

Workplace Sexual Harassment and its Underreporting in Pakistan

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Abstract

Sexual harassment in the workplace is a reflection of unequal power relationship among genders and should not be seen as isolated cases emanating from psychological or criminal roots. The practice of sexual harassment in the workplace occurs in occupations and industries which turns working environment for women into stressful, damaging, and hostile and makes it difficult for them to achieve their rightful place in employment. Sexual harassment in the workplace is the most frequent form of gender-based violence occurring in Pakistani society which is characterized by patriarchy and gender segregation. When women attempt to join workforce and take economic responsibilities of family in opposite to predominating social norms, they have to suffer from sexual harassment. This sort of unfriendly and hostile working environment for women disclose not only the gender-biased structure of the workplace but also ingrained and entrenched culture which objectify women and quite often paints her as mere recipients of male desire. The view of women's objectification are reproduced and perpetuated in working environment of patriarchal societies. This study is an endeavor to find out the causes of sexual harassment in the workplace in Pakistan; and what are the underlying factors which lead to under-reporting of the incidences of sexual harassment. This study asserts that the patriarchal values prevailing in Pakistani society breed sexual harassment in the workplace and also preclude victims to report the incidence by not giving them appropriate moral, cultural and legal support. This study argues that in an environment like Pakistan where rule of law is not prevalent in entire society so just having policies and awareness regarding these policies could not be a valid and significant element for lowering the sexual harassment incidences. This phenomenon reflects the unequal power relationships between genders and cannot be combated until patriarchal mindsets are changed which can be achieved only by transforming the existing patriarchal society itself that is producing such mindsets.

Keywords: Patriarchy; Sexual Harassment; workplace sexual harassment, Pakistan

Introduction

Sexual harassment is a form of gender-based violence. Men may be subjected to sexual harassment but majority of the victims are women. Gender-based violence is a reflection of unequal power relationship between men and women and should not be seen as isolated cases emanating from psychological or criminal roots. The subject matter that runs through the literature on Gender-based violence is women's unequal power in patriarchal society where women are subject to discrimination, exploitation and violence. Sexual harassment is a crime and perpetrated to control and domination of men over women and is a sort of threatening and intimidating message to women to limit their physical and social mobility. The practice of sexual harassment in the workplace is the part and parcel of all occupations and industries. The United States' Equal Employment Opportunity Commission (EEOC) defines sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" that interferes with one's employment or work performance or creates a "hostile or offensive work environment." According to ILO, Sexual harassment as "Any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable and offensive to the recipient. Where a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job; Conduct that creates an intimidating, hostile or humiliating working environment for the recipient." Hence, it may be described as a social control exerted by men to keep women in private sphere.

Sexual harassment in the workplace is one of the most prevalent forms of violence against women which turns working environment for women into stressful, damaging, and hostile and make it difficult for them to achieve their rightful place in employment. EEOC classifies sexual harassment under two broad categories, namely hostile environment, and quid pro quo harassment. The most commonly recognized type of sexual harassment, "quid pro quo", comes from a Latin terminology which literally means "this for that". When a person submits to or refuses the immoral requests of the harasser

and such requests are made for the employment decisions affecting the harassed individual, this is termed as a quid pro quo harassment. Failure to comply with harasser's requests or offers causes an adverse impact on employment procedures such as promotion, compensation and benefits, performance appraisals, and other conditions. In quid pro quo, harassers use threats or rewards of employment decisions to coerce sexual favors.

A hostile environment involves unwelcome sexual behavior or actions at work that yield a hostile, intimidating, or offensive workplace (Valente, et al., 2004). That's why it has been framed as the violation of basic human rights of women in that victims experience extremely stressful and damaging physical and psychological effects, which prevent these individuals from achieving their rightful place in employment and educational settings. Sexual harassment also was described as a form of social control exerted by men to "keep women in their place" (Sigal, 2006). Feminists argue that sexual harassment reinforces the concept that women have a subordinate role and treats women as objects and victims.

