An overview of work place harassment

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An Overview of Work Place Harassment

Ms.G.Midhunakshmi, Ms.P.Vinotha, Ms.P.Durgadevi
1.2 & 3 Assistant Professor, Department of Management Studies
1,2 & 3 E.G.S.Pillay Engineering College, Nagapattinam-611002, Tamilnada, South India.
midhuna21@yahoo.com, tvinothatamilmba@gmail.com, durgamba.vdm@gmail.com

Abstract - Workplace harassment is the ridicule or soothing behavior directed at an individual worker or a group of workers. Recently, matters of workplace harassment have gained interest among practitioners and researchers as it is becoming one of the most sensitive areas of effective workplace management. In Asian countries, it involved lots of attention from researchers and governments since the 1980s, because a momentous source of work stress is associated with destructive behaviors at workplace. Third world countries are far behind Asian countries in that there are narrow efforts to examine the questions on workplace harassment. It is almost unseen and the administrative leaders (managers) are almost against or unconscious about it in the third world countries. Under occupational health and safety laws around the world, workplace harassment and workplace bullying are identified as being core psychosocial hazards.

Index Terms: Bullying, effective workplace management, work stress

INTRODUCTION

Workplace harassment is also known by many other names. “Mobbing”, “workplace bullying”, “workplace mistreatment”, “workplace aggression”, and “workplace abuse” are all either synonymous or belong to the category of workplace harassment. Workplace harassment includes different types of unfairness and acts of abuse that are not confined to one specific group. The wide-ranging types of workplace harassment can be loosely categorized into emotional and physical abuse. All of these forms of workplace harassment intention towards various groups, including women, racial minorities, homosexuals, and immigrants. In essence, workplace harassment requires pluralistic understanding, because it cannot be delineated in one rational and solid definition.

Acknowledging the difficulty of formulating a universal definition of workplace harassment, Ezer broadly defines workplace harassment as “irrational repeated behavior towards an employee or group of employees, which represents a health and security risk”. Any act of discrimination or assault that systematically disadvantages the employees is considered workplace harassment. Workplace harassment can contribute to deterioration of physical and emotional health.

According to Rosa Brook, the concept of workplace harassment is based on two premises. Firstly, regardless of gender, race, sexuality or any other defining characteristic, every person should be given the right to be “free from abusive treatment in the workplace”. With freedom from abuse given as a basic human right, any form of discomfort or discrimination in workplace becomes labeled as an act of harassment. Secondly, the issues caused by workplace harassment affect the victims in harmful ways. Discrimination in the workplace hinders victims from successful advancement in their careers, limiting the capabilities of the victim.

A common misconception about workplace harassment is that workplace harassment is simply sexual harassment in the context of a workplace. While sexual harassment is a prominent form of workplace harassment, the United States Department of Labor defines workplace harassment as being more than just sexual harassment. “It may entail ‘quid pro quo’ harassment, which occurs in cases in which employment decisions or treatment are based on submission to or rejection of unwelcome conduct, typically conduct of a sexual nature. Workplace harassment may also consist of offensive conduct based on one or more of the protected groups above that is so severe or pervasive that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as being fired or demoted).” Thus, workplace harassment is a bigger category that encompasses sexual harassment.

TYPES

The vastly different harassments forced on the victims can be categorized into two different types, physical abuse and emotional abuse. Physical abuse refers to sexual assault and violence on body, while emotional abuse refers to imposing stress and harassment. Anderson and Militello found that often managers exhibiting harassing behavior were allowed to maintain their jobs because their behavior was seen to increase efficiency in the short...
A study done by Kathleen D. Ryan and Daniel K Oestereich, Driving Fear Out of the Workplace, found that many of these behaviors can sort from subtle emotional cues to outward physical bullying and can include; silence, direct insults and even annoyed outbursts. Whether these actions are intentional or brought on by stress, the result can cause the employee to feel embarrassed, isolated and may cause them to bind out at others.

