

Sexual Harassment and Sexual Harassment Policy in Jamaica: The Absence of a National Sexual Harassment Policy, and the Way Forward

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Abstract: Within the Caribbean only countries such as Belize, Bahamas and Guyana have legitimized legislation against sexual harassment. Countries such as Jamaica, Barbados and St. Kitts and Nevis have draft bills before parliament. In the Jamaican context, the country in September 1981 signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which came into effect in 1984 which deals with the issue of sexual harassment under Articles 2 (Policy Measures and Legislation) and Article 11 (Employment). The current study is an assessment of sexual harassment, components of sexual harassment and sexual harassment policies in Jamaica, and whether such policy would be effective within the context of the culture. The methodology that was utilized for the study was ethnography. Ethnography focuses on describing the cultural traits of a group and may also be used to explore and describe the relationship among variables. This qualitative methodology was thought to be most suited for the nature of research as it describes and situates the phenomenon of sexual harassment in a cultural context, both the broad Jamaican culture and the specific organizational culture. Six themes emerged from the current study. These are culture and perception of harassment; culture and element of harassment; culture and effectiveness of policy; power and power relations and gendered response to harassment. It was postulated and agreed upon that there is no definite definition for sexual harassment, it is fluid and based solely on one's perception. One respondent said, "We've been unable to define sexual harassment it doesn't have to be intentional or not. Sexual harassment is pretty much from the person's perspective". It was brought out during the study that culture would clearly define what is constituted as sexual harassment. A respondent in an elite interview stated that in a Jamaican context sexual harassment is very difficult to be identified because "these societal attitudes to woman and the woman's bodies is such that the woman's body is not really her own she doesn't have a right to decide what is to be done with it, to it and sexual harassment is an extension of that" There was consensus in the focus group that policies such as those for sexual harassment are not meant to act as deterrents per say but as back up plans, a tool to reach for just in case the harassment occurs; "the rules are not enforced they are just there if something happens I don't think they can be enforced". As it relates to the implementation of a policy to battle sexual harassment, there were mixed notions. Most respondents were of the view that having a sexual harassment policy may be somewhat effective. However, one respondent citing the experience he had working with Company Sefah (fictitious name) that had a 'no-hugging' rule voiced his lack of confidence in the implementation and effectiveness of any such policy. For Jamaica to move forward and achieve economic growth, it requires a reasonably content and stable workforce coupled with steady output from countless organizations. Issues such as sexual harassment should be deemed high priority and be combated through the use of effective policy, because it has a great ability to disrupt and detract from the stability of the workforce and the level of consistency of the output of organizations.

Key words: Jamaica, sex, sexuality, sexed culture, sexual harassment, sexual harassment policy

INTRODUCTION

Sex and sexuality are engraved in the culture and social setting of Caribbean societies (Chevannes, 2001, 2005; Gayle *et al.*, 2004; Barrow, 1998). A scholar opined

that Caribbean peoples are fed a constant diet of sex over their socialization, and that children are so culturalized by the society (Chevannes, 2001). It is this diet which account for early sexual relations, during the adolescence years (Chevannes, 2005, 2001; NFPB, 2005).

Chevannes (2001, 2005) postulated that sexual initiation begins as early as 14 years, but Gayle *et al.* (2004) found that this was as early as 10 years (4.6% of adolescents aged 10-18 years old), and that the percentage of males having sexual intercourse between 10-12 years was 28.2%, which was 9.4 times more than the percentage of females. Because sexuality is defined through fathering children, promiscuity, multiple partners, and sexual initiation during teenage years (Brown *et al.*, 1997), the culture therefore has institutionalized many social behaviour and lifestyle exhibited by the people of the Caribbean region, particularly Jamaica.

The socialization of the genders in Caribbean societies is such that there are sex role differentiation and job specifications based on one's gender. One scholar found that "...the child advances in age and leaves the toddler stage, younger boys begin to follow and mimic older boys at play and n carrying out agricultural chores" and that "small girls of the same age are directed toward domestic activities and are found following and mimicking the activities and behavior of their mothers ..." (Durant-Gonzalez, 1976). It is not only in social roles that there are clear gender role divisions, but this is also the case for sex and sexuality. According to Chevannes (2005), bearing children is a sign that girls have become women, and this is learnt during the adolescence year. "A man is not a real man unless he is sexually active" (Chevannes, 2000), suggesting that the cultural underpinnings of sex and sexuality taught in Caribbean nations account for the lifestyle choices and percentage of people having sexual intercourse. This was captured by Wilks *et al.* (2008) who found that 95% of Jamaicans aged 15-74 years have had sex, 77% reported at least one sexual partner in the last 12 months, and 88% of those aged 15-24 years have had sexual intercourse. Gayle *et al.* (2004) opined that it is this gendered socialization that accounts for males having sex younger than females; and females willingness to bear children during the adolescence years which was found by Ricketts (1999) in an early study.

The appetite for sex among Caribbean peoples as well as those in many African nations is well documented and is even depict by the high prevalence of HIV/AIDS in those societies (WHO, 2009; Bain, 2005; Douglas, 2005; Frederick *et al.*, 2005; Halperin and Epstein, 2004). Jamaica like many developing nations such as the Bahamas, Zimbabwe, Uganda, Ghana, and Malawi) continues to implement policies and programmes to address health and reproductive health issues such as HIV/AIDS, unwanted pregnancies, multiple sexual partners, inconsistent condom use and lowered age at first sexual intercourse. Statistics from the Pan American Health Organization (PAHO, 2007) showed that HIV/AIDS is among the 5 leading cause of mortality in Jamaica among children (0-9 years) and adolescents

(10-19 years). With most of the HIV/AIDS infections being as a result of sexual intercourse, the aforementioned state that HIV/AIDS infections being that high, then, suggests that the appetite for sex accounts for this reality in Jamaica as well as other developing nations such as Ghana, Rwanda, Zaire, Zimbabwe, and the Bahamas.

Despite the initiative to change the sexual behaviour among its people, particularly in Africa and the Jamaica, public health initiatives have been geared towards the sexual appetite, but not on policy formulation on sexual harassment. Within a culture of sex, friendlessness, social warmth, "cuddliness", economic marginalization of women, 'pet names', many women may have not even recognized that they are preyed upon by economically empowered men and bosses. Gendered-income inequality and socio-economic marginalization may even retard some possible sexual harassment cases if there were a sexual harassment policy in Jamaica. Because there is no sexual harassment policy in Jamaica, the question which is unanswered is when does sexual harassment occur and when is the line blurred between sociability and sexual harassment. Apart of the Jamaican culture is the use of 'pet names' such as 'baby', 'honey', 'sweetheart', 'hotness', 'sexy'; and winking, blowing kisses and tasteless jokes, which are utilized outside of social domains and inside the workplace among and between employees and employers. Then there is the issue of provocative dressing, which is rarely construed as apart of sexual harassment in the workplace by women.

In 2004, Jamaica had no sexual harassment policy (Gayle *et al.*, 2004), and Women's Organizations have been lobbying for it for some time now, yet in 2010, no national policy has materialized. The fact that there is no policy on sexual harassment in Jamaica, the economically disadvantaged such as children, women, and physically challenged, will be left to the mercy of economically power and predatory superiors. Even when people believe that sexual harassment has occurred in the work place, only some companies have such a policy, and the job-fear factor is such that subordinates are unwilling to report these cases. Thus, sexual harassment is not well defined in Jamaica (Gayle *et al.*, 2004); it is the doing of the company which seeks such a policy that dictates its components. According to Gayle *et al.* (2004) because there is no specialized definition of sexual harassment, some that happened in the street are considered to be normal. And this adds further problems to its interpretation, remedy, and enforcement. What are the tenets of sexual harassment?

Sexual harassment policy formulation cannot be left to powerful men, men bosses and men supervisors to construct because they have a culturalization about sex and sexuality which may contravene to an effective policy framework. "According to seventeen-year-old Barry, it is

like a rule in the community that boys must begin sex at around puberty” (Chevannes, 2001), and that:

- A male heterosexual identity is not only a matter of personal choice, but is also an issue of concern of the wider community. Many parents are therefore quite anxious to confirm their sons’ heterosexual orientation, and as we have seen, even to encourage it (Chevannes, 2001).

