Causes, Theories and Effects of Sexual Harassment

Running Time: 1 ½ hours
Materials: Flipchart and flipchart stand/chalkboard, markers
Target Audience: To be used for awareness-raising with various audiences

This session is best conducted after the session “What is Sexual Harassment” has been conducted.

Introduction

Facilitator: Sexual harassment in the workplace is a form of violence against women, a violation of their human rights and an offense that is incompatible with human dignity. Many countries recognize sexual harassment as a form of sex discrimination. In order to effectively prevent sexual harassment and appropriately address sexual harassment when it occurs, it is important to understand not just what sexual harassment is, but why it occurs and the effects it can have. During this session, we will explore common excuses given for sexual harassment, theories regarding why sexual harassment actually occurs, and effects of sexual harassment on victims, employers and societies.

Learning Objectives

- Identify and evaluate different theories of sexual harassment.
- Explain the relationship between women’s historically subordinate role in society and sexual harassment.
- Discuss the impacts of sexual harassment on victims, companies, and societies.
- Explain how the cause or motivation used to explain harassment dictates the response to harassment.

Activity 1: Theories of Sexual Harassment

1. The facilitator begins the training session by reviewing the definition of sexual harassment from the “What is Sexual Harassment” training session:

   Sexual harassment is behavior that
   - occurs in the workplace or in a work-related environment,
   - occurs because of the person’s sex or is related to or about sex,
   - is unwelcome, unwanted, uninvited, not returned and not mutual, and
   - affects either the terms or conditions of employment (quid pro quo sexual harassment) or the work environment itself (hostile work environment sexual harassment).

   Examples include unwelcome behavior such as sexual physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions.

2. The facilitator then conducts a brainstorming session about common explanations of, or excuses given for, sexual harassment:

   - What common explanations have you heard about why sexual harassment occurs?
   - What excuses can you imagine a harasser or other people might give for why sexual harassment occurs?
3. Facilitator summarizes brainstorming results and highlights the following concepts:

The concept of “sexual harassment” – even the term “sexual harassment” itself – did not develop until the 1970s. Until that time, and sometimes even today, sexually harassing behavior in the workplace was seen as a “private” or “petty” issue. Such behavior has often been explained away using one of the following excuses:

- Sexual harassment as a “natural” practice based on simple sexual attraction (i.e. “boys will be boys”)
- Sexual harassment as caused by the victim’s provocative dress or behavior (i.e. “she was asking for it”)
- Sexual harassment as justified because women were working in jobs traditionally held by men (i.e. “this is men’s work - women don’t belong here”)

What response to sexual harassment would naturally follow from these types of explanations?

- Lack of consequences for sexual harassment
- No incentive to report sexual harassment
- Blaming the victim
- A work environment permissive of sexual harassment

4. Facilitator explains that, with the evolution of feminist legal theory in the 1970s, more thoughtful and substantive theories of sexual harassment and its causes developed.

- Sexual harassment is about power.

What do you think power has to do with sexual harassment?
Facilitator takes responses from participants, then provides the following information:

- Sexual harassment has been and is used as a tool to perpetuate the subordination of women. It is, in most cases, a means by which men assert power over women through the threat of or acts of violence, the perpetuation of gender stereotypes, and economic control.

- According to a 1992 International Labour Organization study: “Sexual harassment is inextricably linked with power and takes place in societies which often treat women as sex objects and second class citizens.” Source: Martha Langelan, Back Off! How To Confront And Stop Sexual Harassment and Harassers (July 1993).

- As Catherine MacKinnon, an early scholar on sexual harassment, explained in 1979: at its most basic level, sexual harassment is the “unwanted imposition of sexual requirements in a relationship of unequal power.” Perpetrators leverage the power they have based on their gender or sexual status to gain or maintain power in the workplace (or school). Source: Catherine A. MacKinnon, The Sexual Harassment of Working Women, 9-10 (1979).

