

AN ANALYSIS OF THE ORGANIZATIONAL CONSTRAINTS LEADING TO HARASSMENT AT WORKPLACES

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Abstract:

This paper is based on an original study carried on by the author. The study tries to assess the causes of sexual harassment at the workplace from a representative sample drawn from 50 corporate houses in and around Kolkata. The study, though subjective, tries to project the ground realities on the issue of exploitation and subordination of females at the workplace based on empirical evidences. By having a better understanding of the factors contributing to the phenomenon, decision makers will be better able to structure the policies on provisions of equal opportunity in the formal employment sector.

KEYWORDS:

Gender, Sexual Harassment, Discrimination, Perception, Sex-ratio.

INTRODUCTION

Sexual harassment is a dreadful demographic issue prevailing all over the world. It is not in the rudimentary stage rather it has crept into every stem of the society. It is among the most prominent civil rights issue at the workplace.

Sexual harassment does not fall within the range of personal or private relationships. Harassment happens when a person with power (organizational and/or socio-cultural) abuses that power to intimidate, coerce or humiliate someone because of his or her gender. Verbal harassment may include unwelcome sexual innuendos, comments and sexual remarks; suggestive, obscene or insulting sounds; implied or overt threat; or pressure for sex. Physical harassment may include unwelcome patting, pinching or brushing up against the body.

Sexual harassment is a breach of trust that normally exists among employees. It can be viewed as an abuse of power and the reflection of low status of individuals at the workplace. Sexual harassment creates confusion because the boundary between professional roles and personal relationship is blurred. The harasser introduces a sexual element into what should be a professional situation. Anyone in the workplace could potentially find herself or himself facing some form of sexual harassment.

Sexual harassment can be an action that occurs once or it may be repeated. In voluntary sexual relationships, individuals can exercise the freedom of choice in deciding whether to establish a close and intimate relationship but this freedom of choice is absent in the case of harassment. Many individuals cling to the myth that sexual harassment includes only physical assault but in fact, sexual harassment is far more pervasive than sexual assault.

REVIEW OF LITERATURE

A Supreme Court judgment on sexual harassment at workplace states that sexual harassment includes any unwelcome, uninvited sexually determined behaviour (whether directly or by implication).

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The activities which are stated unjust by the Court are as follows: a. physical contact or advances; b. a demand or request for sexual favour; c. sexually coloured remarks or jokes; d. showing pornography and e. any other unwelcome physical, verbal or nonverbal conduct of sexual nature. (Visaka and others vs. State of Rajasthan and others, August 13, 1997, JT, SC 384)

The American Psychological Association's definition of sexual harassment refers to 'deliberate or repeated comments, gestures, or physical contact of a sexual nature that are unwanted by the recipient.'

The Equal Employment Opportunity Commission (EEOC), the federal agency (US) designated by Title VII to interpret the law and to handle employment discrimination complaints, has attempted to define sexual harassment using the following language: 'Unwelcome sexual advances, request for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: a. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; b. Submission or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or c. 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.'

According to Paludi and Barickman (1991), there are five identified categories of sexual harassment at the workplace namely gender harassment, seductive behaviour, sexual bribery, sexual coercion and sexual imposition or assault. Any form of unwilling sexual activity or harassment can be grouped in any of the above categories.

Louise Fitzgerald (1993) suggested that a definition of sexual harassment should identify that sexual harassment is the sexualization of a professional relationship; frequently occurs in the context of an organizational power differential (example supervisor and employee); can occur in the absence of a formal power differential (example hostile environment); consists of unwanted and unwelcome behaviour – both verbal and nonverbal in nature; and can be viewed among a continuum, from sexist remarks to nonverbal seductive gestures to sexual assault.

