Sexual harassment in Queensland workplaces: Internal labour market processes and progression to formal redress

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ABSTRACT

Despite increased awareness of the problem and 20 years of legislation, sexual harassment has been documented as a widespread and damaging phenomenon. This two-stage study explored the patterns of behaviour (specialised assistance cases) and mapped the processes of lodging formal, legal complaints (case work) related to 654 episodes of sexual harassment reported to a community advocacy organisation in Queensland Australia over a three year period. Only 10% of specialised assistance cases involved ‘quid pro quo harassment’ with the remainder categorised as hostile environment claims, half of which involved sexual remarks, one-third physical contact and one-quarter gestures. Organisational responses to many of the allegations of sexual harassment was inadequate. The seriousness of many claims was also concerning, although the gravity of the act or acts of the perpetrators does not appear to be closely linked with the likelihood of the complaint being lodged or proceeding through formal avenues. Most cases lodged with one of three State/Commonwealth Commissions involved a conciliation conference and financial settlement, averaging $5,289.

Keywords: sexual harassment, industrial relations, gender, work
INTRODUCTION

Sexual harassment experienced by women in the workplace has been documented as a widespread and damaging phenomenon. The prevalence rates across a wide range of industries, occupations and locations have been cited as high as 50 percent (Crocker & Kalembra, 1999; HREOC, 2004) and the effects include job dissatisfaction, absenteeism, low self-esteem and elevated stress (Kauppinen-Toropainen & Gruber, 1993; Schneider, Swan and Fitzgerald, 1997). However, the specific patterns of behaviour reported in alleged sexual harassment cases, the contexts in which it occurs and the factors influencing the lodgement of formal, legal complaints have received little attention. The current paper begins to address these gaps in the literature by exploring the details of complaints made to a community organisation which provides advice and advocacy for working women in Queensland, Australia. The paper, following a brief literature review of the relevant issues, presents the findings of the research which address the nature and patterns of all cases of sexual harassment reported to the organisation over a three year period, subsequently mapping the processes and outcomes of industrial proceedings for the group of women who pursued formal redress. The study contributes to an understanding of how the conditions and concerns of female employees within given employment arrangements, may facilitate or constrain the development of feminised agendas in the workplace.

Definitions and Legal Considerations

Sexual harassment is defined by the Federal Australia Act as “an unwelcome sexual advance, an unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature and where the other person has reasonable grounds for believing that a rejection of the advance, a refusal of the request or the taking of objection to the conduct would disadvantage the other person…” (Section 28(3)). The legal definition of workplace sexual harassment developed in Australia and New Zealand includes two main types. The first type of sexual harassment is accompanied by employment threat or benefit, such as when a submission to an unwelcome sexual advance is an expressed or implied condition for receiving benefits or refusal to submit to the demands results in the loss of a job benefit or in discharge. The second type of sexual harassment involves relentless and continuing unwelcome sexual conduct that interferes with an employee’s work performance or where a reasonable person would view it as an intimidating, humiliating or offensive work environment (CCH Industrial Law Editors, 1992). Terpstra (1996, p. 304) distinguishes
between these two types of harassment as “quid pro quo harassment” (where unwelcome sexual behaviour is linked to tangible job benefits) which is clearly actionable, and hostile environment claims of sexual harassment, the definitions of which are unclear and inconsistent. Crocker and Kalembra (1999) contend that this distinction perpetuates the common view that hostile or poisoned environment claims are less serious than quid pro quo harassment. However, little empirical data appears to be available to confirm the relative likelihood of quid pro quo versus hostile environment harassment claims progressing to formal avenues of redress or the relative ‘seriousness’ of each of these types of claims.

Employees making a complaint about sexual harassment must choose to bring their complaint under either the federal Act or the relevant State law. At the federal level, complaints of sexual harassment are made to the Sex Discrimination Commissioner and hearings are conducted by the Human Rights and Equal Opportunity Commission. At the State level in Queensland, the Anti-Discrimination Act 1991 requires that complaints are made to the Anti-discrimination Commissioner and heard by the Anti-discrimination Tribunal (CCH Industrial Law Editors, 1992). Similar legislation as that in Australia, exists in the United Kingdom (Sex Discrimination Act 1975) and the United States (Title VII of the Civil Rights of 1964) (Samuels, 2003).