- MacKinnon went on to explain that a woman struggling to establish credibility in a workplace setting “can be swept off balance by a reminder that she can be raped, fondled, or subjected to repeated sexual demands.” Her resulting anxiety, fear or vulnerability prevent a woman from “feeling, or being viewed as, the equals of their male counterparts in the workplace.” Source: Catherine A. MacKinnon, The Sexual Harassment of Working Women, 9-10 (1979).
• Sexual harassment is about **perpetuation of gender stereotypes**.

✓ Another key underlying theory on the cause of sexual harassment is that harassers use it to police or maintain traditional gender roles and to promote gender conformity – “keeping women in their place.”

✓ For example, women in non-traditional jobs may be subjected to gender hazing or baiting, in the form of sexual inquiries, jokes, remarks, or innuendoes. Such behavior has “the effect of reminding a woman that she is viewed as object of sexual derision rather than as a credible coworker.” *(Source: Kathryn Abrams, Gender Discrimination and the Transformation of Workplace Norms, *Vanderbilt L. Rev.*, vol. 42, 1207-1209 (1989)).

✓ Sexual harassment against gay, lesbian, bisexual or transsexual individuals, whether male or female, may be similarly motivated by an effort to police traditional gender roles.

• Sexual harassment often stems from **economic motivations**.

➢ What economic motivation might someone have to engage in sexual harassment? Facilitator takes responses from participants, then provides the following information:

✓ In many cases, sexual harassment may be used by men to maintain their competitive advantage in the workplace – reserving the most highly-rewarded work for men and branding women workers in these areas as incompetent or unsuitable for the job.

• Sexual harassment is an affront to **dignity in the workplace**.

✓ Some theorists characterize sexual harassment as a violation of dignity, and aim to prohibit harassing behavior directed towards all workers, regardless of gender, and including those who may not be particularly vulnerable to harassment by virtue of membership in a particular social group.

✓ In particular, some Western European countries have shifted the focus away from prohibiting sexual harassment as a form of sex discrimination towards prohibiting all harassing behavior in the workplace, addressing issues such as “moral harassment,” “mobbing,” or “workplace bullying” – resulting in less focus on gender dynamics and more on the broader question of rights for all workers. *(Source: Friedman and Whitman, *The European Transformation of Harassment Law: Discrimination Versus Dignity*, Columbia Journal of European Law, Vol. 9, 241 (2003)).

➢ Do you think this shift in focus makes sense? What advantages may the shift provide? Do you see any cause for concern in the shift in focus from sexual harassment to preservation of dignity? Facilitator takes responses from participants, then provides the following information:

✓ Dignity theorists note that this approach is more inclusive of a wide variety of harassment claims, including same sex cases.

✓ Other scholars argue that the shift in focus away from issues of gender-based violence may mask an underlying societal cause of sexual harassment – the subordination of women.
The European Union directive on sexual harassment merges the concerns about subordination of women with concern about preserving dignity in the workplace, defining sexual harassment as occurring where “any form of unwanted, verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.” Source: Directive 2002/73/EC.

Activity 2: Effects of Sexual Harassment

1. The facilitator divides the participants into four groups and gives each a flipchart or paper and pen. The facilitator then explains that sexual harassment can have serious financial, physical and emotional effects on the victim. It also has negative impacts on others. The facilitator asks each group to look at the effects of sexual harassment from a different perspective. The facilitator gives the groups 15 minutes to discuss the impacts and develop a list, then has a representative from each group walk through the group’s conclusions. The facilitator should interject and add impacts listed above if missed by the groups.

- **Group 1:** What immediate and long-term gains might a sexual harasser assume he will gain from engaging in sexual harassment?
  
  - **Immediate gains:**
    - sense of power
    - pleasure / amusement
    - gaining advantage over his victim in the current work situation or environment
  
  - **Longer term gains:**
    - subordination of victim (women) in workplace
    - exclusion of victim (women) from workplace
    - reduced competition for highly-rewarded jobs

  “[By portraying women as less than equal at work, men can secure superior jobs, resources, and influence – all of which afford men leverage over women at home and everywhere else.” Source: Vicki Schultz, Reconceptualizing Sexual Harassment, Yale Law Journal, Vol. 107, 1683, 1755, 1760-1761, 1800-1801 (1998).

