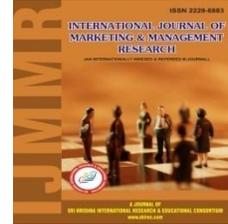




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## CULTURAL VALUES AND PERCEPTION OF SEXUAL HARASSMENT

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### ABSTRACT

*This paper is an effort to understand the effect of an individual's cultural values on his perception of sexual harassment. The meaning of the term harassment and the legal definition of the same in different countries. In this paper there is a comprehensive study of the effect of local culture and laws of a country on the perception of sexual harassment by people. Globalization has brought people from different countries together and therefore people of diverse cultures have been thrown together. People of varied cultural background interpret actions and behaviors of their colleague as per their own value system hence there is a clash of cultures at times leading to sexual or general harassment. Men and women generally differ in what they perceive to be sexual Harassment. The study is done based on the laws and perceptions of four countries. The paper doesn't study the effects based on gender, it is a general paper. It was found in the study that predominantly countries have paid more attention to the sexual harassment rather than other forms of harassment. Also in some cases the law only talks of harassment in the purview of sexual type. The paper concludes that there is a strong effect of a country's culture on the perception of harassment. Lot of time any acceptable behavior in the host country can be unacceptable for the visiting or expat community.*

**KEYWORDS:** Harassment, sexual harassment Country's culture, local culture, local law, perception, value system.

### INTRODUCTION

It is very common to read and hear the term harassment at work place or sexual harassment at work place. Is it always a sadist and perverted mind that is at play here or is there a bigger

hidden factor that drives these forces? Most of the time it is pure blatant harassment by a perverted person, a senior person or by a colleague but sometimes the reason a person feels harassed is also because of the cultural background of the person. In this paper 4 countries have been taken as sample:

America, Australia, Malaysia, India

The paper further goes on to discuss the legal definition of harassment as per these countries.

There are some examples discussed to enhance the point that many a time. A large part of the problem with sexual Harassment is the difference between legal definitions and individual perception. However, an act of sexual harassment is at times the perception of the alleged victim rather than the intent of the alleged harasser. There are many forms of harassment but the one that poses real danger to the physical as well as psychological being of an individual is sexual harassment. The study has been done through articles, cases , examples and the Gender Gap index 2011.

1. Gender Gap Index of 2011 – this report analyses the status of women based on set parameters every year. There are three basic concepts underlying the Global Gender Gap Index. First, it focuses on measuring gaps rather than levels. Second, it captures gaps in outcome variables rather than gaps in means or input variables. Third, it ranks countries according to gender equality rather than women’s empowerment. To be included in the *Report*, a country must have data available for a minimum of 12 indicators out of the 14 that enter the Index

## LEGAL DEFINITIONS

**AMERICA**<sup>3</sup> – The US equal rights group has defined sexual harassment as Sexual harassment is a form of sex discrimination. The legal definition 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.” Many different kinds of conduct—verbal, visual or physical—that is of a sexual nature may be sexual harassment, if the behavior is unwelcome and if it is severe or pervasive. Non sexual conduct may also be sexual harassment if you are harassed because you are female, rather than male, or because you are male, rather than female.

**AUSTRALIA**<sup>4</sup> – As per Australian laws Sexual harassment is any unwanted or unwelcome sexual behavior, which makes a person feel offended, humiliated or intimidated. Sexual harassment is not interaction, flirtation or friendship which is mutual or consensual. Sexual harassment is a type of sex discrimination. The Sex Discrimination Act 1984 makes sexual harassment unlawful in some circumstances. Despite being outlawed for over 25 years, sexual harassment remains a problem in Australia.

**MALAYSIA**<sup>5</sup> – As per Malaysian laws - Ministry of Human Resources in Malaysia came up with a Guideline for Sexual Harassment in the Workplace 1999 (Kementerian Sumber Manusia, 1999). Since sexual harassment in Malaysia was only recognized in 1999, it is difficult to determine the pervasiveness accurately at workplace.

