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CHALLENGES BROUGHT ABOUT BY THE LACK OF A HARASSMENT POLICY IN THE MINISTRY OF THE PUBLIC SERVICE, LESOTHO

By

Ntsebeng V. Motselebane

A Research Report submitted to the Faculty of Law, Commerce and Management at the University of the Witwatersrand, in partial fulfilment of the requirements for the Degree of Masters of Management in Public Policy.

October, 2011

ABSTRACT

This study examines the challenges that the employees of the Ministry of the Public Service in Lesotho face due to lack of harassment policies. This is because the Ministry of the Public Service, as the mother ministry, is mandated to look after and protect all civil servants, and in the absence of relevant policies employees are left vulnerable. This is an explorative case study of the Ministry of the Public Service – Lesotho Institute of Public Administration and Management (LIPAM).

The researcher found that there are no conventional harassment policies in place, and therefore nothing is being done to address the challenges facing employees as regards harassment. Harassment affects not only the person being harassed and the harasser, it also affects the organisation as a whole as the harassment victim will not be productive, and this may impact on other employees.

The conclusion is that there is ignorance and apathy from management as regards harassment as claims have been brought to their attention, but no tangible action has been taken. It is therefore the researcher's view that management and employees need to come together to deal with this problem and develop a conventional policy that suits everyone involved.

DECLARATION

I declare that this research report is my own unaided work. It is submitted in partial fulfilment of the requirements of the degree of Masters of Management (in the field of Public Policy) at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other University.

_____

N.V. MOTSELEBANE

OCTOBER, 2011

DEDICATION

I would like to dedicate this research to my daughter, Kananelo Thekiso, with whom I went through it all.

To my husband, who was there for me to lean on when everything was difficult and I had to find inner strength to go on.

To my parents, you always supported me and motivated me, thank you.

To my friends and everyone who was there for me, thank you for your love and support which kept me energised to the last day.

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I would first like to pass my gratitude to the Almighty God, for giving me the strength I needed to attain this degree, and for guiding and protecting me.

To my supervisor, Dr. Horaçio Zandamela, thank you sir, for your patience and guidance, if it weren't for you, I would not be where I am and would not have finished my degree.

To my sisters, Mamosebetsi and Naledi, and parents, thank you for always being there for me and supporting me even when I had lost faith in myself; without you, my world would have crumbled.

A special thanks to the Ministry of the Public Service, especially LIPAM staff, for your co-operation and being always willing to help with the information I needed.

To my respondents, who were always available and eager to help, much thanks.

Thank you also to everyone who believed that I could do this, my whole family at large, my in-laws, friends and enemies.

TABLE OF CONTENTS

ABSTRACT ..... **I**

DECLARATION ..... **II**

DEDICATION ..... **III**

ACKNOWLEDGEMENTS ..... **IV**

TABLE OF CONTENTS ..... **V**

LIST OF MAPS ..... **VII**

LIST OF FIGURES ..... **VII**

LIST OF TABLES ..... **VII**

CHAPTER ONE **1**

INTRODUCTION **1**

1.1 INTRODUCTION 1
1.2 BACKGROUND 2
1.2.1 Historical Background *2*
1.2.3 Harassment and Culture *7*
1.3 PROBLEM STATEMENT 8
1.4 PURPOSE STATEMENT 9
1.5 RESEARCH QUESTIONS 9
1.6 SIGNIFICANCE OF THE STUDY 9
1.7 CHAPTER OUTLINE 10

CHAPTER TWO **11**

LITERATURE REVIEW **11**

2.1 INTRODUCTION 11
2.2 DEFINITION OF TERMS/CONCEPTS 11
2.3 OCCURRENCE OF HARASSMENT 14
2.3.1 Reasons Why Harassment is Not reported *19*
2.3.2 Steps That can be Taken to Stop Harassment *20*
2.3.3 Harassment Policies in SADC *22*
2.4 THE EFFECTS OF HARASSMENT 23
2.4.1 Stress and Performance *25*
2.4.2 Effects of Injustice on Performance *26*
2.4.3 Negative Effects on Performance *26*
2.5 MISCONCEPTIONS OF HARASSMENT 27
2.5.1 Blackmail and Harassment *28*
2.6 HARASSMENT AND THE LAW 29
2.7 SUMMARY 32

CHAPTER THREE **33**

METHODOLOGY **33**

3.1 INTRODUCTION 33
3.2 RESEARCH APPROACH 33
3.3 RESEARCH DESIGN 37

3.4 DATA COLLECTION 38
3.4.2 Secondary Data *40*
3.4.3. Sampling *41*
3.5 DATA ANALYSIS 42
3.6 VALIDITY AND RELIABILITY 43
3.7 LIMITATIONS OF THE RESEARCH 44
3.8 ETHICAL CONSIDERATIONS 44
3.9 SUMMARY 45

CHAPTER FOUR 46

PRESENTATION AND ANALYSIS OF DATA 46

4.1 PRESENTATION AND ANALYSIS 46
4.1.1 Management and Researcher Perspectives *46*
4.1.2 Employee and Researcher Perspectives *52*
4.2 SUMMARY 71

CHAPTER FIVE 72

CONCLUSION AND RECOMMENDATIONS 72

5.1 INTRODUCTION 72
5.1.1 Harassment in the Workplace *72*
5.1.2 Legalities of Harassment *73*
5.2 RECOMMENDATIONS 74
5.2.1 Formulation of Harassment Policy *74*
5.2.2 Tips for Managers *74*
5.2.3 Further study *74*

REFERENCES 76

LIST OF MAPS

Map 1:	Map of Lesotho	4

LIST OF FIGURES

Figure 1:	Harassment Knowledge	53
Figure 2:	Emotion Chart	58
Figure 3:	Combating Harassment Wheel	69

LIST OF TABLES

Table1:	Qualitative Research: Strengths and Limitations	36
Table 2:	Harassment Type	56

CHAPTER ONE

INTRODUCTION

1.1 Introduction

This research aimed to explore the challenges brought about by the lack of harassment policy in the Ministry of the Public Service, Lesotho. The period of the research was from 1999 to 2009. This is because the Ministry of the Public Service was mandated to look after civil servants interests, and also during that period the Lesotho Codes of Good Practice were introduced in 2005. Yet many employees are still unaware of the contents of the codes and how these can protect them from harassment.

