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# **SEXUAL HARASSMENT IN THE WORKPLACE IN SWAZILAND:**

## **A Focus on the Private Sector and Non- Governmental Organisations**

### **BASELINE REPORT**

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# EXECUTIVE SUMMARY

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## Report Summary

This report provides detailed findings of an investigation into workplace sexual harassment focusing on the private sector and non-government organisations (NGOs) in Swaziland. The analysis provides benchmark information on the nature and extent of workplace sexual harassment in a bid to establish suitable interventions (policies, systems and programmes) that will facilitate behavioural changes for the protection and mitigation against all forms of workplace sexual harassment.

## Background

Swaziland suffers from general lack of information and data on workplace sexual harassment. Continuous media reports suggest a chronic problem, and growing concern on the impacts of sexual harassment in the country's workplaces. Particularly, Swaziland's Extended National Multisectoral HIV and AIDS Framework (eNSF) (2014-2018) highlights sexual gender based violence (SGBV) as one of the key drivers of new HIV infections in the country. Indeed, the Swaziland National HIV Prevention Policy (2012) confirms that exposure or increased risk at the workplace involving sexual assault such as rape can increase chances of HIV infection. Therefore, sexual harassment is a public-health challenge with serious ramifications to women and men's psychosomatic well-being, on top of the fact that it can have a significant toll on workplace productivity.

The coordinating umbrella bodies for the public and private sector – Swaziland Business Coalition on HIV and AIDS (SWABCHA) and Public Sector HIV/AIDS Coordinating Committee (PSHACC), including civil society organisations – have the responsibility to implement strategic actions identified in the eNSF for the acceleration of high impact HIV prevention and treatment services for all citizens. SWABCHA provides technical support and services to over 200 affiliated private companies in Swaziland, PSHACC extends its support to over 37,000 employees in the public sector CANGO has over 100 NGOs registered and provide employment to a number of employees. All these coordinating bodies support the establishment of workplace wellness and disease management programs which includes HIV & TB program; facilitate evidence based research to identify gaps; develop appropriate interventions that have a positive impact on employees; develop policy guidelines and monitor implementation of those policies.

Therefore, the study assess the extent and scope of sexual harassment experienced by both females and male employees in the private and NGO sectors. It examines the nature of sexual harassment that exist as well as explores the cultural impediments that constitute sexual harassment in the workplace with a view of developing mitigation strategies and programmes for its elimination in order to contribute to a workplace that is HIV free in Swaziland by the year 2022.

## Methods

The study followed established qualitative and quantitative methodologies for baselining the nature and extent of sexual harassment in the workplace. The study randomly selected participants within the private and NGO sectors targeting the various departments of each company/organisation to represent general employees, supervisors, managers, human resources personnel and trade union leaders for a total sample of 807 employees in 40 companies/organisations. The 40 companies and organisations represent the following industries: Banking and Financial; Agriculture and Forestry; Textile and Apparel; Manufacturing; Retail and Wholesale; Construction and Mining; Service Industry;

Hospitality; Education and Training; Information Communications and Technology; Civil Society Organisations; and Worker's Unions.

Three (3) tools facilitated data collection for the study. These comprised of an Employee Survey, Key Informant Interviews (KII), and Focus Group Discussions (FGDs). The employee survey collected baseline information on the knowledge and perceptions on sexual harassment, policy availability, employee personal experiences, and reporting of the issue. The KII provided specialised information from key actors engaged in SGBV and sexual harassment in Swaziland such as policy makers, human resources principals, associations and federations of employers, trade unions representatives, and arbitration commissions on sexual harassment and its implication to HIV and GBV at the workplace. The FGDs provided a platform for the employees and key informants to come together to cross examine and cross fertilise ideas on sexual harassment, and come up with collective strategies for improving prevention, mitigation and workplace programming.

The study was not without its limitations. Due to time and financial resources, the study focused on the private and NGO sectors, and was not able to get a fair representation of the public sector though some employees/key informants from the public sector participated in the FGDs. Therefore, even though some of the issues discussed in the report may apply to the public sector, caution should be exercised in interpreting and extending the study findings and recommendations to the public sector. Another limitation of the study it was not able to attach a monetary value to the cost of sexual harassment, that is, the costs to the country, individual companies/organisations, and the cost to employees affected. Finally, the analysis reports the findings per sector of employment (private and NGOs) and could not disaggregate the findings according to each industry within each sector of employment. Nevertheless, the analysis and findings at the employment sector level still make for insightful and valid contributions towards baselining sexual harassment in a bid to develop mitigation strategies and programmes for its elimination and for contributing in an HIV free Swaziland at workplace by year 2022.

## **Key Findings**

### ***A. Knowledge and Perceptions on Sexual Harassment***

The International Labour Organisation (ILO) defines sexual harassment as sex-based discrimination that constitutes physical, verbal or non-verbal sexual behaviour that is unwelcome to the recipient. The ILO proposes two conditions that are usually associated with workplace sexual harassment: (1) Quid Pro Quo, which describes a job benefit such as a pay rise or promotion made on condition that the victim agrees to demands to engage in some form of sexual behaviour; or (2) hostile working environment, in which the sex-based conduct of a perpetrator creates conditions that are intimidating, humiliating and violating to the victim. An analysis of the literature finds that sexual harassment is a complex occupational hazard that can manifest itself in a variety of forms where anyone, that is, general employees, managers, potential employers, colleagues, clients, patients and customers can be perpetrators or victims.

Generally, the study finds that employees both in the private and NGO sectors have limited but similar knowledge on sexual harassment. About half of the employees in these two sectors have a common understating of sexual harassment while the other half has differing information/perceptions making the issue of knowledge and perceptions one the key impediments in combating workplace sexual harassment. The data analysis reveals that employees are not well-informed on the different components of sexual harassment such that less than 30% of them are able to identify or make the connection as to how intimidating words, bullying abuse of power, and financial harassment can be linked to the occupational

hazard. If it is not overt physical sexual advances, and sexually inclined remarks and gestures, the analysis suggests that employees tend to ignore, pardon, or dismiss all other behaviour as not constituting sexual harassment.

An important challenge arising from the knowledge and attitudes is that regardless of the fact that sexual harassment is an internationally condemned form of sex discrimination, it still remains a subjective issue because different people take offense to different things in varying capacities. For example, the data reveal that close to 70% (68.5% in the private sector and 67.5% in NGOs) of employees believe that sexual harassment is rare in their workplaces. A common misconception by both (30%) employees in the private and NGO sectors is that it is always perpetrated by senior managers. Another 43.9% in the private sector and 35.4% in NGOs still believe that sexual harassment is really minor and harmless. Some staff in the private sector are adamant that it only happens between people of opposite sexes (24.7% against 15.3% in NGOs). A greater number also believes that if one ignores it, it will go away, on top of holding the belief that if the victim does not complain, then it is not considered sexual harassment (31.8% against 18.1% in NGOs).

### ***B. Prevalence and Nature of Sexual Harassment***

On the rate of sexual harassment incidences in the workplace, the study finds that 16.2% of workers in the private sector indicate to have experienced it against 17.6% of employees in the NGO sector suggesting a slightly higher prevalence rate in the NGO sector. In contrast, the rate at which employees have witnessed or seen a colleague experience sexual harassment is 15.5% in the private sector and slightly lower in NGOs at 12.3%.

In terms of who is more likely to experience sexual harassment, the study finds that women are at greater risk compared to males. A total of 19.6% females compared to 13.8% of males indicate to have experienced sexual harassment in the workplace. Most cases affect employees between the ages 20 and 50 with the age groups 40-44 years (23.8%), and 30-34 years (19.9%) experiencing disproportionately higher number of sexual harassment encounters. With regards to employee marital status, the data analysis reveals that divorced (33.3%), cohabiting (20.0%) and single (17.5%) employees are more likely to be targets while widowed employees (5.9%) are less likely to experience it than all employees. A classification of employee types shows that volunteers (21.1%), part-time employed (6.8%) and casual (5.6%) employees are at a greater risk given that a comparable but lower proportion (17.3%) of permanently employed employees confirm to have experienced sexual harassment. Comparing Swaziland's four administrative regions, the study finds that sexual harassment is most prevalent in the Shiselweni region at 18.4%, followed by Hhohho at 16.4% and Manzini at 16.2% while the Lubombo regions trails behind at 15.2%.

Typical sexual harassment cases in the country's workplaces in decreasing order involve: verbal or sexually inclined compliment (19.18%); physical conduct of sexual nature (15.92%); unwelcome sexual advances (15.51%); and requests for sexual favours (11.84%). Other sexual harassment behaviour in the workplace in the country includes verbal intimidation of employees (6.94%), abuse of power (6.53%), bullying (5.31%), financial harassment (3.27%), and display of indecent and obscene pictures at 3.27%.

### ***C. Perpetrators and Victims (Survivors)***

According to the findings of the study, opposite sex harassment is the most common form of sexual harassment in the workplace though same sex harassment occurs but at a much lower rate. Therefore, sexual harassment affects both females and males in the country's workplaces.

For female survivors in the private sector, males between the ages of 41 and 60 are the perpetrators in about 70% of the incidences. These males are usually the middle managers and Directors in their respective companies. NGO female survivors are harassed by similar males but in much higher positions of the organisations such as CEOs and Directors. For male survivors in the private sector and NGOs, in 9 out of 10 cases the perpetrator will be a female in the private sector, and in 8 out of 10 cases a female in NGOs. Females harassing males in the private sector are much younger falling between the ages of 19 and 30, in addition to older females around 60 years old who are the junior managers, deputy CEOs and some CEOs. In the NGO sector, the females harassing males are also young (25-40) often the junior managers in their respective organisations. Males harassing other males are mostly prevalent in the private sector, accounting for about 30% of the sexual harassment cases reported in this sector compared to 9.1% in NGOs. The study estimates female-on-female cases to be at 20% in NGOs or double in proportion when compared to the private sector which only accounts for 10% of these type of cases. Overall, employees from both sectors agree that both males and females can be perpetrators as well as victims of sexual harassment.

#### ***D. Reporting Workplace Sexual Harassment***

Generally, the study finds that among employees who experienced sexual harassment, reporting is considerably low; less than 20% (18.3%) in the private sector, and a meagre 5.6% in NGOs. Even though about 90% of the employees in both these sectors indicate that they know their right to report, only half of them know the structures and procedures to follow in lodging their sexual harassment complaints. A major contributing factor to the low reporting rates as the respondents explain is the fact that only 25% and 22.2% of the employees in the private sector and NGOs respectively who experienced sexual harassment had the required evidence to support their claims. Usually, survivors are only able to provide circumstantial evidence which makes it hard to prove anything in a situation that happened between two people without any witnesses. The analysis suggests that a majority of sexual harassment incidences go unreported, approximately 80% in the private sector, and almost all (95%) cases in NGOs.

In the small instances that employees do report, the data reveals some differences between the male and female reporting trends. Compared to males, females are more likely to report; 21.6% of females against 16.7% males in the private sector; and only females report sexual harassment in the NGO sector. All the sampled employees indicate that they are more likely to report to their human resources officers while another half are comfortable reporting their cases to their immediate supervisors. The private sector has broader reporting channels (human resources officers, immediate supervisors, colleagues, counsellors, and wellness focal persons) compared to NGOs which only offer human resource officers, immediate supervisors and colleagues. None of the companies in the private sector and NGOs have installed specific sexual harassment personnel. Female employees are much more likely to use all reporting channels while males tend to report only to their immediate supervisors and human resource officers.

The main reasons why an overwhelming 80% of the employees who experience workplace sexual harassment do not report attribute the problem to fear of being fired, lack of suitable structures and procedures for reporting, and belief that even if they report, management will most likely not act on any of the cases reported. The issue of inadequate systems for reporting and belief that management will not act on sexual harassment cases is much more acute among NGOs such that, to some extent, a greater number of employees in the NGO sector - 27.7% compared to 13.4% in the private sector - now consider sexual harassment a norm in their workplaces.

### ***E. Drivers of Workplace Sexual Harassment***

Essentially, the study finds three major factors that drive sexual harassment in the workplace: (1) employees in positions of power violating other employees' rights through sex-based discrimination; (2) lack of knowledge on what constitutes sexual harassment such that some employees unknowingly harass others while those who receive the harassment ignore or pardon the inappropriate behaviour; and (3) sexual harassment occurs due to the competition between employees for the limited career opportunities that are available in each company or organisation.

### ***F. The Cost of Sexual Harassment***

On impacts associated with sexual harassment according to the findings, the first wave of impacts is that the victims feel humiliated degraded and threatened, which escalates to extreme stress, depression, and nervousness. Sexual harassment erodes a person's dignity and emotional stability by violating their personal body and right to a safe work environment. Organisations and companies suffer because the employees lose trust in the work environment and people they work with, employees become demotivated which may lead to increased absenteeism and reduced productivity and job effectiveness and satisfaction. Demotivated employees impose penalties on the whole country because companies and organisations become less effective in the production of goods and services thus reducing the country's gross domestic product (GDP). The study finds that the effects of the harassment can be equally damaging to both sexes.

### ***G. Policy and Systems Availability***

The evidence from the study indicates that on average, about 40% of the organisations and companies have a policy on sexual harassment that employees know of. The analysis on the policy and systems availability shows that although companies and organisations do show some willingness to curb/eliminate sexual harassment (59.4% have a zero-tolerance stance, with 90% of employees confident in their right to report), the systems and procedures required to facilitate employee protection, and to sanction perpetrators, are still largely under-developed and non-existent in most companies and organisations. Rather than relying on specific company or organisational frameworks on sexual harassment, both the private sector and NGOs rely on the general code of conduct policies for managing all inappropriate behaviours, including sexual harassment. Employers in the private sector tend to promulgate most of the policy information on sexual harassment through inductions/orientations (55.2%) followed by staff department meetings (39.5%). Similarly, NGOs tend to use the same forums though at a lower rate than the private sector (53.4% and 31.0% respectively). Employees emphasise that in order to combat sexual harassment, companies and organisations need to: establish policy guidelines and code of conduct; strengthen education of staff; establish clear and known systems for reporting; and impose severe penalties for perpetrators.

### **Conclusion**

All in all, the study finds sexual harassment continues to be an ominous challenge in the workplace. While there are a number of policies in place that seek to address the occupational hazard, the country does not have a national policy or legislation specifically addressing or criminalising sexual harassment in the workplace. The reason it continues to be a challenge is that employees and employers have no common understanding and appreciation of the gravity of the issue on the individual employees, companies and society at large. Furthermore, sexual harassment can to a large extent be a subjective problem marred by individual perceptions and attitudes making it a complex social-ill to combat and control. Limited opportunities in the workplace are also a key ingredient fuelling sexual harassment

as individuals use sex-based behaviour to secure their jobs and career advancements. Without a national template/guiding policy such as the SODV Bill 2015 which is yet to be enacted, there is no national robust system for appropriately dealing with issue. Where companies and organisations have made attempts to set up their own policy and systems, they tend to be complicated and inconsistent, with staff having little confidence on the integrity and effectiveness of the systems to achieve the desired outcomes. In Swaziland, combating sexual harassment seems to about instilling a culture of zero-tolerance to deter the negative behaviour before it happens. It is also a question of educating the nation on the subject, and establishing a harmonised system for punishing perpetrators and monitoring behaviours in the workplace.

### **Recommendations**

Based on the findings of the study, the following four action areas arise:

1. enable a conducive environment to guide on practices to curb sexual harassment;
  2. develop national capacities to prevent sexual harassment in the workplace and general society;
  3. advocate for better understanding of sexual harassment and consequences;
  4. and improve reporting and disclosing on sexual harassment.
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# 1. Introduction

In the last decade, the prevalence and impact of sexual harassment in the workplace has garnered serious national and international concern. While some people consider behaviours associated with sexual harassment harmless banter or horseplay, others see it as an egregious violation of their personal bodies and dignity. Globally, workplace sexual harassment is an internationally condemned form of sex discrimination, and a violation of human rights with serious ramifications on workers and organisations (Hersch, 2015). Sexual harassment in the workplace can be physically and psychologically damaging to workers, and can lower workplace productivity and job satisfaction. Yet, in the developing world, sexual harassment is still a taboo, victims prefer to suffer in silence in fear of their harassers (Association of Women for Action and Research (AWARE, 2008). Also, sexual harassment is underreported, which reduces the efficacy of the legislation and workplace policies that attempt to prevent or control it.

Sexual harassment discourse dates back to the 1970s, originating from the works of Catherine MacKinnon in USA who argued sexual harassment as sex discrimination under Title VII of the Civil Rights Act of 1964 (IZA, World of Labour, 2015). Thereafter, sexual harassment has been recognised as an illegal workplace behaviour fuelling governments across the globe to enact legislation in a bid to curb and control it. Today, even though more than 75 countries have enacted legislation to prohibit sexual harassment, studies reveal that it remains a pervasive and underreported issue, making it a difficult challenge to curb and completely eliminate (Hersch, 2015).

A number of international instruments exist to address sexual harassment in the workplace. These include; the International Labour Law Organisation (ILO)'s Employment and Occupation Convention No C111, the Rights of Minority or Indigenous Persons Convention No 169 Article 20, the Beijing Platform of Action para 178, and United Nations Convention on the Elimination of Forms of Discrimination Against Women (UN CEDAW) General Recommendation 19. Furthermore, research continues to find that even though sexual harassment has male victims, it is overwhelmingly directed at women, especially those in less-powerful positions in the labour market.

In sub-Saharan Africa, sexual violence (including harassment) is a growing concern and a major health problem. Sexual harassment is a public-health problem detrimental to women and men's psychosomatic well-being (Berman et al., 2000). According to Gable et al., 2007, sexual harassment contributes to increased HIV risk, particularly among women. The Swaziland National HIV Prevention Policy (2012) confirms that exposure or increased risk at the workplace involving sexual assault such as rape can increase chances of HIV infection. Although, there are some instances of consensual sexual activity in the workplace, the problem is that victims lack the ability to protect themselves from HIV and other infectious diseases because of power imbalances and retaliation threats between employees (Joint United Nations Programme on HIV/AIDS (UNAIDS) and World Health Organisation (WHO), 2005). At times, the inability to negotiate safe sex, the physical injuries that may accompany a sexual assault, and the fear of ostracism may increase chances of HIV infection, especially among women (Gable et al., 2007).

Hence, policies and programmes need to be designed to help curb sexual harassment and its complexities in the workplace. In Swaziland, there is general lack of information and data on workplace sexual harassment despite incessant media reports that suggest that the problem is significant and widespread in the country's workplaces.

Swaziland's Extended National Multisectoral HIV and AIDS Framework (eNSF) (2014-2018) highlights sexual gender based violence (SGBV) as one of the key contributors of new HIV infections. Above all, the eNSF recognises that the high prevalence of HIV/AIDS in Swaziland has a significant toll on businesses both within the workplace and at the market level. At an outcome level, the framework places emphasis on the existence of Peer Educators (Wellness Champions) as influential change agents who have the potential to: increase HIV/AIDS knowledge; turn around perceptions, attitudes and behaviour relating to HIV/AIDS; ensuring that such potential is channelled into implementing comprehensive workplaces wellness programmes. The coordinating umbrella bodies for the public and private sectors - Swaziland Business Coalition on HIV and AIDS (SWABCHA) and Public Sector HIV/AIDS Coordinating Committee (PSHACC), including civil society organisations - have the responsibility to implement the strategic actions identified in the eNSF which calls for the acceleration of high impact HIV prevention and treatment services for all citizens.

Against this backdrop of new HIV infections, and added pressure of HIV/AIDS on the business sector in the country, this research study provides a profile and baseline information on the extent of sexual harassment in the workplace. The goal is to establish suitable interventions (policies, systems and behaviours) to facilitate protection, reporting, and mitigation against all forms of workplace sexual harassment. Hence, drawing from SWABCHA's mandate to establish workplace wellness programmes in the private sector, the report provides an assessment of the prevailing trends, as well as the cultural impediments that constitute sexual harassment in the private and public sector workplace. Objectively, the study assesses the magnitude of sexual harassment in the public and private sectors, including civil society organisations; establishes benchmark indicators to inform programming interventions aimed at eliminating sexual harassment and promoting sexual autonomy and bodily integrity in the workplace.

### **1.1. Defining Sexual Harassment**

There is no one clear-cut definition of sexual harassment: various definitions exist depending on the specific behaviour and the circumstances in which it occurs (Bimrose, 2004). However, there are two main approaches used to define sexual harassment in the workplace: one from a legal perspective and the other from a social-psychological point of view (Cortina and Berdahl, 2008). The legal definition follows the 1970s US court judgement under the Civil Rights Act stipulating that the loss or denial of a job-related benefit for refusal to cooperate sexually is illegal sex discrimination (Farley, 1978; MacKinnon, 1979). The definition further expanded in the 1980s to include hostile environment harassment due to unwanted sexual attention and requests that may result in the loss or denial of a job-related benefit (Cortina and Berdahl, 2008). In contrast, the social-psychological definitions tend to be broader and do not require a negative work outcome. Instead, the social-psychological definitions focus on the perpetrator's specific behaviours in relation to the victim's subjective experience of those behaviours (Fitzgerald et al., 1997). From this perspective, Till (1980) developed five (5) descriptive anecdotes to classify sexual harassment conduct;

- generalised sexist remarks or behaviour;
- inappropriate and offensive (but essentially sanction-free) sexual advances;
- solicitation of sexual activity or other sex-linked behaviour by promise of rewards;
- coercion of sexual activity by threat of punishments;
- and sexual assault.

Taking a leaf from the legal and social-psychological perspectives, the International Labour Organisation defines it as sex-based behaviour (verbal or physical) that is unwelcome to the recipient, thereby creating a discriminatory and offensive environment (ILO, 2005). It is a

health and safety occupational hazard experienced in workplaces across the world, leading to poor quality work life, reduced well-being of both women and men, and significant costs to organisations and firms (United Nations, 1981). ILO also emphasises sexual harassment as a form of violence especially against women (United Nations, 1981). Fundamentally, workplace sexual harassment is a barrier to Sustainable Development Goal (SDG) 8 of promoting decent working conditions for all workers. According to ILO, workplace covers any location under the direct or indirect control of the employer that an employee needs to be present at or go to in order to carry out work. It can be the office and other locations where the job responsibilities are undertaken, such as offices of clients, destinations of business trips, venues of business lunch/dinner, business branches, homes of clients, as well as work excursions, social activities, and staff gatherings after work organised by the company.

ILO's Declaration on Fundamental Principles and Rights at Work (2010) explains two conditions that need to be met for sexual harassment to exist:

- Quid Pro Quo, describes a job benefit such as a pay rise, a promotion, or even continued employment made on condition that the victim agrees/succumbs to demands to engage in some form of sexual behaviour; or
- Hostile Working Environment, in which the sex-based conduct creates conditions that are intimidating, humiliating and violating to the victim.

Workplace sexual harassment can manifest itself in a variety of forms. It can include both physical violence and subtler forms of violence such as coercion or creation of a hostile or unpleasant environment stemming from glances and rude jokes, to demeaning comments based on gender stereotypes, to sexual assaults, among other acts of physical violence. Just as well as it can take different forms in a variety of work settings, sexual harassment can be perpetrated by different people such as managers, potential employers, colleagues, clients, patients, and customers (Trade Union Congress (TUC), 2016). Table 1.1.1 below provides examples of the different behaviours that qualify as sexual harassment.

