



Understanding  
**Sexual  
Harassment**  
in the World of Work



## What is sexual harassment?

According to the Employment (Sexual Harassment) Regulations, 2012 of Uganda, "Sexual harassment in employment" means— a direct or implicit request to an employee for sexual intercourse, sexual contact or any other form of sexual activity that contains—

- i. an implied or express promise of preferential treatment in employment;
- ii. an implied or express threat of detrimental treatment in employment;
- iii. an implied or express threat about the present or future employment status of the employee;

In other words sexual harassment is any unwelcome sexual advances, request for sexual favours and other verbal or physical conduct of a sexual nature, made implicitly or explicitly that are made as a condition for someone's employment, such that refusal or acceptance of these advances is used or threatened or insinuated to be used as the basis for decisions affecting one's employment, or the conduct has the purpose of effect of unreasonably interfering with an individual's work, or creating an intimidating, threatening, and offensive work environment.



**SEXUAL HARASSMENT IS AN OFFENCE AND A PERPETRATOR IS LIABLE ON CONVICTION TO A FINE NOT EXCEEDING SIX CURRENCY POINTS<sup>1</sup> OR IMPRISONMENT NOT EXCEEDING THREE MONTHS OR BOTH.**



<sup>1</sup> A currency point is equivalent to UGX20,000

## Manifestations of sexual harassment in the workplace

It should be noted that S.H is usually quite subtle. It manifests in actions that are often brushed off because both men and women have been socialized to accept and expect some behaviors.

### Types of sexual harassment<sup>2</sup>

**Quid pro quo** (meaning “something for something”) sexual harassment occurs when it is stated or implied that an academic or employment decision about a student or employee depends upon whether the student or employee submits to conduct of a sexual nature. Quid pro quo sexual harassment also occurs when it is stated or implied that an individual must submit to conduct of a sexual nature in order to participate in a University program or activity. So, for example, if an employee is made to believe that a promotion is likely if the employee goes on a date with the employee’s supervisor, the employee is possibly being subjected to “quid pro quo” sexual harassment.

**Hostile environment** sexual harassment occurs when unwelcome conduct of a sexual nature creates an intimidating, threatening or abusive working or learning environment or is so severe, persistent or pervasive that it affects a person’s ability to participate in or benefit from a University program or activity. While a person engaging in harassing behavior most often has some form of power or authority over the person being harassed, that is not always the case. The harasser can be a peer of the person being harassed.

### Examples of Sexual Harassment<sup>3</sup>

The following descriptions, while not all-inclusive, will help you understand the types of behavior that are considered “conduct of a sexual nature” and that, if unwelcome, may constitute sexual harassment:

**Unwanted sexual statements:** Sexual or “dirty” jokes, comments on physical attributes, spreading rumors about or rating others as to sexual activity or performance, talking about one’s sexual activity in front of others and displaying or distributing sexually explicit drawings, pictures and/or written material. Unwanted sexual statements can be made in person, in writing, electronically (email, instant messaging, blogs, web pages, etc.) and otherwise.

**Unwanted personal attention:** Letters, telephone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction and pressure for dates where a sexual/romantic intent appears evident but remains unwanted.

**Unwanted physical or sexual advances:** Touching, hugging, kissing, fondling, touching oneself sexually for others to view, sexual assault, intercourse or other sexual activity

## Sexual harassment is about imbalance in power relations between women and men

Power is the capacity of individuals or groups to decide or influence; who gets what, who does what, who decides what and who sets the agenda.<sup>4</sup>

Sexual harassment is about power not sex. Harassment occurs when there is a power imbalance. Women are much more likely to be victims of sexual harassment precisely because they more often than men lack power, are in more vulnerable and insecure positions, lack self-confidence or have been socialized to suffer in silence. Because of lack of power and fear of retaliation, women may consent to certain conduct and actively participate in it even though it is offensive, objectionable and unwelcome.

<sup>2</sup> Adapted from the University of Michigan Policy and Procedures on Student Sexual and Gender Based Misconduct and other forms of interpersonal violence, 2019

<sup>3</sup> Adapted from the University of Michigan Policy and Procedures on Student Sexual and and Gender Based Misconduct and other forms of interpersonal violence, 2019

<sup>4</sup> All about Power, Srilantha Batliwala.



