

Harassment in the Workplace, DOES IT EXIST IN LEBANON?

By Myriam Sfeir

Confusion may be inevitable when it comes to personal relations: so much of it is based on nuance, anyway. But it's also true that sexual harassment law, perhaps more than most, is constantly evolving as each new case comes before the courts and establishes new precedents. Thus, what today would be a perfectly obvious (and winnable) case of harassment - a woman loses her job because she won't sleep with her boss - was far from obvious to judges in the early 1970s. (Ms Magazine, p. 50)

What is sexual harassment in the work place? What behavior counts as sexual harassment? Is it illegal? Are there any legal actions to be taken in case someone is harassed? While surfing the net to find some information about sexual harassment that would enable me to answer all these questions, I came across an advocacy organization for working women in the USA called 9 to 5. It was established in 1973 and since then has been "fighting for more effective corporate and public policies to end sexual harassment and protect the rights of victims."

Sexual Harassment: What Every Working Woman Needs to Know.

Have you experienced any of the following at work?

Suggestive comments about your appearance?

Unwanted touching or other physical contact?

Unwanted sexual jokes or comments?

Sexual advances?

Exposure to pornographic pictures?

If you have experienced any unwanted verbal or physical conduct of sexual nature, you are not alone. This behavior is considered sexual harassment.

It's not only offensive, it's against the law. Sexual harassment is illegal even if the harasser is not your boss, even if he is not threatening that you will lose your job if you don't go along.

What the Law Says:

Sexual harassment is unwanted, repeated sexual attention at work.

Sexual harassment is illegal if:

- Your job depends on your going along with this behavior, or
- The conditions of your employment (such as pay, promotion, vacation) depend on your going along with this behavior, or
- The harassment creates a hostile or offensive work

environment which interferes with your ability to do your job.
- Everyone has the right to a workplace free of harassment.

What You Can Do:

Sexual harassment is not your fault.

Sexual harassment is not about sex. It's about power. Typically such behavior is designed to humiliate and control.

Here are some steps to take if you are being sexually harassed on the job:

- *Say No Clearly. Inform the harasser that his attentions are unwanted. Make clear you find the behavior offensive. If it persists, write a memo to the harasser asking him to stop; keep a copy.*

- *Document the Harassment. Write down each incident including date, time and place. Detail what happened and include your response. Keep a copy at home. This information will be useful if you need to take legal action.*

- *Get Emotional Support from friends and family.*

- *Document Your Work. Keep copies of performance evaluations and memos that attest to the quality of your work. The harasser may question your job performance in order to justify his behavior.*

- *Look for Witnesses and Other Victims. You are probably not the first person who has been mistreated by this individual. Ask around; you may find others who will support your charge. Two accusations are much harder to ignore.*

- *Explore Company Channels. Use any grievance procedures or channels detailed in your employee handbook. If you're in a union, get the union steward involved right away.*

- *File a Complaint. If you need to pursue a legal remedy, contact your state discrimination agency or the federal Equal Employment Opportunity Commission (look in your phone book for the field office closest to you. The federal agency covers workplaces of 15 or more. State law may protect you if you're in a smaller workplace).*

- *Attorneys; You do not need an attorney to file a claim, but you may want to speak with a legal service or private attorney specializing in employment discrimination.*

Under the new Civil Rights Act of 1991, victims of sexual

harassment are entitled to damages for pain and suffering as well as to any lost pay. If you win, you may also recover legal fees. (9 to 5, web site)

The May/June issue of Ms. magazine entailed a special report on sexual harassment at work. Among the articles was an interview with Vicki Shultz, a professor at Yale Law School in New Haven, Connecticut. Shultz argues:

