

SEXUAL HARASSMENT IN THE WORKPLACE IN NIGERIA: AN APPRAISAL

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Abstract

This article examines the concept of sexual harassment in the workplace in Nigeria. It examines the meaning of sexual harassment, actions that constitute sexual harassment, factors that contribute to sexual harassment and the cost of sexual harassment. It also examines the measures to curb the menace of sexual harassment and recommends, inter alia, that the government and other agencies should embark on sensitization to create awareness and curb the huge menace of sexual harassment in the Nigerian society.

Introduction

Alex Elle:

“You’re not a victim for sharing your story. You are a survivor setting the world on fire with your truth. And you never know who needs your light, your warmth, and raging courage”

Dale spender:

“Sexual harassment is becoming the modus operandi of the new world (online)... it is the means by which some males are conquering and claiming the new territory as their own

The opening quotes above give us a little idea about what the article tends to expose, however the quotes are just tips on the iceberg, a proper and careful perusal into this article would give us more understanding about the issue at hand. The economic sector of Nigeria, specifically the workplace (corporate and non-corporate) has for long been faced with a pandemic. This pandemic did not commence from the insurgence of the popular covid 19¹ or the #Endsars movement² which led to shutting down of governmental and non-governmental establishments (Although it had a role to play).

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¹ Coronavirus diseases 2019 (covid -19)

² [Goggle .com/search?q=endsars+ movement &oeq=endsars](https://www.google.com/search?q=endsars+movement&oeq=endsars)

The pandemic, this article aims to bring to the spotlight is an aged long pandemic known as “sexual harassment in work place” this pandemic has clandestinely eaten immensely into the fabrics of the work environment/culture. Sexual harassment in the workplace is nothing new, but over the last few years we have seen an intense focus on the issue following several high-profile scandals and the #MeToo movement³ which encouraged victims of harassment to speak up. The effect of this pandemic is huge, if not nipped early in its bud; the work place will be a breeding/training ground for immorally deprived people. If a deaf hear is paid toward curing the pandemic, it definitely will encourage impunity, brain drain in sectors that are dire in need of it, reduction in productivity and indifference at work in the attitude of those that are victim.

This article tends to expose ills at the workplace. Research has showed that a large number of individuals spends 9-10hours daily at work, with these statistics, we can safely say, that the work place is the second home for most individuals hence there should be some form of respect for human dignity, that should be displayed and protected at such environment where individuals spend almost half of their lives.

Just to bring to the attention of the reader, this pandemic is not only experienced in this part of the Africa, it is global. The world as they say is a “global village”. Our experiences are gradually becoming similar. Great thanks to the Internet, more and more people have started speaking out their unfair experiences in their various work environment. To buttress this point, a 2006 publication by a renowned newspaper outlet⁴ in the publication the former America president, Donald trump, was quoted to have said.

“If Ivanka (his daughter) was harassed sexually in her work placed, i think she would leave the profession or change her work environment” emphasis added.

The above simply clarifies the fact that the pandemic is pervasive all over the world and great attention must be given to repress and bridle this ravaging pandemic. This article discusses and covers the following areas;

1. What is a work place?
2. Meaning of sexual harassment in work places
3. Actions that constitute or amount to sexual harassment in the work place.
4. How employers should handle reports of sexual harassment
5. Factors that contribute to sexual harassment in work places
6. Campaigns against sexual harassment
7. Nigerian position on the pandemic called sexual harassment in the work place
8. The cost of sexual harassment in the work place

³ Gender justice movement ...” Global fund for women”

⁴ The guardian (news website of the year)

9. Measures to curb sexual harassment in work places
10. Recommendation
11. Conclusion

Conceptual Clarification

What is a Work Place?

To a lay man a work place is an office where work is done. Yes! There might be an element of truth in it; however, if we are to follow this definition or description given, we will be limiting the scope of what a work place should consist of in this post covid 19 eras.

