

A photograph showing the back of a woman in a light-colored, sleeveless dress. A man in a dark suit jacket is touching her lower back with his right hand. His left hand is raised, pointing upwards. The background is a blurred office environment with a window and some papers on a desk.

SEXUAL HARASSMENT

**Cases Are Real at Workplaces in Nigeria:
Time to Stand and Take Action is Now**

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The concept could be simply described as “uninvited offering of amoral acts, being perceived to infringe the sexual right of receiver”. However, Equality Act of 2010 (United Kingdom) comprehensively saw it as “unwanted conduct of a sexual nature which has the purpose or effect of violating someone’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.” It also covers indecent or suggestive remarks, verbal abuse, repeated lewd emails, unwanted touching, requests or demands for sex and the dissemination of pornography. It is often depicted as dark or indefinite legislation, on the grounds that it’s hard to define the dichotomy between a bit of banter and a humiliating remark.

The humiliation or intimidation of sexual harassment lies in making someone feel that their physical attributes are their main value to the workplace, which undermines any skills or talent or insights they may possess or hard work they do.

According to the International Labour Organisation (ILO), “sexual harassment is a clear form of gender discrimination based on sex, a manifestation of unequal power relations between men and women”. In addition, the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 2008) has also noted the seriousness of this issue, and urged for “measures to protect women from sexual harassment and other forms of violence or coercion in the workplace.” The humiliation or intimidation of sexual harassment lies in making someone feel that their physical attributes are their main value to the workplace, which undermines any skills or talent or insights they may possess or hard work they do.

What people sometimes consider to be a positive caution or comment could be a form of harassment. Can a comment from lady to a fellow lady to cover up properly while breastfeeding her child at the clinic lounge be considered sexual harassment? Yes, according to the recent revelations.

The above is seen as humiliating remark, same as telling a candidate that “you will do well in the organisation because you have big boobs” is harassment. Even if you did not mean it as a proposition and everyone laughed; you might have crossed the line and legal battle might be waiting for you in future. Sex-based harassment relates to the sex of the target, but isn’t necessarily sexual in nature. The big question that usually comes to mind is: “How would I feel if I was a victim of such remark(s)?”

I agree with the argument that circumstances, will, situation and body language of the individual play predominant role in interpretation of sexual harassment. Can a body language like wink become an issue? I will say it depends on the parties or stakeholders involved. A wink from a roadside hawker at Obalende is different from a wink from somebody who could fire you, or has contrived some way to catch you on your own, or has any other mutually understood circumstantial dominance over you.

There have been several researches, analysis and reports on sexual harassment, but in a bid to have a comparative analysis of the forms of harassment, the possible targets, the sector and industry with high prevalence of the behaviour, the reasons why it is not reported, the classification of the gender and age and other demographics, I decided to take a cursory look at the historical growth over the last two decades. Looking through the available data, globally, it became clear that there is historical problem and we cannot continue to shy away from it. Hence, to ably capture the data, I used “grand analytics method”, which basically adds the relevant data and shows the percentage, in accordance to the summation. The percentages highlighted in the next three paragraphs were realized by collectively looking at five different researches, that analyzed 2235 full time, casual, part time and contract employees in Europe, North America, Southern Africa and Asia.



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It is difficult to measure the prevalence but from female employees between the 19 to 39 years of age, 64% claimed to have been harassed one way or the other. 79% claimed to have been harassed verbally, while 46.7% claimed to have been touched and had encountered advances. In Europe, 42% of graduates, 21% of college graduates and 18% of post graduates claimed to have been harassed at workplaces.

When 73% claimed to have been targeted by male colleagues, 46% claimed to have been harassed by male colleagues/clients; 18% claimed to have been harassed by female colleagues. 12% had received threats of termination if they did not comply with the requests of the sexual harassers. Considering the awareness level, 66.6% (333) were not aware of any policies. 50.4% indicated that they were aware of a

department or resource person they could approach on sexual harassment. Industries with high levels of sexual harassment incidents include (in particular order), hospitality 40%, retail 34%, education 22% and medical 20%. Prior to 2017, only 27% seemed to have reported and only 15% felt the issues were fairly dealt with by the necessary stakeholders.

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Researches have shown that even men are not reporting. Only one of ten men talk about it. According to Professor Paula McDonald of QUT Business School and

Professor Sara Charlesworth from RMIT research (2005), women were accused of sexually harassing men in 5 per cent of cases and men accused other men in 11 per cent of cases. Workplace sexual harassment at the margins: "Men are overwhelmingly responsible for sexual harassment against women in the workplace, but men are also the targets of sexual harassment far more commonly than typically assumed by researchers or the community at large," Professor McDonald said.

These obviously show that if we think women are not encouraged to talk about the behaviour, what about men? Why are people not reporting? What could be the reasons for the silence? Does that mean employees have lost faith in the workplace processes, procedures and mechanisms that are being used in dealing with the behaviour? All the studies and papers that I consulted still seem unsure of the main reasons.