There are two kinds of harassment that the courts have recognized. The first, quid pro quo, forbids a supervisor from telling a subordinate she must have sex with him or else suffer adverse consequences on the job. The other is hostile work environment, where supervisors or coworkers do things that make the work atmosphere more difficult for people based on their gender. Hostile work environment harassment really isn't about sexual exploitation. It's about exclusion - one group trying to make the work atmosphere more difficult for another because they'd really rather not have them around. Or they want to be able to categorize them as inferiors. Sometimes it is sex, but sometimes it's other things that are used to make women less serious, less capable, different, and out of place on the job. Over time, quid pro quo - "put out or get out" - has come to be the popular image of harassment. It has overshadowed hostile work environment harassment. We've become obsessively concerned with sexual advances and sexual conduct, and this has had negative consequences for the development of sexual harassment law." She holds: "What we need to do now is recognize that what happens in the sphere of paid employment is equally important in shaping women's disadvantage. We have to take very seriously the notion that if we're going to be truly free, truly equal, we need to be able to have access to challenging, rewarding, meaningful work that we can do freely and creatively and equally - alongside men, alongside other women, alongside people of all ages and races. (Ms. magazine, pp. 56-57)

Unlike in the West, sexual harassment in general and in the workplace in particular fails to receive any attention whatsoever and is rarely discussed in Lebanon. The illusion of well-being and advancement that clouds our understanding concerning the status of women prevents us from realizing that many working women suffer from sexual harassment in the workplace. Besides, the evident shortage in valid and reliable data prevents one from taking action. Harassed women are reluctant to speak out for several reasons namely fear of being doubted, social pressure, shame, etc. Moreover, absence of laws protecting them reinforces their feelings of hopelessness. A study conducted by the Institute for Women's Studies in the Arab World entitled "Female Labor Force in Lebanon" reveals that among the 8% of working women who faced problems with their employers, 44% complained of exploitation, 24% of

rude behavior, and 16% of discrimination based on gender; however, sexual harassment problems were almost nonexistent. The absence of complaints related to sexual harassment can be attributed to cultural barriers, for women rarely feel free to express the constraints that they are faced with.

According to Lawyer Mirella Abdel-Sater, sexual harassment in the workplace is all about power. It occurs when an employer uses his power and position to exact sexual favors from his unconsenting employee. She maintains that the legal system's penal code fails to tackle this issue and explains that sexual harassment laws, if devised, should fall under the penal code because harassment might take place anywhere and not only in the work place. Abdel-Sater argues that when one proposes to amend a law or legislate a new one, a presentation of the prevailing situation and its ill effects is pertinent. Case studies should be accumulated and the advantages of devising a new law should be cited. Unfortunately, Abdel-Sater holds that sexual harassment cases are practically nonexistent because women rarely file complaints: "The absence of concrete evidence coupled with fear of being blamed discourages women from suing. Society rarely sympathizes with these women who are always mistakenly blamed for their predicament. You often hear people remarking "she asked for it", "she never dressed properly", "she is too friendly", etc.

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Abdel-Sater argues that sexual harassment is punishable by law in some Arab countries such as Morocco and Egypt. These laws were promulgated and implemented to protect victims of sexual harassment following big scandals. Abdel-Sater wonders whether we have to wait for scandals to take place, in Lebanon, to take action and tackle this issue. She criticizes a society that tries to deny the existence of such cases in order to appear progressive.

Abdel-Sater explains that when sexual harassment takes place in the work place and the employee files a complaint protesting the unjustified termination of her contract, her employer has to pay her an atonement that entitles her to a compensation provided that she proves to be efficient and is fired for no reason. The compensation might add up to 13 months paid salary depending on how long the victim has served the company.

Abdel-Sater admits: "I do not know on what basis laws protecting the harassed will be devised in the future given that our experience in this area is very limited. In the circumstances it will take long to implement such a law; however, we should continue to discuss the subject for the public to learn about it and about its prevalence. Our work on this subject will enable

future generations to take a stand. Below are two cases I managed to collect. I was supposed to interview a woman who filed a complaint, sued and received a compensation. She consented to being interviewed yet never called me back. I called her several times in vain.