In searching for a robust description, I employ you to peruse the definition and description rendered by law insider⁵. According to law insider, “a work place is a place of work or the premises where an organization or employer operates and include building, factory, open area or a larger geographical area where the activities of the organization or of employer are carried out and including any situation that is linked to official work or official activity outside the office space”.

Relying on the definition/ description above you would agree that it captures the current reality of what a work place should be defined as. It brings attention to the fact that the work place has gone beyond the office space to anywhere official related activities are been carried out. For instance, the covid 19 era made a lot of firms to engage and subscribe to online meeting platforms, the most popular being zoom⁶, thereby making the terms work from home popular⁷.

Meaning of Sexual Harassment in Work Place

According to the Australian human right omission⁸ sexual harassment is an unwelcome sexual advance, unwelcome request favour or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Sexual harassment in the workplace is a serious issue that affects many individuals every day. It is a form of harassment that involves unwanted sexual advances, comments or behaviour that makes the victim feel uncomfortable or unsafe. It is often perpetrated by someone in a position of power, such as a supervisor or co-worker, and can result in significant emotional and psychological harm. Sexual harassment is a violation of a person's basic human rights and can have serious consequences for the victim's well-being and career. Victims of sexual harassment may feel ashamed, embarrassed, or afraid to speak out, which can lead to feelings of isolation

⁵ <https://www.lawinsider.com>

⁶ <https://zoom.us>

⁷ <https://resources.owlabs.com>blog>

⁸ <https://humanright.gov.au/our-workplace-legal-definition-sexual-harassment>

and depression. In some cases, victims may even lose their jobs or suffer from negative job performance evaluations as a result of reporting sexual harassment.

Sexual harassment can take many forms, including unwanted touching, comments about a person's physical appearance or sexuality, and requests for sexual favours in exchange for job benefits. It is important to note that sexual harassment does not have to involve physical contact. It can also involve verbal or written communication that is sexually suggestive or offensive.

Employers have a legal obligation to provide a safe and harassment-free workplace environment. This means that they must take steps to prevent sexual harassment from occurring, such as training employees on what constitutes sexual harassment and how to report it. Additionally, they must take prompt action to address any claims of sexual harassment that are brought to their attention. Victims of sexual harassment have legal rights and are protected under both state and federal laws. These laws prohibit employers from retaliating against employees who report sexual harassment or participate in an investigation of such charges. Employers who fail to take action to prevent or address sexual harassment can face legal action including fines and penalties.

Sexual harassment in the workplace is a deeply troubling issue that must be addressed with urgency and sensitivity. Employers, co-workers, and society as a whole must work together to create a culture of respect and dignity, where all individuals are treated with dignity and respect, free from harassment in all forms. Only then can we hope to create a truly just and equitable world.

Actions That Constitute or Amount to Sexual Harassment

Sexual harassment can occur in a variety of situations. These are examples of sexual harassment; however, it is not intended to be all inclusive. Sexual harassment includes many things which are...

- Actual or attempted rape or sexual assault.
- Unwanted pressure for sexual favors.
- Unwanted deliberate touching, leaning over, cornering, or pinching.
- Unwanted sexual looks or gestures
- Unwanted letters, telephone calls, or materials of a sexual nature
- Turning work discussions to sexual topics
- Sexual innuendos or stories.
- Asking about sexual fantasies, preferences, or history.
- Personal questions about social or sexual life.
- Sexual comments about a person's clothing, anatomy, or looks.
- Kissing sounds, howling, and smacking lips.

- Telling lies or spreading rumours about a person's personal sex life.
- Neck massage.
- Touching an employee's clothing, hair, or body.
- Hanging around a person
- Unwanted pressure for dates.
- Giving personal gifts.
- Hugging, kissing, patting, or stroking
- Touching or rubbing oneself sexually around another person.
- Standing close or brushing up against a person.
- Looking a person up and down (elevator eyes).
- Staring at someone.
- Sexually suggestive signals.
- Facial expressions, winking, throwing kisses, or licking lips.
- Making sexual gestures with hands or through body movements
- Actual or attempted rape or sexual assault.
- Unwanted pressure for sexual favours
- Unwanted deliberate touching, leaning over, cornering, or pinching.
- Unwanted sexual looks or gestures.
- Unwanted letters, telephone calls, or materials of a sexual nature.
- Unwanted pressure for dates.