**Table 1.1.1. Behaviours Associated with Workplace Sexual Harassment**

<b>VERBAL FORM</b>	<b>NON-VERBAL FORM</b>	<b>PHYSICAL FORM</b>
Unwanted pressure for sexual favours/ job related threats or rewards to solicit sexual favours	Unwanted sexual looks or gestures	Unnecessary physical contact
Teasing, jokes, remarks or questions of a sexual nature	Whistling at someone	Unwanted deliberate touching, grabbing or pinching
Comments and questions about appearance, lifestyle, sexual orientation, social or sex life	Displaying/sharing sexually explicit material via text messages, emails or social media	Unwelcome hugging, kissing, patting or stroking
Sexual comments about a person's looks or clothing	Hanging up posters/calendars with sexual content	Unwanted leaning over or cornering
Inappropriate invitations to go out on dates	Sexually suggestive gestures	Forced sexual intercourse: Actual or attempted rape or sexual assault
Intentional hearsay of a sexual nature		
Requests for sexual intercourse		
Offensive phone calls		

Source: Adapted from Nordic Union HRCT Report on Sexual Harassment

Table 1.1.1 demonstrates that sexual harassment in the workplace covers a wide spectrum of behaviour. Rubenstein (1992) noted that sexual harassment is a subjective concept susceptible to objective limitations. The variety of behaviour designated as sexual harassment ranges from the most repugnant misconduct prohibited by law (such as rape and sexual assault), to conduct which sometimes can be part of innocent day-to-day interactions (such as comments, jokes and patting). Indeed, some of these behaviours are inherently offensive while others, depending on the circumstances, may be considered harmless and tolerable. The difficult and futile part of managing sexual harassment, as Rubenstein (1992) explained, is drawing up a comprehensive list of all the behaviours to be considered sexual harassment since these may vary among different cultures and workplace settings. Therefore, defining sexual harassment as conduct that is *unwelcome to the recipient* allows a distinction to be made between inoffensive and unacceptable behaviour depending on the context in which it takes place. The “unwelcomeness” of the behaviour becomes the standard criterion for differentiating between consensual sexual behaviour against outright workplace mistreatment. Harassment that is inherently offensive in nature, such as physical violence and rape, is usually banned outright and associated with severe penalties. In such cases, the victim is not required to demonstrate that the behaviour is unwelcome because there is no question/doubt that the behaviour essentially exhibits sexual harassment.

Day-to-day behaviours that are inherently innocent may require exercising standards of reasonableness by the recipient to judge whether the behaviour is offensive or not. Some behaviours may be close to impossible for alleged harassers to imagine constituting sexual harassment. It is these cases that require the recipient to exercise elements of judgement according to standards of reasonableness within the work setting in which the alleged sexual harassment occurs. Hersch (2015) cautions that when identifying sexual harassment behaviours, care should be exercised to avoid defining it so broadly to a level that causes work relations to disintegrate due to co-workers fearing being accused of sexual harassment behaviour intended as collegial or friendly. It is precisely for these subjective reasons that sexual harassment remains a sensitive but also relevant issue in the workplace. Though there is no single definition on what constitutes sexual harassment, the important focus is the fact that it is unwelcome and unwanted behaviour by the victim, and a form of violence against those who experience it, resulting in an intimidating and hostile working environment (Johan, 2013; Hutagalung and Ishak, 2012). Equally, sexual harassment excludes mutual attractions constituting of behaviours welcomed by those who are engaged in it, usually in a friendly and private/personal setting.

## **1.2. Drivers of Workplace Sexual Harassment**

According to the United States National Sexual Violence Resource Centre (NSVSC), sexual violence is a societal issue that requires systemic change (2013). Essentially, social violence does not occur in a vacuum. It is influenced by larger social systems, including the workplace, which create opportunities or barriers that can lead to the exploitation of people based on their social standing in the work environment. Sexual harassment is a problem that crosses all socio-economic lines rooted in various oppressions such as racism, sexism, classism, heterosexism, ableism, and ageism, which all create barriers that can be abused by perpetrators of sexual violence (NSVSC, 2013). MacKinnon (1979) puts forward that feminist scholarship on the issue positions sexual harassment within broader patterns of discrimination, power, and privilege that link harassment to sex-based inequality. To explain the extent of sexual harassment in the workplace in Swaziland, theories on why it occurs provide frameworks for addressing endemic/systemic behaviour that fosters sexual harassment in work spaces in the country. A decade of research review on sexual harassment in organisations proposes four (4) fundamental theories that explain why it occurs;

- I. The NATURE perspective explains it as a result of biological sex differences (Studd and Gattiker, 1991);
- II. The NURTURE perspective explains it as a consequence of socialised sex roles and stereotypes (Gutek and Morasch, 1982);
- III. The POWER perspective explains it as a result of differences in power between individuals and the social systems in which they coexist (MacKinnon, 1979);
- IV. The NURTURE and POWER perspective explains it as a mechanism for protecting valued social identities (Berdahl et al., 1996).

In view of the nature perspective, Studd and Gattiker (1991) make the assertion that sexual harassment is an unavoidable natural social ill that comes about as a result of biological sexual urges. Sexual harassment in this sense is a natural extension of the male selection evolution theory (Tangri and Hayes, 1997). The underlying driver is that male perpetrators harass female victims based on the gender differences in sexual drive, and function between the two sexes (Studd and Gattiker, 1991). However, scholars reject this theory, arguing that linking sexual harassment with libido/sexual drive lays the foundation for excusing, accepting and forgiving male violence against women (Segrave, 1994).

The nurture perspective underpins sexual harassment as a function of sex roles and stereotypes. Gutek and Morasch (1982) suggest that socialised roles of men as agents and women as sexual objects drive sexual harassment behaviour. Cognitive biases or misogynistic attitudes play an important role in driving this behaviour such that in organisations where the ratio of men-to-women is highly skewed, these sex roles and stereotypes become confounded with the job. It plays out as ambivalent sexism, according to Fiske and Glick (1995), whereby sexual harassers are motivated by sex roles and sexist hostility. Hence, sexual harassment becomes a subconscious instrument for maintaining gender stratification based on sex role expectations (Tangri and Hayes, 1997).

Power is a key element interlaced in the nature and nurture perspectives resulting in the power perspective that explains the motives behind sexual harassment. Sexual harassment is indivisibly linked with power. It usually involves abusing a position of power, and studies find that perpetrators of sexual harassment tend to be in a position of power over the target of the harassment (TUC, 2016). O'Connell and Korabik (2000) also observed that increased sexual harassment can also indirectly occur through an organisation's culture or societal norms which tend to dictate the distribution of power. Primarily, the power complex that drives sexual harassment in the workplace comes from power inequality that enables harassers to sexually coerce and objectify those who hold lesser power than they do. In fact, power inequality facilitates sexual harassment as the latter reinforces the former (MacKinnon, 1979; Farley 1978). The argument is that harassers (assumed to be in some position of power) impose their sexual will on victims as explained in quid pro quo sexual harassment instances.

Overall, the combination of the nurture and power dynamics drive the nurture and power perspectives where prescriptive stereotypes on how men and women should differ, rather than how they do differ, become the central issue. This viewpoint on causes of sexual harassment explains it as a mechanism for punishing those who threaten a harasser's gender identity and the benefits derived from it (Berdahl, 2007b). Berdahl (2007b) argues that a system of gender hierarchy exists, in which sexual harassment becomes a vehicle for the harasser to protect or enhance his or her sex-based social status within the system. The gender based social-status hierarchy often explains why perpetrators of sexual harassment are more likely to be men than women, because in a largely patriarchal society, men have more to gain from protecting their sex-based status. Similarly, Connell's theory (1987) of

hegemonic masculinity provides a sociological lens to view the interplay between harassment, gender, and power as something that is driven by how society gives special privileges to a single normative ideal of male behaviour. In simple terms, West and Zimmerman (1987) explain sexual harassment as a tool to police appropriate ways of “doing gender” in the workplace and to penalise those who do not conform to the stereotypes or societal norms. For instance, some men may be vulnerable to harassment if they are perceived as feminine or resembling women’s qualities. In the same light, women who perform gender in a stereotypically masculine fashion are more likely to experience harassment (Berdahl, 2007b).

Beyond the power, authority, sex, and gender dynamics, workforce demography also contributes to workplace sexual harassment. The reality is that sexual harassment happens across a diverse range of job settings but the evidence also suggests that it is more common in male-dominated workplaces (TUC, 2016; Stainback, Ratliff, and Roscigno, 2011; Uggen and Blackstone, 2004).

### **1.3. Victims and Perpetrators**

As an occupational hazard, sexual harassment affects people regardless of their age, relationship, ability, physical appearance, background or professional status (Bragason, 2016). Research by the ILO indicates that even though most victims of sexual harassment tend to be women, there is also a growing number and awareness of males victimised in a similar way (2005). Bragason (2016) emphasises the point that sexual harassment does not affect women alone: men too can be victims but women are more vulnerable due to their position in the labour market. Furthermore, there is no single mould of a sexual harassment perpetrator: managers/supervisors, co-workers, customers, suppliers, etc., can all be perpetrators. Moreover, the perpetrator can also be of the same sex as the victim. Basically, everyone and anyone can be a victim or a perpetrator of sexual harassment.

ILO findings point out that financially dependent workers face the highest risk of sexual harassment. Young workers, especially women, tend to be the common targets while single, separated, widowed, and divorced employees also face disproportionately higher incidences of sexual harassment (TUC, 2016; ILO, 2005). The reason young workers are prone to sexual harassment is because they are more likely to be in casual, temporary and lower/entry level positions which puts them in a precarious position for challenging sexual harassment in their work settings (TUC, 2016). The ILO also finds that for those women working in non-traditional jobs, in predominantly male environments littered with male supervisors, they are more likely to be subjects of sexual harassment. Likewise, young men, and gay men, working in female-dominated occupations are more vulnerable to be subjects of sexual harassment. In Swaziland, results of the 2016 HIV Incidence Measurement Survey 2 indicate that even though overall new HIV cases are declining, young women aged 20-24 are at least five (5) times more likely to contract the disease than their male counterparts owing to high levels of sexual violence, widespread poverty and patriarchal norms.

Other scholarly evidence confirms the high prevalence and typical cases of sexual harassment in the workplace. Research from the Netherlands reveals that the number of employees who suffer sexual harassment by fellow employees doubled from 2.5% in 2000 to 5.3% in 2003. In Greece, according to a 2004 survey, 62.2% of women left their jobs within six months of suffering sexual harassment, while a 2004 report issued in Italy states that 55.6% of women subjected to sexual intimidation resigned from their jobs. A 2008 survey conducted by the Association of Women and Research (AWARE) in Singapore revealed that the industries associated with high levels of sexual harassment incidents include business, trade, banking and finance, hospitality, civil service, education, lecturing and teaching.

According to a recent study of 2,235 full time and part time employees conducted by Survey Monkey in 2015, one in three women between the ages of 18-34 has been sexually harassed at work. Out of the women who indicate to have experienced workplace sexual harassment, only 29% report the issue against 71% who do not. Literature on workplace sexual harassment suggests that the food and service industry accounts for the most numbers of reported cases.

To develop effective policies to curb sexual harassment in the workplace, information on whether it reflects individual behaviour or unique organisational characteristics is vital. While it can be a complex and subjective issue in the workplace, findings of this study determine the likely perpetrators and victims, including individual and organisational behaviour that fuels sexual harassment in the public and private sector workplace in Swaziland.

**Table 1.4.1 The Cost of Workplace Sexual Harassment**

Societal	Organisational	Individual
Gender Inequality	Absenteeism and sickness	Poor physical and mental health – may lead to substance abuse or suicide
Wage Gap	High rate of staff turnover and no applicants to fill vacant positions	Stress and depression
Healthcare, criminal justice, education and welfare costs	Low enterprise productivity due to impaired judgement, compromised teamwork, and de-motivation	Low self-esteem and reduced motivation
Less attractive employment industries	Reduced profits	Embarrassment and shame
Lower Gross Domestic Product (GDP)	Low morale and motivation	Isolation and deterioration of work relationships
Lower Economic Growth	Compensation and legal costs	Annoyance and anger
	Loss of goodwill and reputation	Low work satisfaction: may give up career opportunities, quit employment
	Progress and innovation hindered when environment is deficient in trust and team spirit	Family issues and interruption in personal life
		Income losses

Source: Bragason (2016) and ILO (2005)

#### **1.4. The Cost of Workplace Sexual Harassment**

Workplace sexual harassment can impose penalties on the society as a whole, the individual organisations, and the victims. Victims suffer a wide range of negative outcomes such as lower job satisfaction, worse psychological and physical health, higher absenteeism, less commitment to organisation and lower earnings (Hersch, 2015). At the same time, the impact of sexual harassment on victims is not homogenous, so different people are affected in different ways but its gravity on a person's employment can have profound effects regardless of when or where the incident occurred (NSVRC, 2013). Organisations, on the other hand, lose in terms of an overall less productive environment due to increased turnover and absenteeism, lower individual and group productivity, and cost of managerial

time to investigate complaints, legal expenses and pay-out damages to victims (Hersch, 2015). Table 1.4.1 below provides a summary of the costs to society, organisations and victims as a result of workplace sexual harassment.

### **1.5. Combating Workplace Sexual Harassment**

A healthy workplace is an important ingredient for fostering social, economic, and professional growth opportunities for both employees and employers. Depending on each country, sexual harassment tends to be managed/controlled through a range of legal instruments such as: employment discrimination on the basis of sex; labour law protections against unfair dismissal; human rights law; health and safety laws requiring the provision of a safe working environment; and sexual assault criminal law, among other legal instruments (European Commission, Directorate-General for Employment, Industrial Relations, and Social Affairs, 1998). However, the main problem with such legal tools is that they depend on the reporting aspect of sexual harassment by the victims and others affected by the behaviour. The threat of legal action appears to work to reinforce organisational incentives to eliminate workplace sexual harassment even if the probability of actual litigation/prosecution may be quite low (Hersch, 2011).

Cortina and Berdahl (2008), in their discussion on how organisations can eliminate sexual harassment, reveal that grievance mechanisms have limited effectiveness and efficiency because they attempt to correct harassment by rooting out, and punishing individual harassers using formal complaints systems that place the burden of managing misbehaviour on the individual victims. To address the problem of solely relying on victim complaints, Bowes-Sperry and O’Leary-Kelly (2005) propose a novel approach to managing sexual harassment known as the bystander intervention. This new approach encourages employees who witness harassment of co-workers to intervene and redirect the harasser, to remove the victim, or to otherwise interrupt the situation. The bystanders or witnesses can be roped in to provide a support system to the victim, by boosting the victim’s resources, and providing a sense of clarity and control. The key is that organisations have a duty not only to train employees on how to respond to personal experiences of sexual harassment, but also how to respond when they witness the harassment of other co-workers.

Other important sexual harassment interventions in the workplace focus on capitalising on broader organisational initiatives to establish a civil and respectful workplace. These include modelling appropriate, respectful workplace behaviour by senior management, developing and clearly stating expectations of civility through mission statements, policy manuals, and other staff engagement forums (Pearson and Porath, 2004). The basis of these types of interventions is to promulgate consistent anti-harassment messages from organisational leaders through extensively written and verbal communication that defines the stance of the organisation on sexual harassment and the consequences thereof (Buchanan, Settles, Hall and O’Connor, 2014). Taking advantage of the broader programmes that promote civility in each organisation engages wider audiences, is inclusive of all employees, including both males and females, and avoids the opposition encountered by interventions that exclusively target sexual harassment (Cortina, 2008). These broader programmes also highlight the connection between sexual harassment and other forms of workplace aggravation such as bullying and intimidation. On top of that, the sexual prevention strategies should go beyond the stereotyping of sexual harassment as a “male boss and powerless/submissive female” behaviour in order to reflect the true diversity of sexual harassment in the workplace (Bragason, 2016).

What is clear from the literature is that it is the organisation’s tolerance of sexual harassment that is most key on tipping the scale on whether it occurs in the workplace. Organisations that provide training and emphasise prevention by issuing strong policy statements of zero



tolerance of sexual harassment, on top of providing mechanisms for complaints that offer protection against retaliation, tend to fare better in combating workplace sexual harassment. A more radical approach to the issue calls for structural changes in the labour market, a “well-integrated, structurally egalitarian workplace” simply put by Schultz (2003). It means balancing the scales between males and females in organisations by deliberately employing more women, promoting and integrating more women into every level and decision making of each organisation. Based on the arguments made by the different scholars on what causes and drives sexual harassment in the workplace, this study provides a profile of sexual harassment in the public and private sector workplace in Swaziland, and makes recommendations on the unique policies, strategies and programmes that can foster organisational climates in which sexual harassment is not tolerated.

Swaziland adopted the ILO Code of Practice which has some implications on preventing workplace sexual harassment. The country also has a draft Sexual Offences and Domestic Violence Bill criminalising rape and other sexual assaults. However, though the Bill passed in parliament in 2013 it is yet to be enacted. As it stands, Swaziland has no national policy or legislation on sexual harassment except for individual organisational or company policies to protect employees. Even though workplace rape victims are protected by the Criminal Act, this law has gaps as it shifts the burden of proof to the victim, and as a result, government seldom punishes perpetrators of abuse, and penalties seldom match the sexual assault crime (Swaziland Human Rights Report, 2010). Despite these flaws, Swaziland has also in place the Employment Act of 1980 protecting an employee who resigns from employment on the grounds of a hostile environment due to the conduct of the employer/co-worker towards the employee such that he/she can no longer reasonably be expected to continue with his/her employment.

The SADC Secretariat Workplace Gender Policy (2007) states that any form of sexual harassment is discriminatory and a gross violation of the rights of the individual. It further focuses on prevention of sexual harassment through targeted action, including routine public staff awareness activities. The policy also calls for focus on prevention of sexual harassment through targeted action, including public staff awareness. It stipulates that this corporate sexual harassment policy shall be well disseminated and steps taken to create a conducive environment for women and men to report incidences of sexual harassment. The SADC Gender and Development Protocol calls upon state parties to ensure that by 2015 they enact legislative provisions, adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators.

Findings of this study can inform the priorities and the types of programmes that SWABCHA, PSHACC, and other Civil Society Organisations need to adopt and implement for strategic and effective actions in preventing/curbing workplace sexual harassment in the country.

## 2. Research Methods

### 2.1. Study Design

This baseline study uses both qualitative and quantitative methods to determine the extent of sexual harassment in the public and private sector workplace in Swaziland. The study adopted such approaches to ensure in-depth understanding of the magnitude of workplace sexual harassment. Consistent with the principles of this baseline study, the approach used for data collection was mainly participatory and the study engaged with participants at workplace level.

**Quantitative method:** The research team designed a questionnaire based on the objectives of the baseline survey and closed-ended and open-ended questions were integrated in the questionnaire structure, see Appendix 1. Questionnaires were either self-administered or trained enumerators interviewed participants in their places of work.

**Qualitative method:** The study conducted Focus Group Discussions (FGDs) and in-depth interviews with key informants to understand the reasons why sexual harassment is experienced by workers in Swaziland. Structured Interview Guides (see Appendix 2 and 3) were used for collecting data from target groups and key informants. For purposes of this study, the discussion interviews were conducted and recorded by trained researchers using tape recorders.

### 2.2. Sampling

The study randomly selected participants across the various departments of each company/organising selecting employees, human resource personnel and trade union leaders in the private sector, public sector, and NGOs. The requirement was for the participants to meet one of the following criteria: employee in a certain industry/sector; 19-60 years of age; both unionised and non-unionised employees; employers in certain industry/sector; being a leader of a trade union or federation; being some human resource personnel in a company or Government/NGO.

The study used a stratified random sampling procedure whereby each employment sector of the economy was to be used as strata. This ensured that every workplace is represented in the study. Employees that participated in the study were randomly selected, in accordance with the study criteria. The stratified sampling is depicted on the table below:

**Table 2.2.1: Strata of Sampled Used for Data Collection**

Strata/ Sectors	Number of Organisations	Number sampled per stratum
Banking and Financial	4	98
Agriculture and Forestry	3	185
Textile and Apparel	1	31
Manufacturing	3	65
Retail and wholesale	3	40
Construction and mining	1	28
Service Industry	5	151
Hospitality	2	20
Education and Training	1	2
ICT	1	16
NGOs	7	120
Worker's Unions	9	51
<b>Total</b>	<b>40</b>	<b>807</b>

Source: FSE &CC Directory

The study randomly selected private sector companies, public sector ministries, and NGOs according to strata (i.e. health focused, agricultural, business, etc.) so as to ensure fair representation across types of organisations and companies. Companies/organisations that refused to participate were replaced with other similar companies within the same strata.

**Quantitative data:** The sample for the quantitative data was randomly drawn across four socio-economic levels, distributed across all regions of Swaziland, namely Manzini, Shiselweni, Lubombo, and Hhohho. For purposes of representation, all regions were visited to collect data. Employees of all ages were randomly selected from private, public sector and NGOs that fell within the different socio-economic levels. A total of 700 employees within the 34 (both private and public) organisations participated. Data was collected using a questionnaire for individual participants.

**Qualitative data:** The study undertook both FGDs with employees and key informants with managers, human resource personnel, church leaders, and trade union leaders. The sample for the qualitative study was randomly drawn within organisations across four administrative regions of Swaziland (Manzini, Shiselweni, Lubombo, and Hhohho) and all sectors. A total of 7 FGDs with a total of 83 participants (43 females and 40 males) were conducted, with each group comprising between 8 to 15 participants. A total of 24 (17 females and 7 males) key informants across the sectors were interviewed.

### **2.3. Data Collection**

The baseline survey was conducted in all the four administrative regions of the country; Hhohho, Manzini, Lubombo and Shiselweni. Data was collected from primary sources, that is, employees and human resource officers from the private sector, public sector and NGOs. The data was collected in September 2016 whereby the team physically visited the various sampled workplaces.

A team of 10 data collectors/enumerators were engaged for the data collection period of 21 days in September 2016. The selection of the data collectors was done on the basis of their level of education and experience in dealing with sensitive subjects such as sexual harassment. Enumerators were also trained psychologists, which was a plus given the sensitive nature of the topic under research. They were recruited for the purposes of data collection and providing post counselling for respondents who may need it and make referrals where necessary. A two-day training workshop for enumerators was held so as to familiarise them with the study as well the research ethics, including the importance of confidentiality, provision of informed consent to participants and voluntary participation. They were also trained on the research instruments and pre-testing was done.

During the data collection phase, the research team at all stages gave the employees an opportunity to freely express themselves on activity issues of sexual harassment at work and any other GBV related issues happening at the workplace. Whilst a majority of the employees completed individual questionnaires under the supervision of enumerators/data collectors, the consultant also randomly facilitated FGDs whereby some of the employees participated.

Key informant interviews (KII) with key actors engaged in SGBV and sexual harassment in Swaziland were also done (Appendix 2). There were also consultations with other public and private sector key informants, policy makers, human resources principals, associations and federations of employers, trade unions representatives, and arbitration commissions on sexual harassment and its implication to HIV and GBV at the workplace. This information has been augmented with a complemented desk review on sexual harassment and reports produced by the UN, Government and other civil society actors.

## **2.4. Data Analysis**

Content analysis where responses were categorised according to the thematic areas outlined in the Survey Questionnaire, Key Informant Guide and Focus Group Discussion Guide were conducted.

For the quantitative data, the study uses SPSS 21 to generate descriptive frequency statistics such as means and percentages to summarise the key thematic areas. This mainly includes average percentages or summaries of possible events drawn from the filled questionnaires. The results are presented in graphical format.

Qualitative data from the FDGs' responses are captured verbatim and in some instances the most occurring answers were chosen to represent the particular group.

