UNIVERSITY OF KWAZULU-NATAL

The effectiveness of the Code of Good Practice in handling the occurrences of sexual harassment in a selected South African Higher Education Institution

by

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DECLARATION

I **Khanyisile Pearl MIRANZI,** declare that

(i)   The research reported in this dissertation/thesis, except where otherwise indicated, is my original research.

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ABSTRACT

The study, which examined the effectiveness of the Code of Good Practice in handling sexual harassment in the selected higher education institution (HEI), had three main objectives: to ascertain the main provisions of the Code of Good Practice in handling sexual harassment, determine the level of awareness among staff of the existence of the Code of Good Practice and to understand how the policy deals with preventing the occurrence of sexual harassment in the HEI. Participants in the study included male and female academic and support staff of the HEI. Interviews were conducted with senior human resource managers and a questionnaire was distributed to the other staff. Thematic analysis was used in analysing participants' understanding and knowledge of the Code of Good Practice in handling of sexual harassment. It was found that participants had little knowledge of the role of the Code of Good Practice in handling sexual harassment. Many felt that training programmes should be implemented to enable them to gain knowledge and awareness of their rights regarding sexual harassment in the workplace. Further, the study revealed why sexual harassment is an issue in the workplace; information concerning the Code communicated to staff is inadequate. Based on the study, recommendations were made to initiate interventions aimed at minimising the incidence of sexual harassment at the HEI. These include: training and educational programmes for staff, distribution of the Code of Good Practice to all employees, formulation of a clear policy on sexual harassment that is proactive and has preventative measures and the issuing by the HEI of a zero tolerance policy statement on sexual harassment.

TABLE OF CONTENTS

CONTENT   **PAGE**

Chapter 1: Introduction to the study

Chapter 2: Literature Review

Chapter 3: Research Methodology

Chapter 4: Presentation of Results and Discussion of Findings

PART C

Chapter 5: Conclusion and Recommendations

LIST OF FIGURES

LIST OF TABLES

CHAPTER 1

INTRODUCTION TO THE STUDY

1. INTRODUCTION

Sexual harassment is a labour-related issue prohibited by the law that exists in many workplaces. It is described as "unwanted physical contact, unwelcome and persistent advances and pressure to engage in sexual intercourse, even rape" (Britz, 2007:11). Sexual harassment is sensitive to employees and necessary safety precautions need to be taken to stop it from occurring in the workplace in order to create a safe and friendly environment where individuals are not sexually discriminated against. Victims of harassment often leave jobs because harassment has emotional effects on workers. Organisations are also affected by sexual harassment as a result of employees being less productive and feeling demotivated.

Harassment is problematic in the workplace and researchers have done studies of workers being sexual harassed (Cortina & Wasti, 2005; Cortina, Swan, Fitzgerald & Waldo, 1998; Dansky & Kilpatrick, 1997; Gutek, 1985; Huerta, Cortina, Pang, Torges & Magley, 2006). Sexual harassment in the workplace has been studied extensively in the United States, but few scholars have documented how this type of harassment is being handled around the world. (Tudor, 2006:1). Sexual harassment in the workplace is a widespread issue with impacting negatively on co-workers and organizational culture (Avina & O'Donohue, 2002:n.p; Dansky & Kilpatrick, 1997:n.p.). Research on incidents of sexual harassment propose that half of most working women experienced some form of sexual harassment (Gutek, 1985:n.p.; Ilies, Hauserman, Schwochau & Stibal, 2003:623). Research points out that South African women are separated by demographic factors, with black women in history being the probable victims of sexual harassment and have experienced demotion as black women (Naylor, 2006:6).

Whilst it may seem sexual harassment is a relatively new spectacle in South Africa (Basson, 2007; Rycroft, Le Roux, & Orleyn, 2005; Snyman-Van Deventer & De Bruin, 2002), it has been a problem since men and women had to interact in the workplace, in instances where a man who feels he has power over a woman can take advantage of such power in the office. As long as the power relationship amongst males and females in the workplace is unequal, potential aimed at sexual harassment exists (Schulz, 1998:n.p).

1

Sexual harassment is an unpleasant and degrading behaviour which affects employees negatively. It is a major issue in the human resource domain and directly linked to public administration in that Sections 7(1) and 9(1) of the South African Constitution (Act 108 of 1996) guarantee rights and equality to all citizens. Sexual harassment infringes on these rights of employees and impacts on satisfactory performance, which affects service delivery.

2. BACKGROUND

2.1 Defining sexual harassment

Sexual harassment is behaviour that is sexual, unsolicited, affects one's job and creates an intimidating work environment; it can happen as an incident that is frequent or a as an incident that is remote (Mackinnon, 1979:312; Uggen & Blackstone, 2004:65). According to Stanco (1985:61), "at least until 1976, no one had a name for this collective experience". Early accounts of sexual harassment were reports and case studies published in 1976 and 1977. South Africa has undergone many changes in the past, which have altered the socio-economic environment. The greatest change has been how employers treat workers in the work environment. There is a perception that sexual harassment is an issue that affects female employees, however, men are also sexually harassed in the workplace.

For Brown (1988:451) "Sexual harassment is any frequent or unsolicited verbal or physical sexual advances, sexually overt deprecating statements, or sexually discriminatory statements made by somebody in the workplace which are invasive or offensive to the inheritor or which causes the inheritor uneasiness or degradation or which restricts the inheritor's job performance".

Although there are many definitions of sexual harassment, there is a common understanding on what contributes to sexual harassment: it is unwelcome and unacceptable conduct.

Incidents of sexual harassment have stood to be reported previously and more cases are coming up in South African courts, which are an issue to the human resource management in the public sector. Sexual harassment has a negative impact on staff members and needs to be minimised, if not eliminated. An understanding of sexual harassment must be created in order to reduce instances of its occurrences. Employers must have guidelines, procedures and

policies on sexual harassment, which employees must abide by in order to protect those who are harassed in the workplace.

2.2 Classification of sexual harassment

Altman and Khumalo (1998:n.p) identified two categories of sexual harassment, namely: quid pro quo and hostile work environment. Quid pro quo harassment arises when a proprietor, employer, director, associate in management or coworker tries to influence the advancement, employment, punishment, remuneration increment, firing and training. A hostile work environment is created when an employer, supervisor or colleague engages in behaviour regarded as sexually offensive by the harassed and refers to actions such as sexual jokes, posters, e-mails and touching (Grobler, Erasmus & Kolkenbeck-Ruh, 2003:38).

2.3 Organisational culture

Organisational culture can be explained as assumptions established by organisational members, which influence the way employees behave and the way they perceive organisational issues (Frank, 1987:26). Culture is built by the principles that are collective with employers and employees in the organisation (Timmerman & Bajema, 2000:420). Organisational culture represents what is considered significant in the organisation, the extent to which the organisation is employee or performance-oriented (Timmerman & Bajema, 2000:87), and how appreciated female assistants are observed within the organisation (Miner-Rubino & Cortina, 2004:n.p).

Fink and Pastore's (1999) study identified three diversity organisational cultures: proactive, reactive and compliant. Efforts by a compliant organisation to entice and withstand diverse employees are rare. Compliant organisations are composed of characteristics that often disregard the federal legislation of pro-diversity and decision making that is centralised. Reactive organisations address diversity problems on demographic factors and act upon difficulties once they rise. Proactive organisations are those that support diversity. These organisations attain the advantages of diversity as they are capable of enticing and preserving the top employees. Variances of values, background benefits and demographic factors are also considered and required for diversity to be shown through the provision of assets (Fink & Pastore, 1999:400). In organisations that find diversity (proactive) important, contrasting with organisations that find similarities more important (compliant), employees are

considered as deserving chances that are equal, irrespective of sex, age, marital status and race (Timmerman & Bajema, 2000:420).

2.4 South African legislation and policies on sexual harassment

2.4.1 Legislation

In terms of South African common law, if sexual harassment occurs in the workplace, employees who are victims have possible claims against the employer. The first option is vicarious liability. This means an employer may well be liable for harm instigated by their employees on condition the harm is caused within the course of employment. One of the primary difficulties in holding a manager accountable for sexual harassment by its worker is the fact that employees who commit sexual harassment often act in their own capacity and not within the scope and course of their employment (Chicktay, 2010:288).

An employee can directly sue the employer for failing to provide a safe working environment. An employer owes a common law duty to employees to guarantee that the environment and working conditions are safe. The employer can be held directly liable if the company negligently fails to protect employees from workplace sexual harassment. There are also enacted laws that deal with sexual harassment, described in the following sections.

2.4.1.1 South African Constitution (Act 108 of 1996)

Sexual harassment needs to be addressed because it infringes on victims' constitutional rights. The Constitution (Act 108 of 1996) holds that the fundamental rights of individuals, irrespective of their race and gender, equality and dignity, should be respected. Sexual harassment happens to both men and women. Nonetheless, in most cases, it is women who are sufferers of sexual harassment. The Bill of Rights must be interpreted in a manner that promotes the primary values of equality, dignity and freedom. With reference to Section 36, rights in the Bill of Rights can only be restricted in accordance with the values of self-respect, fairness and liberty. Sexual harassment stays as a severe challenge to these founding values. The Constitution provides individuals with the right to equality and not to be categorised negatively. According to Malherbe and Beckmann (2003:37), Section 9 is a significant principle in equality, which is significant in the Bill of Rights and motivates other rights. Any conduct or law that violates people's rights is proscribed by Section 9.

4

Section 9 of the Constitution is particularly relevant in upholding individual privileges and reads as follows:

> 9 (1) Everyone is equal before the law and has the right to equal protection and benefit of the law. (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken. (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination. (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

2.4.1.2 Promotion of Equality and Prevention of Unfair Discrimination Act (No 4 of 2000)

This Act enables South Africa's evolution to a self-governing society, united in diversity, noticeable by human relations that are considerate, sympathetic and directed by moralities of equality, impartiality, equity, righteousness, human pride and freedom. The Act gives influence to Section 9 read with item 23(1) of Schedule 6 to the Constitution (1996) so as to avert and outlaw unfair discrimination and aggravation; to endorse equality and abolish unfair discrimination; toward preventing and prohibiting hate speech; and to deliver for materials linked therewith.

2.4.1.3 Labour Relations Act 1995 (No. 66 of 1995)

Earlier to the representation of the Employment Equity Act (No 66 of 1995), unfair discrimination was dispensed in terms of Labour Relations Act, Schedule 7(2)(1)((a). An employer can be suspected of a labour practice that is unfair if an employee was sexually harassed and sexual harassment was understood as a form of perception on the origin of sex or gender.

2.4.1.4 The Employment Equity Act (No. 55 of 1998)

This Act symbolises the jurisdictive enactment of the right to equality as embodied in the Constitution. Sexual harassment in the workplace falls beneath the umbrella of the Employment Equity Act (EEA), which states clearly that sexual harassment is banned and equates to unfair discrimination. It involves treatment that is fair in employment through the abolition of unfair discrimination and the enactment of affirmative action programmes. Section 6(3) of the EEA suggests that harassment institutes unfair discrimination and cannot be acceptable if any of the grounds listed in Section (6)(1) is present.

In relation to Section 60(1) of the EEA, "If it is alleged that an employee, while at work, contravened a provision of this Act, or engaged in conduct that, if engaged in by that employee's employer, would constitute a contravention of a provision of this Act, the alleged conduct must immediately be brought to the attention of the employer". Section 60(2) describes that if an employee is not protected against sexual harassment, such behaviours must be conveyed to the employer, and the employer "must consult all relevant parties and must take the necessary steps to eliminate the alleged conduct."

2.4.1.5 Commission on Gender Equality Act (No. 39 0f 1996)

This Act provides for the arrangement, authorities, roles and effectiveness of the CGE Act and for difficulties associated therewith. The GCE Act, in terms of Section 187 of the Constitution (1996), devolves to a mandate to encourage veneration for gender equality and the safety, improvement, fulfillment of gender quality. The aforementioned has the authority, as delimited by national legislation, to display, consider, investigate, school, advise and report on subject matters regarding gender quality. The CGE Act specifies that the essential objective of the CGE is to link to equality with gender and to make recommendations to Legislature with regard to whichever laws or projected legislation that move gender equality.

2.4.1.6 Protection from Harassment Act 2010 (No. 17 of 2011)

The Protection from Harassment Act, 2011 ("the Act") was promulgated on 27 April 2013. The Act permits an individual who is being impaired by harassment to apply for a protection order against the offender. The right to sovereignty and safety of the person, which integrates the right to be safe from one form of violence or another, be it civic or private sources, and

the rights of progenies to consume their greatest comforts are reflected to be of principal importance. The Act further attempts: (a) give sufferers of harassment an operative therapy against such behaviour; and (b) familiarise measures that seek out the organs that are relevant to the state to stretch full outcome to the requirements of this Act.

2.4.2 Policies

Policies in an organisation should be implemented effectively to ensure that employees are protected against victimisation. It is imperative for an organisation to have policies as guidance on how to handle the existence of sexual harassment.

2.4.2.1 Code of Good Practice on handling sexual harassment cases

The main aim of this Code is not to disregard sexual harassment in the place of work. The Code offers suitable measures to counter sexual harassment and avert its recurrence. It reassures and endorses execution of policies and processes that adhere to the formation of workplaces unrestricted by sexual harassment, where staff members believe in their veracity, self-respect, their concealment, and their right to fairness in the workplace (Naylor, 2006:27).Before 1995, most employers had little knowledge and few strategic plans to lever sexual harassment cases. The Code attempts to abolish sexual harassment in the workplace with condition that the procedures would permit employers to deal with incident of sexual harassment and preventive measures (Naylor, 2006:5). Section 60 of the Amended Code (2005) similarly stipulates that where sexual harassment is of a serious nature, the accuser ought to be encouraged to inform the employer.

2.4.2.2 Higher Education Institution's sexual harassment policy

The sexual harassment policy of the selected HEI has been suspended as it is outdated. Currently, the Code of Good Practice is in being used until new policies, procedures and guidelines are developed. It cannot be determined when a new policy will be in place as the HEI has different stakeholders who need to provide input.

3. PRELIMINARY LITERATURE STUDY AND REASONS FOR CHOOSING TOPIC

Sexual harassment is a societal issue with negative implications for those who experience it (Haas, 2009:392). The most commonly studied outcomes in sexual harassment literature are those affecting the organisation, as well as those affecting the victim's physical and mental health (Haas, 2009:360). Instances of sexual harassment in organisations are harmful to direct victims (Haas, 2009:362) and other organisational members because they negatively impact on work results, job fulfilment, organisational obligation and physical health (Sims, Drasgow, & Fitzgerald, 2005:n.p.).

Early researchers (Till, 1980; Fitzgerald, Shullman, Bailey, Richards, Swecker, Gold, Ormerod & Weitzman, 1988; Fitzgerald, Gelfand & Drasgow, 1995) aimed to develop a common definition of sexual harassment and to differentiate among its different dimensions. Researchers such as Miner-Rubino and Cortina (2004), Miner-Rubino and Cortina (2007) are of the view that sexual harassment not only affects the victim, but also other organisational members who witness or learn about the harassment. Other researchers (Haas, 2009:406; Ilies, Hauserman, Schowochau & Stibal, 2003) have sought to understand its prevalence in the workplace and the impact sexual harassment has on victims.

Non-discrimination on any grounds is a public policy issue in South Africa and a fundamental tenet in public administration practice. The motivation for choosing to research on the effectiveness of sexual harassment policy in a South African HEI was that a number of problems associated with sexual harassment have come up in the past and more cases are coming before the courts, which are an issue for human resource management within the public sector. Further, since sexual harassment has an undesirable effect on employers, employees including organisations' efforts must be made to minimise these impacts. For this to happen, an understanding of sexual harassment must be created among employees and employers must have workplace guidelines, procedures and policies to implement when cases of harassment arise. Additionally, efforts to form an equivalent, non-discriminatory South African culture should manifest in the workplace and, in detail, in the academic arena. In terms of the Employment Equity Act, sexual harassment is a custom of unfair discrimination and a large penalty should be given if an employer is to be found guilty of liability that is mediated (Joubert, 2009:13).

4. RESEARCH PROBLEM AND OBJECTIVE

4.1 Research problem

Sexual harassment is a sensitive issue, which has serious effects on people performing their duties at work. Many people are unable to talk to other people about what they are experiencing. Sexual harassment can cause discomfort to employees and make them feel discouraged to perform their duties and it can also have negative emotional and psychological effects on employees. The problem this study sought to address was how aware staff of a selected HEI are of the existence of a sexual harassment policy and their views in its efficiency in protecting employees.

Guidelines, rules and policies for sexual harassment should aim to protect employees' well-being in the organisation and also to communicate the problem. Sexual harassment may exist in the workplace, but employees may be unaware of the existing policy. Similarly, a sexual harassment policy may exist, but may not be applied in an effective manner. Naylor (2006) and Nene (2009) express the notion that for a policy on sexual harassment to be effective, concerted efforts are required by organisations to stop or lessen the effects of sexual harassment.

4.2 Research objectives

The objectives of the study were to:

1. Ascertain the main provisions of the Code of Good Practice in handling sexual harassment of the selected higher education institution (HEI).

2. Determine the level of awareness of the existence of the Code of Good Practice in handling sexual harassment amongst staff members of the HEI.

3. Understand how the policy deals with prevention of the occurrences of sexual harassment in the HEI.

4.3 Research questions

The study sought to answer the following questions:

1) What are the key provisions of the Code of Good Practice of the HEI?

2) What is the level of awareness staff members have of the HEI's Code of Good Practice?

3) How effective is the Code of Good Practice in preventing the occurrence of sexual

harassment in HEI?

5. DELIMITATION OF THE STUDY

The study will be limited to only one selected South African HEI in a specific province and will focus on only staff members.

6. THEORETICAL FRAMEWORK

The Constitution highlights non-discrimination, which is a key aspect in Public Administration. It lays down a firm foundation for respect, human rights, dignity and equality. Section 9 posits that neither everyone is the same before the law. Neither the state nor anyone can unlawfully separate directly or indirectly in contradiction of the grounds stated. Thus, the Constitution gives rights to every South African individual, offering protection against their rights from being violated.

Sexual harassment has been shown to negatively impact on job satisfaction, organisational commitment plus physical health (Fitzgerald, Drasgow, Hulin, Gelfand & Magley, 1997; Fitzgerald, Hulin & Drasgow, 1994; Sims, Drasgow & Fitzgerald, 2005). Regarding the perpetrators, research suggests disciplinary actions may reduce unethical behaviour when preventive measures fail (Greenberg, 2005, Laczniak & Inderrieden, 1986).

This study used two relevant models, namely: Business Policy Statement Model and Model for Management of Sexual Harassment in South African companies. These are commonly used in private and public organisations (Grobler, Erasmus & Kolkenbeck, 2003:38) and emphasise the importance of policies in the workplace. They are briefly outlined in the next section.

6.1 Business Policy Statement Model for Eliminating Sexual Harassment and Related Employer Liability

The primary goal of this model is to prevent sexual harassment by means of an activated policy while the secondary goal is to limit an employer's liability should sexual harassment occur by documenting the efforts of an employer to avert sexual harassment. When this

model is used to assist an organisation in its efforts to prevent sexual harassment, the organisation must have a sexual harassment policy that comprises five features:

- a policy report;
- an operative protest process;
- a policy circulation plan that is effective;
- coaching for all employees; and
- a structure with appropriate inquiries and remedial action (Pearce & DiLullo, 2001:n.p).

It is important for a sexual harassment policy to remain clear and easily contracted that sexual harassment is prohibited. Employers must ensure that all employees are provided with the copies. Individuals in the workplace come from different backgrounds as they do not speak nor write in the same language. It is vital that the sexual harassment policy ought to be written in numerous dialects to make sure that all employees will be able to read it.