The researcher believes that harassment is a sensitive, personal, and important issue so policies put in place in the workplace should be communicated to the employees, and sensitisation is thus important. This was a qualitative study which is explorative, as the researcher intended to establish the reasons for the lack of such a policy. This research targets two groups, the departments responsible for instituting the policy, and employees. A case study of the Ministry of the Public Service in Lesotho is presented that examines all factors leading to the present situation.

The Constitution of Lesotho provides the basis to protect employees from discrimination/harassment, and it is up to law makers and policy makers to ensure implementation. Thabane (2010) explains that the Constitution of Lesotho, Chapter II, provides for protection of fundamental human rights and freedoms. Section 4(i) provides that

> … every person in Lesotho is entitled, whatever race, colour, sex, language, religion, political opinion... to the right to life, right to personal liberty, freedom from inhuman treatment, and freedom from discrimination. Section 18(i) prohibits all forms of

> discrimination by any law, either of itself or in its effect. Having seen that the Constitution of Lesotho provides for protection of all people of Lesotho, it must be considered whether the laws provide for protection against harassment.

One would think that it is then obvious from the above that precedents have been set, and it is up to policy makers to bring into play policies that tackle issues that affect employees directly, as regards harassment. Unfortunately, what citizens may see as obvious and what policy makers see as obvious are often different, with the result that no conventional harassment policy has been formulated as yet.

1.2 Background

Lesotho is a small country with ten districts, which have only the Ministry of the Public Service based in Maseru, the capital of Lesotho. This Ministry serves all other ministries in all districts from Maseru. It is therefore important that appropriate policies are in place to support the work of the various ministries around the country. There is a concern that the lack of policy regarding harassment means that people in the different locations could be subject to harassment.

1.2.1 Historical Background

Lesotho is a small country, with a population of 1 919 552. It is 30 550 square kilometres in area and is landlocked by the Republic of South Africa. It was constituted as a British protectorate in 1843, annexed to the Cape Colony in 1871, and restored to direct control by the Crown in 1884. The colony of Basutoland became the independent nation of Lesotho on 4 October 1966 with King Moshoeshoe II as sovereign. Lesotho is a monarchy under King Letsie III. The King has under him the Prime Minister, supported by eighteen ministers, and the Ministry of the Public

Service. The Ministry of the Public Service is only found in the capital city, Maseru and not in the other nine districts.

The map below illustrates Lesotho and its ten districts, showing Maseru, its capital, where the ministry in question is found, and the other nine districts which it services.

As can be seen from the map, Lesotho is landlocked by the Republic of South Africa, which does have a strong constitutional basis for non-harassment in the workplace. Since many Lesotho citizens migrate to South Africa for work, it might be expected that such laws would have an influence, but this does not appear to be the case.

Map 1: Lesotho



Source: www.geographicguide.com, 2010

1.2.2 Legal Framework

According to Thabane (2010), “Lesotho’s legal dualism came into being in 1884, when the British Government introduced the law of the Cape of Good Hope. Basotho already had their own customs and traditional system of rulership and therefore the introduction of the law, for the time being in force in the Cape of Good Hope, introduced another system of law. This law is commonly known as the Roman Dutch Law or the Received Law or Common Law. These two systems of law transcend all the personal laws under consideration. The parliament has tried to regulate and bring harmony to some of the laws, but customary law is always residual law for Basotho.”

As can be gathered from the above, there are two main legal frameworks that shape the Lesotho legal system, and it is up to government to draw on these frameworks to bring into place relevant rules and policies. There are attempts made such as the Codes of Good Practice (2005), which try to shape the way employees are expected to behave in the workplace, but as regards harassment, there is nothing speaking directly to it.

Power and politics play an important role in organisations. Labour relations policies are put in place to protect employees and the absence or lack of sensitisation of these policies leaves employees vulnerable to exploitation and harassment by those who hold the power. Harassment is a universal issue and takes place in the workplace even where there are policies in place to deal with it, and also where there are no policies. The real concern relates to people who are in work situations where no workshops are held to make employees aware of these policies. The Gender and Development Policy (2003) states that “although Basotho women have a relatively high literacy rate... these do not open avenues for power, leadership and decision-making for them in all spheres of life including politics”.

The above statement implies that politics is a game for males, women have to fend for themselves, and it becomes very difficult for them in the workplace. It is not easy for a lay person to understand this policy as it is covered under the Codes of Good Practice, 2005, and for someone who is new to the civil service it is not always made known to them. Even those who have been in the civil service for a long time, but are not taken to refresher courses to remind them of their rights and policies that protect them from exploitation, will not be aware. Codes of Good Practice give an overall framework for how civil servants should conduct themselves at work, how they should lay their complaints, and steps taken in the grievance procedure. Perpetrators are not officially charged since either the person being harassed does not know that it is harassment or because there are not aware of policies in place at the workplace to protect the employees. This is a challenge to those being harassed as they do not know what to do or where to go. These Codes are said to protect, yet they are generalised and it is unclear what and whom they protect.

