

Sexual Harassment in the Workplace

Sexual harassment in the workplace has remained a topical issue. However, people have different views as to what sexual harassment is, what it consists of and what needs to be done when one is sexually harassed at the workplace. Vulnerability to sexual harassment within the workplace has been construed to affect both men and women, however the risk factors for women appear to be more adverse. There has been growing consensus on the link between power dynamics and sexual harassment within the workplace. Sexual harassment within the workplace, is construed to be not primarily about sex, rather it concerns power and control. Sex is described as the facilitating factor for perpetrators to exert and exercise power and control over a victim in a work setting. Sexual harassment isn't something that just happens because of fleeting circumstance or desire. It is driven in all sectors by imbalances in power. Men hold far more positions of power in all sectors of the economy. Even in female-dominated fields, men are more likely to be supervisors, principals, and managers. In the Zimbabwean society, the patriarchal system, has led to more men occupying strategic positions which allow them to exert power and influence over women. This has led to recurring patterns of exploitation, which are further reinforced by social norms and weakened response systems which fail to protect the most vulnerable.

Adolescent girls and young women have been disproportionately exposed to the scourge of sexual harassment in the workplace. At the very start, their potential for employment is not measured in regard to their acquired skills, qualifications or experience, rather senior cooperates often look at the potential to which a young person may be exploited. It often begins

with the little things, the subtle comments on how they look, how they dress, walk or talk, all of which give off the impression that their competence is based on aesthetics. Sexual harassment in the workplace can take many forms, such as, a completed or attempted non-consensual sex act for example, sexual abuse, abusive sexual contact, for example, unwanted fondling or non-contact sexual abuse for example threats of sexual violence, conduct that produces a hostile work environment, pervasive telling of lewd sexual jokes and unwelcome, abusive, or harassing misbehaviour. This makes it difficult to easily identify acts which constitute sexual harassment.

The notion of gender dynamics is embedded in sexual harassment within the workplace. Sexual harassment also includes gender-based harassment, which is hostile behaviour that is devoid of sexual interest but is undertaken because of the gender of the target. Sexual harassment and violence are a symptom of a greater epidemic of gender disparity, as well as other inequities in our society that impact workplace culture. Examples of gender-based harassment include: a female or male colleague being called derogatory names basing on their sex, making sexist comments, jokes that are derogatory to women, men, or lesbian, gay, bisexual, and transgender individuals or comments that women do not belong in management or leadership positions, or other comments based on gender stereotypes.

The confluence of gender and sexual harassment has become well defined. The socially ascribed roles between men and women often form the basis of power relations within the workplace, and this has culminated in one group being subjected to more violations than the other.

Allovertheworld,indevelopedandunderdeveloped nations alike, cases of sexual harassment are neglected or unreported altogether. The reason why these problems have remained as an invisible pandemic for so many years is that women still compete in environments where male sexuality dictates their values. Particularly for non-elite women across the world, the prospect of facing sexual harassment while climbing the ladder to success is widely accepted as an inevitability, or even as standard practice. Most women still have little awareness of their own rights and often do not realize that they are a victim of sexual harassment. When confronted with the ethical dilemma of succumbing to a supervisor's sexual advances versus losing promotion opportunities, most women ultimately choose to give in.

Despite social progress in terms of legal protection and equal rights, women still assume a lower-status role in many traditionally patriarchal societies around the world. Regardless of one's affluence or social standing, women are often subconsciously expected to serve men, either as domestic or sexual objects, which results in the normalization of sexual harassment at the workplace. Anti-harassment policies and one-off training designed to limit employer liability do not adequately confront power and control and its impact on the workplace, especially when compounded by broader societal inequities. While high profile cases start much-needed conversations in mainstream media, we can't forget about the millions of incidents that go unreported because the victims and perpetrators are not famous.

Issues relating to sexual harassment are further exacerbated by generational conflicts as older individuals, both men and women alike, are generally more unfeeling towards the concept of sexual harassment and gender equality compared to young people. In Zimbabwe, most older people often see, gender equality or equity as washing away cultural values. It is therefore difficult to get support for women when they face sexual harassment, when the societal belief in itself, holds high the standard that women should be confined in the household. The support from older generations matters, especially in Zimbabwe, where the older generations have more access to strategic decision-making positions, affecting policies and procedures relating to sexual violence.

In terms of the law, Discrimination against women is defined in international law, particularly the Convention on the Elimination of All Forms of Discrimination Against Women, as any distinction, exclusion, or restriction made on the basis of sex that has the net effect of denying women their human rights on an equal footing with men in any sphere of life. Section 24 of the Zimbabwe Constitution is an aspirational guarantee of the right to work under national law. In light of this provision, Section 65 grants everyone the freedom to work and specifically mentions the right to fair and safe methods and standards. By definition, sexual harassment is a breach of the constitutionally protected right to fair labour standards, as well as a violation of the law. The Labour Act [Chapter28:01], whose major objective is to regulate the employer-employee relationship, guarantees the right to fair and safe working conditions. By inference from Section 8(h), which prohibits unfair labour practices, the Act narrows the definition of sexual harassment. Engaging in unwelcome sexually determined behaviour toward an employee is prohibited under this rule Sexual harassment falls under the category of unfair labour practices, with the following penalties: discontinuation of the practice, remuneration for such acts, and criminal penalties for the perpetrator. All of the prescribed treatments, however, are insufficient Section 4 of the Public Service Regulations S.I 1 of 2000 provides for "discourteous behaviour" during the course of duty, which includes sexual harassment, for personnel in the public sector. Discourteous behaviour is defined as disrespectful, ill-mannered, or impolite behaviour in the context of the Regulations. Sexual harassment is not clearly defined in the regulations; however, it is mentioned in the context of forbidden conduct.

Employers, coworkers (especially men), unions, and advocates must analyse their workplace culture for gaps in gender equity, consistently train on bystander intervention, and adopt best practices in prevention that assure confidentiality and protections against retaliation. Only then will workplace culture shift away from the silence and alienation that fosters sexual harassment and violence, and move toward accountability, respect, equity, and safer workplaces for all.