6.2 Model for the Management of Sexual Harassment in South African companies

This model constructs an outline with several elements that can interrelate additionally in order to permit the organisation to effectively prevent sexual harassment. The exemplary is described as interactive and integrative, with each step permitting the exchange of data and feedback. It consists of a number of steps, the first being the implementation of a company-specific audit. The main purpose of this audit is to determine what individual members of the workforce regard as sexual harassment and how they should react as victims. The second step of the model involves development of preventive measures such as the formulation of a policy, dispelling sexual harassment myths and misconceptions, interpersonal behaviour training, role negotiation techniques, self-defence techniques and interpersonal conflict management training. A reactive process forms the third step of the model and includes methods for dealing with cases of sexual harassment and investigation procedures. After all the steps have been followed, the last step is to evaluate periodically whether or not the organisation's efforts are effective (Grobler, Erasmus & Kolkenbeck, 2003:40).

The model proposed by Grobler, Erasmus and Kolkenbeck (2003) contains elements of the Business Policy Statement Model developed by Pearce and DiLullo (2001) and the Conflict Management Systems Approach developed by Hayter (1996). This model is regarded as a valuable framework for organisations that are serious in their efforts to manage sexual

11

harassment effectively. These models are suitable for the study as they deal with policies and the eradication of sexual harassment in the workplace.

7. RESEARCH DESIGN AND METHODOLOGY

7.1 Design

The determination of a research design is to plan and assemble a research project in such a way that it improves the ultimate rationality of the research findings (Bailey, 1987:81; Mouton & Marais, 1992:52). A mixture of quantitative and qualitative research methods was used in collecting data. The usage of quantitative and qualitative methods is known as mixed methods. "The term 'mixed methods' has come to be used to refer to the use of two or more methods in a research project yielding both qualitative and quantitative data" (Cresswell & Clark, 2007:n.p; Greene, 2007:91; Teddlie & Tashakkori, 2009:17). In the past two decades mixed methods has remained to be methodological measure, accompanying the present customs of quantitative and qualitative actions (Tashakkori & Teddlie, 2003:23). The mixed method was largely driven by quantitative methods, since the quantitative aspect was dominant in the research methodology. Given the importance of these aspects, they are briefly described in the following sections.

7.1.1 Quantitative methods

Leach (1990:n.p) uses the terms 'empiricism' and (Duffy, 1985:n.p) 'positivism' to define quantitative methods. It originated from the systematic method used in sciences (Cormack, 1991:18). This research method is an unprejudiced, methodical procedure in which arithmetical findings are calculated. It assesses and scrutinises cause and outcome (Burns & Grove, 1987:n.p), using a procedure that is deductive of facts execution (Duffy, 1985:n.p). Quantitative methods produce valid technical answers by means of statistics. Duffy (1985:67) states that: "quantitative research is a research methodology which demands random selection of the sample from the study population and the random assignment of the sample to the various study groups".

7.1.2 Qualitative methods

Quantitative methodologies examine theory deductively from knowledge that is existing by developing relationships that are hypothesised and outcomes that are proposed for the study, while qualitative researchers are directed by perspectives, hunches or ideas that concern the

12

subject to be studied (Cormack, 1991:61). The intention of qualitative research is to define characteristics of a spectacle, with the intent of clarifying the subject of study (Cormack, 1991:61), "the methodology is also described as phenomenology" (Duffy, 1985:68) and as an approach that is idealistic and humanistic (Leach, 1990), through its disciplines of antiquity, idea, anthropology, sociology and psychology (Cormack, 1991:61).

7.2 Methods

An empirical study was conducted where primary sources were used in order to acquire the necessary data for the research. The study used a random probability sample. Primary data were collected from staff members through a self-administered questionnaire. This is an efficient and fast method to use as data was collected on different campuses. Secondary data were obtained from textbooks and journal articles relating to the phenomenon being studied. The questionnaire helped obtaining data in order to determine the perceptions staff members have regarding sexual harassment and their awareness of the sexual harassment policy. A Likert scale was used in the construction of questions (Neuman, 1997:n.p.).

7.2.1 Sampling

Staff members of the HEI constituted the population from which the sample was be drawn. A list of all staff members was obtained from the human resource department and a random sample of 100 chosen from different departments of the HEI across the five campuses and 10 questionnaire distributed in each department.

7.2.2. Data collection instruments

The data collection instrument used in this study was a questionnaire. According to Treece and Treece (1986:277), "the questionnaire is the most common research instrument". The questionnaire was administrated to 50 staff members, which allowed the participants to remain anonymous. The questions asked were close-ended, straightforward and did not cause discomfort to the participants.

The questionnaire had a covering letter attached stating the objectives of the study. Confidentiality and anonymity were guaranteed because of the sensitivity of the study so that participants could answer questions fully without being scared.

Close-ended questions were based on a five-point Likert scale in order to measure participants' attitudes ranging from strongly agree to strongly disagree. This was appropriate

because it provided an insight into what participants were thinking and measured the responses of all participants.

Bailey (1987:201) states that a questionnaire in a study has five main benefits: (1) If the respondent is well-versed about the determination of the study, the respondent is assumed not to have a problem filling in the questionnaire as a questionnaire is a commonly used instrument in research, (2) It is useful, efficient and cheap tool in collecting data from a dispersed population, (3) The respondents express themselves freely in a questionnaire compared to interviews as identity is doubtful, (4) The questionnaire provides the respondent time to fill in the questionnaire to contemplate on responses. This is effective in a study where sensitive issues are being investigated. (5) Bias is prevented, honesty is encouraged as the researcher is absent when the respondent is filling in the questionnaire; also respondents respond to the same questions.

Interviews were conducted at the selected higher education institution with senior human resource managers. Questions asked were similar to those in the questionnaire, but were more in-depth in order to find out how the Code was developed in order for staff members to find out if sexual harassment occurs who do they go to and what possible measures will be taken.

Interviews are 'directed discussions' (Gilbert 1993:62) intended to produce thorough data and are useful when attempting to admission of material concerning complex areas of study (Creswell, 2003:18). Interviews also make known multiple, opposing identifications and unconventional meanings (Martin, 2002:23).

Joubert (2009) used different types of instruments to collect more data, The Sexual Experiences Questionnaire (SEQ) established by Fitzgerald et al. (1988) is a standardised gauging instrument aimed at measuring the occurrence of sexual harassment. The SEQ, however, is restricted in its presentation as it measures the authentic experiences of respondents. Respondents who are mindful and have observed occurrences of sexual harassment cannot add to the objective in establishing the insights of the incidents of sexual harassment in their organisation. This questionnaire, however, was not intended to figure the awareness of sexual harassment procedures, policies and measure the effectiveness. Therefore, the Sexual Harassment Questionnaire (SHQ) was established on the study of Jardim (2004), Kolkenbeck-Ruh (2003), Paludi and Barickman (1991) and Retief (2000).

7.2.3. Data analysis

Data were captured, cleaned and analysed using the version 22 of Statistical Package for Social Science (SPSS), a reputable computer-based data analysis package, to produce reliable analysis presented in tables and graphs. Qualitative data were analysed using thematic analysis; which helped in understanding staff perceptions.

8. ETHICAL CONSIDERATIONS

One of the ethical considerations that was taken into account in this research was informed consent. Bailey (1987:136) notes that: "informed consent means giving a description and ensures that respondents have significant information regarding the study that is being undertaken." Ethical approval was attained from the University of KwaZulu-Natal (Westville Campus) Ethics Committee. Participants were given the opportunity to withdraw from the process at any time if they felt that they no longer wanted to participate. Consent from the respondents was informed and voluntary.

CHAPTER 2
LITERATURE REVIEW

2. INTRODUCTION

A university is an educational institution that is devoted to advancing knowledge and broadening one's intellectual horizons in an ethical environment, (Sutherland, 1991). Sexual harassment undermines the process of employment and education in any academic institution and can impact negatively on students, academic staff and others serving the institution. There is no gain saying it is the university's duty to ensure that the safety of all individuals is protected; it might not be possible for the university to interfere in one's private life and relations with the students or the staff members, but the existence of sexual harassment is an issue for the university, especially if it occurs on the institution's grounds. Sexual harassment is sensitive to all employees and there are necessary safety precautions to be taken to stop it from occurring in the workplace so as to create a safe and friendly working environment without individuals being sexually harassed. The victims of sexual harassment often end up leaving their jobs because sexual harassment causes emotional effects on workers. Departments are also affected by sexual harassment and there could be less productivity and workers can become demotivated. Sexual harassment has been noted as an obstacle to human advancement in the literature for the past 30 years (Pina, Gannon & Saunders, 2009; Hill & Silva, 2005; Nethling, 2005; Karjane, Fisher & Cullen, 2002).

There is general consensus that sexual harassment policy should be part of the equal opportunities policy and should deal with the issue of sexual harassment. If sexual harassment occurs certain procedures have to be followed. Several studies show that complaints are usually solved in an informal way, with no action taken (Nene, 2009:16). A strategic policy should offer protection for the harassed by providing confidential services. It is essential that the organisation provide pertinent information to employees about sexual harassment. This chapter provides a theoretical outline of sexual harassment. Sexual harassment is defined and the different forms of sexual harassment examined.

2.1 DESCRIBING SEXUAL HARASSMENT

Sexual harassment cases in South Africa are numerous. Webb (1994:15) states that international instruments generally focus on sexual harassment as a form of violent biased treatment, although national legislation focuses more on illegal conduct.

2.1.1 International organisations' definition of sexual harassment

In a press release on 20 August (2004:1) a specialised United Nations agency, the International Labour Organisation (ILO) described sexual harassment as "a violation of fundamental rights of workers; in addition "that it constitutes a problem of safety and health, a problem of discrimination, an unacceptable working condition and a form of violence (primarily against women)".

The Council of Europe (COE) and the European Union (EU) have not only labelled sexual harassment as illegal, but defined it as "unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. This includes unwelcome physical, verbal or nonverbal conduct"(European Union Commission Recommendation 92/131/EEC of 27 November 1991:2).

2.1.2 Definition of sexual harassment in various countries

American law, interpreted by Equal Employment Opportunity Commission policy (1979:1) in accordance with the Civil Rights Act of 1963 explains sexual harassment as a method of sexual perception that comprises "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature". It further states that: "sexual harassment is when this conduct explicitly or implicitly affects individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment".

In Sweden, The Prohibition of Discrimination Act (2005:480) interprets sexual harassment as "any type of conduct of a sexual nature that violates a person's dignity". The Canadian Labour Code (1985:247) describes it as "any conduct, comment, gesture or contact of a sexual nature that (a) is likely to cause offence or humiliation to any employee; and (b) that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on an opportunity for training or promotion".

In South Africa, in Section 203(1) of the Labour Relations Act(66 of 1995), a Code of Good Practice on the Handling of Sexual Harassment cases defines sexual harassment as follows:

"(1) Sexual harassment is unwanted conduct of a sexual nature. The unwanted nature of sexual harassment distinguishes it from behaviour that is welcome and mutual.

(2) Sexual attention becomes sexual harassment if:

(a) The behaviour is persisted in, although a single incident of harassment can constitute sexual harassment; and/or

(b) The recipient has made it clear that the behaviour is considered offensive and / or

(c) The perpetrator should have known that the behaviour is regarded as unacceptable".

2.2 EPIDEMIOLOGY

Pina, Gannon and Saunders (2009:128) state that: "sexual harassment has an effect on a wide range of people; it probably affects a large proportion of the population compared to any other type of discrimination." These researchers investigated 120 studies that involved more than 100 000 participants and found that coercive and sexually harassing behaviours are prevalent in the form of physical and sexual aggression.

A study led by the U.S Merit Systems Protection Board, with workers in the administration department as participants showed that 93% of women had been harassed by men. Additionally, there has been an increased awareness of behaviours that constitute sexual harassment, evident in an increasing number of men who categorise unwanted sexual jokes and annotations on sexual harassment (Pina et al., 2009).

Timmerman and Bajema (1998:676) contend that: "the less severe forms of sexually harassing behaviours, like sexual remarks/jokes (37%) and sexual looks and gestures (29%) are the most prevalent, while the most severe behaviours like assault and attempted rape still remain low at 4% for females and 2% for male employees. Interestingly, co-workers and other employees (77%), rather than people in higher or supervisory positions (28%), continue to be the widespread source of harassment for federal workers." In 1998, a leading statistical review was conducted by the European Commission, which comprised two main synopses of studies conducted between 1987 and 1997 (Timmerman & Bajema, 1998:671).

Timmerman and Bajema (1998:677) note that the most frequent experiences of sexual harassment are verbal forms, which include "sexual jokes". Sexual harassment at higher learning institutions is presumed as a way to exercise power over people and has been handled through policies that are insufficient. In an article Linda Eyre (2012:45) of the University of Brunswick indicates how she perceives the behaviours of harassers and observes that: "the problem is greater than the deviance by individual students". The author asserts that the voices of women remain quietened in academic institutions by persons who have more authoritative positions and because of the secrecy clause the issue of sexual harassment ends up not receiving all the attention it should get (Smit & Du Plessis, 2011:175).

Research analysing the frequency of sexual harassment is prone to remain subjective to underreporting prejudices as current statistics indicate that sexual harassment is dominant in European countries. Available information suggests that many women will experience various forms of sexual harassment throughout their employment lives. Furthermore, it is essential that scholars comprehend the grounds behind these definite behaviours and why the culprits participate in them (Nene, 2009:20).

2.2.1 International and South African dimensions of sexual harassment

In the United Kingdom, the Equal Opportunities Commission (2000b:2) indicates that "sexual harassment in the workforce occurs to half of all women in some time of their working lives". On the contrary, in the United States, Bimrose (2004), observes that sexual harassment continues to be recognised as socially problematic as many women are subjected to any form of sexual harassment through their work or academic lives and there are frequent occurrences of harassment amongst working women in South Africa. Bravo and Cassedy (1992) note that there is a percentage of South African working women who during their employment have been subjected to some form of sexual harassment.

The prevalence of sexual harassment has been recognised in surveys conducted in Western countries. Sexual harassment is widespread in surroundings where abuse and violence is put up with and is a silent occupational constraint. In countries such as South Africa, Australia, Canada and Israel, the American model has been implemented to reduce the prevalence of sexual harassment. However, across Asia, Europe and Africa, this model is distinct. The

American sexual harassment policy has been criticised as a manifestation to "McDonaldization" of the domain" (Cahill, 2001:n.p; Zippel, 2004:n.p).

France was obliged to broaden its classification of sexual harassment to a form of abuse by someone experiencing unwanted sexual attention by employees, managers and mentors (Dobbin, 2006). Most governments all over the world have united to ban sexual harassment and enforce worker or civil rights. For instance, the Saudi Arabian parliament had a debate on a bill to be pass which will hold institutions, companies and managers responsible for preventing sexual harassment (Ghafour, 2009). Comparable to the research on sexual harassment in the workplace, studies of harassment in higher education institutions indicate that female employees are likely to be victims of harassment. Also, the rate of recurrence of harassment is pointedly related to hostile psychological effects. Sexual harassment in the workplace has been prohibited through labour codes and national legislation in over 50 countries.

2.2.2 International recognition and moves to stamp out sexual harassment at work

Programmes and other measures are being used to "stamp out" harassment. International recommendations and united actions have resulted in recognition of sexual harassment.

2.2.2.1 International Labour Organisation

The International Labour Ognisation (ILO) deals with discrimination / harassment in the workplace, particularly concerning women who are the majority of individuals experiencing different forms of sexual discrimination. The ILO's governing body implemented a code of practice on workplace violence in the public sector, offering direction, supervision, and control against occurrence of sexual harassment. The ILO campaign includes harassment as the ILO's 'Movement for Decent Work' includes sexual harassment as a feature of defilement of employees' basic working rights, health and safety.

2.2.2.2 United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The CEDAW proclaims that the state should abolish discrimination against women at work. Women are to be treated fairly and equally in the workplace without being discriminated. One of the provisions of the CEDAW is that it states that discrimination against women is an issue in women's participation on equal terms with men in cultural, political, economic and social life of their countries. Women are to be provided with social security as same as men,

the right to a safe work environment. The right to same employment: benefits, training, retraining and free choice of profession.

2.2.2.3 Beijing Declaration and Programme for Action

In 1995, the Conference held by women in Beijing drew up a policy with certain plans of actions and objectives to promote women's rights. Included in those rights was outlawing sexual harassment at work against women.

2.2.2.4 Regional Measures Europe

The Code of Practice of the European Union in 1991 required member states to encourage and endorse awareness of sexual harassment and to take precautionary measures against it. Also, a prohibiting directive of sexual harassment in 2002 was adopted.

2.2.2.5 Organisation of American States

The Convention on Violence Against Women articulates that the State must protect, promote and encourage women's rights to be free from violence. It also advocates measures that prevent the occurrence of sexual harassment and makes sure that victims of sexual harassment have access to remedies that are fair and effective.

2.3 WHAT CONSTITUTES SEXUAL HARASSMENT?

Sexual harassment in any particular type of workplace arises out of an incident, which affects the individual at work, that is unwelcome, unwanted and has a destructive effect. Some sexual harassment occurrences may possibly be viewed as insignificant such as making a remark that is offensive or a comment that is indecent (Nene, 2009:20). Sexual harassment evolves from misunderstanding. Misunderstanding emanates from differences in any work structure one can find different people who have different sets of values. It also arises from stereotypes or assumptions that are false and correspond to demographic factors. In terms of labour law, examples of sexual harassment behaviour are:

- Hectoring;
- Spreading malicious rumours, insulting people based on their race, gender or grounds of disability;
- picking on others and degrading them;

- victimising or excluding individuals;
- unfair treatment, for example, constructed on a person's health status, sexual bearings, age, pregnancy, colour (harassment of this sort is prohibited according to the legislation);
- misusing of power or position and overbearing supervision;
- unwelcome sexual advances, displaying material that is offensive, touching and standing too close;
- making jokes about job security
- deliberately discouraging an employee that is competent
- Deliberatey undermining a competent worker by overloading and constant criticism (Labourprotect, 2011:n.p).

2.4 CATEGORIES AND FORMS OF SEXUAL HARASSMENT

There are different types of sexual harassment, categorised into quid pro quo harassment and hostile work environment sexual harassment. Quid pro quo harassment takes place when a member of the management team, supervisor, owner or an associate tries to control the process of recruitment, appointment, advancement, training, firing, salary increase and other remunerations in substitution for sexual favours. When an individual is in an authoritative position and rewards people who respond to his/her sexual advances and deserving workers who are susceptible do not accede to sexual advances are denied merit ratings and promotions, this act is known as sexual favouritism. This form of sexual harassment explains the position of a supervisor who has authority and substitutes employee benefits with sexual favours (University of South Africa, 2013:20).

University of South Africa (2013:14) explains that if an individual in an organisation is denied a promotion or an appointment on grounds other than job requirements, the organisation is guilty of discrimination because individuals are supposed to be rewarded fairly. The South African Labour Relations Act (66 of 1995) explains on the basis of what they deserve, that if an employee has been discriminated against for not responding to the harasser, the employee will be able to bring a case based on unfair labour practice against the organisation in terms of Section 187.

Hostile work environment sexual harassment includes verbal, physical or graphic customs of aggravation that are in nature, "sufficiently severe, persistent, or pervasive" and undesirable. According to the University of South Africa (2013:21), sexual harassment can affect one's

mental and emotional safety; it can also contaminate the work environment. A single unembellished incident such as sexual battering can generate an antagonistic atmosphere and series of incidents (Ntabankulu Local Municipality, 2008). An example in terms of verbal forms of sexual harassment would be if another employer passes sexual comments on an employee or makes graphic comments about someone's body, and asks inappropriate questions about someone's sex life or whistling that is unwelcome to an individual. This type of harassment puts pressure on the work atmosphere that is created by the business person through subordinates and other employees (University of South Africa, 2013:21). A lingering form of chauvinist, but companionable comments can considerably add to an intimidating work environment and issues into utmost legitimate classifications of sexual harassment (Ehrenreich, 1999:n.p).

