



A Comparative Study to Analyse the Effectiveness of Sexual Harassment Policies of IT and Non IT Companies

Suma S*, N Sandhya† and N Vivek‡

Abstract

The Current study aims at analysing the effectiveness of sexual harassment policies of IT and Non IT companies in India. A comparison between IT and Non IT companies on the basis of the effectiveness of their sexual harassment policies is made. It was found from the study that (1) there are mainly four factors that could be used to measure the effectiveness of the sexual harassment policies namely content, timing, actions and complaints and (2) the sexual harassment policies of IT companies are far better than Non IT companies. Researchers have also suggested a few measures to improve the sexual harassment policies of the companies on the basis of existing sexual harassment policies of the surveyed companies and literature review.

Keywords: Sexual Harassment, Sexual Assault, Sexual Favours, Sexual Conduct, Non IT Company, India, Information Technology, and Counselling.

*S J C Institute of Technology, Chikkaballapura, Karnataka, India;
sumaiyer777@gmail.com

† Nagarjuna College of Engineering & Technology, Bengaluru, India;
sandhya.ns@rediffmail.com

‡East West Institute of Technology, Bengaluru, India;
humblesoul4ever@gmail.com

Introduction

Sexual harassment can be in many forms such as eve teasing, leering, whistling, vulgar gestures, unwanted touching, stalking, comments, songs, demanding sexual favours, flashing or showing pornography to and against the will of someone. Sexual harassment is when the behaviour of a person or person's gaze makes someone uncomfortable. Sexual harassment can be to offer someone employment benefits on condition of sexual favours, displaying sexually suggestive pictures, cartoons and posters, using derogatory jokes, slurs and comments.

There is no universally accepted definition of sexual harassment. The legal definition of sexual harassment varies among the judiciary system of different countries. Countries have evolved their own legal definitions of sexual harassment as per the need of the hour and circumstances. The problem is that sexual harassment is usually taken as sexual harassment at workplace in broader sense. The concept of sexual harassment is ambiguous. There are different definitions of sexual harassment in different cultures and religions. All these reasons make it difficult for researchers to study and measure the sexual conducts.

According to the American Equal Opportunity Commission (1985), sexual harassment can be defined as any physical or verbal conduct of sexual nature, asking for sexual favours or unwanted sexual advances, made explicitly or implicitly on terms of employment, unreasonably interfere in someone's job or work performance or creating a hostile or offensive working environment.

Canada Labour Code (1985) defines sexual harassment as any comment, contact or gestures of a sexual nature that can lead to humiliation to an employee or setting as a condition for employment, promotions or training.

Supreme court of India first time gave a formal definition of sexual harassment after the verdict of *Vishaka & others vs State of Rajasthan & others* (1997), "Sexual harassment include unwanted sexually determined behaviour such as showing pornography, any physical, verbal or non-verbal conduct of sexual nature, sexual favours, physical contact or sexual remarks".

Researcher has used the following operational definition for measuring the effectiveness of the sexual harassment policies of the companies.

Sexual harassment can be defined as any unwanted, unwelcome sexual conduct, verbal, non-verbal, or physical conduct, with the purpose of asking sexual favours on terms of employment, promotions, transfers, or training, to interfere in someone's job, or for any other personal reasons.

Sexual harassment is an important and challenging issue before the employers for various reasons such as; to attract skilled and talented employees to their companies, to retain the skilled and talented staff members, to create a positive corporate image among its employees, to develop a feel of safe and secure working environment, to reduce the employees turnover/absenteeism due to sexual harassment issues. Thus, employers need to maintain a safe and secure working environment which is free from any type of sexual harassment, Pearce & DiLullo (2001). If an employer fails in providing sexual harassment free environment then it may lead to legal consequences, negative effects on productivity of the company, personal harm to the victim, and cost to legal implications as well (Erasmus & Klkenbeck, 2003, Bennet, 2002). The study of Pearce and DiLullo (2001) expressly holds a serious warning for the companies for providing safe working environment and the liability of the employers attached with sexual harassment issues. It is the general duty of an employer to take care of its employees and provide a safe and secure environment where they can work without any fear, pressure or threat related to sexual nature or exploitation. In order to maintain a working environment free from sexual harassment, employers need to frame an effective sexual harassment policy and should communicate this policy to all the members of the organization. The policy should clearly mention that any type of sexual harassment will not be tolerated in the company and the consequences of failure in following the sexual harassment policy by any employee should also be communicated. There should be provision of counselling and education of employees related to sexual harassment policies. Decisive steps should be taken by the employers if such incidents happen in the company (Rycroft, Le Roux & Orleyn, 2005). If an employer found