- **Group 2:** What physical and psychological health effects, financial effects, and social effects do you think sexual harassment may have on the victim?

  - **Physical and psychological health effects:** Victims of sexual harassment “suffer physical and psychological effects such as serious forms of stress, anxiety, fatigue and depression” which directly affect productivity and quality.” Source: ILO Guidelines. Other potential health effects:
    - weight loss/gain
    - loss of appetite
    - sleep disturbance
    - headaches
    - post-traumatic stress disorder

  - **Financial effects:** Sexual harassment “strikes at the heart of women’s economic self-sufficiency, disrupting women’s earning capacity by forcing them out of the workplace or school.” Source: Coomaraswamy, Radhika, Report of the Special Rapporteur on violence against women, its causes and consequences, UN Commission on Human Rights (E/CN.4/1997/47) (1997). Women are nine times more likely than men to leave their jobs as a result of sexual harassment. Id. Specific financial impacts:
    - decreased work performance as victim must focus on dealing with harassment
and resulting dynamics, or due to psychological effects
- increased absenteeism to avoid harassment, or due to illness from the stress, resulting in sick leave without pay
- termination due to retaliation from harasser or due to decreased work performance resulting from harassment
- cost to relocate to another city or job
- loss of job references/recommendations
- loss of career

✔ **Social effects**: The health and financial effects of sexual harassment listed above are often exacerbated by the social dynamics that can evolve as a result of the sexual harassment:
- retaliation from the harasser, or colleagues/friends of the harasser, should the victim complain or file a grievance
- having one’s personal life offered up for public scrutiny – the victim becomes the “accused,” and her dress, lifestyle, and private life will often come under attack
- being objectified and humiliated by scrutiny and gossip
- becoming publicly sexualized
- defamation of character and reputation
- loss of trust in environments similar to where the harassment occurred or in the types of people occupying similar positions as the harasser
- extreme stress upon relationships with significant others, peers, colleagues
- weakening of support network – colleagues, friends, and even family may distance themselves from the victim

*Source: What is sexual harassment and why is it so difficult to confront?, Sexual Harassment Support (last accessed 2 March 2009).

➢ **Group 3**: What impact does sexual harassment have on the employer?

✔ **Lost productivity**: Victims of sexual harassment may not be able to function at their normal productivity level. If perpetrators are successful in blocking victims from advancing within a company, the company loses out because the best candidate for a given position may not have the opportunity to fill it. Additionally, dealing with sexual harassment incidents and their impacts can take time away from managers’ time to complete their other tasks.

✔ **Decreased employee morale**: The threat of sexual harassment, a hostile work environment, or the conflict and stress caused by incidents of sexual harassment, can dramatically decrease employee morale.

✔ **Staff turnover**: Employers may lose talented employees due to sexual harassment or a hostile work environment – not only the victims, but also witnesses or observers, who frequently leave the organization in response to their experiences. *Source: Violence and harassment in the workplace on the increase*, Communiqué, European Foundation for the Improvement of Living and Working Conditions (EF/03/02/EN) (February 2003).

✔ **Direct expenses**: Employers may incur costs due to sick leave, health benefits, monetary damage awards to victims, and legal expenses. *Source: ILO Guidelines.*

➢ **Group 4**: What impact does sexual harassment have on the broader community?

✔ **Continued sexual inequality and subordination of women**: Sexual harassment reinforces the power imbalance between men and women in a society, exacerbating the subordination of women.
✓ **Lost productivity/economic impact:** The productivity losses within each company also impact the society’s overall economic productivity, as does the employee turnover and unemployment that can result from sexual harassment. “In general terms, sexual harassment is an obstacle to the proper integration of women into the labour market.” *Source:* Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work, Commission of the European Union (92/131/EEC) (27 November 1991).

✓ **Rippling social and emotional impacts:** The physical, psychological, and social effects of sexual harassment on victims also impacts the victim’s families and the broader community.