Harassment in the workplace occurs when an individual or group of people is treated inappropriately because of their membership in one or more protected groups. Religion, sex, race, national origin, colour, age, sexual orientation, physical or mental handicap are examples of groups protected under ILO laws (Makadzange, 2008). Harassment policies are put in place to protect employees from all types of harassment, but when there is an absence of these policies, it gives perpetrators a way to exploit other employees.

Lesotho is a small developing country which unfortunately has not yet developed a comprehensive range of policies. While other organisations and countries have harassment policies in place, in Lesotho the government ministries do not have these policies and do not sensitise their employees with regard to the Codes. The question that arises, is the lack of this policy due to power and politics, or is it mere ignorance? Is it a problem of implementation or are the powers that be not aware of the

challenges this poses to the employees and indeed communities? It is important that women are protected in the workplace where much of their time is spent.

1.2.3 Harassment and Culture

Harassment can occur in an obvious way or in a way that is not easily recognisable. It is therefore important for the employee to know what harassment is and what it is not. As Africans, many women are used to being paid compliments about their body structure, but when that gets too personal it is then harassment. Sometimes, due to different levels at work, some employees are easily intimidated by those at higher levels, and sometimes these senior officials take advantage and exploit the lower level employees. It is therefore important for employees to understand the different forms of harassment and report them. A pertinent question then follows regarding the consequences when the organisation does not have policies in place and the possible effects on the employees.

Lesotho women are no different from other African women and even wear cultural clothing to work to make themselves appear good. Comments are then passed, some good and some bad, while some even go so far as to suggest sexual favours. Sometimes, men go to the level of patting the women on their buttocks, and if someone doing that is not their friend, they feel offended and that is a form of sexual harassment. This happens not only in Lesotho. For example, Tanzanian women explained (Davies, 1999) that “men tend to call us by decretory names like ‘shaningi’ or belittle us by calling us ‘mtoto’. They whistle as we walk by, or pass vulgar comments or stare at our breasts and buttocks while talking to us”.

The above indicates that men may often hold a low opinion of women and do not hesitate to belittle them, forgetting that it can be their mothers, wives, daughters or sisters. Sometimes, harassment can be psychological or in the form of bullying. Supervisors sometimes have the tendency of

undermining their subordinates and making them feel worthless. Employees then suffer from low self-esteem and can be persuaded to do things they normally would not.

Harassment takes place in different forms; however, the researcher will concentrate on two different forms, namely sexual harassment and bullying. This is because these two are the most common and are often not well understood. The person being harassed thinks that the perpetrator has power over them and if there are no policies in place they have nowhere to turn. These also impede cultural values, since women are beautiful in all their shapes and sizes, compliments are acceptable, but when it goes beyond that people get offended and it should be clear where to draw the line.

This issue is highly sensitive, and ethical issues have to be taken into consideration. Respondents will be acknowledged, but their identities will be protected, and their departments will not be identified when reporting the findings.

1.3 Problem Statement

Power and politics seem to be the focus of organisations these days, with the concern being that people who hold power do not always have a concern about those less fortunate. Although Basotho women have a relatively high literacy rate and many of them are *de facto* heads of households, these do not open avenues for power, leadership and decision-making for them in all spheres of life including politics (Gender and Development Policy, 2003). Every employee has the right to be protected and feel free in their workplace and there are concerns that Ministry of the Public Service has no harassment policies in place.

Lack of conventional harassment policies at the Ministry of the Public Service presents employees with challenges as they are more vulnerable to harassment. Perpetrators of harassment take advantage as they know

that there are no laws that will impact on them. This study will look at the period from 1999 to 2009, as 1999 was when the Ministry of the Public Service was mandated to develop policies and monitor other ministries in Lesotho. As this study commenced in 2010, 2009 will be an obvious cut-off point and present a ten year study.

1.4 Purpose Statement

The purpose of this study is to find out why there is a lack of harassment policies at the Ministry of the Public Service and the challenges this poses to employees. The researcher would also like to explore measures (if any) that may be put in place to remedy this problem and make suggestions on how to solve the problem.

1.5 Research Questions

This research project will attempt to answer the following questions:

- Why is there no harassment policy in place in the Ministry of the Public Service?
- What challenges do the employees face due to lack of the harassment policy?
- What measures have been put in place to address claims of harassment made by employees?

1.6 Significance of the Study

The research is intended to encourage policy makers to put in place harassment policies, and also to help employees see that harassment does exist and help them take the first step in making sure that harassment policies are put in place in their workplace.

1.7 Chapter Outline

The report is divided into five chapters;

Chapter One: Introduction. This chapter introduces what the researcher is going to talk about, the topic, legal frameworks around the topic and influences. This gives a picture of how the researcher came to choose the topic at hand.

Chapter Two: Literature Review. This chapter presents current literature relating to harassment, the causes, what can be done to stop it and mechanisms that can be put in place to prevent it in the workplace.

Chapter Three: Methodology. This chapter gives an insight into what kind of study this is, and the kind of methods used to gather information. It also outlines the methods used to collect data and how the data is going to be used. It also explains the ethical issues that surround harassment.

Chapter Four: Presentation and Analysis of Data. This chapter presents the responses of the respondents, interpretation of their answers and what they mean in this study.

Chapter Five: Conclusions and Recommendations. This chapter reviews the reason for doing the research, how this was met and remarks on certain aspects that need to be highlighted. It also gives recommendations on how this study can be improved and how maybe better results can be achieved in the future.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The researcher attempted to obtain as much information as possible on the subject of harassment, but there was little information available. The reasons for this are unclear. The terms used in the language of harassment will be explained before getting into further detail on the subject. The researcher hopes that the information will provide greater insight into the problem at hand and will encourage policy makers to see the importance of having such a policy in place.

2.2 Definition of Terms/Concepts

Harassment covers a wide range of offensive behaviour. It is commonly understood as behaviour intended to disturb or upset. In the legal sense, it is behaviour which is found to be threatening or disturbing.