unable to meet these expectations, the employer will be liable for sexual harassment of an employee. In the case of *Media 24 Ltd and Samuels vs Grobler* (2005), it was found that the employer had not adequately address the issue of sexual harassment of his employee and have to pay substantial damages to the former employee.

According to the Employment Equity Act (South Africa), 1998, an employer will not be held responsible for any sexual harassment if he has followed all the reasonable practices in the organization to prevent its employees from being sexually harassed. Thus, the employer needs to frame an effective and comprehensive policy related to sexual harassment, then this policy should be properly implemented in the organization at all levels and the communication of the policy to all the employees is also important for the successful implementation of policy. The organizational system and structure should support the sexual harassment policy, (Guiding principles on sexual harassment policies under Labour Relations Act, 1995).

Researchers have worked on the cases related to sexual harassment at workplace, reasons for sexual harassment, liabilities of employer and various other issues related to sexual harassment. But there is a lack of studies conducted to measure the effectiveness of the sexual harassment policies of the companies. Wilken and Badenhorst (2003) stated in their research that the content covered by the sexual harassment policies are not adequate and the implementation of these policies also suffer from deficiencies on the part of employer and employee both. According to Gouws and Kritzinger (2007) highlighted the fact that organizations are following the sexual harassment policies but how effectively these policies are working is matter of concern and still questionable? The current study will be an attempt in this direction and researcher will measure the effectiveness of sexual harassment policies of IT and Non IT companies functioning in India from employees' view point.

Review of Literature

Sexual harassment is a vicarious liability for an employer which shows his inability to prevent one employee from getting sexually harassed by another employee of his organization. Under the

vicarious liability employers are held responsible for what they did not do means the preventive measures and the reaction against the sexual harassment that they did not take for sexual harassment. Thus, the need of effective sexual harassment policy was felt in the organization. employers are not responsible for the incidents which were not in his knowledge, thus employees should immediately inform the employer if anything happens to them which they seems as sexual harassment, Anon(2004). Employer can take action against any harasser only when the incident is reported to the employer. As a precaution employer can discourage the employees for involving in any sexual harassment activity and the strict and timely actions should be taken against the person who found guilty of doing sexual harassment, Grogan (2004).

Employer can be relieved from the liability if he has taken reasonable steps to prevent the sexual harassment in the organization. Thus implementation and maintenance of an effective sexual harassment policy is required by the employer (Gomes & Morgan, 2004). The responsibility of employer does not by making and implementation of sexual harassment policy, but to check its effectiveness as well in order to get ensured that it is working well. The effectiveness of sexual harassment policies can be measured using various factors such as; content of the policy, regular evaluation, monitoring of policy by management, Wilken and Badenhorst (2003). Aalberts and Seideman (1996) stressed on the monitoring and appropriateness of the sexual harassment policy to measure its effectiveness. Timmerman and Bajema (2000), stated that the sexual harassment policy should be clear, easy to understand, and emphatic and should lead to prompt and timely feedback.

