

Dealing with sexual harassment in the workplace



By [Abram Molelemane](#)

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While incidents are quite rare, sexual harassment does sometimes occur and you need to know how to deal with it.

With the job market being tougher than ever before, many sexually harassed victims find themselves brushing off these incidents and some even reluctantly allow them to continue just to keep their jobs. But I say you don't have to put up with this injustice; there are many ways to deal with sexual harassment and I will share some of them with you in this article. But before I go into detail, let's start off by defining what sexual harassment is.

What is sexual harassment?

Sexual harassment may include unwelcome physical, verbal or non-verbal conduct, and includes, but is not limited to, the examples listed as follows:

- Physical conduct of a sexual nature includes all unwanted physical contact, ranging from touching to sexual assault and rape, and includes a strip search by or in the presence of the opposite sex;
- Verbal forms of sexual harassment include unwelcome innuendoes, suggestions and hints, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments about a person's body made in their presence or directed toward them, unwelcome and inappropriate enquiries about a person's sex life, and unwelcome whistling directed at a person or group of persons;
- Non-verbal forms of sexual harassment include unwelcome gestures, indecent exposure, and the unwelcome display of sexually explicit pictures and objects; and
- Quid pro quo harassment occurs when an owner, employer, supervisor, member of management or co-employee, undertakes or attempts to influence the process of employment, promotion, training, discipline, dismissal, salary increment or other benefit of an employee or job applicant, in exchange for sexual favours.

How to deal with sexual harassment:

- **Talk to the person directly:** When the initial sexual harassment incident takes place, ask the person harassing you to stop. If your harasser continues displaying the same behaviour, inform your harasser that you plan to file a report if the behaviour continues. Some people discontinue their behaviour once you threaten to report them. If the harasser

fails to stop, you can take further action;

- **Find other victims and witnesses:** Search for other victims of sexual harassment by your harasser. You may find that some other victims have filed complaints in the past. Secure the testimony of any witnesses of your incidents in writing. This helps support your claim;
- **Inform your supervisor:** If talking to your harasser does not stop the harassing behaviour, report all incidents to your immediate supervisor. Write a formal letter to your supervisor detailing the events that took place. Ask your supervisor for a meeting to explain the situation in person;
- **Contact HR manager:** Even if you inform your supervisor, you should also contact your human resources manager. Human resources can inform you of the action you need to take concerning sexual harassment incidents. The human resources manager should possess expert knowledge concerning sexual harassment and discrimination, and should be willing and able give you impartial advice;
- **Contact senior management:** If your supervisor refuses to take action, you can file a formal complaint with your company's senior management. Your senior manager should handle your situation with discretion and inform you of any further actions you must take. You must present all evidence and documentation concerning the incident/s to senior management;
- **Contact CCMA:** If your complaint does not result in your supervisor or senior manager taking action, you can file a charge with the Commission for Conciliation, Mediation and Arbitration (CCMA), which investigates unfair labour incidents in the workplace. Inform the CCMA of your employer's name, the name of the offender and the details surrounding the incident/s; and
- **File a lawsuit:** After you file a complaint with the CCMA, you can possibly file a lawsuit. You can seek monetary damages, or try to get your job back if your employer fired you due to the incidents. If you plan to file a lawsuit, you should seek legal representation from an attorney who handles sexual harassment cases, which can be expensive but necessary in some extreme cases.

While it may sound straightforward, detecting sexual harassment is not the easiest thing to do in or out of the workplace. Most employees assume that they know how to classify sexual harassment in the workplace, but there is in fact a lot more to it than we think.

To learn more on sexual harassment and other labour issues and how to best deal with them, go to www.gogap.co.za

ABOUT ABRAM MOLELEMANE

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