Theoretical Explanations for Sexual Harassment

Explanations for why sexual harassment occurs are numerous and cross-disciplinary. While a thorough analysis of these theories is beyond the scope of this paper, a brief overview of the various positions provides some relevant background. The theoretical positions have included: natural attraction-biological forces or physical attraction (Tangri, Burt & Johnson, 1982); learned or conditioned behaviours in organisations, where the exhibition of behaviours are in accord with existing societal sex-role definitions (Henley & Freeman, 1975; Terpstra & Baker, 1991); organizational approaches which view sexual harassment as a simple abuse of power made possible by the structure of the organization (Tangri, Burt & Johnson, 2000); and feminist theories which contend that sexual harassment is intentional behaviour designed to maintain a position of power (Farley, 1978; Gutek, 1985; Terpstra, 1997a, 1997b).

The natural attraction and organizational power positions have received little empirical support in the literature (Crocker & Kalembra, 1999) while studies applying the sex-role spill-over theory have found that the theory explains some kinds of milder forms of sexual harassment (Padavic & Orcutt, 1997).
However, feminist theories that focus on power relations as a central feature have become a more widely accepted explanation of the problem, at least in the academic literature (Cockburn, 1991; Samuels, 2003) and will inform the structure and analysis of data used for the current study.

**Prevalence and Patterns of Sexual Harassment**

In the past two decades, sexual harassment in the workplace has become recognised as a serious social issue (Crocker & Kalembra, 1999; Samuels, 2003). Although awareness of the issue in the wider community has undoubtedly increased, the frequency with which it continues to occur is concerning. Reports of prevalence rates are generally derived from two major sources. The first source of information is studies which randomly sample working women across the community or within an industry or organisation and ask if they have experienced harassing behaviour within a specified time-frame. For example, a recent study commissioned by the Australian HREOC involved a national telephone survey examining the incidence and nature of sexual harassment in a large, random sample (over 1,000 participants) of the general community (HREOC, 2004). Overall, 28 percent of adult Australians had experienced sexual harassment at some time; 41 percent of women and 14 percent of men. The high incidence of sexual harassment in Australia has been mirrored in other countries (Crocker & Kalembra, 1999; Gutek, Cohen & Konrad, 1990).

The second major source of information about the prevalence of sexual harassment is derived from State and Commonwealth Commission data which specifies the proportion of all work-related complaints accepted. For example, of the 596 work-related complaints accepted by the Anti-Discrimination Commission of Queensland (ADCQ) during 2002/2003, 22.2 percent were on the grounds of sexual harassment. The Australian HREOC recently reviewed 152 complaints made to it of sexual harassment in Australian workplaces and found that at least 77 per cent of all complainants had either left the organisation where the alleged harassment occurred or taken leave, representing a considerable cost in recruitment, training and development (HREOC, 2004). We report on another rich source of information related to sexual harassment that appears not to have been explored previously – the details of complaints made to a non-profit organisation in the community sector which provides advice, information and advocacy for working women. The qualitative data used in the study has two major advantages. The first advantage is that it includes the details of the process of formal avenues of redress which are generally not
available in numerical-level data sets collected by State and Commonwealth Commissions. The second advantage of this data is that it contains descriptions of many instances of harassment that, for a range of reasons, never progress to formal complaints to any of the Commissions, thereby allowing for a more in-depth analysis of internal labour market processes relating to sexual harassment.

**The Current Research**

The current research will explore the details of over 600 cases of sexual harassment reported to a community service organisation for working women over a three year period. The research questions that will be addressed are: (i) What is the nature and patterns of internal labour market processes occurring in Queensland workplaces in relation to sexual harassment; and (ii) How do reports of sexual harassment progress from initial enquiry to advocacy and legal procedures? QWWS is one of a group of community based organisations throughout Australia which specialises in advice, assistance and advocacy for working women. The service receives an average of 80 calls per week requiring specialised assistance and provides intensive assistance or advocacy for an average of five new clients each week.