The socialization of boys in the Caribbean is sexual freedom, promiscuity, heterosexual orientation and women and more women (Gayle *et al.*, 2004; Chevannes, 2001; Brown *et al.*, 1997). Such a culture sees nothing wrong with touching; staring down someone, making sexual gestures and innuendoes, and the woman is now left with the burden of proof that the expression is sexual harassment versus that of sociability. On the other hand, within the context of the culture a woman cannot rape a man. Jamaicans are of the belief that rape is perpetrated by males against females and the reverse is not equally the same. As such, men have difficulties convincing police personnel that he has been raped by a female. The matter becomes even more complex, if the woman is beautiful because the cultural interpretation is that he should be proud or people will question his heterosexuality. There are, therefore, inherent contradictions in the aforementioned matter as culturally some rapes are acceptable, others are not, and sexual harassment may be difficult for men to report because of the consequences of such a discourse.

Sexual harassment, therefore, is not limited to male-female, but the culture is such that even among some policy practitioners this comes across as the case. This is captured in an article penned by Dobson (2008) that:

- In recent times, the alleged sexual harassment and rape of a police woman by her male counterpart, as well as her experience in seeking justice, has brought into sharp focus the issue of sexual harassment in the workplace (Dobson, 2008)
- The mandate of the Bureau is to act as a catalyst, to ensure that the Government addresses the problems that confront women, given the impact of patriarchy and sexism. The problems include high rates of unemployment and violence against women in various forms, such as spousal abuse, rape, incest and sexual harassment (Dobson, 2008)

According to the United States Equal Employment Opportunity Commission (US EEOC), sexual harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this

conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment (US EEOC, 2009).

The conceptualization of sexual harassment is such, therefore, that it can be experienced by peoples of any ethnicity, socioeconomic strata, political ideology, religious affiliation, and culture (Fiedler and Blanco, 2006). In 1995, a study found that 40% of American women were sexually harassed (Fiedler and Blanco, 2006; Tindigarukayo, 2006). Another research found that 50% of the women and 10% of the men were victims of sexual harassment (Fiedler and Blanco, 2006; Tindigarukayo, 2006). Again without a legislative framework with a clearly defined set of criteria on sexual harassment, Jamaicans will continue to have difficulty on the subject matter.

The current study seeks to elucidate information on sexual harassment and sexual harassment policy in Jamaica, and how the absence of a national sexual harassment policy, affects growth and personal development. The components of sexual harassment and a sexual harassment policy are fully examined in the theoretical framework below. The objectives of this study are:

- To investigate the effects of a policy on the rate of occurrence of sexual harassment
- To investigate the relationship between a sexual harassment policy and the degree to which victims are affected by sexual harassment
- To explore what elements are vital to an effective sexual harassment policy
- To make recommendations, creating a blueprint which portrays the factors which should be included and covered by an effective sexual harassment policy
- To function as tool for those without a policy to use it as a guide for drafting one.

THEORETICAL FRAMEWORK

Theoretical framework guides all research. It is this framework, which guides the research materials, used, the methodologies, the methods of data collection, the analysis of data, along with the research objectives and the survey questions. Hence, the theoretical framework plays a fundamental role in the research process. With this being the case, Waller’s monograph summarized this perfectly, that:

A theoretical framework is a self-conscious set of (a) fundamental principles or axioms (ethical, political, philosophical) and (b) a set of rules for combing and applying them (e.g., induction, deduction,

contradictions, and extrapolation) and so determines the kinds of knowledge about the objects that can be produced legitimately within the framework (Waller, 2006).

Waller's construct highlights the importance of assumptions, procedures and principles in the execution of social research. Social research is hinged on particular sets of the world, and the apparatus, which are, present for the interpretation of that cosmology. Based on Waller's proposition, for this study the researchers employed models developed by Hulin *et al.* (1996), and Hanisch (1996) that examined components of sexual harassment.

Hulin *et al.* (1996)'s model (Model 1): Hulin *et al.*'s (1996) model (Model 1) shows sexual harassment as the independent variable exerting influence over the dependent variables which are: job related outcomes; psychological outcomes and; health outcomes. It then introduces moderating variables such as personal vulnerability and response style which directly affects the relationship between sexual harassment and its dependent variables. Thus, the model reads: sexual harassment is influenced by organizational and job context; sexual harassment as an independent variable influences and causes various outcomes (dependent variables); with the introduction of moderating variables in the form of a sexual harassment policy (response style) the effects of sexual harassment may be halted or lessened.

Hanisch's model (Module 2): Hanisch's model builds on the model by Hulin *et al.* (1996) because it presents a more detailed description of the relationship between the variables of sexual harassment. Model 2 differs from Model 1 because it presents organizational stressors which results in organizational stress of which sexual harassment is an element as the independent variable. It then places employee behaviour at the end of the spectrum as the dependent variable. Model 2 however depicts a more intrinsic reality than Model 1 because it allocates the role of moderating variable to organizational stress and also to the elements that double as dependent variables: health condition; health satisfaction and attitudes. Thus, Model 2 reads: organizational stressors (sexual harassment) create organizational stress; organizational stress then has the propensity to affect health condition, attitude and ultimately dictates employee behaviour. It goes on to highlight that the causes are all related and interconnected, with each affecting and influencing another outcome. Thus in Model 2 attitudes affect health condition which influences health satisfactions; this then dictates employees' behaviour.

Hybridized model: Hanisch (1996) considers sexual harassment to be an organizational stressor because of the hostile work environment it creates forcing an

uncomfortable and negative change in routine and deviation on the part of victim, organizational withdrawal. Organizational withdrawal and all the negative feelings that accompany it for example anxiety and depression then create organizational stress for the employee (Hanisch, 1996). This relationship between organizational stressor and organizational stress is portrayed as an issue because as highlighted in the theoretical framework. There is a direct relationship between organizational stressor (sexual harassment), organizational stress and the health condition (health outcomes and psychological outcomes), and the work attitude of the employee being harassed. Organizational stress caused by sexual harassment affects victims both physically and psychologically (emotionally). Victims of sexual harassment have reported physical health outcomes such as loss of appetite, sleeplessness, weight loss, headaches, jaw tightness and other ailments (Hanisch, 1996).

Psychological and emotional outcomes include feelings of anger, depression, anxiety, helplessness and vulnerability, humiliation and lowered self-confidence (Hanisch, 1996). Both physical and psychological outcomes affect the employee's attitude to work, this may manifest negatively in the employee's behavior within the organization. With the creation of a hostile work environment and organizational stress the work attitudes of victims of sexual harassment begin to change for the worst. Studies suggest that persons who are being sexually harassed in an organizational and job context tend to report lower levels of job satisfaction, a lowering in work motivation and a lowering in work morale (Hanisch, 1996). These dependent variables act as agents of change as they are influencers of the employee's behaviour. There is then a chain reaction as each dependent variable reacts to the stimuli of the independent variable resulting in the big bang, or in this case job-related outcomes. These may be visible at the employee level or the organizational level.

Employees influenced by their work attitudes may engage in two (2) types of organizational withdrawal, these being job withdrawal and work withdrawal (Hanisch, 1996). Job Withdrawal sees employees engaging in and conceiving ways to isolate themselves from the organization and the technical and social systems of the organization; this includes resigning, interdepartmental transfers and early retirement. Work Withdrawal occurs when the victim removes themselves from certain tasks related to the organization and members of the organization; this includes actions such as missing meetings, avoiding the harasser, taking sick leaves among others. According to Hanisch (1996) the employee attitudes discussed above are costly because they have been shown to be antecedents of employees' health conditions and withdrawal behaviours (e.g., absenteeism, quitting) that have a negative impact on individuals and organizations (Hanisch, 1996).