The sexual harassment in the workplace occurs in both developed and developing countries. It is asserted that between 30 to 50 percent of women in European Union, 50 percent in the United Kingdom (UK), 25 percent in US endure sexual harassment in the workplaces (Renate van Oosten, 2013). International Trade Union Confederation in 2008 put estimation that 30 to 40 percent of working women reported some form of harassment. Experts assert that with the increase in women paid labor force in recent years, now the percentage of women experiencing sexual harassment is much higher. In Nepal, 53.8 percent of women workers reported that they experienced sexual harassment in the workplace (ILO, 2004).

Sexual harassment in the workplace in Pakistan is the most frequent forms of gender based violence in both formal and informal sectors. When women attempts to join workforce and take economic responsibilities of family in opposite to predominating social norms, she has to suffer from sexual harassment. This sort of unfriendly and hostile working environment for women disclose not only the gender-biased structure of the workplace but also ingrained and entrenched culture which objectify women and quite often paints her as mere recipients of male desire. The view of women's objectification are reproduced and perpetuated in working environment of patriarchal societies. This study is an endeavor to find out the causes of sexual harassment at workplace in Pakistan, and what are the factors which preclude the reporting of sexual harassment in the workplace.

Social Context of Pakistan

Pakistani society is characterized by patriarchy and gender segregation. Gender is one of the important organizing aspects of society and traditional gender roles still prevail. Society views that women are subordinate to men (Women are also socially conditioned to be subordinate to men), and honor of man and family rest upon/lie in the actions and conduct of the woman of his family. In general, men is perceived as dominant, powerful and superior beings; whereas women are perceived as inferior, powerless, weak, and the like in the society. Woman is often discriminated, oppressed and subjugated and her basic rights are violated. Global Gender Gap 2014 report put Pakistan in the list of the second lowest performing country with respect to equality of gender.

Traditionally, the mobility of women was tightly restricted and her interaction with men except close relatives was often kept to minimum since women were and are perceived as the repository of family honor and her increased mobility and interaction with men might have caused disgrace to family honor. However, in the past few decades, the role of women in Pakistani society has been gradually started to change. Traditionally, women were confined to their houses and their primary role was to take care of household chores. With time, due to increase in economic pressures on families and access to knowledge and information, the tradition which secluded women and confined them to traditional gender roles to keep male contact to minimum have also been changed to some extent; now women in many families are permitted to attain higher education and do paid jobs, but under some restrictions; They work along with men in different formal and informal sectors and can choose varieties of jobs and occupation previously regarded only for men. Women do paid-work in fields including but not limited to, journalism, law, sales and marketing, information technology, and police; however, their representation in these fields is still very small.

Men are still regarded primary bread earner of family but no longer regarded as the only bread earner of the family since many women are also financially supporting their families. However, the entry of women into paid labor force has not liberated them from housekeeping which is considered the main activity of married women. They have to manage double burden both at office and house. Women have to manage the work place and also have to run a house as well which demands a full attention to her husband, kids, and in-laws. When married women return home after the all-day tiring work of office, they have to do domestic chores, no matter how much tired they are. Indeed, many women by entering into the paid workforce have gained somehow economic independence but still their basic rights are violated, they are mistreated and regarded as "object" that is a mere passive recipients of male desire.

Despite the facts that the restrictions on their mobility and their interaction with men has somehow loosened but still they are perceived as the repository of family honor. In most cases, most women are still not allowed to take big and important decision, no matter how much important that decision to their life and career. Why women are not allowed to take their own decision? Answer of this question can be found in prevalent ideology and structure of patriarchal society which (a) view women as inferior to men and that they lack in reasoning, wisdom, and ability to make correct decisions and to give them liberty on this matter may bring adverse outcomes; (b) consider that women are the repository of family honor and any decision (specially related to marriage) taken by her may spoil the honor of family and bring disgrace. Because in Pakistani society, social stigma is attached with women's choice of life partner and they are often forced to get married to men of her parents' choice.

The condition of women in tribal areas of Pakistan is much more miserable than women living in areas where tribal culture are either weak or do not exist. Tribal cultures treat women like merchandise and women are treaded either as peace offerings in arranged marriages or in resolution of a dispute, ordered by a Jirga/ Panchayats ¹. In these cultures, instead of rule of law, rule of tradition is more powerful and "justice" is dispensed by informal legal systems namely Jirga. These informal legal systems are gender-biased in which there is no representation of women. Gender-biased decisions of the informal legal systems is evident from the case of Mukhtar mai who was gang rapped, on the orders/verdict of informal legal system as retribution for the alleged affair of her brother with girl of another tribe. How women in tribal areas of Pakistan treated is noticeable from the barbaric and dehumanized cultural practice such as Vanni/Swara² and informal judicial system. Besides that, every year the number of women are killed in the garb of culture practice called "honor killing"³.