**INDIA**<sup>6</sup> – According to India's constitution, sexual harassment infringes the fundamental right of a woman to gender equality under Article 14 of the Constitution of India and her right to life and live with dignity under Article 21 of the Constitution. Although there is no specific law against sexual harassment at workplace in India but many provisions in other legislations protect against sexual harassment at workplace, such as Section 354, IPC deals with “assault or criminal force to a woman with the intent to outrage her modesty, and Section 509, IPC deals with “word, gesture or act intended to insult the modesty of a woman. The Indian act no were takes into consideration the male population or the other type of harassments. In 1997, the Supreme Court of India, for the first time, recognized sexual harassment at the workplace as a violation of human rights. The landmark Vishaka judgment outlined a set of guidelines (Guidelines on Sexual Harassment at the Workplace) for the prevention and redress of complaints by women of sexual harassment in the workplace.

Sexual harassment in India is termed "Eve teasing" and is described as: unwelcome sexual gesture or behavior whether directly or indirectly as sexually colored remarks; physical contact and advances; showing pornography; a demand or request for sexual favors; any other unwelcome physical, verbal/non-verbal conduct being sexual in nature.

### **CULTURE AND PERCEPTION**

When any Indian employee comes in touch with an expat or a boss from some other country their usually is an issue of balance of cultures. In India sex is still considered a taboo subject; therefore lot of simple gestures of the western countries can be taken up as harassment by the people of the country. A recent point to note is the hue and cry made on the statement made by NCW Chairperson Mamta Sharma said, "Don't be offended if someone says 'sexy', rather take it positively."In Indian sub-continent some, words and actions are associated with amoral and therefore are termed as harassment. For instance, it is common to read about the number of managers and other employees who return to their home country, after failing to adapt to the culture of the foreign country assignment.

Every country has its own social structure and dynamics. Individuals grow up with some view points and way of living and they are expected to conform to it all their adult life. From country to country, from state to state the rules and perceptions towards accepted behavior changes. In today's multi – lingual, multi-ethical and multi-ethnic corporate world there is no standard code applicable universally.

### **COUNTRY AND ITS CULTURE**

**AMERICA** – America has always had a very open culture between men and women. The culture of the United States is a Western culture originally influenced by European cultures. It has been developing since long before the United States became a country with its own unique social and cultural characteristics such as dialect, music, arts, social habits, cuisine, and folklore. Today, the United States of America is an ethnically and racially diverse country as a result of large-scale immigration from many different countries throughout its history. Since the 1970s, traditional gender roles of male and female have been increasingly challenged by both legal and social means. Today, there are far fewer roles that are legally restricted by one's sex. The military

remains a notable exception, where women may not be put into direct combat by law. Most social roles are not gender-restricted by law, though there are still cultural inhibitions surrounding certain roles. More and more women have entered the workplace, and make up around 47% of the labor force, up from 18.3% in 1900. Most men, however, have not taken up the traditional full-time homemaker role; likewise, few men have taken traditionally feminine jobs such as receptionist or nurse (although nursing was traditionally a male role before the War. The society is open society where there are not many different conducts for men and women, people of both the gender and transgender have similar style of living. For e.g. Drinking, Smoking, having many relationships, wishing each other with a peck on the cheek etc is now a part of their culture. When they go to other parts of the world there is a clash with native culture if they are in a more conservative country.

Gender Gap Index 2011 (out of 135 countries) as per World Gender gap Report 2011.

	Overall	Economic Participation	Educational Attainment	Health and Survival	Political Empowerment
Rank	17	6	1	39	39

**AUSTRALIA** – The culture of Australia is essentially a Western culture influenced by the unique geography of the Australian continent and by the diverse input of Aboriginal and Torres Strait Islander peoples, and various waves of multi-ethnic migration which followed the British colonization of Australia. The predominance of the English language, the existence of a democratic Westminster system of government, Christianity as the dominant religion and the popularity of sports such as cricket and rugby evidence a significant Anglo-Celtic heritage, but Australia today hosts a great diversity of cultural practices and pursuits. It has become the habitat for residents of more than 200 countries. Foundation of modern Australian society is based on the upliftment of all the sections of people. Just like America Australian social setup also has equal rights for women. Men and women live life in similar manner. Women are not considered as secondary to men. Almost 50% of Australian women are working part time or full time.