Sexual harassment refers to persistent and unwanted sexual advances, typically in the workplace, where the consequences of refusing are potentially very disadvantageous to the victim (Makadzange, 2008).

There are a number of different forms of harassment:

Bullying: Bullying is any intentional, repeated hurtful act – including inflicting physical pain, name-calling, exclusion, defacing property, hurtful pranks and public humiliation (www.respect.com).

Psychological harassment: This is humiliating or abusive behaviour that lowers a person's self-esteem or causes them torment. This can take the form of verbal comments, actions or gestures. Falling into this category is workplace mobbing.

Community based harassment: Stalking by a group against an individual using repeated distractions that the individual is sensitized to, such as clicking an ink pen (www.wikipedia.org).

Religious harassment: Verbal, psychological or physical harassment used against targets because they choose to practice a specific religion. Religious harassment can also include forced and involuntary conversions (citizendia.com).

Sexual harassment: Sexual harassment is any unwanted attention of a sexual nature, like remarks about one's appearance or personal life. Sometimes these comments sound like compliments, but they make the target feel uneasy. Sexual harassment can include degrading words or pictures (like graffiti, photos, posters); physical contact of any kind, or sexual demands (www.womanabusprevention.com).

Racial harassment: Any action that expresses or promotes racial hatred and stereotypes. It can be obvious or subtle. It can include spoken or written put-downs; gestures; jokes; other unwanted comments or acts. Racial harassment can be disguised by questions or remarks that seem positive (www.womanabuseprevention.com).

Discrimination: In this policy, discrimination means treating an individual adversely in employment or academic decisions based on race, ethnic or national origin, sex, sexual orientation, religion, age, ancestry, disability, military status, or veteran status; or maintaining seemingly neutral policies, practices or requirements that have a negative effect on employment or academic opportunities of protected groups without a legitimate, non-discriminatory reason for the treatment (www.k.state.edu).

Stalking: The wilful and repeated following, watching, and/or harassing of another person. In most cases, the purpose of stalking is to force a relationship with an unwilling or unavailable target. It is a crime of power and control (www.sexualharassmentsupport.org).

Workplace mobbing is defined as ‘a malicious attempt to force a person out of the workplace through unjustified accusations, humiliation, general harassment, emotional abuse, and/or terror’. The term ‘mobbing’ is preferred to other definitions of harassment to clearly identify the behaviour as abusive group behaviour, instead of, for example, the term ‘bullying’ that implies individual acts of aggression (www.members.iinet.net.au).

Hazing: To persecute, harass, or torture in a deliberate, calculated, planned, manner. Typically, the targeted individual is a subordinate, for example, a fraternity pledge, a first-year military cadet, or somebody who is considered 'inferior' or an 'outsider' (wwwcitizendia.org).

According to Women and Law in South Africa Research and Trust (2002), “Power, anger and sexuality perspectives believe that each rape exhibits elements of power, anger and sexuality. It classifies rape as falling within three main categories which are (i) power, (ii) anger, and (iii) sadistic rape. Power rape is the one where the perpetrator is insecure about his masculinity. Where rape is a power struggle, the rapist uses sexual violence as some form of domination so that he is in control. Anger rape is a situation whereby a rapist expresses hostility towards women. In sadistic rape, the perpetrator gets sexual gratification out of humiliating and sadistically maltreating his victims”.

It is clear that there are many forms of harassment, but what brings it into existence? Sexual harassment is the most common and it is mostly brought about by people who have low self-esteem and try to become better through humiliating others by harassing them. Power also plays a part as those who have it exploit others, knowing that not much will be done to discipline them.

2.3 Occurrence of Harassment

Harassment in the workplace occurs when an individual or group of people is treated inappropriately because of their membership in one or more protected groups. Religion, sex, race, national origin, colour, age, sexual orientation, physical or mental handicap are examples of groups protected under ILO laws (Makadzange, 2008). Harassment policies are put in place to protect employees from the above kinds of harassments, but when there is absence of these policies, or employees are not aware of the policies, it gives perpetrators a way to exploit other employees.

Harassment occurs on different levels at the workplace; for example, it could be a supervisor harassing a subordinate or *vice versa*; it can be management targeting employees and it can also be people on the same level. There are laws to protect employees from harassment in the workplace, but what happen when laws are ambiguous? Those with power over others take this as an opportunity to harass others and make being at work unbearable as they know there is no mechanism that will call them to account for their actions.

As explained on the website of *workplaceviolencenews.com*, “There are too many reports of workplace harassment and bullying to list. It seems that at least 30 per cent of managers and employees are bullied and harassed. Many critics and experts focus only on bullying bosses, but I’ve seen just as many employees and co-workers use these bullying methods as I have managers and supervisors. Gangs of managers and staff also harass and bully each other.”

It is always best that the employee being harassed reports it to the appropriate people as this ultimately affects their work and may result in jobs being lost. Harassment is on the increase at workplaces, especially sexual harassment, and it is important that employees know they have a right to protection under the law.

The Women and Law in South Africa Research and Education Trust (2002) found that “Data has revealed that sexual violence is for different reasons reported to various structures by victims. Sometimes choice of forum was found to be influenced by, among others, the circumstances surrounding a particular incident and the victim’s social and economic status. The choice would also be influenced by accessibility of the structures to which a report can be made and sometimes by how the victim wanted the matter to be resolved. Even though sexual violence is made up of different acts such as assault of a sexual nature, attempted rape, indecent assault, incest and sex, researchers found that not all these types of violence are regarded and treated seriously as offences. For instance, victims of other forms of sexual violence except rape informed researchers that they seldom report them”.