Consequently, sexual harassment is a multi-dimensional issue which affects both individuals and organizations. At the organizational level, job-related outcomes manifest in the form of interruptions in the bottom line of any organization as it incurs various costs which undoubtedly add up (Kustis and Knapp, 1996). These costs include: Productivity Costs 'based on the economic assumption that an employee's total compensation is a reasonable reflection of the employee's overall productivity for the firm,' (Kustis and Knapp, 1996) absenteeism and loss in rate of productivity are counted as productivity costs to the organization; Incident Costs are incurred due to an incident and 'reflect the time lost by the harasser as a result of the harassment' (Kustis and Knapp, 1996). Absenteeism Costs come about when the victim of harassment takes unplanned leaves of absence due to the sexual harassment, these include the costs like those involved in finding a replacement; Administrative Costs include: Separation Costs incurred when an employee leaves the organization due to sexual harassment for example separation pay or time spent in exit interviews; Replacement Costs of replacing the departing employee; Training Costs from providing skills training for the new employee; Recruitment Costs from seeking a replacement for the departing employee such as newspaper advertisements, application forms etc.; and; Transfer Costs when an employee is transferred to another department or geographical location due to sexual harassment (Kustis and Knapp, 1996; Hanisch, 1996).

METHODOLOGY

The current study is an assessment of sexual harassment, components of sexual harassment and sexual harassment policies in Jamaica, and whether such policy can be effective within the context of the culture. This research is intended to create and serve as an instrument for action; that can be used to formulate framework for a national sexual harassment policy.

The methodology that was utilized for the study was ethnography. Ethnography may be described as "the art and science of describing a group or culture" (Chevannes, 2001). Ethnography focuses on describing the cultural traits of a group and may also be used to explore and describe the relationship among variables (Neuman, 2006; Schensul, 2005; Byrne, 2001). This qualitative methodology was thought to be most suited for the nature of research as it describes and situates the phenomenon of sexual harassment in a cultural context, both the broad Jamaican culture and the specific organizational culture. Ethnography describes and draws attention to the relationship between societal culture and organizational culture; while exploring how these affect sexual harassment. The ethnographer explores and identifies this link by interacting with and observing persons who are members of the community about which the study is

being conducted. In the case of this study, the ethnography was of an emic nature.

Sampling: This study was conducted between April and July, 2010 in the parishes of Kingston and Saint Andrew, Jamaica. Purposive sampling was used to select the participants used for the study. The participants either worked in Kingston and Saint Andrew or lived in the parishes. This is a non-probability selection method where "you select the units to be observed on the basis of your own judgment about which ones will be most useful or representative" (Babbie, 2004). The sampling technique was used to identify persons for elite interviews who would be considered experts or persons of extensive knowledge on the subject of sexual harassment. The focus group was selected based on the purpose of gaining information and vantage points from those who make up the working community in Kingston and St. Andrew, Jamaica.

Data collection and analyses: The data was collected using elite interviews (6) and focus groups (4). The focus group was used to provide a forum for researchers' to test hypotheses and gain access to and explore the opinions, thoughts and attitudes of the participants on the topic being studied (Gilmore and Campbell, 2005). Focus groups on average had 6 people with different socioeconomic characteristic (ie. age, gender, educational attainment, religious background, employment status, occupational status and area of residence). Structured questions were used to lead the elite interview, while a general framework of questions was created to lead the direction of discussion for the focus group. The questions used were formulated by the pre-existing notions of the researcher, as well as contributing ideas obtained through research of the existing work on sexual harassment by scholars. The questions were not tested before application because they were vetted by experts in the field, scholars in the field of social research, and similar prospective interviewees. They (questions) were later tested, modified and retested in order to obtain understandability, coverage, clarity, and content.

In order to analyze the data the researcher's first task was to transcribe and make notes of the respondent's answers and gestures throughout the elite interviews and focus group session. Thus, a thematic approach was used to analyze the data (Crotty, 2005). This was necessary for the researcher to clearly and thoroughly go through the data collected and identify the underlying themes which were common throughout the responses of the subjects. The themes were then used to shape the format of the presentation of findings. A thematic approach aids researchers greatly with the presentation and interpretation of the data because it provides the researcher with a more focused outlook; it acts as a sieve separating the most relevant and important elements

within the data, moving from the big picture to components of the big picture (Crotty, 2005). Thus following the anecdotes of thematic research, the researchers grouped the information collected into categories (themes) which allowed for a better examination of the relationships present. There were six (6) themes that were most dominant in the findings. These are culture and the perception of sexual harassment; culture and the elements of sexual harassment; culture and the effectiveness of policy; power and power relations; and what the researcher dubbed gendered responses to sexual harassment; followed by policy and policy effectiveness.

- **Measures:** Sexual Harassment “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment” (US EEOC, 2009). The definition will be used in the study as is.
- **Quid Pro Quo:** When decisions surrounding employment such as promotion or hiring of an employee et cetera are influenced based on the actions taken by an employee to adhere to and comply with sexually-oriented conduct. Also the decision for dismissal or overlooking of a qualified employee for a promotion et cetera is based on the lack of conformity by the employee. Concept will remain as is for use in study.
- **Hostile work environment:** This occurs when the various forms of sexual harassment (physical; verbal; non-verbal; and written/visual and graphic) are carried out in the workplace which creates an uncomfortable, offensive and intimidating environment in the workplace and affects the performance of those being harassed. The term will be utilized in the study as it is conceptualized here.
- **Organizational culture:** A pattern of basic assumptions invented, discovered or developed by a given group as it learns to cope with its problems of external adaptation and internal integration that has worked well enough to be considered valid and therefore is to be taught to new member as the correct way to perceive, think and feel in relation to those problems” (Hulin *et al.*, 1996). Concept will remain as is for use in study.
- **Organizational climate:** The degree to which an organization (or its relevant proximal component) is perceived as insensitive to or tolerant of sexual harassment” (Hulin *et al.*, 1996).
- **Organizational stress:** The uncomfortable feelings derived from forces in the workplace that an individual experiences when he or she is forced to

deviate from normal or desired patterns of functioning” (Hanisch, 1996) Term will be used as is.

- **Organizational stressorl:** Changes within the work environment that causes the employee to adapt to such changes. Definition will be used as is.
- **Work withdrawal:** Behaviours individuals engage in to avoid their work tasks and minimize work role inclusion while retain organizational membership” (Hanisch, 1996) Term will be used in study as it is conceptualized above.
- **Job withdrawal:** Behaviours individuals engage in to remove themselves from their organization and its implied organizational role as opposed to their work tasks” (Hanisch, 1996) Definition will be retained as is for the study.
- **Organizational withdrawal:** Comprises of behaviours employees use to adapt to their stressors and negative attitudes. Concept will remain the same for use in study.
- **Masculine job gender context:** The degree to which a work group is numerically dominated by men, and the job duties and tasks are those usually thought of as stereotypically masculine in nature” (Hulin *et al.*, 1996). Term will be used as conceptualized here.
- **Policy:** A program of actions adopted by a person, group, or government, or the set of principles on which they are based” (Britannica’s Editorial Board of Advisors, 2010) Word will be used in study as is.
- **Sexual harassment policy:** The policy used to prevent sexual harassment and provide methods of redress for victims of sexual harassment and harassers. Definition will be utilized as is stated.

RESULTS

Culture and the perception of sexual harassment: It was postulated by a respondent and agreed upon by participants that there is no definite definition for sexual harassment, it is fluid and based solely on one’s perception. One respondent said, “We’ve been unable to define sexual harassment it doesn’t have to be intentional or not. Sexual harassment is pretty much from the person’s perspective”. This idea was one which was evident throughout the general response on sexual harassment in the study. Hence, a participant in an elite interview remarked rather candidly “If the person is willing is not the action alone that defines sexual harassment it’s the perception of the object of the harasser”. Having concluded that sexual harassment is based on one’s perception it was established that there is a connection between the culture and cultural background of a person and what they perceive as sexual harassment.

One respondent within the focus group stated that “A girl who is raised with couple brother going act different round man than a girl who raised with couple sisters. She gonna be more comfortable leaning on men and hanging

with them than the girl who don't know nutten bout man". This same respondent then proceeded to highlight the relationship between culture and women's perception of sexual harassment by stating that the wider society is at fault because "people mek woman think that every man that pass dem want to have sex with them that is why every man wah touch them!" (People make women think that everyman that passes them wants to have sex with them that is why everyman wants to touch them). This notion was also brought to the fore by a respondent in an elite interview, who cites, "One of the problems with our culture is that people tend to feel that sexual comments or posture or any approach should be seen as a compliment".

A female participant made the observation that sexual harassment is targeted and specific, "There are the men that love everybody they definitely don't know that it is sexual harassment but the man that is going to target you". She then went on to describe a scenario where a male worker constantly singles out one specific female worker thus deliberately targeting that woman and engaging in sexual harassment. During this illustration a male respondent aggressively asked "deliberately what" the second male participant chimed in "yes deliberately what" following this the first male participant declared "they are deliberately checking you! Since when is showing interest in a woman harassment?!"