Terpstra and Baker (1986) have presented a conceptual framework for the study of sexual harassment in which they specify three levels of factors that contribute to its incidence and frequency. They are as follows: a. Influencing factors at the macro or environmental level: Socioeconomic inequality, societal sex role attitudes, societal sex ratios, economic conditions, the nature of labour market and legal sanctions; b. Factors at the organizational level: Status or power differentials at the workplace, organizational climate, type of technology, task design, employee composition and sex ratio; c. Factors at the individual level: Intent motivation, attitudinal and demographic variables, attitudes about harassment, and information processing styles and strategies of the victim and the harasser.

Sexual harassment can be viewed as an abuse of power and the reflection of low status among the individuals at workplace. Many individuals cling on to the myth that sexual harassment includes only physical assault. In fact sexual harassment is more pervasive than sexual assault. It includes unwelcome sexual advances or request for sexual favours and also includes other verbal or physical conduct of a sexual nature. Paludi and Barickman (1998) observed from their research that one out of every two women will be harassed at some point of her work history. Their research also suggested that as women approach numerical parity in various segments of the workforce, the incidence of harassment declines.

Women in gender-mixed and predominantly male settings are argued to be at a greater risk for sexual harassment whereas women working in predominantly female settings are at the least risk by virtue of structural constraints on the frequency of their contact with men. De Coster et. al. (1999) related this perspective to criminology's routine activities account of victimization - likening women in predominantly male environments to be suitable targets in the proximity of male offenders and demonstrated a positive relationship between the percentage of males and women's likelihood of experiencing sexual harassment in a range of individual and organisational attributes.

The victims of harassment report heightened mental and physical stress; diminished satisfaction with work, co-workers and supervisors; more negative attitude towards firms; lower productivity; and increased tardiness, absenteeism and turnover (LaBand and Lentz, 1998). All these are extremely injurious to the employee as well as to the organization and so a proper control mechanism should be ensured to prevent harassment in any form.

DATA AND METHODOLOGY OF THE STUDY

For the purpose of the study, the employment sector was divided into two halves namely Public Sector and Private Sector. A total of 50 corporate houses were selected which included 16 companies from the public sector and 36 from the private sector. For the convenience of the study and for inclusion of different types of employers (employment), the sectors were further classified into Information

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Technology, Consumer Products, Manufacturing House, Factory, Bank, Telecommunication, Education, Finance, Healthcare Services, Hotel and Other Allied Services. Five institutions from each sector were selected on the basis of their size (market capitalization) and availability (location of office in or around Kolkata with HR Department and willingness to give information or time). Each subdivision had companies from the private sector as well as those from the public sector.

The research instrument (questionnaire) contained close ended questions with multiple options. The questionnaires were filled up by the researcher on the basis of the responses obtained from the respondents viz. the HR/ Personnel Officer/ CEO and ten employees from each institution selected randomly. Thus, the study consists of 50 responses from the HR managers relating to corporate policies and 500 responses from the employees (250 males and 250 females) randomly selected from these companies using non-probabilistic (judgmental) sampling technique. The survey was conducted from January 2009 to May 2010.

After collection of data, the information was tabulated (Excel), summarised, analysed and presented through tables and bar diagrams. The processed information is presented under four subdivisions namely gender composition, workplace culture, worker power and personal perception of the employees. Meaningful inferences are drawn on the basis of this data.

GENDER COMPOSITION

Observation 1: Composition of the governing body- 36 companies provided information regarding their governing body/ board of directors. It is observed that 9 institutions do not have any female representative in their governing body. None of the institutions had more female representatives in the governing body as compared to males. Moreover, on enquiry it was found that among the females who made it to the governing body some got a chance by virtue of their birth/ family shareholding or marriage which was done to prevent the balance of decision making power to shift away from the clutches of the family.

Observation 2: Composition of the managerial level- Out of the 50 institutions surveyed, only one private school had more females at the managerial position. It is seen that 5 institutions (10% of total sample) had no female manager and another 6 institutions had less than 10% female managers. It is worth mentioning that only in 18 institutions, 50% or more of the total male representation as managers could be achieved by females.