**Physical Harassment**

Physical harassment in the workplace takes many forms. Sexual assault is one form of widely known physical harassment. Sexual assault in the workplace has gained media and educational concentration majorly in the 90s after a series of famous sex scandals. Sexual assault becomes difficult to define, as the dissimilarity between sexual harassment and consensual sexual behaviors is not finely delineated. Some occupations require a higher lenience to sexual behaviors, such as waitresses and tour guides. More specifically, the employers for these occupations suppose the workers to comply with the level of sexual interactions the workers would have with the customers. This unquestioned anticipation from the employers then pushes the workers to see only two options. The workers would have to accept the sexual harassment from customers as “part of the job”, or report the sexual harassment to the manager and get fired. Adding onto the pressure, reporting sexual assault comes with criticism from co-workers, as they see the sexual assault as part of the work condition.

The prevalence of sexual harassment at work is high. Another form of physical harassment at work is workplace hostility. Workplace violence is defined as physical pressure and assaults embattled at employees. There are two main perpetrators for workplace violence: criminals who approached as clients, and co-workers. The criminals emphasize violence through the forms of robberies and homicides, and the rate of homicides in the workplace has risen significantly over the past 20 years. According to the National Institute for Occupational Safety and Health (NIOSH), 9,937 workplace homicides happened in the time period of 1980 to 1992. The workplace violence perpetrated by colleagues tends to be less obvious.

**Emotional Harassment**

Unlike physical harassment, emotional harassment is hidden and also viewed as being more socially tolerable. Naturally, emotional harassment in the workplace gets less notice than physical harassment in the workplace, which perpetuates the issue of emotional harassment in the workplace. According to Keashly, emotional harassment can be defined as “the hostile verbal and nonverbal behaviors that are not explicitly tied to sexual or racial content yet are directed at gaining compliance from others.” In short, emotional harassment is exploitation of people’s actions through social behaviors.

One common form of emotional abuse in workplace is bullying. Also known as mobbing, workplace bullying “is a long lasting, escalated clash with frequent harassing actions systematically aimed at a target person.” Specific actions of workplace bullying include the following: false accusations of mistakes and errors, hostile glares and other intimidating non-verbal behaviors, yelling, noise, and shattering, barring and the “silent treatment,” withholding resources and information necessary to the job, behind-the-back disrupt and offense, use of put-downs, insults, and excessively harsh criticism, and unreasonably heavy work demands designed to make sure failure. With such frequency of workplace maltreatment to various groups of people, many theories exist in discussing the causes of workplace discrimination. One side argues that the bullying targets are in fact responsible for the bullying. More specifically, some physicians and psychologists characteristic the cause of workplace harassment to the target employee’s mental disorders, such as general anxiety disorder, instead of the working situation. The opposite disagreement contends that the cause of workplace bullying lies in the organizational problems and poor leadership skills. Another argument states that workplace bullying is a multi-causal occurrence, as different factors can play their respective roles in edifice the tension. Despite this surplus of arguments, Zapf addresses that academic analysis of the cause is difficult. Getting the viewpoint of perpetrators and probable bystanders is idealistic, and therefore the studies are primarily focused on victims’ interviews.

**VICTIMS**

The victims of workplace harassment can be separated into three categories, based on gender, sexuality, and race. While one group experiences workplace harassment more commonly than others, workplace harassment still affects wide series of population.
Gender

Both men and women are victims of workplace harassment. Workplace harassment for women dates back to women's first attack into the workforce, as early as imposing times. Mainly general form of workplace harassment that women face is sexual annoyance. According to Fitzgerald, one of every two women experiences workplace harassment in their working or academic lives. The most common form of sexual harassment is the unnecessary and inescapable sexual attention from colleagues.

While workplace harassment against women has been a common matter of study for more than 20 years, workplace harassment against men not often receives attention and is not subjected to many studies. However, the Bureau of Justice Statistics shows that “among people victimized while working or on duty, male victims outnumbered females by about 2 to 1.” Men experience less workplace sexual harassment than women, but men face more workplace violence. 72% of men were robbed in their workplace, 74.4% of men experienced aggravated assault, and 66.1% of men experienced simple assault.

