

Chapter 4

Sexual Harassment Laws and Their Impact on the Work Environment

ABSTRACT

This chapter examines the impact of sexual harassment laws in a work environment. Different contexts are examined with different sexual harassment laws. The most vulnerable individuals are identified. The particular case of Lebanon is inspected where few laws regulate this matter. A comparison is established with the USA. Lebanon and the United States have a different view of sexual harassment. In Lebanon, no clear laws protect women. In addition, Lebanon is more tolerant than the United States. The difference in cultures also contributes in people's willingness to disclose harassment. In the United States, people are used to the concept of right and a judicial system that preserves it. In Lebanon, such a matter is taboo, and people are discouraged from disclosing to preserve their reputation.

INTRODUCTION

An overall lawful definition of sexual harassment is an unwelcomed bodily or verbal sexual advance by coercion of the harasser's superior position or in an exchange for some kind of reward. It can take both verbal and/or physical forms between people from the same or opposite sex. Sexual harassment in an office environment can be very destructive as it creates an unsafe environment and promotes unfairness. It affects one's ability to perform correctly in his or her workplace, and makes it hard for them to work at full efficiency, especially when they are affected from the emotional, physical and

mental side. Employees who are mostly exposed and affected by sexual harassment include mostly low salary staff with lower level of education, and young single women.

BACKGROUND

Sexual harassment is coercion, aggression, or offensive behavior by a person towards another. The United Nations adds the word 'unwelcome' to its definition of the word 'sexual harassment' and by that they mean although the act might not actually be an assault and the person being harassed

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accepted the act, in his/ her opinion it was an unwelcomed act and therefore the act is categorized as harassment. Sexual harassment is always unlawful. It can take place under any circumstances; the simplest would be when an employee of a higher rank asks a lower ranked employee for sexual favors in return to bonuses or a raise. Human rights have evolved tremendously; in the US the civil rights act of 1991 gave the woman the right to sue for sexual discrimination and harassment. In 2005 The European council amended the 1976 council to include rights against sexual harassment. Locally the Lebanese 'Anti-Harassment Campaign' has launched its latest campaign using a mascot called Salwa. "SALWA" was created to promote gender equality, following a dramatic rise in reports of sexual harassment. After taking a brief understanding about the matter, we would like to say that societies are evolving towards the better where people of all races, sexes, colors have equal rights. There are certain norms that apply here in Lebanon and are common among most if not all Arab countries that need to be changed, these understandings must be altered and updated if we were to be part of the forthcoming new social life styles and the social welfare.

SEXUAL HARASSMENT IN THE HEALTH SECTOR

Sexual harassment is a type of sex discrimination. Equal Rights Advocates (2012), the lawful description of sexual harassment is

Unwelcome verbal, visual, or physical conduct of a sexual nature that is severe or pervasive and affects working conditions or creates a hostile work environment.

International Labor Office (2001), "the two principal types of sexual harassment in the workplace included in the definition of the European

Communities are 'quid pro quo' harassment and the creation of a "hostile working environment" ILO, (2001) defines the two principles as:

1. **Quid Pro Quo Sexual Harassment:** "Refers to a demand by a person in authority, such as a supervisor, for sexual favors in order to obtain or maintain certain job benefits, be it a wage increase, a promotion, training opportunity, a transfer, or the job itself. It forces an employee to choose between giving in to sexual demands and losing job benefits" (ILO, 2001, p 21, Para.4).
2. **A Hostile Working Environment:** "Refers to unwelcome sexual advances, requests for sexual favors or other verbal, non-verbal, or physical conduct of a sexual nature which interferes with an individual's work performance or creates an intimidating, hostile, abusive, offensive, or poisoned work environment". (ILO, 2001, p.22, Para.1)

Health service industry is not immune from the problem of sexual harassment. One study proposes that the high occurrence of harassment in health care is linked to the health care industry's divided professional segregation. Prestige and Power are important factors to sexual harassment. (Kaye, 1996)

Bio-medicine (2009) 'Doctors and administrators in positions of authority harass other doctors, nurses and other non-medical staff. Also, patients may harass doctors, employees, and nurses.' In short, victims of sexual harassment in health sector can be nurses, doctors, patients, and staff;

Kaye, (1996) for example, a nurse may be harassed by (Colleagues, Supervisors/directors, Physician, doctors, Patients, Patients' relatives); also, patient may be sexually harassed by (Nurses, doctors, staff in health center, physicians); in addition, lower level of employees may be harassed by (nurses, physicians, Patients, Patients' relatives).

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