## Myths And Facts About S.h<sup>5</sup>

Myth	Fact
1. Victims are in some way to blame for being harassed (Questions like what were you wearing? What were you doing there? Were you drinking?)	1. The harasser is always responsible for having committed the harassment, regardless of the victim's appearance or behavior, the victim is not responsible for the harassment
2. The motivation behind S.H is a desire for sex.	2. S.H is about power and control and it is not motivated by sexual gratification.
3. If a victim doesn't fight back, they must have thought the assault was not bad or they wanted it.	3. Many survivors experience tonic immobility or a freeze response during an assault where they physically cannot move or speak
4. There is a profile of a typical harasser	4. Harassers can be of any age, gender, race and sexual orientation
5. People with disabilities are not sexual, so they can't be sexually harassed or be harassers	5. Despite societal attitudes and stereotypes about people with disabilities, they can be victims or perpetrators.
6. Straight people do not harass gay people	6. LGBTIQ+ people have been targets of harassment by other people
7. Harassment should be worked out between the person accused of the behavior and the person feeling the effect of the behavior	7. Power issues keep most people from confronting a harasser. This is especially true when the harasser is in an authoritative position or has evaluative responsibilities over the person complaining
8. No can sometimes mean yes, women sometimes play hard to get	8. NO means NO
9. If a woman doesn't report to the police, it wasn't sexual assault.	9. There are many reasons why S.H survivor may not report to police. The fear of retaliation by the offender, of being blamed, not being believed and being required to go through judicial proceedings. Just because a person doesn't report the assault doesn't mean it didn't happen.
10. If it really happened, the woman would be able to easily recount all the facts in the proper order	10. Shock, fear, embarrassment and distress can all impair memory. Many survivors attempt to minimize or forget the details of the assault as a way of coping with trauma.
11. Only young, pretty women are assaulted	11. The belief that only young, pretty women are sexually harassed/ assaulted stems from the myth that S.H is based on sex and physical attraction. S.H is a crime of power and control. Offenders often choose people

## Why don't people report cases of sexual harassment?<sup>6</sup>

One of the main obstacles to understanding the true prevalence of S.H and combating the problem is the low incidence of reports.

- **Women often believe that no one will do anything about the problem.** There is belief that the police would not and could not do anything to help. This is often based on how other cases are handled.
- **Women are afraid** they will be blamed.
- **Fear of consequences**, this includes: fear of losing their job, fear they won't find another job, fear they will be passed over the promotion, fear of losing credibility, fear of being branded trouble maker, fear of their physical safety.
- **Shame.** The sense of shame often causes victims to blame themselves for the sexual misconduct of their perpetrators.
- **Denial & minimization.** Many women refuse to believe that the treatment they endured was actually abusive. They downplay how much they have been harmed by sexual harassment. They convince themselves it wasn't a big deal.
- **Women often do not want to hurt the harasser.** This reason derives partly from the traditional saying "boys will be boys" which is used as an excuse for inappropriate behavior by males.

## Impact of sexual harassment in the workplace<sup>7</sup>

Sexual harassment at work can have very serious consequences both for the harassed individual as well as for other working women who experience it secondhand.

- In some situations, a harassed woman risks losing her job or the chance for a promotion if she refuses to give in to the sexual demands of someone in authority.
- In other situations, the unwelcome sexual conduct of co-workers makes the working conditions hostile and unpleasant- putting indirect pressure on her to leave the job.
- Sometimes, the employee is so traumatized by the harassment that she suffers serious emotional and physical consequences and very often, becomes unable to perform her job properly.
- Sexual harassment has a cumulative, demoralizing effect that discourages women from asserting themselves within the workplace, while among men it reinforces stereotypes of women employees as sex objects.
- Severe or pervasive sexual harassment in certain types of businesses creates a hostile or intimidating environment that causes women to leave their jobs and look elsewhere for work or discourages them from seeking those jobs in the first place.
- Both men and women in a workplace can find their work disrupted by sexual harassment even if they are not directly involved.
- Sexual harassment can have a demoralizing effect on everyone within range of it, and it often negatively impacts company productivity on the whole.

<sup>7</sup> University of Minnesota Human Rights Library; <http://hrlibrary.umn.edu/svaw/harassment/explore/4effects.htm>



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<sup>6</sup> Reporting Sexual Assault: Why Survivors often don't. Mcasa , Why don't Victims of S.H Come Forward Sooner, Beverly Engel L.MFT

## What should I do when I am being sexually harassed at work?

- First, never apologize or make excuses for the offender. If they are making unwelcome advances, see it for what it is and object to it.
- If you feel safe enough to do so, you should tell the harasser to stop. Say it loud enough for others to hear for extra emphasis or to have witnesses. You can also put it in writing as it creates a record of events that will help your case should you choose to report.
- Depending on who is harassing you, you can tell your line manager or someone else in management about your experience.
- Document, document, document! Confide in colleagues, keep records of messages or other materials that are being used to harass you. This may prove useful should you choose to pursue legal action.
- If you want to report the harasser, a good place to start would be your organization's sexual harassment policy, if it has one. The policy defines what sexual harassment constitutes, as well as procedures for reporting.
- One can also lodge a complaint with the labour office closest to you, especially if you have no sexual harassment policy. If the labour officer fails to handle the case, the matter may be transferred to the industrial court.

For more resources on sexual harassment in the workplace in Uganda, please consult the Employment (Sexual Harassment) Regulations, 2012. (<https://ulii.org/ug/legislation/statutory-instrument/2012/15>) and the ILO Violence and Harassment Convention [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)







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