This is a common cultural misconception of the Jamaican man that a respondent during an elite interview alluded to by stating, "Our culture is richly sexualized and the assumption is that women want constant male attention. If you don't get it then something is wrong".

Culture and the elements of sexual harassment: It was brought out during the study that culture would clearly define what is constituted as sexual harassment. A respondent in an elite interview stated that in a Jamaican context sexual harassment is very difficult to be identified because "these societal attitudes to woman and the woman's bodies is such that the woman's body is not really her own she doesn't have a right to decide what is to be done with it, to it and sexual harassment is an extension of that". Thus bringing to the fore the argument of sexual autonomy, where in regards to this one respondent looked surprised at the idea and stated "you come to work, sexual autonomy is when you in the dance. You come to work to work not to socialize and look man or woman, you come to work to work!"

A participant purported, however that if there is a "culture of everybody gel with everybody and to that effect" then it would be difficult to label certain behaviours as sexual harassment. A participant in an elite interview postulated however that culture or not Jamaicans generally know what actions constitute crossing the line "even though in our culture we have a fair bit of contact, touching, you know we have a very expressive culture I think we also are aware of the limits

of what is acceptable". A respondent who was a victim of sexual harassment alluded to this culture of touching and friendliness which acted as an agent creating the opportunity by which she was harassed "it was a tongue kiss where you reached for someone to kiss you because you know in this culture people choops and stuff and next thing you know the persons tongue is in your throat" However, this respondent corroborated the notion presented by the respondent above by highlighting through her sexual harassment experience that there is a very clearly drawn line between what is socially appropriate and what is not. A choops (i.e., kiss on the cheeks) is deemed acceptable but a French or tongue kiss is not.

Culture and the effectiveness of policy: There was consensus in the focus group that policies such as those for sexual harassment are not meant to act as deterrents per say but as back up plans, a tool to reach for just in case the harassment occurs; "the rules are not enforced they are just there if something happens I don't think they can be enforced". It was also postulated that in Jamaican culture the men approach women, however if the woman makes it clear that she is not interested the most the man will do is curse then move on to another female of interest. "That is how Jamaican man stay wi cuss bout it but we don't continue and get more forceful that is for rapist" (That is how Jamaican men are we argue about it but we don't continue and get more forceful that is for rapists). However, a female participant declared policy or no policy "dem nah go stop if dem really wah harass you, dem nah go stop" (they will not stop if they really want to harass you, they will not stop).

An element that was brought out through the focus group was also how the general culture of a country can influence and dictate whether a policy such as one for sexual harassment is effective or not. It was postulated that in a country like Jamaica where the government is labeled by respondents as a "backward employer" and it is stated that "our ministries barely have email" a proactive nature is lacking to thwart crimes such as sexual harassment.

"In America where things are more rigid and there's a law for everything, in a country where I can come to rob you house slip on ice break a leg and sue you [another respondent shouts "and win!"] in a country like that you can enforce all these wonderful laws cause all she has to do is complain about it now it becomes me having to defend myself against her is not her word against mine now she has complained I have to prove I didn't do it otherwise I am going to lose my job. Jamaica don't have that kind of culture to support that kind of action".

Respondents within the focus group were also concerned how policy would affect the culture of the

organization. Participants were of the belief that a policy that was too rigid and too defined would make for a bad working environment and may also do more harm than good. A female participant made the observation that:

“When you make it that defined and that basic you have to let everybody know that is your policy because it is so easy to offend. When you do that it makes it very easy to scheme up against an employee.[respondent then pouts and declares in a sullen voice] It makes it so hard for you to have a nice working environment, everything going to qualify as sexual harassment.”

Thus, the societal culture affects both the organizational culture and the effectiveness and implementation of the policy.

Power and power relations: It was agreed upon by all participants in the study that power plays a role in sexual harassment and its definition. There was notably more reference to sexual harassment between a manager and a subordinate than between co-workers. A subject stated that:

“Many time the harasser feels entitled to harass because they know that they have the power if you complain you might lose the work”

A female respondent candidly stated in a tone of acceptance, “It’s our whole culture, we’re very patriarchal. That’s just the way it is you can’t change it”.

However, a few respondents were of the belief that it is not about patriarchy and men having power over women; it is purely an issue of power. As one participant animatedly declared “don’t feel say is man alone woman do things outa street to!” (Don’t feel that it is men alone, women do things out of on the street too) This is a stance supported by a female participant in an elite interview, who purported:

“Can women really exploit men in the workplace and the answer is yes. Sexual harassment is about power dynamics and the people with power often feel that they have the right to do it and the powerless just have to accept it. It’s a larger issue of power; patriarchal explanation doesn’t come in here”.

Respondents however both male and female do acknowledge that there are more sexual harassment cases where men are the harassers than women, but this they explain is because of the number of men versus the number of women in an organization. If there are more men than women then there will probably be more cases of sexual harassment but because of elements stemming

from attraction on the man’s part not necessarily as scholars purport a need to assert their power over females. A male participant in the focus group remarked:

“I honestly believe that there are chronic sexual harassers, people in power who feel say them higher or whatever. They are more like our former governor general who say there is only one thing better than a beautiful woman, two beautiful women”.

Gendered Responses to sexual harassment: The researcher found throughout data collection a difference in how persons react to instances of sexual harassment based on their gender. It was discovered through the responses that men were more tolerant of sexual harassment than women.

“If a girl walks by and gropes me, grope away! If you look ugly and I don’t like you, just know that you not going to do it again!”

The above statement was followed by laughing and nods of agreement from the other male participant in the focus group. It was also highlighted that women were more likely to report incidents of sexual harassment than men. A male respondent in an elite interview purported that if a man reports sexual harassment he would be laughed at and seen as a homosexual, he then laughed and said “...worse if the woman look good!” This was a point reiterated by the men in the focus group. A male respondent looked aghast at the idea of men reporting being sexually harassed and declared in a solemn voice “no the man cah complain. No sah that don’t look good outa street. No man nah go report it unless is anodda man. No man will ever report it not in Jamaica, never in life!” (No the man can’t complain. No sir that doesn’t look good on the street. No man not going to report it unless it’s another man. No man will ever report it not in Jamaica, never in life!) To this the other male respondent echoes “ever!” Acknowledging this a participant in an elite interview advised that in order to combat this male response a sexual harassment policy “would have to create a culture in the company where these men would feel comfortable to say they are being sexually harassed without fear of being mocked”.

It was found that where the women were more open and accepting of policies which urged the reporting of sexual harassment they were unlike the men who were concerned with image more concerned about retaliation. It was stated that:

“Unless you know that there is going to be a problem when you speak to management ahead of time then generally you may feel more comfortable because oh there is this law in place so that means they care”.

Though the men in the focus group would not report it they chimed in stating that retaliation is a serious concern for reporting sexual harassment especially if the harasser is in a senior position to the harassed. To prevent this, a female participant who also shared the view that retaliation was a real threat suggested that companies engage an external ombudsperson or 'independent observer'. It was felt by other members of the group that this external person would not be helpful because as the other female respondent stated:

"that independent observer can make friends at the company to!" A male respondent then in a joking manner declared that if the independent observer were a man "that person would probably see the girls and go 'you know I see why he did that'"

Policy and policy effectiveness: As it relates to the implementation of a policy to battle sexual harassment, there were mixed notions. Most respondents were of the view that having a sexual harassment policy may be somewhat effective. However, one respondent citing the experience he had working with Company Sefah (fictitious name) that had a 'no-hugging' rule voiced his lack of confidence in the implementation and effectiveness of any such policy. He declared with a shake of his head:

"I don't think it can be enforced at all, I don't think you can ever stop somebody from doing this [hugs the female respondent beside him]"

Generally, subjects thought that if a policy included specific elements then it would have a fair chance at stopping or lessening the chances of sexual harassment. There was however a lack of agreement on specifically what those elements should be. A female participant purported that by having an all encompassing definition for sexual harassment incorporated within the policy it would have far reaching capabilities and be able to handle most if not all cases of sexual harassment. She stated, "You cannot quantify sexual harassment there is no measure, so you define it from a simple and basic level". To this the other female subject retaliated by stating that having a policy of an all encompassing nature would make for an unfriendly working environment. She stated:

"That makes it a very unwelcome working environment, it makes it a very tense working environment". Another participant voiced his agreement that having a too thorough definition of sexual harassment in a policy would be problematic by stating that "If you tie something so tight your gonna get extreme cases".

