

Sexual harassment: the cases and the laws surrounding it research paper examples

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Management Business Law

Introduction

The use of power on the part of the authorities against lower subordinates through the utilization of sexual innuendos and sexual pressure is labeled as sexual harassment. There are instances when concepts of leadership and management go together to establish a distinct impact on how people are directed in an organization, it is often understood that the ways any organization is directed could be dependent on how authoritarian approach is considered as a strong point. Promises of rewards in exchange of the provision of sexual favors is defined as sexual harassment; this element of connection between the authorities and their subordinates specifically identifies the concept of using power to get what they want from others, particularly the aspect of sexual connection.

The Equal Employment Opportunity Commission entails to create a distinct indication on what constitutes sexual harassment. Giving attention to gender differences and gender imbalances, it is indicated that more than power based on authoritarian approach and base on positions, most of the time, this type of discrimination and oppression occurs due to the existence of gender power development. Unwelcome sexually directed innuendos, may it be verbal or physical in context, is considered specifically evasive of the privacy and the being of the people who are victimized by the said approaches noted through sexual advances.

No matter how the approach to sexual harassment is taken into account, it is considered as an evasion of one's capacity to function well at work. Sexual harassment has several points of distinct impact on the being and

performance of an individual. There are instances when the abusers take into account the authority they have upon the victims and consider it as a sense of power over the said individuals; with such thinking, they usually utilize their position to get advances, to impose oppression on the victims. On the other hand, the victims, seemingly having no choice but to accept the circumstances are left to accept what was happening to them lest they lose their jobs.

The desire to protect the values of the employees has always been the concept of purpose for organizations like EEOC. Nevertheless, the guidelines they produce are often not enough to determine the actual needs of the people they hope to protect. There are particular situations of harassment that are not specifically described according to the distinction of the legal sanctions that identify the occurrence of sexual harassment. Some of the instances include the indication of teasing and simple physical actuations that may or may not mean harassment depending on how the one imposing the action handles the act. These elements of the law on sexual harassment shall be better defined and identified in the discussion that follows. Giving attention to the cases and the situations on how legal options have been considered according to the matter shall be given specific consideration in the presentation that shall be given attention in the research indicated in the presentation that follows.

The Cases

Mary Rowe of MIT was one of the first individuals who coined the term sexual harassment. She did this to address several offenses taken against

individuals who come from the opposite gender. She notes that such condition is not isolated to women alone; in her discussion she remarks that even men could actually experience such hostile treatment at work especially if the man is working within an environment that is surrounded by female employees and supervisors. The effects that this approach to relationship between coworkers specifically creates a distinct impact on the performance of the individual being oppressed which often results to poor working conditions and low-quality work outcomes. With such situation in mind, it could be realized that the person affected is expected to undergo particular points of self-definition that often results to lower self esteem. In the end the hostile environment in the workplace would affect the working culture in the organization thus causing more complex conflicts and gender clash which is not good for business.

Dealing with the issues is highly important as it could cause the progress of the organization especially in creating a more workable environment for the people. Taking into account the aspect of development that organizations are supposed to take account, the concerns of their people, their internal stakeholders should never be set aside nor be assumed as a non-evasive case to consider. The people, the working employees are the bloodline of the organization and giving attention to their needs and satisfaction is highly important especially in assuring that they are able to perform at their best.

Reasons behind Sexual Advances

One of the primary reasons for sexual advances is the concept of power play as mentioned in the previous paragraphs. It is strongly understood that

people who are placed in position often want to play with their authority and are conformed to making advances that are distinctively assumed to get them into a condition of overpowering their subordinates. Seeing how they are able to control others gives them a sense of satisfaction. Nevertheless, this often comes with a taste of lust that some supervisors want to give attention to. Their determined desire to find someone to pressure for their desires becomes extremely evasive that sometimes, it goes beyond teasing. Other forms of sexual harassment need not include sexual innuendos per se. It could be understood that there are instances when constant teasing and addressing one's weaknesses based on gender could already be considered as sexual harassment. Practically, these instances may even involve groups who are aiming to take over the being of another, hoping to get them into talking or acting towards the insults that are being thrown at them. For instance, a woman who is given the chance to work in an organization often dominated by men are given the shrug of shoulders or at times are given specific treatment that often degrade the personal being of the person being victimized. The men might implicate particular insulting words or actions that would degrade the individual based on a psychological manner that would greatly affect her performance and her relationship with others at work. Often times, such pressure is hard to handle and individuals subjected to such conditions are left off to suffer the consequences of coming from the opposite gender which is specifically unfair.

Constant insults, whether or not they include sexual implications, is considered as part of the aspects of sexual harassment. Nevertheless, instances such as this one are not specifically stipulated under the directives

of the law. This is the primary reason why some of those who are victimized often find it hard to establish concrete evidence against the perpetrator of the act unless there is an exact act of sexual advancement done against them.