I realised that many women do not report harassment because of the cultural context they are stepping into. "There is a knowledge of and tolerance of sexual harassment, that makes women's journeys through public space always a little bit hazardous", feminist activist Beatrix Campbell said. She thinks the people who talk about sexual harassment as if it is a trivial issue forget how heartbreakingly sorrowful and ashamed the victims feel about that.

Some victims choose to live with the trauma because they have low power in the workplace. That is really depressing! The victims of harassment are often framed as "vulnerable" for this reason, which is true in the sense that a lone shed on a moor with no surrounding buildings is vulnerable to a very strong wind. But this has become a way of saying that if only women were a bit more robust, it wouldn't happen. In fact, there is nothing inherently fragile about a woman who is young and can't afford to lose her job.

Betsy Stanko, a criminologist, voiced her concern through mapping the female victims of male violence, to explain the vulnerability narrative. "What it tells us

is that cultures of masculinity that are interested in sexual abuse of women, they create the context in which that powerless woman is accessible, and in any subsequent moment, will continue to be powerless.” Terry Crews, while recounting his harassment experience by a senior Hollywood executive, feels “powerlessness has no single source”.

High levels of harassment and violence – It is necessary to recognize harassment as an ongoing pattern of inappropriate conduct. Many who have experienced harassment, sexual harassment or violence in the past two years indicated that they experienced these behaviours more than once at workplaces.

A more decisive way of looking at this issue is to look at what is obtainable in the Nigerian Labour Law and see to the implementation of the law so as to put a stop to this ugly menace in workplaces in Nigeria. Section 254 (C) (1) (C) of the Nigerian Constitution (as amended) states that the National Industrial Court of Nigeria shall have exclusive civil jurisdiction over issues “relating to or connected with any dispute arising from discrimination or sexual harassment at workplace”

A recent proven case in which National Industrial Court of Nigeria (NICN) awarded damages in favour of claimant who was a claimant of sexual harassment at workplace is the case of Pastor (Mrs.) Abimbola Patricia Yakubu VS Financial Reporting Council of Nigeria & Anor (Suit No. NICN/LA/673/2013 judgement delivered on November 24, 2016). The NICN awarded damages N5M (Five Million Naira) only against the 2nd defendant for sexual harassment. The claimant’s argument before the court was that while working with the 1st defendant’s organisation, she was subjected to several harassments by the 2nd defendant while at work and pregnant with her third baby and was later redeployed to another unit under direct supervision and leadership of the 2nd defendant. The claimant alleged promiscuous and indecent, ceaseless local trips, and demand for sexual favours.

It is also noteworthy to say that some alleged cases of sexual harassment in the workplace are sometimes untrue, and are

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attempt to blackmail of which would also attract punitive costs against the claimants if the claims could not be founded and proven beyond reasonable doubt.

To this end, the most important way to fight this menace is to report cases of sexual harassment with documented evidence as there are judicial precedents at the NICN.

In preventing incidents of workplace harassment and violence, stakeholders stressed the importance of prevention measures and highlighted the need to raise awareness among employers and employees about issues of harassment and violence. Similarly, 54% of the survey respondents said that they would like to see education for all supervisors, 51% said that they would like to see education for all employees and 39% thought that an awareness campaign would be useful. Also, review of policies, educating the victims and other relevant stakeholders about reporting process, precautionary measures, self-defense and workplace respect as well as the applicable penalty obtainable in the Nigerian Labour Law to such cases would help. Training would also help employers to understand and respond to what is happening in their workplaces. Most survey respondents reported that although their workplaces have sexual harassment and violence prevention policies in place, they did not receive training on these policies.

The employers should be obliged to consider any recommendations made by a neutral third party and that complainants should have access to recourse if

an employer refuses to implement a recommendation without offering a valid explanation.

The consultations also underlined that any change to the current framework should differentiate between sexual harassment and violence, since sexual harassment is highly sensitive and raises different privacy considerations.

Across board, employees however expressed the view that the employer, followed by the Government and other stakeholders, should be responsible for providing supports to help victims feel safe and secure in their workplace. The issues related to under reporting and insufficient data on sexual harassment at workplace should be addressed. Going forward, data should be collected to track results, and privacy of the data collected must be ensured, to reduce workplace harassment and violence and speed up resolution.

Collating valid data on the subject in Nigeria seems to have been a herculean task, due to some of the highlighted reasons, but regardless of that, the time to stand against sexual harassment at our workplaces is now. We cannot wait further. If you feel you are a male staff and the chances of being directly affected is slim, think of the indirect effects. If you think you are a senior executive and you can always have your way, please take a moment to swap the table and think about your victims. As victims, if you think you do not want to speak up, how long would you keep hurting yourself under the guise of not ready to lose your job? We all have a mandate to ensure that workplaces are free from these unacceptable behaviours. Let it start now!

Credits: Cosmopolitan magazine, Government of Canada, Betsy Stanko, Terry Crews, Professor Paula McDonald, QUT Business School and Professor Sara Charlesworth from RMIT research (2005), ILO, CEDAW, AWARE. Recent Developments in Nigerian Labour and Employment Law, Hybrid Consult, Bimbo Atilola, Critical Analysis of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013