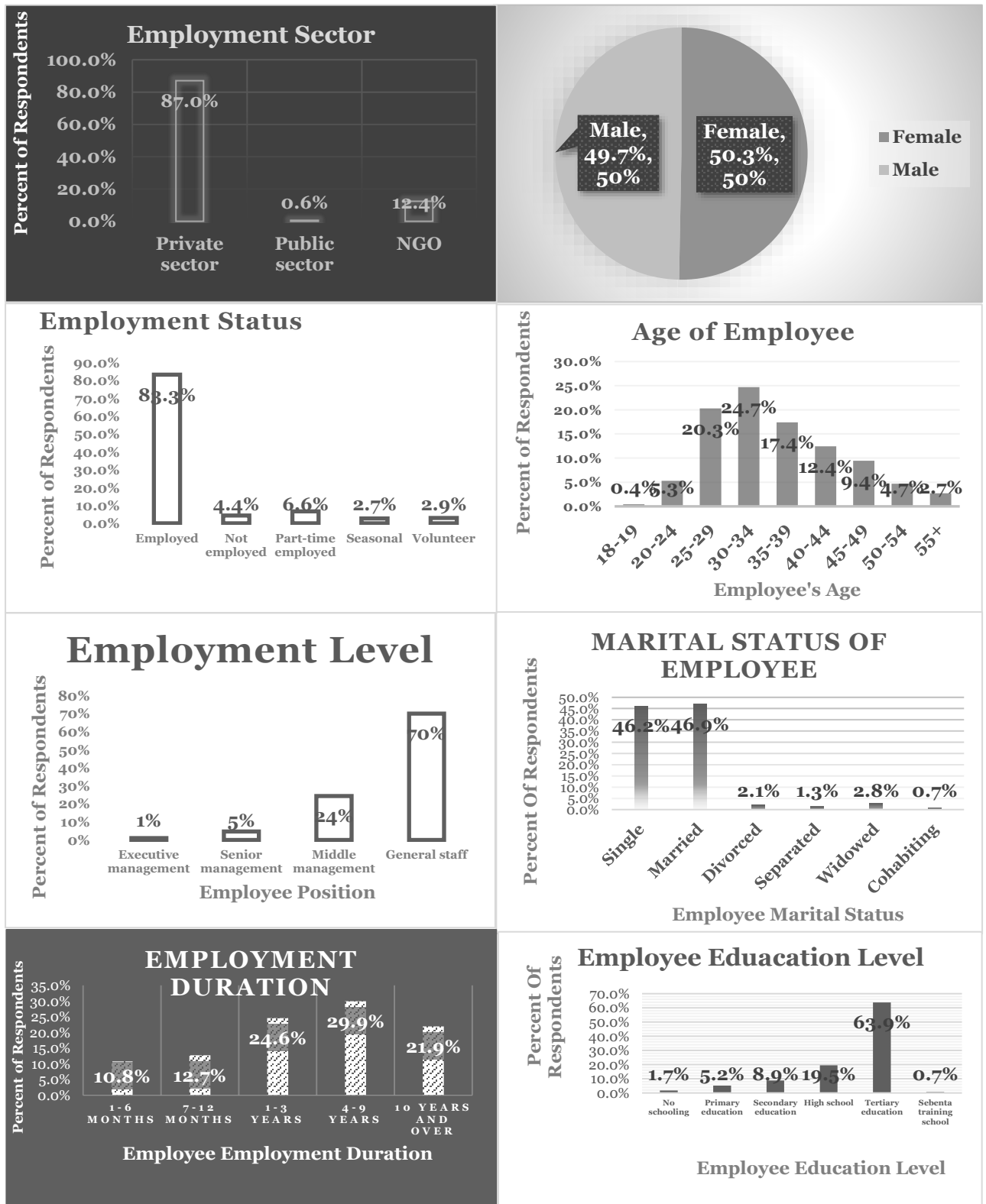
## **2.5. Limitations of the Study**

Various limitations of the study must be considered when evaluating the results and their generalisability.

- The target sample for this study was 1,000 respondents (500 from the private sector and NGOs, and 500 from the public sector) but only 809 were reached because of limited participation by the public sector. In fact, the public sector was only represented by respondents from workers' unions/associations so the analysis and inferences on sexual harassment in the public sector are limited.
- The focus of the study is the private sector and NGOs because of time and limited resources, the study was unable to get fair representation from the public sector. However, some of the FDGs from the public sector are included in some parts of the study that cut across the three sectors of employment.
- The sensitivity of the subject made people uncomfortable with participating in the study hence the return rate of questionnaires was low in some companies and organisations. Therefore, because the return rate among the working adult sample was less than 100%, the people who responded may have different views – perhaps stronger views – about sexual harassment than those who did not respond.
- The self-administration of the survey questionnaire resulted in some respondents not completing some of the questions.
- Though the study discusses the costs of sexual harassment in the workplace, it does not attach a monetary value to the costs discussed.

### 3. Respondent Demographics

Figure 3.1 Summary of Respondent Demographics



Source: Author's Own Representation of Survey Data

Figure 3.1 above provides a summary of the research participants involved in the study. It describes the type of employment sectors examined as well as the employee representatives interviewed for the purposes of benchmarking sexual harassment in the workplace. In administering the survey questionnaire, 87% of the responses represent the private sector whilst 12.4% represent the NGO sector. As discussed in the limitations section under the methodology, the study focuses on the private sector and NGOs, hence it administered a bulk of the questionnaires in these two sectors whereas the public sector gets some representation through the FDGs and KII. The questionnaire forms the instrument for benchmarking workplace sexual harassment, while the FDGs and the KII provide in-depth or supplementary information on the trends observed through the questionnaire.

In terms of the employee demographics, the study interviewed roughly an equal number of males and females, 49.7% and 50.3%, respectively. The sex ratio between males and females in Swaziland is 47.3%: 52.7%, that is, the number of males per 100 females is 90 (Swaziland Population and Housing Census, 2007). Employee age groups consisted of 19-60 year olds with most of the respondents (74.4%) aged between 25 to 44 years. The structure of the respondent age groups corresponds with the fact that Swaziland is a young population (Swaziland Population and Housing Census, 2007) with older people more likely to hold senior/executive positions in the workplace. About 70% of the respondents represent general staff while 24% represent middle management. Senior managers constitute 5% of the respondents, and 1% represent executive managers such as the Chief Executive Officers (CEOs). On top of being a generally young sample, there is about an equal number of single (46.2%) and married (46.9%) employees while the rest of the sample employees were either divorced (2.1%), separated (1.3%), widowed (2.8%), or cohabitating (0.7%).

In a typical company, the majority of employees will be general staff with the number decreasing at higher levels of the organisation. The respondents represent this fact, as 83.3% of the employees interviewed are in permanent employment, 6.6% in part-time employment, 2.7% classified as seasonal employees, and 2.9% working as volunteers. A total of 4.4% of the respondents are former employees of the companies surveyed for the purposes of the study. Of the employed respondents, 29.9% have worked for their respective companies for 4-9 years, and 21.9% for more than 10 years, making more than half of the respondents experienced employees who are more likely to be knowledgeable about the organisational culture and extent of sexual harassment in their companies. For the less experienced/new employees, 23.5% of the respondents have been in employment with the companies for less than a period of 1 year.

Finally, the respondent demographics as illustrated in Figure 3.1 above indicate that 63.9% of the employees have a tertiary education, and 19.5% have a high school education. Therefore, 83.4% of the respondents have an education/literacy level that is of a dependable standard to engage with the questionnaire as well as the subtleties of sexual harassment in the workplace. However, not everyone employed has completed high school or even tertiary education, hence the views on all levels of employment and backgrounds are important in understanding the dynamics of workplace sexual harassment in Swaziland.

## 4. Findings on Workplace Sexual Harassment in Swaziland

### 4.1. Knowledge on Workplace Sexual Harassment

Recall that the International Labour Organisation (ILO) defines sexual harassment as sex-based discrimination that constitutes sexual behaviour that is unwelcome to the recipient. The behaviour can either be physical, verbal or non-verbal.

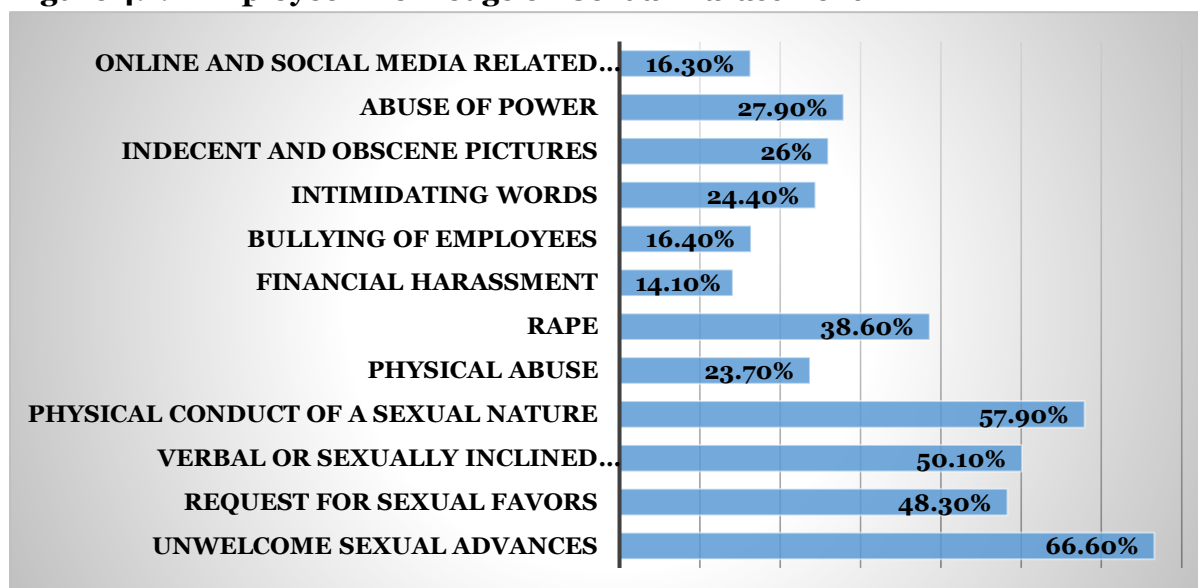
The results as depicted in Figure 4.1.1 below show that knowledge on sexual harassment is very low among workers, particularly about its different types or components. A greater number of employees can easily identify physical and verbal behaviour as sexual harassment, such as unwelcome sexual advances (66.6%), physical conduct of a sexual nature (57.9%), verbal or sexually inclined compliments (50.1%) and requests for sexual favours (48.3%). The reason a greater number of employees can recognise these behaviours as sexual harassment is because they can see and feel the actions of the perpetrator as well as hear the words that are sexually inclined which are an immediate violation of the victim's personal body and dignity. Workers can also easily identify quid pro quo situations where the perpetrator requests sexual favours from the victim in promise of a job benefit such as a pay rise, promotion or other job related benefits.

What is not so clear to most workers is the hostile environment that arises from sexual harassment behaviour where the victim becomes subject to an intimidating and humiliating work environment. Less than 30% of the sampled employees are able to identify intimidating words (24.4%), bullying (16.4%), abuse of power (27.9%), and financial harassment (14.1%) as being connected to sexual harassment (see Figure 4.1.1 below). When a victim refuses to succumb to sexual requests or accept behaviour that is sexually suggestive, the resulting work environment between the perpetrator and the victim may escalate beyond sexual harassment to intimidation and retaliation, which may include bullying of the employee and financially frustrating the victim. Therefore, it is difficult for some employees to make these connections because the hostility against the victim manifests itself through a variety of activities in the workplace that the victim may not always be aware of. Some victims may end up losing their jobs, missing out on promotions and other job opportunities based on an initial sexual harassment incident.

Furthermore, employees also have a challenge classifying some of the non-verbal behaviours such as display of sexually explicit materials in the workplace, and through online social media as a violation of their rights with regards to a safe working environment free of sexual harassment. Indeed, only 16.3% of the sampled employees isolate online and social media related harassment as a form of sexual harassment, and only 26% of the employees consider display of indecent and obscene pictures as sexual harassment behaviour.

Certainly, knowledge on sexual harassment is also related to the prevalence and personal experiences of some of these behaviours in the workplace. Indirectly, the knowledge on the behaviours is also a barometer for the most common types of sexually harassing behaviours that employees are likely to encounter in the workplace. The results suggest that in most cases, workplace sexual harassment constitutes unwelcome sexual advances such as sexually suggestive gestures, physical conduct of a sexual nature like inappropriate touching and grabbing, sexually driven verbal compliments/comments, and requests for sexual favours. Generally, if the behaviour is not directly invasive to the person's body or verbally derogating to the person, employees tend to ignore, pardon, or dismiss all other behaviour as not sexual harassment.

**Figure 4.1.1 Employee Knowledge on Sexual Harassment**



Source: Author's Own Representation using Survey Data

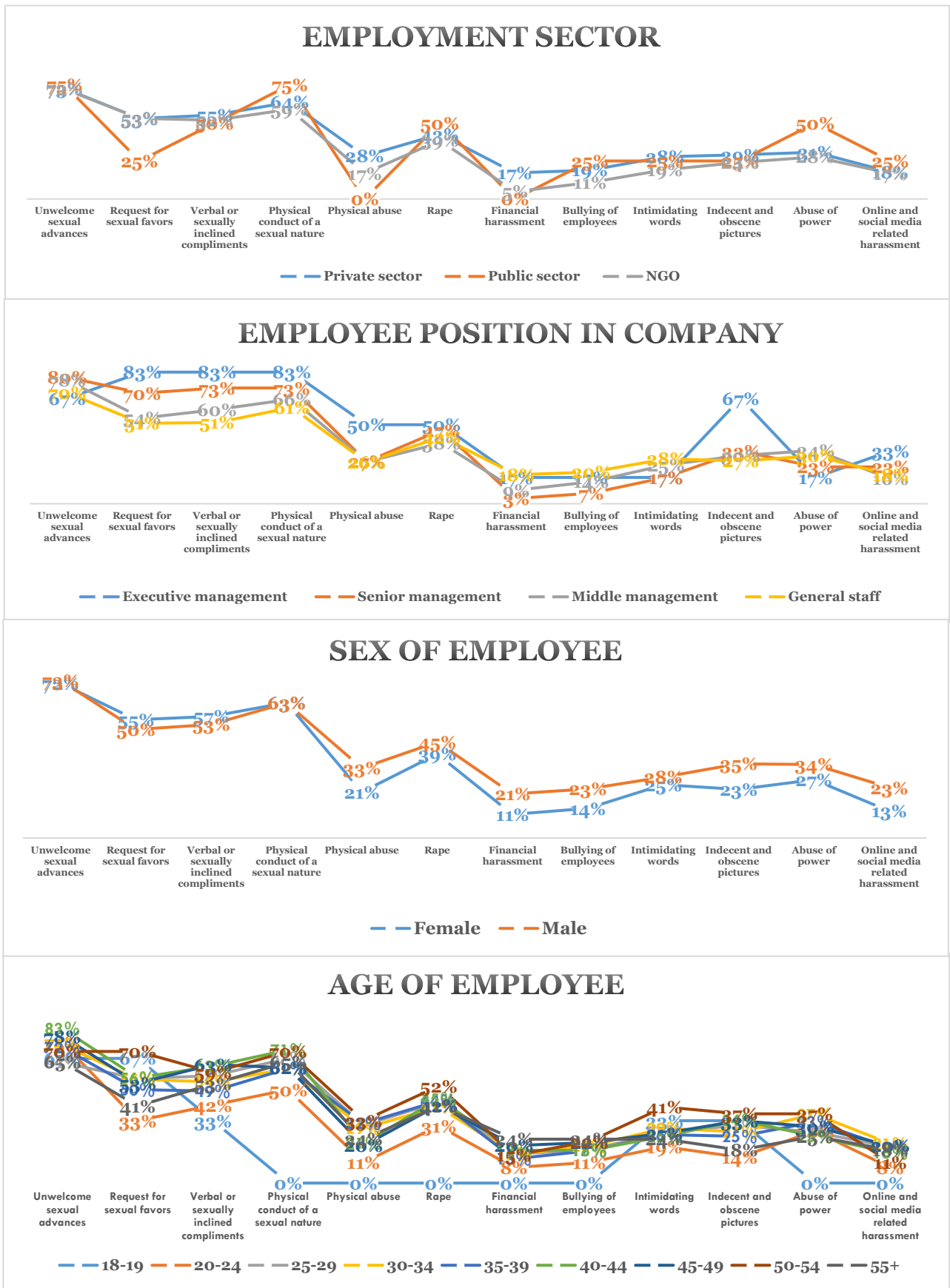
Notes: The Figure provides an assessment of workers' knowledge on the different behaviours that can constitute sexual harassment in the workplace. The percentage indicates employees that categorise the associated behaviour as sexual harassment.

Zooming into the employment sectors - private and public sectors, and NGOs - the results indicate that the level of knowledge on sexual harassment is more or less the same between these sectors of employment. Significant knowledge gaps become visible between positions of employees in each company, employees' gender and age groups. Figure 4.1.2 below demonstrates that knowledge on the different behaviours that constitute sexual harassment is at the same level between the private sector and NGOs, while in some cases the public sector lags behind, for example, in knowledge concerning requests for sexual favours, physical abuse and financial harassment. The Figure also shows that executives and senior managers are more knowledgeable on sexual harassment than middle managers and general staff (see Figure 4.1.2 Position of Employee).

Knowledge on workplace sexual harassment also differs between male and female employees as Figure 4.1.2 on Sex of Employee illustrates that in all components of sexual harassment behaviour, males are more knowledgeable or likely to correctly identify sexual harassment behaviours. When compared to young employees (19-24 year olds), the survey results show that the older the employee (45-49 and 50-54), the more likely they are knowledgeable on workplace sexual harassment. Young employees are less likely to classify financial harassment, bullying of employees, abuse of power, and online and social media related harassment as workplace sexual harassment in instances where these behaviours are linked to sexual harassment. The variations in sexual harassment knowledge between the different levels of organisations, the two sexes, and age groups can be a function of exposure to different experiences of sexual harassment cases and access to workplace information on sexual harassment.



**Figure 4.1.2 Knowledge on Sexual Harassment**



Source: Author's Own Representation of Survey Data

Taken together, the male respondents from the private sector and NGOs tend to describe the concept of sexual harassment as the act of doing something or implying to someone that you would like to have sexual intercourse with them without their consent. The definition is much narrower and focuses on sexual coercions and sexual assault. Additionally, males in defining sexual harassment tend to dwell on the mannerisms between males and females in the workplace that may instigate or incite a perpetrator to commit sexual harassment. Male respondents from the private sector and NGOs cite the following descriptions of sexual harassment;

- ***“When a lady sits on a man’s lap, the onlooker gets harassed.”***
- ***“Wearing revealing clothes with an intention to make the opposite sex take notice.”***
- ***“When a lady sits down she doesn’t show respect for herself nor the next person, or if it’s a male he will play with his muscles.”***

Female respondents from the private sector and NGOs, on the other hand, tend to describe the concept of sexual harassment as any inappropriate act which makes one feel uncomfortable. It is a much broader definition which focuses on how it makes the recipient of the harassment feel uncomfortable.

Female respondents from the private sector and NGOs cite the following descriptions of sexual harassment:

- ***“Any act a colleague or boss can do to me that makes me uncomfortable, it could be a wink or even inappropriate touching.”***
- ***“Unwelcome gestures, feminine jokes, dirty jokes of sexual nature.”***
- ***“It’s common when you work with males and they become touchy to you as a female but it also happens the other way round, a female touching a male.”***

Similar to the private sector, respondents from the public sector tend to describe the concept of sexual harassment as the act of doing something or implying to someone that you would like to have sexual intercourse with them without their consent by using suggestive comments or through lustful looks.

Examples from respondents from the public sector include the following:

- ***“When a person abuses another sexually, without their consent.”***
- ***“When someone wants you to sleep with them in return for promotions.”***
- ***“When one threatens to take away the victim’s benefits if they refuse to sleep with them.”***
- ***“Touching someone, looking at them lustfully.”***
- ***“It could be sexually suggestive comments that are not welcomed by the receiver.”***

Overall, the data on the private sector and NGOs reveals that about half of the employees in these two sectors generally have a common understanding of sexual harassment; 52.1% in the private sector and 50% in NGOs (see Table 4.1.1 below). This means in any given organisation/company in the private sector and NGOs, the chances are that half of the employees have different information/perceptions on sexual harassment, which can be the key impediment to addressing or gearing employees towards issues of workplace sexual harassment.

A common understanding on workplace sexual harassment facilitates its proper management and control. It avoids situations where some employees may unknowingly harass other employees due to lack of knowledge on sexual harassment, and what constitutes unacceptable behaviour in the workplace. When employees are asked whether their employers facilitate educational meetings on sexual harassment to establish a common ground among employees, less than 50% of the employers (companies/organisations) provide trainings on sexual harassment. In the NGO sector, the rate of sexual harassment training is as low as 21.7% compared to 45.6% of employers that provide trainings in the private sector. Despite the low employer-to-employee capacity building on workplace sexual harassment, well over 90% of the employees do understand that sexual harassment is a violation of their human rights (96.4% among NGOs and 92.8% in the private sector summarised in Table 4.1.1 below). Moreover, an estimated three out of every four employees (75%) indicate that they know that they have a right to report any sexual harassment they may encounter in the workplace. Knowledge on reporting is a bit low in the NGO sector (70.1%) compared to 75% of employees who indicate that they know their right to report sexual harassment in the private sector.

Employees know that they have a right to report even when they witness other employees being harassed. Less than 10% of the sampled employees agree that it is acceptable to forcefully invite an employee on a date. It suggests that workers have a sense of what is an acceptable code of conduct in the workplace, and that they have rights to be protected by their employers against workplace sexual harassment. However, despite the confidence displayed by employees on their rights on sexual harassment, including rights to report encounters of sexual harassment, the debilitating challenge to employees is the lack of availability of clear and user-friendly systems and procedures for reporting and dealing with cases of sexual harassment in the workplace. Again, just about half of the employees know where and how to report, as indicated in Table 4.1.1 below; 55.7% in the private sector and 54.0% in NGOs.

**Table 4.1.1 General Organisational Set-up on Sexual Harassment**

<b>General Environment on Sexual Harassment in the workplace</b>		<b>EMPLOYMENT SECTOR</b>	
		<b>Private Sector</b>	<b>NGOs</b>
1. Do employees have a common understanding of sexual harassment?	Yes	<b>52.1%</b>	<b>50.0%</b>
	General staff comments	✓ Sexual intercourse without consent; sexual verbal abuse; inappropriate physical contact that is unwelcome by the recipient; and looking at someone in an inappropriate way.	
	management comments	✓ Sexual intercourse without consent, and sexual verbal abuse	
2. Does the employer facilitate educational meetings?	Yes	<b>45.6%</b>	<b>21.7%</b>
	Both general staff and management comments	Do not have trained personnel; sexual harassment not prevalent in organisation/company; staff aware of SWAGAA and SWABCHA while management mostly aware of SWAGAA.	
3. Is it acceptable to forcefully invite an employee on a date?	Yes	<b>5.8%</b>	<b>9.6%</b>
4. Do you know that you have a right to report?	Yes	<b>89.1%</b>	<b>89.7%</b>
5. Right to report if you see someone else also?	Yes	<b>75.8%</b>	<b>70.1%</b>
6. Do you know where and how to report?	Yes	<b>55.7%</b>	<b>54.0%</b>
	Both general staff and management comments	There are no procedures in place on sexual harassment; do not have trained personnel; there are no sexual harassment policies in place, but covered in the code of conduct or grievance policy.	
7. Is sexual harassment a violation of your rights	Yes	<b>92.8%</b>	<b>96.4%</b>

Source: Author's Own Representation Using Survey Data

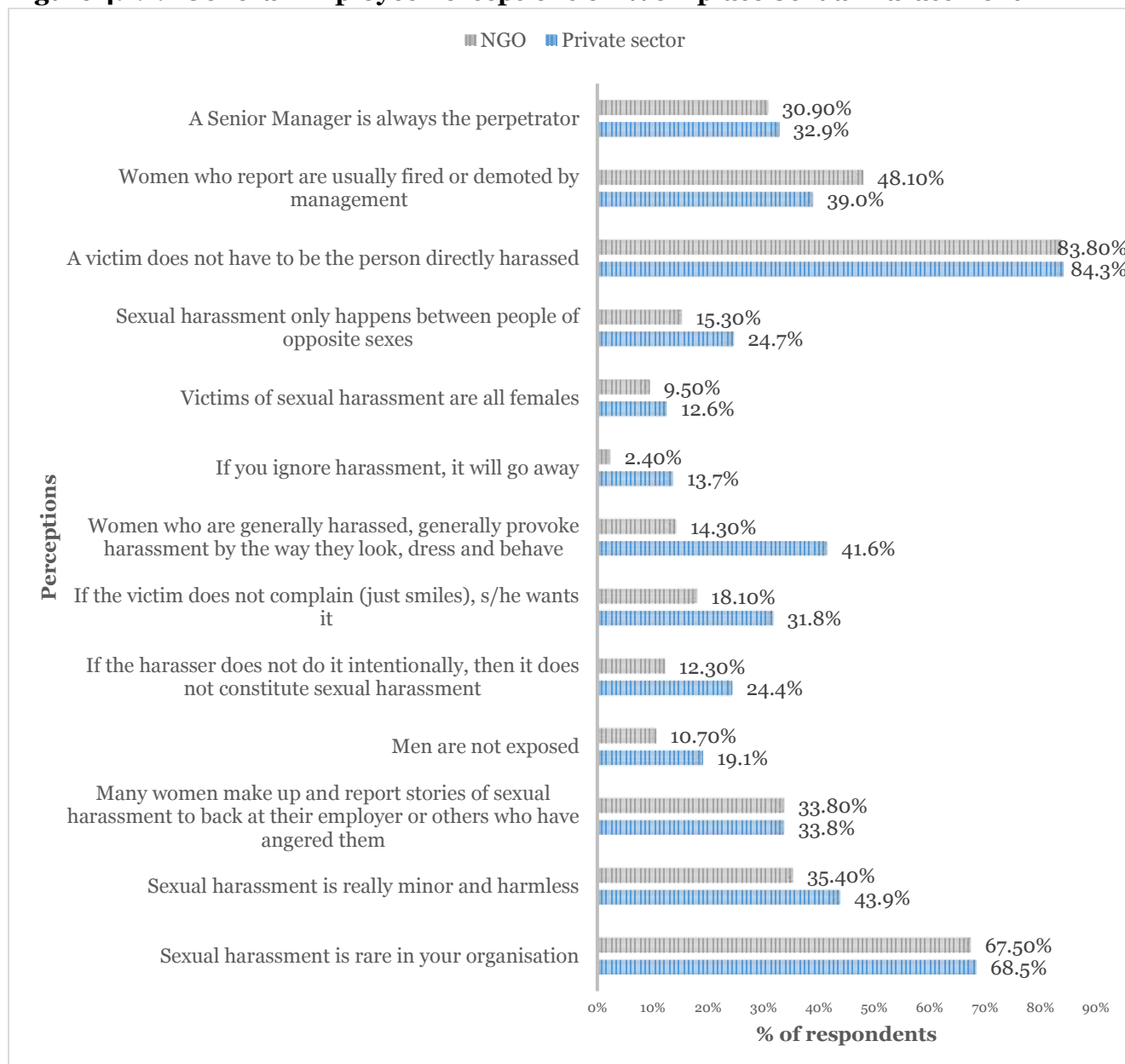
#### **4.1.1. Perceptions on Workplace Sexual Harassment**

Sexual harassment can be subjective because different people take offense to different things in varying capacities. The issue is that sexual harassment in the workplace is not always overt like outright unwelcome sexual advances and sexual assaults. Instead, it is often an insidious workplace ill that can be embedded in routine work activities in which perpetrators can abuse their power, bully employees and frustrate their work environment and career advancements. Scholars find that sexual harassment has a large subjective component such that women and men differ in their definitions though the difference is small, occurring only under certain conditions (Gutek, 2010). Previous studies find that women tend to have a broader definition of sexual harassment than men, and older adults also seem to have a broader definition than younger adults (Gutek, 2010). Even though certain behaviours may be clearly defined under sexual harassment, people's perceptions on the issue, their personal experiences and socioeconomic backgrounds leave room for exercising personal judgements on what they really think about sexual harassment.