Observation 3: Composition of the workforce (employees)- Males outnumber females in every institution surveyed except in 2 private schools and 1 private sector hospital. It can also be seen that the private sector presents a better picture as compared to the public sector. It may be said from this observation that the reflection of the remarkable increase of female literacy rate is found missing through female representation in the offices visited during the course of survey.

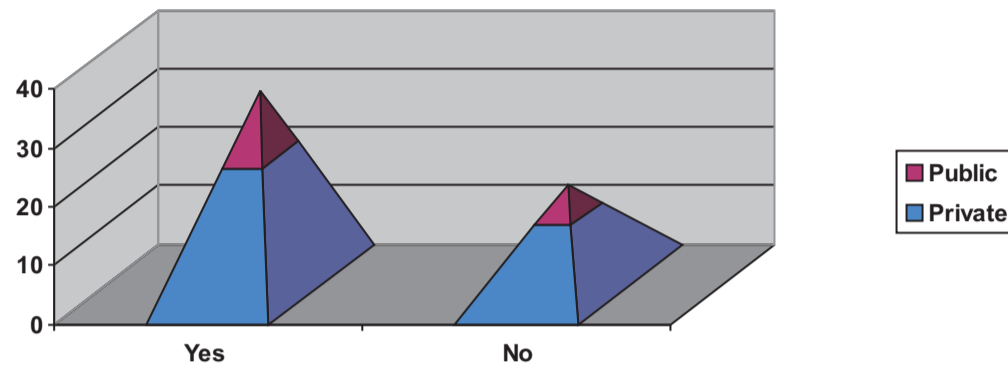
Observation 4: Resignation from the institutions-

It is found that in 9 institutions (out of 30 providing this information) more females have put down their papers as compared to males. Parity is found between males and females only on the issue of resignation which shows more unhappiness among the females regarding their present job. Although the females are in minority in the institutions surveyed, they are seen in matching numbers on the issue of resignation with their male counterparts. In contrast, more males have completed their tenure of service and have retired from the offices surveyed. This shows that men are more stable at their positions as compared to the women. Thus, it can be said that the females have more difficulties, discontentment or problems at their present workplace as compared to the males.

WORKPLACE CULTURE

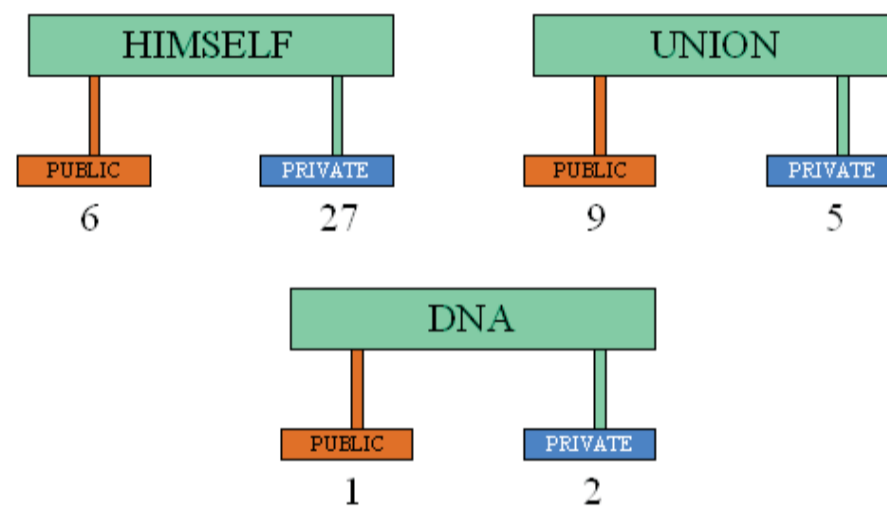
Observation 5: Response from the HR managers on provision of flexible working hours in their institutions-

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Gender abuse complaint cell/grievance cell is absent in 34% of the organisations surveyed which clearly shows the lack of seriousness of administration on this issue. Some institutions having a formal complaint cell do not have any female officer which again becomes a problem in registering gender abuse cases by the females.