From the above, it is clear that sexual violence/harassment is happening in organisations, but it is often difficult for victims to report this as they either do not have faith in the system or they do not know who to report to. Rape is the most severe form of sexual harassment and is the form that is reported more often than other forms as it is regarded as a serious offence. However, victims are reluctant to report harassment when there are no clear reporting lines to guide them.

Davies (1999:38) observed that,

> Sexual harassment is one of the oldest forms of power play, with women reduced to the role of victims while men (the perpetrators) are in the role of intimidators. In its most basic forms, when it is direct assault, sexual harassment brings into focus the helplessness of women; because they are suppressed in society - ‘When a man talks, a woman is not supposed to answer back’. All that the victims (women) can feel is anger and impotent rage. Very few have taken the step of fighting back against the practice.

It is clear that sexual harassment is mostly directed at women; they are degraded and made to feel inferior. Men use their status and power to overpower women and degrade them, women then lose their self-esteem and their performance at work drops. In some cultures, harassment is not seen as a serious misdemeanour.

Davies goes further to say,

> Men tend to call us by derogatory names like ‘shaningi’ or belittle us by calling us ‘mtoto’. They whistle as we walk by, or pass vulgar comments or stare at our breasts and buttocks while talking to us. All this is to emphasise that we are just sexual objects, to remind us that we are not to be taken seriously, Songs play their role in perpetuating this notion too, when singers (male) sing about women who eat men’s money and don’t deliver the goods.

Strauss and Espeland (1992) seem to agree with Davies, because they have an insert from one male student who said “It’s a man thing. When a girl has something on revealing, you have to say something about it.... If the girl doesn’t tell us we’re sexually harassing her, we’re going to continue to do it”. It is sad that harassment starts as early as secondary school. This student clearly has no idea how hurtful his actions could be.

It is really appealing that harassment happens in our everyday lives and has become part of our everyday lives. Wise and Stanley (1987) reveal that “All women have been sexually harassed at some time or another, for sexual harassment can happen to us from the moment of birth until the moment of death and sometimes even after death”. This is quite a brave statement and it gets one to wonder how many people get exposed at their workplaces as harassment as said above, can happen at anytime even beyond death.

Sexual harassment is not the only form of harassment that takes place in the workplace, there is also bullying which “refers to repeated,

unreasonable actions of individuals (or a group) directed towards an employee (or a group of employees), which is intended to intimidate and creates a risk to the health and safety of the employee(s)" (Department of Labour and Industries, 2008). According to this department, there is also what is called corporate/institutional bullying which "occurs when bullying is entrenched in an organisation and becomes accepted as part of the workplace culture".

It can be said that workplace bullying is an illegal act but one that is accepted by the organisation, even though it affects people's lives at the workplace. Pontus (2011) argues that "workplace bullying is characterised by many incidents of unjustifiable actions of an individual or group toward a person or group over a long period. Bullying behaviours are persistent offensive, abusive threatening, and malicious in nature with the intent to do harm". It is therefore vital to uproot this behaviour once it starts to show as its intention is to do harm and no one in the workplace should be exposed to this behaviour. The ability to accurately identify harassment then becomes important. According to the Department of Labour and Industries (2008), it can manifest itself by:

- Placing unreasonable expectations on employees, where failure to meet those expectations means making life unpleasant or dismissing anyone who objects.
- Dismissing employees suffering from stress as 'weak' while completely ignoring or denying potential work-related causes. Encouraging employees to fabricate complaints about colleagues with promises of promotion or threats of discipline.

From the above, it is clear that workplace bullying is present and it is impossible to escape if no-one is there to protect colleagues and there are no policies in place to prevent such behaviour. Pontus (2011:16) goes further to say that "the literature on workplace bullying reveals that

supervisors and line managers perpetrate much of this behaviour on their subordinate staff members". Employees face major challenges with high targets being set that people often fail to reach. Failure to reach target means they will be sworn at, or made fun of, yet the perpetrator knows for sure that their demands are impossible. No-one enjoys being called weak or being belittled in front of their colleagues, but this happens and the person facing this kind of humiliation has nowhere to run to and no alternative except to endure the negative situation.

According to the Department of Labour and Industries report (2008), "signs of corporate and institutional bullying include:

- Failure to meet organisational goals.
- Increased frequencies of grievances, resignations, and requests for transfers.
- Increased absence due to sickness.
- Increased disciplinary actions.

It becomes clearer that that workplace bullying not only harms the employee, but the organisation as a whole. The organisation will spend most of its time training new employees as those they had have left, as well as those also leaving due to the harassment they face. Their targets will not be met as new people will be coming in every day, and those left behind will become demotivated in doing the job and will also be frequently absent from work.

According to Makadzange (2008:6), "For the employer, harassment can lead to increased turnover, law suits, negative publicity, and lengthy formal investigations. It is necessary that all employees and supervisors become aware of illegal workplace harassment and take responsibility for preventing and stopping all forms of harassment. Harassment in the workplace can be damaging to both employees and the organization. Harassment affects the victim's physical and emotional health, resulting in

loss of productivity, increased absenteeism, low morale and damaged teamwork."

2.3.1 Reasons Why Harassment is Not reported

Although harassment is evident in the workplace, some employees do not report it. The shame of being violated and being made to do what goes beyond one's morals is unbearable, so some people choose to keep the harassment act to themselves, no matter how hurt they are. There are a number of reasons why harassment goes unreported by the victims. Pease and Pease (2002) suggest the following:

- They blame themselves
- They feel helpless, hopeless and powerless
- They do not know how to report harassment
- They feel embarrassed
- They do not think that reporting will make any difference, or that anything will be done about the harassment or the harasser.