Voices: Case 1

I used to work as an editor in a well known Lebanese organization. Shortly after I was employed my immediate boss invited me along with a colleague for lunch to celebrate my employment. During lunch he offered us champagne and I felt he was trying to impress me. It was so obvious that he wanted a more intimate relationship with me for he often expressed interest in visiting me at home and I ignored his comments. One month later he informed me that he would be paying me a visit at home, so I invited the same colleague along. After that he started making comments about my appearance and expressed interest in seeing me alone: "when will I see you alone?" "when will you invite me to your house alone?" I tried to ignore his comments and later when he became bolder in his comments I got fed up and asked him what he wanted from me. His answer was: "you know exactly what I want." The moment I informed him that I was not interested in him he started punishing me. I used to work on a full-time basis and had an insurance policy that covered both my son and myself. After the incident he informed me that I would be working on a part-time basis, and he deducted 200 dollars from my salary and canceled my insurance. When I asked why he did that he informed me that I'd be better off this way. He was very mean and disrespectful. He knew that I needed this job very badly for I am a single mother raising my son single handedly.

He succeeded in making my life hell. Not only did his actions and attitude bother me but he succeeded in turning me into a nervous wreck living in a continuous state of panic. I later found out that he was dating my colleague. When his girlfriend found out that he was interested in me, she started pestering me too. I tried to ignore them by pretending to be busy on our common breaks. I treated them professionally and never lost my temper for I could not afford to lose my job. I succeeded and stayed with the company for around two and a half years.

The last six months at work were unbearable for my boss started criticizing my work and inventing mistakes I had not committed. I knew he was planning to give me the sack for he often belittled my job, ridiculed my performance, and told me that I was easily dispensable. Although he wanted to fire me ages before, he could not for he lacked a suitable replacement. So he started interviewing interested candidates in secret, for he did not want me to find out, and finally chose one and trained her. One day he called me into his office to inform me that my services were no longer needed. When I asked him why he replied "if you have something to offer in return for your job I'll be pleased to keep you. I think you know exactly what I mean." I was so furious I told him that he was unethical, despicable and base.

I told my close friends and family the reasons behind my dismissal. They were shocked and angered by my boss's boldness and rudeness. I contemplated taking legal action but the odds were against me for after my boss changed my status from a full time employee to a part timer I could no longer sue the company for unjustified termination of contract. So my only solution was to complain to my boss's superior. I took an appointment and went to see him but he turned out to be worse than my boss. He was eyeing me up and down and asked me out on a date. Finally I decided to send a letter to the owner of the company, but there was no answer.

This experience affected me tremendously for it made me suspicious of people's actions and intentions. I doubted myself and at times of weakness, I used to question my actions wondering where I went wrong. Yet deep inside I knew that it was not my fault and was convinced that I had nothing to do with what happened. Then with time I heard a lot of stories similar to mine, and it was comforting to know that people understood my ordeal. The fact that I was a divorcee encouraged the perpetrator to voice his feelings. Had I been married, nothing of the sort would have happened. Given that divorcees are easy preys I started pretending I was married and put a wedding band whenever I had a job interview so that my male interviewees would know that I am not available. If I am harassed in the future I will definitely sue the perpetrator. Although I have learnt to forgive I still have a lot of anger within me.

Voices: Case 2

I used to work as a journalist in a reputable magazine. At work I had problems with my immediate boss who used to publish all my articles under the authorship of other colleagues. I complained about his unfair behavior on several occasions in vain. So I reported his actions to his superior who reassured me that he would help me out. And in fact he did, he took my side wholeheartedly, reprimanded my boss, and informed him that I would be submitting my articles to him instead. One week later he increased my salary. He treated me so kindly that at times I questioned his behavior wondering why he is being so nice to me. He also asked me to drop the formalities and call him by his first name. I was surprised at his remark and refused to do so for he was as old as my father.

One day when I was in his office submitting an article, he closed the door and put his arms around me. I was so shocked that I hid my face so that he would not be able to kiss me. I then pulled away and stormed out of his office. The following day I submitted my resignation. I could afford to do so because my job did not pay well. I did not tell anyone about the incident because I was scared of being blamed. I also feared my parent's reaction. At first I was in a state of denial and refused to term it sexual harassment; yet, the more I thought about it and questioned all the supposedly "good" things he did to me the more it became clear that I was sexually harassed. I also found out that several women were sexually harassed by that same person.