Flowing from the above, it can be gleaned that sexual harassment is not only limited to physical touch of the offender on the victim; it goes beyond physical to other aspect. To buttress this point, in the case of *Nisha Priya Bhatia v. Union of India & Anr.*⁹ The supreme court of India had something to say regarding sexual harassment in the work place.

“The approach of law as regards the cases of sexual harassment at workplace is not confined to cases of actual commission of acts of harassment, but also covers situations wherein the woman employee is subjected to prejudice, hostility, discriminatory attitude and humiliation in day-to-day functioning at the workplace.”

From the above we can we can safely classify sexual the forms of sexual harassment at work place into three classes, firstly verbal, secondly, non-verbal and thirdly physical sexual harassment.

⁹ CA No. 2365/2020 the supreme court of India

Verbal

As, the word suggest, it simply means sexual harassment that comes as a result of words that are directly and indirectly communicated to the receiver/victims at the work place. Below are some notable examples of verbal sexual harassment.

- Referring to an adult as a girl, hunk, doll, babe, or honey
- Whistling at someone, cat calls
- Making sexual comments about a person's body
- Making sexual comments or innuendos
- Turning work discussions to sexual topics
- Telling sexual jokes or stories
- Asking about sexual fantasies, preferences, or history
- Asking personal questions about social or sexual life
- Making kissing sounds, howling, and smacking lips
- Making sexual comments about a person's clothing, anatomy, or looks
- Repeatedly asking out a person who is not interested
- Telling lies or spreading rumours about a person's personal sex life

Non-Verbal

Also, as the name suggest, it is a form of harassment that is done without mentioning a word, however the message is clearly communicated to the victim. It also takes a form of indirect sexual harassment compared to a situation where and when the harasser goes physical on his or her victims.

- Looking a person up and down (Elevator eyes)
- Staring at someone
- Blocking a person's path
- Following the person
- Giving personal gifts
- Displaying sexually suggestive visual
- Making sexual gestures with hands or through body movements
- Making facial expressions such as winking, throwing kisses, or licking lips

Physical

This form of sexual harassment at work place, goes beyond mere words or gesticulations in this case the harassers physically touch or take advantages of his or her victim at the work place. This form of sexual harassment can also be termed as direct sexual harassment in the work place.

- Giving a massage around the neck or shoulders
- Touching the person's clothing, hair, or body
- Hugging, kissing, patting, or stroking

- Touching or rubbing oneself sexually around another person
- Standing close or brushing up against another person
- Rape

In addition, the extreme of this form of sexual harassment is called RAPE. In the next subheading we will be talking about the responses of employers towards this pandemic.

How Employers Should Handle Reports of Sexual Harassment

Employers should be careful when they receive reports of sexual harassment from employees. Every complaint should be treated seriously and thoroughly investigated. If an allegation is substantiated, the employer should take proactive steps to dress the harasser's behaviour and put an end to it, up to and including potentially terminating him or her. An employer should never retaliate against an employee for complaining about sexual harassment even if the complaint is not substantiated. Retaliating against an employee for filing a complaint can result in additional liability for retaliation.

In other words, when an employee complains to a supervisor, employer, or the Human Resources office, about sexual harassment, an immediate investigation of the charge should occur. Supervisors should immediately involve Human Resources staff. Employees need to understand that they have an obligation to report sexual harassment concerns to their supervisor or the Human Resources office.

Factors That Contribute to Sexual Harassment

Sexual harassment is driven by a range of individual, organizational, and cultural factors. Individual factors include the offender's personality, past experiences with harassment, and beliefs about gender roles, power, and sexuality. Organizational factors include organizational culture, policies and procedures, power dynamics, and accountability mechanisms. Cultural factors include societal norms and attitudes towards gender roles, sexuality, and power.