According to the Code of Good Practice on the Handling of Sexual Harassment circumstances (1998:2), the following can be included in the forms or examples of sexual harassment: Sexual harassment can be widened to conduct that is physical and of a sexual nature, which develops from touching and can result in rape and sexual assault; the situation can furthermore consist of a strip search in the company of the opposed sex. Forms that are verbal include sexual advances, flirtations that are offensive, remarks that are suggestive and lewd comments. It is possible that suggestions can continue after work regardless of one having made it crystal clear that the joke of sexual nature and the activity are unwelcome. Conversely, forms of non-verbal sexual harassment include showing pictures and written material that is suggestive, gestures that are leering and pornography; it also includes "verbal" examples cited earlier, if transmitted through writing or email.

2.5.1 Authority and violation in the organisation

Collinson and Collinson (1989:107) note that: "men's sexuality and organisational power are inextricably linked". Sexual harassment is a mirror of abusing power (Brewis, 2001; Sedley & Benn, 1982). Wilson and Thompson (2001) view sexual harassment as men wanting to exercise their power over women since harassment is in conjunction with the fact that women are disadvantaged in society and at work. These researchers believe that sexual harassment is complex and theories cannot explain the organisational power, which is why they use Luke's model (1986:9) of three dimensions to render services:

- One-dimensional view: power created within the organisation is used in the organisation; men are situated in positions of authority, while women are not in positions of power or authority.

- Two-dimensional view: issues that are important and those that will be marginalised are decided by those who exercise controlling power over others; the organisation will perceive unseemly behaviour as normal and if sexual harassment is a philosophy of an organisation then it becomes formalised.

- The three-dimensional observation: "power is allowed to adapt and shape desires and the beliefs in a nonconforming manner to the interest of people" (Lukes, 1986:9); in turn, energies into the concealed faces of authority in an organisation whereby sexual harassment may not be deceptive and procedures to transaction with it may possibly be non-existent because it is not preserved as an issue.

Hearn and Parkin (2005) argue that an approach aimed at examining an organisational culture that is abusive and disrespects others may have limitations and managerial power would be a central theme. Many people who are sexually harassed stand most probably to be women. Violence between men is based on masculinity and social construction. For instance, male behavior comes with aggression and the acts of men that are violent and criminal are regarded as demonstrations of manly behaviours (Messerschmidt, 1993:n.p).

2.6 TYPES OF SEXUAL HARASSERS

There are different classifications of sexual harassers and these may be divided into six broad classes. Prekel (1993:n.p) sets out the following categories of harassers:

2.6.1 One-of-the-boys or Mr macho

This occurs when men pass comments and compliments that are unwanted to women, share jokes that are lewd, through gestures and display of posters that are sexual. Such acts could create an environment that is hostile and if it goes further than verbal and harassment that is visual, women perceive this behaviour as humiliating and disturbing.

2.6.2 The great gallant

Once the "gallant" passes commendations and makes remarks that are overtly sexual and personal with the aim of embarrassing the recipient, this constitutes another type of verbal

24

harassment. Most people appreciate compliments, but if comments are too focused on the sexual appearance of an individual and the sex of an employee rather than his/her hard works and accomplishments these compliments are unwelcome. These comments are associated with pride that is possessive. The gentleman who is a gallant may be the giver of the compliments and the recipient may experience this as being patronised.

2.6.3 The opportunist

This harasser is promiscuous to female staff members, clients and suppliers. If an opportunity presents itself, for example, in the lift (elevator), on a business trip, working late or at an office party or when alone with the female colleagues, hands start to wander. Every occasion in the office is a moment to demand kisses. This type of behaviour can take place in public if it is not rejected by the individual being harassed, but can also go private as well. If the opportunist is confronted, he insists that women, be they single or divorced, enjoy and like the attention he is giving them.

2.6.4 The power-player

This form of harassment is viewed as quid pro quo; power is abused and so is trust. Some trade unions leaders force women to 'pay' for admission in their unions; this is allied to blackmail. Harassment is seen as a power game where men contend on having sexual favours in exchange for remuneration such as promotion at work, keeping a job, being employed, getting a driver's licence or bank overdrafts. This type of sexual harassment leads to bad business decisions and can cost the effectiveness of the company, special favours and company image.

2.6.5 The serial harasser

This individual has psychological problems and is compulsive; he builds an image of himself so that it would be hard to believe if he has done something ill. All his approaches are planned and his acts are done in private so he can have his word against the subordinate. This harasser can do a lot of damage before being found guilty. However, this type of behaviour is not deliberate like the ones earlier mentioned. Rather, this behaviour is usually a call for help.

2.6.6 The situational harasser

What triggers this individual's behaviour is less psychological and more situational. Life situations are often linked to incidents, such as divorce, hormonal imbalance, emotional and medical problems, alcoholism, Alzheimer's and prostate disease. Harassment may stop if the disease is cured or under control and if the situation changes, but the harasser and victim could be harmed by the time the situation gains attention.

2.7 PREVALENCE OF SEXUAL HARASSMENT

Sexual harassment is prevalent in professions or careers wherever the sexual ratio is unequal and males are dominant in the occupation (EC, 1999:n.p). Kohlam (2004) established that sexual harassment was more predominant in occupations where females dominate or males predominate. Women who were in occupations that were dominated by men reported sexual harassment cases. If males are in high positions and females in lower positions, sexual harassment is likely to prevail itself (Veale & Gold, 1998:n.p). Job insecurity has an influence on the occurrence of sexual harassment. Zapf et al., (2003), indicate that in the public sector it appears that there is a high risk of bullying than in the private sector.

2.7.1 Victims of harassment

Studies done in European Union countries on sexual harassment (EC, 1999:n.p) have shown that people likely to be harassed at work are:

- Women;
- Young individuals between the ages 20-40 years;
- Widowed, solitary or separated;
- Individuals with a low schooling level; and
- Those employees on contract because an individual on short contract is likely to have a few employment rights compared to other employees who are permanent

2.7.1.1 Same-sex harassment

Sexual harassment in the workplace is regularly linked to a heterosexual employee constructing undesirable sexual advances to another employee of the opposite sex. However, there are circumstances whereby an employee of the same sex harasses another employee.

Fink and Perry (1999:23) state that the following elements need to be taken into account in cases of harassment in the workplace:

- Employee remained an associate of a protected class.
- The employee could be exposed to harassment that was unwelcome.
- Harassment is because of sex.
- Harassment interfered with the employee's work performance; the environment that was created was hostile, intimidating and offensive to work in.

From these elements, Fink and Perry (1999:22-24) further note that if one is male or female the first element is satisfied easily. The second criterion is met if the conduct is displayed by one male to another and is constructed to be unwelcome by the recipient. Fink and Perry (1999:23) explain the case of the third element, which the courts confirm that male to female harassment has been based on sex and the same applies to homosexuals harassing individuals of their own sex.

Fink and Perry (1999:23) found the fourth element to be a factor in sexual harassment cases. Sexual harassment was proven if it was found that it was pervasive enough and severe in affecting the individual's conditions of employment. This element is the same as same sex and opposite sex sexual harassment. The last element reveals if the employer was aware or could have been aware of sexual harassment, but failed to take necessary action. Thus, Fink and Perry (1999:22-24) agree with Gemigani (1998:16) that sexual harassment of same-sex type does exist.

2.7.2 Perceptions of sexual harassment

According to Balogh, Pickel, Canel and Schroeder (2003:338), "whether a person's behaviour meets the standard for sexual harassment is highly subjective". Gender plays a vital role. Women are likely to label sexual harassment behaviours than men (Konrad & Gutek, 1986; Riger, 1991; York, Barclay & Zajack, 1997:n.p). Perception of the perpetrator influences the status of power. Research indicates that, there is a difference between a person who is being harassed and the perpetrator (Blumenthal, 1998; Bursik, 1992).

Icengole, Eagle, Ahmad and Hanks (2002) found that respondents responded negatively in identifying behaviours of co-workers against supervisory staff as sexual harassment.

Incengole et al. (2002) state that perceptions and job type have an influence on what constitutes sexual harassment. Cultures and nationalities that are different have an impact on perceptions as well. Limpaphayom, Williams and Fadil (2006) established that American undergraduates tend to notice harassment when the behaviour has an impact on their prospects of employment; for example, the length of service plays a role in sexual coercion.

2.7.3 Occurrence of sexual harassment

A sexual harassment case was brought forward in South Africa for the very first time in the Durban Industrial Court in 1989 when an executive manager was laid off after allegedly touching an employee and making indicative comments to her. Since this first case, sexual harassment has become a regular feature in South African newspapers (Britz, 2007:18). Research on sexual harassment in South Africa is currently very limited. Companies in South Africa are very hesitant to publish statistics on sexual harassment cases. Many cases go unreported because employees are uncertain of their rights or they simply change employment to escape the issues. It is, however, estimated that over 80% of South African companies introduced at least some form of sexual harassment policy since the creation of the Code of Good Practice on the Handling of Sexual Harassment Cases in 1998 (Steltzner, 2005:3). In the United States of America, on a yearly basis, roughly 15 hundred thousand sexual harassment cases are conveyed to the Equal Employment Opportunity Commission (EEOC). The most common grievances are from female employees, but the amount of grievances filed by male employees is rapidly accumulating (Britz, 2007:19).

2.8 BASIS AND CAUSES OF SEXUAL HARASSMENT

Sexual harassment can have many effects on an individual, such as psychological effects fluctuating from annoyance, hindrance, apprehension, pressure and fear. Problems are often instigated by lack of management control, workplace intimidation, thwarting and job or economic uncertainty also causes a hostile working environment (Britz, 2007: 20). According to Britz (2007:21), " no occupation is immune from sexual harassment; however, reports of harassment of women is higher in fields that have traditionally excluded them, including blue collar environment, such as mining and firefighting, and white collar environments, such as surgery and technology."

Particularly, victims of sexual harassment may be affected negatively and experience the following:

Disgrace, feeling helpless or out of control, exhaustion, defeat, despair, hallucinations, sleepless nights, feeling livid towards the harasser, low self-esteem and self-confidence, loneliness, extraction and having forlorn thoughts and attempts: vengeance from the harasser, co-workers/friends of the harasser, if the victim complains (retribution can include revenge and would involve more sexual harassment that can result in the persecution of the complainant); quitting courses or change academic strategies, which may impact on grade performance; increasing absenteeism results to evade harassment, or for the reason of illness caused from the stress. The victim becomes the accused; how he/she dresses and standard of living come under attack; the individual is humiliated by gossip in the workplace with co-workers scrutinizing him/her; one is sexualised publicly.

One's character and reputation is belittled. Stress impacts on relationship with others, resulting in the demise of the relationship; equally there is a relationship stress with friends and colleagues, effects on situations/sanctions and damage to career (Effects of sexual harassment, 2013).

Sexual harassment results in consequences that are negative on the employees. It is an unwanted behaviour that could have a devastating impact and individuals would find themselves not performing well; their self-confidence is low, and it results in health problems. Employees feel uncomfortable when they are sexually harassed and this results in many employees being absent from work and the effects are usually long term to employees as some are forced to resign and change jobs. According to Joubert (2009:n.p), people are generally not performing to capacity in the workplace where sexual harassment occurs as they are distracted and made anxious by potential incidents.

2.9 VICTIMS OF SEXUAL HARASSMENT

The reality is that the most common victims of sexual harassment are women who are often accused bringing false claims to the workplace about being sexually harassed against innocent men. Men also sexually harass each other in the workplace. In fact, men and women are both harassed but in different ways. Zalesne (1999) points out that females that have been sexually harassed are given names in the media, such as a "tease" or people who are "out to get" their employers. They are referred to as people who are bad sports that suffocate the office environment by not being able to tolerate a joke and cannot cope with office politics; in the workplace men are also likely to be victims of sexual harassment (Gutek, 1985:n.p).

29

Previous research on sexual harassment shows that individuals who are sexually harassed are demotivated to perform at work, not fully satisfied with their jobs and lack job commitment (Crull, 1982:n.p).

2.9.1 Effects of sexual harassment on the harasser

Harassers will suffer the consequences of having their service terminated in an organisation. All employees have a right to a safe working environment. An organisation has an obligation to protect all its employees by ensuring that offenders are dismissed, if found guilty (University of KwaZulu-Natal, 2013:39).

2.10 SOUTH AFRICAN LEGAL FRAMEWORK ON SEXUAL HARASSMENT

South African laws prohibit sexual harassment, which is an unlawful act because South Africa is a democratic country, where human rights are protected by the Constitution. The Employment Equity Act (EEA) of 1998 deals with equal opportunity, but it also pertains to the area of sexual harassment. This Act is accompanied by the Code for handling sexual harassment cases; is reflected as an international model as well. It outlines the type of behaviour that is forbidden and offers thorough procedures to handle and prevent the recurrence of sexual harassment (Zalesne, 2001:503).

Zalesne (2001:520) states that: "in South Africa, many black women have little education, time or resources. It is unrealistic to expect them to know how to write and present comprehensive complaints in legal language". Therefore, it is no surprise that highly educated, urbanised women have benefited most from legislation like the EEA.

Sexual harassment violates the victim's right to self-respect. Section 10 of the South African Constitution grants everyone the right to dignity. According to Chicktay (2010:384), "recognising a right to dignity is an acknowledgment of the intrinsic worth of human beings: human beings are entitled to be treated as worthy of respect and concern." Loots (2010:226), states that sexual harassment infringes on a person's individual autonomy through the exercise of power by targeting a very vulnerable and personal aspect of a person's identity, namely her sexuality. Sexual harassment treats the victim with disrespect and is a challenge to their intrinsic worth as a human being (Chicktay, 2010:386). Sexual harassment severely infringes upon the formation standards of the South African constitution: dignity and equality.

2.10.1 Constitution of the Republic of South Africa

Section 9: Equality Principle

The Constitution of the Republic of South Africa endorses the principles of self-governing standards, freedom, equality and human rights. Section 9, states inter-alia that:

(1) Individuals have the right to protection and will profit from the law and are equal before the law.

(2) The right to freedom includes complete and equivalent enjoyment of rights; equality is to be promoted; the legislative is designed to protect and advance individuals, and also to protect those who are discriminated against unfairly.

(3) The Government should not tell apart against anyone directly or indirectly on any grounds, together with demographic status.

(4) No individual should directly or indirectly discriminate against anybody and in terms of subsection (3) National legislation exists to prohibit and stop unfair discrimination.

Malherbe and Beckmann (2003:37) note that Section 9 of the Constitution is constructed on the foundation of the Bill of Rights and encompasses other rights, which is known as the equality principle. It preserves the equal worth of individuals and protects one from any conduct or law that may violate the equality of people in Section 9. People may not be treated unfairly and unequally for any reason whatsoever. Sexual harassment violates and infringes on an individual's human rights. The Constitution and South African legislation prohibit such action.

Section 10: Human dignity

Malherbe and Beckmann (2003:36) state that Section 10 guarantees the rights of individuals. For instance, one's dignity should be protected and respected and that is a fundamental right that holds great values, if the rights of others are violated.

Section 12: Freedom and security of the person

The Constitution states clearly that:

(1) Persons have a right to freedom and security, and such rights include the following:

(a) Individuals should not be robbed of their freedom

(b) Individuals cannot be exhibited deprived of trial

(c) Persons are to be safe guarded from all types of violence

(d) People should not be unduly influenced in any way

(e) People should not be preserved or rebuked in a manner that is insensitive or cruel because it is degrading to an individual

(2) Individuals have a right to integrity.

The right to integrity closely related to infringement of an individual's integrity that will have emotional impact on one's self-worth (Beckmann & Malherbe, 2003:38). Sexual harassment infringes on one's safety and security; an individual cannot be free if he or she is experiencing sexual harassment in the workplace.

2.10.2 Bill of Rights

The Bill of Rights is the foundation of democracy in South Africa. It preserves the rights of people in the country and upholds the democratic principles of human dignity, equality and freedom. The state must respect, safeguard, promote and live up to the rights in the Bill of Rights. Sexual harassment, as stated earlier infringes on an individual's rights; human dignity should be upheld; rights of an individual should not be violated; it is important that democracy is practised. Discrimination should not take place on any grounds and an individual must have his/ her dignity respected and protected.

2.10.3 Labour Relations Act 1995 (66 of 1995)

This Act gives effect to fair labour practices and is an encompassment of the legislative. It also gives rise to the equality principle. The Labour Relations Act deals with any infringements (Smit & Du Plessis, 2011:191).

Schedule 7 of the new Act protects individuals, if an act or labour practice is unfair, and if an omission emerges between an employer and employee which involves:

- discrimination that is unfair, direct or indirect in contradiction of an employee based on the demographic status of an employee
- conduct that is unfair of the employer that relates to the demotion, promotion, training and provision of benefits of the employee
- suspension that is unfair to the employees, the dismissal of an employee on short notice and unfair disciplinary action taken

- refusal or if an employer declines failure to re-employ or reinstate a past employee in terms of any agreement (University of South Africa, 2012:11).

This Act's objective is to offer protection in terms of the South African Constitution; it addresses sexual harassment in the framework of conserving the dignity of all individuals.

2.10.4 Employment Equity Act (58 of 1998)

The Act incorporates the right to fairness that is represented in the South African Constitution. It prohibits sexual harassment and links it to unfair discrimination. It concerns the promotion of fair treatment and anti-discrimination in employment by eliminating unfair discrimination through implementing equal opportunity platforms. Section 6(3) of the EEA notes that harassment consists of unfair discrimination and will not be condoned on any grounds listed in section (6)(1). The grounds indexed in section (6)(1) are not similar to or duplicate those mentioned in section 36(1) of the Constitution (Smit & Du Plessis, 2011: 191).

Section 60(2) states that if an employer deals with sexual harassment and if this conduct is conveyed to the manager's engagement, the worker "must consult all relevant parties and must take the necessary steps to eliminate the alleged conduct." This grants the executive member to engage in the necessary action in order to redress the bearings, but if an employer fails to take steps liability will then arise. An employer can be held accountable when failing to examine charges of inequality or to take necessary steps to confine discrimination (Naylor, 2006:12).

2.10.5 Promotion of Equality and Prevention of Unfair Discrimination Act (4 of 2000)

Sexual harassment issues, which are external from the working environment that also incorporates the equality value in the Constitution, are prohibited by this Act. PEPUDA discusses sexual harassment being restricted. This Act also regulates the occurrences of sexual harassment in any different form of discrimination that is unfair. As university serves as a workplace, it is essential that workplace safety for employees and stakeholders is maintained (Smit & Du Plessis, 2011:192).

2.10.6 Promotion from Sexual Harassment Act (17 of 2011)

The Protection from Harassment Act (17 of 2011), was introduced in the year 2013 and is designed to offer some of the most significant human rights enshrined in the Constitution of the Republic of South Africa, (1996). It affords victims of harassment an actual remedy contrary to such behaviour and introduces measures allowing the appropriate organs of state to fully provide effect to the requirements for this Act. The Act applies to everyone. It may also apply to an employer or employee and may have an effect on a workplace, management and personnel issues (Landman & Ndou, 2013:81).

The Act provides for four defences, which communicate whether the behaviour, in the circumstances in question, was involved in sexual harassment

(a) for the determination to noticing or avoiding an offence;

(b) to disclose a hazard to environment or public safety;

(c) to make known that an unwarranted advantage is being or was given to a person in a viable request process; or

(d) to conform to the legal duty (Landman & Ndou, 2013:85).

Lawmakers regard sexual harassment as a serious offence. This should act as an incentive for employers to eradicate this phenomenon from their workplaces by enforcing effective policies and procedures (Jourbert, 2009:26).

2.10.7 Common Law

All employees are entitled to the right to secrecy, dignity, and equality under common law. Employers had to operate under the principles of common law before any legislation was passed. Employers have obligations. One of them is to improve on the safe working environment which is free of opposition so conducive work takes place; secondly employers had to show admiration to their employees. Before laws were passed, an obligation was placed on the employers to ensure that sexual harassment is eliminated and safer workplaces was installed.

Under common law all people, in addition to employees in the workplace, are entitled to the right to freedom, privacy, equal treatment as well as dignity. Previously legal regulations were put in place; all employers had to act according to common law principles. Employers, however, had obligations, which required them to develop a workplace conducive to work in

and free of estrangement; they also had to display respect for employees (MacKinnon, 1979: 2).