The data reveal that close to 70% (68.5% in the private sector and 67.5% in NGOs) of employees believe that sexual harassment is rare in their workplaces. Another 43.9% in the private sector and 35.4% in NGOs still believe that sexual harassment is really minor and harmless. A higher percentage of the employees in the private sector (41.6%) when compared to NGOs (14.3%) have the perception that women generally provoke sexual advances than do males. Similarly, a greater number of staff in the private sector (12.6% compared to 9.5% of NGO staff) hold the notion that victims of sexual harassment are always females, on top of believing that men are not exposed to workplace sexual harassment (19.1% in the private sector against 10.7% in NGOs). By and large, the private sector when compared to NGOs holds the most misconceptions on sexual harassment but in only 30% or less of the employees in each case. This is besides the fact that the private sector offers a higher number of educational meetings on sexual harassment (45.6%) than do the NGOs (21.7%) as indicated in Table 4.1.1 above.

For example, staff in the private sector indicate that sexual harassment happens only between people of opposite sexes (24.7% against 15.3% in NGOs), a greater number also believes that if one ignores sexual harassment it will go away (13.7%; against 2.4% in NGOs), and that if the victim does not complain, then the perpetrator's behaviour is not considered sexual harassment (31.8% against 18.1% in NGOs). In contrast, some 30% of employees both in the private sector and NGOs indicate that sexual harassment is always perpetrated by senior managers and that some employees make up and report stories on sexual harassment. Almost half of the staff in the NGO sector (48.1%) believes that women who report are usually fired or demoted. Figure 4.1.1.1 below provides a summary of the perceptions on workplace sexual harassment.

**Figure 4.1.1.1 General Employee Perceptions on Workplace Sexual Harassment**



Source: Author's Own representation using Survey Data.

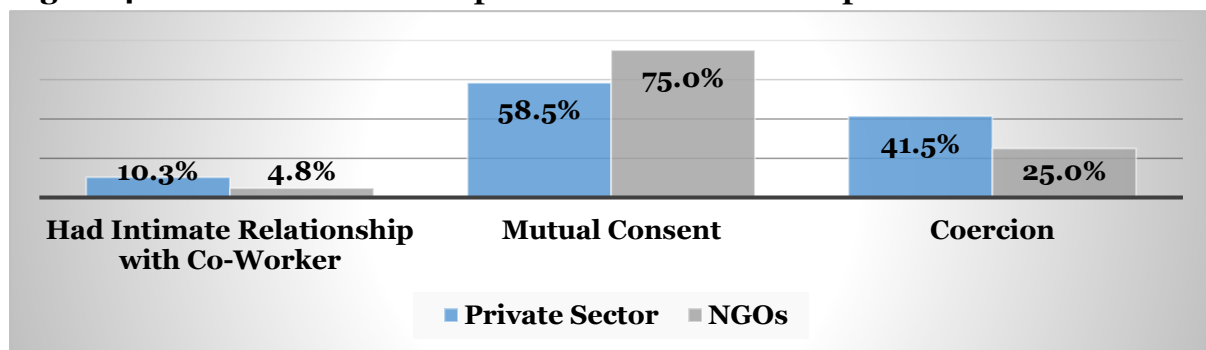
Notes: The Figure provides the true and false cases of the different perceptions on workplace sexual harassment. The perceptions are divided into true or false depending on the number of employees that hold that particular perception. The greater the percentage, the greater the number of employees who hold that perception.

#### **4.2. Experiences of Workplace Sexual Harassment**

This section discusses findings on the incidence of sexual harassment in the workplace such as the percentage of employees who have experienced or seen other employees experience it. The section also discusses the nature of the sexual harassment experienced by different types of employees and the reporting rate against the organisational structures for preventing sexual harassment and encouraging reporting.

According to the employee survey, approximately 10.3% of private sector employees have had a relationship with a co-worker during their time of employment. By contrast, the rate of co-worker relationships in the NGO sector is lower by more than half of the rate in the private sector at 4.8% (see Figure 4.2.1 below). Of these co-worker relationships, in the private sector, three in every five workers engaged in the relationship out of mutual consent. The remaining two of every five workers enter the relationship through coercion. The number of employees getting into relationships with their co-workers through mutual consent is higher by 16.5% in the NGO sector, with only one in every four of the employees in a relationship with their co-worker through coercion. The 41.5% and 25.0% of employees in the private and NGO sectors respectively who enter into relationships with co-workers through coercion present possible prospects for sexual harassment cases to develop even though not all such cases necessarily stem from confirmed co-worker relationships (again, see Figure 4.2.1). The problem is what happens to the work-relationship between two co-workers when their sexual relationship does not end amicably? What if one of the workers holds a higher level of power in the company than the other worker?

**Figure 4.2.1 Incidence of Workplace Sexual Relationships**



Source: Author's Own Representation Using Survey Data

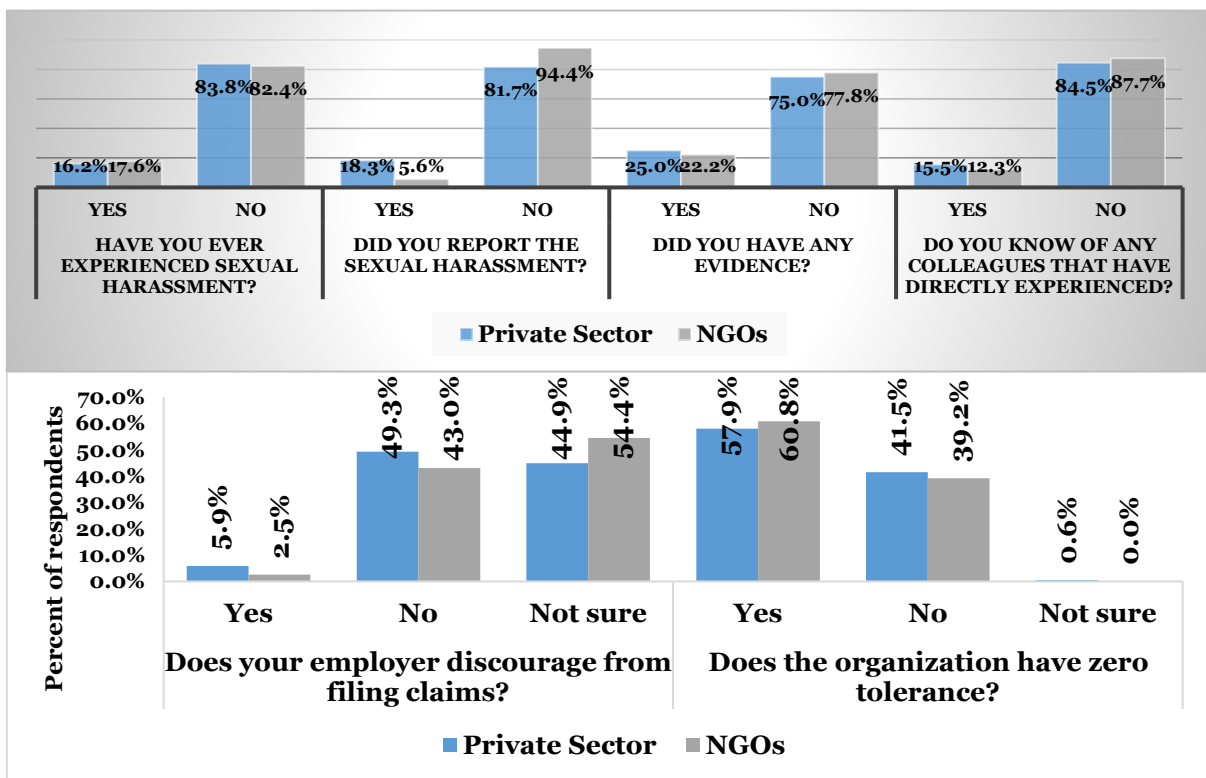
On the rate of sexual harassment cases in the workplace, the study finds that 16.2% of workers in the private sector indicate to have experienced sexual harassment against 17.6% of employees in the NGO sector. This finding suggests that sexual harassment is slightly higher in the NGO sector than it is in the private sector. No level of sexual harassment is acceptable, though studies do indicate that a complete elimination of workplace sexual harassment is near impossible. According to these results, approximately 1 in every 5 workers in the private and NGO sectors have experienced or are likely to experience sexual harassment. For example, in a staff of 25, five (5) of the employees can expect to experience sexual harassment at any given time during their employment tenure. When employees are asked if they know or seen a colleague experience sexual harassment, the rate is almost in par with the personal experiences at 15.5% in the private sector and 12.3% in NGOs.

Among the employees that have experienced sexual harassment, reporting is considerably low; 18.3% in the private sector, and even much lower in the NGO sector at only 5.6% of the sexual harassment cases. Though close to 90% of the employees in the private and NGO sectors indicate that they know they have a right to report, as previously discussed in Section 4.1, only half of the employees indicate that they know the structures and procedures to follow in lodging their sexual harassment complaints. Not surprisingly, the proportion of these employees is also lower in the NGO sector, which also offers fewer educational meetings on sexual harassment, hence the observed low reporting rate.

The other possible incapacitating challenge on reporting of sexual harassment cases in the workplace as evidenced by the results (Figure 4.2.2 below) is that only 25.0% (private sector)

and 22.2% (NGO) employees who experienced it had the evidence to support their claims. Sexual harassment usually happens between two people, mostly in a private setting and the burden of proof rests on the complainant. This creates a situation where it is a worker's word against the other, with most cases the victim only able to provide circumstantial evidence. A total of 54.4% of the employees in the NGO sector are unsure on whether their organisations discourage employees from filing claims, which signifies the possibility that employees in this sector are more than likely to hesitate to report their sexual harassment cases (see Figure 4.2.2). This is despite 60.8% of the employees in the NGO sector confirming that their organisations have zero-tolerance for sexual harassment. Therefore, though companies and organisations do show some willingness to curb/eliminate sexual harassment in the workplace (59.4% have a zero-tolerance stance, with 90% of employees confident in their right to report), the systems and procedures required to facilitate employee protection, and to sanction perpetrators, are still largely under-developed and non-existent in most companies and organisations. Thus, a majority of sexual harassment incidences go unreported in the workplace, about 80% in the private sector, and an alarming 95% in the NGO sector.

**Figure 4.2.2 Employee Experience of Workplace Sexual Harassment**



Source: Author's Own Representation Using Survey Data  
 Notes: Using responses from the sampled employees, the Figure provides a summary of the experiences and rate of reporting on sexual harassment cases in the private and NGO sectors of employment.

A run-through of the sexual harassment cases as provided in Table 4.2.1 below indicates that besides being slightly higher among NGOs, sexual harassment is also higher among females when compared to males. A total of 19.6% females compared to 13.8% of males indicate to have experienced sexual harassment in the workplace. From the age of 20 years, sexual harassment encounters increase until the employee reaches 50 years, from which experiences of sexual harassment begin to decrease. The age groups 40-44 years (23.8%),

and 30-34 years (19.9%) appear to experience the most sexual harassment incidences. Further, divorced (33.3%), cohabiting (20.0%) and single (17.5%) employees are more likely to experience sexual harassment. There is also a considerable number of married (14.7%) and separated (12.5%) employees who also experience sexual harassment while widowed employees (5.9%) are less likely to experience it than all employees. The analysis on the different characteristics of the employees who have experienced workplace sexual harassment also finds that volunteers (21.1%), part-time employed (6.8%) and casual (5.6%) employees are at a greater risk given that a comparable but lower proportion (17.3%) of permanently employed employees confirm to have experienced sexual harassment. At a regional level, the study finds that sexual harassment is most prevalent in the Shiselweni region at 18.4%, followed by Hhohho at 16.4% and Manzini at 16.2% while the Lubombo regions trails behind at 15.2%.

**Table 4.2.1 Incidence of Sexual Harassment Across Different Types of Employees**

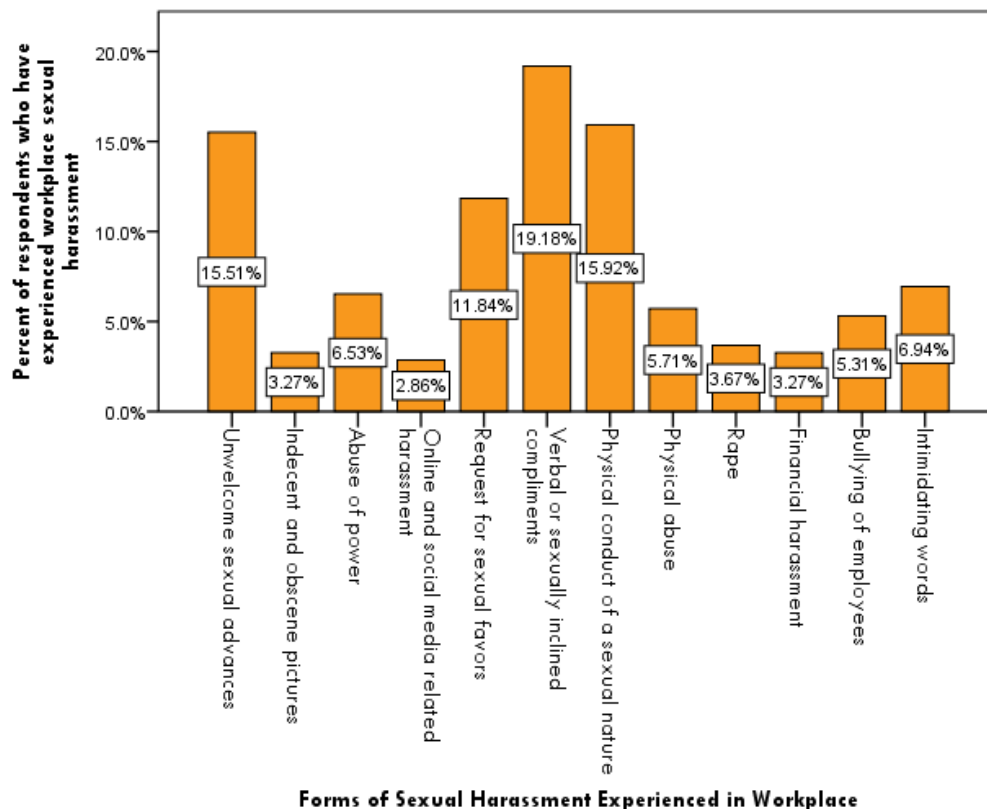
<b>Characteristics of Employee in Confirmed Cases of Sexual Harassment</b>		<b>Have you ever experienced sexual harassment?</b>
		Yes
<i>Employment Sector</i>	Private Sector	16.2%
	NGOs	17.6%
<i>Sex</i>	Female	19.6%
	Male	13.8%
<i>Age</i>	18-19	0.0%
	20-24	13.9%
	25-29	15.1%
	30-34	19.9%
	35-39	16.7%
	40-44	23.8%
	45-49	13.1%
	50-54	9.7%
	55+	0.0%
<i>Marital status</i>	Single	17.5%
	Married	14.7%
	Divorced	33.3%
	Separated	12.5%
	Widowed	5.9%
	Cohabiting	20.0%
<i>Employment Status</i>	Employed	17.3%
	Not employed	15.4%
	Part-time employed	6.8%
	Seasonal	5.6%
	Volunteer	21.1%
	Probation	0.0%
<i>Location of the organisation</i>	Hhohho	16.4%
	Lubombo	15.2%
	Manzini	16.2%
	Shiselweni	18.4%

Source: Author's Own Representation Using Survey Data



Considering the nature of the sexual harassment cases that workers experience in the workplace, the study finds that in decreasing order the most common types experienced by employees include: verbal or sexually inclined compliments (19.18%); physical conduct of sexual nature (15.92%); unwelcome sexual advances (15.51%); and requests for sexual favours (11.84%) as shown in Figure 4.2.3 below. The results seem to signpost that the progression of sexual harassment in the workplace starts with subtle behaviours such as verbal compliments or enticing physical behaviour that is sexually suggestive, and then escalates to overt sexual advances such as invasion of a person’s private body/space and blatant requests for sexual favours. Therefore, an initial sexual harassment behaviour can be a conduit for other sexual harassment behaviour depending on how the victim receives and responds to it. A total of 3.67% of the harassment behaviour involves sexual assault such as rape while another 5.71% involves physical abuse of the sexual harassment survivor. Other sexual harassment experiences in the workplace include verbal intimidation of employees (6.94%), abuse of power (6.53%), bullying (5.31%), financial harassment (3.27%), and display of indecent and obscene pictures (3.27%).

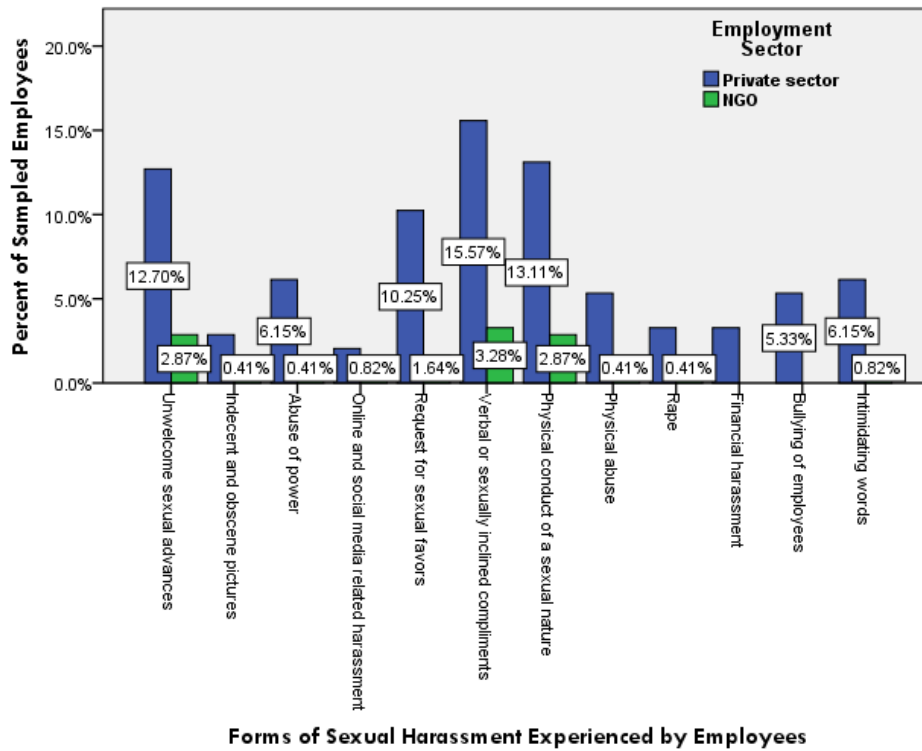
**Figure 4.2.3 The Nature of Experienced Workplace Sexual Harassment**



Source: Author’s Own Representation Using Survey Data

Within the NGO sector, Figure 4.2.4 below demonstrates that the most experienced types of sexual harassment include verbal or sexually inclined compliments (3.28%) and roughly an equal number of unwelcome sexual advances (2.87%), and physical conduct of a sexual nature (2.87%). The rest of the sexual harassment behaviours are more likely to be experienced in the private sector than in NGOs.

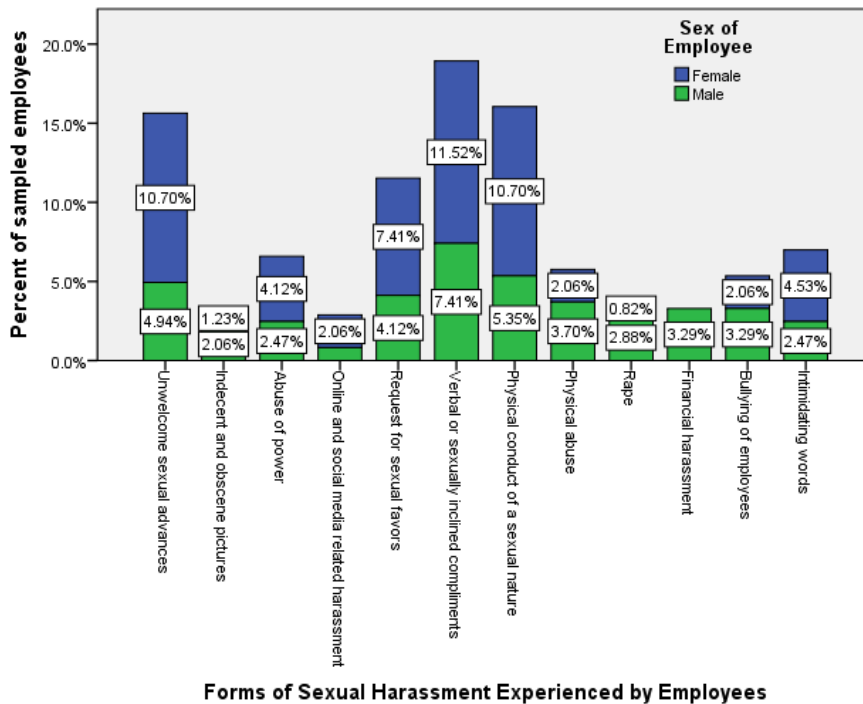
**Figure 4.2.4 The Nature of Sexual Harassment Between the Private Sector and NGOs**



Source: Author's Own Representation Using Survey Data

Furthermore, Figure 4.2.5 illustrates the different types of sexual harassment experienced by males and females.

**Figure 4.2.5 Experience of Workplace Harassment According to Employee Sex**



Source: Author's Own Representation Using Survey Data

The Figure shows that both sexes can experience all the different types of sexual harassment, though financial harassment linked to sexual harassment seems to be common amongst males. A greater number of females experience verbal sexually inclined compliments, unwelcome sexually charged gestures, and unwelcome sexual advances, amongst all other harassment they experience. Likewise, a greater number of males experience sexually inclined compliments, sexually charged gestures, unwelcome sexual advances and requests for sexual favours.