Observation 9: Responses of the HR managers on the presentation of demands, grievance and harassment cases by the employees before the management-

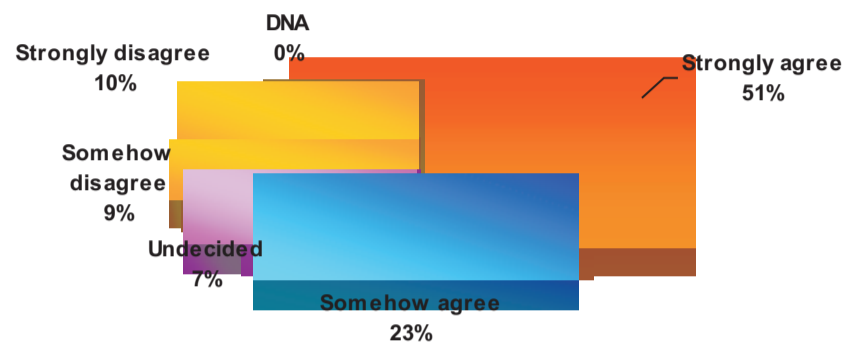


From the above response it is found that 28% of the institutions surveyed have an organised labour union to pursue any problems related to the employee. Absence of union in most organisations compels the individual employee to master the courage to protest or challenge the offender in case of any discrimination, harassment or violation at the workplace.

PERSONAL PERCEPTION

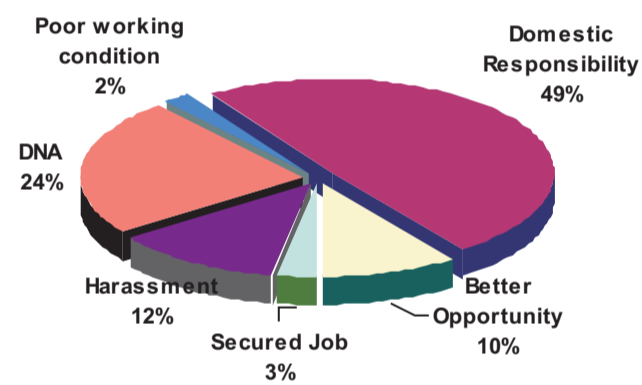
Observation 10: Response from the employees on their perception of sexual harassment of females at the workplace-

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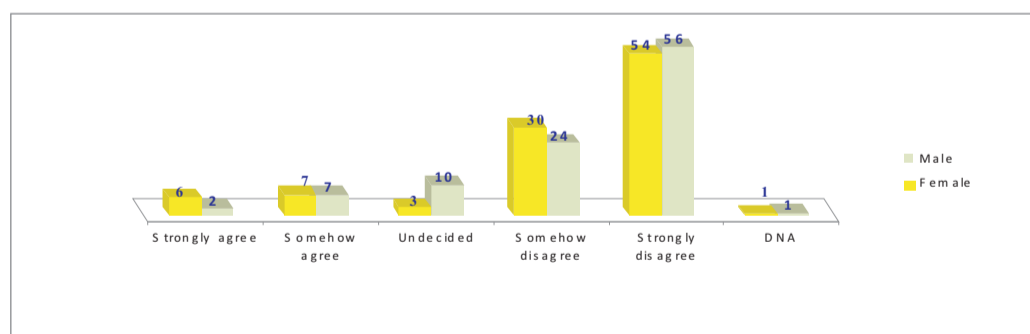
Majority (74%) of the employees surveyed during the course of the study somehow agree (either strongly or partially) that a female employee is subjected to harassment or undue favours in a corporate life. There is a general perception that a female has to make compromises at some point of her work life to gain tangible benefits or to avoid tangible harm at the workplace.