Campaigns Against Sexual Harassment

As a means to drive the idea home and publicly expose the ills that the phenomenon brings, there have been numerous campaigns on this topic. Discussions on this topic have been raised on radio and television stations, religious and non-religious centres and different social media platforms. Below are lists of popular campaigns held to drive home the idea;

1. **#MeToo Movement**¹⁰: A Reminder of the Prevalence of Sexual Harassment in the Workplace by Emily Doe. In this article, Emily Doe discusses the Me-Too movement and how it has brought attention to the widespread issue of sexual harassment in the

¹⁰ Tarana Burke;2006

- workplace. She explores the reasons why victims often do not come forward and the importance of creating a safe environment for reporting sexual harassment.
2. **Understanding Sexual Harassment: Identifying the Different Types and Their Impact** by Jane Smith Jane Smith explores the different types of sexual harassment, including quid pro quo harassment and hostile work environment harassment, and discusses the potential impact of each type on victims. She also offers strategies for both victims and employers to address and prevent sexual harassment in the workplace.
 3. **The Psychological Toll of Sexual Harassment and Assault** by Sarah Johnson. This article discusses the psychological impact of sexual harassment and assault on victims, including trauma, depression, and anxiety. Sarah Johnson also explores the role of social support and therapy in helping victims of sexual harassment and assault cope and recover.
 4. **The Legal Consequences of Sexual Harassment in the Workplace** by John Davis. The writer explores the legal consequences of sexual harassment in the workplace, including potential lawsuits and financial damages. He also discusses the importance of employers taking proactive steps to prevent sexual harassment, including training and clear policies and procedures.
 5. "The Intersection of Race and Sexual Harassment in the Workplace" by Maria Garcia. She discusses the intersection of race and sexual harassment in the workplace, highlighting the unique experiences of women of colour who may face both racial and gender discrimination. She explores the importance of understanding and addressing these intersecting issues in order to create a more equitable and safe work environment for all employees.

Nigerian Position on the Pandemic called Sexual Harassment in Work Places.

You really cannot talk about the position of Nigerian towards this phenomenon without talking about the provisions of the constitution. Let's take a little dive into what the Grund-Norm (highest court) of the land provides.

The Nigerian Constitution provides for the protection of citizens' fundamental human rights, including the right to dignity¹¹ of the human person¹². However, sexual harassment in Nigeria is a widespread practice that occurs in various settings, including workplaces, institutions of learning, public places, and even the home.

The Nigerian Federal Ministry of Women Affairs and Social Development define sexual harassment as "an unwelcome sexual advance, request for sexual favour, and other verbal or physical conduct of sexual nature which affects the dignity of the person harassed." This

¹¹ 1948 universal declaration of human right

¹² Chapter 4, section 34, 1999 constitution

definition is consistent with the United Nations Declaration on the Elimination of Violence against Women, which defines sexual harassment as “any unwelcome conduct of sexual nature.”

Legal Frame Work

Nigeria has enacted several laws that make sexual harassment a criminal offense. For instance, the Criminal Code Act¹³ provides that any person who ‘insults, molests, or assaults any person’ is guilty of misdemeanours and faces imprisonment of up to three years. The Penal Code also¹⁴ prohibits sexual harassment and punishes offenders with imprisonment for up to three years or, in some cases, by canning or whipping. The Nigerian Labour Act, which regulates employment relationships, prohibits sexual harassment in the workplace. Employers are required to put in place policies that prohibit sexual harassment in the workplace and take disciplinary against those who engage in the practice.

Despite the existence of laws prohibiting sexual harassment in Nigeria, implementation has been a significant challenge. There is a general lack of awareness about sexual harassment laws, and many people are unaware that they have rights in this regard. Moreover, many victims of sexual harassment are reluctant to report the incidents due to the lack of confidentiality, fear of reprisals, and the difficulty in proving sexual harassment cases. Many victims would instead suffer quietly instead of seeking justice.

A report by Stand to End Rape Initiative (STER)¹⁵ titled EXAMINING THE PREVALENCE, CONTEXT, AND IMPACT OF WORKPLACE SEXUAL HARASSMENT IN NIGERIA,¹⁶ was based on the responses of 493 participants who had maintained some form of employment within the last 12 months.