From what can be gathered from the above, many harassment victims keep it quiet, mostly because they are embarrassed and think no-one will understand, so where no policies are available, this becomes worse as employees are not aware that there are things they can do to stop and report harassment. Self-pity destroys most people and sometimes this is taken out on the wrong people who unfortunately pay for the mistakes of others.

According to Friedman, Boumil and Taylor (1992), "The most common situation arises when a reluctant employee is troubled by a supervisor's or co-worker's apparent interest but is afraid to rock the boat and indicate displeasure". The employee is afraid to lose their job and the perpetrator continues because he/she might think the employee likes the behavior. Sometimes there are no clear guidelines on how to report harassment and

the victim does not know where to go and how to go about it. Sometimes, the organisational systems fail the victims and they see no point in reporting the harassment. Mixed feelings are usually in evidence when one is harassed, so it is recommended that the organisation has a good support system in place for all its victims. It does happen that at times there is not enough evidence for the employee to bring forward against the perpetrator and he/she feels that their efforts will not count much as they have maybe seen cases like theirs unresolved or dismissed due to lack of evidence. Stufft (1994) observes that “many of these cases are dismissed because administrators cannot meet the burden of proof”.

2.3.2 Steps That can be Taken to Stop Harassment

There are steps that the employer can take to make the workplace less prone to harassment, and these steps, according to the humanresources website, are: putting in place Anti-Harassment Policy, Compliance procedure, Distribution and Communication of information, Education, Supervisor training, investigating a Complaint, and taking appropriate action.

From the steps above, it can be said that the first step an organisation has to take is to put in place a harassment policy that covers every one of the employees and does not exclude anyone. Information of this regard should be communicated to departments and made readily available, and explained to anyone who does not understand it. Procedures on how to lay complaints should be clearly outlined so that everyone knows what to do. Employees should be educated about their rights and entitlements and also be made aware of harassment, what it is and the different forms it takes. When they are aware of it and know where to report it, then they can take better care of themselves.

Supervisors should be trained about how to handle harassment cases and how to support employees who are being harassed (victims). Once a

complaint has been laid, it should be thoroughly investigated and each case should be handled according to its merits and also with integrity. Victims should feel that they are receiving equal service, irrespective of their positions, with a thorough investigation being conducted for everyone. When that has been done, appropriate action should be taken against the culprit. No one should be above the law, with a fair trial being afforded to all and those found guilty should be punished for their actions accordingly.

The Human Resource website also notes that “In some cases, the employer should also address the needs of the victim by reversing an adverse employment decision (demotion, reassignment, etc.) or providing counselling. Finally, employers should treat like situations similarly in terms of the investigation process, the action taken, and so forth”.

According to Meloni and Austin (2011:92), “The significance of bullying and harassment within this hospital workplace and its impact became apparent in the 2005 employee survey. A bullying and harassment program was therefore put in place led by the hospital’s Organisational Development Unit and a zero-tolerance approach towards bullying and harassment was adopted and embraced by the leadership group”. It is therefore important to note that when management and its people get to do things together without any exceptions and make sure everyone adheres, good results can be expected and safe working environments brought about”.

The workplace harassment and bullying policy and procedure (2008) also gives aspects that should be taken into consideration to promote a harassment-free environment. It states that “the organisation should provide and make accessible, resources for all personnel relating to workplace harassment or bullying, including complaint resolution processes; distribute and regularly promote this policy statement to all

existing and new personnel; model appropriate behaviour and monitor the environment to ensure that the appropriate standards of behaviour and conduct are observed at all times; treat all complaints of workplace harassment and bullying seriously and take immediate action to investigate and resolve any complaint quickly and fairly and with complete confidentiality; ensure that personnel who make or support a complaint of workplace harassment or bullying are not subsequently subjected to victimisation; and take all reasonable steps to ensure there is no recurrence of the offence". This policy and the human resources website speak of things that are similar, sensitisation of the policy to all employees, old and new. They also agree that claims should be attended on time and the judgement is fair to everyone and also protect the victims from victimisation.

2.3.3 Harassment Policies in SADC

There is a growing recognition worldwide that harassment must be fought. The Southern African Development Community (SADC) is also highlighting harassment. According to Mzumaru (2009), "The SADC Gender and Development Protocol calls upon state parties to ensure that by 2015 they enact legislative provisions, adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators. However, only two SADC countries currently have specific legislation against sexual harassment (DRC and Madagascar). In eight countries (Botswana, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania and Zimbabwe) it is covered by labour law or assault. However, there are five SADC countries (Angola, Lesotho, Malawi, Seychelles and Zambia) where there is currently no legislation at all to protect victims of sexual harassment or to sanction perpetrators".

This indicates that Lesotho and other four countries are lagging behind. Not only do they lack harassment policies, but they do not have labour

laws that other member countries have that protect against workplace harassment. This is because, in Lesotho, harassment is covered under the Codes of Good Practice (2005), which makes it difficult for a person who wants to know about harassment policies to find information. There is hope, however, that Lesotho will in the future develop a specific harassment policy, as it has other progressive policy in place, such as that of free media. According to a study by the Lesotho News Agency in November 2004, "Lesotho is free from government harassment". This means the media is free to publish and say anything without being dictated to by the government. This is a positive indication that the government will also be open to developing workplace harassment policies.

2.4 The Effects of Harassment

According to Baetz, Carson and McGill (2008:19),

> Harassment codes and policies attempt to cover a wide range of behaviours including sexual harassment, racial harassment, religious harassment and bullying. In its broadest terms, Reade (2001) in Baetz, *et al*., (2008:19), defines harassment as "persistent unwelcome behaviour that can be physical, verbal, or psychological." Human rights legislation contains other definitions. Inspirational values statements target harassment with language such as dignity and respect for others, while prescriptive codes struggle to confine workplace speech without violating free speech protection. In either format, these codes necessarily involve some subjectivity in the evaluation of workplace conduct and researchers identify this as a cause for concern. Anti-harassment provisions are in the majority of codes of conduct. The Wagar and MacDonald (2002) study of 54 Canadian companies finds that 75.9 per cent of the companies have a sexual harassment policy. The existence of a code is positively associated with the presence

> of a human resource management specialist and the presence of a labour union. Wagar and MacDonald find that 98 per cent of these codes are prescriptive in format. Prescriptive harassment codes may also serve as technology use codes since inappropriate email is a common tool used to harass.