Gender Gap Index 2011 (out of 135 countries) as per World Gender gap Report 2011.

	Overall	Economic Participation	Educational Attainment	Health and Survival	Political Empowerment
Rank	23	18	1	74	38

**MALAYSIA** – The original culture of Malaysia can be traced back with the indigenous tribes along with the time of Malays’ arrival in the land in ancient times. Chinese and Indian cultures became a part of the culture with the start of trade relations. Other cultures that heavily influenced the culture of Malaysia include Persian, Arabic, and British. Chinese form the second-largest ethnic group and Indian immigrants brought with them the Hindu and Sikh cultures. There is a small community in Malacca which is the descendant of former Portuguese colonists. They have adopted Malay culture while they speak their own language and are Catholics. The roles and status of women in Malaysia have undergone a profound change in the past five decades in most areas such as education and health but it is admitted that progress has been slow and quite uneven in the areas of decision-making, especially in the private sectors; as well as in political leadership. In June 2011, Prime Minister introduced Malaysia’s national policy of having at least 30% of the decision-making positions in the corporate sector to be occupied by women by 2016. The second major improvement to the position of Malaysian Women is the recent amendment made to the Malaysia’s Domestic Violence Act. The act which came in force in June 2006 was amended and the changes were approved by the Malaysian Parliament in December 2011. Malaysia’s Islamic Revival of the late 1970 and the ensuing establishment of Sharia law left women, alongside religious and ethnic minorities, disenfranchised in their own state. While domestic violence had always been considered a criminal offense, Sharia offered legal justification for spousal abuse, as well as other discriminatory practices against women. According to the Malaysian Women’s Aid Organization, "Domestic violence was regarded as a private family matter, and police and the courts were generally unwilling to take action against batterers because it was generally believed to be sanctioned by Islamic law."The society is still conservative; it is not as open as America and Australia. Women are inferior to men is status and stature.

Gender Gap Index 2011 (out of 135 countries) as per World Gender gap Report 2011.

	Overall	Economic Participation	Educational Attainment	Health and Survival	Political Empowerment
Rank	97	95	65	78	115

**INDIA** – The term “outrage of modesty”, which means “molestation’ or “sexual assault,” is just one example of the host of dated terms Indian legalese has inherited from the British colonial era. Another example is the use of “insult of modesty” instead of the more modern “sexual harassment.”These obscure terms date from the Victorian era – to be precise, from the Indian Penal Code of 1860. Both phrases assume, of course, that a person has some inherent trait that can be considered “modesty” to begin with. It’s not surprising that references to modesty and morality existed in the legal language of British-administered colonies back in 1860. That was a time period when women were overwhelmingly viewed as weak, vulnerable and in need of protection. The question is what impact the use of such terms in today’s world has on our perception of these crimes.

Gender Gap Index 2011 (out of 135 countries) as per World Gender gap Report 2011.

	Overall	Economic Participation	Educational Attainment	Health and Survival	Political Empowerment
Rank	113	131	121	134	19

Pratiksha Baxi Assistant Professor at Jawaharlal Nehru University in New Delhi notes<sup>7</sup> that: As a cognitive category, [eve teasing] constitute [es] women as ‘eves,’ temptresses who provoke men into states of sexual titillation. This popular perception of sexual harassment posits the phenomena as a joke where women are both a tease and deserve to be teased. [...] Eve teasing then acts as a control on most women by censoring their general mobility in and accessibility to public spaces, thereby affecting their sense of personhood and security. In Indian culture a women is subservient to man in status. The severity of the harassment also comes down.