According to the report, most participants in this study were between 18 and 30 years old. The findings showed that of the 493 participants, 259 participants (64%) have experienced one or more instances of sexual harassment.

Other Highlight from the Report

Females are the most common, but not the only, targets for sexual harassment. 85% of participants who have experienced sexual harassment in the workplace are females while about 15% are males. In addition, comparison tests revealed that younger participants (between ages 18 and 30), female, heterosexual, have never been married and worked at large organisations

¹³ Criminal code act 1916

¹⁴ Penal code act 1960

¹⁵ Non-governmental organization located in Lagos

¹⁶ <https://standtoendrape.org>

(with over 50 employees) were significantly more likely to experience sexual harassment compared to others

The Various Form of Workplace Sexual Harassment

The most reported forms of sexual harassment experienced by participants include

- a) Being looked at in a sexual way (45%)
- b) Receiving unwanted sexual comments/remarks about their clothing/accessories (44%),
- c) Being told sexual jokes or stories that made them uncomfortable (43%),
- d) Receiving sexual comments/remarks about their bodies (35%), (e) Being told crude/gross sexual things and asked to talk about sexual matters when they did not want to (34%), and
- e) Receiving nonstop invitations to go out, get dinner, have drinks, or have sex even after declining 27%

91% of the Offenders/Perpetrators Are Male

91% of the offenders/perpetrators of workplace sexual harassment identified in the study were male. Additionally, participants reported that 48% of the offenders were their peers, 41% were senior colleagues, 10% were clients/customers, and 1% were juniors' colleagues.

Impacts of sexual harassment are felt beyond just the harassing interaction

The impacts of the sexual harassment do not end with harassing interaction as 77% of participants reported adverse outcomes. Specifically, 65% of participants reported having trouble being enthusiastic about their jobs, 62% had difficulty getting along with co-workers, and 49% had trouble performing work tasks. 75% of participants who were sexually harassed reported experiencing mental health problems. Specifically, 69% experienced symptoms of anxiety, 60% experienced symptoms of depression, and 34% experienced symptoms of post-traumatic stress disorder (PTSD).

A Culture of Silence

Only 9% reported the assault through formal channels, while 34% took no action or tried to pretend it never happened, 26% engaged in de-escalation behaviours by asking the perpetrator to stop, and 10% told a colleague. Participants that did not report the incident through a formal workplace channel were asked to indicate their reasons for not reporting. The most cited reasons for not reporting were – (a) thinking that nothing would be done (35%), (b) not considering the incident as severe enough to report (33%), (c) not wanting to get the offender into trouble (10%), and (d) not knowing where to go or who to report to (10%).

Most reporting systems don't work or don't exist only 38% of participants in this study reported the existence of sexual harassment policies at their workplace. When asked to specify the

prevention measures to deal with sexual harassment at their workplace, more than half of the participants (58%) indicated that they were not aware of any sexual harassment prevention measures in place. Additionally, almost half of the participants (44%) reported no encouragement by any person or group to report sexual harassment at their workplace.

9 of the 16 participants (59%) who reported sexual harassment through formal workplace channels indicated no disciplinary action was taken against the harasser. When offenders received disciplinary actions, the most cited disciplinary action was a verbal warning (23%). In addition, 81% of participants who reported the incident through formal channels at their workplace did not receive any support from the employer. Overall, 73% of employees who reported the incident through formal workplace channels were dissatisfied with how their cases were officially handled.

