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SEXUAL HARASSMENT – THROUGH THE EYE OF THE NEEDLE

Just before the dawn of democratic government around the year 1992, our South African workplaces did not speak much or have enough knowledge about what sexual harassment was.

Again immediately after the dawn of democracy, as the new democratic order leaders of the likes of ANC led Government and majority of them being from the ANC related groups including independent civil based organisations as well as activists and professionals, lobbied stronger on the awareness of this problem being an existing phenomenon on the workplaces thus was required that it be taken seriously and addressed.

We have noted that our South African courts of law has dealt with sexual harassment since at least around1991 in a different approach which replaced a **reasonable man/person** standard on judgement of behaviours that constitute sexual harassment to a reasonable victim or a woman at a time.

According to **Dancaster 1991:465**, the first reported case of sexual harassment in South Africa was **J v M in 1989** which was the case of hostile and offensive working environment. We have observed that during those years industrial courts in South Africa has not yet legally recognise this type of harassment being per se **Hostile Working Environment**

Now being that as it may our purpose with this article is to highlight developments on management of sexual harassment in the work place by dealing with forms of conduct that is seen as sexual harassment in an attempt to inform employees and guide management and shop stewards how to assess sexual harassment allegations and how to identify its categories.

Further we utilise case law in an attempt to show workers as organised labour and management level about the dangers of not acting pro-actively whenever a victim raises complaints on sexual harassment incidents today.

A WORKPLACE SITUATION BEFORE THE DEMOCRATIC ORDER

This was, at that time, an old problem that required **a** new attention – This simply means before the democratic dispensation when women or employees were sexually harassed this was not the problem of the employer or the law, it was a private problem

of the individual, largely invisible in their own secrecy no matter how the harassed victim might have disapproved of it.

When the victim raised sexual harassment incident then, especially who **mostly** would be a woman and the workplace with very little knowledge about sexual harassment, these victims would be afraid to confine to anyone in case they would not be believed but instead blamed for facilitating sexual harassment.

The victims would be further humiliated and embarrassed amongst colleagues.

Sometimes employers would prevent their employees from speaking out as it tends to be more distressing than the incident itself.

Little knowledge on sexual harassment was dominated by the fact that there were serious misconceptions, there were myths and there were stereotypes.

WHAT INFLUENCECED STEREOTYPES THAT PREVAILED THEN?

- The Cultural attitude

  In those days South Africa knew no democratic concept as part of societal existence, individual and personal lives were governed by largely by the legislator who was subjected to the sovereignty of its own with South African government ruled over a large spectrum of divide in a form of homelands, Bantu stands, self-governing territories and self-determination central government. Each with its cultural rules and attitudes towards intimate relations and affairs.

  Most dominantly were the accepted common law practice that women can be canvassed into an intimate relationship proposal by interested males in an unlimited variety or forms of approach which the proposer may choose and see fit.

  Therefore the law will not bother to see it wrong if a proposer who was predominantly mostly men counterparts even touch any body part of a female person or demand sexual relations being at work or in society.

- The Legal tradition

  There was no Constitutional Supremacy but parliament was supreme not only as law making body but as final ruler over any law, conduct or practice. Laws which were in place would not believe or permit that in the marriage relationship there could be sexual harassment even in a form of rape between husband and wife.

  The laws of the day saw women as sexual objects in a sense in that it foresaw no possible existence of infringement of bodily privacy on neither married women nor a right to claim reproductive consent.

- The status of women in society

  Women had a less standing in society than men, this was pedalled in many forms of intensive drives and systematic enforcement in all walks of life beginning in marriage customs and practices where women could not have a right to inherit estates rights, power, economic income or position of influence when falls due.

  This was because the state and society did not see women as people with abilities to contribute meaningfully in their own lives and lives of society at large. A woman was believed that pursuant to religion and traditional customary laws are not equal with life and power to men.

  The precept from which the belief stems and was defended with vigour was based on physical masculine as females are known to be much weaker in physical strength than to males.

