

# sexual harassment



## ***"Why make a fuss? You should feel flattered!"***

In street parlance, it translates to *tsansing*, or "making a pass." Guys "accidentally" brush up against you in crowded buses or the LRT. Your professor detains you after class and asks what your problem is. His paternal hug hangs heavy on your shoulders.

In the office, your male colleagues sometimes greet you with what sounds like a harmless remark, a compliment even: "Wow, sexy ah?!" Their work area is often plastered with colored posters of women in provocative poses. But no one complains. So you merely smile when dirty jokes are tossed around. Sometimes you even answer back in kind so they'd consider you "one of the boys," *marunong makibagay*. One time a co-worker playfully draped his arms on your shoulders. When you resisted, he acted surprised and hurt, "*Ikaw naman, binibiro ka lang, eh.*"

Your boss's or your professor's extra attentions have attracted notice—the dinner invitations, asking you to help him check the papers after classes, offering you a lift home. First the teasings, then the speculative glances, and then resentful talk of "unfair advantage." How can you tell them that you're just playing along, afraid to tell your married boss or professor off for fear of losing your job or getting a failing grade?

Until very recently, such experiences have been shrugged off as part of the hazards—and rewards—of being a woman. It's a form of flattery, some people say. *Nagagandahan lang sa iyo*. Or it must be something you did. Or wore. Perhaps you're too sensitive and saw too much in a simple gesture. *Malisyosa ka lang*, friends would tease. Or you flatter yourself too much. "The boss isn't singling you out for attention; he's just really nice, *natural sa kanya yung beso-beso.*"

More and more women complain of unwelcome sexual attention in the streets, the school and the workplace. It's about time the problem is named and confronted. It's called sexual harassment.

What differentiates sexual harassment from a sincere compliment? How do you deal with it? Will complaining mark you out as a troublemaker in the company? What if you were offended by the joke but other women were not? Should rules govern male-female relationship in the workplace? What does the law say about sexual harassment?

As more women sail into the workplace that does not always welcome them, or into classrooms handled by men, the questions need to be addressed. Women need to be assured that they have a right to their dignity and self-respect, and that a good grade or better wages should never involve sexual favors.

# sexual harassment



## **■** ***What is sexual harassment?***

Sexual harassment is any unwanted sexual attention

- that is explicitly or implicitly made a condition for favorable decisions affecting one's employment or school standing, or
- that which creates an intimidating, hostile or offensive environment in the school or the workplace.

## ***How is sexual harassment manifested?***

Sexual harassment may be manifested in both verbal and physical conduct. Verbal harassment may consist of lewd comments or remarks, offensive jokes, or outright propositions. The physical form may range from a glance, a wink, leering, kissing, brushing up against a person intentionally, pinching and touching, to rape or attempted rape. The use of objects or pictures to harass the victim is also another form, according to a local survey of 50 women employees in a universal bank. According to this 1988 study, verbal acts of harassment were most prevalent at 79%.

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## ***Who does it, and to whom?***



It can be done by persons of either sex, although surveys and studies in the U.S. reveal that 95 percent of sexual harassment are done by men on women. About four to five percent are inflicted by men on other men.

In school, the harassers are often professors or instructors or, in the case of teacher-applicants, they are the school principals or division heads. In the workplace, sexual harassment may be committed by peers, clients or subordinates. In majority of serious cases, however, the harassers are in supervisory or managerial positions.

The local survey on female bank employees showed that in 19 cases of sexual harassment, 75% were perpetrated by supervisors or other individuals who have a direct hand in the hiring, evaluation and promotion of the victim. Nineteen percent were done by co-employees, mostly in the form of verbal harassment.

## ***Is there a way of identifying, and thus avoiding, sexual harassers?***

There is no extensive local research on the issue, but a US study commissioned for hearings on sexual harassment by the US Congress cited the profile of a typical harasser: usually a man (95% of the time); older than the victim (68% of the time); married; of the same race or from the same ethnic background; a co-worker (65% of the time); an immediate or higher-level supervisor (37% of the time), a subordinate (4% of the time).