Importance of the Law

The US Department of State gives a distinct description of what sexual harassment is all about and how the law intends to deal with people implicating such act upon others in the workplace. In their website (<http://www.state.gov/s/ocr/c14800.htm>), the explanation of such situation is considered to be under the condition by which a person is attacked by someone from the upper tier of the organizational command, or someone who may have a distinct sense of control over the person. Seemingly, such control could determine the person's job security, promotional options or simply [making a sale] if the perpetrator is the victim's client with whom she hopes to close a deal with. No matter what the holding factor is, it is understood that one's desire to perform power play on another is an obstructive behavior that keeps one from being able to complete his or her job duties without unnecessary pressure from subordinates or from customers.

Nevertheless, the specifics about what is included in the aspects that define what sexual harassment is about are not as clear as they are supposed to be especially in addressing [non-sexually-specific] advances made against the victims. Most of the actions stipulated in the law are vague enough to include teasing and/or constant insults thrown at a person based on his or

her gender difference from other members of the organization. Given this fact, it is then the goal of EEOC to encourage administrators to specifically define their policies against sexual harassment. Such policies ought to be designed according to the actual situation and working conditions that the organization is involved with.

In doing so, the administrators are able to establish a strong foundation that the employees could use to guide themselves and be aware of the conditions of work that they would be engaged with. This will also serve as a behavioral guideline that the human resources management department could use to identify the way they handle isolated cases that might not need the involvement of outside legal approaches to the matter. For instance, simple teasing and insults done against a victim within a specific span of time might be addressed accordingly by HR administrators through checking through the employee policies that they have already outlined in the first place. This will make it easier for the organization to resolve issues of sexual harassment on their own and their people to be guided accordingly thus protecting the workers' values based on the attention and assistance they need from the administrative body.

Recommendations and Resolutions

As mentioned earlier, it is important for specific policies against sexual harassment to be established in organizations especially in relation to dealing with isolated cases of the matter. The administrators should never set aside that these matters could happen and should not be ashamed of the fact that these situations could occur within their own organizations.

Addressing the problem even before they happen would save the company a lot of money especially in consideration to attending to lawsuits placed against them or their employees in court.

Upon being hired, orienting the employees should be given attention to. Given at least a day of in-depth explanation about the overall policies of the organization regarding behavior and relationship with their colleagues and their supervisors would suffice the need to establish a strong information that they could use later on when particular advances are made on them; or on the other hand be used against them when they are the ones who are victimized by their co-workers or their supervisors. Making sure that they understand the overall concept of the policies and making a distinct implication on how they should strictly follow these rules would definitely make a difference on how the employees would act accordingly towards their subordinates as well as to how they are to respond to their assigned tasks.

Individuals who are put in position or those who are assigned to take higher hierarchies of command should be reminded of these policies. Before taking their seat and taking their position in the company as officers of higher grade, they should be reminded of the policies of the organization against sexual harassment and other issues related to it. This approach will make them focus on their work and make sure that their personal actions would not be sexually nor personally evasive of those who are working with or under their command.

Conclusion

The law does give protection to employees; nevertheless, relying on the general stipulation of the law regarding sexual harassment may not be enough especially when the cases involve situations that are not specifically sexual in nature. Notably, the people who are involved in the administering process ought to know that their position gives them a chance to make a distinctive change on how the environment of the organization should be given attention to especially in relation to protecting the working conditions of the workers. Embracing such responsibility with the full scope of understanding one's role towards determining what is right and what is wrong in consideration to the connection and relationship that a worker shares with others would make a supervisor more capable of handling his or her responsibilities in full accord with the provisions and limitations of the law. Avoiding conditions that would invoke the need to deal with legal sanctions shall serve as protection not only for the workers but for the whole organization as well. The world of business is often considered as a field of power play between males and females; this however, should not be true of all existing organizations in the society today. One organization that adheres to the specific policies against sexual harassment can make a difference especially in determining the condition of development that the organization takes into account in relation to how they manage their people and provide them with the satisfaction they need from their job. Protecting their values is an investment that the organizations would best benefit from in the years to come as they embrace continuous progress as part of their culture.

References:

Dittman, M. (October 2003). " Sexual harassment too often leads to humiliation for victims". *Monitor on Psychology* 34 (9). American Psychological Association.

Watson, Helen. " Red herrings and mystifications: Conflicting perceptions of sexual harassment," in Brant, Clare, and Too, Yun Lee, eds., *Rethinking Sexual Harassment*. Boulder, Colorado, Pluto Press, 1994.

Willness, Chelsea R.; Steel, Piers; Lee, Kibeom (2007). " A Meta-Analysis of the Antecedents and Consequences of Workplace Sexual Harassment". *Personnel Psychology* 60: 127.

Rowe, Mary. " Dealing with Harassment: A Systems Approach," in *Sexual Harassment: Perspectives, Frontiers, and Response Strategies, Women & Work*, Vol. 5. Sage Publications, 1996, pp. 241-271.

US Department of State. Sexual Harassment Policy. <http://www.state.gov/s/ocr/c14800.htm>. (Retrieved on April 23, 2014).

US Equal Employment Opportunity Commission. Sexual Harassment. http://www.eeoc.gov/laws/types/sexual_harassment.cfm. (Retrieved on April 23, 2014).