- The sex role stereotypes

  From the word go the roles which women played in society were seen to be in a kitchen, to bear children and look after them, to clean the house, cook for their husbands and wait for their men to bring home the economic income that will determine the families prosperity.

  Women dress code would determine their eligibility to be characterised as either a woman fit to be recognised as such or not, even to the extent of being accepted by other women or in laws in the societal cycles.

  This stereotype drove largely the expectation that women cannot claim sexual harassment from any conduct by men even if it was offensive, denigrating or abusive. It was a taboo for a women to complain about a conduct of any male person when it was viewed to be carried out in the intimate relations set-up.

These largely influenced the legal remedies as well as the voluntary steps in addressing sexual harassment at work as there was a lack of concern on the issue of sexual harassment.

It is unbelievable today that mostly men **then** voiced their concern fearing that sexual harassment concerns effectively would prohibit any kind of social interactions between the genders even to the point of polite compliments about a woman's dress.

To this day it should be agreed that even in todays changed workplace environment there remains the existence of a new fear amongst employees being that no enough knowledge about sexual harassment exist to an extend it must be accepted that, there is still -

No continuous discussions about misconception on what constitute and what not constitute sexual harassment.

As results employees are not finding an opportunity to be alerted to their own prejudices and sexist actions which are often “unconscious”, but **detrimental** to the victims of sexual harassment.

HISTORIC INTERVENTION IN THE WORKPLACE

At Nedlac Market Chamber, a South African Code of Practice on Sexual Harassment was adopted and approved defining sexual harassment as;

- Unwelcome conduct of a sexual nature that violates the rights (such as dignity and privacy) of an employee;
- Conduct that constitutes a barrier to equity in the workplace; and
- Action based on sex and/or gender and/or sexual orientation, whether the conduct was unwelcomed or not.

WHAT IS THE IMPORTANCE OF THE CODE

It attempts to provide guidance to employers on how to deal with the occurrence of sexual harassment and how to curtail such conduct in the work place.

Postscript:

The author believe that every shop stewards in the work place or shop floor (as is usually called in labour cycles) must still with a high esteem held this code in holding the employer accountable for illumination of sexual harassment practices.

LEGAL POSITION ON SEXUAL HARRASSMENT

Except with The Code: Sexual Harassment, was not embodied in a legal definition however in terms of section 6(3) of the Employment Equity Act 55 of 1998, any type of **Harassment** is regarded as an unfair discrimination.

Recently we have seen the legal developments where the Parliament of the Republic of South Africa intervened by enacting a brand new Harassment Act with the aim of providing its citizens a protection against harassment.

The Protection from Harassment Act 17 of 2011(hereinafter referred to as Act 17 of 2011) appears in English and Afrikaans in Government Gazette No 34818 dated 5 December 2011. Despite the similarities it bears with the Domestic Violence Act 116 of 1998, there are differences between the two pieces of legislation. It will require any shop steward or union official to understand the Domestic Violence Act 116 of 1998 in order to understand the harassment Act 17 of 2011.

THE NEWLY EMBODIED LEGAL DEFINITION OF SEXUAL HARASSMENT

According to section 1 of Act 17 of 2011 definition clause begin as follows;

Unless the context indicates otherwise, words have the following meanings in Act 17 of 2011:

"Harassment" means directly or indirectly engaging in a conduct that the respondent knows or ought to know –

(a) Causes harm or inspires the reasonable belief that harm may be caused to the complainant or a related person by unreasonably –

i. Following, watching, pursuing or accosting of the complainant or a related person, or loitering outside of or near the building or place where the complainant or related person resides, works, carries on business, studies or happens to be;

ii. Engaging in verbal, electronic or any other communication aimed at the complainant or a related person, by any means, whether or not conversation ensues; or

iii. Sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other object to the complainant or a related person or leaving them where they will be found by, given to, or brought to the attention of, the complainant or related person; or