Caudron (1995) stated that the sexual harassment policy should not discriminate the employees on the basis of gender, designation or departments. It should be applied on all the gender, designation and departments. Stockdale (1996) reported that it is almost impossible to frame a perfect sexual harassment policy which can be applied in all the organizations. Organizations have different mission, vision statements, objectives, nature of products and services, thus requires different type of employees to work in the organizations. One single policy for sexual harassment can work in

one organization well but the same policy may not be considered as best in the other organization. Rowe (1996) argued that whatever type of sexual harassment policy is used it must define harassment, process of filing a complaints, options available to deal with harassment cases, counselling procedure and consequences of sexual harassment etc. Thus it can be said that the existence of sexual harassment policy in an organization does not ensure that everything is going well in that organization, as it is also important to know that the sexual harassment policy is working effectively in the organization. Keeping in view, the importance of measuring the effectiveness of the sexual harassment policies of an organization, the current study will add knowledge to this field, by making a comparative study on measuring the effectiveness of IT and Non IT companies.

Objectives

Current study aims to achieve the following objectives:

- To make a comparison of sexual harassment policies of IT and Non IT companies.
- To measure the effectiveness of sexual harassment policies of IT and Non IT companies.
- To give suggestions for the improvement in sexual harassment policies of companies.

Research Methodology

Current study is based on the primary data and secondary data both. Secondary data has been collected in order to study the sexual harassment policies of the companies and primary data has been collected to measure the opinions of the employees towards the sexual harassment policies of the companies. The sample size of the study is 200 employees out of whom 100 employees are from the IT companies and 100 employees from Non IT companies. Total number of companies surveyed during the study is ten, five each from IT and Non IT sector. The detailed list of the companies has been given in the annexure 1. Primary data has been collected with the help of questionnaire developed by the researcher in order to

measure the opinions of employees towards the effectiveness of sexual harassment policies of the companies. All the responses have been measured using five point Likert's scale where 5 means very good, 4 means good, 3 means average, 2 means poor and 1 means very poor. Hypothesis which has been formulated and tested during the study are as follows:

Null Hypothesis

There is no significant difference between the sexual harassment policies of IT and Non IT companies.

Table 1: Results of ANOVA Test

	Model	Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	7.420	1	7.420	4.0949	.049
	Residual	358.777	198	1.812		
	Total	366.197	199			

Table 4 shows the results of ANOVA analysis, the value of $F = 4.0949$ is found to be significant at 5 percent level of significance which shows that a significant model has emerged. Thus, all the four factors are found to be significant in measuring the effectiveness of the sexual harassment policies of IT and Non-IT companies.

An attempt has been made by the researcher to measure the difference in sexual harassment policies of IT and Non-IT companies. The results of t-test have been given in detail in table 5 below:

Suggestions for Improvement in Sexual Harassment Policies

Researcher has suggested various measures on the basis of review of literature, review of companies' sexual harassment policies and data analysis, for improving the sexual harassment policies in order to make the sexual harassment policies more effective. These suggestions are as follows:

- Complaints handling process related to sexual harassment policies, should be flexible, easy to understand and easy to implement in the organization.

- Sexual harassment policy should be transparent without any hidden norms and the confidentiality of the employees involved in the case should be maintained.
- Authorities involved in the sexual harassment policy should include people from top, middle and lower level management people in order to have an unbiased approach.
- Sexual harassment policy should be comprehensive in nature, means should cover each and every aspect related to sexual harassment.
- The process of filing complaints under Sexual harassment shouldn't be lengthy or time consuming.
- There should be a women cell in every company to resolve and understand the nature of conduct happened with female employees and for counselling also.
- Sexual harassment policy should be communicated to all the employees of the company in written form to make people aware about the rules, regulations, consequences of sexual harassment etc.
- There should be two different committees, one to investigate and other one to judge the cases related to sexual harassment. Both the committees should have freedom of doing their work independently.

All the above suggestions have been given on the basis of studying the sexual harassment policies of the surveyed companies and on the basis of review of literature on sexual harassment.