Another issue which arose in relation to the elements of the policy was the debate on evidence. Respondents were of the opinion that creating a policy to reprimand sexual harassment would prove very difficult because it is a phenomenon that is not easily proven. In the focus session the general tenet was that users of policies aimed at thwarting sexual harassment would have a hard task, as sexual harassment involves one's perceptions making the intent of the harasser an issue. Hence, a participant declared,:

"I don't feel comfortable labeling a man and saying that he is someone who has sexually harassed someone, when really his intentions weren't that. Like it would have to be similar to when they trying a murder case you know? Premeditation and intention would have to be considered".

At this juncture a participant stated that to abate the proof issue within the policy a company can install close circuit cameras:

"There will never be direct evidence apart from what we can capture on camera and even that in and of itself is very sticky".

The animator then introduced investigation and adjudication as a method of garnering proof of sexual harassment to engage the use of the policy. To this suggestion a respondent then asked, "Investigate what? I don't see any way without real evidence". However, a subject of an elite interview that works for Company Tarpa (fictitious name) that has an active sexual policy stated:

"You will know. When you are investigating these kinds of things and hear the arguments of those involved you will be able to tell when it's really sexual harassment or just a little office romance gone bad. The signs are there."

When asked by the researcher what exactly are these signs to which he refers he said:

"Well they don't come to work, work performance or the victims say the man is picking on them. Things like that."

This participant was then asked about the use of video cameras in helping to identify solid proof for claims of sexual harassment. To this he then recalled an incident where a new female employee was 'taken under the wing' of a long time male employee; this male employee held down the female employee and kissed her. He argued that because the male employee was working at the company

for some time he was aware of the location of all cameras and avoided them at all times when in the presence of the female employee. When asked what became of that case, he stated that the harasser's tenure of employment had since been terminated.

A male participant in the focus group declared that at Company Rasper (fictitious name) where he works, there was a claim of same sex sexual harassment. He stated that even though there was a policy no steps were taken because there was no proof. He then went on to tell the group the story of the incident; he said that there was a thorough check on the complainant where it was found he had a bad work history with the company. It was then purported by the respondent that because the victim had a record of coming late to work and other minor infractions he was deemed a troublemaker and he subsequently had to dismiss the claim and fight to retain his job. At the end of the tale another respondent exclaimed:

"You see what me a say to you! Because there was no proof this thing came down to reputation. So that little man there even though him say the other yute harass him, his job record never so pretty cause him come work late and dem likkle tings there and him go stand up for himself now and before the policy protect him, him haffi a fight to keep him likkle work. So you haffi know what you a do before you jump up bout you a use policy." (You see what I'm saying to you! Because there was no proof this thing came down to reputation. So that little man there even though he said the other youth harassed him, his job record wasn't so pretty because he comes to work late and those little things and he went and stood up for himself now and before the policy protected him. He had to fight to keep his little work. So you have to know what you are doing before you jump up about your going to use policy)

A subject in an elite interview however cited that it is recommended that victims of sexual harassment make it known to persons around as soon as the incident has taken place or if it persists to keep a diary of the date, time and places that the other incidents occurred. This was corroborated by a respondent in the focus session who stated:

"...if someone see it happening a third party can report it and management step in." However, another participant rejected this notion and stated that for a policy to be effective "There has to be more concrete evidence than third party".

A participant in an elite interview also brought to the fore another issue which may arise in the investigation and adjudication section of a sexual harassment policy.

He stated that in cases at Company Tarpa (fictitious name) where sexual harassment claims have been investigated there were complaints from female employees about the composition of the panel which carried out the investigation. He stated:

"The women got mad man and cried foul, a group of them came and stormed my office man. They said that the panel was not fair because it was all men and no women investigating the cases".

It was also noted by respondents that any policy created and implemented to tackle sexual harassment should have within it elements that protect the victim from any measures of retaliation by the harasser. Therefore, a subject in an elite interview declared "You would have to have protection for the person who is being harassed, if you complain there would be no retaliation".

Respondents also felt that in order for a sexual harassment policy to be successfully implemented employees would have to be made aware of the policy with the use of workshops, orientation and even work retreats. An elite interview subject thus purported:

"Best way to implement a policy is to get buy in on the part of the employees. You can get this by holding a couple workshops, having discussions, a formal mechanism and also feedback from the employees. If it is not accepted it cannot be implemented and effective".

Another respondent from an elite interview suggested that an effective policy is one that has within it a good communication strategy. She postulated:

"I think it could work if you have like each department had a representative and those representatives would meet with the head of human resources or management and discuss either cases of harassment and ways of getting employees to come forward and be open. You know what be good too? Posters and that kind of thing that spread the word".

However, a participant declared that orientation and other methods would not be effective in implementing the policy and making employees aware of its existence. He purported:

"You know what you do, you test for it. Orientation and dem ting dere is only once a year or for new employees, so what you do you test for it. When I used to work at company X (name omitted) they used to test for it. So they give you something to read and you sign a document and that kind of thing then dem give you a test to see if you remember what you just read. So you can do that probably every six months

or so". (You know what you do, you test for it. Orientation and those things are only once a year or for new employees, so what you do you test for it. When I used to work at company X (name omitted) they used to test for it. So they give you something to read and you sign a document and that kind of thing then they give you a test to see if you remember what you just read. So you can do that probably every six months or so).

He continued that:

"You are not trying to absolve yourself as a company you are trying to encourage a culture change which is why I say test for it. You can always put up poster and send email and memos but you can't know for sure if anybody even reading those".

It was also found by the researcher that there should be other initiatives in place that would work in conjunction with the sexual harassment policy in making it more effective. The most important of these was a company dress code. As one participant remarked during an elite interview, "Yes a dress code would help because if you trying to help yourself you wouldn't dress a certain way, don't it?"

However, another subject in an elite interview stated that:

"Dress codes help you know, because here even our temporary employees are required to wear uniforms but you know how it is you will always have women who push it. Whether the skirt too short or she only does up a certain number of buttons but those people are few, so yes it helps".

It was commonly accepted that for any sexual harassment policy to have any chance at being used by staff and effective is for it to have concrete confidentiality clauses. A participant in an elite interview declared that at his company confidentiality is paramount. It was said:

"It's in our policy you know, if you talk to anyone about it or it gets out and you are the one you can be reprimanded man just like the harasser. You can't have people going through these things and the whole office knows man, that's not professional at all".

On the issue of redress for the victim of sexual harassment there was some disagreement. When asked about monetary compensation for the victim it was deemed that this was not necessary and would be hard to implement in organizations located in Jamaica. One respondent however cited a case that she is aware of where the company not only paid the back pay for when the victim took sick leave but also paid for counseling.

This however was seen as very generous by another respondent who was told the tale in an elite interview. It was stated:

"Wow that was very generous. But no this company wouldn't pay for that, for what? Is the harasser to pay for that! The company not involved so why should it pay".

It was also felt that a sexual harassment policy should have various degrees of punishment dependent on the number of infractions the accused has been found guilty of. Thus, a male participant in the focus session declared:

"I don't feel the policy should just fire you like that for sexual harassment. For me sexual harassment is a persistent thing so if you do it once you get reprimanded. Do it again you get suspended that kind of way".

To this however another respondent stated, "Well not really you know it depends on the severity of the harassment. Suppose him hold down a woman and that kind of thing, that is instant dismal". At this observation there were nods of agreement and mutterings of "yes a true".

Limitation to study: Lack of Generalization- The sampling mechanism, purposive sampling makes the study lack power in forming generalizations as only participants thought to be most relevant were sought out for the study. Therefore the study does not reflect the notions of the wider Jamaican workforce.

DISCUSSION

Within the Caribbean only countries such as Belize, Bahamas and Guyana have legitimized legislation against sexual harassment. Countries such as Jamaica, Barbados and St. Kitts and Nevis have draft bills before parliament. In the Jamaican context, the country in September 1981 signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which came into effect in 1984 and deals with the issue of sexual harassment under Articles 2 (Policy Measures and Legislation) and Article 11 (Employment). It has also ratified in 2005 the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belem do Para). Jamaica has also ratified the CARICOM Plan of Action and in 1997 the CARICOM Post-Beijing Plan of Action.