(b) Amounts to sexual harassment of the complainant or a related person

*Note that the words and/or phrases that are underlined in this discussion are highlighted in the definition of "harassment" above. All these words are separately and individually defined, which means that "harassment must be read together with such definitions" [For the purpose of this discussion we will concentrate on words relevant to sexual harassment] and these words and/or phrases are –

1……..
2……..
3…….
4. **"Sexual harassment"** which means any –
(a) unwelcome sexual attention from a person who knows or ought reasonably to know that such attention is unwelcome;
(b) unwelcome explicit or implicit behaviour, suggestions, messages or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the complainant or a related person in circumstances, which a reasonable person having regard to all the circumstances would have anticipated that the complainant or related person would be offended, humiliated or intimidated;
(c) implied or expressed promise of reward for complying with a sexually oriented request; or
(d) implied or expressed threat of reprisal or actual reprisal for refusal to comply with a sexually oriented request.
5. "Harm" which means any mental, psychological, physical or economic harm.

COMMENT

The four types of "harm" referred to in the definition are not defined in Act 17 of 2011. Note, however, that "economic **abuse**" (not **harm**), "psychological abuse" and "physical abuse" (but not "**mental abuse**") are all defined in section 1 of the Domestic Violence Act 116 of 1998.

It is suggested that the said three definitions of Act 116 of 1998 may be consulted when searching for the meanings of what is defined as "harm". But as far as "mental harm" can be defined for which there is no corresponding definition in the Domestic Violence Act 116 of 1998, it is suggested that it means "the infliction of suffering on another person's mind either meaning to make another person crazy or wild or unstable or unbalanced or loony or whatever that may be properly described"

{ The author must warn readers of this article that the users of Act 17 of 2011 must not confuse it with the protection procedures espoused in the Domestic violence Act, these are two different Acts with different applications}

FORMS OF SEXUAL HARRASMENT

When defining these forms it is important we firstly become aware that conduct constituting sexual harassment would include ***physical conduct, verbal conduct and non-verbal conduct***

In the year 2008, in the case of **UASA obo Zulu and Transnet Pipelines (2008) 29 ILJ 1803 (ARB),** the court came out strongly against sexual harassment as having no place in a civilised society.

What happened? **More physical a conduct**

Briefly: a male employee, repeatedly sexually harassed a co-employee over a period of more than a year. He verbally abused her by calling her his wife and made repeated demands on her to have sex with him. She repeatedly made it clear to him that his conduct was unwanted and unwelcome. After an assault during which he lifted her dress and attempted to have sex with her (which was witnessed by a co-employee) the harassed worker finally reported him.

The harasser did not deny sexual harassment and show no remorse but in fact he maintained that such conduct was part of his culture – he was dismissed on the arbitration hearing following his disciplinary charges.

Another incident at glance: **More verbal a conduct**

The employee's supervisor sexually harassed her by suggesting that they have an intimate relationship, touching her private parts, making unwanted sexual proposals to her and threatening her with a report about bad work performance if she did not give in to her demands. While this had been brought to the attention of her manager, the latter failed to deal with it. The employee resigned as the situation became intolerable.

The Labour Court, after a finding of sexual harassment, awarded the employee compensation for an unfair dismissal in terms of the LRA and damages in terms of the EEA for future medical costs, and general damages.

This followed **Ntsabo v Real Security CC [2004] 1 BLLR 58 (LC).**

Another different incident: **More Non-verbal a conduct**

In Media 24 Ltd & another v Grobler 2005 (7) BLLR 649 (SCA), Grobler was harassed by her manager. Her complaints were ignored and she resultantly resigned.

The court found that she was able to claim on three separate causes of action, namely:

1. Vicarious liability
2. the EEA
3. the LRA (but specifically in Groblers case the court held that she was automatically unfairly dismissed)

In this case it became clear, that a claim for sexual harassment can be based on three possible legal bases.