From the above, it can be denoted that good social practices have to do with good Human Resource Specialists, and having a trade union that is fighting for employees' rights. In the case of the Lesotho civil service, there are no trade unions or employee representatives. The country does not have laws that allow civil servants to form unions, thus, when they have unsatisfactory working conditions and are being harassed; employees have no avenues for lodging complaints.

When employees are being harassed at the workplace, they become stressed and stress does not have positive effects on individuals and the organisation as a whole. According to Neuman (2000:4), "Each of the internal states noted previously (physiological arousal, hostile thoughts, and negative affect) not only lead to aggression and bullying but a decrease in human performance as well. These performance decrements have a significant impact on the organizational bottom-line". Meloni and Austin (2011) argue that: "bullying and harassment is a significant issue in the workplace. They can have a negative impact on staff satisfaction including an increase in turnover, sick leave and stress, and can decrease employee engagement". These issues are important since, if not treated in time, lead to the death of the company and everyone ends up losing their job and time and money invested in growing the company".

2.4.1 Stress and Performance

According to Neuman (2000:8),

> For almost a century, psychologists have known that there is a relationship between stress and performance (Yerkes and Dodson, 1908). When stress (or arousal) levels are too high or too low, performance suffers. Optimum performance is most likely to occur and moderate levels of arousal. Since stress levels are rarely too low in today's workplace, I will confine my comments to high levels of stress. However, if you are puzzled as to why low levels of stress lead to low levels of performance, the answer is simple. If a person experiences little or no arousal (stress) it simply means that s/he doesn't care about the job at hand. Why would a person expend any effort in completing a job for which s/he has little interest? The answer is simple--they wouldn't! Consequently, low stress leads to low levels of performance. With regard to high levels of stress, people become easily distracted and often ruminate about the stress that they are experiencing.

As indicated above, stress can be negative or positive. Which type makes a productive employee? When an employee is stressed because of harassment they are facing at work, they easily become demotivated and productivity will suffer. Their concentration levels drop; they become irritable and will not meet their goals. High levels of stress can also be negative as employees become agitated; they start having health problems which may require hospital care and keep them out of work; or they may start abusing drugs and alcohol so as to try to cope with the challenges they are faced with at work. Negative stress is not helpful, and is likely to have negative consequences

2.4.2 Effects of Injustice on Performance

Neuman (2000:8) observes that

> Harassment has to be dealt with fairly; With respect to perceptions of injustice, when people believe they have been treated unfairly (especially by their supervisors) they often attempt to "even the score." Consequently, injustice can elicit acts of revenge, sabotage, obstructionism, theft, vandalism, withdrawal behaviours (withholding effort), turnover, spreading gossip, grievances, cynicism, and mistrust. All of these behaviours represent direct and indirect costs to the organization. In a six year, longitudinal study on workplace sabotage, Analoui (1995) found that 65 per cent of all acts of sabotage stemmed from discontent with management and its unfair behaviour toward workers.

Harassment must be dealt with fairly and no employee should be shown leniency because of their position. When employees feel that an injustice has occurred, they may become vengeful and sabotage the organisation, they lose their loyalty to the management of the organisation and are not afraid to do harm to the organisation. Employees can also give the public a bad image of the organisation as they will be promoting bad behaviour while high turnover could also result as some employees want to leave the organisation and go to a place where they will be treated fairly.

2.4.3 Negative Effects on Performance

According to Neuman (2000:9),

> Aside from the depression that often accompanies a "blue mood," cognitive psychologists have found negative affect may impact human performance in many ways. In a series of studies over the past two decades, researches have established a relationship between positive affect (being in a good mood) and increased

levels of creativity. Conversely, these studies demonstrate that negative affect is associated with decreases in creativity and innovation. Negative affect is also associated with less helping behaviour, decreased organizational citizenship behaviour, more unpredictable behaviour, mistrust, and cynicism.

It is clear from the above that injustice, stress and bullying (some of the few challenges facing employees) have a negative effect on the organisation. Negative stress causes people to lose concentration and make mistakes at work, results in low morale and sometimes leads to bad behaviour. Employees should be treated equally, and if there seems to be injustice in terms of treatment, the end result is frustration on the part of employees. They become moody and sometimes transfer their unhappiness to other employees. Eventually, their performance is negatively affected. Poor or non-performance causes the organisation or ministry money as this may lead to business being taken elsewhere or the public complaining about government service delivery.

2.5 Misconceptions of Harassment

It is important to understand what harassment is, as some people tend to misinterpret orders to do their job as harassment. The director does have authority to ask his/her staff to perform certain tasks that will aid in the attainment of organisational objectives, even if they are not part of the employee's job description.

Other aspects that cannot be considered as harassment or bullying are:

- Reasonable action taken in a reasonable manner by an employer to transfer, demote, discipline, counsel, retrench or dismiss personnel;

- A decision by an employer, based on reasonable grounds, not to award or provide promotion, transfer, or benefit in connection with personnel employment;
- Reasonable administrative action taken in a reasonable manner by an employer in connection with personnel employment; Reasonable action taken in a reasonable manner under an Act affecting personnel (Workplace Harassment and Bullying Policy and Procedure, 2008).