**METHODS**

The sample consisted of 645 episodes of enquiry related to sexual harassment to the QWWS between 1st July 2001 and 30th June 2004, which had received either specialised assistance (n = 531) or more intensive advocacy services (n = 114). All clients were female and residing in Queensland at the time of contact. ‘Type of assistance’ was coded as *specialised assistance* if the call was longer than five minutes and *case work* if a woman had multiple contacts or had received intensive support. Data was sourced from the QWWS client database and files. Initial data was collected via a client query contact form that was completed by QWWS staff during the first contact with the woman. The complaint did not need to be labelled as “harassment” by the woman herself. In the first stage of the research, text-base client records were examined for themes which provided insights about the nature of the sexual harassment. In the second stage of the research, casework notes were tracked through the various agencies and systems, enabling concept maps to be developed. Data used in the research were de-identified by collapsing individual episodes of enquiry into categories. The text-based data were analysed using predominantly deductive approaches and a broad a priori framework. In the first stage, client records were
coded according to two major and recognised forms of sexual harassment (Terpstra, 1996): “quid pro quo harassment” and hostile environment claims. The nature and patterns of hostile environment claims were further categorised as (i) unwanted sexual teasing, jokes, remarks, comments; (ii) unwanted looks or gestures; (iii) unwanted touching or physical contact; (iv) requests for socialisation or dates and (v) sexual propositions unlinked to job conditions. Whether the harassment was perpetrated by a supervisor, subordinate, co-worker or client, and the location of the harassment, was also noted where this information was available. The second stage of the research utilised an analytical framework which consisted of four temporally-related sequences of events undergone by women as they progressed through potential avenues of redress including (i) the circumstances surrounding the complaint; (ii) the nature of post-complaint contact at the workplace (ii) lodgement of complaints with other agencies; and (iv) outcomes of formal proceedings (e.g., financial settlement).

RESULTS

Specialised Assistance

To explore the first research question (What is the nature and patterns of internal labour market processes occurring in Queensland workplaces in relation to sexual harassment?) 531 specialised assistance cases were examined. Of these, 187 cases involved disclosure of an episode of sexual harassment with no elaboration on the details of the specific incident(s) and could therefore not therefore be coded using the devised framework. However, some information about these cases was usually available, such as the occupation of either the employer or complainant and/or the location of the harassment incident. For this total number of cases, most harassers were in a senior position to the complainant. They included two major categories: managers / supervisors (n = 102, 19.2%) and employers (n = 135, 25.4%). Co-workers were also commonly reported as harassers (n = 132, 24.9%) while the smallest group was clients / customers, reported by 27 women or 5.1% of cases. The vast majority of harassers were male, with only four cases being reported as harassment by other women. In 24.4% of cases, the position or characteristics of the harasser was unknown. In terms of location of the sexual harassment, most cases occurred at the physical location of the workplace, although 16 cases (3.1%) occurred outside the immediate workplace. These locations included Christmas parties (5 cases) and other work functions (6 cases); external premises (2 cases); at conferences (3 cases); and a work trip.
(1 case). Most women reported an unsatisfactory response from the organisation such as being ignored, victimised or defamed as a result of lodging the complaint (e.g., “she told her employer who called her a slut”; “Human Resources told her he was fatherly and just a product of his generation. No action taken”). Other employees were dismissed from the workplace, encouraged to resign or paid to leave. In 27 cases, stress leave was reported, ranging in time from 1 week to 7 months.

Of the 344 cases that contained enough detail for the details of the harassment to be coded, 37 (10.6%) met the definition of quid pro quo harassment. These cases generally involved either threatened or actual negative consequences (e.g., job loss, withdrawal of holidays, reduction of work hours or pay or loss of duties, “Harasser sent caller text messages and comments. He has now bought them air tickets to Melbourne; when caller said no he threatened her that if she did not go “life could be made very difficult for her”), or coercion (pay rise, promotion, financial bonus etc., “Said if she wanted a raise, she had to wear a short skirt”).

More than half of cases (197 cases, 57.3%) involved unwanted sexual teasing, jokes, remarks or comments. These remarks often related to the size of women’s breasts and buttocks, requests to see parts of their bodies, offensive language and comments of a degrading nature. Many cannot be directly quoted due to their highly obscene nature. However, a less extreme example was: “Employer was having an affair with one of the girls in the office and she was told: ‘If you don’t like what you see, find another job, but you’ve got nice tits honey’” (administrative officer in the construction industry). Reports of offensive text messaging, emails and voicemail messages were also common, such as “Employer left offensive text message about masturbating” (Occupation unknown).

A further one-third of cases (112, 32.6%) involved some kind of unwanted physical contact by the harasser. The nature of this contact included kissing, cuddling, massaging, touching, pinching, grabbing, biting, bra-flicking, hitting, licking, groping, undoing clothes, spitting and forcibly placing the woman’s hands on the harasser’s crotch. Most seriously, there were 6 cases of attempted rape and 1 case of actual rape reported to QWWS. In 83 cases (24.1%) unwanted gestures were noted. These included 12 cases of indecent exposure / ‘flashing’. For example: “A customer exposed his penis over the bar and attempted to get caller to touch it” (Bar attendant, tavern). This category also included 26 cases of exposing the callers to pornography, either electronically (emails, internet based -websites, videos) or in hard copy
(magazines, calendars); and 16 cases of other harassment using electronic means, for example: “Caller’s boss had set up a web cam under her desk at work” (Occupation unknown). Only a small number of sexual harassment cases contained details which met the remaining definitions of sexual harassment types specified, that is, unwanted requests for socialisation or dates (2 cases) and sexual propositions unlinked to job conditions (14 cases).