### 4.3. Perpetrators and Survivors of Workplace Sexual Harassment

For every sexual harassment case, there is a victim (survivor) and a perpetrator. The literature on sexual harassment establishes that anyone, regardless of sex, age, physical appearance, etc., can be a victim and/or a perpetrator of sexual harassment. The purpose of discussing the typical characteristics of perpetrators and victims in this section is not to support or perpetuate a certain stereotype on who qualifies as a survivor or perpetrator of sexual harassment. Rather, the analysis provides a summary of the typical cases of sexual harassment that are prominent in the workplace in order to formulate appropriate targeted programmes for combating workplace sexual harassment. Table 4.3.1 below populates the different characteristics of perpetrators on female and male survivors in the private and NGO sectors of employment.

**Table 4.3.1 Characteristics of Perpetrators on Female and Male Survivors in the Private and NGO Employment Sector**

<i>Characteristics of Perpetrator</i>	<b>Female Survivors: Private Sector</b>	<b>Male Survivors: Private Sector</b>	<b>Female Survivors: NGOs</b>	<b>Male Survivors: NGOs</b>
<i>Male</i>	<b>70.8%</b>	<u>29.2%</u>	<b>90.9%</b>	9.1%
<i>Female</i>	10.0%	<b>90.0%</b>	<b>20.0%</b>	<b>80.0%</b>
<i>18-25 years</i>	12.5%	<b>87.5%</b>	0.0%	0.0%
<i>25-30 years</i>	26.7%	<b>73.3%</b>	25.0%	<b>75.0%</b>
<i>31-40 years</i>	47.2%	<b>52.8%</b>	<b>66.7%</b>	33.3%
<i>41-50 years</i>	<b>69.4%</b>	30.6%	<b>100.0%</b>	0.0%
<i>51-60 years</i>	<b>75.0%</b>	25.0%	<b>100.0%</b>	0.0%
<i>60+ years</i>	40.0%	<b>60.0%</b>	0.0%	0.0%
<i>CEO</i>	40.0%	<b>60.0%</b>	<b>100.0%</b>	0.0%
<i>Executive Assistant</i>	0.0%	<b>100.0%</b>	0.0%	0.0%
<i>Director</i>	<b>72.2%</b>	27.8%	<b>100.0%</b>	0.0%
<i>Middle Manager</i>	<b>61.8%</b>	38.2%	<b>75.0%</b>	25.0%
<i>Junior Manager</i>	53.3%	<b>46.7%</b>	0.0%	<b>100.0%</b>
<i>Other (General staff, colleagues)</i>	<b>58.5%</b>	41.5%	<b>57.1%</b>	42.9%

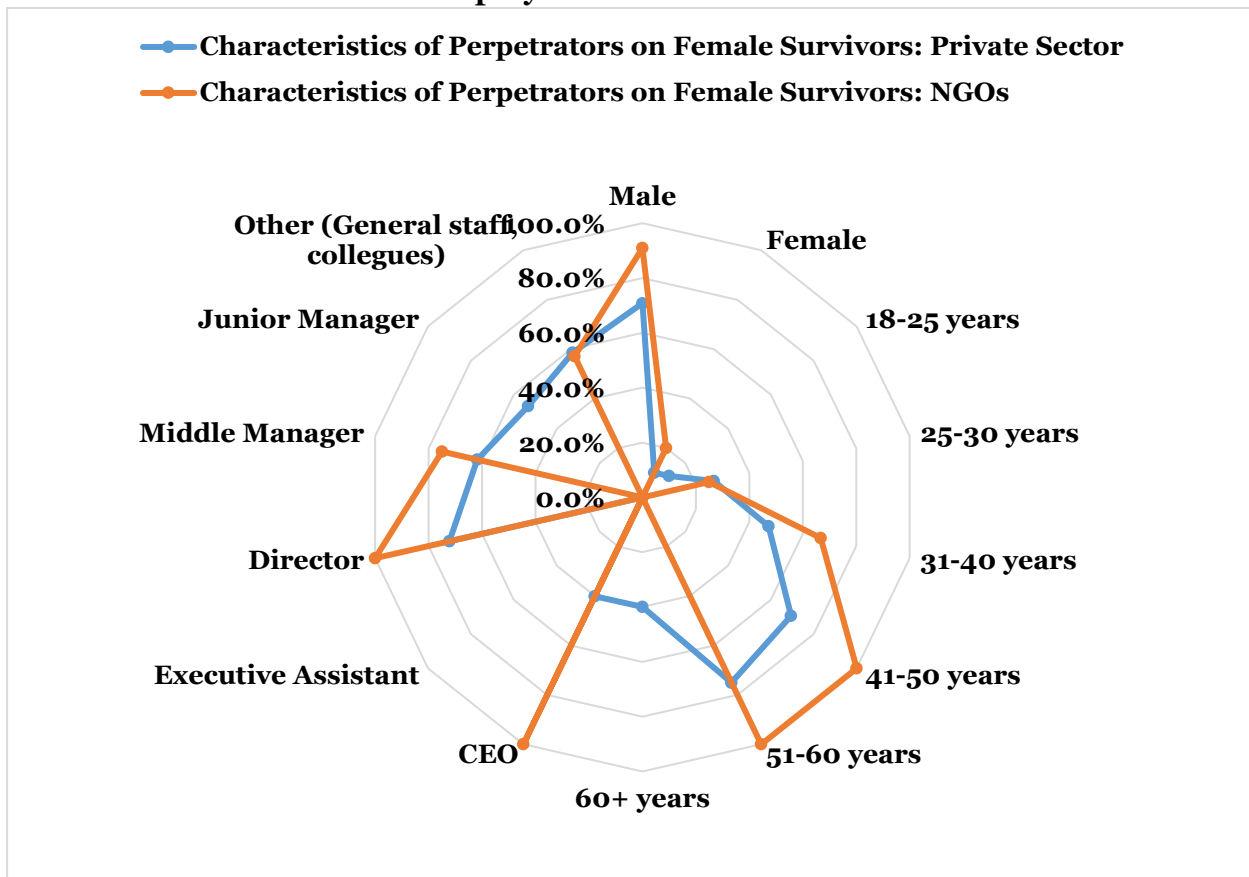
Source: Author's Own Representation Using Survey Data

Notes: The Table tabulates perpetrator characteristics by comparing female and male survivors per sector of employment. The significant characteristics are highlighted in bold while the figures on same-sex sexual harassment are underlined.

The study finds that opposite sex harassment is the most typical form of workplace sexual harassment even though same sex harassment does happen, but at a much lower rate. Approximately, nine out ten cases of perpetrators on female survivors in the NGO sector are males compared to seven out of ten cases of perpetrators on female survivors in the private

sector (see Table 4.3.1 above). The data reveals that widespread male perpetrators in the private sector are 41 to 60-year-olds in about 70% of the female survivor cases. These male perpetrators are typically the Directors and middle managers in their respective companies. In the NGO sector, the male perpetrators on female survivors are also 41- 60-year-olds who are in much higher levels of their organisations such as CEOs though directors and middle managers also feature in some cases. Cases of general staff harassing female survivors do occur at almost the same rate between the private sector and NGOs, but at a much lower level than in higher positions of the organisations and companies. On male-to-male sexual harassment, the analysis finds that it is much more prevalent in the private sector (29.2%) than it is among NGOs (9.1%). About three (3) in every 10 sexual harassment cases in the private sector will be instigated by a male on another male employee compared to approximately one in every ten cases in the NGO sector. Figure 4.3.1 below provides a pictorial comparison of the typical characteristics of perpetrators on female survivors in the private and NGO sectors.

**Figure 4.3.1 Typical Characteristics of Perpetrators on Female Survivors in the Private and NGO Sectors of Employment**

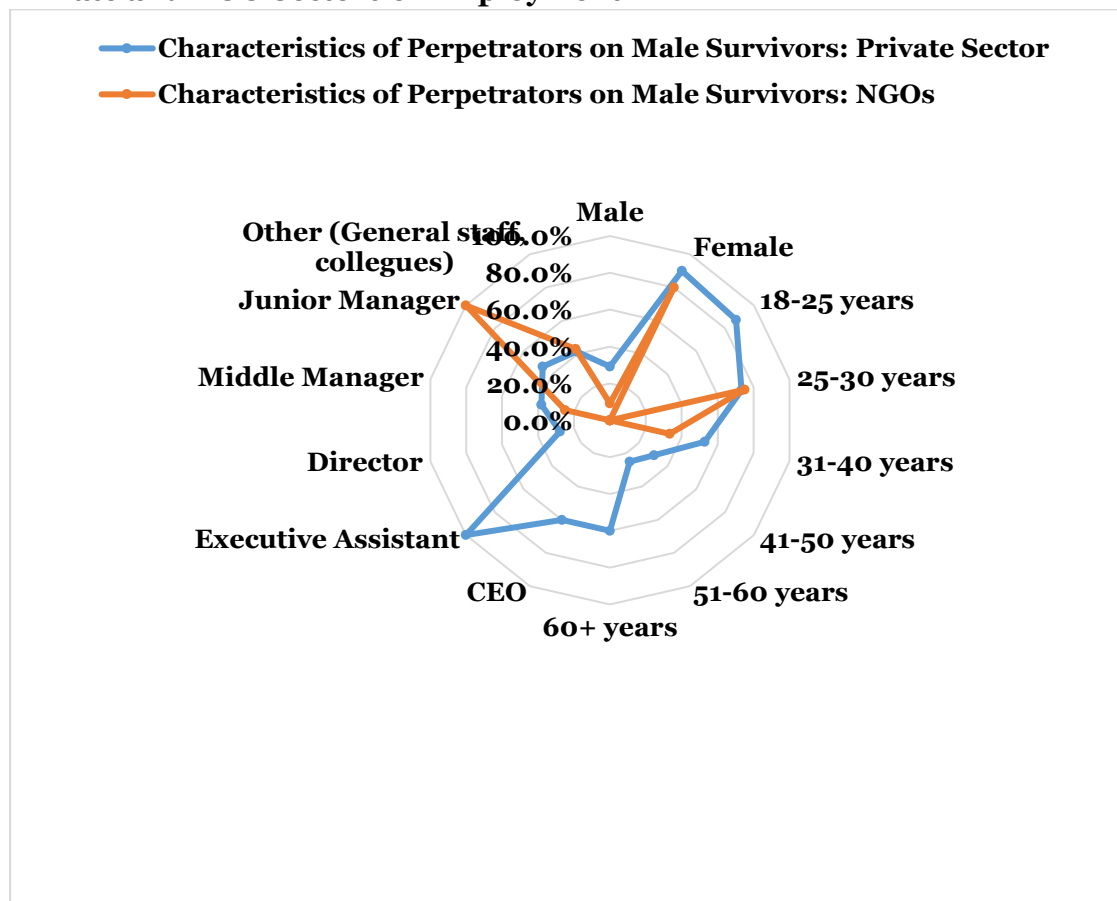


Source: Author's Own Representation of Survey Data

Notes: The Figure shows the combination of characteristics that make up typical perpetrators on female survivors in the private and NGO sectors. The perpetrator can either be male or female, can be of a certain age group (18-60+) who holds a particular position in the organisation (general staff – CEO). For example, in the NGO sector represented by the orange radar/web, the perpetrators on female survivors are typically males who are between 41 and 60 in age, and often the CEOs or Directors in their respective organisations. Figures 4.3.2 and 4.3.3 below can be interpreted in the same manner as they demonstrate the same kind of concept as Figure 4.3.1.

The data also indicates that males are also victims (survivors). Just like female survivors are usually harassed by the opposite sex (male perpetrators), the study also finds that male survivors are typically harassed by female perpetrators. In nine out of ten cases of sexual harassment on male survivors in the private sector, the perpetrator will be a female compared to eight out of every 10 cases of similar cases in the NGO sector. Females harassing males in the private sector are the younger employees who are 19 to 30 years old, as well as the older employees about 60 years old. In the NGO sector, the female perpetrators on male survivors are mostly young, aged between 25 and 40 years old. Therefore, female perpetrators on male survivors are usually the junior managers in the NGOs, and junior managers, executive assistants (deputy CEOs) and some CEOs in the private sector. On female-to-female sexual harassment, the NGO sector has a higher number of cases (20.0%) than the private sector (10.0%). Overall, the private sector has higher same-sex sexual harassment cases at 39.2% in comparison to 29.1% in the NGO sector. Figure 4.3.2 below provides a pictorial comparison of the typical characteristics of perpetrators on male survivors in the private and NGO sector.

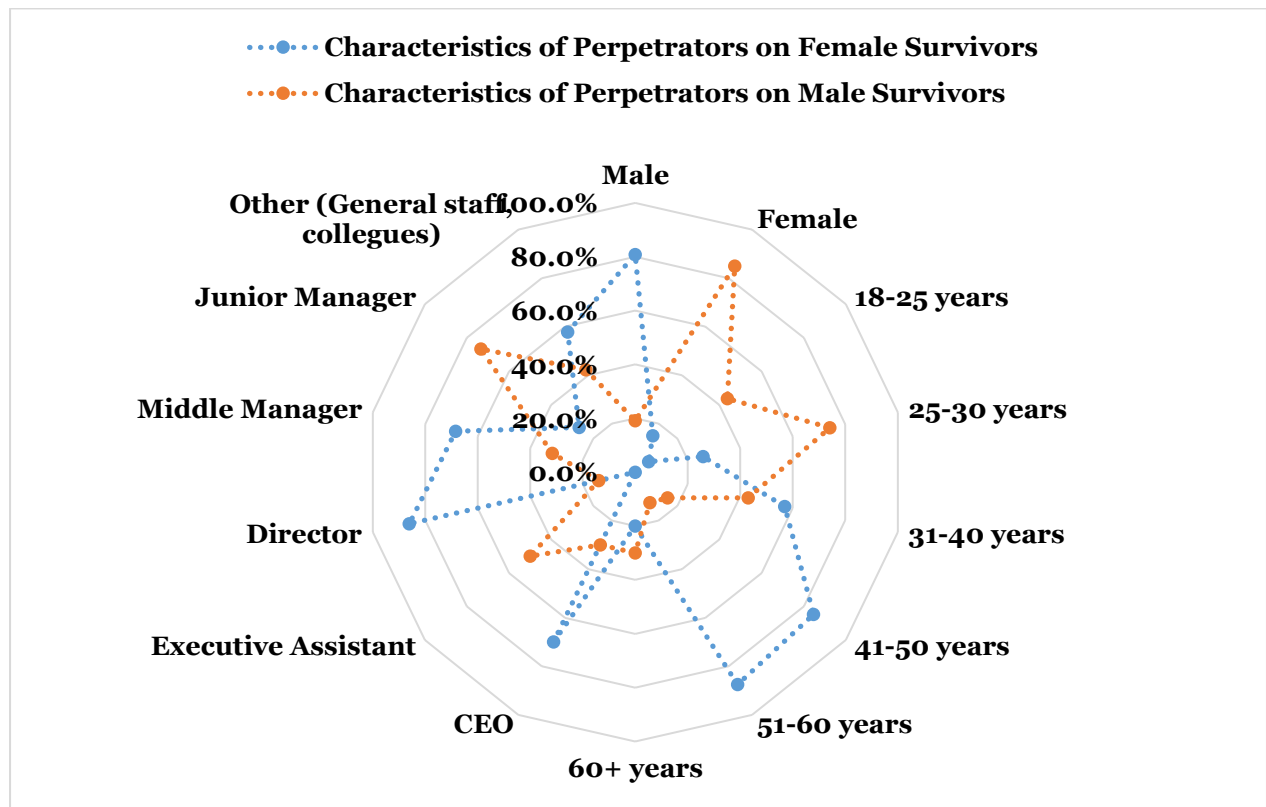
**Figure 4.3.2 Typical Characteristics of Perpetrators on Male Survivors in the Private and NGO Sectors of Employment**



Source: Author's Own Representation Using Survey Data

Figure 4.3.3 below provides a comparison of both 4.3.1 and 4.3.2 to juxtapose the differences perpetrators on male and female survivors.

**Figure 4.3.3 Typical Characteristic of Perpetrators on Male and Female Survivors**



Source: Author's Own Representation Using Survey Data

Discussions from the FGDs on perpetrators of sexual harassment formed a consensus that management and employees who are working on short-term contracts are the main perpetrators of sexual harassment in the private sector and NGO sectors of employment. Employees from these sectors also agree that both males and females can be victims of sexual harassment.

These are some of the statements cited by the respondents from the private sector:

- ***“Management are the most perpetrators; they take advantage of the lower level employees knowing their need for the job.”***
- ***“Mostly males in management are perpetrators, you find a manager telling a subordinate that there’s a post but they can only get it by having sexual intercourse with them.”***
- ***“People on short-term contracts are also perpetrators, as they do this looking for promotions.”***
- ***“Women in higher positions take advantage of males in lower ranks or who are not even employed yet and are still looking for a job.”***

Perpetrators of sexual harassment in the public sector seem to be different compared to those cited in the private sector. Generally, respondents from the public sector tend to indicate that women and principled people are the victims of sexual harassment in the workplace, and hence men are the perpetrators. There were some incidences of women being cited as perpetrators as well.

These are some of the statements which respondents from the private sector cite on perpetrators and survivors of sexual harassment:

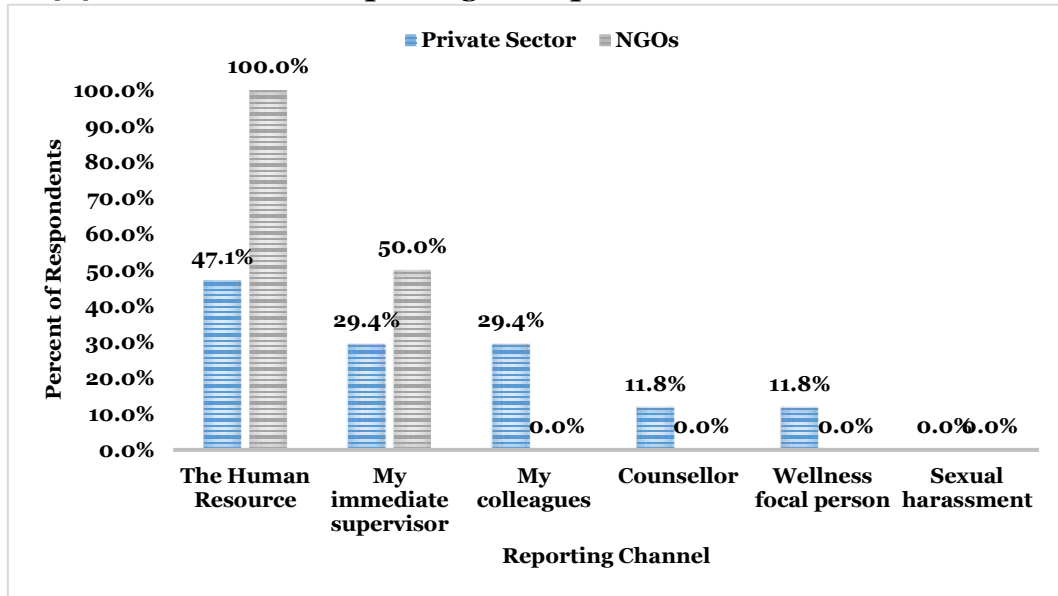
- ***“Victims are mostly women; men are the perpetrators.”***
- ***“Victims in most cases are the ‘principled’ people, because they are taken as if they are naïve and ‘need to be kissed so they become clever’. They become objects of ridicule.”***
- ***“Women are mostly the victims, but men are victims as well.”***
- ***“Women are victims, because even the way men dress up draws attention.”***

#### **4.4. Sexual Harassment Reporting Channels**

Employees have several channels to report sexual harassment cases, and these include human resources officers, immediate supervisors, counsellors, wellness focal persons, and sexual harassment personnel. The survey results as depicted in Figure 4.4.1 below indicate that reporting channels in the NGO sector are limited to human resource officers and immediate supervisors. All of the sampled workers (100%) indicate that they are more likely to report to the human resources officer while half of them (50%) would also report sexual harassment cases to their immediate supervisors (see Figure 4.4.1). The private sector has much broader options for reporting workplace sexual harassment. Figure 4.4.1 shows that not all workers necessarily report sexual harassment cases to human resources officers: only 47.1% of employees report to the human resource officers, 29.4% report to their immediate supervisors and colleagues, and 11.8% report to counsellors and wellness focal persons in the workplace. The questionnaire results suggest that none of the organisations, and companies in the NGO and private sector have installed specialised sexual harassment personnel.

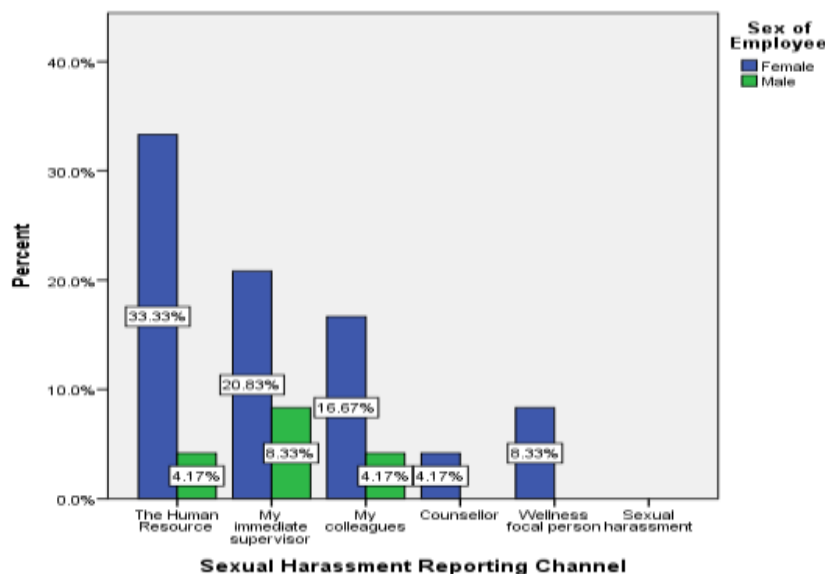
Notwithstanding the fact that sexual harassment reporting is low (18.3% in the private sector and 5.6% in NGOs), the study also finds that there are differences between the reporting trends between males and females. Compared to males, females are more likely to report workplace sexual harassment. Of the employees that have experienced sexual harassment, 21.6% of the females in the private sector reported their cases compared to 16.7% of males that reported their cases in the private sector. In the NGO sector, only females report workplace sexual harassment (see Table 4.4.1 below). In fact, female employees are also much more likely to use all reporting channels than their male counterparts, as illustrated in Figure 4.4.2 below. Males are much more comfortable reporting to their immediate supervisors (8.33%) compared to the human resources officers (4.17%). Another 4.17% of males report sexual harassment cases to their colleagues rather than using the formal structures set in each workplace. In contrast, females show comfort reporting across all channels in decreasing order to their human resources officers (33.3%), immediate supervisors (20.8%), their colleagues (16.7%), wellness focal persons (8.3%) and counsellors (4.17%).

**Figure 4.4.1 Channels for Reporting Workplace Sexual Harassment**



Source: Author's Own Representation Using Survey Data

**Figure 4.4.2 Channels for Reporting Workplace Sexual Harassment: Male versus Female Employees**



Source: Author's Own Representation Using Survey Data

**Table 4.4.1 Reporting Differences Between Female and Male Employees**

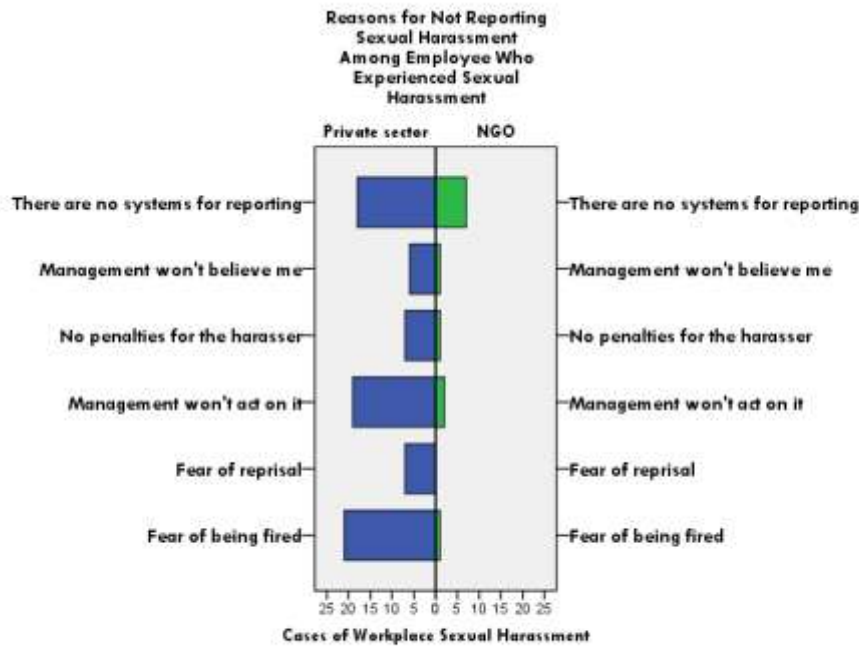
Have you ever experienced sexual harassment?		Yes			
		Private Sector	NGOs		
Sex of employee	Female	Did you report the sexual harassment?	Yes	21.6%	10.0%
			No	78.4%	90.0%
	Male	Did you report the sexual harassment?	Yes	16.7%	0.0%
			No	83.3%	100.0%

Source: Author's Own Representation Using Survey Data



The main reasons a majority (well over 80%) of employees who experience workplace sexual harassment choose not to report attribute the problem to fear of being fired, lack of suitable systems for reporting, and belief that reporting is futile because management will most likely not act on any of the cases reported (see Figure 4.4.3 below). Particularly, the NGO sector faces an even greater challenge on the lack of adequate systems for reporting, in addition to the belief that management will not act on sexual harassment reports anyway. To some extent, a greater number of employees in the NGO sector (27.7%) now take workplace sexual harassment as a norm compared to 13.4% of employees in the private sector.