Once all groups have reported, the facilitator can provide the following statistics:

✓ The U.S. Department of Labor estimates that American businesses lose about $1 billion annually as a result of sexual harassment suits. *Source:* Boland, Mary, Sexual Harassment in the Workplace, SphinxLegal (2005). However, the cost of turnover – not litigation – has been identified as the largest single component of the overall cost of sexual harassment in the U.S. Sexual harassment has been estimated to cost the typical U.S. Fortune 500 company $6.7 million per year in absenteeism, low productivity and employee turnover. *Source:* Sbraga, Tamara & William O’Donahue, Sexual Harassment, Annual Review of Sex Research, 11 (2000).

3. Facilitator asks participants to consider and discuss how the impact of sexual harassment on each of the groups differs based on the underlying theory of sexual harassment that is applied by management (or the legal system) when sexual harassment is reported by a target.

- If management subscribes to traditional excuses or disregards or downplays complaints of sexual harassment, what impacts are likely to occur?
- If management is proactive in establishing policies to prohibit and address sexual harassment, how would those impacts change?
- If management focuses its policies on any “affront to the dignity of its workers,” rather than just sexual harassment, how would that change the impacts?

4. Facilitator explains that, for victims of sexual harassment, one key concern is the potential for a “second injury,” beyond the harm caused by the harassment itself, when the victim reports harassment. A report of sexual harassment has, in some cases, resulted in more scrutiny of the victim than the harasser. Facilitator asks the group the following questions:

- What questions do you think may be asked about – or what accusations do you think may be made against – a victim who reports sexual harassment?

  ✓ Were her clothes too sexy?
  ✓ Was she flirting or did she initiate the behavior? Did she condone the behavior?
  ✓ Is she making a false accusation because the alleged harasser rejected *her* advances or did not promote her?
  ✓ Is she married or in a romantic relationship? What is her dating history?
  ✓ Is she just trying to get attention?

Facilitator notes that several of the effects on the victim that were listed earlier can be exacerbated if the victim reports harassment and her employer is not adequately prepared to address the complaint, including harm to her personal and professional reputation, humiliation, retaliation, loss of position or opportunity for promotion, not to mention the stress and anxiety...
caused by the incident, and asks:

- Why do you think victim blaming occurs?

  ✓ People do not want to believe their colleagues capable of such poor behavior.
  ✓ Management may take the word of a senior person they have known longer rather than a subordinate, who typically has less credibility.
  ✓ Blaming the victim can be a way of protecting the image of the company.
  ✓ The victim may tolerate the harassment out of embarrassment or fear of retaliation until it becomes unbearable, resulting in accusations she condoned the behavior.

Source: What is sexual harassment and why is it so difficult to confront?, Sexual Harassment Support (last accessed 2 March 2009).

How can companies/managers, the legal system, and the broader community prevent that additional harm from occurring, and thereby promote the reporting of sexual harassment?

- Companies should have clear rules prohibiting sexual harassment, employee and manager training on sexual harassment, and an established system for reporting and addressing incidents.
- The legal system should have laws in place that define, prohibit, and punish sexual harassment and a court system that treats harassment victims fairly.
- The broader community should be educated about sexual harassment and develop a culture that discourages rather than tolerates such behavior.

Summary and Closing: The facilitator closes the session by emphasizing the following points.

- Sexual harassment perpetuates the subordination of women, exacerbates power imbalances between the genders, and is an affront to the dignity of employees. Understanding the theories on why sexual harassment occurs and what impacts it has will facilitate development and implementation of appropriate policies to address sexual harassment.
- Sexual harassment results in serious economic, social and health effects on victims, as well as significant financial ramifications for and negative social impacts on the companies or institutions where it occurs and on society as a whole. In addition, sexual harassment victims often face a “second injury” upon reporting an incident. This “second injury” will be exacerbated or minimized depending on the response of colleagues, company management and the community.

Questions and Comments:

Facilitator should end the session by asking if there are remaining questions or comments related to this material. Keeping track of feedback will allow the facilitator to make useful changes to future presentations.

It would be helpful to ask participants to generate a list of questions they have about sexual harassment. Facilitator should record these questions and make sure all of them are answered by the end of the training workshop.

Sources and Additional Resources:

Catherine A. MacKinnon, The Sexual Harassment of Working Women, 9-10 (1979)


