

# Sexually harassed?

By Davis Sharp

SEXUAL harassment in the workplace can affect anyone in any job. While not limited to women, the statistics show that only 15 per cent of charges are filed by males. Sexual harassment destroys the work environment. The anxiety and frustration experienced by victims can impact their quality of life and the quality of their work. Although steps are being taken to eliminate sexual harassment in the workplace, employers and law agencies cannot always prevent it but they can help victims by responding to complaints and dealing with the violators.

The laws regarding sexual harassment remain vague since what is considered harassment by one individual may not be by another. To that effect, laws are created to protect the victim and knowing your rights can help you face harassers and employers when dealing with sexual harassment in the workplace.

**WHAT CONSTITUTES SEXUAL HARASSMENT?** According to the Protection of Human Right Act, 1993 "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the International Covenants and enforceable

by courts in the country. It is necessary and expedient for employers in workplaces as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women as to live with dignity is a human right guaranteed by the constitution.

It has been laid down by the US Supreme Court that it is the duty of the employer or other responsible persons in workplaces or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

Women who either draw a regular salary, receive an honorarium, or work in a voluntary capacity – in the government, private sector or unorganised sector comes under the purview of these guidelines

According to USA's EEOC (Equal Employment Opportunity Commission), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's

work performance, or creates an intimidating, hostile, or offensive work environment".

Sexual harassment can be made by members of the same gender and it does not have to be from a person in a position of superiority over the victim. The harasser may be a co-worker or even a non-employee depending on the circumstances.

Sexual harassment includes such unwelcome sexually determined behaviour (whether directly or by implication) as:

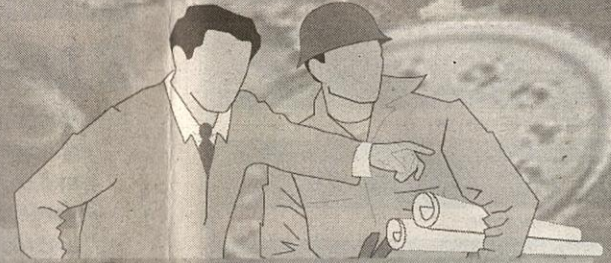
- a) physical contact and advances,
- b) a demand or request for sexual favours, c) sexually coloured remarks,
- d) showing pornography, e) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

An individual can file a charge of harassment even if they are not the intended target. Any person who feels affected by the offensive nature of the harassment can make a charge.

Sexual harassment can take many forms. If you feel that your work, emotional or physical safety are being threatened or affected by sexual undertones in the workplace, it may be considered harassment. Each case is dealt with individually and companies will have different policies for what they consider to be sexual harassment

## JOB WATCH

Top six jobs advertised in New Straits Times  
(From 12 - 17 Mar, 07)



EXECUTIVES	76
MANAGERS	60
TECHNICIANS	55
ENGINEERS	41
SUPERVISOR	38
CLERKS	24

Note: All figures are conservative.  
Some advertisers did not disclose the number of vacancies available for a given position.

and how they deal with it.

If the company offers no method of filing a complaint, no investigation is made or no reasonable action is taken against the violator, you should file a charge with the EEOC. Charges must usually be filed within 180 days of an alleged violation.

**WHAT ARE YOUR RIGHTS?** You have the legal right to work in an environment that is free of sexual harassment.

You also have the right not to receive retaliation for making a charge, testifying or participating in an investigation into the charge.