# *sexual harassment*

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The same study noted that 43% of the time, the harasser was somebody the victim knows had harassed other people.

In a recent speak-out on sexual harassment organized by PILIPINA at UP Manila, several students confirmed that harassers are often repeat offenders. They usually have a modus operandi, and use the same style and even the same words in wooing and later propositioning their victims.

It is therefore important for the victim to talk about her experience to other women or colleagues in school or the workplace. Chances are, other women would have experienced the same conduct from the same person.

**A** *re some people more prone to sexual harassment than others?*

Yes. The U.S. survey used for congressional hearings on the issue showed that younger women got harassed more often. Women 55 years and older had a 22% incidence rate, against a 67% incidence rate among women aged 16 to 19. Single and divorced or separated women experienced the highest rates of sexual harassment, according to the same survey: 53% and 49%, respectively. But even married women and widows were subjected to it at a rate of 37%

Educational attainment also made a difference. As educational level went up, so did the reported incidence of sexual harassment, at least in the U.S. study. This could be due to a number of things, among them a higher level of awareness among highly-educated women who are thus quicker to pinpoint and report instances of harassment than their sisters with less education.

It is also possible that women with more education are likely to be in occupations where they are pioneers or token women, that is, they work in areas where no women had previously worked. Thus, they are perceived to be encroaching on male territory and become targets of harassment from the threatened males.

Trainees with no job security were more likely to be victimized. Women in non-traditional jobs and those with male supervisors were also more likely to experience sexual harassment.

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## **W**hy are women more often targeted as victims of sexual harassment?

Because most women are employed in low-status and low-wage jobs, have had a few opportunities for training and are forced to work hours adapted to their other domestic chores as housewives and mothers. These limitations make women painfully aware of how easily they can be replaced if they do not give in to harassers.



Most women are in sales, in services and in clerical work. The National Statistics yearbook of 1991 showed that 68.6% of sales workers are women. Of the total number of professional and technical workers, 63.5% are women. Women also comprise 57.6% of service workers and 53.5% of clerical workers. Only 29.6% of administrative, executive and managerial workers are women.

According to the NCRFW Fact Sheet on Women published in 1992, women comprised 48% of the 1.26 million government workers in 1990. Of this, 59.2% of the women are in second level positions, while men dominated the highest level positions at 71.2%.

A survey by the Labor Department's Institute of Labor Studies also indicated that women workers are relatively younger than men and are often single. Most women workers fall in the 25-29 age group, while most men fall in the 35-39 age group. This is because most employers prefer young and single women to avoid paying maternity benefits. Being young and single also

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# *sexual harassment*

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means most incoming women employees are relatively inexperienced in their work and are easily intimidated by the prospect of being fired.

Meanwhile, older and married women tend to cling to their jobs, knowing it would be difficult for them to find work in a youth-oriented job market.

Lastly, social conditioning has made most women more docile and less willing to talk about their sexual encounters as doing so might tarnish their reputation. Thus, harassers know that there are less risks of being exposed when they hit on women.

## ***Just how widespread is sexual harassment among women?***

There are no exact figures to speak of because of the lack of local studies and researches, but the 1988 survey of female employees in a universal bank revealed that 38 percent of them (19 out of 50 respondents) had been the subject of sexual harassment. That is a conservative figure, the survey cautioned. Underreporting is expected in a culture where revealing details of a sexual encounter could mean social disapproval for the women.

## ***Is sexual harassment more of a woman's issue then?***

Only in so far as it affects mainly women, who have to bear the emotional, psychological and physical trauma of the experience. Sexual harassment also creates a distracting work environment that affects the competence and productivity of women. Successful women also become suspect: "Did she sleep her way to the top?"

The practice reinforces the perception that women must be "one of the boys" and just as willing to trade on sexist jokes and nights out to attain executive positions. At the same time, sexual harassment strengthens the stereotype of women as sex objects, as they are valued not for their contribution as workers but for their sexuality. Needless to say, such conduct stifles the professional growth of women who have to expend part of their work energy fending off unwelcome and repeated sexual advances from their bosses and co-workers.