Case Work

To explore the second research questions (How do reports of sexual harassment progress from initial enquiry to advocacy and legal procedures?), 101 casework episodes were examined. Of these, 80 complaints were formally lodged with a relevant commission: 68 to the Anti Discrimination Commission Queensland (ADCQ), 6 to the Human Rights and Equal Opportunity Commission (HREOC) and 6 to the Queensland Industrial Relations Commission (QIRC). The majority of formal complaints were lodged with ADCQ because, unlike HREOC, the ADCQ has a local presence and generally shorter waiting times. However, numerous cases did not reach conciliation stage within 6 and sometimes 12 months of lodgement of the complaint. In some cases respondents would not cooperate with the conciliation process leaving women in the position to decide whether to take the matter further to formal hearing. Five cases involved QWWS staff facilitating intensive mediation between the complainant and employer and a further 13 received counselling or ongoing support by QWWS staff, thus averting formal complaints to ADCQ or other jurisdiction. A further three cases were not pursued further. Of the 80 formal complaints lodged, 79 were accepted and proceeded to a conciliation conference. The remaining complaint was rejected because she had a service provider relationship with the harasser and was not covered by sexual harassment legislation.

Of the 79 cases which went to a conciliation conference at one of the commissions, financial settlement was achieved in 52 of these cases. No settlement occurred in an additional 14 cases, meaning that there was no agreement reached between the complainant and the alleged harasser. One case proceeded from conciliation conference to trial and in this case the complainant received $20,000 compensation. In 11 of the 79 conciliation conference cases, the service had no further contact with the client and the outcome of the conference was unknown. The majority of cases proceeding to conciliation conference reached some kind of settlement, including general financial compensation, specific
compensation for lost wages, medical/counselling treatments, statements/letters of apology, references for employment, agreements over confidentiality or withdrawal of further claims. In the cases which were financially settled and the amount was documented (27 of 52 cases), the value ranged from $865 to $23,000 (mean $5289). While in some cases the higher settlements were associated with more severe cases of sexual harassment, there were numerous cases of severe harassment that did not reach settlement. After conciliation processes are exhausted, the matter may be referred to Tribunal where the case can be argued on points of law. In several instances lengthy post conference or pre-trial negotiations were effected to give rise to settlement (in one case 3 years). The pathway of these cases of sexual harassment is illustrated in Figure 1.
FIGURE 1: Pathway of sexual harassment cases reported to QWWS from 01/07/2001 to 30/06/2004

Casework n = 101
- Complaint not pursued further n = 3
- Counselling / support provided n = 13
- Complaint lodged with HREOC n = 6
- Complaint lodged with ADCQ n = 68
- Complaint lodged with QIRC n = 6

Negotiations with employer / internal mediation n = 5

Outcome unknown n = 11
- Tribunal n = 1
  - Settlement $20,000
- Financial settlement n = 52
- Not settled n = 14
- Accepted offer n = 27
  - Mean $5,289
- Rejected offer n = 1

Specialised Assistance n = 496

Sexual Harassment
DISCUSSION

This study investigated community organisation data detailing the specific patterns of behaviour reported in alleged sexual harassment cases, the factors influencing the lodgement of formal, legal complaints and the pathways of proceedings through formal avenues of redress. The large number of complaints received by the organisation over a three-year period highlight that sexual harassment, despite increased community awareness of the problem, is a continuing, albeit diverse, issue in many workplaces. The seriousness of many claims is also concerning, although the gravity of the act or acts of the perpetrators does not appear to be closely linked with the likelihood of the complaint being lodged or proceeding through formal avenues.