WHAT ARE GLARING ELEMENTS DEFINING A SEXUAL HARASSMENT?

It is an action or practice by a person or group of people in the work place directed at one or more employees and which:

- are of sexual nature or sex based
- are unwanted, not asked for and not returned
- are deliberate or repeated
- cause humiliation, offence or distress
- interfere with job performance or create an unpleasant working environment
- comprise remarks or actions associated with person's sex
- emphasise a person's sexuality and gender over his/her role and competencies as a worker

CONDUCT CONSTITUTING ELEMENTS OF SEXUAL HARASSMENT

Before discussing the categories we analyse the conduct which constitutes elements of sexual harassment with a hope that when we discuss such conduct it will become clearer and reasonable to an alleged harasser why the complainant feels a victim and seeks remedial actions.

Our courts per cited decisions above have re-emphasised that the concept of sexual harassment is broader than the conduct which is "sexual" in that not only lust must be reflected but concurrently the demonstration of power is important.

1) **UNWANTED CONDUCT**

The conduct should be unwelcome, not asked for and not accepted by the recipient at a time.
It reflects that this conduct is subjectively based as it is for each person to determine what behaviour they welcome or tolerate and from whom. Example: If a female colleague enjoys an occasional hug from a male colleague with whom she is friendly, by definition of sexual harassment this action cannot qualify as harassment. But it does not mean she must accept an unwelcome hug from other male colleagues at all. This is echoed by authors of this subject in **Lengnick-Hall 1995:842 and Petrini 1992:19**

According to the other learned author of this subject **Webb 1991:27** states that the behaviour must be mutual, not interfere with **work**, create hostile or offensive work environment for others. Same sentiments are captured by other authors in supporting that in normal life behaviour that seems good, amusing or harmless to some may be offensive to others. We often observed as worker leaders that in workplaces some women does tolerate or enjoy sexual teasing or risqué jokes but we should be agreeing that it must not prevent other female employees from regarding such conduct as unacceptable behaviour. **Rubstein 1992:10** emphasises similar view.

This is why sexual harassment remains strongly a subjective concept as each individual needs to decide what does and what does not offend them. The standard cannot be constituted or determined by the employer on behalf of employees as this would amount to an intolerable infringement of individual autonomy. **(James 1998:47)**

Managers and Shop stewards must therefore be aware that according to another author in this subject **Prekel 1993:1** is that what matters in sexual harassment claims is the impact of the behaviour upon the recipients not the intent of the perpetrators. We like to emphasise again that the recipient determine what is not welcome or what is offensive to them.

We have observed with concern that the latter is the most cause in great misunderstanding as some harassers tend to think that, provided they meant no harm, they should be absolved of any consequences. Therefore they expect colleagues at workplace to tolerate any sort of offensive conduct as long as the perpetrator feels did not intend to cause any harm.

Intimate or Consensual Sexual Relationship Between Colleagues

When such relationships come to an end responsible persons must communicate frankly by providing notice to others regarding behaviour that might have been acceptable but now is unwelcome and offensive.

Most of workplace sexual harassment complaints are also linked to situations involving the end of consensual relationships between colleagues. This is why it is important that supervisors monitors carefully for signs of unwanted sexual attention in the workplace. Supervisors have a responsibility placed on them by the wording in the Code: Sexual harassment as **"Unwelcome conduct" or NOT.**

Even if the conduct was welcome if is based on sex or gender or sexual orientation, it remains a sexual harassment.

That is why the Code: Sexual harassment places a responsibility on the employer to manage sexual harassment and all its allegations pro-actively without any delay or reluctance.

The issue with the conduct is that it is measured with an appetite levels of the subject preparedness to accept like in instances where a woman would have participated in joking, teasing or verbal banter at a certain level, but feel uncomfortable or offended when the level of such sexually orientated discussion escalates.