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But more than a woman's issue, sexual harassment should be regarded as cause for national concern, if only because it directly affects the country's productivity. Women make up a hefty portion of our workforce and sexual harassment effectively blocks and minimizes their contribution.

***If sexual harassment affects mainly women workers, how come we don't hear more complaints from them?***

Because sexual harassment involves conduct of a sexual nature, most women hesitate to report it for fear of being embarrassed or ruining their reputation. Others would rather ignore it as speaking up might draw more attention to their sexuality than to their competence as workers. In the eyes of management, complaining might also give the impression that they are whiners.

Those who do complain are often teased about not being able to take a compliment ("You should be flattered!"), or of reading too much in a simple gesture ("*Masyado ka namang malisyosa.*") Some complaints are trivialized and the woman dismissed as not having a sense of humor ("*Hindi namabiro*"), or of being emotionally unstable or a mental case. Women who are young and pretty often find themselves being blamed for somehow provoking the sexual attention by the way they dress, talk or conduct themselves ("*Nagpakita kasi ng motibo.*") Feminists who point out sexual harassment are often confronted with a shrug and a dismissive "I thought you're liberated, so why complain about it?"

But most victims are precisely targeted for harassment because they are in a very weak position to fight back. Complaining might lose them their jobs, since the harasser is often an immediate supervisor who has a direct say in their performance rating.

In the local survey of female bank employees, 95% of the 19 who said they were sexually harassed did not report the incident to management. Among the reasons cited were that they feared retaliation from their supervisors or co-workers, and that they would not want to go through the inconvenience and complexities of eventually having to file charges against their harasser. A similar study on local hotel workers also showed that most of the women do



# sexual harassment

not recognize sexual harassment as a problem, but rather as part of the hazards of their job. Other women viewed it as part of being female. After all, they encounter sexual harassment practically all their lives—in school, at work, in the street, in crowded buses and so on.



**B**ut conduct defined as sexual harassment may actually be meant to tell the woman how attractive she is. How does one distinguish between sexual harassment and a compliment?

A compliment produces a good feeling so one wants the interaction to go on. Sexual harassment is so discomfiting that one wants it to stop. Such conduct causes the victim to undergo embarrassment, humiliation and a sense of being violated or pushed into a corner.

Sexual harassment also hinges on the recipient's definition of the situation: does it feel unwelcome and unsolicited? It is not based on the perpetrator's perception: "Oh, I was just fooling around. Don't take it seriously."

**How are men supposed to know that their conduct is offensive to women? They've always done it and nobody has complained.**

True, because women know that complaining only draws more attention and shame to themselves for having been taken advantage of. But if men would be more honest, they'd surely acknowledge that their conduct—wolf-



whistles, lewd stares and comments—embarrasses their women targets to the point that the women would often cross the street or walk hurriedly to get away from the scene. Brushing up against a woman in crowded buses often provokes a glare or prompts her to distance herself away from the offender. Now these are hardly the signs of one being flattered or welcoming such attention.

***But “boys will be boys,” and men have been brought up to show their appreciation of women through such conduct.***

If such conduct were to be considered as “appreciation,” then why is it that men take offense when the same conduct is directed at their wives, girlfriends or sisters? Men have been known to get into fights in defense of their women kin who have been insulted by similar behavior from other men.

Then too, talk of having copped a feel (“*nakatsansing*”) or having taken advantage of women are often discussed among drinking buddies as signs of conquest or as proof of how macho they are. Again, such boasts hardly speak well of a woman, much less be complimentary or flattering to her.

***H***ow does one know that a woman isn't using sexual harassment charges to get back at her boss for an unfavorable performance rating?

Like rape and charges of a sexual nature, a sexual harassment charge often brings out peripheral issues like a woman's reputation, her attitude, interaction with men, manner of dressing, and so on. Very few women would want to go through defending their past and present behavior for a trumped-up charge.