The consequences of sexual harassment are most detrimental and may have vast and multidimensional effects on the victim, the harasser and the organization in which the harassment takes place. In the case of Meritor Savings Bank versus Vinison in 1986, the Supreme Court

of the United States in its rulings set the precedent for three (3) important factors; it defined the quid pro quo aspect of sexual harassment; it legitimized the second category of sexual harassment that being hostile work environment; and it laid the foundation for employer liability as it relates to sexual harassment (Britannica's Editorial Board of Advisors, 2010). The Supreme Court ruling (US) in 1986 made sexual harassment an issue which could not only legally affect the harasser but the employer as well for failing to enact policies which would thwart its occurrences. Tindigarukayo (2006) found that the in the fiscal year of 2004 US EEOC received a total of 13,136 charges of sexual harassment and in the fiscal year of 2003 gained \$37.1 million in monetary benefits from those persons and or organizations found guilty of sexual harassment. Therefore, countries around the world, India, United States of America, Australia, Canada and South Africa to name a few adopted national sexual harassment legislation to give victims redress and to lessen the incidents of such abuse (Hodges-Aeberhard, 1996).

In a society where sexual relationship is high-according to Wilks *et al.* (2008), 94.7% of Jamaicans aged 15-74 years reported having had sex in 2008 compared to 93.5% in 2000, and only 7% of females and 4% of males had never had sex - it is easy that culture of the society can be brought into the work place, sex role spill over. Furthermore, the sexual practice of males exceeds that of females as Wilks *et al.* (2008) found that 1.5 times more males aged 15-74 years reported having sex at least once per week compared to their female counterparts. One Caribbean anthropologist opined that on reaching the adolescence years, the Caribbean males are allowed to roam sexually, while this is not the same for females (Chevannes, 2001). This sexual freedom, because of the culture, is not difficult to filter into the workplace. Thus this explains why 3.7 times more men aged 15-74 years in Jamaica 2+ sexual partners (30.9%) had compared to females (Wilks *et al.*, 2008). It is not only men who have a high propensity for sexual intercourse in Jamaica, but Wilks *et al.* (2008) found that 80% of Jamaicans aged 15-74 years in upper socioeconomic stratum reported having sex at least once per month compared with 80% of those in middle socioeconomic stratum and 75% of those in the lower socioeconomic class; and the employed high a greater probability of sexual relations (0.83) compared with 0.71 of the unemployed. Thus, the high propensity of the employed Jamaicans, men and people with the middle-to-upper socioeconomic strata reporting frequent sexual intercourse, then the possibility of spill over is highly likely.

Sex role spill over: Sex Role Spill Over ideology purports that individuals namely men carry with them their ideas on the roles of gender into the workplace which thus affects how they interact. People cannot be

divorced from their value and social setting, suggesting that the set of beliefs that are held by an individual influence his/her life that is carried by the person in all socio-political milieus (Chevannes, 2001). Within the context of the highly sexed culture of the Caribbean, the culturalization by the society impacts not only the individual but his/her lifestyle, which includes the workplace. People are, therefore, prisoners of their lifestyle, values, beliefs, culture and socialization, which means that practices and cultural values within the social setting will be taken to the workplace. Jackson and Newman postulated that:

According to the typical treatment that draws on this explanation, sexual harassment occurs because male workers carry into the workplace improper role expectations for women-notably, sexual expectations they have learned elsewhere (Jackson and Newman, 2004)

The notion of gender roles and the idea of sex-role spill over is further given merit by the internal script argument as put forward by Fiedler and Blanco (2006); who speak to the fact that each person carries with them perceptions and ideas of the world and the sociological relationships which are undertaken in it. This is explained by Fiedler and Blanco (2006) who stated that, many behaviors in the work place are mindless performances based on these internal scripts that help an employee to make sense of a situation and formulate appropriate behavior (Ashforth and Fried, 1988). These scripts often lead to "business justifications" for racism and other types of prejudicial behavior (Fiedler and Blanco, 2006).

Another scholar describes the masculine perception of the sex role of a woman, "women's sex roles define the feminine ideal in general and in sex as submissive, passive, and receptive to male initiative" (MacKinnon, 2001) She goes on to note however, the difference in the perception of masculinity and how it affects the sex role of a woman, thus she opined that:

A major substantive element in the social meaning of masculinity, what men learn makes them a 'man', is sexual conquest of women, in turn, women's sex role is defined in terms of acquiescence to male sexual advances. (MacKinnon, 2001)

Stockdale (1996) gives this argument substance by providing four (4) ways in which there is a sex role spill over at the workplace. She states: gender is the most easily identifiable social characteristic; men carry with them their perceived ideas of the sex-roles for women into the workplace because it makes them feel more relaxed relating to a woman at work how he would relate to other women he may have or did have in his life; women may also bring about sex-role spill over this is because she too

may feel more relaxed acting in a role to which she is accustomed to in her daily life outside of the work realm. By so doing those women confirm the stereotypical and often sexist notions of women's roles and features of both the sex role and work may enable sex role spill over in the workplace "sex role spillover has been shown to occur when the gender composition of the work groups or work role set is either predominantly male or female, as opposed to gender balanced" (Stockdale, 1996) Interestingly, the entire argument of sex role spill over in a Jamaican context was found to be lacking in validity and not supported by the findings. During the focus group session the animator presented the general tenets of sex role spill over to the participants, it was met with a negative response and outright disagreement. One subject asked with a raised eyebrow "And this is in Jamaica? Or these are American and European studies which don't have a clue about us over here".

Mueller *et al.* (1999) postulate that in attempt to better understand sexual harassment one may use the routine perspective; this perspective postulates that daily activities and the routine of victims may be used as a source of explanation for their victimization. This approach they declare focuses on direct-contact predatory activity. They stipulate that for a direct-contact crime to take place there has to be the presence of three (3) components these are firstly a motivated offender; secondly a suitable target and thirdly the absence of capable guardians that may prevent the crime (Jensen and Hodson, 1999). They concluded that persons are most at risk when their daily activities and routine bring them in close proximity with those who are likely to be motivated offenders. Jackson and Newman (2004) build on the argument by Jensen and Hodson (1999) by introducing the concept of the social-contact explanation. This they say speaks to the idea that, "female workers who have extensive, routine contact with men in the workplace are more likely to be victims of inappropriate sociosexual behaviors" (Jackson and Newman, 2004).

Hulin *et al.* (1996) then brings forth the term masculine job gender context. Masculine job gender context speaks to the ratio of women to men, where men outnumber women in occupations which are thought to be traditionally male. This is apart of the socialization of the genders in a society, which include sex, sexuality, role specification and social expectations (Chevannes, 2001). Therefore, it has been argued, "that the sexual objectification of women increases probabilities that women in such circumstances will experience sexual harassment." (Stockdale, 1996) It was illustrated by the findings of the study that participants are of the opinion that the ratio of men to women and the level of contact between men and women dictate the probability of sexual harassment. Consequently, it may be said that there is a direct relationship between the number of men and women in an organization, where the number of men

influence the rate of sexual harassment. The findings however oppose the rationale of Hulin *et al.* (1996) and Stockdale (1996) by dismissing the claim that this increase may be attributed to women being in predominantly male occupations. This is an argument by a respondent, who said that:

"I agree-ish because if you have more men than women and you know nuff women out there touchy and ting your gonna have more cases where women perceive sexual harassment. It nuh have nutten to do with oh is a woman mek me harass her. When I was working at Company Y (name omitted) there were 10 a we as man and 1 woman and memba I tell you that girl was a thugz. We never think of her as oh a woman we haffi look or harass". (I agree-ish because if you have more men than women and you know a lot of women out there are sensitive and so you're going to have more cases where women perceive sexual harassment. It has nothing to do with oh it's a woman so let me harass her. When I was working at Company Y (name omitted) there were 10 of us as men and 1 woman and remember I said, that girl was a comrade. We never thought of her as oh she's a woman we have to pursue or harass.

