1987: 35) into the preventive phase of the model, the company will prevent the occurrence of sexual harassment. Instead of allowing the potentially harassing behaviour to go unchecked, the company trains individuals in role negotiation techniques. The focus on role negotiation techniques is on the

individual members of the workforce, and its objective is for individuals to advise others what type of conduct they wish to be exposed to while at work. A type of social contract is concluded by the employees, which sets out acceptable norms of conduct. This social contract is the culmination of a process during which employees examine one another's work role expectations, and address their frustrations arising from role conflict and role ambiguity. At the conclusion of the process, each employee clarifies his or her role expectations, and objectively specifies the form of conduct he or she expects from others in order to meet these expectations. By employees being made aware of the specific, objective and quantified behaviour required of them, they are able to tackle the problem of sexual harassment by modifying their observable behaviour to prevent any behaviour being displayed that could be construed by others as being sexually harassing.

Self-defence techniques

The next element that requires attention in the model is that of self-defence techniques. Despite all the training that occurs relating to myths and misconceptions, interpersonal behaviour skills and role negotiation techniques, the possibility exists that an employee's behaviour may still be found offensive. Often the offensive behaviour is "trivial" and unintended, but if left unchecked, may permeate the workplace and ultimately manifest itself in a degrading and harassing form of behaviour. One method that the company may adopt to overcome this problem is to train employees in self-defence techniques. During the self-defence technique development process, the company equips individual employees with the skills to draw a fellow employee's attention to the fact that his or her conduct is bordering on sexual harassment and if remained unchecked, could develop into sexual harassment. Employees are trained to ask the potential harasser to stop a particular form of behaviour because it is becoming unacceptable. Should this not have the desired effect, the training shows employees how to use more assertive techniques, such as telling the person to stop, or even threatening him or her with a formal complaint. The employees are thus taught how to "tell the other person to stop and to explain why the behaviour being displayed is unacceptable". In this way, the potential harasser is made aware of his or her unacceptable behaviour and is able to modify the behavioural style before it is regarded as sexual harassment in terms of company policy.

Interpersonal conflict management training

The last element in the preventive part of the model is that of interpersonal conflict management training. A victim of sexual harassment is confronted with a conflict situation when the type of behaviour that he or she expects to be exposed to at the workplace, differs from the type of behaviour that is actually being displayed by the harasser. According to Blalock (1998: 9), many formal sexual harassment complaints begin with simple conflict situations. By including interpersonal conflict management training in the preventive phase of the model, the company will systematically break down layer upon layer of bad habits that give rise to conflict. A motivated employee, who becomes a victim of sexual harassment, experiences a level of frustration in not being able to achieve his or her personal work goals as a direct result of the harasser's behaviour which "blocks" the employee's motivated drive. The primary aim of the interpersonal conflict management training is to equip victims with the skills to deal with the actual behaviour that is being displayed by the harasser, in order to limit the possibility of such behaviour transgressing the bounds of acceptable conduct and becoming sexual harassment. In the case of sexual harassment, the situation is made up of two individuals who hold polarised points of view on the type of behaviour that is acceptable in the workplace. One method of dealing with the conflict is by means of the self-disclosure and feedback approach advocated by Joseph Luft and Harry Ingham in their model, which has become known as the Johari Window (Luthans, 1981: 378). The Johari Window consists of a two-person interaction which states that there are certain things that a person knows about himself or herself, and certain things that are not known to himself or herself, and that the same principles apply to the other person (Luthans, 1981: 377). The victim of behaviour that borders on sexual harassing behaviour, will prevent the situation from developing into sexual harassment by decreasing the hidden self and increasing the open self through the process of self-disclosure, whereby the unacceptability of the behaviour is made known to the potential harasser (Luthans, 1981: 378). The potential harasser, by receiving this feedback, is able to modify his or her behaviour before the behaviour that is being displayed actually becomes sexually harassing.

Unfortunately, despite all the guidelines for preventing the occurrence of sexual harassment in the workplace, this phenomenon does occur, and the way it is handled by the company will send a clear message to employees in the company. This is the next part of the proposed model.