At the same time, such legal maneuvers like dragging a woman's name through dirt make it imperative for women to keep records of their work performance: commendations, awards, merit increases, positive evaluation marks, etc. These can provide proof of competence should a woman face possible dismissal for spurning a harasser's unwelcome sexual attentions.

For the same reason, it is important for men—especially those in management and executive positions—to conduct themselves in a friendly but highly professional manner to prevent misunderstandings.

***If sexual harassment is not really meant to compliment women, why do men do it? Could it be an unavoidable sexual impulse?***

The reasons for sexual harassment in the workplace may not be primarily sexual, especially when the incidents involve management personnel harassing female workers. The real motivation is often domination, a way of putting women in their place and letting them know who calls the shots.

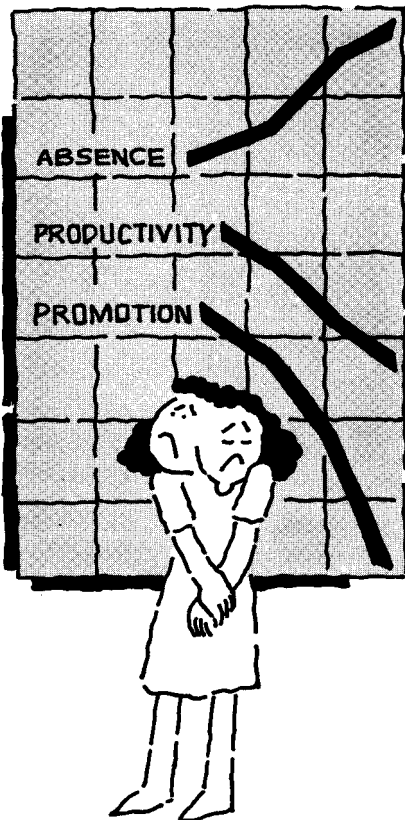
Recent cases attest to this. The garments factory supervisor who undoes the assemblyline workers' brassieres during inspection, the canning factory supervisor who kisses female workers who fall asleep during the night shift, the manager who lifts a female union leader's skirt to embarrass her in front of her fellow-workers—these have less to do with sex, than with deriving a sense of power over others.

Male students often use sexual harassment—dirty jokes, sexual innuendoes, displaying offensive pictures—to force female students out of male-dominated courses or majors like engineering or auto mechanics.

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***If sexual harassment is all about power, how come men who are not in supervisory positions also indulge in the practice and target their female colleagues?***

Among male workers, sexual harassment may be a way of punishing women for competing with men for scarce jobs. It can also be that their work so dehumanizes the men that they resort to one of the few exercises of power still available to them—that of seeing women as objects of lust. Some men therefore express their frustrations and disempowerment at the system by diverting their anger toward the more vulnerable people in the workplace—the women whose jobs are of lower status, or who may be in the minority.



***Just how does sexual harassment affect its victims?***

Testimonies by 19 local bank employees indicated feelings of emotional stress and fears of job loss because of the harassment. They also reported devastating economic impact and loss of income because of denied promotions, poor evaluation or transfers. The interruption of one's career, loss of benefits and social isolation are other adverse effects of sexual harassment.

Other women suffered work-related stress that made it difficult for them to concentrate on their work and complete tasks efficiently. Mental anguish, depression, self-doubt and other psychological effects take their toll so that most victims frequently absent themselves from their jobs until they quit or are fired.

# *sexual harassment*

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Persons who are harassed may suffer a loss of self-esteem, especially in the absence of a supportive environment. It shatters a woman's self-confidence to a point that they question their right to work, their appearance or attractiveness, their competence, their right to dress and look as they please or even to go out with whomever they choose. Though women are the victims, they are made to feel responsible for being sexually harassed.

***If sexual harassment adversely affects women workers, why aren't unions more concerned about the issue?***

Because most unions tend to view the problem as a personal matter between the harasser and the victim. The attitude is borne by fears that getting involved would be "divisive" of working-class unity.