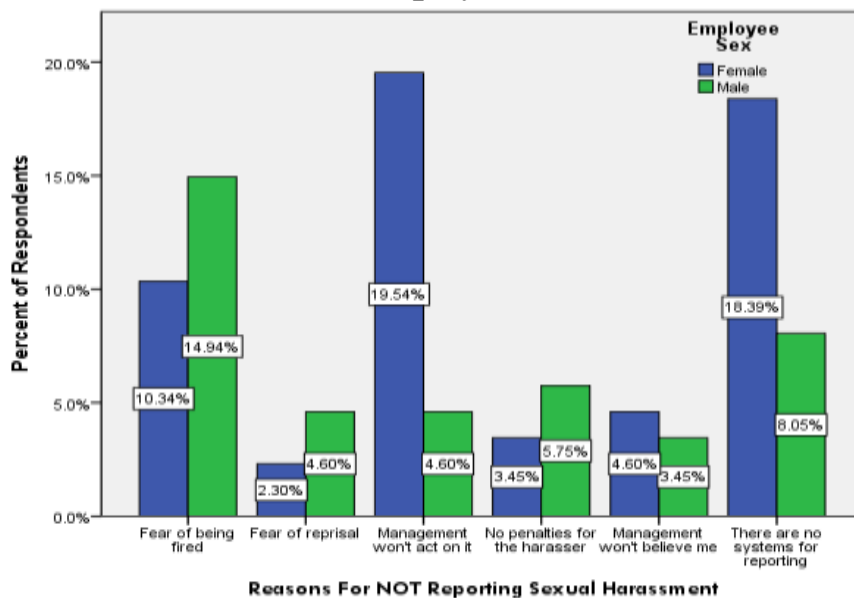
**Figure 4.4.3 Reasons for Not Reporting Workplace Sexual Harassment**



Source: Author's Own Representation Using Survey Data

A greater number of female employees (19.54%), as illustrated by Figure 4.4.4 below, believe that management are less likely to act on their sexual harassment complaints while a greater number of male employees do not report their cases in fear of being fired (14.94%). Male employees also do not see value in reporting workplace sexual harassment because they believe that there are no appropriate penalties for perpetrators while females believe management are less likely to believe them in instances where they do report it.

**Figure 4.4.4 Reasons for Not Reporting Workplace Sexual Harassment: Female versus Male Employees**



Source: Author's Own Representation Using Survey Data

Generally, employees in the NGO sector are afraid of retaliation from the perpetrators of sexual harassment, and do not want to worsen the situation, which explains the low rate of reporting in this sector. The employees have limited confidence in the inadequate reporting structures in place for dealing with such cases. In the private sector, there are also limited structures in place to deal with sexual harassment cases, and employees are for the most part unsure on how to navigate the processes and procedures on such cases. Employees want to see the commitment from their employers that they will act on reported cases, as well as employees need user-friendly and clear structures and procedures for reporting workplace sexual harassment cases.

#### 4.5. Drivers of Workplace Sexual Harassment

Recall that on Section 1.2 the report provides four fundamental theories that can explain the reasons why sexual harassment occurs. These include biological sex differences between men and women, socialised gender roles and stereotypes, power differences between individuals and the social systems in which they coexist, and sexual harassment as a mechanism for protecting valued social identities between men and women. Amongst all of these, the study finds that the most pervasive reasons that explain sexual harassment in the workplace have to do with abuse of power and use of sex as an instrument for career advancements within employment sectors that have become so competitive and limited in terms of opportunities that can be available to everyone. Employees in position of power use their status and power in the workplace to solicit sexual favours from their subordinates with the promise of job promotions and general job security.

Swaziland is experiencing a high level of unemployment at 28.1% in 2014 and much higher among the youth estimated at 51.6% (Integrated Labour Force Survey, 2014). Hence, some employees in positions of power in their organisations take advantage of people's need and desperation for employment while those who are already employed use their sexual favours to entice their supervisors or superiors in hopes of promotions and other career advancements.

Generally, respondents from the private sector and NGOs believe that the causes behind sexual harassment are due to the following:

- People (those in management) having power makes it easy for them to impose themselves (sexually) on a junior employee.
- Seeking attention. Some employees may not be getting attention at home from their spouses thus in turn, seek the attention from colleagues.
- Employees wanting to ensure their job security by luring their superiors.

Some examples of the responses cited from the private sector and NGOs include:

- ***“Stress causes it; seeking attention due to not getting it at home from spouse. This all in turn harasses the colleagues.”***
- ***“You find a lot of females being brought under contracts such that it is no longer clear how long their contracts should be, as they are usually more than the original number of people needed and it gets hard to terminate them due to the fact that they were hired through their agreeing to having sexual intercourse with the employer.”***
- ***“Using power at work, when you are above the other one you are trying to have sexual intercourse with and they find themselves agreeing to it due to what they think they can benefit from the act.”***

Some of the different reasons that the private sector respondents cite, have to do with the following: upbringing; over-ambition; looking for favours; and the lack of awareness raising campaigns.

Some of the reasons cited from the public sector include:

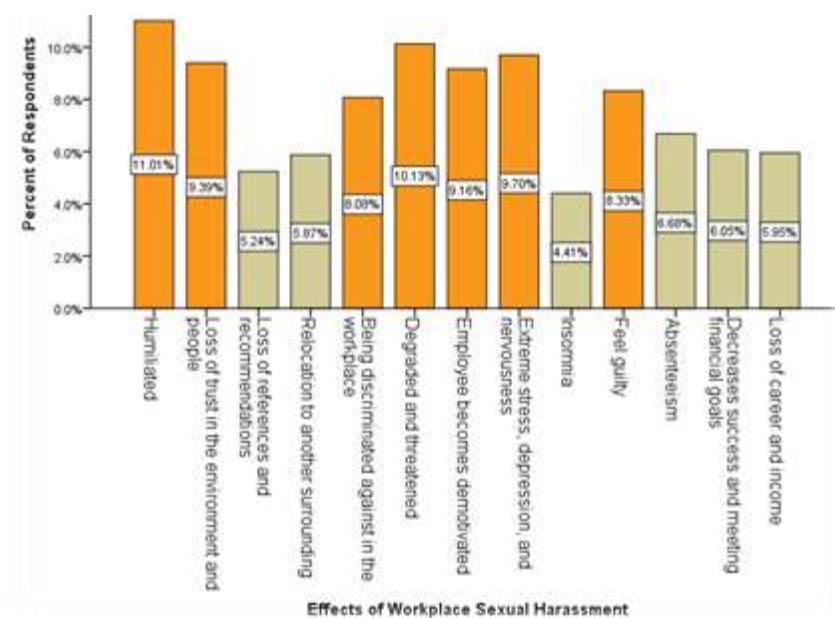
- ***“It has to do with our socialisation, upbringing. It is said that a man is just not designed to accept failure so even when proposing love to a woman is concerned, they probe and if they aren’t successful they go on to the next with the same story even if it is now a much younger girl.”***
- ***“Looking for favours, one finds themselves having to do some things they are not comfortable with in exchange for those favours.”***
- ***“It is just pure love of things, not because you are in need.”***
- ***“It is being over ambitious, you find yourself in such situations or getting to work and finding that it’s become a norm and you find yourself allowing it to happen just because ‘it is the only way’.”***

Overall, sexual harassment in the workplace happens as a result of employees in positions of power violating other employees’ rights through sex-based discrimination, lack of knowledge on what constitutes sexual harassment such that some employees unknowingly harass others, while those who receive the harassment ignore or pardon the inappropriate behaviour. Furthermore, sexual harassment occurs due to the competition between employees for the limited career opportunities that are available in each company or organisation. On this issue, some employees use sex-based behaviour as a tool for securing their jobs, and as a stepping ladder for moving up through the different levels of an organisation or company they work for.

#### 4.6. Impact and Cost of Workplace Sexual Harassment

Sexual harassment can be damaging to the survivor, the company/organisation, and the country as a whole. Figure 4.6.1 below describes the impacts associated with sexual harassment rated by the employees. The data shows that by and large, when employees experience workplace sexual harassment they feel humiliated (11.01%), degraded and threatened (10.13%), which translates to extreme stress, depression, and nervousness (9.70%). The results show that sexual harassment is really damaging to a person's dignity and emotional stability because it is a violation of their personal bodies and a violation of employees' rights to a safe work environment. Some employees end up being targets of other forms of harassment such as financial bullying, verbal and physical abuse, and frustration of their career goals and opportunities. The organisation/company suffers because the employees who experience sexual harassment lose trust in the work environment and people they work with (9.39%), employees become demotivated (9.16%) which may lead to increased absenteeism (6.68%) and reduced productivity and effectiveness (6.05%). Demotivated employees impose penalties on the whole country because companies and organisations become less effective in the production of goods and services thus reducing the country's gross domestic product (GDP), and effectiveness and reputation of the employment sector. Companies have to spend resources and time dealing with sexual harassment cases, which is something that is not their core business.

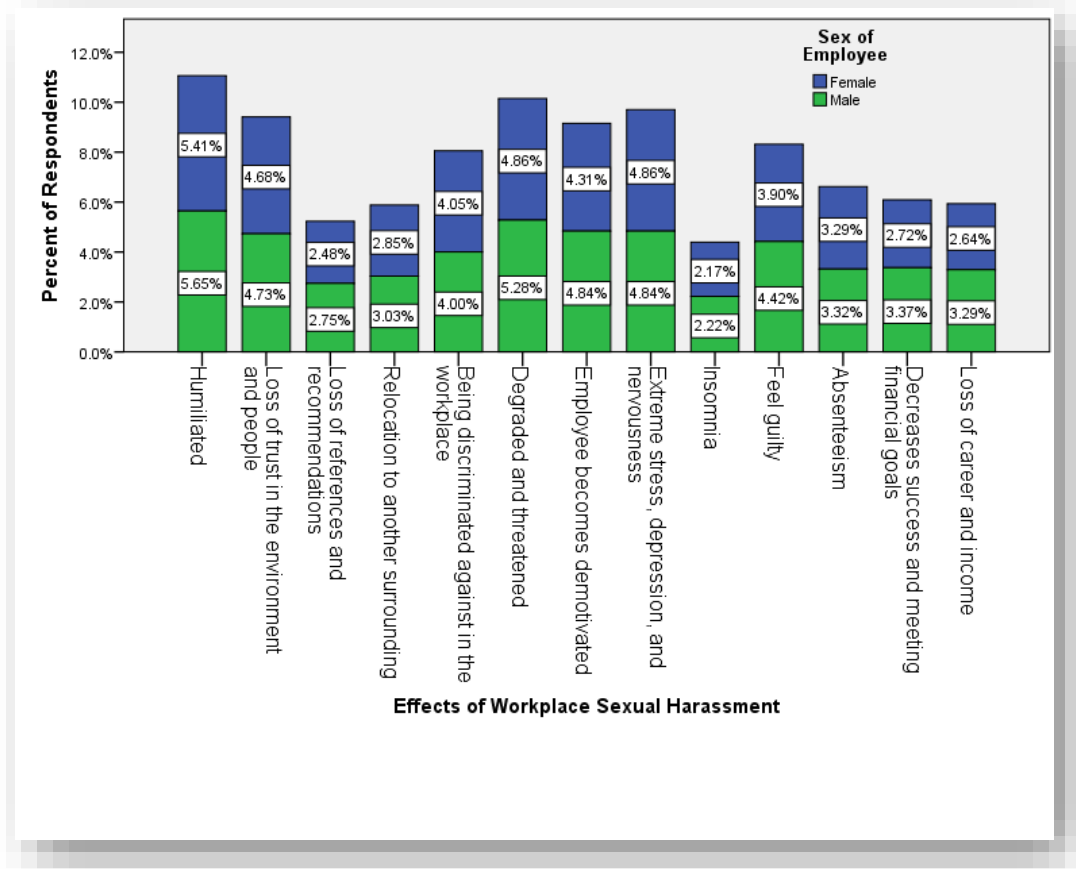
**Figure 4.6.1 Effects of Workplace Sexual Harassment**



Source: Author's Own Representation Using Survey Data

Figure 4.6.2 below disaggregates the effects of workplace sexual harassment on males and females. The Figure shows that just as both females and males can be victims of sexual harassment, the effects of the harassment can be equally damaging to both sexes. There is generally an equal distribution of males and females in each sexual harassment effect shown in Figure 4.6.2 below.

**Figure 4.6.2 Effects of Workplace Sexual Harassment on Males and Females**



Source: Author’s Own Representation of Survey Data

The results from the FGDs show that the victims usually suffer many consequences if they do not agree to have sex with the perpetrator. It suffices that sexual harassment in the workplace results in the victim’s low self-esteem; they start doubting themselves and their capability, which leads to depression and consequently poor performance. The work environment itself is affected and is always filled with tension, fear and mistrust. This may lead to absenteeism and frequent illness by the victim in trying to avoid bumping into the perpetrator at work. One participant had this to say;

- ***“Being a victim often leads to low self-esteem and decline in work performance. Sometimes other employees resign or frequently absent themselves from work thus resulting in a decline in performance and profits for the business” - Male respondent, KII.***

Furthermore, if colleagues are in an intimate relationship and keep displaying public affection, a third party may find themselves not being able to work properly. Managers’ girlfriends do not do as much work as the rest of the other colleagues but attend external workshops/trainings/courses, which have benefits. One respondent stated that;

- ***“The one who is dating the team leader does not do much work, they could be simply dusting the machinery whilst the others are given hard tasks” - Male respondent, KII.***

Sexual harassment in the workplace causes both men and women to feel humiliated and degraded. Other comments that describe the cost of sexual harassment in the workplace include;

- ***“Females who have sex with the managers normally get lighter work, enjoy certain benefits and their contracts are renewed easily whereas those who refuse do not get such benefits” - Female respondent, FGD.***
- ***“Being a victim and reporting a case of Sexual Harassment may land you in trouble. You might be the first one to be considered for retrenchments. Sometimes you will not get back pay and you will not be appraised, if ‘udla shukela wemphatsi’ meaning ‘if you are sharing a woman with a manager’, then during appraisals there is no increment that you receive. During appraisals employees who give in to sexual harassment tend to get high appraisal scores and no matter what they want they get but those who refuse never get anything and are told it is not on budget” - Male respondent, FGD.***

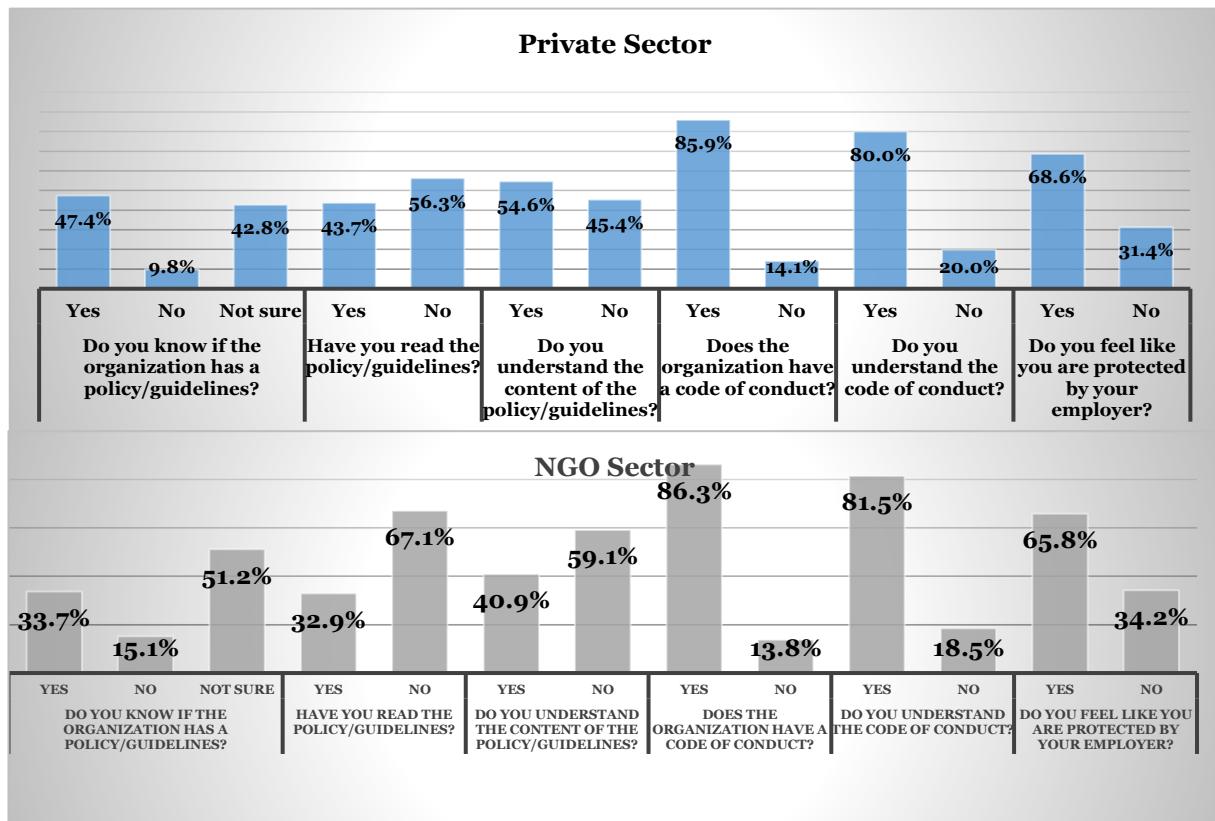
## **4.7. Combating Workplace Sexual Harassment**

### **4.7.1. Policy and Systems Availability**

On average, about 40% of the organisations and companies have a policy on sexual harassment that employees definitely know about (see Figure 4.7.1.1 below). A total of 47.4% of the sampled workers in the private sector indicate that their companies do have a policy or guidelines on sexual harassment against 33.7% of employees in the NGO sector. The bulk of employees in the NGO sector are either unsure (51.2%) or completely do not know (15.1%) whether their organisations have some policy or guidelines on sexual harassment. Among those that know about the policy/guidelines, only 32.9% have read the documents, with less than half of them really understanding the information. The private sector has a similar but slightly lower number of employees who have read the policies (43.7%) but have challenges understanding the information (slightly more than half of those who have read the policies understand the information conveyed).

Rather than relying on specific company or organisational frameworks on sexual harassment, both the private sector and NGOs rely on general code of conduct policies for managing all inappropriate behaviours, including sexual harassment. For example, close to 90% of the companies and organisations sampled have a code of conduct, of which 80% or more of the employees understand (see Figure 4.7.1.1). Both the private and NGO sectors have a lot of room to cover in developing sexual harassment specific structures and policies in order to ensure that such cases are dealt with appropriately. While a general code of conduct is commendable in managing different types of behaviour in the organisation, a specific sexual harassment policy can emphasise the gravity/seriousness of the issue and spell out the procedures and responsibilities of the organisation in dealing with such cases.

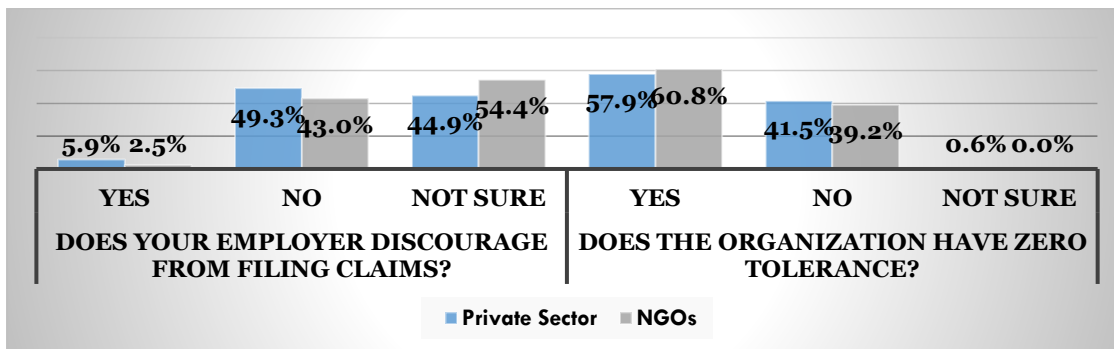
**Figure 4.7.1.1 Policy Availability on Workplace Sexual Harassment**



Source: Author’s Own Representation Using Survey Data

Further analysis on company policies on sexual harassment reveals that an estimated three (3) in every five companies/organisation in the private and NGO sectors of employment have adopted a zero-tolerance stance on workplace sexual harassment (see Figure 4.7.1.2 below). Employers do not go out of their way to discourage employees from filing their complaints but a substantial number of them are still unsure (54.4% in NGOs and 44.9% in the private sector) on the organisational culture on the tolerance and reporting of sexual harassment. Notwithstanding the fact that employers show willingness to protect employees from sexual harassment in the workplace as evidenced by the adoption of zero-tolerance stance and the attempts to develop company policies, companies and organisations have to follow through on their structures, processes, and procedures for dealing with sexual harassment so that they are clear to all employees across all levels of the company/organisation.

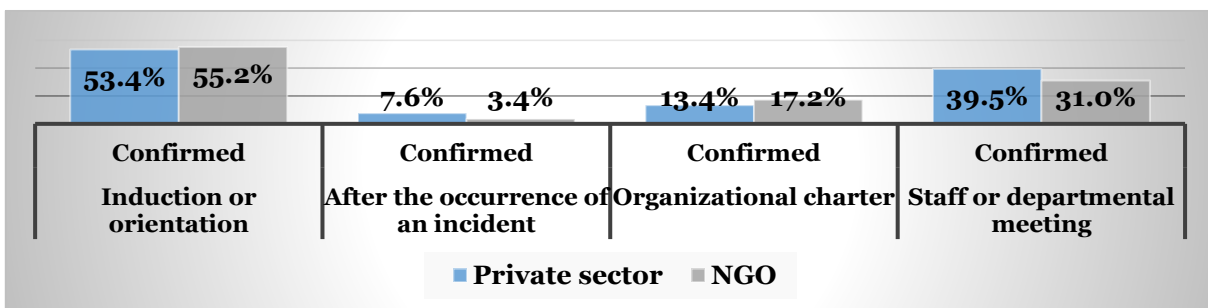
**Figure 4.7.1.2 Level of Sexual Harassment Tolerance in the Private and NGO Sectors**



Source: Author’s Own Representation Using Survey Data

The analysis also shows that companies and organisations tend to promulgate most of the policies that address sexual harassment issues (especially the code of conduct policies) through induction/orientations (55.2% in the NGO sector, and 53.4 in the private sector), and through staff departmental meetings (39.5% in the private sector and 31.0% among NGOs), as depicted in Figure 4.7.1.3 below. Some NGOs (17.2%) and private sector companies (13.4%) have organisational charters in which they disseminate their sexual harassment policies. An insignificant number of both private and NGO sector companies/organisations do communicate their sexual harassment policies after the occurrence of such an incident, 7.6% in the private sector and 3.4% in the NGO sector.