‘India is the most difficult country in the world to relocate to and in which to assimilate with the local population,’ according to a recent media report that quoted a study done by HSBC Bank, polling 4,000 expats in 100 countries. “I don’t believe that Indians are consciously exclusivist, but cultures are essentially opaque to the outsider, especially an ancient and complex civilization like India’s,” says Pavan K Varma, diplomat, historian and author of the books *Being Indian* and *Becoming Indian*. “It is true, perhaps, that some other societies are more ‘cosmopolitan’ and welcoming, or follow a conscious policy towards this end. India possibly holds greater challenges—and barriers—to acceptance, but this is a matter for the ‘outsider’ to assess,” adds Varma<sup>8</sup>

### CASE – 1<sup>9</sup>

It is a true story that took place in a university in Australia. A Chinese tutor called his student over for a New Year party. The student refused citing some prior appointment. The tutor tried to convince the student but then gave up as the student had some other appointment. However after some time the tutor called up again and requested her to reconsider. Later in the evening at around 9:00 pm he called her up again and repeated his invitation and said that it would be fine if she stayed for just a little while. The next day the student filed a complaint with the dean, alleging that her tutor had sexually harassed her with repeated phone calls. The tutor was highly distressed to learn of the complaint, and explained that he had just wanted to show his sincerity and warmth and had no other intentions.

Due to the different cultural background this issue came up. Such issues have become quite common place in today’s work context.

**CASE – 2<sup>10</sup>**

This incident happened in Mumbai , India. TISS Rape Case: “We didn’t think she’d cry rape” The six men accused in the rape of a American student, had premeditated the entire crime while drinking at Deonar, and were convinced the girl wouldn’t complain, let alone filing a case of sexual abuse with police. In fact, during their interrogation, the three boys - who have been in police custody - said that the girl behaved “so normally after the incident that they didn’t think she would file a police complaint”. The underlying perception was that as she is a foreigner and they have a more open life style probably it is acceptable to behave with them in a certain manner.

**FINDINGS AND SUGGESTIONS**

Sexual harassment is clearly an example of the challenges faced by the Human Resource function in the new global market. Harassment does not need to be deliberate; someone may harass another person without intending to. Some of the findings of the study are as below:

1. Many countries outside of the United States have claimed that they have little sexual harassment compared to the United States. However, this assumption is often based on the number of filings within that country. This can give a much distorted picture because the citizens of these foreign countries may not file charges due to differences in the laws and differences in the cultures, including accepted differences in the power structures between men and women in the work place.
2. In alleged cases of harassment, the perception of the complainant is very important. Behavior which one individual may regard as acceptable may be unacceptable to another person. The perception of an accused as well as the victim must therefore be taken fully into account when a judgment is made on whether there is merit in the case as sexual harassment or it is some cross cultural perception issue.
3. An American expat comes to India and visits his local office. On the first day when he meets people he greets all women with a peck on the cheek. The educated women staffs who knows about western culture accepts it on face value but the lower secretarial level or assistant level women employee may take an exception to it and the situation can escalate.
4. Every individual starts to view the world as per the culture that he or she has been born in. There are set rules of existence for people as per the society and culture they belong to. The western culture i.e. US, UK, Australia etc and the more conservative Asian culture is always in clash with each other.
5. Whereas the western countries kids grow up believing that individual strength is primary, the Asian culture is all about family and interpersonal skills. From the gender index also we can say that the balance of society in India and Malaysia is not as good as America and Australia, therefore we can say that people of these countries will have problem in their interactions with each other.

6. Certain amount of freedom for ladies such as drinking, smoking and dressing are accepted norm of living in the western society but the same is not there in conservative societies of Asia and Middle East.
7. A smile is one of the most common examples of a facial expression in different cultures. While Americans smile freely at strangers, in Russia this is considered strange and even impolite. In Asian cultures a smile isn't necessarily an expression of joy and friendliness but it can be used to convey pain and embarrassment.
8. Handshakes are usually acceptable almost everywhere, even between strangers; however, kissing on the cheek, patting on the shoulder, embraces, or touching other bodily parts aren't – for many people in Asia and other parts of the world such actions are interpreted as an offense or even a violation of one's private space. This is why you should avoid touching.

After reading so many articles and meeting some expats also, the need of the hour is a global code of behavior for corporate. Also whenever an expat goes to a country for a long duration, he/she should be given a proper insight into the culture and value system of that country and at the same time, the host countries office should also be sensitized about the cultural background of the person visiting. Harassment does not need to be deliberate; someone may harass another person without intending to. There has to be regular training of staff irrespective of gender in all companies that have employees from various countries. Moreover right from school days we can have a subject talking about the culture of various countries so that while growing up young people can learn and respect cultures of various countries.