Cultural perceptions about women—that she should in fact feel flattered about sexual harassment, or that she must have invited the attention—also plague local unions and often result in the charges being greeted by snickers instead of outrage.

***Why should unions be concerned about sexual harassment?***

Because it is a workers's issue. Sexual harassment violates a worker's right to job security and equal opportunity. It can create working conditions that are hazardous to the psychological and physical well-being of workers. It also creates a poisoned work atmosphere that can disempower and demoralize union members. Lastly, it can occur between union members and divide the union.

***Should management be as concerned about the issue?***

Yes, because sexual harassment, when ignored, exacts a high cost to the company in terms of loss of productivity, high absenteeism among affected employees, disruptions of work from long-term sick leaves, retraining of new personnel because of frequent workforce turn-over, and low morale among workers. Add to this a tarnished public image and decreased profits because of possible litigation costs.

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Studies show that between May 1978 and May 1980, sexual harassment in the US Federal System cost the US government \$189-million in job turnovers, health insurance and lost productivity. Although local studies have yet to be made, it is safe to assume that the offense would be as costly to Philippine-based companies.

Preventing sexual harassment is therefore not just the right thing to do; it is management's legal responsibility and it makes good business sense.

**Are certain businesses and companies more prone to sexual harassment?**

Yes, mainly businesses where there are large numbers of young and single women workers under male supervisors. A study on women industrial workers by Rosario del Rosario in 1985 revealed that in export processing zones, sexual harassment has been termed by the women as a "lie down or lay off" policy. This is also true in the academe where young female students are prey to male professors, who threaten them with a grade of four if they don't come across. Accordingly, the practice has been dubbed as "*kuatro o kwarto?*"



In the education sector, teacher applicants are often required by bureaucrats processing their applications to submit to a "road test." A recent memo directing these officials to keep their doors unlocked at all times was an attempt to minimize such incidents.

A recent report by the Labor department's Institute for Labor Studies indicated that most cases of sexual harassment occur in the garments and electronics trade where majority of workers are women, and in hotels,

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# *sexual harassment*

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restaurants, banks, the mass media and the entertainment sector, where physical appearance is a foremost consideration. In fact, workers in hotels, restaurants and the entertainment trade are often directed to wear suggestive uniforms as a matter of “company policy.”

## ***Why should the public be concerned about sexual harassment?***

Because it violates the dignity of the person against whom it is directed. Women who are sexually harassed complain that instead of being taken seriously as workers, they are viewed mainly as objects for sexual attention and gratification in the workplace. Then of course there are the physical and psychological harm that sexual harassment inflicts on the victim and the resulting demoralization and loss of productivity in the company.

Sexual harassment is thus a violation of human rights on three counts: a person’s inherent dignity, the right to job security and, for women who appear to suffer most from this malaise, the right to equal opportunity.

## ***Isn’t it enough that individuals—both male and female workers—are cautioned about the practice?***

More than an individual’s problem, sexual harassment is a social problem, and a manifestation of the imbalance of power in society. It shows how economic and political power are concentrated mainly on employers, managers and clients, and are used against those who only have their labor. Addressing sexual harassment is one of the ways of challenging and changing the uneven structures of power that diminish us all.

## ***Why should the government take a stand on the issue?***

Because sexual harassment occurs frequently in government offices and are treated lightly for lack of responsive provisions in the Civil Service Code.

Our Constitution states that the government “recognizes the role of women in nation-building.” It must therefore give women all the opportunities they need to realize their full potential in serving the nation.

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## ***What can be done about sexual harassment?***

A lot. The individual, legislators, women's groups, the government, unions and management or employers have a role in abolishing or at least minimizing instances of sexual harassment.

- Legislators can enact the appropriate laws that
  - punish sexual harassment in the workplace
  - extend protection and support to its victims
  - specify which government agencies will handle the cases
  - assure speedy resolutions of cases to cut down on the emotional and financial costs to complainants, and
  - oblige employers to take action against harassers and penalize inaction.

They can also appoint special courts and offices with trained and sympathetic personnel to handle sexual harassment cases.