Conclusion

It can be concluded from the current study that sexual harassment policies of IT companies are more effective than Non IT companies. The comparative study on effectiveness of sexual harassment policies of IT and Non IT companies shows that as far as the timing and actions against sexual harassment is concerned IT companies are far better than Non IT companies. IT companies take timely decision, takes timely actions and shows strict actions against the sexual harassment. Coverage, timings, actions against sexual

harassment and complaints are found to be significant factors for measuring the effectiveness of the sexual harassment policies of the companies. Highest impactful factor for measuring the effectiveness of sexual harassment policy is coverage. The content of the sexual harassment policy means the rules, regulations, terms, and conditions, employees from different departments and designations with different gender can file complaint against sexual harassment, these are all important for measuring whether the sexual harassment policy is effective or not? While the least important factor is complaints, types of complaints, authorities involved in sexual harassment policies, transparency, confidentiality and complaint handling process.

Managerial implications

The current study is beneficial for the managers, strategist and authorities involved in sexual harassment policies of the companies. The four factors extracted from the study for measuring the effectiveness of sexual harassment policies should be focused by the management. Sexual harassment policies can be made more effective if the management will focus on these four factors. The actions, timings, content and coverage of sexual harassment policies need to be improved in Non IT companies. Study has highlighted the areas where the Non IT companies need to improve for being equal to the benchmark practices related to sexual harassment policies.

Limitations of the study

The sample size of the study is 200 which are very small and the number of companies surveyed during the current study is ten which is very small sample. Primary data has been used in the study which may suffer from personal biases of the respondents.

References

- Aalberts, R.J., & Seideman, L.H. (1996). Sexual harassment policies for the workplace. *Cornell Hotel and Restaurant Administration Quarterly*, 37(5), 78–85.
- Anon. (2004). Damages for sexual harassment: When employers are liable. *Employment Law*, 20(1), 3–6.

- Bennett, J. (2002). *Southern African higher educational institutions challenging sexual violence, sexual harassment: A handbook of resources*. Cape Town: African Gender Institute, University of Cape Town.
- Caudron, S. (1995). Sexual politics. *Personnel Journal*, 17(5), 50–61.
- Gouws, A., & Kritzinger, A. (2007). Dealing with sexual harassment at institutions of higher learning: Policy implementation at a South African university. *South African Journal of Higher Education*, 21(1), 68–84.
- Green, S., & Retief, R. (2001). Sexual harassment in the SAPS. *Servoamus*, 94(11), 44–50.
- Grobler, P.A., Erasmus, B.J., & Klkenbeck-Ruh, R.K. (2003). A model for the management of sexual harassment in South African companies. *Management Dynamics*, 12(1), 36–46.
- Grogan, J. (2004). Vicarious harassment: Employers become reluctant insurers. *Employment Law*, 20(4), 3–10.
- Pearce, J.A., & DiLullo, S.A. (2001). A business policy statement model for eliminating sexual harassment and related employer liability. *SAM Advanced Management Journal*, 66(2), 12–21.
- Rowe, M. (1996). Dealing with harassment: A systems approach. In M. S. Stockdale (ed.). *Sexual harassment in the workplace: perspectives, frontiers, and response strategies*. Thousand Oaks, CA: Sage.
- Rycroft, A., Le Roux, R., & Orleyn, T. (2005). *Sexual harassment in the workplace: Law, policies and processes*. Durban: LexisNexis Butterworths.
- South Africa. (1995). *Labour Relations Act (no. 66 of 1995). 2005 Amended Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace*. Pretoria: Government Printers.
- South Africa. (1998). *Employment Equity Act (1998)*. Pretoria: Government Printers.
- Stockdale, M.S. (1996). *Sexual harassment in the workplace: Perspectives, frontiers and response strategies*. Thousand Oaks, CA: Sage Publications.
- Timmerman, G., & Bajema, C. (2000). The impact of organizational culture on perceptions and experiences of sexual harassment. *Journal of Vocational Behavior*, 57, 188–205.
- Wilken, E.C., & Badenhorst, J.W. (2003). A comparative analysis of sexual harassment policies at selected higher education institutions in South Africa. *South African Journal of Higher Education*, 17, 197–205.

Annexure 1: List of Companies

Sl. No.	IT Companies	Non IT Companies
1	Dell	HUL
2	Wipro	ITC
3	HCL	L & T
4	Infosys	Bajaj
5	IBM	Airtel