The role of power and dominance: The role of power and dominance in sexual harassment rises from the feminists' ideology of the 'power issue', in other words patriarchy. Patriarchy surrounds the concept that men are in control and thus women are influenced by the actions of men which affects realms such as the workplace, the domestic household and society at large. According to Stockdale:

In our society as well as in many (if not most) others, men are accorded greater status and power simply because they are men. Growing up in a culture of privilege may create a sense of entitlement to sexually harass women (Stockdale, 1996)

Thus, the basic tenet of this argument is that men have for generations and generations sought new ways of keeping women in check and ensuring that women remain in a position of subordination.

Sexual harassment is an assertion of male power that undermines the autonomy and personhood of female workers...sexual harassment of working women accompanied the new methods developed to control female labor with the rise of capitalism (Farell, 2001).

Another similar argument is that of the sociodemographic explanation as put forward by Jackson and Newman (2004). Sociodemographic relates to one's

status and power both in wider society and in the workplace. Some characteristics are associated with power while others surround the notion of vulnerability (Jackson and Newman, 2004) Thus, in sexual harassment one finds:

The most likely targets of sexual harassment are those who are lower on the rungs of status and power. According to this explanation, gender is a (perhaps the) key predictor of harassment risk; the value system of a patriarchal society legitimates power and status differences between men and women, rendering women vulnerable (Jackson and Newman, 2004)

This is not true or accurate according to the subjects of the study. Interestingly, it was found in the study that participants having acknowledged the patriarchal nature of society as one respondent notes, "It's our whole culture, we're very patriarchal. That's just the way it is you can't change it"; they were of the opinion that it was all about power regardless of the gender of the person who wields that power. There was then, a rejection that it is this patriarchy and the need for men to exert their power of women that drives sexual harassment. A participant in an elite interview stated,

Sexual harassment is about power dynamics and the people with power often feel that they have the right to do it and the powerless just have to accept it. It's a larger issue of power, patriarchal explanation doesn't come in here.

Tindigarukayo (2006) puts forward the argument that male marginalization is an aspect which must be considered when examining sexual harassment in the workplace. He postulates based on the work of Miller that in the Caribbean there was a shift from male dominance to female dominance for three reasons:

- To restrict black men to providing labour in both agriculture and industry
- To limit the upward mobility of black men in the society
- To stifle the emergence of militant black men who could otherwise overthrow the power structure (Tindigarukayo, 2006)

The idea of male marginalization and female dominance is one which resonates deeply with one scholar who suggests that it is women who have the upper hand and 'run things 'as it relates to sexual harassment. "Who defines sexual 'hostile environment'? The woman. Not even the man's intent makes a legal difference" (Farell, 2001) The scholar states that women, encouraged by magazines such as *Cosmopolitan* are urged

to use their indirect initiative to gain sexual responses from a man, thus he purports:

Indirect initiatives signal to him that he is dealing with a woman who is traditional. And traditionally indirect initiatives were designed to lead to marriage and the end of her involvement in the workplace. So the miniskirt, perfume, and flirting unconsciously tell the man that this woman wants an end to her involvement in the workplace (Farell, 2001) He goes on to cite the success of the romance novel publishing house Harlequin Novels,

whose stories are based on rich successful men who pursue working women, who at first resist, then give in and are swept off their feet; the idea of playing hard to get. To the scholar that is seen as the "age old formulae: pursue, resist; she: attract, resist" (Farell, 2001).

The idea is then, according to this scholar that it is not about the man's power as when a man is attracted to a woman and he is expected to take the sexual initiative he is not overwhelmed with a feeling of raw masculine power but of one which resembles 'paralysis'. To this author sexual harassment is just another way for women to weed out the good men from the bad, thus he cites;

In a sense, sexual harassment lawsuits are just the latest version of the female selection process-allowing her to select men who care enough to put their career at risk; who have enough finesse to initiate without becoming a jerk and enough guts to initiate despite a potential lawsuit...when it works it's called courtship, when it doesn't, it's called sexual harassment (Farell, 2001).

These arguments resonated deeply with the male participants in the study. As seen when a female respondent attempted to describe a scenario where a male worker constantly singles out one specific female worker thus deliberately targeting that woman and engaging in sexual harassment. During this illustration a male respondent aggressively asked "deliberately what" the second male participant chimed in "yes deliberately what" following this the first male participant declared "they are deliberately checking you! Since when is showing interest in a woman harassment?!" This position was then supported by the other male respondent who stated, "Is so you women stay, because you don't like it (referring to the attention of males) anymore, you're going to complain".

Therefore, as it relates to sexual harassment the findings point to the organizational model of Stockdale (1996) as a more vivid description of the power dynamics within this phenomenon. This model posits that due to the presence of certain opportunity structures for example hierarchies there exists disproportionate power, persons

are then able to use this to coerce their less powerful counterparts. Thus, in accordance with the above tenets Tindigarukayo (2006) purported results in his research that clearly illustrated that managers' were likely to be the instigators of sexual harassment. Tindigarukayo (2006) found that of the subjects in his study over sixty-percent (60%) thought that managers' were more likely to be harassers versus a percentile of less than thirty percent (30%) for peers and less than ten (10%) for subordinates. Again, people are prisoners of their culture, lifestyle, orientations, values, beliefs, perceptions and these influence all facets of their lives. Adding money and power to the socialization of Caribbean males will produce individuals who are likely to use these to carry out their sexual orientation and desires.

According to Chevannes (2005):

The male dominance in the family is a function of the stability of the union. This may seem paradoxical but according to data available the more oppressive conditions for women reside in unions that are more stable. Therefore a woman in a visiting union has a higher degree of independence than a woman in a common-law union, and similarly in a marital union. If you accept my argument, dominance in the family - what I refer to as patriarchy - is more established, because the stability of the family, in our context, is dependent, particularly for marriage on the economic and other stability and advancement of the male (Chevannes, 2005).

Like Stockdale (1996) and Chevannes (2005) posited that male dominance is cultural structured in our society, and the same power that they have in the homes in more stable unions; the society provides them as a result of being men. Male dominance and power is culturalized in males from young, and this extends to the workplace. Such settings mean that they may abuse their authority as in the case of the family (stable unions), and sexual harassment may seep into the workplace because of this male and power dominance. It is for this reason why a sexual harassment policy is needed in Jamaica to curtail the sexual desire that people have, particularly males with socio-economic and political power.

Policy and policy formation: Scholars' have purported that sexual harassment can be tackled at the organizational level which would be utilizing organizational development in the form of policies to thwart the phenomenon (Stockdale, 1996). Response styles such as general sexual harassment policies according to Stockdale (1996) are more effective in containing the occurrences of the phenomenon because it offers employees' multidimensional choices for responding to the harassment. The study highlighted that respondents felt that where elements within the actual

policy might lack in effectiveness the organizational climate created by having such a policy would allow for employees affected by sexual harassment to feel relaxed when broaching the subject. A female respondent thus purports that with a policy, "I don't think it is easier to come forward but it is some level of comfort in terms of seeking your redress."

There is debate in the literature on the drafting of sexual harassment policies as to which of the many structures presented, is the best and most effective when incorporated within the policy. Structures may be central, decentralized or a hybridized structure taking elements from both central and decentralized structured formats. Centralized responsibility manifests itself in a general sexual harassment policy when said policy creates an office within the organization specifically designed to handle grievances related to sexual harassment. This policy structure it is argued by its proponents affects the outcomes of sexual harassment because it is easily accessible by those who have been harassed. It also acts as an efficient moderator because it allows for analysis of sexual harassment cases and their outcomes due to better record keeping and following up of sexual harassment cases. From a monetary vantage point it saves organizations from incurring the cost of hiring external personnel. The centralized structure was one which was advocated by a few respondents in the study, as one made mention of the use of an 'independent observer' to monitor the interactions within organization and thus handle sexual harassment cases. The respondent stated, "I don't know, maybe if you had someone external you know to monitor. Like an independent observer".

Opponents of this structure type argue that personnel of a centralized structure may eventually become tagged as advocates for either victims or harassers. It is also thought that this structure may create issues as it relates to confidentiality because centralized offices based on their mandate are required to investigate all claims of sexual harassment whether the victim consents or not. Valid concerns that surfaced in the findings of the study as it was felt by other participants that this external person would not be helpful because as the other female respondent stated "that independent observer can make friends at the company to!" A male respondent then stated that if the independent observer were a man "that person would probably see the girls and go 'you know I see why he did that'". It was also thought that this structure would create issues as one participant noted "It may look like harassment from the outside but the woman doesn't think it is. So that could be a problem".