- Employers can issue guidelines and a policy against sexual harassment in their organizations, as has been done by the Philippine Daily Inquirer. (*Please see excerpts in the pamphlet on "What can be done"*). They can also inform and educate their employees on the issue and include in their code of discipline examples of conduct considered as sexual harassment. Training sessions to sensitize employees on sexually offensive conduct can be undertaken as part of their staff development.

Supervisory decisions to hire, promote, fire and demote employees can be reviewed periodically to uncover any unusual decisions or sudden changes in performance ratings. The employer should also review the status of complainants to ascertain that they have not been punished for using the grievance procedure.

- Unions can
  - recognize and take up cases of sexual harassment in the workplace as a union issue, and negotiate for the inclusion of sanctions against it in their Collective Bargaining Agreements (CBAs) with management
  - provide support to victims of sexual harassment through women's committees



# sexual harassment

- educate workers about what sexual harassment is and what can be done about it
- monitor and document cases of sexual harassment
- lobby for appropriate laws and monitor the implementation of existing laws.



## ■ Women's groups can

- set up shelters and crisis centers to give emotional and legal support to victims of sexual harassment
- use media to influence public awareness about sexual harassment
- lobby for appropriate laws and monitor the implementation of existing laws
- organize fora and speak-outs for students so that victims won't feel isolated but instead share their experiences and enlist support
- encourage students to pressure school administrations to adopt sexual harassment policies. In the U.S., increasing pressure from the studentry and women's groups forced 15 public and 17 private schools to acknowledge the problem and draft their own guidelines and code of ethics on sexual harassment.
- initiate studies or researches to produce hard data and statistics on sexual harassment in both the public and private sectors.

## ■ Those who think they are being harassed can

- find out if their workplace or school has a policy on sexual harassment
- confront the harasser, either directly or by letter. Be explicit; talk about what happened, how you feel about it, what you want to happen. Take a witness with you especially when you tell the harasser to stop.

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- document the harassment, keeping a record of time, dates, places, details of the incident, witnesses present if any
  - inform union and management if the harasser refuses to stop
  - seek help from women's groups and offices which extend support to persons being harassed (*Please refer to pamphlet on "What can be done" for more information*)
  - Talk to friends, co-workers and relatives. Avoid isolation and self-blame; it is not your fault. It did not happen because of what you did, said or wore. It is not a personal problem but a social issue.

### ***So far, how has the problem been addressed?***

There are bills currently pending in the Senate and in Congress to address the lack of laws on sexual harassment. The bills filed by Sen. Gloria Macapagal Arroyo and Sen. Blas Ople have been consolidated into Senate Bill 1632 during second reading. House Bill 9425 authored by Rep. Luwalhati Antonino and others has been approved on third reading and forwarded to the Senate. It is now pending with the Senate committee on women.

The Civil Service Commission also has its EQUADS or Equality Advocates to monitor instances of harassment and discrimination in government agencies, while DOLE has started implementing Executive Order No. 68 to cover sexual harassment within its offices. (See pamphlet on "What can be done" for details)

The Bureau of Women and Young Workers, the Institute for Labor Studies and some women's groups—among them GABRIELA and the Center for Women's Resources—have also started research and hold regular fora on the issue. PILIPINA has linked up with schools for regular speak-outs on sexual harassment, and along with the Ateneo's Center for Social Policy, has come out with a primer on the issue. The UP College of Law, through Prof. Myrna Feliciano, has worked with legislators in refining bills on sexual harassment.

Media too has taken an interest in the issue, with more stories and case studies coming out in the papers and in TV talk shows and programs.

But definitely, the issue can no longer be ignored.

The NCRFW - WFS Primer Series

WOMEN AND DOMESTIC VIOLENCE

WOMEN AS OVERSEAS CONTRACT WORKERS

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WOMEN AND POLITICS

WOMEN AND POPULATION

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**IN THIS SERIES:**

- It is not a compliment
- Sexual harassment and the law
- What can be done



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