**Figure 4.7.1.3 Forums for Promulgating Policies/Guidelines on Sexual Harassment**

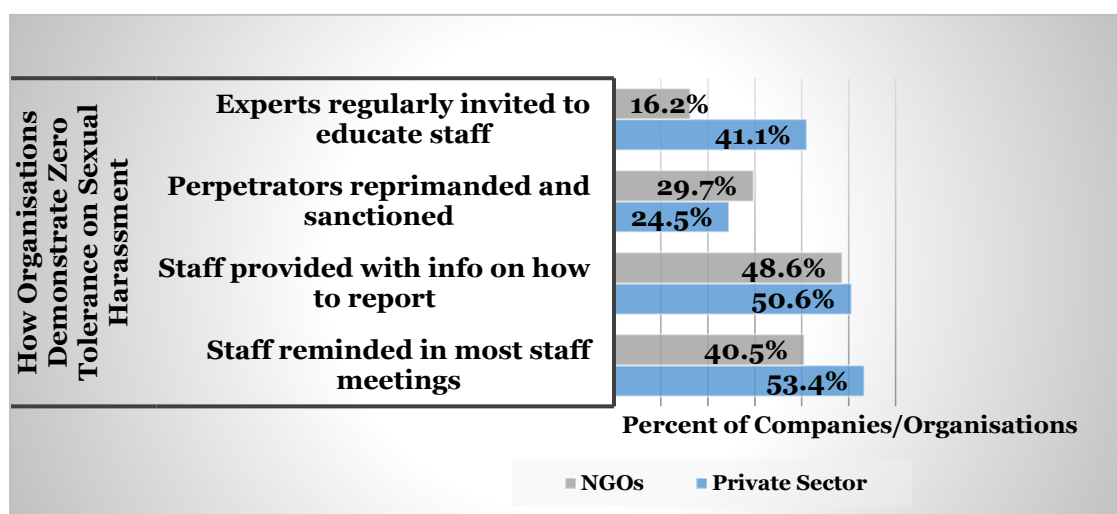


Source: Author's Own Representation Using Survey Data

#### 4.7.2. Actions to Reduce Workplace Sexual Harassment

To combat workplace sexual harassment, companies and organisations demonstrate zero-tolerance mostly by reminding employees on sexual harassment during staff meetings, providing staff with information on how to report, and by regularly inviting experts to educate them. Figure 4.7.2.1 illustrates that the private sector uses staff meetings (53.4%) and provision of information on how to report (50.6%) more than the NGO sector which seems to rely more on provision of information on how to report (48.6%) and reprimanding of perpetrators (29.7%). Additionally, the private sector (41.1%) tends to invite more experts to educate staff than the NGO sector (16.2%).

**Figure 4.7.2.1 Tools for Demonstrating Zero-Tolerance on Sexual Harassment**



Source: Author's Own Representation Using Survey Data



When respondents are asked to give suggestions on how to combat sexual harassment in the workplace, various suggestions in the private and NGO sector arise, such as:

- Sensitise the workers outside of work so that when sexual harassment happens to them at work the victim knows where to report even if it's outside of work.
- There is a need to change the human resources officers' relation to the workers as she/he is more to the management than the lower ranked employees, she/he needs to lookout for all employees.
- There is a need to establish a board which will monitor if workshops and trainings on sexual harassment in the workplace are indeed being undertaken by companies.
- Reduce number of employees hired on short-term contracts as they are the victims of such harassment.
- Companies should see a reported case through not hide it or laugh it off.
- There should be workshops for everyone, even the management not only the lower ranked employees.
- There should be someone to audit the sexual harassment reports and check how these cases are concluded.
- Policies should be communicated in each and every department.

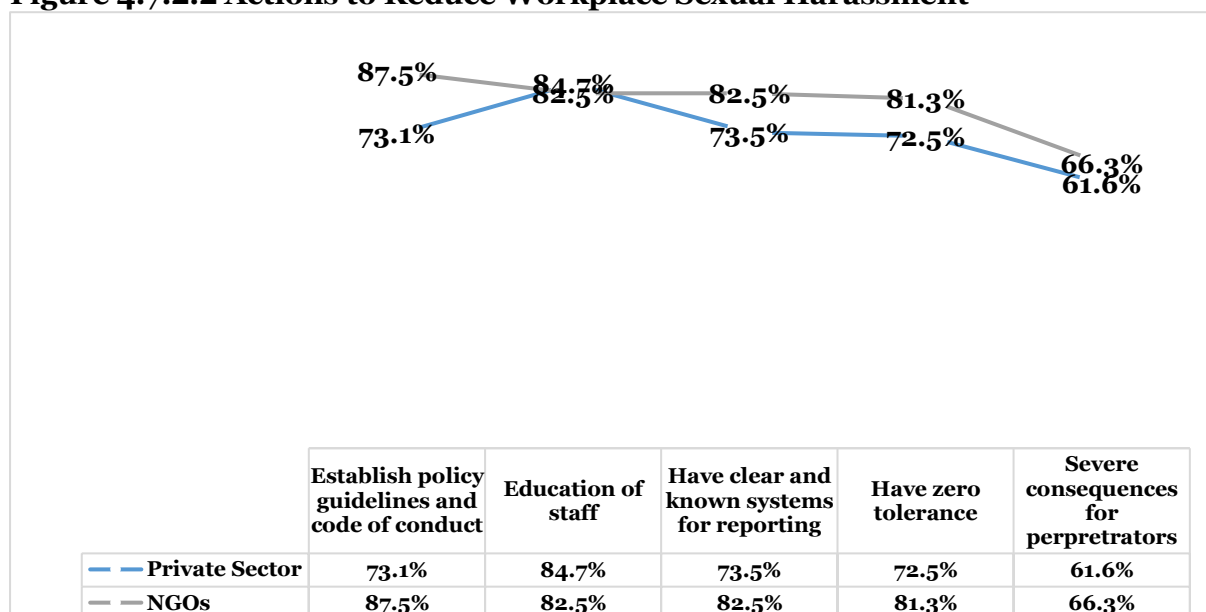
Public sector specific recommendations are as follows:

- The guardians of the law; the whole judiciary and law enforcers should be informed and well capacitated on such issues so that when a victim runs to them they find that they are ready to deal with such cases with no bias.
- We need to continue to engage in dialogue with each other and empower people.
- There is a need for a clear policy in the sector to be passed.
- Those in power need to make sure that they communicate these policies to junior staff.

In summary, to combat sexual harassment, respondents suggest that companies and organisations need to, in order of decreasing importance;

- establish policy guidelines and code of conduct;
- education of staff on sexual harassment;
- Have clear and known systems for reporting sexual harassment; and
- Severe penalties to perpetrators of sexual harassment.

**Figure 4.7.2.2 Actions to Reduce Workplace Sexual Harassment**



Source: Author's Own Representation Using Survey Data

### **4.7.3. Legislative, Policy and Human Rights Provisions on Sexual Harassment**

While the Kingdom of Swaziland has ratified all international human rights conventions, including CEDAW & SADC Protocol on Gender & Development, as well as recognises several of these rights in the Constitution, there are no policies or legislation specifically addressing sexual harassment in the workplace. Even though some advancement has been made on workers' rights, an overarching challenge remains in that the CEDAW Convention has not been adequately domesticated into national legislation. This leaves Swazi workers, both men and women alike, without adequate legal protection in a number of key areas. The enactment of several key pieces of legislation relevant to sexual harassment, including the Sexual Offences and Domestic Violence (SODV) Bill, is a particularly urgent and essential issue in advancing the interests of workers in Swaziland and better protecting their rights.

Below is a synopsis of the policy, legislative and human rights related provisions on sexual harassment in the workplace at the national, regional and international levels:

#### **I. The Extended National Multi-Sectoral HIV and AIDS Framework (eNSF) 2014 – 2018**

The eNSF describes GBV as a form of discrimination and is deeply rooted in power imbalances and structural relationships of inequality that exist between women and men. It is a form of violence where either a man or a woman exerts his or her power over the other with the intention to harm, intimidate, and control the other person. Some of the Guiding Principles and operational procedures of the eNSF are:

- Gender Equality: Swaziland is committed to ensuring gender equality and will strengthen strategies to promote gender equality, and reduce gender vulnerability and risks.
- Gender Equity: Efforts will be made to ensure the equitable distribution and access to essential HIV and AIDS services by all people including those at higher risk of HIV infection.

#### **II. National Gender Policy 2010**

The policy seeks to take integrated measures to prevent and eliminate all forms of gender-based violence and raising awareness on beliefs and attitudes of women and men that lead to violence. It further seeks to establish counselling centres for survivors of violence especially women, children and other disadvantaged groups at regional and community level. The policy also envisages empowering teachers with knowledge, guidance and counselling skills, and formulating and enforcing policies and legislation that prohibit all forms of GBV in the country.

#### **III. Education Sector Policy**

Clause 7.2 of the Education Sector Policy of April 2011 provides for the protection from violence, abuse and exploitation, and states that everyone in the education sector has a responsibility to protect each other, and particularly children, including those with special educational needs and the challenged, from all forms of sexual abuse, including harassment, sexual molestation, sexual exploitation and rape.

Any person within the education sector who exploits their position or authority over children or other adults, as well as learners who sexually entice educators and managers, are subject to disciplinary procedures determined by sector policies and regulations. Any form of violence and/or abuse in schools, regardless of whether this is committed and/or perpetuated by learners, teachers, Ministry of Education and Training (MOET) officers or

any other person, is considered a criminal offence and is subject to disciplinary measures under the laws of Swaziland.

In particular, teacher/learner relationships are considered a serious abuse of power over minors and, in addition to action in terms of criminal law, will be subject to disciplinary measures according to the Teaching Service Commission Act. This policy position, informed by relevant clauses in international education and human rights conventions, shall be integrated into a revised edition of the School Guide – Regulation Procedures.

#### **IV. Sexual Offences and Domestic Violence (SODV) Bill 2015**

Swaziland developed the Sexual Offences and Domestic Violence Bill in 2009 but it still has to be enacted as a law. Hence, courts still rely on two key pieces of legislation from 1889 and 1920. The SODV Bill has two parts: one addressing sexual offences while the other addresses domestic violence. New provisions from the Bill include: a clause that makes rape gender neutral; protecting children from sexual exploitation, **criminalising sexual harassment** and assault, and addressing the use of technology in the perpetration of abuse.

The SODV Bill prohibits sexual harassment on any individual whether men or women, boys or girls. The Bill specifically stipulates that sexual harassment is committed when a person subjects another to an unsolicited act of physical intimacy, including but not limited to, physical contact such as patting, pinching or touching in a sexual way or unnecessary familiarity such as deliberately brushing against another; or, a person makes an unsolicited demand or request, whether directly or by implication, for sexual favours from the other person; or a person engages in any other unwelcome conduct of a sexual nature in relation to the other person including but not limited to offensive telephone calls and indecent exposure. Penalties for sexual offences have not been updated for some time, with the existing ones often not reflecting the serious nature of the offence. The SODV Bill also comes with high sentences, and takes into account that a sexual harassment survivor may, due to certain hindrances, not be able to report on time.

#### **V. Swaziland Government General Orders**

In the Government General Orders there are no specific provisions or policy guidelines for managing sexual harassment in the workplace. Sexual harassment is listed as an offence whereby one is liable to be disciplined. The perpetrator can only be punished under Grievance Handling and Disciplinary Procedures which are applicable to all offences. For criminal liability, there is reliance on the provisions of the Industrial Relations Act, Employment Act, Constitution, Criminal Procedure and Evidence Act, and Common Law whereby the perpetrator will be charged with indecent assault.

#### **VI. SADC Secretariat Workplace Gender Policy - 2007**

The policy provides that, any form of sexual harassment is discriminatory and a gross violation of the rights of the individual. It further focuses on prevention of sexual harassment through targeted action, including routine public staff awareness activities. It is further stipulated that this corporate sexual harassment policy shall be well disseminated and steps taken to create a conducive environment for women and men to report incidences of sexual harassment.

#### **VII. Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Women's Protocol)**

The protocol addresses violence against women comprehensively. It provides for legislative measures to prohibit violence against women in public or private, harmful traditional

practices, trafficking in women, pornography, sexual harassment in schools and the workplace, and violence against widows, the elderly, and women with disabilities.

#### **VIII. SADC Protocol on Gender and Development (2008):**

The SADC Protocol on Gender and Development 2008 is a more-closer to home instrument and is crafted based on the experiences of countries at the SADC level, hence it is comprehensive in addressing gender inequality issues. The Protocol calls upon member states to enshrine laws on gender equality and give such laws primacy over customary laws (laws and practices). It also provides for repeal of all discriminatory laws and minority status of women.

The development of the SADC Gender Protocol and the Women's Protocol, alongside advocacy, and the established link between gender based violence and the HIV pandemic, have led to the increased momentum towards violence against women legislation in Swaziland.

#### **IX. Convention on the Elimination of All Forms of Discrimination against Women- 1998**

The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) has also noted the seriousness of the issue, describing sexual harassment in the workplace as gender discrimination and a form of GBV in the CEDAW Committee's General Recommendation No.19. The CEDAW Committee has called on States parties to the Convention to take steps to address the problem – "States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment and other forms of violence or coercion in the workplace."

Articles 2 and 11 of the convention prohibiting violence against women encompass, but not be limited to, (a) physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution. The convention further provides that equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.

The Government of Swaziland ratified CEDAW which is often described as the "bill of rights for women."

#### **X. Recommendation N. 200 concerning HIV and AIDS and the World of Work**

The HIV and AIDS Recommendation, 2010 (No. 200), adopted on 17 June 2010 at the 99th Session of the International Labour Conference, marks an important step in the HIV/AIDS sector. It is the first international standard on HIV and AIDS and World of Work.

Recommendation 200 establishes that the workplace should play a role in the HIV response and calls for the adoption of national workplace policies and programmes on HIV and AIDS to facilitate access to HIV prevention, treatment, care and support services.

Recommendation N.200 calls for respect for the fundamental human rights of all workers, including observance of the principle of gender equality and the right to be free from compulsory testing and disclosure of HIV status, while encouraging everyone to undertake voluntary confidential HIV counselling and testing as early as possible. The ILO Recommendation No. 200 highlights the critical role that the world of work should play in contributing to national responses to the epidemic. In particular, it underlines that the Ministry of Labour and Social Security (MOLSS) and employers' and workers' organisations,

actively participate in the national HIV/AIDS response and that the world of work (i.e. workplaces) establishes prevention measures through information changes in behaviour, knowledge and the creation of a non-discriminatory environment.

#### **XI. The Code of Practice on HIV and the World of Work**

The ILO in 2001 issued “the Code of Practice on HIV/AIDS and the World of Work” (hereinafter referred to the “Code”). The Code provides useful guidelines to employers, trade unions and workers in the workplace. The Code, if adhered to, can make a difference in the way workers living with HIV/AIDS are protected from compulsory invasive tests, unwarranted disclosure of their HIV status, and unfair dismissals based on their HIV status. The Code also offers protections of workers against real or perceived unfair discrimination in matters of continuity of employment and benefits; it protects the workers against violation of their right to privacy and prevents compulsory HIV testing related to recruitment or retention of employment.

## 5. Conclusion and Recommendations

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### 5.1. Conclusion

The study sought to benchmark the nature and magnitude of sexual harassment in the workplace with a focus on the private and NGO sectors of employment in Swaziland. Objectively, the study first assesses the prevailing trends on knowledge and attitudes of both the employees and employers on sexual harassment in the workplace, and then secondly, identifies the capacities of staff and management to support employees whose rights have been violated. The analysis informs workplace initiatives on programming of sexual harassment and gender, particularly on policy reform, advocacy, systems development and capacity building requirements.

The study finds that the ILO defines sexual harassment as sex-based discrimination that constitutes sexual behaviour that is unwelcome to the recipient and can either be physical, verbal or non-verbal.

On the employer/employee knowledge levels on workplace sexual harassment, the study finds that general knowledge is low among employees, especially on the different subtle behaviours that can constitute sexual harassment. More than 50% of the employees can easily identify physical gestures and verbal comments associated with sexual harassment, but less than 30% of employees show an understating of how a hostile working environment can arise from such behaviour that makes a survivor subject to an intimidating and humiliating work environment. An even smaller number of employees are able to classify some of the non-verbal behaviours such as display of indecent and obscene pictures in the workplace and through online social media as a violation of their rights to a safe working environment. The assessment on knowledge reveals that if the sexual harassment behaviour is not directly invasive to the person's body, or verbally derogating to the person, employees tend to ignore, pardon or entirely dismiss all other behaviours as not qualifying as sexual harassment.

Knowledge levels on sexual harassment are more or less the same between the sectors of employment but vary between the different employee age groups, sex, and position of each employee in each organisation. In terms of the employer's role in facilitating knowledge capacity on sexual harassment, the analysis reveals that less than 50% of the companies and organisations sampled provide trainings on sexual harassment, with the rate of trainings in the NGO sector well under half of the training provided by the private sector. Nonetheless, more than 90% of the employees display confidence in understanding their human and work rights to a sexual harassment free workplace. The major challenge is the unavailability of clear and user-friendly workplace systems and procedures for reporting and dealing with cases of sexual harassment.

An important caveat that arises from the analysis is that sexual harassment can be a subjective issue because different people take offence to different things under different circumstances. Hence, on the perceptions/attitudes on sexual harassment, the study finds that two out of three employees believe that sexual harassment is rare in their workplaces, with one out of three employees still believing that sexual harassment is really minor and harmless. Other employees still think that victims of sexual harassment are always females, that sexual harassment only happens between people of opposite sexes, and that senior managers are always the perpetrators such that employees who report are usually fired or demoted.

Touching on the magnitude or extent of sexual harassment in the workplace, the employee survey determines that almost 20% (16.2% in the private sector and 17.6% in NGOs) of

employees have experienced sexual harassment in the workplace, indicating that the problem is slightly higher within the NGO sector of employment. In fact, the study finds that among the survivors of workplace sexual harassment, only 18.3% in the private sector report their cases, with a meagre 5.6% employees reporting cases in the NGO sector. The result is not surprising because the analysis also indicates that the NGO sector provides the least number of sexual harassment trainings each year. The other important challenge on the issue of reporting workplace sexual harassment is that only less than 30% of the survivors in both the private and NGO sectors had evidence to support their claims. About 10.3% in the private sector, against 4.8% of employees in the NGO sector, have had a relationship with a co-worker. Though the percentages suggest that the incidence of sexual relationships in the workplace is quite low, about a quarter to a half of the employees enter into these relationships through coercion. Other findings on the cases of sexual harassment in the workplace reveal that it is higher among females when compared to males, and the risk of harassment increases with age, and the 30-44-year-olds experiencing the most cases of sexual harassment. Volunteers, part-time and casual/temporary employees also face a greater risk of sexual harassment when compared to permanent employees.

Considerations on the nature of sexual harassment experienced by workers, the study finds that the most common type of sexual harassment include verbal or sexual compliments (19.18%); sexual gestures (15.92%); unwelcome sexual advances (15.51%); and requests for sexual favours (11.84%), among other behaviours. The progression of sexual harassment seems to start with subtle behaviours such as verbal compliments to entice/coerce the victim, which if pardoned/ignored by the victim, then escalates to overt sexual advances such as invasion of a person's private body/space and blatant requests for sexual favours. Both male and females seem to experience all the types of sexual harassment though males experience more financial harassment while females experience the most verbal sexually inclined compliments and unwelcome sexually charged gestures and advances. Generally, even though same-sex harassment does occur in both the private sector and NGO, opposite-sex harassment is the most typical form of sexual harassment in the workplace.

In terms of typical perpetrators and survivors of workplace sexual harassment, the study finds that approximately 90% of perpetrators on female survivors in the NGO sector are males compared to 70% of perpetrators on female survivors being male in the private sector. Male perpetrators on female survivors tend to be 41-60-year-olds who are typically directors, middle managers in their companies or organisations. Males harassing other males is mostly prevalent in the private sector, accounting for about 30% of the sexual harassment cases reported in this sector. Similarly, about 90% of the perpetrators on male survivors are females in the NGO sector, with 80% level in the private sector. Female perpetrators on male survivors are usually junior managers in the NGOs, and junior managers, executive assistances, and some CEOs in the private sector. Female-on-female sexual harassment cases are double in proportion in the NGO sector when compared to the private sector. Overall, employees from both sectors agree that both males and females can be perpetrators as well as victims of sexual harassment.

Even though the level of sexual harassment reporting is low within the two sectors of employment, the survey results indicate that reporting channels in the NGO sector are limited to human resource officers and immediate supervisors while the private sector has much broader options for reporting. Including the human resource officers and immediate supervisors, the private sector employees can also report to their colleagues, counsellors, and wellness focal persons. None of the sampled companies and organisations have installed specific sexual harassment personnel. Comparing reporting trends between males and females, the study finds that females are more likely to use all channels while males seem to be much more comfortable reporting to their immediate supervisors and colleagues.

Moreover, only 16.7% of the males experiencing sexual harassment report it compared to 31.6% among females. Reporting is higher in the private sector and with no males reporting sexual harassment cases within the NGO sector.

Reasons cited for not reporting workplace sexual harassment point to fears of being fired and lack of suitable systems for reporting, marred by the belief that any reporting is futile because management will most likely not act on any of the cases reported. A greater number of NGO employees take sexual harassment as a norm. By and large, employees in the NGO sector fear retaliation from the perpetrators and do not want to worsen the sexual harassment predicaments and hence the much low rate of reporting in this sector. Employees in this sector have little confidence in the limited reporting structures in place for dealing with sexual harassment cases. For the private sector, the problem seems to be much rested on the inadequate or complicated structures of reporting. For the most part, employees in the private sector are unsure on how to navigate the processes and producers on sexual harassment. Altogether, employees in the private and NGO sectors want to see the commitment from their employers that sexual harassment cases will be taken seriously, and processed appropriately. Hence, employers need to establish user-friendly and clear structures and procedures for reporting workplace sexual harassment cases.

Besides problems with upbringing, over-ambition and general lack of knowledge on sexual harassment, the study finds that employees from both the private and NGO sectors believe that causes or drivers of workplace sexual harassment are due to people in positions of power abusing their power by imposing themselves sexually on their junior employees or their subordinates, and due to a substantial number of general employees using sex as a vehicle to obtain and secure their job and career advancements.

The impacts of workplace sexual harassment are widespread, posing serious penalties on the individual survivor, the company or organisation, and the country as a whole. The data analysis reveals that for the most part, sexually harassed employees feel humiliated and degraded, which causes them stress, depression and dents their self-esteem. The results show that sexual harassment can be damaging to a person's dignity and emotional stability. Sexual harassment can evolve to other forms of harassment such as financial bullying, verbal and physical abuse, and frustration of career goals and opportunities. With low self-esteem, employee productivity suffers due to increased absenteeism, lack of motivation, fear and mistrust. Organisations can lose a lot in terms of profits due to poor performance of employees and loss of time in processing sexual harassment cases.

To combat or manage sexual harassment in the workplace, an estimated 40% of organisations and companies have a policy on sexual harassment that employees positively know about. Sexual harassment policy availability is lower in the NGO sector, with only 33.7% of the organisations having policies compared to 47.4% of companies that indicate to have a policy in the private sector. The bulk of employees in the NGO sector are either unsure or completely do not know whether their organisations have or do not have a policy or guidelines on sexual harassment. Among the 33.7% that have a policy, only 39.2% of the employees have read the documents, with less than half of them understanding the information conveyed. The private sector faces a similar problem, with slightly a lower number of employees who have read and understood the company policies on sexual harassment. Hence, rather than relying on a unique policy solely focusing on sexual harassment, both the private sector and NGOs heavily rely on the general code of conduct policies for managing all inappropriate disciplinable behaviours in organisations. More than 80% of the companies and organisations have a code of conduct that employees understand, that they supposedly use to address sexual harassment cases. Moreover, the study finds that organisational culture in each workplace has a significant impact in controlling the



prevalence of sexual harassment behaviour. An estimated three in every five companies/organisations in the private and NGO sectors of employment have adopted a zero-tolerance stance against sexual harassment. The most key forums for promulgating anti-sexual harassment messages and employee capacity building include induction/orientations and staff departmental meetings. The private sector tends to take the most initiative in inviting experts to educate staff while the NGO sector tends to rely more on the provision of information on how to report sexual harassment and reprimanding perpetrators.