Centralized structures keep records for example names of victims and harassers which maybe at some time subjected to internal or external review, which may impinge on the employee's reputation or lead to leakage of information and retaliation. This is a real concern for employees as one respondent noted that on the subject of confidentiality,

“It’s in our policy you know, if you talk to anyone about it or it gets out and you are the one you can be reprimanded man just like the harasser. You can’t have people going through these things and the whole office knows man, that’s not professional at all”.

Decentralized Responsibility is another structure type that interrupts the direct relationship between sexual harassment and its outcomes. Scholars postulate that a structure where supervisors are accountable for thwarting sexual harassment in the workplace such as that dictated in decentralized responsibility creates an effective response style to sexual harassment for a number of reasons. These include: supervisors will more likely hear more grievances as victims of sexual harassment are more likely to complain to persons they know; supervisors are more accessible to sexually harassed persons versus a centralized office; supervisors would be more immersed in organizational culture and understand the cases of sexual harassment better thus allowing for different possible resolution styles and outcomes (Jensen and Hodson, 1999). There were also proponents for this structure within the study. A subject in an elite interview suggested:

“I think it could work if you have like each department had a representative and those representatives would meet with the head of human resources or management and discuss either cases of harassment and ways of getting employees to come forward and be open”.

However there is some opposition of this structure because it is thought that it will not be an effective moderating variable as postulated by its supporters because it lends itself to conflict of interest as supervisors may defend their friend if he or she is accused. This was cited as a real issue for the subjects as it was said, “if it’s a culture where the boss is always right then it’s not easy.” Another respondent reiterated the point by saying:

“if is the manager, CEO or whatever harassing you, where you go the? What you must do, go to the person above them and say oh excuse me but I’m being harassed by the person you put in charge of me. Yes the same person you have corporate meetings with”.

Another effective policy response style postulated in the literature is a hybrid of the two structural styles, a decentralized model with a centralized office. This hybrid they argue is the best structure because it incorporates interest-based problem resolution by allowing supervisors to conduct formal investigations and also utilizes rights-based options wherein the central office may advise about

policy and have incorporate formalized policy procedures. Such a model was again disagreed on and met with lack of enthusiasm by persons in the study. They agreed that evidence is needed in order to adjudicate and enact a sexual harassment policy. However they thought that this vital evidence would be difficult to obtain. It was thus noted by a subject in the study that:

“There will never be direct evidence apart from what we can capture on camera and even that in and of itself is very sticky”.

Rowe (1996) rightly postulates that no policy will be the same and incorporate the same elements because it is hard to design a policy in which all users think it is effective and adequate as organizations differ. They have different compositions, aims and functions. A policy is created by people. People differ and so policies would be created by an individual’s perception of the problem. Thus each policy solution will be dependent on that person’s perception and so some persons will find the policy satisfactory while others will not. Rowe (1996) is clearly validated in her theory by the findings of the research. Though participants all agreed that sexual harassment was a problem that needs to be combated, there was no final consensus on the formulation of a policy and the elements that should be included for it to be effective and fulfill its purpose. Consequently, it was agreed upon by all participants in the study that for any policy to be effective, it would have to include the input of the employees, through activities such as ‘anonymous surveys’ as suggested by a respondent. A candidate in an elite interview thus purported:

“Best way to implement a policy is to get buy in on the part of the employees. You can get this by holding a couple workshops, having discussions, a formal mechanism and also feedback from the employees. If it is not accepted it cannot be implemented and effective”.

However, any attempt by policymakers or other parties to create a policy which would be effective in thwarting sexual harassment should take into consideration the possible issues which may arise to detract from the strength of such a policy. It is widely purported that men are most often times the offenders in sexual harassment (Mackinnon, 1979; LeMoncheck and Sterba 2001; Summer and Hoffman, 2002). Given this, Jamaican culture presents a hurdle to the effectiveness of any sexual harassment policy because it is steeped in patriarchal notions, which are accepted by men and women. An argument supported by the findings in the study as illustrated by a female participant in the study

who notes, "It's our whole culture, we're very patriarchal. That's just the way it is you can't change it".

CONCLUSION

Sexual harassment in the workplace is a real challenge for members of the Jamaican workforce because of the high sexed culture. The culture accepts and gives excuses for men with high sex drives, multiple partners, sexual innuendoes about women, and those who sexually exploit women. If Gayle *et al.* (2004)'s work is true that "Men are likened to slave masters who feel that they have unlimited access to women's bodies and the women are likened to women under slavery who had no rights to their bodies", then sexual harassment cannot be left up to the ruling of men and/or their conscience within a context that sexual harassment is usually perpetrated by men (Mackinnon, 1979; Summer and Hoffman, 2002).

Previous studies have purported, which is concurred by the current work, that sexual harassment can lead to organizational stress and will influence the employees' physical and psychological wellbeing. It also negatively affects peoples' attitude to and about work. Because the support system of any organization is its employees, issues that negatively impact on them will simultaneously affect efficiency and productivity in the organization.

Consequently, it can be deduced from the current findings that sexual harassment negatively impacts on both the victim of sexual harassment and the company (or organization), and the wider society because of lower production, productivity and efficiency thereby increasing cost of production.

There is hope for persons who have been affected or who are potential victims of sexual harassment; this comes in the form of an organizational response to the complaint through a sexual harassment policy. There is however levels of contention on what are the ways in which the policy should be created and the elements within the policy that involve the definition of sexual harassment; investigation and adjudication as well as the sanctioning of persons who are found guilty of sexual harassment. Rest assured however, that these issues may be overlooked by including employees from the drafting process of the policy.

In summary, for Jamaica to move forward and achieve high economic growth and development, it requires a reasonably content and stable workforce coupled with steady output from countless organizations. Issues such as sexual harassment should be deemed high priority and be combated through the use of effective policy, because it has a great ability to disrupt and detract from the stability of the workforce and the level of consistency of the output of organizations and to the wider society (or nation). The absence of a national sexual harassment policy is playing to social injustice, reduced

sexual rights and sexual autonomy in the society and between and among people of different socioeconomic strata, and physiological structure as well as capacity, which are not in keeping with the International Conference on Population and Development (ICDP) Programme of Action in 1994.

The way forward: In conducting the research the writer garnered and interpreted a vast amount of information which may be useful for private organizations when drafting a sexual harassment policy. Therefore, the following recommendations are made:

- Use within the policy a definition for sexual harassment which is not too restricting or rigid and lends itself to some interpretation. Here the researcher suggests definitions forged by labour organizations such as the International Labour Organization (ILO) or the US EEOC
- When drafting a sexual harassment policy it is vital to the effectiveness of the policy that employees be made a part of the process. This can be done via workshops, group meetings or anonymous surveys
- Be mindful of the culture in which we live. Ensure that the policy is tailored and takes into consideration the organizational culture. Do not just adapt a policy from another organization as each company is different
- Choose a structure for the policy that is best suited for the organization that is one which is interest based vis-à-vis rights based
- When drafting the area of policy which deals with sanctions and redress, it is best to incorporate a gradual redress scheme. Participants found an element of sexual harassment to be that it is persistent. Thus, any policy should have an action for a first offence and gradual increase in severity of sanction dependent on the number and nature of the offence
- If the policy adopts an investigation and adjudication procedure, ensure that this is thorough and includes interviews of not just the harasser and the victim but also persons who work alongside these persons. It is also vital that if there is a panel method used to decide whether a person is guilty of sexual harassment, it consists of an equal number of males and females so as to avoid calls of gender bias
- The policy structure should incorporate a formal approach that may be taken in the event that the harasser is a supervisor, manager or a senior officer on the directors' board of the organization. This approach may involve the victim seeking redress through a worker's union if the company is unionized. Or, policies may designate an officer in a managerial position with certain powers that

supersedes those of the supervisor, to address cases of harassment where the supervisor is the instigator

- The researcher recommends that in order to further the possible solutions to sexual harassment in the workplace, a scholar undertake a study exploring ways to combat sexual harassment where the harasser is the chief executive officer or owner of the organization.

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