2.10.8 Employer liability in South African Law

Section 60 of Employment Equality Act regulates the doctrine of vicarious liability. An employer is accountable for an employee if he/she experiences any form of sexual harassment. This is constructed from the perception that an employer is accountable for making sure that employees have a working environment that is safe and should not be exposed to mental or physical harm where an employer is placed in a relationship with an employee that is distraught; this is known as *prima facie* and is solely liable on the basis of the employment, if harassment occurred in the workplace (Smith & Du Plessis, 2011: 193).

2.11 SEXUAL HARASSMENT AND CASES REPORTED IN SOUTH AFRICA

The following cases relate to sexual harassment that have appeared in South African courts.

The first case that was reported of sexual harassment in South Africa was presented in the Industrial Court in February 1989 (Van de Berg, 2002:40). A senior executive of an unnamed company was charged with sexual harassment at a company hearing, the hearing being internal. The applicant had sexually harassed an older woman, caressed her, slapped her buttocks and also fondled her breasts. The woman had found the senior executive's behaviour offensive and had made it clear to him (Britz, 2007:38).

KashiefaAiam (2007:3) reported on 22 September 2007 that five female employees working at the Potchefstroom Municipality were suing the council and its chief financial director, Govan Nair, for R2.5-million in a sexual harassment case (Britz, 2007:42).

Margaret Orr, a Unisa academic settled her sexual harassment claim against the chairman of the Unisa council by accepting R150, 000, 00, including legal costs, against the University in the Labour Court. Unisa also had to donate R500, 000, 00 to her bursary fund and also contribute R430, 000, 00 to her legal cost (Britz, 2007:42).

In 2006, three South African Airways employees were implicated in various sexual harassment charges. These included sexual harassment for purportedly imposing themselves and attempted rape on employees in boardrooms, in workplace facilities such as parking lot as well as team-building gatherings (Britz, 2007:43).

Capital Alliance Life Ltd vs. Britz (1998) 7 ARB 8.25.1

Britz was accused of the following charges: sexual advances, placing his hand between the female employee's legs, attempted rape, allegedly forcing the employee to use a vibrator and suggestive language. It was found that the charges were so serious that they warranted immediate dismissal (Van de Berg, 2002:56).

2.12 SOUTH AFRICAN POLICIES IN HANDLING SEXUAL HARASSMENT

The Code of Good Practice in handling sexual harassment aims to eliminate sexual harassment in the workplace. It also provides the necessary procedures in dealing with the arising problems and its consequences. The execution of policies is provided and it will ensure that the workplace does not condone sexual harassment. The Code has the objective of exterminating sexual harassment in the workplace as it guides, protects and incorporates employees (Smit & Du Plessis, 2011:188-189). The Code stipulates that:

(1) sexual harassment is a conduct that is unwanted which is of a sexual form; it is behaviour that is undesirable

(2) attention that is sexual becomes sexual harassment if

(a) it can aggregate sexual harassment

(b) the recipient made it known that the behaviour is unpleasant and invasive

(c) the committer knows that the behaviour is not accepted.

South African society is a complex multiracial nation and it is important that employers consider the guiding ethical principles. When a policy is being drafted, it should enlighten society on what behaviours should not be tolerated and also take into consideration managing diversity in the workplace (Smit & Du Plessis, 2011:189).

The Code of Good Practice in handling sexual harassment articulates, interalia, the following guidelines:

(1) It is vital that all employers issue a policy report that provides the following:

(a) Job applicants, all employees and other people who were part of the organisation, should be treated with respect and dignity.

(b) It must be made clear that sexual harassment is disregarded.

(c) Should sexual harassment in the workplace occur, necessary action should be taken by the employer and if an individual is subjected to sexual harassment he/she has the right to raise a grievance.

(2) If employees do not comply with the policy, management must have a duty to ensure that it is implemented and crucial punitive action taken against employees should they be harassers.

(3) If employees are sufferers of sexual harassment, the policy must clearly explain the procedure that employees and employers need to follow. The policy must state:

(a) If there are allegations of sexual harassment, they should be handled in a serious, confidential and subtle manner.

(b) Protection for employees against accusations that they are being untrue against grievances and accusations.

(4) Sexual harassment policy statements must be publicised amongst all workers.

The Code provides detailed guidelines for handling sexual harassment, but it should be understood that the Code was never composed by means of the objective of the Employment Equity Act and Section 6. It had been released according to the Labour Relations Act, Section 203 (Naylor, 2006:12-13).

2.12.1 Selected higher learning institution's policy on sexual harassment

The sexual harassment policy of the selected institution had been suspended as it was outdated. At the time of the research, the Code of Good Practice was being used in the interim until a new policy, with procedures and guidelines are developed. It could not be determined when the new sexual harassment policy will be introduced because the institution has many stakeholders who must provide input.

In higher learning institutions, sexual harassment is considered offensive and unacceptable behaviour when it clashes with the institutions' vision, core values and goals. It also promotes respect for the rights of students and staff members for treatment that is fair and equal. Higher learning institutions realise that sexual harassment is a subject that demoralises the

victim and has a negative impact on the aptitude of staff and students to triumph within the institution.

The reasons the selected institution has adopted a policy and procedures to resolve complaints of sexual harassment are to:

- endorse a study and work environment that is harmless and safe which upholds the dignity of individuals and is free from sexual harassment,
- prepare a procedure that is internal to deal with matters and grievances of sexual harassment that may rise
- adhere to the applications of the EEA, LRA and the Code of Good Practice on the Handling of Sexual Harassment cases
- fulfil the Employment Equity Policy and Equal Opportunity in the institution (University of KwaZulu-Natal Sexual Harassment Policy, 2004:2).

The policy also has details of who is responsible if sexual harassment were to occur and the procedures for resolving complaints.

The following five steps are suggested by Van de Berg (2002:49) to deal with harassers:

1. "Confront the harasser; tell the harasser which specific behaviours are unwanted and unacceptable.
2. Be assertive, make sure they know you are serious.
3. Document your situation, record every incident that occurs.
4. Talk to the other people about the problem; get support from friend and colleagues.
5. Get witnesses, look around when the sexual harassment is occurring and note who can observe it"

Bews (2002:n.p) sets out a number of steps that an organisation should take when implementing a sexual harassment policy. These steps assist those who are subject to harassment to be more aware of how they can deal with the problem in a formal manner:

- A policy must be without difficulty be clearly understood.
- All employees must be notified of the follow-up in writing and the official policy.
- All employees should sign the policy and get their own copy to keep in their employee file.

- Clear guidelines should be taught to employees to assist them in recognising unacceptable behaviour.
- Guidelines should be enforced during training sessions.
- If an event of a complaint occurs it should clearly indicate who to contact.
- Guidelines should be places on notice boards as reminders.
- All complaints should be treated seriously.

2.13 DAMAGING IMPACT OF SEXUAL HARASSMENT ON AN ORGANISATION

Harassment has a destructive influence on an organisation, as low productivity from employees can result. Owing to sexual harassment an organisation can lose potential employees; employees' morale decreases and high absenteeism occurs. The organisation's costs for sexual harassment cases also increases. The effects of sexual harassment reflect badly on the workplace.

2.13.1 Human resource managers and sexual harassment

Our interpretation of what constitutes sexual harassment remains to be expanded. It is important that human resource managers recognise the various scenarios where sexual harassment may occur as they can effectively combat harassment (Barak, 2005:2). Managers must be properly equipped and trained in order to be responsive to complaints of sexual harassment.

Barak (2005:2) states that the law requires managers, supervisors and executive staff members to take precautionary steps if sexual harassment occurs. Managers are usually the first to know if harassment occurs as employees complain about such behaviour. It is important that appropriate measures are taken to ensure that the atmosphere at work is a conducive one. Action must be taken and sexual harassment cannot just be ignored as productivity will suffer and employees may suffer from emotional and psychological harm. Inappropriate conduct should be stopped as sexual harassment is bad for any workplace. It is an obligation for the human resource manager to respond quickly to complaints and harassing behaviours should be eliminated (Barak, 2005:4).Human resource managers need to guarantee that employees are educated on the substance of sexual harassment by taking the following steps (Barak, 2005:4):

Step 1: Inform

Managers must inform their employees about their rights, understanding laws and unacceptability of sexual harassment.

Step 2: Prevent

The necessary training should be provided to employees and laws should be upheld by explaining steps that will be taken if harassment occurs in the organization. This will also ensures that employees who are part of the organisation are aware of all the possible scenarios of sexual harassment.

Step 3: Encourage

Immediate action must be taken if an employee has witnessed sexual harassment in the organisaton; laws should be enforced and getting the individual from the organisation involved in such a conduct. Open communication must be encouraged as well and resolution must be encouraged, trying to find if there was a misunderstanding between the victim and the harasser.

2.13.2 Costs to the organisation

Sexual harassment can cost an organisation because of reduced morale, productivity and motivation of its employees. If an employee is worried that the harasser may sexually harass them again, the employee will not be able to work effectively. If other employees who are not involved, but are aware of what is going on and are in fear of favouritism, they are likely to be demotivated as well; staff members who are valuable to the organisation may be lost. In most cases, many women resign. If a specific department has employed many women, it is unlikely for women to stay more than four months in the same organisation if the problem is rife. This can lead to an organisation incurring high costs in recruiting and training of new staff members. Bad decisions based on sexual harassment are often challenging to evaluate; the costs include the appointment of new employees rather than the skills and expertise of individuals (Prekel, 2001:6).

2.13.3 Legal cost

Problems may arise in an organisation if disciplinary measures are to be taken against the harasser. The harasser may take the organisation to court to appeal for displacement if the policy lacks definition of unacceptable behaviour. A large company in South Africa had a

senior manager involved in sexual harassment case a few years ago; a dozen women had come into light. The senior manager's actions had resulted in the company making losses through lack of productivity, creating a negative organisation image and the costs through favours. The senior manager had then pleaded to the Industrial court and the company had settled the case out of court because it feared losing the case since it did not have a policy that was specific and clearly defined sexual harassment (Prekel, 2001:6).

2.13.4 Productivity-related costs

Costs related to productivity are formed on the assumption that it is economical and that an employee's salary correlates to the employee's total contribution to the organisation (University of South Africa, 2013:32). The productivity cost can be split into three: productivity being reduced; outlay of the time that harassment took place and absenteeism cost emanating from the sexual harassment experience.

2.13.5 Administrative costs

Administrative costs are a compound of replacements, transfer and separation costs. Separation cost- are joined with administrative costs of the separation. An organisation can handle exit interviews with a separation; these exit interviews take time and are costly (University of South Africa, 2013:35). Replacement costs- to the organisation consists of training expenses and hiring fee for appointing new employees. For both these costs, there is a variable component, training costs, which include training and specialised skills training (University of South Africa, 2013:35). Transfer cost- are the costs when the harasser has been transferred to another department or is relocated geographically (University of South Africa, 2013:35). If sexual harassment occurs in the organisation it reflects negatively on it, not just only of the costs, but productivity of employees is also affected.

2.14 EFFECTIVESS OF A CODE OF GOOD PRACTICE IN HANDLING SEXUAL HARASSMENT IN THE WORKPLACE

An organisation should have a policy that clearly explains to all employees that harassment is unacceptable. It should also set out to employers and employees how incidents of harassment will be responded to. If an organisation has an effective policy on harassment with procedures, this will enable it to handle the problem quickly if it occurs.

McCabe and Hardman (2005:723-736) state that organisational climate can change due to certain factors that concern sexual harassment. These factors include: employer's attitude towards sexual harassment, policies against harassment, gender ratio in the organisation and endorsement of the policies by management. Behaviour that is inappropriate can be identified easily if training programmes are effective; this can result in employees being intolerant to sexual harassment behaviours in the work environment. Sipe, Johnson and Fisher (2009:347) highlight the importance of training and educating people about policies in the workplace. Policies that are enforced firmly are easily understood and will be required to cultivate a workplace environment that is free of arrogance and prejudice.

2.15 SUMMARY

This chapter has examined sexual harassment, which has been defined and considered the effects, causes and impact of sexual harassment on the organisation. South African legislation has also been highlighted. In addition, the costs sexual harassment brings on the organisation have also been discussed to provide a clear understanding of the negative impact sexual harassment causes. Sexual harassment is a phenomenon that needs to receive serious attention in an organisation. The next chapter discusses the research methods used for the research.

CHAPTER 3
RESEARCH METHODOLOGY

3. INTRODUCTION

The purpose of this chapter is to provide an overview of the research objectives, research design and the most suitable method for this study used in investigating the effectiveness of the Code of Good Practice on handling sexual harassment in a South African higher learning institution. The population group and sample techniques are described.

3.2 OBJECTIVES OF THE STUDY

Using the Business Policy Statement Model and the Model for Management of Sexual Harassment in South African Companies which are the theoretical frameworks, the aim of the study was to develop an understanding of the existing sexual harassment policy of the selected higher education institution.

The objectives of the study were to:

1. Ascertain the main provisions of the Code of Good Practice in handling sexual harassment in the selected higher education institution (HEI).

2. Determine the level of staff awareness of the existence of the Code of Good Practice to handle sexual harassment amongst members of the HEI.

3. Understand how the Code of Good Practice to handle sexual harassment deals with prevention of the occurrence of sexual harassment in the HEI.

3.2.1 Key questions to be answered in this research

The study sought to address the following questions:

1) What are the key provisions of the Code of Good Practice of the HEI?

2) What is the level of awareness staff members have of the HEI's Code of Good Practice?

3) How effective is the Code of Good Practice in preventing the occurrences of sexual

harassment in HEI?

3.3 RESEARCH DESIGN

Fox and Bayat (2007) state that the study design determines the methodology that need to be used by the researcher in order to obtain sources of information such as research participants, elements and units of analysis as to how data will be collected, analysed and interpreted. In this study mixed methods is used.

3.3.1 Quantitative methods

Quantitative research methods try to amplify generalisability as well as objectivity of findings and are commonly involved in prognosis. These methods are generally defined as deductive in nature, assumption from testing of hypotheses that are natural that is statistical leading to assumption about certain features of a chosen population.

A perception of qualitative methods is that they are known to be overbearing, leading to existence of legitimacy (Lincoln & Guba, 1985:n.p). Trochim and Land (1982:1) explain that quantitative research design serve as glue that balances the research plan. A plan is used to approach the research, to show all the parts that are major in the research project- the groups or samples, treatments or measures, and approaches of an assignment to work together in undertaking the core matters of the research questions.

3.3.2 Qualitative methods

Qualitative research is characterised as allowing an exploration that is a detailed study of interest where data is gathered through the researcher's thoughts, interviews, ethnographic work and case studies. This type of research method focuses on understanding and revealing the thoughts, perspectives and experiences of the participants. Purpose, reality and meaning are explored (Hiatt, 1986).

Qualitative research methods can also be defined as inductive, as the researcher might be constructing hypotheses or theories, conceptualisations and explanations provided by the participant, which provide details that are important. A perspective assumes that researchers

44

are not able to set aside their biases, judgment and experiences in such a way that they cannot purport to be bystanders to the research (Denzin, 2006). Neuman (1997:n.p) also notes that qualitative strategies are suitable for a research study that focuses on the meanings that individuals attach to their experiences as it involves their feelings, motivations and other subjective aspects that are attached to it.

3.3.3 Mixed methods

John and Tuner (2003) state that mixed methods have a principle that is fundamental in collecting multiple kinds of data using strategies and methods that are different and, in turn, reflect weaknesses that are overlapping and complements strengths. The roots of mixed methods are drawn from different trait and method approach (Teddlie & Tashakkori, 2009:31), even though it is reflected as a somewhat innovative methodology whose key rational, procedural foundations and practice criteria have progressed (Tashakkori, 2009:n.p).

According to Johnson and Onwuegbuzie (2004:17-18), mixed method approach is a technique in which a researcher combines qualitative and quantitative research methods, concepts and approaches in one study. Mixed methods attempt to legitimise the use of approaches in answering research questions rather than restrict the researcher. It is known to be inclusive, complementary and pluralistic; it also creates an idea that a researcher can take an approach that is eclectic.

Caracelli and Greene (1997) identify three uses of a mixed method study, namely: analysing agreement of conclusions attained from the quantifying tools that are different, evolving and illustrative results of one method by means of another, and displaying how the results from the one method have an influence on successive methods from the results drawn.

There is no agreement in terms of what constitutes mixed methods study (Morse, 2010:n.p). For instance, some authors say mixed methods study must have a mixed methods questions, combined inference together with quantitative and qualitative analyses, whereas other authors argue that mixed methods is any study that takes both qualitative and quantitative data (Tashakkori, 2009:n.p).

Mixed method approach was chosen as the most suitable method for this study. Research based on mixed methods grants the opportunity to reward the characteristic of method

weaknesses, gain method strengths and balance biased methods that are inevitable (Greene, 2007:4). The reasons for choosing a combination of quantitative and qualitative research were: the prospect to approve quantitative and qualitative data through transformation, to cultivate or enable analysis that is in order to arrange data that is richer, and usability to initiate modes of thinking that are new by joining variations that loom from two sources of statistics (Johnson & Onwuegbuzie, 2004:525).

3.4 SITE OF STUDY

The study site was in a selected higher education institution, which has four colleges and nineteen schools. The study covered all the five campuses of the institution (Campus 1, Campus, 2 Campus 3, Campus 4 and Campus 5 are used in place of actual names for ethical reasons).

3.4.1 Participants

The selected institution has five campuses with approximately 4000 staff members. Participants in the study were male and female employees, simple random sampling was used in this study since the selected institution has a large number of employees.

3.5 SAMPLING PROCEDURE

Sampling techniques are used to select groups from a population that is wide. Owing to financial and time constraints, it is impossible at times to include the whole population in research. Sampling is the optional practical method that is practical when data is being collected, particularly when the population is countless or enormously high (Bryman & Cramer, 2001:96).

Denscombe (2007:130) explains that evidence is accumulated from a portion of a whole with the expectation that what is established will apply to the population equally. Choosing the sample prudently is vital to assert that results from the sample match those found in the population that is being examined. Bless and Higson-Smith (2000:85) state that sampling that is good implies: a distinct population; sample that is selected is adequate and a measurement of how the whole population sample is embodied; it is imperative that the sample reflects the substance validity of the population which is the extent the sample represents the population it is reputed to signify.

Denscombe (2007:271) states that the philosophy of sampling is built on the supposition that can be made and inferences drawn about the population constructed on where the sample is taken. Bless and Higson-Smith (2000:84) further argue that sampling concept is a study of the relationship between where a sample is from and the population.

Judgement and perception are understood to be negative features and should be avoided. Denscombe (2007:17). Bias can cause irregularity and misrepresentation of data or deviation that is systematic from distortion of research practice that produces such deviation. A researcher must avoid being biased, even though research can affect the researcher's shared and personal characteristics; value that is positive can be added which can also result in being a source of systematic error. It is the researcher's duty is to ensure minimum bias. Research results that are inconsistent can be explained after taking into account the limitations and shortcomings of the research. A discussion of various sampling techniques and their strengths and weakneses follow.

3.5.1 Simple random sampling

There is a procedure of probability sampling that gives exposure to components in a target population, where each sample size is given an opportunity that is equal in being selected. Six steps in selecting a simple random are as follows (Thompson, 2002:n.p): target population is to be defined; identification of a sample frame that is existing from developing a new or a target frame; sample frame to be evaluated for over coverage, under coverage, clustering, multiple coverage and making adjustments where necessary. In each frame a unique number should be assigned, the sample size is to be determined and the target number of the population element is to be randomly selected.

3.5.1.1 Strengths and weaknesses of simple random sampling

Simple random sampling has major strengths and weaknesses with respect to procedures of probability sampling compared to non-probability sampling procedures. Simple random sampling has features that have distinct strengths and ought to be considered when choosing a probability sampling design to use in a study (Thompson, 2002:n.p).