Reactive process

The reactive part of the model has as its primary focus the expedient handling of sexually harassing behaviour, once such behaviour has manifested itself in the workplace. The model advocates various constituent elements which, when combined, make up the reactive process. These include methods for dealing with cases of sexual harassment, and investigation procedures.

Methods for dealing with cases of sexual harassment

Various methods exist for dealing with sexual harassment, ranging from the informal methods consisting of, say, a sexual harassment hotline, to the formal method of invoking the company's disciplinary procedures. Notwithstanding the need to determine what the employees deem as the appropriate method of dealing with sexual harassment, a moral and ethical obligation exists on the part of a company to create a safe haven, free of sexual harassment. This moral and ethical obligation is further strengthened by the requirements of the Employment Equity Act No 55 of 1998, which states that harassment of an employee is a form of unfair discrimination, and is prohibited. The company thus has a legal obligation to act, should it become aware of sexual harassment in the workplace. To assist employees in this regard, the form contained in Table 2 may be used as guideline during a training session, to inform employees of the company's methods for dealing with cases of sexual harassment.

The reason for "no choice" existing in cases of sexually harassing behaviour which takes the form of threats or forceful behaviour, is that even if the victim does not wish to complain, the company has the moral, ethical and legal obligation to eradicate this type of behaviour.

Investigation procedures

A vital component of the process of dealing with sexual harassment, is the existence of an investigation procedure. It is important that the employees be informed about how this process will work, for example, that it will be quick, confidential and unbiased, and that there will be no retaliation towards the complainant. The investigation process is one of the most crucial elements of the reactive process, for if it is handled incorrectly, victims may refrain from drawing the company's attention to such behaviour. The result is that sexual harassment will go unchecked and the company will be in breach of section 6 of the Employment Equity Act. Table 3 provides a framework for

TABLE 2
METHODS FOR DEALING WITH SEXUAL HARASSMENT

Method	Visual	Verbal	Written	Touching	Threats	Forced behaviour
Anonymous (verbal/ written) reporting (informal)	X	X	X			
Telephone hotline (informal)	X	X	X			
Personal reporting to the Human Resource Department (formal)	X	X	X	X		
Intervention by the Human Resource Department separately with victim and harasser	X	X	X	X		
Formal grievance being lodged	X	X	X	X	X	
Company initiated diciplinary action					X	X

concluding an investigation into complaints of sexual harassment.

Co workers' complaints. Co-workers who observe sexual harassment may complain that, if the

TABLE 3
SEXUAL HARASSMENT INVESTIGATION PROCESS

	Sexual harassment occurs	
Informal/anonymous complaint by the victim	**Complaints by co-employees of the occurrence of sexual harassment**	**Formal complaint by victim**
• Conduct briefing sessions • Conduct surveys • Observe workplace behaviour	• Interview colleagues from same work section • Conduct surveys • Observe workplace behaviour in the affected work section	• Formal statement taken from victim • Interview witnesses • Interview colleagues from same section • Approach employee's family • Approach employee's medical practitioner • Interview the alleged harasser

Informal/anonymous complaint by the victim. The inclusion of the informal complaint mechanism in the model is necessary to enable employees to draw management's attention to the prevalence of sexual harassment. By introducing the informal mechanism, more employees will react to sexual harassment activities. Where an informal/anonymous "complaint" is lodged, the company must establish whether or not there is any substance in the complaint. This could take place by means of employee briefing sessions, during which management could make various statements about sexual harassment and request employees to comment on them. For example, management could state that, while no formal complaint about sexual harassment has been received, they as managers are of the opinion that various employees are in fact displaying behaviour which could be tantamount to sexual harassment. The responses of employees regarding this statement can be recorded and then analysed. However, if this activity provides an indication that something is wrong, management should take the next step, namely sending out questionnaires to employees. The composition of the questions will depend on the nature of the complaint that was received. The final process to be implemented after the briefing session and the survey, is for designated management representatives to physically observe the patterns of behaviour being displayed on the shopfloor. This process of observation will either support or refute the information received thus far. Based upon all the information, management will be able not only to determine whether or not sexual harassment is actually taking place in the company, but will also be able to determine the appropriate course of action needed.