Workplace Sexual Harassment

Pakistani society is in a transient period where women are gradually coming out from their secluded lives within homes to join workforce against the assigned gender roles and gender norms. However, the dominant gender norms and cultural myths entrenched and ingrained in society are putting obstacles in their way through different means. However, there is the average annual growth rate of participation of women in the workforce and it has increased since 1990. It was just 13.2 percent in 1990 and has gone up to 22.4 percent in 2017. But still women work participation is very low in comparison with other countries of South Asia. Women in Pakistan are half of the population, yet they constitute nearly one-fourth of the total labor-force. This mean that massive human resources are presently untapped, neither contributing to economic development of the nation, nor to enhance their own status in society.

There are two major factors that preclude women to enter into paid labor force; they are socio-culture norms and sexual harassment. Firstly, Cultural values and gender norms regard the role of women is within the boundary of house. Living off the livelihood of a wife or daughter is regarded as shameful and embarrassing act. Besides that, there is stigma associated with women's work which indicates that women working outside the home as not "respectable" in many social contexts. Henceforth, this social stigma may put restriction on women's decision to work outside the house. Secondly, the common occurrence of sexual harassment precludes women to join paid workforce. Sexual Harassment in the work place often discourages women in participating in socio-economic development of society. The daring woman who endeavors to work and take financial responsibility of family in opposition to societal norms and gender roles has to suffer miserable life due to entrenched culture of women objectification and structure of the workplace.

The occurrence of sexual harassment in Pakistan is the most frequent form of violence. Large number of women faces Sexual harassment at workplace (AASHA 2002). It is almost impossible to obtain accurate figures on the incidence of sexual harassment in Pakistan where the topic is not publicly discussed. AASHA (Alliance against Sexual Harassment) (2002) demonstrated in its report that nearly 80 percent of working women including formal and informal sector in the country experienced sexual harassment at workplaces. Furthermore, this report revealed that compared with informal sector, the occurrence of sexual harassment in formal sector was higher reaching at 93 percent. Another study carried out by UNISON (2008) found that more than 50 percent of working women are sexually harassed in Pakistan; Truth is that most incidences of sexual harassment go unreported. As a result, the reported cases of violence on the basis of gender do not truly represent the occurrence of sexual harassment at workplaces. Parveen (2010), stated that during 2008 to 2010 only 520 incidences of sexual harassment in the workplaces were reported indicating that the incidences of sexual

¹ Informal judicial system run by traditional assembly of tribal members

² A Cultural practice in which girl is forced to get married as compensation for killing / crime committed by her male family member

³ The murder of a relative, generally woman, considering that she has brought dishonor to the family or community

harassment often go unreported. Pakistani civil society vocal people have asserted that 70 percent of women experience sexual harassment at workplace; whereas other reports demonstrate the incidences up to 90 percent which show that the work place in Pakistan is not safe for women.

In Pakistani patriarchal society, in general, the working environment for women in paid labor force, is difficult and do not support women employees (AASHA 2002); women are perceived as an 'object' rather than a 'subject' and are given low and subordinate status in society. The occurrence of sexual harassment in the workplace disclose not only the gender-biased structure of the workplace but also ingrained and entrenched culture which objectify women and quite often paints her as mere recipients of male desire. The view of women's objectification are reproduced and perpetuated in working environment of patriarchal societies. Even increased access to education and information has often not succeeded in uprooting the deeply ingrained attitudes and concepts resulting in the widespread occurrence of sexual harassment in the workplace.

A significant number of people put blame on women for being sexually harassed. Even many women think that sexual harassment depends upon how women make their own environment; if they keep their personal boundaries, no one will dare to cross the boundaries and tease them. Indeed women should be strong enough that one should not dare to tease and sexually harass them but solely focus on how women make her environment which can either deter or motivate harasser is injustice. This implies that women can stop sexual harassment by bringing changes in their conduct and behavior. However, this denies the role of patriarchal structure which breeds sexual harassment in the workplace because of entrenched culture of women objectification.