3.5.1.2 Strengths of simple random sampling

- Information advanced on the auxiliary elements of the population is not required. This kind of information is required for stratified sampling.

- A selection is independent of other selections; in the combination of the sampling units they have an independent and one and the same chance of being designated. In the case of sampling that is systematic, the selection is not independent of each other.

- It is easier than other probability sampling procedures to be communicated.

- In probability sampling, procedures are easier to compute errors and analyse data than those required of other probability sampling procedures.

- Inferential statistics are incorporated in most statistical software and defined/explained in many elementary statistics textbooks (Thompson, 2002:n.p).

3.5.1.3 Weaknesses of simple random sampling

- In the target population, a sampling frame of elements is a requirement. It is possible that a sampling frame that is appropriate may not exist for the population that is targeted and may not be practical or feasible to construct one. Substitute procedures of sampling, such as cluster sampling, do not depend upon a sampling frame of the elements of the target population.

- Simple random sampling aims to have sampling errors that are large and precision that is less compared to stratified samples of the same sample size.

- Respondents may be widely scattered, which could lead to high data collection costs compared to other probability sampling designs such as cluster sampling.

- Simple random sampling may not produce satisfactory numbers of elements in small subgroups. For studies that require comparative analysis of small categories of a population that have large categories of the population, simple random sampling is not a good choice (Thompson, 2002:n.p).

3.5.2 Stratified sampling

Stratified sampling is a probability sampling procedure in which the target population is first separated into mutually exclusive, homogeneous segments (strata), and then a simple random sample is selected from each segment (stratum).

3.5.2.1 Strengths of stratified sampling

- In using stratified sampling, advantage is taken of knowledge the researcher has about the population.

- Stratified samples tend to be more representative of a population because they ensure that elements from each stratum in the population are represented in the sample. Sampling may be stratified to ensure that the sample is spread over geographic subareas and population subgroups.

- In using stratified sampling, a researcher may be created taking into account administrative convenience in carrying out the study (Sudman, 1976:n.p).

3.5.2.2 Weaknesses of stratified sampling

- Selection of stratification variables may be difficult if a study involves a large number of variables.

- Stratified sampling requires more effort in terms of preparation for sampling, executing the sample design, and analysing the data collected.

- Misclassification of elements into strata may increase variability (Sudman, 1976:n.p).

3.5.3 Cluster sampling

Cluster sampling is a probability sampling procedure in which elements of the population are randomly selected in naturally occurring groupings (clusters). Element sampling is the selection of population elements individually, one at a time. It involves the selection of population elements not individually, but in aggregates (Thompson, 2002:n.p).

3.5.3.1 Strengths of cluster sampling

- It is the most cost-effective probability sampling procedure.
- Cluster sampling permits the estimation characteristics of subsets (clusters) as well as the target population.
- Cluster sampling is much easier to implement.
- Unlike simple random sampling, cluster sampling permits the estimation characteristics of subsets (clusters) as well as the target population (Sudman, 1976:n.p).

3.5.3.2 Weaknesses of cluster sampling

- If clusters are not similar to each other, the fewer the number of clusters, the greater the sampling error.

- The more clusters one selects, the less the difference in data collection costs between cluster sampling and simple random sampling.

- If clusters are not similar to each other, the fewer the number of clusters, the greater the sampling error.

3.5.4 Systematic sampling

Systematic sampling (or interval random sampling) is a probability sampling procedure in which a random selection is made of the first element for the sample, and then subsequent elements are selected using a fixed or systematic interval until the desired sample size is reached. The target population need not be numbered and a sampling frame compiled if there is physical presentation such as a continuous flow of population elements at specific locations (Sudman, 1976:n.p).

3.5.4.1 Strengths of systematic sampling

- Systematic sampling ensures that the sample is more spread across the population.
- If the sampling frame has a monotonic ordering that is related to a study variable (e.g., ordering of stores by dollar value, listing of employees by number of years employed, and listings of schools by graduation rates), implicit stratification may result in the statistical efficiency equivalent to that of proportionate stratified sampling and is thereby more efficient than simple random sampling.
- If the selection process is manual, systematic sampling is easier, simpler, less time-consuming, and more economical than simple random sampling.

3.5.4.2 Weaknesses of systematic sampling

- Estimating variances is more complex than that for simple random sampling.
- Systematic sample of students would be biased if students are listed by class and within each class ranked by performance on an achievement test. If the classes have approximately the same number of students, periodic bias will result.

- Technically only the selection of the first element is a probability selection since for subsequent selections there will be members of the target population that will have a zero chance of being selected (Sudman, 1976:n.p).

This study used simple random sampling as it is a fair way to select a sample. This sampling method best suited the study because it provides a fair chance for each element of the population to be chosen for data to be collected the relevant people and to avoid bias.

3.6 DESCRIPTION OF TARGET POPULATION

Saunders et al. (2000:150) describe a population as an established case from which a sample is engaged. Bless and Higson-Smith (2000:84) state that the fixed number of people or intentions which the researcher desires to establish with emphasis on some features is defined as a population. Nichols (1991:50) notes in the initial stages of a research design the researcher needs to have a cluster of people she/he is interested in, that group of interest is defined as the target population. Bryman and Cramer (2001:96) define a population as a distinct unit of analysis and not unbiased populations in a sense that is predictable. Nene (2009:64) additionally explains that a sample is a separation of the population, but the entire the elements of the population would not systematically form the sample.

The target population in this study was staff members of the selected higher learning institution. It comprised senior human resource managers. Participants included both male and female employees of the institution who belong to all races, with different backgrounds and religions. Inclusion in the sample was voluntary.

3.7 DESCRIPTION OF THE SAMPLE

For this study, the sample size was sixty-two, consisting of five senior human resource managers and fifty-seven participating staff members. The sample was drawn from the institution's staff members. The sample was chosen in order to ascertain the views of the HEI staff members and senior human resource managers and their understanding of the effectiveness of the Code of Good Practice on Handling Sexual Harassment. Britz (2007:49) notes that a sample should not be selected haphazardly or only from persons who volunteer to participate. It should be scientifically chosen so that each person in the population will have a measurable chance of selection.

3.8 DATA COLLECTION TECHNIQUES

Nene (2009:65) describes data collection as a method of procuring evidence from a cluster of respondents using a form of contact that is direct, questionnaires that are self-administered and personal interviews. Bless and Higson-Smith (2000:97) explain that if statistics are collected they are made up of measurements and in place of results observations that are scientific and can be categorised according to the method in which it was composed. For instance, researchers collect primary data when they gather particular data for the purpose of a specific study. Secondary data consists of data collected by researchers in relation to further research difficulties. It is essential for researchers to use the data collected for their research problems as well.

The data collection techniques used in this research was a questionnaire and personal interviews. A list was provided which consisted of information of staff members' data such as names, surnames, office numbers, departments and campuses staff members worked was provided by the human resource administrator. Participants were chosen randomly from the list and the questionnaire hand-delivered. It was planned that interviews would be conducted with the human resource managers at their various places of work: two on one campus, one on another campus and the remaining two on the same campus, with prior appointments made through email. However, three human resource managers agreed to be interviewed, but two declined. The interviews took place in the human resource managers' offices.

3.8.1 Using questionnaires for data collection

Saunders *et al.* (2000:278) describe a questionnaire by means of a technique of collecting data wherein each individual is required to provide answers to a similar set of questions in an order that is pre-determined. A questionnaire is a broadly used technique for collecting data as it can influence a great audience of people with less time or expenditures involved. The main benefit of a questionnaire is that concealment of respondents is ensured as it assists in gaining honest responses. A questionnaire, however, has major disadvantages including the fact that mailed questionnaires have low response rate for various reasons as some participants ignore their mail, which affects the quality of research.

Dayaram summarises (2010:215) the disadvantages of a questionnaire as follows:

- time is a factor; respondents do not have enough time to completely fill in the questionnaire;
- a manager may not have given the questionnaire to the employees- employee not receiving the questionnaire from the senior manager;
- participants may lack interest, which results in the questionnaire not being filled in; and
- the respondent may lack sufficient information of the subject matter that is enclosed in the questionnaire

Other disadvantages are:

- interpreting subject's response can be difficult;
- difficulty in checking if the respondent has an understanding of the question fully
- poorly completed and incomplete answers ; and
- a researcher is not able to check the truth of answers.

3.8.1.1 Design of the questionnaire

The objectives of the study should be kept in mind in drawing a questionnaire. The following are considered to be important in designing a questionnaire.

- The importance of the study objectives.
- The length of the questionnaires, questions that are vital to the study are covered.
- The intellectual and literacy level of respondents.
- The sequence of statements could have an impact on the response rate as respondents become infuriated with questions they find at the beginning of the questionnaire (Dayaram, 2010:215).

3.8.1.2 Description of the questionnaire

The research used a five-point Likert scale in order to measure participants' attitudes ranging from strongly agree to strongly disagree. The questionnaire was constructed effusively, and was directed to the selected institution's employees, to elicit detailed responses and information pertaining to the topic of the research.

The questionnaire was separated into the subsequent sections. Section A consisted of demographic questions, while Section B was based on issues relating to the core factors of sexual harassment and how participants view, understand sexual harassment and how aware

participants are of South African legislation that seeks to protect them from the occurrence of sexual harassment in the workplace.

SECTION A	DEMOGRAPHIC DATA
SECTION B	ISSUES ON SEXUAL HARASSMENT

The covering letter outlined the importance and objectives of the study. It had information of the institution the scholar is studying at and was signed by the researcher and supervisor to guarantee authenticity. Confidentiality as well as anonymity were maintained as the study is sensitive and allowed participants to answer questions fully without being scared.

Nene (2009:39) suggests five significant principles for participants in research:

(i) They need to express themselves with ease, capacity to show their state of mind and feelings without inhibition and shame.

(ii) They need to have the capability of expressing and sensing the experiences that complement these feelings.

(iii) They must have had firsthand experience of the situation or the phenomenon under investigation at a date that is relatively recent.

(iv) They must find the atmosphere satisfactorily relaxing to facilitate them to put orderly interval of thought when writing or recording about what they were going through.

(v) Attention that is impulsive in their experience must be apparent.

3.8.2 Data collection using interviews

An interview consists of personal contact that is direct with the participant who is enquired about questions that relate to the research problem. Dayaram (2010:208-209) describes an interview as a discussion that is purposeful between two or more individuals.

The following are advantages of personal interviews:

- Misinterpretations and misunderstanding of words and questions are overcome.
- Respondents who cannot read or write are at an advantage because interview questions can be explained to them.
- High response rate is obtained.
- It is the most accurate form of data collection.
- A researcher can gather reliable data relevant to the research questions.
- Interviews make certain that all items in the questionnaire have been well-thought-out and respondents do not neglect difficult questions (Dayaram, 2010:208-209).

The researcher had an opportunity to interview three human resource managers on two campuses, enabling the gathering of information concerning the policy on sexual harassment and other issues such as legislation and how information about sexual harassment is conveyed to employees of the institution.

Table 3.1 shows the human resource managers were interviewed on different campuses and provides the dates interviews took place.

Table 3.1: Interview with human resource senior managers

NAME	TITLE	DATE	PLACE
Senior manager A (female)	Senior Manager	13 October 2014	Campus X
Senior manager B (female)	Senior Manager	13 October 2014	Campus Y
Senior manager C (female)	Senior Manager	13 October 2014	Campus Z

A print of the interview schedule is provided as Appendix.

3.9 VALIDITY AND RELIABILITY

Validity and reliability are important for any study. Content validity measures how valid and reliable the questions are to the study because collection of data will be done systematically

55

examined and captured; no predictions will be done and the questions, which will be asked in the study will address broader issues. Davis and Bremmer (2006) mention that when a new effect is unwavering over time and can be simulated or is consistent, reliability is achieved.

In qualitative research, the major challenge is supporting the study's validity. Nzuza (2012) explains that, as there are no statistical checks and figures, reliability of qualitative research may be questioned. Triangulation is a strategy used by qualitative researchers to validate data.

3.10 DATA ANALYSIS

Analysis is a process that is iterative; data is collected continuously, analysed simultaneously and includes statistical procedures.

Figure 3.1 explains the transformation from data to knowledge (Britz, 2007:57).
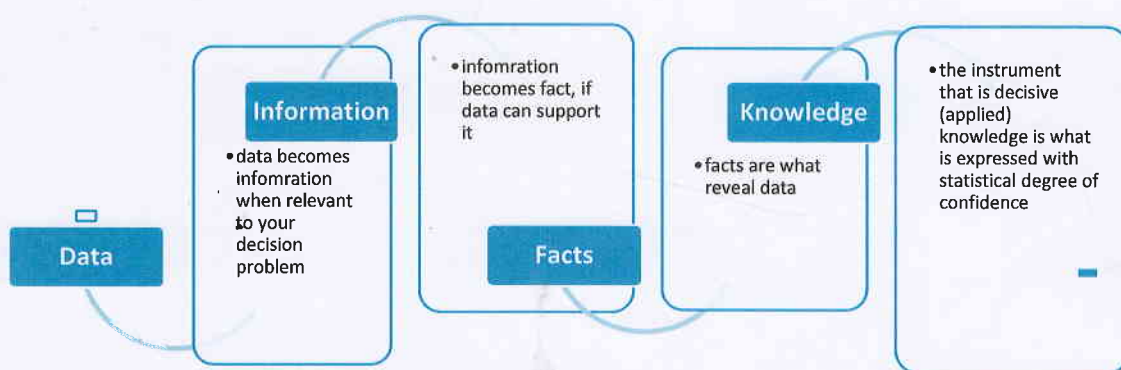
Data were captured, cleaned and analysed using version 22 of Statistical Package for Social Science (SPSS), a reputable computer-based data analysis package to produce reliable analysis presented in tables and graphs. Qualitative data were analysed using thematic analysis, which allows for an intervention in resolving the main concern of sexual harassment in the workplace and its occurrence.

3.11 SUMMARY

The chapter describes the research design and methods used in the study. The chapter emphasises research questions such as what is the problem; which sample should be used to examine the problem. An outline was also given of the research process that was followed and an enlightenment of the research mechanisms employed by the researcher, how the data was collected and the research strategy and numerical methods to analyse data. The next chapter presents results and discusses the findings of the study.

CHAPTER 4

PRESENTATION OF RESULTS AND DISCUSSION OF FINDINGS

4. INTRODUCTION

Chapter 3 discussed the data collection methods used in the study. This chapter focuses on how data was collected from the participants of the study. Participants were approached at the higher education institution, a questionnaire was disseminated to whom and interviews conducted with human resource senior managers. The data is presented in the forms of tables and figures, reflecting percentages. From this quantitative data, there will be qualitative presentation of information to create an understanding for readers to see the data in the numerical form.

4 .1 DATA CAPTURE AND METHODS OF ANALYSIS

Fifty-seven questionnaires were distributed to the staff members, but only forty-five completed questionnaires were returned, which represents 78.9% returns. Quantitative and qualitative data were captured from the questionnaire, the former with the aid of Statistical Package for Social Sciences (SPSS) version 22. Analysis of open-ended questions was done thematically. Interviews with three human resource managers were conducted. Data collected were analysed statistically and the findings discussed in the light of the literature.

PART A

4.2 PRESENTATION OF QUALITATIVE FINDINGS

Three interviews were conducted with the human resource senior managers in the higher education institution. The qualitative results are presented hereunder:

4.2.1 Provision of information to staff members about sexual harassment and the Code

of Good Practice

Interviewee 1 admitted that not much information is provided to employees during induction programmes owing to time constraints. Further, it was said that employees would probably have to go to the institution's innerweb and google search, which they could do in their own time to gather information and educate themselves on sexual harassment. However, a policy

and guidelines document has been drafted which has been through the consultative forum with the intention of going to staffing and counsel for approval before the end of the year. It will be broadened not to focus primarily on sexual harassment but on harassment generally. Sexual harassment is however mentioned in the document; once it is approved it will go on the website. Staff members are not told enough; a way around it would be to highlight it to new staff members during induction programmes. It was, however, admitted that more could be done to provide information to staff members on sexual harassment.

Interviewee 2 highlighted that if she were not in the human resources department she would wonder where she could get information about sexual harassment. There is virtually no attention given to the issue. Working in the human resources department is helpful and an advantage to her because she would not have any knowledge at all and lack adequate information concerning sexual harassment.

Interviewee 3 stated that it is up to the staff members to find relevant information as it is not covered in the induction programmes. Not many cases of sexual harassment had been reported. As such, sexual harassment has not been an issue for the university such that they could be addressing it all the time. If employees want to know or gain more information they can come to human resources department. The interviewee said letters of appointment also refer to the Labour Relations Act 1995 but she was not sure if employees take note of that.

4.2.2 Availability of sexual harassment prevention office

Interviewee 1 pointed out that there is no sexual harassment prevention office. However, there is tip-off anonymous, which is not specifically for sexual harassment. It primarily deals with staff and any other issues. There is also legal services office. In the old system there used to be sexual harassment advisors, but it has not been operational for many years. The interviewee further stated that she was one of those advisors but couldn't tell if it made people more willing to come forward to report sexual harassment. Both Interviewees 2 and 3 also said there is no sexual harassment prevention office and that staff members are expected to approach the Human Resources Department.

4.2.3 Communication of the Code of Good Practice on handling sexual harassment

during induction

All three human resource managers agreed that the Code is not clearly explained during the induction programme, as induction is done centrally and not for a full day. However, the interviewees further stated that the university can do more about this. Interviewee 1 mentioned that they expect employees to be independent about finding out and gaining information on the Code. However, this is unfair as human resource managers can involve themselves in educating the staff not only in induction programmes, but workshops can be held. Little attention is given to sexual harassment until the matter arises.

4.2.4 Fairness of the South African legislation in preventing sexual harassment

Interviewee 2 argued that the South African laws and Acts are there but could not say if they are known enough. She highlighted the fact that organisations tend to play down sexual harassment and that is only after when an organisation has been sued it becomes more active about sexual harassment. Interviewee 3 pointed out that the laws are fair but there are people who get away with harassing their employees, regardless of the existing laws prohibiting sexual harassment. People still get harassed not because the law is not fair enough, but because the regulations and rules have not fully emphasised the non-tolerance of sexual harassment. Many organisations do not take sexual harassment seriously. Nothing is wrong with the laws. It is how people interpret them. Interviewee 1 said there is no problem with the legislation. It is acceptable, good and progressive but people fear coming forward to report issues. In other words, peoples' attitudes and social hindrance are structuring links in confirming sexual harassment.

PART B

4.3 PRESENTATION OF QUANTITATIVE DATA OBTAINED FROM THE QUESTIONNAIRE

This section presents the quantitative data obtained from the HEI staff members. Respondents were asked for demographics information and questions relevant to the study to determine their experiences of sexual harassment. The data is presented in the form of tables and graphs to aid interpretation and convey detailed information concisely.

Table 4.3.1: Respondents according to age

Age

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	21-31	25	48.1	48.1	48.1
	32-42	12	23.1	23.1	71.2
	43-53	11	21.2	21.2	92.3
	54-64	4	7.7	7.7	100.0
	Total	52	100.0	100.0	
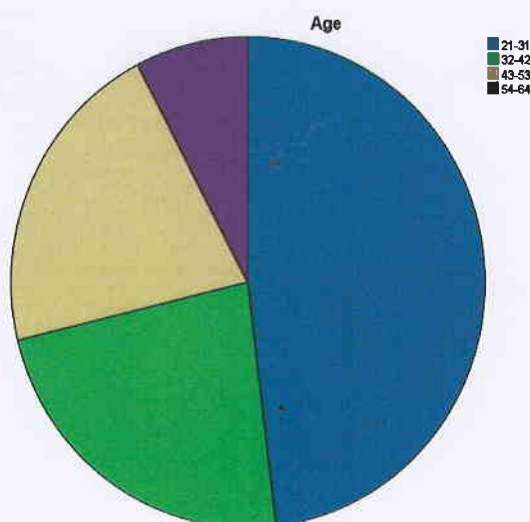
Figure 4.3.1: Respondents according to age

Table 4.3.1 and Figure 4.2.1 indicate that 48.1% of respondents were between the ages of 21 and 31 years old, 23.1% between 32-42 years old, 21.2% between 43-53 years while 7.7% were between the ages of 54-64 years.