How Sexual Harassment Constrains Feminised Workplaces

Although sexual harassment is rhetorically thought of as an act perpetrated by someone in a position of seniority or authority, Brant and Too (1994) argue that the power model of sexual harassment ignores extensive evidence which suggests that harassment from peers or juniors can be more common than harassment by people in positions of authority. Samuels (2003) however, argues that power from a feminist perspective is not a pure or unmediated force but an amalgam of influences with material contexts: “When men and women enter the workplace they also bring with them the dominant ideology from outside the workplace. In society the balance of power lies with men and even if women are in more senior positions they are made more vulnerable by the fact they are women” (p. 477). In contrast to several other studies which have found co-workers to be the most likely harassers (e.g., HREOC, 2004; Savery & Halsted, 1989), in the current study, more than half of harassers were supervisors / managers or employers and only on-quarter were co-workers. The greater proportion of harassment involving superiors in this study is likely to result from a data set derived from an external advocacy organisation rather than data from a broad cross-section of working women. Given the threat of job loss and other sanctions evident in the data, it is not surprising that women would seek assistance outside the immediate organisational environment.

Hearn and Parkin (1987) argue that sexuality pervades the workplace in regards to the relations between employees and the jobs they hold, the space they occupy and the language they use. The
persistence of insidious and widespread sexual harassment revealed in this and other studies indicates a resistance to defining and addressing the main problems for working women, whether they be biological bulwarks, gender relations or workplace structures. This lack of recognition and action will continue to thwart the development of feminised agendas which allow women to overcome unequal labour market opportunities based on factors such as imbalanced power relations and greater family and domestic responsibilities.

Organisational Response

Unsatisfactory organisational responses appeared to prompt many of the reports of sexual harassment to this community organisation. Delayed investigations and justifications of harassers’ behaviours as acceptable suggests many organisations do not take sexual harassment seriously. Worse still, some women who challenged the harassment through organisational channels reported being isolated and discredited and were often subjected to open hostility or threatened or actual dismissal as a result of making a complaint. These responses, while punitive, are likely to reduce reporting rates in the future (Perry, Kulik & Schmidtke, 1998). However, the cases of stress leave reported in this data, in addition to the more hidden costs of hiring and retraining new staff following resignations or dismissals, may be costly exercises for small and large businesses alike.

Inadequate organisational responses to allegations of sexual harassment also increase the risk of complainants ‘going public’, voicing their disapproval outside the organisation or mounting legal cases may also be costly in terms of legal fees, settlement payments and damaged reputations. Clearly, developing appropriate policies and consistently implementing corrective action is a difficult task for any organisation, especially as a case of egregious sexual harassment to one individual my not seem like a serious matter to another (Jensen & Kleiner, 1999). For example, a study by Gunsch (1993) highlights the disparity between the views of executives and employees in perceptions of organisations’ fair dealings with claims of sexual harassment. In a national survey, eighty percent of human resource executives stated that the punishment of offenders was just, while 60 percent of non-HR respondents said the charges are either completely ignored or that offenders receive only token reprimands.
The Manifestation of Sexual Harassment in Workplaces

Although verbal harassment may appear to be less threatening and more socially acceptable than other forms of harassment which involve physical contact, Cleveland (2005) writes that humour, jokes and even more general work language often reinforce and perpetuate discrimination and harassment in socially acceptable ways. Furthermore, when women do not laugh at “stupid, harmless” jokes, they are often accused of not having a sense of humour (Benokratis, 1997). Verbal harassment should not be overlooked as a potentially serious and damaging form of harassment. Many of the incidents coded as ‘Remarks’ in the current study were intimidating, obscene and highly derogatory, sometimes resulting in extreme distress, feelings of powerlessness, sick leave and resignations.

In a similar way to verbal forms of harassment, cases involving technology such as mobile phones, email and the internet may appear less threatening because they can be carried out without face-to-face contact. Conversely, this form of harassment may be as distressing as more physical forms, at least partly because it allows greater access to the complainants, both in terms of location (such as outside the immediate workplace) and time (beyond work hours). In the complainants favour however, this form of harassment is one of the few types where tangible evidence can sometimes be provided against the harasser as many of these forms of communication can be stored and traced if necessary. This is an important area for future research.

There appears to be a consensus in the literature that women respond more assertively to more severe forms of harassment (Cochran, Frazier & Olsen, 1997; Gruber & Smith, 1995). This may account for the relatively few numbers of complaints in relation to the two categories: ‘unwanted requests for dates’ and ‘propositions’. It is likely that women respond to these forms of harassment (which may be less serious or intimidating) within the workplace without resorting to seeking external advice or assistance. Thus, although the numbers of reports of sexual harassment over the three year time period for the study were sizable, they are likely to under-estimate the actual incidence of work-related sexual harassment in Queensland.