The patriarchal values prevailing in Pakistani society breed sexual harassment in the workplace also preclude victims to report the incidence by not giving them appropriate moral, cultural and legal support. Given that sex – and anything related to the subject – is taboo in Pakistan, it comes as no surprise that sexual harassment is such a hush-hush affair. For the harasser, it is a harmless fun they could enjoy on a daily basis, however victims, endure the impairing and injurious physical, emotional, and psychological effects of sexual harassment and often feel compelled to remain silent.

Patriarchy Breeds Sexual Harassment

The attitude and behavior of any individual is the manifestation of society in which he/she lives. The patriarchy mindsets are the byproduct of patriarchal society. Patriarchy is both ideological and structural. It is ideological, because it reproduces and perpetuates society's beliefs norms and values about women's roles and status in society. It is structural, because it bears on women's access to social institutions and their position within these institutions. Patriarchy is a system based on hierarchical and unequal power relations in which men has control on production, reproduction, and sexuality of women. This control is established, institutionalized and legitimized by using social institutions such as family, religion, media, society and the like.

Patriarchy promotes male privilege by being male dominated, male identified, and male centered. In patriarchal system women are perceived as an 'object' rather than a 'subject' and treated as subordinate to men. They experience discrimination, exploitation, and violence. Walby (1990) said that patriarchy is a system comprised of social structures and practices in which women are dominated, oppressed and exploited by men. Men use coercion to achieve what conditioning fails to achieve (Millet 1970:8). Violence is one of the mechanisms used by men to control and subjugate women; and is a manifestation of unequal power relationship sustained by patriarchy. Patriarchy makes violence necessary for the sake of its existence. Walby (1990) have identified violence as a mechanism to keep women subservient to men; Reiser (1999); Meltzer (2002); Xie et al. (2011) argue that men are losing power, and that some men employ violence to assert their authority and other men exercise violence to reassert their declining authority, power and status. Sexual harassment is used as a tool to control women. In sum, Women employ face backlash because they have taken new roles which belong to men domains within patriarchy and sexual harassment in workplace is all about the manifestation of unequal power relationships between genders and is exercised to perpetuate patriarchal relations. It is used to remind working women of their subjugated and vulnerable status and force women's conformity to gendered roles. Patriarchal society is a direct cause of sexual harassment and the values and attitudes of both men and women emanating from the society are posing great challenge in the prevention and stoppage of sexual harassment.

Why Cases of Sexual Harassment are Under-reported?

Patriarchal structure and rigid culture not only breed sexual harassment but also deter women to step forward and speak up about sexual harassment. Most often victims feel compelled to remain silent fearing that their complaint against sexual harassment may get them into trouble in patriarchal society where in these incidences character of woman is brought into question rather than harasser and with it, the sanctity of her chastity and her eligibility for marriage or to stay in a marriage.

Victim first experience the trauma of sexual harassment and then trauma of social harassment which is even more humiliating and disturbing. In Patriarchal society of Pakistan, victims are advised to ignore sexual harassment; on top of that this advice comes from women. Women enduring sexual harassment at workplace in Pakistan often tend to confront with harassment in different ways, ranging from ignoring harassers to get legal redress. Following are the three main factors that hinder victims to report incidences of sexual harassment.

(1)Feeling of Judgment, embarrassment or shame:

In a patriarchal society of Pakistan, prevailing dominant ideology links family honor to female virtue. women are scared, afraid and reluctant to discuss and report sexual harassment fearing that their own reputation and that of their families would be damaged/ruined; Even victim may not get support from her own family and be told that this was bound to happen; Better is that she ought to have stayed at home. Thus, many of our women themselves stay quiet over this harassment because they don't want to embarrass their families or become the talk of the town.

Women enduring sexual harassment are often labeled and stigmatized as either "troublemakers" or "loose" women looking for attention. Thus, the victim often becomes the accused with their appearance, private life, and character likely to fall under intrusive scrutiny deterring women to report the incidences.