Table 4.3.2: Respondents according to gender

Gender

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Male	18	34.6	34.6	34.6
	Female	34	65.4	65.4	100.0
	Total	52	100.0	100.0	
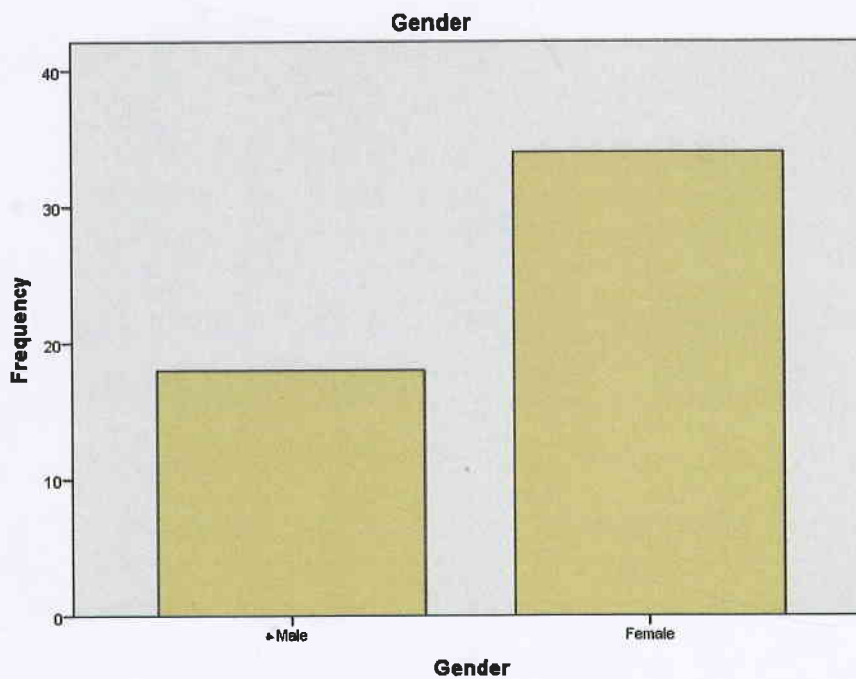
Figure 4.3.2: Respondents according to gender

Table 4.3.2 and Figure 4.3.2 show that 34 research participants, representing 65.4% of respondents were females, while males were 18, representing 34.6 %. This suggests that females are seen to be more defenceless to sexual harassments while harassment amongst males is also present and evident.

Table 4.3.3: Respondents according to population group

Population group

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Black	27	51.9	51.9	51.9
	White	5	9.6	9.6	61.5
	Indian	17	32.7	32.7	94.2
	Coloured	3	5.8	5.8	100.0
	Total	52	100.0	100.0	
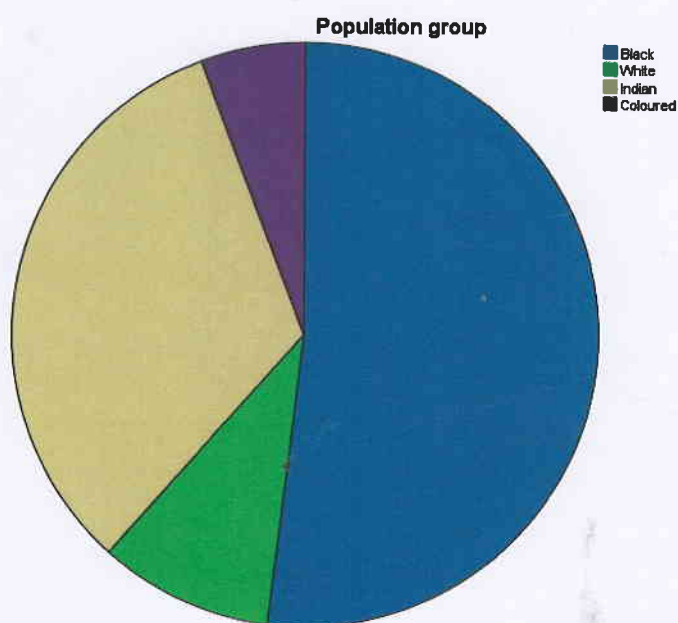
Figure 4.3.3: Respondents according to population group.

As Table 4.3.3 and Figure 4.3.3 show, 51.9% of the respondents were Black, 9.6% White, 32.7% Indian, while 5.8% were Coloured. Thus, more than half of the participants were Black.

Table 4.3.4: Respondents according to nationality

Nationality

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	South African	50	96.2	96.2	96.2
	Other (Please specify)	2	3.8	3.8	100.0
	Total	52	100.0	100.0	
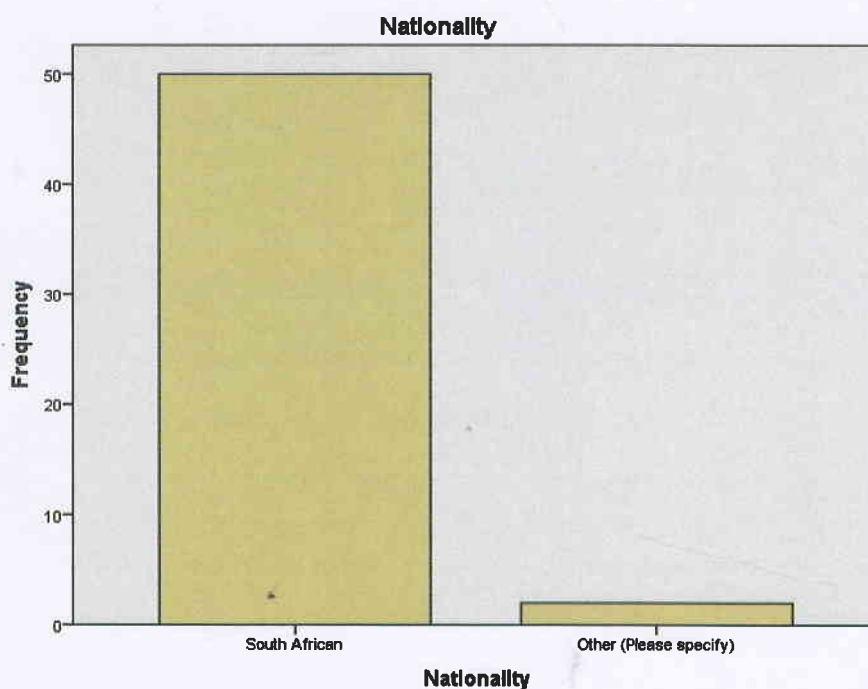
Figure 4.3.4 Respondents according to nationality

It is evident from Table 4.3.4 and Figure 4.3.4 that 96.2% of the respondents were South African and 3. 8% were not. Majority of the respondents were South African.

Table 4.3.5: Respondents according to marital status

Marital status

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Single	33	63.5	63.5	63.5
	Married	15	28.8	28.8	92.3
	Divorced	4	7.7	7.7	100.0
	Total	52	100.0	100.0	
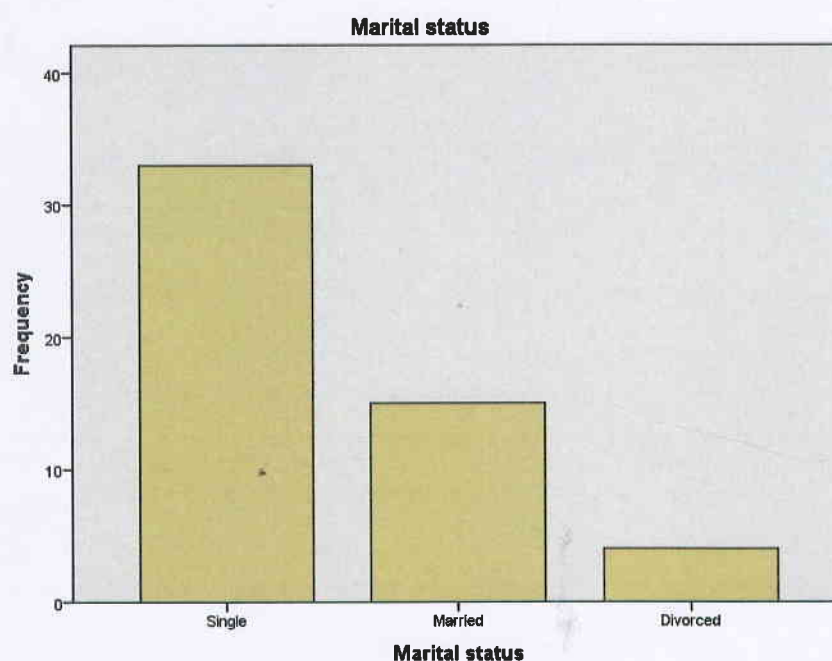
Figure 4.3.5: Respondents according to marital status

Table 4.3.5 and Figure 4.3.5 indicate that 63.5% of the respondents were single, 28.8% were married and 7.7% were divorced.

Table 4.3.6: Responses according to experiences of being sexually harassed

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly disagree	29	55.8	56.9	56.9
	Disagree	13	25.0	25.5	82.4
	Neutral	4	7.7	7.8	90.2
	Agree	4	7.7	7.8	98.0
	Strongly Agree	1	1.9	2.0	100.0
	Total	51	98.1	100.0	
Missing	System	1	1.9		
Total		52	100.0		
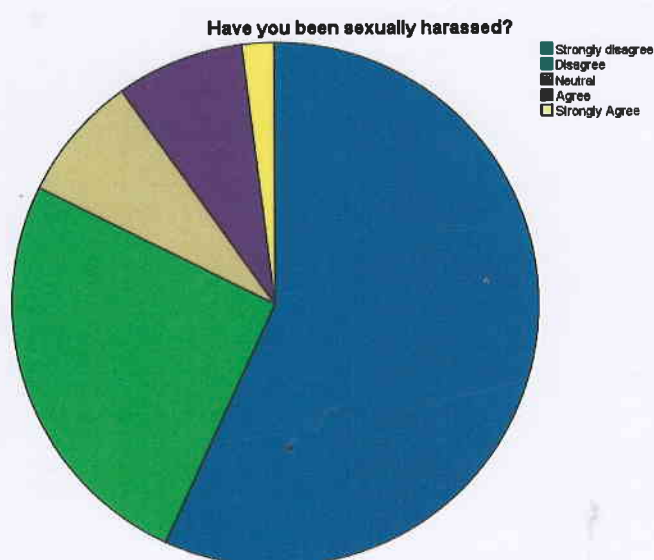
Figure 4.3.6: Responses according to experiences of being sexually harassed

According to Table 4.3.6 and Figure 4.3.6, 55.8% of the respondents strongly disagreed to being sexually harassed, 25% disagreed, and 7.7% of the respondents were neutral in their responses to being sexually harassed, while 7.7% agreed to being sexually harassed. The remaining 1.9% of the respondents strongly agreed to being sexually harassed. This would suggest that sexual harassment in the workplace has not, however, occurred more frequently as there are fewer respondents who have experienced sexual harassment.

Table 4.3.7: Responses pertaining to graphic comments

Has anybody made graphic comments about you?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly disagree	18	34.6	34.6	34.6
	Disagree	12	23.1	23.1	57.7
	Neutral	6	11.5	11.5	69.2
	Agree	12	23.1	23.1	92.3
	Strongly Agree	4	7.7	7.7	100.0
	Total	52	100.0	100.0	::
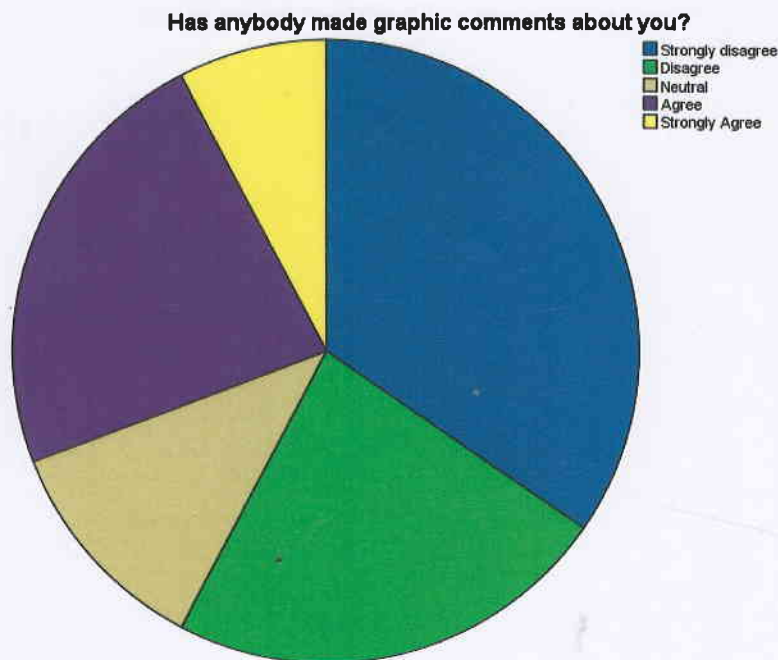
Figure 4.3.7: Responses pertaining to graphic comments

Table 4.3.7 and Figure 4.3.7 show 34.6% of the respondents strongly disagreed that graphic comments had been made about them; 23.1% disagreed to having had graphic comments made about them; 11.5% were neutral about graphic comments having being made about them, while 23.1% agree graphic comments had been made about them. The remaining 7.7% strongly agreed to having had graphic comments made about them. This can suggest that a number of employees have had graphic comments made to them. The encounter may be not be physical but it is evident that comments were passed; however it may not be sexual

harassment but graphic comments fall under the factors of sexual harassment which however make an employee uncomfortable.

Table 4.3.8: Responses according to feeling ashamed to report a sexual harassment case

Would you feel ashamed to report a case of sexual harassment?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly disagree	19	36.5	37.3	37.3
	Disagree	6	11.5	11.8	49.0
	Neutral	11	21.2	21.6	70.6
	Agree	8	15.4	15.7	86.3
	Strongly Agree	7	13.5	13.7	100.0
	Total	51	98.1	100.0	
Missing	System	1	1.9		
Total		52	100.0		

Would you feel ashamed to report a case on sexual harassment?
- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly Agree
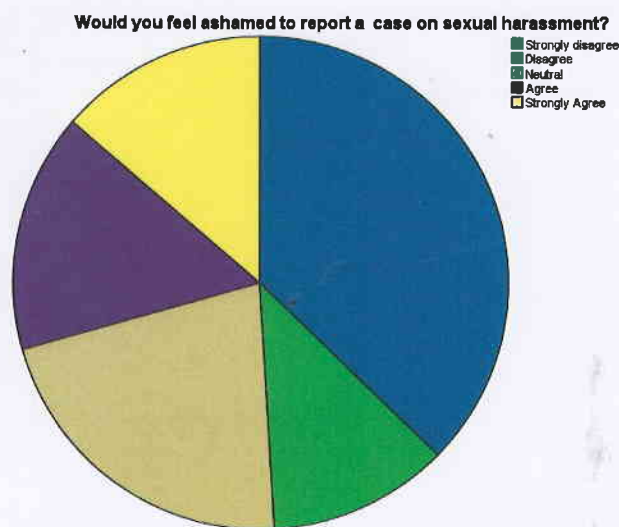
Figure 4.3.8: Responses according to feeling ashamed on reporting sexual harassment case

Table 4.3.8 and Figure 4.3.8 depict the fact that 36.5% of the respondents strongly disagreed they would not be ashamed to report a case of sexual harassment; 11.5% disagree that they would be ashamed to report a sexual harassment case; 21.2% of the respondents were neutral, while 15.4% agreed that they would be ashamed to report a case of sexual harassment. The

68

other 13.5% of the respondents strongly agreed that they would feel ashamed to report a case of sexual harassment. As noted in the literature, individuals may feel ashamed to report cases of sexual harassment as it is a sensitive issue. However, it is important for employees to report cases regarding sexual harassment. Employees have legislation, which helps protect them and prohibits any form of sexual harassment occurring.

Table 4.3.9: Responses according to awareness of sexual harassment cases

Are you aware of sexual harassment cases?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly disagree	7	13.5	13.7	13.7
	Disagree	8	15.4	15.7	29.4
	Neutral	9	17.3	17.6	47.1
	Agree	18	34.6	35.3	82.4
	Strongly Agree	9	17.3	17.6	100.0
	Total	51	98.1	100.0	
Missing	System	1	1.9		
Total		52	100.0		
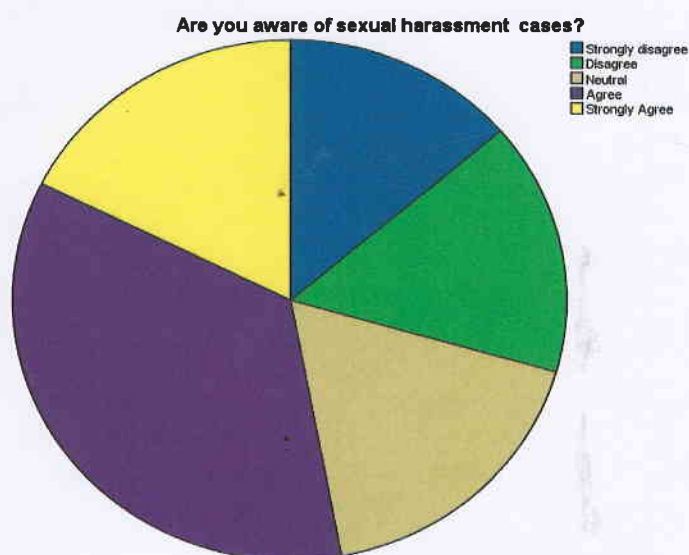
Figure 4.3.9: Responses according to awareness of sexual harassment cases

As depicted in Table 4.3.9 and Figure 4.3.9, 13.5% of the respondents strongly disagreed that they were aware of the sexual harassment cases; 15.4% disagreed to being aware of sexual harassment cases; 17.3% were neutral, while 34.6% of the respondents agreed that they were fully aware of sexual harassment cases. The remaining 13.5% of the respondents strongly agreed they were aware of sexual harassment cases.

A large number of respondents; 35% were aware of sexual harassment cases. This, however, shows that there is little knowledge that employees have concerning sexual harassment cases however further knowledge concerning cases must be conveyed to respondents in order for employees to have some background understanding of what is happening in their workplace. The remaining who were not aware of the cases suggests that little insight is given to what is happening around them.

Table 4.3.10: Responses according to the awareness of procedures involved in handling sexual harassment cases

If you were to report a case of sexual harassment, are you aware of the procedures involved in handling such a case?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly disagree	8	15.4	16.0	16.0
	Disagree	11	21.2	22.0	38.0
	Neutral	11	21.2	22.0	60.0
	Agree	16	30.8	32.0	92.0
	Strongly Agree	4	7.7	8.0	100.0
	Total	50	96.2	100.0	
Missing	System	2	3.8		
Total		52	100.0		

70

If you were to report a case of sexual harassment, are you aware of the procedures involved in handling such a case?