Finally, the study finds that notwithstanding the fact that sexual and domestic violence are endemic in Swaziland, sexual harassment remains and continues to be an insidious challenge in the workplace. It is not an entirely clear-cut objective issue; various behaviours can constitute sexual harassment within different circumstances. Furthermore, the burden of proof remains on the survivor of the sexual harassment and because of its nature, survivors usually can only provide limited and circumstantial evidence to support their cases. What is worse is that management in organisations and companies do not have the necessary knowledge and capacity to deal with sexual harassment cases. While there are a number of policies in place that seek to address sexual harassment, the country as a whole does not have policy or legislation specifically addressing sexual harassment in the workplace. The pre-existing legal instruments covering sexual offences and domestic violence are outdated, and do not explicitly criminalise workplace sexual harassment. The country passed the Sexual Offences and Domestic Violence Bill in 2009 but it is yet to be enacted as a law which will provide a legal instrument for criminalising sexual harassment.

## **5.2. Recommendations**

Based on the findings, the study makes the following recommendations;

### **Enable conducive environment to guide on practices**

- a. In the Review of the Employment Act of 1980, advocate for provisions for workplace sexual harassment.
- b. Work with the Ministry of Labour and Social Security to develop workplace sexual harassment policy template that can be adopted by all companies and organisations in Swaziland Advocate for the enactment of the Sexual Offences and Domestic Violence (SODV) Bill of 2015.
- c. Encourage companies/organisations to develop stand-alone sexual harassment policies based on the national policy template on workplace sexual harassment.
- d. Conduct a similar study baselining sexual harassment in the public sector.

### **Develop national capacities to prevent Sexual Harassment in work place and general society**

- e. Capacitate organisations on all forms of sexual harassment, and how such behaviours may lead to a hostile working environment.
- f. Capacitate all employees in all levels of companies and organisations on ILO Recommendation No. 200 which underlines that the Ministry of Labour and employers' and workers' organisations should actively participate in the national HIV/AIDS response establishing prevention measures through

information changes in behaviour, knowledge and the creation of a non-discriminatory environment.

- g. Deliberately target and focus capacity building programmes on male dominated organisations, but programmes must be inclusive of all workers (males and females) in all levels of the organisations/companies.
- h. Ensure that workshops/training are inclusive of all employees, across all levels of each organisation/company.
- i. Deliberately target, new employees for sexual harassment trainings, especially those on short-term contracts.
- j. Establish a national programme that can be adopted and modified by individual companies/organisations on sexual harassment policy/systems development including processes and procedures for managing workplace sexual harassment.
- k. Capacitate and strengthen human resource officers and supervisors on their role in managing sexual harassment cases in the workplace.
- l. Emphasise sexual harassment as a health and safety occupational hazard that needs proper systems for prevention, monitoring and evaluation.

#### **Advocate for better understanding of sexual harassment and consequences**

- m. Design positive campaigns and messages for combating workplace sexual harassment emphasising the incentives associated with a sexual harassment free workplace.
- n. Encourage reporting, especially among males in the NGO sector.
- o. Since the study finds that sexual harassment prevalence is highest in the Shiselweni region, deliberately target the Shiselweni Region on capacity building programmes on knowledge on sexual harassment.

#### **Improve reporting and disclosing on sexual harassment**

- p. Encourage companies to establish sexual harassment peers.
- q. Require companies to maintain a reporting instrument to generate a database on sexual harassment cases in the workplace in Swaziland.
- r. Emphasise prevention by encouraging organisations/companies to adopt zero-tolerance stance on sexual harassment.
- s. Establish an anonymous toll-free line for reporting sexual harassment cases across the country.
- t. Establish coordinating structures to engage on sexual harassment and other occupational issues.
- u. Establish an independent national body/council (such as SWABCHA, PSHACC, and CANGO) to manage sexual harassment cases/reports.

## 6. References

- BARBARA A.G. (2010). How Subjective is Sexual Harassment? An Examination of Rater Effects Basic and Applied Social Psychology 17(4) 1995
- BERDAHL, J.L., MAGLEY, V.J., AND WALDO, C.R. (1996). The sexual harassment of men: Exploring the concept with theory and data. *Psychology of Women Quarterly*, 20(4): 527-547
- BERDAHL, J.L. (2007b). Harassment based on sex: Protecting social status in the context of gender hierarchy', *Academy of Management Review*, 22 (2) 641-658.
- BIMROSE, J. (2004). Sexual harassment in the workplace: An ethical dilemma for career guidance practice? *British Journal of Guidance and Counselling*, 32(1), 109-121.<http://dx.doi.org/10.1080/03069880310001648049>
- CONNELL, R. W. (1987). *Gender and Power: Society, the Person, and Sexual Politics*. Stanford. CA: Stanford University Press.
- CORTINA, L.M, (2008). Unseen injustice: Incivility as modern discrimination in organizations. *Academy of Management Review* 33 (1): 55-75.
- EUROPEAN COMMISSION, DIRECTORATE-GENERAL FOR EMPLOYMENT, INDUSTRIAL RELATIONS, AND SOCIAL AFFAIRS. (1998). *Sexual Harassment in the Workplace in the European Union*. Brussels: European Commission.
- FARLEY, L. (1978). *Sexual Shakedown: The Sexual Harassment of Women on the Job*. New York: McGraw-Hill.
- FISKE, S.T., GLICK, P. (1995). Ambivalence and stereotypes cause sexual harassment: A theory with implications for organizational change', *Journal of Social Issues*, 51(1): 97-115.
- FITZGERALD, L.F., SWAN, S., MAGLEY, V. J. (1997). But was it Really Sexual Harassment? Legal, Behavioural, and Psychological Definitions of the Workplace Victimization of Women, in W. O'Donohue (ed.), *Sexual Harassment: theory, Research, and Treatment* Needham Heights, MA: Allyn & Bacon, pp. s-28.
- GUTEK, B.A., MORASCH, B. (1982). Sex-ratios, sex-role spillover, and sexual harassment of women at work', *Journal of Social Issues*, 38 (3): 55-74.
- HERSCH, J. (2011). Compensating differentials for sexual harassment. *American Economic Review Papers and Proceedings*. 101 (3): 630-634.
- INTERNATIONAL LABOUR ORGANISATION (ILO): Decent work for women: An ILO proposal to accelerate the implementation of the Beijing Platform for Action, paper presented at the Symposium on Decent Work for Women; Women 2000: Gender equality, development and peace for the twenty-first century (New York, 5-9 June 2000) (Geneva, 2000).
- ILO: GENERAL OBSERVATION ON CONVENTION NO. 111: Discrimination (Employment and Occupation), 1958, Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), International Labour Conference, 91st Session, Geneva, 2003, pp.463-464.
- : Equality in employment and occupation: Special survey on equality in employment and occupation in respect of Convention No. 111 (Geneva, 1996).

- : R200 - HIV and AIDS Recommendation, 2010 (No. 200) Recommendation concerning HIV and AIDS and the World of Work Adoption: Geneva, 99th ILC session (17 Jun 2010)
  - : Sexual harassment at the workplace in Nepal (Kathmandu, 2004).
  - : Workplace violence in services sectors and measures to combat this phenomenon (Geneva, 2004).
- JONI HERSCH, J. (2015). Sexual harassment in the workplace. IZA World of Labour. 188doi: 10.15185/izawol: wol.iza.org
- MACKINNON, C.A. (1979). Sexual harassment of working women: A case of sex discrimination. New Haven, CT: Yale University Press.
- O'CONNELL, C.E., KORABIK, K. (2000). Sexual harassment: The relationship of personal vulnerability, work context, perpetrator status, and type of harassment to outcomes. *Journal of Vocational Behaviour*, 56(3), 299-329. doi:10.1006/jvbe.1999.1717
- PEARSON, C.M., PORATH, C.L. (2004). On incivility, its impact, and directions for future research, in R.W. Griffin and A.M. O'Leary-Kelly (eds), *The Dark Side of Organizational Behaviour*, San Francisco: Jossey-Bass, pp. 403-425.
- SEGRAVE, K. (1994). *The Sexual Harassment of Women in the Workplace, 1600 to 1993*. Jefferson, NC: McFarland and Co. Inc.
- STAINBACK, K, RATLIFF T.N., ROSCIGNO V.J. (2011). The Context of Workplace Sex Discrimination: Sex Composition, Workplace Culture, and Relative Power. *Social Forces* 89:1165–88.
- STUDD, M.V., GATTIKER, U.E. (1991). The evolutionary psychology of sexual harassment in organizations, *Ethology and Socio-biology*, 12: 249-290.
- TANGRI, S., HAYES, S. (1997). Theories of sexual harassment. In W. O'Donohue (Ed.), *Sexual harassment: Theory, research, and treatment* (pp. 112-128). Needham Heights, MA: Allyn and Bacon.
- TILL, F. (1980). *Sexual Harassment: A Report on the Sexual Harassment of Students*, Washington: National Advisory Council on Women's Educational Programs.
- UGGEN, C., BLACKSTONE, A. (2004). Sexual Harassment as a Gendered Expression of Power. *American Sociological Review* 69:64–92.
- UNITED NATIONS. (1981). *Convention on the Elimination of All Forms of Discrimination against Women*, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force Sept. 3, 1981.
- West, C., Zimmerman, D.H. (1987). Doing Gender. *Gender & Society* 1:125–51.

## **7. Appendix 1: Survey Questionnaire**

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### **Workplace Sexual Harassment Study Private Sector, Public Sector and Civil Society Organisations Individual Respondents Questionnaire**

Sexual harassment is a physical or verbal act with a sexual nature performed in a workplace and is very unwelcome to the person receiving it and makes the person feel violated, insulted and being in an unbearable hostile environment. Sexual harassment manifest itself in different forms, verbal, physical, visual, and psychological and often involves abuse of power between a senior and junior employee and often results in diminished self- esteem, absenteeism and under productivity. The Swaziland Business Coalition on Health & AIDS (SWABCHA), the Public Sector HIV-AIDS Coordinating Committee (PSHACC)in collaboration with UNDP are conducting a survey on sexual harassment at the work place. The purpose of the survey is to establish the extent or magnitude of sexual harassment within the workplace and its contribution towards new HIV infections; establish the levels of knowledge, attitudes and practices at the workplace on sexual harassment; examine sexual harassment policy, guidelines and the existence of systems established for managing sexual harassment. The target for the survey is the private sector, public sector and civil society organizations.

A “Sexual Harassment Survey is therefore being undertaken to solicit views from both employers and employees on the extent of sexual harassment at workplace. Results for this survey will inform policy reform, advocacy initiatives and the establishment of systems for mitigating sexual harassment at the workplace. You are therefore requested to participate through provision of responses to the questionnaire which should take you 15 to 20 minutes. The questions are based on individual experiences, views and or observations.

The responses will remain anonymous.

Thank you for your time.

**SECTION 1: RESPONDENT DEMOGRAPHICS**

**Questionnaire Number:**

**Age:** 18 – 19  20 - 24  25-29  30-34  35-39  40-44   
 45-49  50-54  55+

**Gender:** Female  Male

**Marital Status:** Single  Married  Divorced   
 Separated  Widowed  Cohabiting  Other

**Employment status:** Employed  Part-time Employed  Seasonal  Volunteer   
 Probation

**Level of Education:** No schooling  Primary Education  Secondary Education   
 High School  Tertiary Education  Sebenta Training School

**Organisation you work for:** Private Sector  Public Sector  NGO  Other

**Location of the Organisation** Hhohho  Lubombo  Manzini  Shiselweni

**Employment duration in the organization** 1 – 6 months  7 – 12 months   
 1- 3 years  4 – 9 years  10 years and over

**Level employed** Executive Management  Senior Management   
 Middle Management  General staff

**SECTION 2. Knowledge on Sexual Harassment**

In your understanding, what is sexual harassment?

- 1. Unwelcome sexual advances
- 2. Request for sexual favours
- 3. Verbal or sexually inclined compliments
- 4. Physical conduct of a sexual nature to another employee (touching)
- 5. Physical abuse
- 6. Rape
- 7. Financial harassment
- 8. Bullying of employees
- 9. Intimidating words
- 10. Indecent and obscene pictures in one’s office
- 11. Abuse of power between senior and junior employee
- 12. Online and social media related harassment
- 13. Other.....

- 1. Do you think employees in the organisation have a common understanding of what constitutes sexual harassment?  
 Yes  No

2. Does the employer facilitate educational meetings or empowerment workshops aimed at creating awareness and prevention of sexual harassment at the workplace?  
Yes  No
3. Is it acceptable for your employer to forcefully invite an employee on a date despite having demonstrated her/his disinterest or disapproval to such advances?  
Yes  No
4. Do you know that you have a right to report sexual harassment at your workplace or if you see someone else being sexually harassed?  
Yes  No
5. (a) Do you know that you have a right to report if you see someone else also being sexually harassed in the workplace?  
Yes  No
5. Do you know where and how to report sexual harassment at your workplace  
Yes  No
6. Is sexual harassment a violation of your right as an employee?  
Yes  No

### **SECTION 3: Perceptions on Sexual Harassment:**

**(Tick the appropriate response True / False)**

7. Sexual harassment is rare at your workplace. True   
False
8. Sexual harassment is really minor and harmless at my workplace  
True  False
9. Some employees make up and report stories of sexual harassment to get back at their employer or others who have angered them.  
True  False
10. Men are not exposed to sexual harassment. True   
False
11. If the harasser does not do it intentionally, then it does not constitute sexual harassment.  
True  False
12. If the victim does not complain (just smiles), s/he wants it  
True  False
13. Women who are sexually harassed generally provoke harassment by the way they look, dress and behave. There's no smoke without fire.  
True  False
14. If you ignore harassment, it will go away.  
True  False
15. Victims of sexual harassment are all females.  
True  False
16. Sexual harassment only happens between people of opposite genders.  
True  False
17. A victim of sexual harassment does not have to be the person directly harassed but can be a witness of such behaviour who finds the behaviour offensive and is affected by it.  
True  False
18. Women who report sexual harassment are usually fired or demoted by Management  
True  False
19. A Senior Manager is always the perpetrator of sexual harassment  
True  False

### **SECTION 4: Policy Availability**

20. Do you know if the organisation has an equal opportunity policy and a sexual harassment policy/ guidelines that forbid or protect employees from sexual harassment?  
 Yes  No  I don't know

**If NO go to**

**Question 23**

21. If yes, when were you made aware of these policies/ guidelines / documents?

- 1. Induction or Orientation
- 2. After the occurrence of an incident
- 3. Organisational Charter
- 4. Staff or Departmental meeting
- 5. Other .....

22. If No, what other systems or policy/guidelines have been established by the organisation for the protection of employees from sexual harassment?  
 .....  
 .....

23. Have you read the policy / guidelines or any other document used by the organisation for prevention of sexual harassment at the workplace?

Yes  No

24. Do you understand the content of the policy/ guidelines or any other document used by the organisation? Yes

No

25. Does the organisation have a code of conduct?

Yes  No

26. Do you understand the code of conduct?

Yes  No

27. Do you feel like you are protected by your employer from sexual harassment?

Yes  No

**SECTION 5: Personal Experiences**

28. Have you ever experienced sexual harassment in your organization?

Yes  No

**If NO, skip to Question 35**

29a. If yes, what was the gender of the perpetrator(s)? (Tick all that apply)

Male  Female

29b. What was the approximate age of the perpetrator(s)? (Tick all that apply)

- 1. 18 – 25 years
- 2. 25 – 30 years
- 3. 31 – 40 years
- 4. 41 – 50 years
- 5. 51 – 60 years
- 6. Above 60 years

29c. What was the position of employment of the perpetrator(s)? (Tick all that apply)

- 1. The Chief Executive Officer or Principal Secretary or Equivalent
- 2. The Under Secretary
- 3. The Director or Equivalent
- 4. Middle Manager
- 5. Junior Manager
- 6. Other.....



- 29d. What form did the sexual harassment take?
- 1. Unwelcome sexual advances
  - 2. Request for sexual favours
  - 3. Verbal or sexually inclined compliments
  - 4. Physical conduct of a sexual nature to another employee (touching)
  - 5. Physical abuse
  - 6. Rape
  - 7. Financial harassment
  - 8. Bullying of employees
  - 9. Intimidating words
  - 10. Indecent and obscene pictures in one's office
  - 11. Abuse of power between senior and junior employee
  - 12. Online and social media related harassment
  - 13. Other.....

**SECTION 6 REPORTING SEXUAL HARRASSMENT**

29. Did you report the sexual harassment mentioned above? Yes  No

**If NO skip to Question 34**

30. If yes to whom did you report the harassment to?

- 1. The Human Resource
- 2. My Immediate Supervisor
- 3. My Colleagues
- 4. Counsellor
- 5. Wellness Focal Person
- 6. Sexual harassment
- 7. Other .....

31. Did you have any evidence for the sexual harassment? Yes  No

32. What kind of evidence did you have?.....  
.....

33. If No, why did you not report the harassment?

- 1. Fear of being fired
- 2. Fear of reprisal
- 3. Management won't Act on it
- 4. No penalties for the harasser
- 5. Management won't believe me
- 6. There are no systems for reporting sexual harassment
- 7. Other.....

34. Does your employer discourage employees from filing sexual harassment claims?

Yes  No  Not sure

If yes, how?

.....  
.....

35. Do you know of any of your colleagues that have directly experienced sexual harassment in the organization?

Yes  No

**If NO skip to Question 40**

36. Did they report the harassment through the appropriate structures?  
Yes  No

**If YES go to Question 39**

37. What was/were the underlying reason(s) for not reporting? Can tick all applicable

- 1. Did not think it could help
- 2. Not aware of the complaint channels
- 3. Did not want to worsen the situation or ruin the relationship
- 4. No spare time or energy to take action
- 5. Considered that the procedure of complaint was complicated
- 6. Afraid of revenge
- 7. Took it as the norm
- 8. They resigned after the incident
- 9. Other (specify).....

38. What form did the sexual harassment take?

- 1. Unwelcome sexual advances
- 2. Request for sexual favours
- 3. Verbal or sexually inclined compliments
- 4. Physical conduct of a sexual nature to another employee (touching)
- 5. Physical abuse
- 6. Rape
- 7. Financial harassment
- 8. Bullying of employees
- 9. Intimidating words
- 10. Indecent and obscene pictures in one's office
- 11. Abuse of power between senior and junior employee
- 12. Online and social media related harassment
- 13. Other.....

39. Why are people in the workplace subjected to sexual harassment?

- 1. They don't know their rights
- 2. They are not aware its harassment
- 3. They want promotion or employment or training
- 4. It's an acceptable norm so not considered as harassment
- 5. Other.....

40. What are some of the effects of sexual harassment in the workplace? Can tick all applicable

- 1. Humiliated
- 2. Degraded and threatened
- 3. Employee becomes demotivated
- 4. Extreme stress , depression and nervousness
- 5. Insomnia
- 6. Feel guilty
- 7. Absenteeism
- 8. Decreases success and meeting financial goals
- 9. Loss of career and income
- 10. Loss of trust in the environment and people
- 11. Loss of references and recommendations
- 12. Relocation to another surrounding
- 13. Being discriminated against in the work place

41. Does the organisation have Zero tolerance to sexual harassment? Yes  No

**If NO skip to Question 43**

42. (a) How does it demonstrate this?
1. Staff reminded in most staff meetings
  2. Staff provided with information on how to report Sexual harassment
  3. Perpetrators reprimanded and sanctioned
  4. Experts regularly invited to educate staff on sexual harassment

**Section 7: Suggestions on how to address sexual harassment in the workplace**

42. What can organizations do to reduce instances of sexual harassment? (Tick all that apply)

1. Establish Policy guidelines and code of conduct
2. Education of Staff on Sexual Harassment during and after orientation
3. Have clear and known systems for reporting Sexual Harassment
4. Have Zero tolerance to Sexual Harassment
5. Severe Consequences on perpetrators
6. Other.....

43. What is the policy or position of the organisation, with regards forming sexual relationships in the office?

**Explain:**.....  
 .....

44. Have you ever had an intimate relationship with a co-worker but broke it off? Yes  No

**If NO, skip to Question 47**

45. If yes, did you have mutual consent in the relationship? Yes  No

46. What can the government do to protect employees from Sexual Harassment?

.....  
 .....

47. What should be the role of Trade Unions in the prevention of Sexual harassment?

.....  
 .....

***Thank you for taking the time to respond to this questionnaire.***

## **8. Appendix 2: Key Informant Interview (KII) Guide**

### **WORKPLACE SEXUAL HARRASSEMENT STUDY**

#### **ORGANISATIONAL ASSESSMENT GUIDELINES – KEY INFORMAT**

Respondent's Position .....

Years in the Years in Organisation.....

Gender.....

#### 1, Availability of Sexual Harassment Policy.

- a) How is sexual harassment defined by the organisation?
- b) Does the Organisation have a sexual harassment policy? How old is the policy? How often the organisation reviews its policy?
- c) What is the content of the policy as far as protection of employees from sexual harassment?

#### Or Absence of a Policy

- a) What other systems or policy guidelines have been established for managing sexual harassment in the organisation?
- b) Does the organisation have a complaint / grievance policy or guidelines

#### 2. (If the policy is available) Policy Awareness

- a) Are the employees aware of the policy?
- b) How are these policies communicated to employees?

#### 3. Reporting

- a) Does the organisation have any guidelines or procedures for reporting sexual harassment?
- b) What are the procedures that exists for reporting sexual harassment?
- c) How many cases of sexual harassment have been reported to you in the last 12 Months? Over the last 5 years;
- d) In your reported sexual harassment cases who often are the victim in terms of sex and positions
- e) What type of sexual harassment is more prevalent in the organisation?

#### 4. Staff protection

- a) What legal protection is in place for employees that have been harassed?
- b) How does the organisation manage or deal with cases of sexual harassment?
- c) Does the organisation have trained personnel or referral system - to support employees that have been sexually violated?
- d) What is the role of the Trade unions in cases of sexual violation?

## **9. Appendix 3: Focus Group Discussion (FGD) Guide**

### **1. Knowledge**

1.0. What do you understand by the concept of Sexual Harassment/GBV?

1.1. In the past twelve months, have you witnessed any form of SH/GBV at the workplace (probe for victim, type, perpetrator, action taken, result of action)

1.1. Is there any SH/GBV at workplace; Describe what causes SH/GBV at work and who are mostly the victims involved?

1.2. Are you aware of the SH/GBV? Were you well informed about the SH/GBV? (Awareness raising activities/capacity building)

1.3. Have you attended any training/workshop on SH/GBV at the work place? State the place, venue and year/frequency.

### **2. Magnitude of sexual harassment/gender based violence**

2.1. How would you describe the magnitude of SH/GBV at the workplace? How has it affected different groups? (Male, female).

2.2. Which type of SHGBV is mostly common at the workplace and why is it the case in your opinion?

2.3. From your own point of view who are the most perpetrators of SH/GBV? Why are they the main perpetrators of SH/GBV (what drives them commit such a crime).

2.4. From your point of view, list the common areas at work in which most instances of SH/GBV occur? In your opinion why are these areas chosen by perpetrators to commit SH/GBV?

2.5. Are SH/GBV case reported at the Work place? If yes to who and what action is taken against perpetrator? If no, why? (Probe for both).

2.6. Is there a SHGBV policy at the workplace? And how has it curtailed would be perpetrators? Are there any factors which encourage SH/GBV at workplace? Which are those?

### **3. People's awareness of institutions and structures**

3.1. Are you aware of institutions (at work and outside work) where to reports cases of GBV/? Do You Think They Are Effective? If not, why? If Yes, Why?

3.2. In your opinion, do you think the employees are using or reporting cases to these institutions/? If so why? If not, why?

3.3. What challenges do you face as a workplace in dealing/reporting cases of SH/GBV? What can be done by employers to address these challenges?

### **4. Effects of GBV/SH on the individual and company**

4.1 In your opinion how does GBV/SH affects the victim at the workplace? How does it affect the employers/company or work elements?

4.2 In your opinion do employers need to have a SH/GBV policy in their premises? If so why do you think so? If not, why?

4.3. If there is a policy in the workplace, do you think it is meeting the expectations of the victims of GBV/SH? If not, what are the shortcomings? What do you suggest can be done to reduce shortcomings?

### **5: Recommendations**

5.1 Do you have any suggestion, recommendations, changes or addition that you would like to see in the workplace with regards to SH/GBV at the workplace in future for the purpose of reducing incidence of cases?