2) **CONDUCT SEXUAL IN NATURE – ARE THERE SEXUAL CONNOTATIONS IN IT?**

Non – Verbal conduct

Women often will not feel comfortable as these behaviours threaten or undermine the position of most women at work especially when determined to or seeking to deal with their colleagues with professional dignity

Sending of or displaying pornographic or sexually suggestive pictures, objects or written material, leering, whistling or making sexually suggestive gestures. But some may argue that none of the gesture's meant to have sex and this is correct, intention is not an issue but the feeling of the recipient as a woman matters.

Verbal Conduct

These are mostly unwelcomed sexual advances, sexual overtones, continued suggestions for social activity outside the workplace after it had been made clear such suggestions are unwelcome, persistent, rude, sexist jokes, enquiries about a person sex life, suggestive remarks, propositions with pressure for sexual activity, innuendoes or lewd comments about an individual body.

These behaviours will undoubtly for any reasonable person defines stereotypes in women's role as sexual objects rather than work colleagues. **(Smythe 1998:18)**

Physical conduct

Unnecessary touching, patting, grabbing, pinching or brushing against another employees body to assault or coerce sexual intercourse. Depending on the level of these actions unlike 20 years back today even if took place in the workplace they may activate a statutory offence, meaning a police docket can be opened or a civil claim instituted.

3) **SEX-BASED CONDUCT**

It will not be correct to take a position that sexual harassment is often an attempt to initiate sexual relations but it must rather be looked at as an abuse of power by harasser over the victim.

According to **Webb 1991:26** it is emphasised that this behaviour implicates a serious battle of the sexes in the workplace since it occurs on account of gender. It is a conduct that denigrates, ridicules, intimidates, or physically abuses employees because of their sex. Mainly it will include derogatory or degrading abuse or insults which are gender – related and offensive comments about appearance or dress.

This is bullying in essence **and Rubstein 1992:12** observed it to have normally takes place where women working in non-traditional jobs or where they are seen as especially vulnerable.

CATEGORIES OF SEXUAL HARASSMENT IN SOUTH AFRICA WORKPLACE

VICTIMISATIONS

An employee is victimised or intimidated for failing to submit to sexual harassment

This may be regarded as a **hostile working environment** where the employer glaringly to honour the provisions of the South African Code of practice to create and maintain a working environment in which sexual harassment is prohibited. The code also requires employers to take appropriate action when a sexual harassment incident is brought to their attention. Thus the employers should not ignore complaints or perceive them as insignificant.

According to **Dancaster 1991:465**, the first reported case of sexual harassment in South Africa was J v M in 1989 which was the case of hostile and offensive working environment.

According to **Vhay 1988:336**, this type of harassment was recognised as "environmental harassment"

This Harassment is recognised in South Africa as the type of harassment beyond the loss of tangible benefits but to conditions in the workplace. These situations according to another writer Wagner 1992:24 are less clear cut. Bond 1995:50 states clearly that a hostile environment is created when an employee is subjected to sexually suggestive comments or conditions that are severe enough to alter the employee's conditions of employment. Examples will be typical situations where there are lewd jokes or comments, displays of explicit or sexually suggestive material or repeated requests for a sexual or even dating relationship. **Aggarwal 1992:97** has observed but also emphasised the importance of applying the criteria of reasonableness in these working environments, in order to address liability in the circumstances.

However it should be warned that in some working environments displays of explicit language, sexual jokes, "girly magazines" pornographic calendars are the norm. (**Lourens 1996:94).**

Characteristics of a hostile working environment will be as follows:

- Harassers may be anyone in the working place including ie Supervisors, Colleagues, Clients or Visitors.
- It requires that the offensive conduct be continuous, frequent, repetitive and part of an overall pattern.
- No need to prove financial loss or money damages.
- It must escalate to a level that a victim's job performance is affected or his or her working atmosphere is rendered abusive.

When can the employee qualify to claim a case on the Hostile environment?