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly Agree
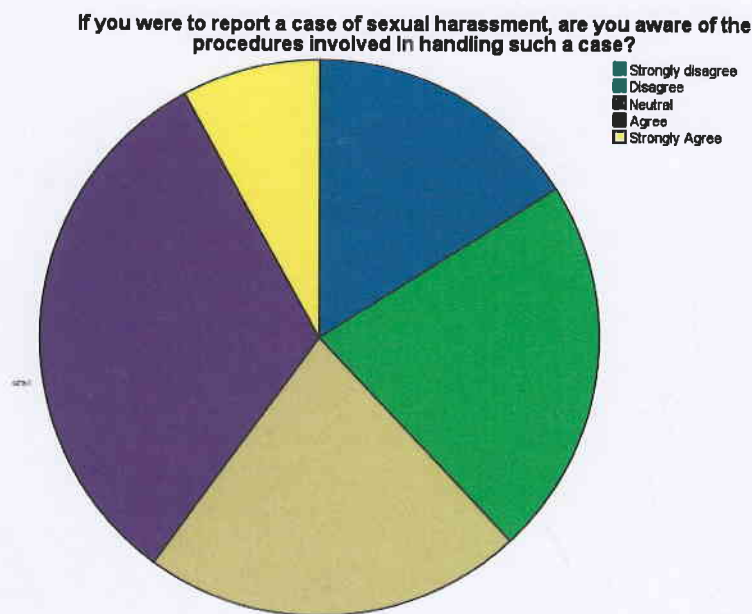
Figure 4.3.10: Responses according to the awareness of procedures involved in handling sexual harassment cases

About 15.4% of the respondents strongly disagreed to being aware of procedures involved in handling sexual harassment cases; 21.2% disagreed being aware of such procedures; 21.2% were neutral; 30.8% of the respondents agreed that they were fully aware of the procedures that follow in handling sexual harassment. The remaining 7.7% of the respondents strongly agreed to being aware of procedures involved in handling cases of sexual harassment. This suggests that respondents are aware of what their rights as employees are if sexual harassment does occur and also know which channels they can lodge their complaints with. However, those who are not aware of the procedures to follow when a sexual harassment case occurs have a problem because it is imperative for all employees to know their rights. It is of little use when employees can identify behaviour that constitutes sexual harassment, but are unaware of procedures to report such incidents. Employees must be able to clearly identify resources available to them for action and assistance against perpetrators of sexual harassment (Britz, 2007:73).

Table 4.3.11: Responses according to knowledge of South African Acts prohibiting sexual harassment

Do you know of any South African Acts that prohibit sexual harassment?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly disagree	6	11.5	11.8	11.8
	Disagree	13	25.0	25.5	37.3
	Neutral	14	26.9	27.5	64.7
	Agree	12	23.1	23.5	88.2
	Strongly Agree	6	11.5	11.8	100.0
	Total	51	98.1	100.0	
Missing	System	1	1.9		
Total		52	100.0		
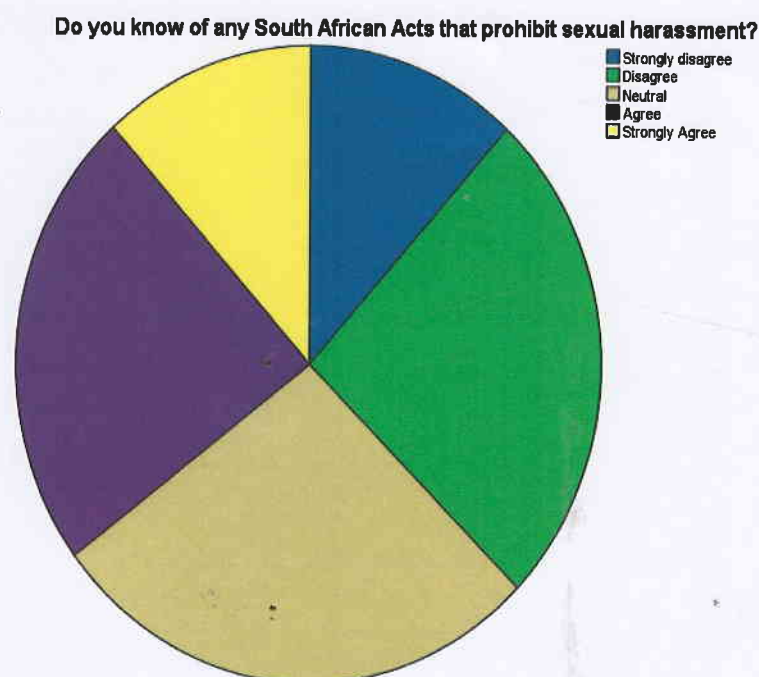
Figure 4.3.11: Responses according to knowledge of South African Acts prohibiting sexual harassment

According to the data captured in Table 4.3.11 and Figure 4.3.11, 11.5% of the respondents strongly disagreed to having had knowledge of Acts that prohibit sexual harassment. This

72

means that about 1.5% of respondents have little knowledge of South African laws prohibiting sexual harassment. A quarter of the respondents (25%) disagreed to having any knowledge of the laws that prohibit sexual harassment; about 27% were neutral in their responses, while 23.1% respondents agreed that they had knowledge of Acts. About 11.5% of the respondents strongly agreed that they are fully informed and have knowledge of South African laws that prohibit sexual harassment.

Table 4.3.12: Responses according to being informed about the Code of Good Practice on handling sexual harassment

Would you like to be more informed about the Code of Good Practice on the handling of sexual harassment?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly disagree	4	7.7	7.8	7.8
	Disagree	3	5.8	5.9	13.7
	Neutral	1	1.9	2.0	15.7
	Agree	20	38.5	39.2	54.9
	Strongly Agree	23	44.2	45.1	100.0
	Total	51	98.1	100.0	
Missing	System	1	1.9		
Total		52	100.0		

Would you like to be more informed about the Code of Good Practice on the handling of sexual harassment?

Legend:
- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly Agree

73
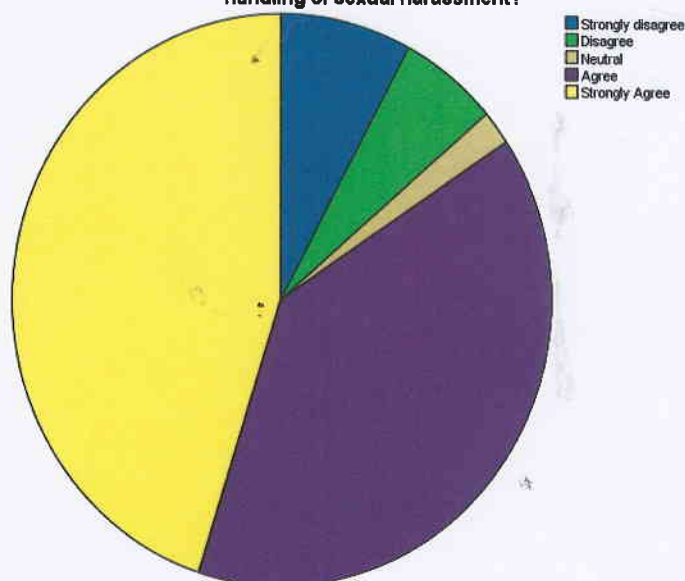
Figure 4.3.12: Responses according to awareness of the Code of Good Practice on handling sexual harassment

Table 4.3.12 and Figure 4.3.12 show that 7.7% of the respondents strongly disagreed with being informed or gaining any information about the Code of Good Practice on handling sexual harassment and 5.8% disagreed to being informed on any knowledge concerning the Code of Good Practice on handling of sexual harassment. About 2% of the respondents were indifferent in respect of being informed about the Code, while 38.5% agreed to be informed and gaining more knowledge about the Code. However the majority (44.2%) strongly agreed that they want to be more informed about the Code of Good Practice.

PART C

4.4 PRESENTATION OF QUALITATIVE FINDINGS

This section presents qualitative data from the questionnaire distributed to participants. The perceptions of respondents on sexual harassment and, in their own understanding, what sexual harassment is and how has it affected them are the focus of this chapter.

EVALUATION OF RESPONSES TO QUESTIONNAIRE (VIDE SECTION B QUESTIONNAIRE)

4.4.1: Responses according to knowledge of where to report sexual harassment

Fifty-six percent respondents highlighted that they had knowledge of where to report sexual harassment if it ever occurs. Many of the respondents said they would go to human resource office to report the issue. A respondent said "yes, the University has its own disciplinary system of which I am clued up with". One respondent added: "I would rather speak to my direct manager or contact HR". Another respondent also mentioned the Employment Equity Office and said "if an incident took place during working hours I would report it at Employment Equity Office, however, if it is after office hours I would go directly to South African Police Services". Few respondents said "I am actually not sure where I would report the issue but I think I would report it directly to HR. I don't think I would report it to my line manager or discuss the issue with my colleagues because they may try to persuade me not to report the incident especially if it is someone that they know". Within that fifty-six percent of respondents, many of them stated that they would go to the police station; the respondents said "yes, I will follow the procedures set out and report it to the police station", one respondent said "the police station but I am not sure if that would be the correct step to take if I am harassed at work". Forty-four percent of the respondents did not have sufficient knowledge of where to report sexual harassment if they were harassed. One of the respondents said: "until maybe I am sexually harassed I would know the right channels to report the sexual harassment, but because it hasn't happened yet and knowing that I am in an institution with educated people I highly doubt something of that nature would ever occur". Another respondent said: "No, I am actually clueless as to where to report".

4.4.2: Responses according to awareness of sexual harassment rights as a staff member

Sixty-six percent of the respondents were not aware of their sexual harassment rights as staff members; respondents that fall within this sixty-six percent were not sure of their rights as staff member. One respondent said "I am not really sure but even if there were rights if you complain you might even risk losing your job". Further, it was noted that twenty-four percent were fully aware of their rights. One of the respondents noted that he is aware of his rights and procedures and would know where to go if an incident of sexual harassment occurred. A respondent said "I am aware that I have the right not to be touched without my consent. If any act seems to be inappropriate to me and makes me feel uncomfortable I have the right to tell that person to stop and that he or she is making me feel uncomfortable". One respondent added by stating: "I know enough to prevent it". Another respondent added to that by saying: "I know my rights quite well, with however the assistance of an outside legal practitioner". Most of the respondents said that there is legislation in South Africa protecting them against sexual harassment. However, a few respondents said it seemed that the only rights they are aware of are those as workers and if, for example, they get fired unfairly they would go to the Commission for Conciliation, Meditation and Arbitration (CCMA). "Those are basic simple rights as employees we should know", stated a respondent. As far as what happens sexually, respondents have no knowledge of their rights. A respondent said: "I don't know the specifics or exact legal issues, but do know that I have the right to not be sexually harassed in any way". Another respondent added that "I am informed and aware but not fully as it is something I do not pay attention to since it has never happened to me and have never dealt with it at work".

4.4.3: Responses according to the effectiveness of the Code in preventing harassment

Twenty percent of the respondents believe that the Code is effective in preventing harassment. A respondent said: "I am aware that the Code is there to protect and prevent sexual harassment, but I know that practically it is hard to practise it. Sexual harassment is a sensitive and tricky situation that is viewed different by many people". A further 38% of the respondents stated that they were not well informed and have no idea of the Code so it was not easy for them to say whether the Code is effective or not in the prevention of sexual harassment. One respondent said: "I feel more needs to be enforced in terms of educating employees/ employers regarding sexual harassment before measuring its effectiveness". Another respondent added that "the Code is effective, but it still does not stop it from

occurring". Another respondent said "I haven't experienced sexual harassment, so I haven't had to go through the process. I won't be able to comment on its effectiveness". Forty-two percent indicated that the Code is not effective in handling sexual harassment. A respondent said "the Code is not effective as it is just a policy on a piece of paper that cannot fully protect victims in practice". Another mentioned: "I know someone who was sexually harassed. To this day nothing has happened in terms of enforcing the law on what happened to the person. If the Code is effective enough how come it doesn't protect people or is it because we as individuals fail to follow rules because the Code seems to be a set of rules and guidelines for us to follow?" adding to what another respondent had mentioned by stating that "it is fairly effective however internal legal procedures give the Code of Good Practice a more powerful touch". Most of the respondents said that the Code does exist, but it is not applied.

4.4.4: Responses according to the way the line managers can control sexual harassment

Fifty-five percent of the respondents thought that line managers should educate their employees in order to control sexual harassment. Twelve percent of the respondents showed that the line managers should be more proactive as this can minimise the harassment in the workplace; they should also use notices, place policies visibly on walls and deal swiftly with perpetrators. Nineteen percent of respondents are certain that staff members must be more involved as well and not only line managers should be in control of the sexual harassment issue. Line managers need to be more proactive, rather than reactive, when such incidents occur. "Educating staff on firstly what is sexual harassment; the consequences of such unwanted conduct towards another; role plays illustrating the type of acts of sexual harassment; educating about the laws in place with regards to sexual harassment, the rights of the harassed" said some respondents. They also suggested that there should be staff engagement programmes so employees know everything that is happening. Fourteen percent indicated that for line managers to control sexual harassment there should be effective enactment of the policy; it seems that educating staff members and involving the staff members plays a major role for line management to control the issue of sexual harassment. One respondent mentioned that policies should be in the open where everyone can access them and do sexual harassment workshops. Another respondent added by saying "line managers should consistently reinforce the Code and make it visually visible to employees, through discussions and presentations at work. Another respondent said: "line managers should maintain open and reliable channels of communication, they need to be trustworthy so

that employees will feel comfortable approaching them and confidentiality is essential. This can also be achieved through enforcing punishment to those that are found guilty".

Among the responses was: "line managers can be trained to control sexual harassment, but sexual predators cannot be trained to not sexually harass other people, so it is all about self-control and respecting one's territory; in the workplace professionalism has to be practiced; sexual acts in the workplace are everywhere, but line managers are limited to control sexual harassment as they are not responsible for harassers". Three respondents expressed similar sentiments regarding how line managers can control sexual harassment.

4.4.5: Responses according to the definition of sexual harassment

Respondents gave different examples of sexual harassment. They defined sexual harassment as an inappropriate way of being touched on buttocks, being complimented about physical features, making suggestive comments. One defined sexual harassment as a defamation of character; no one wants to be touched where he/she is uncomfortable of being touched. Another respondent stated that "sexual harassment is when someone you work with who is the opposite sex says to you come here you sexy thing, you look so fine and touches you in all places you don't want to be touched." Forty-nine percent of the participants view sexual harassment as a misconduct that involves inappropriate touching; twelve percent of respondents view sexual harassment as making remarks on physical attributes; most of the female responses mentioned that if one comments on one's buttocks and breasts that it makes one feel violated and should be reported.

In addition, one of the respondents shared her experience when she said that when she was a new staff member in the ogranisation she worked for and the manager used to call her in and tell her to turn her back towards him. She said: "I was new and could not voice it, but found it very disgusting. But now I know the factors of sexual harassment and if anyone passes remarks on my physical attributes I would know that I am being sexually harassed". Twenty one percent of the participants noted that sexual harassment is making sexual jokes and suggesting sexual favours, whilst eighteen percent viewed sexual harassment as a factor of making suggestive comments. A number of respondents also argued that people in high positions abuse their power by touching and forcing female employees in return for better position and better pay at work.

Sexual harassment is a discrimination practice. In this study, it has been established that sexual harassment is an inappropriate and illegal behaviour that should be eliminated. The report by the ministerial committee on revolution and social unity and the abolition of discrimination in public higher education institutions is be valuable in this regard (Department of Education, 2008).

4.4.6: Responses according to sexual harassment as an issue in the workplace

Eleven percent of the participants believe that sexual harassment is a subtle matter that's not easy to voice out; twenty-three percent of the participants believed that lack of knowledge is the reason why harassment is an issue in the workplace; eighteen percent felt that laws are not enforced and known to employees and harassment is not viewed as a serious offence and employees are not informed of sexual harassment incidents and what constitutes sexual harassment. One respondent said that "laws are not enforced and made known to staff, consequences are not communicate well, management is not equipped to handle such cases and not educated enough to know which act is wrong or right". The following response illustrates this: "not much emphasis is put on sexual harassment. All the years I have been working here I have not heard of any sexual harassment case. To be honest I don't think it does exist to me; it can only be an issue if it happens frequently and I hear about it." The second respondent said: "sexual harassment isn't brought forward to us as employees, I don't really know if it should be; maybe then we could see it as an issue, but it is one of those things that one rarely hears about". Thirty-three percent of the participants went further to argue that management is not fully equipped to handle such cases. One respondent said: "I feel that management is not equipped to handle the cases of sexual harassment. The reason that I am saying this is that these cases take so long; money is lost within the institution, employees suffer emotionally and physically if they have been sexually harassed; counselling is needed, dismissal of harasser." Another said: "It is such a long process; if management cannot educate me about sexual harassment policies and my rights as an employee, if I am sexually harassed will they even be able to protect me?"

We can deduce that management is neither properly trained nor educated to handle sexual harassment cases. Furthermore, fifteen percent of the participants are ashamed and fear to report such cases of harassment. This is the most cogent reason sexual harassment is an issue in the workplace. "It is not an issue until it happens, but maybe it is an existing issue but it is one thing that we don't want to talk about as being harassed to others is embarrassing," said a

79

respondent. Two other respondents further noted: "sexual harassment is a problem because men seem to think it is 'normal' for them to pass comments which are sexual but feel they are 'complimenting' women, which they think it is acceptable. However, this behaviour is an issue in the workplace". Adding to that another respondent mentioned that "women are now becoming increasingly competitive hence more and more women are entering the workplace. This makes them more susceptible to such behavior from men who occupy high level jobs in the organisation".

4.4.7: Responses according to the types of punishments for violating the Code of Good

Practice on handling sexual harassment

Twenty five percent of the respondents said their understanding of the types of punishment best suitable against harassers is that legal or disciplinary action should be taken; sixty-three percent believed that suspension or dismissal is the best form of punishment to award a perpetrator. The respondents that shared their thoughts on the harasser being dismissed among these being a response "I cannot work without someone who I won't feel safe and comfortable around, if you commit a crime at work or do something that is illegal you must leave, how can I work with someone who abuses their power and authority and harasses people, I for one would feel unsafe around that person, it is best to dismiss the person, if the person stays and works possibilities he/she will harass another person". Another respondent further said "the best form of punishment is suspension and if they continue they should be demoted to entry level jobs because it will be clear that they are not mature enough to conduct themselves in an appropriate manner in the workplace". Whilst the remaining twelve percent of the participants believe that if ever an employee harasses employee misconduct must be placed on the employee's record. One said "fair punishment; calling an offender for a disciplinary hearing and unfair punishment: firing an offender without giving them warning/ discipline them, between these two I think would be the best form of punishment". Another respondent said "unfair punishment would be dismissal without proper investigation. Fair punishment would be proven guilty, dismissal, change of department and demotion".

4.4.8: Responses according to how the policy will reduce the incidence of harassment

Thirty-one percent of the participants believe that precautionary measures of sexual harassment should be provided to employees to lessen the frequency of sexual harassment; a respondent said: "the incidence of sexual harassment can be lowered if the correct steps are

applied and practised by the employees consistently". Forty-five of the respondents stated that more education and training on the policy should be provided in order to ensure that there is less frequency of sexual harassment; also legal compliance could keep people in check, making some examples using the policy.

One respondent stated "when I came to work here I don't remember being told about sexual harassment, perhaps if much emphasis was put on educating me as a new employee on sexual harassment maybe the incidents would be reduced. I would even know all doors to knock at or even if I see harassment happening I would report it." Another respondent said "I want to know more about sexual harassment, the policies and the precautions of sexual harassment. You may never know if it happens to you." The remaining twenty-four of the participants believed that there should be a reminder of the consequences if harassment occurs. In general, this means if employees are constantly reminded of the measures that will be taken if one harasses an employee and these measures are made known there could be a reduction of the occurrence of sexual harassment in the workplace. Participants also thought that respect is an important aspect; if one respects another employee and knows his/her boundaries to avoid such acts in the workplace.

4.4.9: Responses according to the suggestions on improving the Code of Good Practice

Twenty percent of the participants believed that emphasis on legal action should be highlighted in the Code of Good Practice; twenty six percent of the participants suggested that an education programme based on the Code should be capitalised; this is an important aspect as in most cases some respondents had difficulties in responding to some questions based on the Code as they had no solid information about the Code. Twenty-three percent of the participants further indicated that the Code should be exposed to the employees so it would allow them to have accessibility to it. Furthermore twelve percent of the respondents believe that the Code should be communicated to the staff members regularly to ensure understanding and for employees to know their rights as employees if an incident of harassment occurs for example "I would not mind receiving emails or go training for the Code, or even receive information sufficient about the Code, after all I don't think the Code is there for decoration or to lie idle, we should know about it and its relevance to the workplace." The remaining nineteen percent of the participants had very little knowledge of the Code and could not make any suggestions based on the Code. Respondents said for example that "I am not able to make any suggestions based on the Code as I do not have solid

information about the Code it is not easy to make suggestions for something you have no knowledge off." Another respondent said " I know for a fact that I lack a lot of knowledge on the Code but I know I am protected because I am sure it goes hand in hand with the South African Law against discrimination, however I cannot have any input or say what can be added to the Code just as long as the laws are strict enough to protect me and other employees" In general, it is important for the employees to be educated about the Code to create awareness and to reduce the existence of sexual harassment.