harassment goes unchecked, it will have the effect of polluting the workplace. In such instances, the employer has an obligation to prevent employees from being exposed to a sexually charged working environment. Based upon the fact that the "victim" has not complained, the company must be on its guard against malicious rumours from the victim's co-workers. It is therefore essential that the company establish that sexual harassment has in fact occurred, before acting upon a co-worker's complaint. As in the previous step, the employer can commence the process by interviewing the colleagues from the work section concerned. The analysis of the individual reports will indicate whether or not sexual harassment is in fact occurring. To circumvent the possibility of a "conspiracy" by disgruntled employees against another employee, the employer can also undertake a survey, and place observers in the area. If it is found that the conduct being complained of is sexually harassing, then the parties to such conduct are "guilty" of indirect sexual harassment.

Formal complaint. Whenever a formal complaint is lodged, the onus rests on the company to investigate firstly, whether or not sexual harassment has in fact occurred, and secondly, the appropriate action to be taken. The first step is for the company to obtain a statement from the victim. The emphasis is on ascertaining when, where and how the harassment occurred. In order to corroborate the victim's version, the company needs to obtain statements from other witnesses as well. Often a victim of sexual harassment will suffer from some form of stigmatic and psychological effects. The employer, by approaching the victim's family and medical practitioner, will be able to determine whether or

not specific treatment has been given to the employee from the date of the incident. The alleged harasser will also be interviewed. The employer, by analysing all the information gathered, will be in a position to determine whether or not the incident actually occurred. One or more of the following types of discipline may then be appropriate to punish a sexual harasser, depending on the circumstances: demotion, denial of prospective promotion, denial of a prospective salary increase, job transfer, shift reassignment, mandatory sensitivity training or counselling, or even dismissal. Table 4 suggests a continuum of disciplinary penalties. The victim will also have recourse to counselling.

absolute must. Its distribution should not be restricted to certain work areas or groups of employees, or buried in an employee handbook. Fourthly, key personnel (e.g. supervisors, managers and section heads) should be trained to recognise and correct behaviour that could be considered sexual harassment, and to handle complaints of sexual harassment. Fifthly, it is important to conduct a prompt unbiased investigation of every sexual harassment claim different standards for different employees must not be applied, no matter who they are or how high they are on the corporate ladder. Lastly, when necessary, corrective action should be taken that matches the severity of the harassment, and is sufficiently severe to prevent its recurrence.

TABLE 4
CONTINUUM OF DISCIPLINARY PENALTIES

Penalty	Verbal warning	1st written warning	2nd written warning	Final written warning	Suspension	Dismissal
Harassment	• Smutty jokes • Posters	• Sexual comments directed at the victim	• Letters/pressure for sexual favours	• Touching • Pinching	• Groping • Forced kissing	• Forcing oneself on the victim • Rape

Evaluation

The final step in the proposed model is that of evaluation. After all the steps have been taken, the company must be able to periodically evaluate whether or not its efforts are working. The following measures may be utilised for this purpose: number of informal sexual harassment complaints in the company during a specific time period; number of informal sexual harassment complaints per employee during a specific time period; number of formal complaints filed during a specific time period; percentage of informal/formal complaints resolved during a specific time period before they become external charges and action settlements are made; and cases lost during a specific time period.

MANAGERIAL IMPLICATIONS

A number of important managerial issues exist for companies adopting the proposed model. Firstly, it is essential that managers do not use a generic sexual harassment policy which is not tailored to the specific needs or structure of the company. Secondly, the sexual harassment policy must be reviewed periodically and adjustments made where necessary. Thirdly, the proper communication of the policy to all employees is an

CONCLUSION

This article proposes a comprehensive model for the management of sexual harassment. The application of the basic principles of the model will result in the management of companies being able to efficiently and effectively control this phenomenon. It should be emphasised, however, that the model includes several complex subsystems, which will need a fair amount of effort to ensure efficient functioning. It is also important to realise that all the elements of the model should function harmoniously as a unit. One missing element could easily upset the final result, thereby causing the underutilisation of the entire human resource capital component of the company. The time has come for South African companies to take stock of their position and to face the challenges that the successful management of sexual harassment in the workplace requires. This is the obvious course of action, if they wish to remain successful and viable in the future.