- Employee must belong to a protected group
- Must prove that she or he was subjected to unwelcome sexual harassment
- Harassment must be based on the gender of the victim or it should be of sexual nature.
- Harassment must have affected a term, or condition or privilege of employment
- The employer must have actual or constructive knowledge of the sexually hostile environment (ie the employer knew or should have known) but did not take prompt or adequate remedial action.

QUID PRO QUO HARASSMENT

QUID PRO QUO literally means "This for That"

Employment circumstances, for example, Promotion or an increase are influenced by the employer, manager or a co-employee to coerce an employee to surrender to sexual advances.

It is the type of sexual harassment firstly identified in the United States of America **Mackinnon 1979:32, Thacker 1992:51**.

It involves implicit or explicit sexual proposition whereby the harasser promises workplace benefits or threatens benefits or threatens punishment, depending now on the victim's response.

It is the type of sexual harassment that represents the most commonly held perception of the nature of sexual harassment. This type of harassment has been from the approval of South African Code of practice as adopted by the Nedlac Market Chamber prohibited **Smythe 1998:18**. Traditionally it could only be committed by someone with the power to give or take away employment benefits.

It is in essence a sexual blackmail that represents a breach of trust and abuse of power by either the employer or the employer's agent, ie Supervisor or Manager, to whom authority is delegated. The accused is always seen to be the immediate supervisor or someone who has actual authority to affect terms and conditions of employment.

Example: A supervisor who threatens the employee with a dismissal or not being promoted unless the employee performs a sexual act. **Petrini 1992:20** states that the employer is held strictly liable if proof of the supervisor's actions or utterances can be established, even if higher management had no knowledge of the situation.

CHARACTERISTICS OF QUID PRO QUO HARASSMENT

- Harasser must be I a position of authority
- The victim must be able to prove money damages associated with promotion opportunities or missed salaries.
- One incident of harassment can be enough, no need to be repetitive.

When can the employee qualify to claim a case on the quid pro quo harassment?

- Should belong to a protected group
- Proof that employee was recipient of an unwelcome and offensive sexual overtures or demonstration that s/he did not solicit or incite.
- Conduct should be based upon the gender of the employee.
- Proof that the victim's refusal to cooperate caused the deprivation of a job related benefit.
- Grounds to hold the employer responsible for the offensive conduct.

According to **Rubenstein 1992:14** this conduct involves persons of authority of in the workplace and it excludes conduct between colleagues.

Post script: Our view is that in the workplace this issue will be determined by the employer's policy as to whether who is excluded. The development in our law as shown above indicates that where the employee complains about harassment by a colleague and the employer takes no steps to remedy the situation, it is submitted that the employer should be liable both legally and morally.

SEXUAL FAVOURITISM

A person in a position of authority in the workplace rewards only those who respond to his or her sexual advances.

It is not the harassment that is regarded as the gist of the matter but the employment related consequences in the event of non-compliances. The results of the victim's resistance could be that he or she has lost benefits in a form of a -

- Promotion;
- Salary increment
- Or transferred or denied transfer due because of his or her reaction to harassment.

The danger in this scenario is that it leaves the victim against whom no retaliation was has been undertaken with no recourse against the harassment no matter how offensive the conduct might have been.

Sexual favouritism permits a situation where a person will be sexually harassed with impunity.

CHARACTERISTICS OF SEXUAL VICTIMISATION AS HARASSMENT

- Harasser must be In a position of authority
- The victim must be able to prove money damages associated with promotion opportunities or missed salaries or any unfair employment practice.
- One incident of harassment can be enough, no need to be repetitive.

When can the employee qualify to claim a case on the quid pro quo harassment?

- Should belong to a protected group
- Proof that employee was recipient of an unwelcome and offensive sexual overtures or demonstration that s/he did not solicit or incite.
- Conduct should be based upon the gender of the employee.
- Proof that the victim's refusal to cooperate caused the deprivation of a job related benefit.
- Grounds to hold the employer responsible for the offensive conduct.