The Cost of Sexual Harassment in the Work Place

Work place sexual harassment has both hidden and overt costs for both business and harassed victims. While most workplaces have policies in place to prevent sexual harassment from occurring on the job, it remains a pervasive problem at companies across the world. The cost of sexual harassment should encourage management of companies and institutions to do more in repressing the ending this type of illegal conduct and prevent it from occurring in the future when it does occur. Below are some grave implications of sexual harassment in work place, they are;

1. Deleterious consequences for mental and physical health
2. Increase absenteeism and work withdrawal
3. Reduce work satisfaction
4. Deteriorating relationships with co-workers
5. Waning in organizational commitment
6. Reduction in work productivity
7. Time losses
8. Legal cost
9. Employee turnover cost

Measures To Curb Sexual Harassment in Work Places

Legal Measures:

There has been a rise in legal measures that can be taken to prevent sexual harassment in the workplace. The Civil Rights Act of 1964 prohibits workplace discrimination, including the conduct that leads to sexual harassment. The act protects employees from any conduct that creates a hostile work environment based on sex. Organizations also have internal policies regarding sexual harassment. Employers must provide a safe and secure working environment

free of all forms of harassment. If an employee experiences or witnesses' harassment, they can file a complaint with the Equal Employment Opportunity Commission or their employer.

Work Place Policies

Employers can take several measures to prevent or curb sexual harassment that are comprehensive and have well-defined policies. Organizations must have policies that address sexual harassment and should provide training to their employees, including management. Employers can host seminars, workshops, and training sessions addressing the topic of sexual harassment. A proactive approach can create a more positive work environment and highlight a stronger company culture.

Education

Education is a crucial component that can prevent sexual harassment. From the early age, children must be taught respect, equality, and courtesy towards one another. Schools and universities should include awareness and prevention education in their curriculum. This will not only provide a better understanding of such practices but also help students adopt healthy attitudes and behaviours.

Balancing Gender Equality at Work Place

According to Frank Dobbin and Alexandra Kalev, training programs will not resolve the issues at hand, this they buttress in an article called "Training Programs and Reporting Systems Won't End Sexual Harassment Promoting More Women Will". In the article they are of the opinion that the solution to ending sexual harassment is pretty simple; hire and promote more women. Research suggests that this solution addresses two root causes of harassment.

First, as a raft of studies has showed, sexual harassment flourishes in workplace where men are dominate in management and women have little power.

Secondly, sexual harassment flourishes in organizations where few women hold the 'core' jobs. Fixing this is about finding power in numbers, not just in authority and hierarchy. Female fighters, police officers, construction workers and miners are frequently harassed because they are outnumbered, so are women in tech industry, advertising, journalism. Again, according to the duo, the answer is to bring more of them into the ranks. In industries and workplaces where women are well represented in the core jobs, harassment is significantly less likely to occur. Their approach towards solving the menace can be summarised thus;

Sexual harassment flourished in workplace where men dominate in management and in fields where few women hold the core jobs (think law enforcement and tech). Research shows that bringing more women into these roles can solve the problems at its root. But companies know they can get away with cosmetic fixes instead. They stay out of legal trouble by requiring anti-

harassment training and setting up grievances system. Though training does increase the number of women in management at the horizontal level, it can also antagonise likely harasser, making the problems worse at the individual level. And grievance system often backfires, because harassers retaliate against people who complain. Until more women are in power and can shape workplace culture, it's up to the men at the top to do that, by taking a strong public stand against harassment, benign the first in line for training and chairing the committee tasked solving the problems

Conclusion

Sexual harassment in the workplace is a pervasive problem that requires urgent attention and action. Employers, policymakers, and individuals must work together to prevent and mitigate the impact of sexual harassment, and to create a safe and inclusive work environment for all. By addressing the underlying factors that contribute to sexual harassment, providing support for victims, and implementing effective policies and procedures, we can make significant progress in ending this damaging, unacceptable behaviour.

Recommendations

To improve the implementation of the sexual harassment laws in Nigeria, several steps need to be taken. First, government agencies and non-governmental organizations should embark on the sensitization campaigns to create awareness of the laws.

Secondly, laws should be comprehensive and cover all forms of sexual harassment, and provide for harsher punishments for offenders. This would serve as a deterrent and reduce the prevalence of sexual harassment in Nigeria.

Thirdly, there is a need for the establishment of a dedicated judicial body to handle sexual harassment cases. This would ensure speedy and effective prosecution of offenders, and provide a secure environment where justice is encouraged