Race

Many studies show that ethnically stigmatized groups face more workplace harassments. With changes in the political and social scenes in America, slight and daily harassment is more common than obvious and explicit harassment today. A study by Deitch, Barsky, Butz and et al. shows that black Americans face more mistreatment in workplaces than white Americans. The mistreatments and harassments do not explicitly “reference race or discrimination as the cause of the treatment”, because overt racism is prohibited in workplaces.

PREVENTION, PROHIBITION AND REDRESSAL OF HARASSMENT

In 2013, after a span of 16 years, India finally enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as the ‘Act’) for prevention of sexual harassment against women at the workplaces. The Central Government vide notification SO 3606 (E) dated 9 December 2013 as the date on which the provisions of the Act came into force and on the same day, the Central Government made the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013 (“Rules”).

Objectives of the Act

The Act is enacted by the Indian Parliament to provide protection against sexual harassment of women at workplace and prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. Sexual harassment is termed as a violation of the fundamental rights of a woman to equality under Articles 14 and 15 of the Constitution of India and right to life and to live with dignity under Article 21 of the Constitution of India. Sexual harassment is also considered a violation of a right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment.

Sexual Harassment

The Act has adopted the definition of 'sexual harassment' from Vishaka Judgment and the term sexual harassment includes any unwelcome acts or behaviour (whether directly or by implication) such as physical contact and advances, demand or request for sexual favours, making sexually coloured remarks, showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

Section 3 of the Act provides that no woman shall be subjected to sexual harassment at any workplace. This section further provides the circumstances which, if present or connected with any act or behaviour of sexual harassment may amount to sexual harassment such as implied or expressed promise to preferential treatment or implied or explicit threat of detrimental treatment in her employment, implied or explicit threat about her present or future employment, interference with work or creating an intimidating or offensive or hostile work environment, humiliating treatment likely to affect health or safety of a woman.
COMPLAINTS COMMITTEE & COMPLAINT PROCEDURE

Internal Complaints Committee:

The Act makes it mandatory for every employer to constitute an internal complaints committee ("ICC") which entertains the complaints made by any aggrieved women. The members of the ICC are to be nominated by the employer and ICC should consist of i) a Presiding Officer, ii) not less than two members from amongst employees preferably committed to the cause or women or who have had experience in social work or have legal knowledge and iii) one member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. In order to ensure participation of women employees in the ICC proceedings, the Act requires that at least one-half of the members of ICC nominated by employer are women.

Local Complaints Committee:

Provisions are provided under the Act to form Local Complaints Committee (LCC) for every district for receiving complaints of sexual harassment from establishments where the ICC has not been formed due to having less than 10 workers or if the complaint is against the employer himself.

Complaint procedure:

The Act stipulates that aggrieved woman can make written complaint of sexual harassment at workplace to the ICC or to the LCC (in case a complaint is against the employer), within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident. If the aggrieved woman is unable to make complaint in writing, reasonable assistance shall be rendered by the presiding officer or any member of the ICC (or in case the aggrieved woman is unable to make complaint in writing to the LCC, the reasonable assistance shall be rendered by the Chairperson or any member of the LCC) for making the complaint in writing.

As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Rules, 2013, in case the aggrieved woman is unable to make a complaint on account of her physical incapacity, a complaint may be filed inter alia by her relative or friend or her co-worker or an officer of the National Commission for Woman or State Women's Commission or any person who has knowledge of the incident, with the written consent of the aggrieved woman.

CONCLUSION

Without a doubt, the guidelines and norms framed by the Hon'ble Supreme Court in Vishaka Judgment are fountainhead of the Act. With the course of time, it was felt that guidelines and norms are not enough to deal with the incidents of sexual annoyance and other ill-treatment of workers at workplaces and a sturdy portion of legislation is the need of the hour and accordingly the Act was enacted in 2013. The Act went one step ahead and included various issues which remained unaddressed in the past such as extension of the definition of workplace to include almost all types of establishments including private sector organization, dwelling places or houses, inclusion of the term domestic worker and unorganized sector in order to address the issue of sexual harassment of women and other ill-treatment of workers.

REFERENCES