4.5 DISCUSSION OF FINDINGS

The objective of this study was to determine the level of awareness of the existence of the Code of Good Practice in handling sexual harassment amongst staff members of a selected higher education institution. Most research on harassment in academia has inspected sexual relations between academics and students and/or among students.

Very few studies have focused on sexual harassment among academics and no study could be found that examined this phenomenon in South Africa in this context. Research results of the incidence of sexual harassment has the potential to increase awareness and understanding of this phenomenon, and assist higher education institutions in evaluating their current approaches to dealing with and minimising incidents of sexual harassment on university campuses (Basson, 2007:436).

The biographical details consist of age, gender, population group, nationality and marital status. Most of the research participants (48.1%) fell into the age 21-31 age group. The majority of participants in the sample were female (64.4%), men were (34.6%). These findings reveal that, in most instances women are at high risk of being sexually harassed. Also the majority of the participants were Black (51.9%). About ninety-six percent of the respondents were South African and, lastly, most participants were single (63.5%).

The study reveals that very few participants agreed to being sexually harassed (1.9%). This finding may be explained by previous research that suggests that sexual harassment in general is underreported (Bagilhole & Woodward 1995:49, Gutek, 1985). The study also reveals that 54% of participants have knowledge of where to report sexual harassment and were also knowledgeable about where they would go to report it. Sixty six percent (66%) of the participants were not aware of their rights as staff members. Gouws and Kritzinger (2007) found that only half of heads of educational departments and a minor number of Women's

Forum members at the University of Stellenbosch had knowledge of the sexual harassment policy. This could suggest that in the current study staff members know where to report sexual harassment cases, but have very little knowledge of their rights as staff members, which means 44% of the remaining staff members know their rights and have knowledge of the effectiveness of the policy. Staff members regard the policy as a tool that is operational in reducing the rate of recurrence of sexual harassment at their workplace and also think that the policy protects them from retaliation from the purported harassers (Ramsaroop & Parumasur, 2007:25).

The study points the out different meanings of sexual harassment participants have: majority of the participants (49%) viewed sexual harassment as a misconduct that involves inappropriate touching which indicates the form of sexual harassment that is common in physical forms. This finding is in contrast to that of Pina, Gannon and Saunders (2009) where the researchers argue that the most common encounters and most prevalent are those of sexual remarks characterised by sexual gestures and jokes.

The study further indicated that 23.0% of the respondents had knowledge of South African legislation that prohibit sexual harassment. This percentage is, however, questionable as the remaining percentage is unsure about the legislation prohibiting sexual harassment. The study revealed why sexual harassment is a major problem in the workplace. Thirty-three percent of respondents believe that management is not properly equipped to handle cases of sexual harassment. Therefore questions need to be raised on how management is to be trained. This also contributes to what line managers are doing to limit the occurrence of sexual harassment in the workplace. The majority of the participants say that line managers should educate staff members about sexual harassment and involve staff members. Gouws and Kritzinger (2007) established a non-existence involvement of seriousness with the sexual harassment policy and its execution by executives who did not receive training and, consequently, the required expertise to handle complaints of sexual harassment were lacking.

The majority of the respondents (45%) point that education and training on the policy is important as it minimises the prevalence of sexual harassment in the workplace. The significant relationship between the control, clarification, regulation or training of a SHP and information of the phases to follow after reporting an incident of sexual harassment is an indication significant in providing staff with a copy of the Code/Policy. Interventions of training, implementation of the Code contribute to the effectiveness of the policy;

management and other parties are involved in the intervention of the Code (Ramsaroop & Parumasur, 2007; Retief, 2000).

The study indicates that the majority of the participants (42%) believe that the Code is not effective in handling the hindrance of sexual harassment. Questions must be asked on the legal procedures as well as the extent of protection the Code provides its employees. If the majority of the participants feel that the Code is ineffective in contrast to the 44% of the participants who know where to report sexual harassment cases as noted above, this remains questionable if 44% know where to report cases and 42% regard the Code as ineffective.

The finding on punishment of sexual harassment indicate that majority of the participants (63%) noted that suspension or dismissal is suitable punishment for a harasser. Complaints of sexual harassment are made and also handled with utmost confidentiality. A procedure is followed and there is an appropriate sanction. Organisations that are serious about eliminating and dealing with sexual harassment should have a flexible complaint procedure that offers complainants more than one alternative to complain. They should also ensure that complaints are expeditiously resolved, that confidentiality of complainants is protected and harassers are appropriately sanctioned (Kolkenbeck-Ruh, 2003).

The study suggests that minority of the participants (7.7%) did not want to be informed about the Code. In the study some respondents were not aware of the existence of the Code. Peirce, Rosen and Hiller (1997) establish that in their study an additional 40% of the respondents specified that they were not mindful of sexual harassment policies or measures for reporting grievances of sexual harassment in their institution. On a positive note, the majority of participants (44.2%) who want to be more informed about the Code of Good Practice on handling sexual harassment shows that participants want to know more about their rights and want to be educated more on sexual harassment.

4.6 SUMMARY

In summary, this chapter focused on the presentation of results of the study. Sexual harassment is an issue where employees have limited information concerning their legal rights in protecting them on the occurrences of sexual harassment. The outcomes of this study point out that the Code of Good Practice in Handling Sexual Harassment does exist but not enough information is given to the staff members. Sexual harassment is a growing issue in

the workplace; education and training on the Code is required. Chapter 5 presents the conclusion and recommendations of the study.

CHAPTER 5

CONCLUSION, LIMITATIONS AND RECOMMENDATIONS

5. INTRODUCTION

Chapter 4 presented data and issues based on understanding the core meaning of sexual harassment amongst the HEI staff members. This chapter presents the final conclusions of the study, limitations and recommendations. The common objective of this study was to determine the level of awareness of the existence of the Code of Good Practice in handling sexual harassment amongst staff members of the HEI to ascertain how the policy deals with preventing occurrence of sexual harassment and, most importantly, to ascertain the main provisions of the Code of Good Practice in handling sexual harassment in the HEI.

5.1 SUMMARY OF CHAPTERS

In this study literature was undertaken to meet the objectives; the main aim of the study was to develop an understanding of the existing sexual harassment policy in the higher education institution and to prevent the occurrences of harassment in order for the organisation to manage its organisation effectively and efficiently. The various chapters presented in this study are highlighted in the following discussion.

The focus of Chapter 1 was on establishing the causes of sexual harassment, defining sexual harassment, explaining the legislation and developing the objectives and research problem of the study. Theoretical models that were going to be used in the study and their effectiveness in the study were described.

Chapter 2 provided a background on harassment, the extensive meaning of sexual harassment, the Code was discussed in context with an explanation as to what effects sexual harassment has on an organisation. This chapter also brought forward examples of court cases and emphasis was put in understanding sexual harassment and why it is phenomenal.

In Chapter 3 the research design, data collection method and the study layout, sampling procedure of the study, site of the study, as well as the target population were highlighted. Ethical considerations underpinning the study were also discussed.

Chapter 4 focused on presenting the data collected: the data interpreted was enhanced by graphs, tables and brief summaries of the results were provided. Findings of the empirical

study based on the objectives of the study are discussed. It was found that employees lack information on the Code to enable them to know their rights and understand them.

Chapter 5 draws the conclusion of the literature in the study, and puts emphasis on the recommendations and future improvements on the research. The conclusion is drawn from the important aspects of research being the objectives and the findings drawn in chapter 4.

5.2 CONCLUSION

One of the findings of the study was that employees need more clarity on the Code. Employees are not all aware of their rights with regards to the Code of Good Practice on handling sexual harassment. Most are not fully aware of the Code and also agree that it is not communicated well. The Code in the HEI does exist but implementation is not effective.

Harassment is a burning issue in the workplace that needs to be minimised; a clear policy in a workplace is essential with all preventative steps specified. Awareness of an effective policy will lessen the rate of recurrence of sexual harassment. Gouws and Kritzinger (2007) note unanimity exists in the collected works that sexual harassment cannot be effectively addressed without an effective policy. Existence of a policy increases awareness and limits uncertainty regarding the definition, reporting mechanisms and remedial measures accessible to fatalities of sexual harassment.

The selected higher education institution has the responsibility to eliminate corrupt behaviour and sexual harassment. A clear policy statement should be communicated to ensure that staff have the right to dispute about the matter should it occur. Line managers should also take part in the development of the policy; sexual harassment should not be pardoned or accepted in the workplace.

5.3 LIMITATIONS

A possible limitation of the study is that sexual harassment is a sensitive topic and participants may not have honestly filled in the questionnaire. Many participants did not fully answer open-ended questions as they had stated that they have very little information of the Code. During the interviews not all the senior managers were keen to take part. Earlier as they had sent emails saying they did not want to disclose any information.

The study is restricted in its analysis as the emphasis appears to be on sexual harassment policies in an institution, rather than the investigation of the Code in the broader context of the subject.

5.4 RECOMMENDATIONS

It is suggested that members of management in the institution take cognisance of the sexual harassment issue. Specifically, it is recommended that the institution:

- Develops a policy that is clear- having a clear policy to deal against the unruly behaviour pertaining to sexual harassment can be an operative precautionary (Collier, 1995). A policy that is easy to understand with important aspects highlighted concerning the issue of harassment.

- Disciplinary measures be taken against individuals guilty of sexual harassment ought to be clearly specified. Disciplinary measures should be emphasised if ever the perpetrator decides to commit suicide and precautionary measures and consequences of the action must be made known.

- Victims to be protected from victimisation and retaliation.

- Include in the induction programme a session where sexual harassment is discussed and necessary information provided to new employees.

- Train managers and supervisors on the issue of sexual harassment so that they can handle harassment when it occurs. Managers should be able to advise employees to find more information relevant on the legislation and employees sexual harassment rights.

- Distribute the Code to all employees to ensure that they all have hard copies and that it is easily accessible in the University's website.

- Hold regular training sessions and educational programmes so that employees have an understanding of sexual harassment in these programmes; awareness of the Code must be emphasised.

- Appoint counsellors and advisors to provide support and advice for those sexually harassed.

- Provision of an environment that is safe, does not promote discrimination and sexual harassment does not flourish. Organisations need to provide a safe working environment free from victimisation and discrimination. The less discrimination and safe work environment would benefit increase in employee morale.

- Provide diversity and awareness training, employment equity programme that is effective and a corporate culture that is positive that management lead by example. They will show the efforts to manage successfully and add efforts in the prevalence of sexual harassment.
- Have a non-tolerance statement for sexual harassment. The organisation needs to point out that sexual harassment is not tolerated and legal actions will be taken against the perpetrator.
- Have among staff members sexual harassment forums and form support groups to discuss widely circulated issues on how to handle occurrences of harassment, provide support to each other and take charge of the issue.

FURTHER RESEARCH

The study could be improved by a larger sample; it had been established that the institution does not have its actual sexual harassment policy. It is a large institution which ought to have its own policy. Perhaps a study could be based on finding out why there has not been an actual policy for many years. Future research on sexual harrassment could involve all South African universities, part of the study not just one institution.

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ANNEXURE A
Gatekeepers Letter

4 February 2014

Ms Khanyisile Pearl Miranzi
School of Management, IT and Governance
College of Law and Management Studies
Westville Campus
UKZN
Email: 207503313@stu.ukzn.ac.za

Dear Ms Miranzi

RE: PERMISSION TO CONDUCT RESEARCH

Gatekeeper's permission is hereby granted for you to conduct research at the University of KwaZulu-Natal towards your postgraduate studies, provided Ethical clearance has been obtained. We note the title of your research project is:

"The effectiveness of sexual harassment policy in a South African higher learning institution".

It is noted that you will be constituting your sample by randomly handing out questionnaires to UKZN staff on all Campuses.

Data collected must be treated with due confidentiality and anonymity.

Yours sincerely

MR MC BALOYI
REGISTRAR

ANNEXURE B

Questionnaire

UNIVERSITY OF ™ KWAZULU-NATAL

INYUVESI YAKWAZULU-NATALI

UNIVERSITY OF KWAZULU-NATAL

SCHOOL OF MANAGEMENT, IT AND GOVERNANCE

M Admin Masters Research Project

Researcher: Khanyisile Pearl Miranzi (0734823391), email: 207503313@stu.ukzn.ac.za)

Supervisor: Dr MO Dassah (0798957466) dassah@ukzn.ac.za)

Research Office: Ms P Ximba (031 260 3587)

Dear Respondent,

I, Khanyisile Pearl Miranzi (Reg No 207503313), am a Masters student, at the School of Management, IT and Governance at the University of KwaZulu-Natal. You are invited to participate in a research project entitled 'The effectiveness of the Code of Good Practice in handling occurrences of sexual harassment in a selected South African Higher Education Institution'. The objective of this study is to obtain data that will enable the university to review their policies and procedures in order to effectively address the problem of sexual harassment preventing and from occurring.

Your participation in this project is voluntary. You may refuse to participate or withdraw from the project at any time with no negative consequence. There will be no monetary gain from participating in this survey/focus group. Confidentiality and anonymity of records identifying you as a participant will be maintained by the School of Management, IT and Governance, UKZN.

If you have any questions or concerns about completing the questionnaire or about participating in this study, you may contact me or my supervisor at the numbers listed above. The survey should take you about 10-15 minutes to complete. I hope you will take the time to complete this survey.

CONSENT

I have read and understood the above information. I understand that participation is voluntary and that I may withdraw at any stage of the survey.

Participant's signature………………………………….. Date………………………….

Sincerely,

Khanyisile Pearl Miranzi

Title: The effectiveness of the Code of Good Practice in handling occurrences of sexual harassment in a selected South African Higher Education Institution.

Dear respondent

You are kindly requested to complete and return the attached questionnaire that is aimed in establishing:

1. The level of employees' awareness of the Code of good practice in handling sexual harassment.
2. The level of understanding as to how the Code of good practice prevents the occurrence of sexual harassment in the university.
3. Suitability of the grievance procedure to deal with complaints of sexual harassment.

The objective of the study is to collect data that is taken as a research component of Masters of Administration. All information provided will be treated with the strictest confidentiality and is for research purposes only. The questionnaire will be completed anonymously and neither you nor the institution can be identified.

Thank you for participating!

Researcher   : Khanyisile Pearl Miranzi
Email   : 207503313@stu.ukzn.ac.za
Cell no   : 0734823391
Supervisor   : Dr M.O.Dassah
Email   : DassahM@cput.ac.za
Telephone no : 0798957466

STAFF QUESTIONNAIRE

SECTION A: DEMOGRAPHIC DATA

Please indicate your response by placing a cross (X) in the appropriate row

1) Age

21-31	01
32-42	02
43-53	03
54-64	04
Over 65 years	05

2) Gender

Male	01
Female	02

3) Population group

Black	01
White	02
Indian	03
Coloured	04
Other (Please state below)	05

....

4) Nationality

South African	01
Other (Please specify below)	02

....

5) Marital status

Single	01
Married	02
Divorced	03
Widowed	04

SECTION B: ISSUES ON SEXUAL HARASSMENT

Please indicate by means of a cross (X) in the appropriate column the extent to which you agree or disagree with each of the following statements.

	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
5) Have you been sexually harassed?	01	02	03	04	05
6) Has anybody made graphic comments about you?	01	02	03	04	05
7) Would you feel ashamed to report a case on sexual harassment?	01	02	03	04	05
8) Are you aware of sexual harassment cases?	01	02	03	04	05
9) If you were to report a case of sexual harassment, are you aware of the	01	02	03	04	05

procedures involved in handling such a case?					
10) Do you know of any South African Acts that prohibit sexual harassment?	01	02	03	04	05
11) Would you like to be more informed about the Code of Good Practice on the handling of sexual harassment?	01	02	03	04	05

12) If you were sexually harassed, would you know where to report the issue?

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....

13) As a staff member, to what extent are you aware of your rights not to be sexually harassed?

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14) In your view how effective is the Code of Good Practice on the handling of sexual harassment and preventing it?

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15) How do you think line managers can better control sexual harassment in their offices?

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16) Name a few examples of sexual harassment and why you feel that behaviour is inappropriate.

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17) Why do you think sexual harassment at the workplace has become such a big problem?

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18) What types of punishments do you think is fair or unfair for those who violate the Code of Good Practice?

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19) How do you think such a policy will lower the incident of harassment?

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20) What suggestions would you make to regarding the Code of Good Practice?

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....

ANNEXURE C
Interview Schedule

SECTION C

INTERVIEW SCHEDULEFOR HUMAN RESOURCE SENIOR MANAGER

1) To what extent does the University provide their staff with more information about sexual harassment and if it were to occur, do you think they will be confident enough to report the issue?

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2) Does the University have a sexual harassment prevention office and what is your perception of this office?

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3) When employees have an induction programme in this tertiary, is the Code of Good Practice on handling sexual harassment clearly explained to the individuals?

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4) How and where can employees get information on the Code of Good Practice?

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5) In your view, do you think that this country has fair laws and Acts in
preventing/restricting sexual harassment from occurring?

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ANNEXURE D
Report from Language Practitioner

Language Practitioner/Specialist: Language in Education

T. Reddy
B.A. ; U.E.D. (Natal); B.A. Hons. (UNISA); M.A. (Linguistics); Cert. in TESOL (Pittsburgh, USA);
Fellow English Speaking Board (Int.) UK
Tel (h)   : 031 564 6975
Cell   : 083 784 6975
e-mail   : tcdreddy @gmail.com

To whom it may concern

Date   10/02/2016

Re: Language Practitioner Report

Student : Khanysile Pearl Miranzi   (Student No.:   207503313)

College of Law and Management Studies   UKZN

Dissertation : The effectiveness of the Code of Good Practice in handling the occurrences

of sexual harassment in a selected South African Higher Education Institution

I have had the pleasure of reading the above dissertation submitted for the degree of Master
of Administration, School of Management, Information Technology and Governance in the
College of Law and Management Studies, and found the language usage fluent and free of
any grammatical inaccuracies.

The work has been read for punctuation, fluency and congruency, and meets the language and
stylistic writing at this postgraduate level.

I deem the dissertation acceptable for final admission.

Regards

T. Reddy

ANNEXURE E
Ethical Clearance

UNIVERSITY OF ™
KWAZULU-NATAL
INYUVESI
YAKWAZULU-NATALI

18 January 2016

Ms Khanyisile Pearl Miranzi (207503313)
School of Management, IT & Governance
Westville Campus

Dear Ms Miranzi,

Protocol reference number: HSS/0049/014M
--New project title: The effectiveness of the Code of Good Practice in handling the occurrence of sexual harassment in a selected South African higher education institution

Approval Notification – Amendment Application
This letter serves to notify you that your application and request for an amendment received on 10 December 2015 has now been approved as follows:

* Change in Title

Any alterations to the approved research protocol i.e. Questionnaire/Interview Schedule, Informed Consent Form; Title of the Project, Location of the Study must be reviewed and approved through an amendment /modification prior to its implementation. In case you have further queries, please quote the above reference number.

PLEASE NOTE: Research data should be securely stored in the discipline/department for a period of 5 years.

The ethical clearance certificate is only valid for period of 3 years from the date of issue. Thereafter Recertification must be applied for on an annual basis.

Best wishes for the successful completion of your research protocol.

Yours faithfully

Dr Shenuka Singh (Chair)

/ms

cc Supervisor: Professor Maurice O Dassah
cc Academic leader Research: Professor Brian McArthur
cc School administrator: Ms Angela Pearce

Humanities & Social Sciences Research Ethics Committee
Dr Shenuka Singh (Chair)
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Website: www.ukzn.ac.za

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