How Sexual Harassment Claims Progress to Formal Proceedings
The details of many of the specialised assistance cases reported here would certainly be viewed by a reasonable person as intimidating, humiliating or offensive (CCH, 1992) and appeared to constitute adequate grounds for lodging a complaint with one of the commissions, particularly the 37 cases of quid pro quo harassment which were more clearly actionable (Terpstra, 1996). In reality though, similar proportions of quid pro quo harassment occurred in specialised assistance cases which did not proceed to a formal avenue of redress, compared to those which were lodged with one of the commissions. This finding highlights that the subjective seriousness or actionable nature of the sexual harassment is unlikely to be the most influential factor affecting whether or not the case goes to formal proceedings. Rather, the willingness of the individual to undergo the time-consuming, demanding and invasive process of challenging the harassment in a formal setting is likely to play a major part. Samuels (2003) contends that the feminist analysis of sexual harassment should be recognised by the legal system and seen in a similar way to other feminist concerns such as rape and domestic violence if it is to be dealt with effectively. However, even if sexual harassment was recognised in the legal system as intentional behaviour designed to maintain a position of power (Terpstra, 1997a; 1997b), this would not address the strong disincentive of the process itself. Mechanisms through which women can be encouraged or supported in their applications for formal redress are poorly understood and warrant further attention.

With the exception of the one individual whose case proceeded to formal trial, the dollar value of compensation provided following settlement at a conciliation conference was just in excess of $5,000 ($10,000 where the matter had been filed with the courts and settled prior to trial). This finding must be interpreted with caution as only half of cases where settlement occurred indicated a monetary amount, although the figure appears to be substantially lower than in some other countries, particularly the United States, where the average sexual harassment claim is $38,500 (Bond, 1997).

**Limitations of the Study**

A number of limitations of the study are acknowledged. One of these limitations, often apparent in secondary data sets, included inconsistent detail in the data records, where some cases were recorded with only brief information and others with greater detail. This inconsistency was sometimes a situational imperative where it was inappropriate at the time of initial contact to ask women for personal information,
especially if they were distressed. In other cases, lack of information was related to inexperienced staff or the time constraints of the service, which operates on a relatively small budget considering the large numbers of enquiries it deals with each day. Further, information related to longer term psychological and employment outcomes was not available. These outcomes receive little attention in the literature to date and warrant investigation in future primary research.

Another limitation of the study is that the data reported are based on complaints which are not verifiable. It has been argued previously that the prevalence of some complaints made by women about events in the workplace is overestimated, or what Magley, Hulin, Gitzgerald and DeNardo (1999) refer to as the ‘whiner hypothesis’. However, a recent meta-analysis by Illies et al (2003) in relation to sexual harassment revealed that the rate of sexual harassment reports (by women’s own definitions) was less than half the incidence of reports of potentially harassing incidents believed by researchers to constitute sexual harassment. These results also show that women are reluctant to label offensive experiences as sexual harassment and more often than not, do not report harassing incidents, thus constituting strong evidence against the “whiner hypothesis”. The fact that many women reported they had already made a complaint to someone in their organisation suggests that dealing with the issue in-house is the preferred option for women who experience sexual harassment at work.

Conclusions

It is apparent that despite 20 years of legislation outlawing sexual harassment, it is still a common occurrence in contemporary workplaces across varying industries. Previous literature also suggests that the allegations of sexual harassment examined for this study are likely to be the tip of the iceberg, with the number of reports to statutory agencies and other organisations well below the number of incidents which actually occur. In many documented cases, responses from workplaces were unsupportive, isolating and did not validate the concerns of the woman involved, leading to loss of employment, either directly or indirectly.

In a small proportion of sexual harassment cases, women followed up their concerns in a jurisdictional forum and received financial settlements, although these were often only comparable to a few weeks wages and likely under-compensated the complainant for the distress and loss of income.
related to the harassment. The process of making a complaint can also be complicated and can take an extended period of time before the issues are addressed. This delay can only pose further damage, both financial and psychological and can potentially exacerbate the risks that employers face in redressing damages.

Although legislation and policy can provide guidelines as a basis for prevention and action, sexual harassment has persisted as a problem for many women, and poses a threat to their safety, well being and enjoyment of work. It is not enough to have established procedures for sexual harassment in a workplace. Rather, the obligations of employers extend to maintaining and enforcing these. Finally, the difficulties cased by sexual harassment have broader social ramifications as they are perpetuated through generations and permeate into the lives of young people powerless to change behaviours that have become institutionalised and that pose significant costs, both financial and moral, to society.
References