REFERENCES

Allerton, H.E. (1999). News you can use. Training and Development Journal, (53)3: 9-13.

Alterman, M. & Khumalo. P. (1995) Confronting sexual harassment. SA Labour Bulletin, (19)3: 65-69.

Altman, P.J. & Lavelle, L. (1998). Insurance against sexual harassment and other employee related claims. Association Management, (50)10: 62-68.

Barney, J. (1995). Looking inside for competitive advantage. Academy of Management Executive, (9)4: 49-61.

Blalock, J. (1998). Informal harassment policies, key to prevention. Workforce, Supplement: 6-8.

Canoni, J.D. (1999). Sexual harassment: the new liability. Risk Management, (46)1: 10-14.

Elger, T.D. (1995). Five myths about sexual harassment. HR Magazine, (40)1: 27-30.

Employment Equity Act, 55 of 1998. Pretoria. Government Printer, No 19370, 19 October.

Fink, R.L. & Perry, S.J. (1999). What you need to know about same-sex sexual harassment. Industrial Management, (41)2: 18-26.

Hanisch, K.A. (1996). Sexual harassment in the workplace, frontiers and response strategies. California: Sage Publications.

Jameson, F. (1997). Sexual harassment, new game, new rules. Journal of Property Management, (62)4: 32-38.

Kleine, M.F. (1998). New currents in sexual harassment litigation. Association Management, (50)10: 52-68.

Knapp, D.E., Faley, R.H., Ekeberg, S. & Du Bois, C.L. (1997). Determinants of target responses to sexual harassment: a conceptual framework. Academy of Management Review, (22)3: 662-672.

Koen, C.M. & Morgan, J.D. (1997). Guidelines for conducting effective sexual harassment investigations. Supervision, (58)2: 6-8.

Licata, B.J. & Popovich, P.M. (1987). Preventing sexual harassment: a proactive approach. Training and Development Journal, (41): 34-38.

Lightle, J. & Doucet, E.H. (1992). Sexual harassment in the workplace: a guide to prevention. California: Crips Publications.

Luthans, F. (1981). The dynamics of organisational behaviour. New York: McGraw-Hill.

Mac Kinnon, C.A. (1979). Sexual harassment of working women: a case of sex discrimination. New Haven: Yale University Press.

Marshall, A.B. (1999). Litigating supervisor sexual harassment cases after Ellerth and Faragher: issues and strategies for employers. Employees Relations Law Journal, (24): 56-62.

McAfee, R.B. & Deadrick, D.L. (1996). Teach employees to say "No". HR Magazine, (41)2): 86-89.

Orlov, D. & Roumell, M.T. (1999). What every manager needs to know about sexual harassment. New York: AMA Publications.

Pearson, J.I. (1997). Harassment: risk management tool. Risk Management, (44)1: 23-28.

Raphan, M. & Heerman, M. (1997). Eight steps to harassment - proof from your office. HR Focus, (74): 5-8.

Reddi, M. (1994). Sexual harassment in the workforce: do we need new legislation? Acta Jouridica; Gender Law, (5)8: 105-111.

Rowe, M.P. (1996). Dealing with sexual harassment: a system approach - sexual harassment in the workplace. California: Sage Publications.

Rubenstein, M. (1992). Combating sexual harassment at work - conditions of work. (11), Geneva: International Labour Office Publications.

Sack, S. (2002). Sexual harassment will cost companies dearly. Executive Business Brief, (7): (Aug/Sept): 26-27.

Schaefer, A.G. & Finegold, M.A. (1995). Creating a harassment-free workplace. Risk Management, (42)2: 53-56.

Silbergeld, A.F. & Joiner, S. (1999). Comments that create a hostile environment may be unlawful discrimination. Employment Relations Today, (25)4: 110-114.

Smythe, N. (1998). Handling cases of sexual harassment, code of good practice. People Dynamics, (16)8: 17-20.

Tang, T.L. & McCollum, P. (1996). Sexual harassment in the workplace. Public Personnel Management, (25)1: 52-60.

Vennix, J.A. (1996). Group model building, facilitating team leaning using system dynamics. London: John Wiley.

Venter, D. (2002). Sexual harassment will affect your company's productivity. HR Future, (2)8: 38-40.