- Victim should be able to prove that not only s/he, him-/herself has been offended by the sexual conduct, but that an objective third party – a reasonable person – would also have been offended.

COURTS HITS A FINAL NAIL ON SEXUAL HARASSMENT

The Labour Appeal Court has recently put a final nail against conduct of sexual harassment in the workplace to the effect of giving authority over the procedures stipulated in the code: sexual harassment.

In the matter of Motsamai v Everite Building Products (Pty) Ltd (2010) 1a LAC 1.11.29 the following happened;

Two employees lodged complaints against an alleged harasser at that time. Subsequently employer instituted disciplinary actions and the harasser was found guilty and the dismissal sanctioned. The harasser appealed his dismissal to the CCMA wherein the commissioner re-instated him with a lesser sanction of final written warning, citing the sanction of dismissal to be too harsh.

The employer put the matter on review during which the court held that the commissioner's arbitration award was unjustifiable and not reasonable given the facts before him and the court set the award aside and issued an order that the dismissal of the employee was substantively and procedurally fair.

Not satisfied with this outcome, the employee approached the Labour Appeal Court, this time the harasser submitted that the employer should not have held the disciplinary hearing instead should have tried to conciliate between him and the complainant. The Labour Appeal Court rejected this argument outright, stating that unless the complainant agrees to some form of resolving a complaint about sexual harassment, the disciplinary enquiry is the correct approach to follow from the onset.

Further the court stated that the fact disciplinary code envisaged mediation or conciliation process did not mean the employer was compelled to follow that procedure.

The sanction [Final Written Warning] by the commissioner was also criticized. The Labour Appeal Court upheld the decision of the Labour court that dismissal was the appropriate sanction under the circumstances.

CLOSURE

Common courtesy, common sense and keenly observation of others' reactions to what is said and done, can assist in achieving a friendly working environment where both genders can enjoy each other's company in an environment free from sexual harassment.

It is proven over many years to date, that from legal and practical perspective, fears and misconceptions about sexual harassment were unfounded and a product of misinformation.

It is also proven that sexual harassment is not involved in normal, pleasant or even mildly flirtatious interactions between genders – even to the point of polite compliments on a woman's dress.

SOURCES:

Labour Law Rules! McGregor M et al – 2012 Siber Ink
Protection from Harassment Act 17 of 2011 Government Gazette No 34818 dated 5 December 2011
Domestic Violence Act 116 of 1998
WEBB, SL. 1991. Step forward: sexual harassment in the workplace: what you need to know! New York: Master Media Ltd.
PREKEL, T. 1993. Sexual harassment: causes, consequences and cures. Pretoria: Seminar of the national employee assistance programme committee of the institute of personnel management of SA, August: 1-7
Wagner, EJ. 1992. Sexual harassment in the workplace: how to prevent, investigate and resolve problems in your organisation. New York: Creative Solutions Inc.
SARP Publishers Servamus Safety and Security Magazine
www.labourguide.co.za/general
Baroni, B J. (Ed.) 1992. Training 101: unwelcome Advances. Training and development, May: 19 – 21.
RUBENSTEIN, M. 1992. Dealing with sexual harassment at work: The experience of industrialised countries. Conditions of work digest, 11(1): 5-9
MACKINNON, C A. 1979 sexual harassment of workinh women. Massachusetts: Yale University Press.
THACKER, R A. 1992, Preventing sexual harassment in the workplace. Training and development, February: 51-53
DANCASTER, L. 1991. Sexual Harrasment in America and South Africa: Nature , relief and employer liability. South African Journal of labour relations, 15(2): 12-26
Vhay

AGGARWAL, A P. 1992. Sexual harassment in the workplace. Toronto: Butterworths
LOURENS, J F. 1996. Seksuele teitstering van die vrou in die werksituasie. ACTA Criminologica, 9(1): 91-99.
LENGNICK-HALL, M L. 1995. Sexual harassment research: A methodological critique. Personnel psychology, 48:841-864.

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