(2)Fear of reprisal/retaliation:

Victims can be scared of the repercussions. Women are often deterred to report sexual harassment since they fear that reporting a colleague especially a supervisor or boss may result in the abrupt loss of her job. Moreover, they fear that their harasser-employer may retaliate by blacklisting them and providing unfavorable reference information which can make it harder for them to find new gainful employment elsewhere. Women not only fear the losing jobs and career being threatened, they also fear that harassers may harm them in actual lives since harassers in most incidences retain higher positions. Therefore, women feel compelled to both resign from the job and search for new job; or victims may chose silence fearing the consequences of losing job and accept the abuse in the belief that nothing could be done about it.

(3) Gender-Biased Institutions and Weak Judicial System:

Most organizations in Pakistan have zero tolerance policy against sexual harassment but often without implementation. Rather than taking action against the offenders, senior management often suppresses the incidences and do not allow to be reported in order to secure the image of organization. This led woman to think that complaint about sexual harassment brings no results; this usually encourages the offenders to continue the offensive behavior. As a result, sexual harassment at workplace is a common phenomenon without being reported in Pakistan. The another issue is victim has to prove the incidence of sexual harassment; if the harassment is verbal, which is often the case, then it cannot be proved and the harasser gets away with impunity. In addition, Women may find it difficult to prove sexual harassment in gender bias institutions and weak judicial system. On the reporting of sexual harassment in the workplace, Ali has rightly depicted the true picture of Pakistani society which deter sexually harassed victim to speak out. Ali has truly depicted the true picture of Pakistani women suffering from sexual harassment. He said that Pakistani women, in general undergo three levels of problem. To begin with women put endeavors to hide the incidences of sexual harassment on account of religious modesty and cultural traditions. Secondly, once victim decide to take firm action against the harasser but find that there is a lack of redress at both organizational level and governmental level. Finally, once they report the case, they undergo victimization in a gender-biased society of Pakistan.

Conclusion

Pakistani society is characterized by patriarchy and gender segregation. Gender is one of the important organizing aspects of society and traditional gender roles still predominate. In the past few decades, the role of women in Pakistani society has been gradually started to change. Earlier women were restricted to their home and their primary role was to take care of household chores. With time, due to increase in economic pressures on families and access to knowledge and information, this restriction somehow has been released. Now women in many families are permitted to attain higher education and do paid jobs, but under some restrictions.

Sexual harassment in the workplace in Pakistan is the most frequent forms of gender based violence in both formal and informal sectors. When women attempts to join workforce and take economic responsibilities of family in opposite to predominating social norms, they have to suffer from sexual harassment. This sort of unfriendly and hostile working environment for women disclose not only the gender-biased structure of the workplace but also ingrained and entrenched culture which objectify women and quite often paints her as mere recipients of male desire. The view of women's objectification are reproduced and perpetuated in working environment of patriarchal societies. For the harasser, it is a

harmless fun they could enjoy on a daily basis, however victims, endure the impairing and injurious physical, emotional, and psychological effects of sexual harassment.

With the increasing entry of women to the workforce, the occurrence of sexual harassment incidences increased. This situation led government of Pakistan to pass the Protection against Harassment of Women at Workplace Bill in 2010. The aim of this law was to provide safe and healthy working environment to the women unfortunately the law has failed to wipeout the incidences of sexual harassment and served just as a piece of paper. Pakistan is also the signatory to international laws which demands basic human rights and gender equality. Of these international laws Pakistan is also obliged to UN Declaration on Violence against Women, where Article 2 specifically mentions sexual harassment and intimidation at workplace, but the element of practical implementation of rights are missing.

The patriarchal values prevailing in Pakistani society breed sexual harassment in the workplace and also preclude victims to report the incidence by not giving them appropriate moral, cultural and legal support. In Pakistani patriarchal society where rule of law is not prevalent in entire society so just making laws and signing international laws without proper implementation will not eradicate gender inequality and gender-based violence. This study asserts that workplace sexual harassment is the violation of human rights; Pakistani state along with its law enforcement actors is held accountable for such a violation of human rights occurring in workplace (Hadi, 2017). Pakistani state and law enforcement actors should take serious and firm actions to reduce the incidences intra-familial violence against women. This study asserts that actions of state can reduce the occurrence of gender-based violence but cannot eliminate it because in order to eliminate violence against women, patriarchal system has to be changed which can be achieved by strengthening the social, political and economic position of women.

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