## CONCLUSION

Values and cultural influence of a country and society will remain strong always, therefore we can summarize from the study that there will always be a place for perception when it comes to sexual harassment. When we look at the issue of sexual harassment, it is clear to see that it is a complex issue that is very strongly tied to each individual's perception of the situation. Each situation is different and seemingly identical facts in separate situations can lead to totally different interpretations by the parties involved. Gender and the power equation of the accused and victim also play a very important role in the harassment claims. In many Asian countries even now the perception that ladies who drink, wear short dresses, smoke, are single and live an independent life are available and of bad character therefore it is ok to harass them, because they ask for it. We should always understand that the influences of upbringing on an individual is every strong, so to have a harmonious co-existence in today's global scenario we have to respect the culture of each country. I would like to conclude with the case of Andhra Pradesh DGP V Dinesh Reddy, who landed in a controversy for his remarks linking women's fashionable dresses to increase in rape cases, said he did not mean to degrade women and had only mentioned a "social study".

**BIBLIOGRAPHY**

- [1] Organization Behavior by Fred Luthans McGraw-Hill/Irwin; 10 edition (February 23, 2004) ISBN-10: 0072873876
- [2] Personality and Person Perception across cultures , Edited By - Yueh-Ting Lee Westfield State College, Clark R. McCauley Bryn Mawr College, Juris G. Draguns The Pennsylvania State University, Lawrence Erlbaum Associates , Publishers , 1999 Mahwah , New Jersey , London. 1999 Mahwah, New Jersey London.
- [3] <http://www.equalrights.org/publications/kyr/shwork.asp>
- [4] <http://www.hreoc.gov.au/sexualharassment/index.html>.
- [5] Sister in Islam : Protecting Women's Rights in Malaysia  
[www.tavanna.org/archive.27May](http://www.tavanna.org/archive.27May) 2011
- [6] <http://www.indiatogether.org/combatlaw/vol2/issue3/harass.htm>
- [7] <http://data.undp.org.in/hdrc/thematicResource/gndr/SexualHarassment.pdf>
- [8] [.http://www.openthemagazine.com/article/nation/the-resident-non-indian](http://www.openthemagazine.com/article/nation/the-resident-non-indian)
- [9] AstudyonSingaporeansperceptionofsexualharassment,Shu Li,Chinese Academy of Sciences Beijing & Nanyang technological University Singapore and Song Mei – Lee Wong, University of Melbourne Australia & Nanyang technological University Singapore
- [10] [.http://news.inchembur.com/2009/04/17/tiss-rape-case-update-we-didn%E2%80%99t-think-shed-cry-rape/](http://news.inchembur.com/2009/04/17/tiss-rape-case-update-we-didn%E2%80%99t-think-shed-cry-rape/)
- [11] [http://www.popcouncil.org/pdfs/wp/India\\_HPIF/001.pdf](http://www.popcouncil.org/pdfs/wp/India_HPIF/001.pdf)
- [12] 09/02/2012 Language, Rape Culture and Post-Colonial Asia –  
[ww.gendercrossborders.com](http://www.gendercrossborders.com)
- [13] Article Gender Equality in Australia By Kriti Bami on July 28, 2011 in [www. e-ir.info](http://www.e-ir.info)
- [14] The confluence of gender and culture: sexual harassment in the international arena,Michele V. Gee, Sue M. Norton (pp. 417 - 423),Keywords: Equal opportunities, Gender, Globalization, Harassment, cultures, Article type: General review.
- [15] Insight Report - The Global Gender Gap Report2011
- [16] Ricardo Hausmann, Harvard University,Laura D. Tyson, University of California, Berkeley,Saadia Zahidi, World Economic ForumWorld Economic Forum Geneva, Switzerland .
- [17] <http://www.brighthub.com/office/project-management/articles/85141.aspx>.
- [18] [www.wikipedia.com](http://www.wikipedia.com)