Observation 11: Probable cause of resignation of females from their institution as perceived by the co-employees-



Harassment at the workplace is said to be the cause of female resignation by 12% of the co-employees. This shows that many cases of harassment go unnoticed, unrecorded or unaddressed by the management.

Observation 12: Responses from the employees on whether they had faced any harassment or gender discrimination-



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Most of the employees surveyed (82%) admit that they have never faced any form of gender discrimination or harassment at their workplace. This view contradicts the above two observations and might be interpreted as a conservative estimate to avoid the adversities in event of such disclosure.

INTERPRETATION OF THE FINDINGS

Males outnumber the females in almost all the organisations surveyed which practically show that gender equality on the basis of representation is far from being satisfactory. The female concentration is mainly at the entry level or their appointment is of informal nature. This increases the chances of sexual harassment as the women are working in predominantly male settings and having little power on virtue of structural constraints.

Effective female representation either as managers or as members of governing body is not found in the institutions surveyed. The males thus enjoy a majority status having much dominance on the decision making power which works adversely to create an atmosphere encouraging potential harassers.

Discontentment at the workplace is more among the females which is observed from the resignation data obtained from the institutions.

It is observed from the workplace culture that the institutional norms are usually rigid and harsh towards the female employees. Absence of flexible working hours in most institutions renders the employees helpless before the management and thereby increases the chances of victimization in search of additional favours to adjust their domestic routine. Compulsory night shift and absence of transport facilities in most institutions add to this problem as the females face greater difficulties at night in a city which is rated high on the crime scale.

The employees are usually given little power to protest against higher authorities and most institutions do not have an organised labour union to present employee's grievances before the management. The individual employee is helpless to challenge the mighty management and cases of sexual harassment often go unrecorded or unnoticed as the females prefer silence to losing their job or be branded as bad in the institution. Moreover many institutions do not have a gender abuse complaint cell which creates confusion in the process of placing or recording of complaints on sexual harassment.

Most employees strongly believe that a female employee is subject to harassment or gender abuse in her corporate life. This proves beyond doubt that sexual harassment is prevalent at the workplaces surveyed but on further enquiry it is found that only six cases of harassment came up before the management out of which three cases were registered in an IT company. 82% of the employees admit that they have never faced any harassment or gender discrimination. 13% of the female employees and 9% of the males report some form of gender discrimination against them but none of them admit any form of sexual harassment against them at their workplace. This view contradicts the above observation and it is further believed that 12% of the total female resignations from the institutions were due to intolerable harassment on the females.

CONCLUSION

The gender composition at the institutions surveyed adversely affects the females as they have to work in a male dominated, controlled and operated organisations with little voice in the management. Moreover job insecurity is a significant factor increasing their vulnerability to various forms of harassment.

The workplace culture renders the females helpless due to lack of special amenities and increases the chances of female victimization. The condition of the labour market does not allow frequent job shift for any employee and the rigidity in the organizational rules and norms forces the females to either accept the terms of the management or remain vulnerable to the managers in search of some additional tangible benefits to fulfil the personal obligations.

Mere existence of formal grievance procedures may signal the organisational intolerance towards sexual harassment but many institutions are not concerned on this issue. Absence of labour union renders most females directionless and helpless to disclose their cases leading to silence in minor incidents and resignation in case of intolerable or major incidents.

It is evident from the responses of the employees that many females resign due to harassment at the workplace. It is a general perception among the employees that a female has to bear harassment at the workplace but no employee wants to discuss it. Moreover they refuse to admit any case of harassment against them.

It is observed from the above discussion that harassment is present at the workplace but such cases are rarely brought forward or addressed to. The gender composition and workplace culture works adversely against the females on one hand, and on the other, absence of proper grievance handling procedure and

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labour unions in most institutions renders the individual employee powerless and directionless leading to subordination, oppression and harassment in the culture of silence.

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