It is, however, important to note that managers should not use the above provisions to avoid promoting employees or promote employees who are not qualified as a favour. Employees should also understand the circumstances that inform promotions. The policy also acknowledges that individuals may react differently to comments and behaviour and therefore expects its personnel to maintain a standard of behaviour that is respectful of everyone at all times.

2.5.1 Blackmail and Harassment

There is also the aspect of emotional blackmail in the workplace, where the blackmailer uses information he/she knows about the other person to make them comply. This is not harassment, but there is a thin line between the two. According to Pease and Pease (2002:80),

> Emotional blackmail is where a person who is emotionally close to you subtly threatens to punish you or threatens or implies that you will suffer if you don't comply with what they want. They know your deepest secrets and vulnerabilities and use this intimate knowledge to get you to obey. Whatever strengths or weaknesses you have, the blackmailer will use them against you.

This is clearly different from harassment in that the perpetrator uses personal information to force people to do things against their will, including illegal activities. This could lead to harassment if the actions one

is asked to perform are against one's morals. Blackmail is often used by people who want to get their way at work, both employees and managers.

According to Pease and Pease (2002), there are common phrases used by employers to blackmail employees, such as: You'll only make things more difficult for your workmates. They'll have to carry the load. I'll make sure that you're never considered for promotion ever again; Surely you owe me and the company some loyalty.

Common phrases used by employees are: If you fire me, you'll need a great lawyer. I bet the media would like to hear about this. Haven't you heard of harassment?"

Such threats are used depending on the situation at hand, but what is obvious is that one party wants to overcome the other and force them to comply. It can however lead to harassment if the demands are unbearable, like being bullied into doing what one is uncomfortable with, or being asked for sexual favours, which puts people under pressure.

2.6 Harassment and the Law

There are no policies in place at the moment that address the issue of harassment, but the Government Gazette (1992) states that, "Any person who offers employment or who threatens dismissal or who threatens the imposition of any other penalty against another person in the course of employment as a means of obtaining sexual favours or who harasses workers sexually shall commit an unfair labour practice". This does show that certain aspects address sexual harassment concerns but not other forms, but there is nothing specifically aimed at addressing harassment in the workplace.

The Ministry of the Public Service has tried to put measures in place, like the Codes of Good Practice (2005), even though these do not directly or

specifically address the question of harassment in the workplace. It gives guidelines for the conduct of employees in the workplace, and explains the consequences if there is a breach and the ordinary grievance procedure is followed.

Some employees are not fully aware of what harassment is, and are not even aware that they are being harassed, since they think it is what is expected of them or that no-one will be on their side should they report these acts. Sensitisation is thus needed to make employees aware of their rights, and clear policies need to be in place so that people know where to report a grievance. It is encouraging that in June 2010 the Minister of Gender, Youth and Sports stated that they are about to bring in a policy on domestic harassment, and it is hoped that workplace harassment will also be addressed.

The Gender and Development Policy (2003) states that,

> Gender based violence is a national concern. It manifests itself in physical, psychological, verbal and sexual forms. It takes place both in the private and public spheres, among children, youth, adults and the elderly. The root causes of gender based violence can be traced down to the unequal relations of power between women and men, girls and boys that result in domination over, and discrimination of, women by men and vice versa.

It is clear from the above that from an early age there is discrimination. This increases as men are given superiority over women, and when in the workplace, they use this to their advantage and harass women. This not only happens to women who are not educated and do low-paying jobs, it happens even to those with power and senior qualifications.

The policy goes further to say that, “Although Basotho women have a relatively high literacy rate and many of them are *de facto* heads of households, these do not open avenues for power, leadership and

decision-making for them in all spheres of life including politics". This goes to show that power and politics do play a large role in the policy-making and life at the workplace. If men in power feel that women should be protected and be given a platform to share their views about harassment and other concerns that may make their lives difficult in the workplace, things could improve and relevant policies would be put in place.

Even though the Ministry of the Public Service does not have a harassment policy in place, Pease and Pease (2002) gives three essential steps to take in the absence of such a policy:

Step 1: Communicate to the harasser (1) what one is feeling and (2) that one expects the behaviour to stop. This may be done verbally or in writing. If preferred, help and support should be sought from a friend, professional or trusted person.

Step 2: If the behaviour is repeated, go to a person in authority such as a counsellor, complaints manager, or supervisor. Document exactly what happened. Give a copy of the written record to the authority, and keep one for oneself. The documentation should include the following information. Use exact quotes where appropriate and whenever possible:

- What happened?
- When it happened?
- Who did the harassing?
- Who the witnesses were? (if any)
- What the victim said and/or did in response to the harassment?
- How the harasser responded?
- How the victim felt about the harassment?

Step 3: If the behaviour is repeated again, go to a person in higher authority, such as a board member, the superintendent, or the company president. Keep documenting the behaviour. At any point in this process, the victim may choose to contact a civil rights

organisation, the local government department that works with human rights, an attorney, or a police officer.

2.7 Summary

As can be seen from above, there is a lot that does constitute harassment as much as there are actions that are harassment. It is therefore important for employees to know their rights in the workplace and understand what harassment is. Managers are supposed to put measures in place to combat harassment, and also have clear policies that show employees what to do should they be victims of harassment.

Even if there are no policies, employees can take steps to protect themselves. Ignorance of such mechanisms cannot be taken as an excuse, but sensitisation on matters relating to harassment and how it should be handled should be carried out. A happy employee is a productive employee, and this benefits the organisation.

CHAPTER THREE

METHODOLOGY

3.1 Introduction

The researcher performed a qualitative study with the intention of exploring the underlying factors of why there is a lack of clear harassment policies in the workplace and the challenge that this presents. This would attempt to answer the questions posed in Chapter One. The study was explorative as there has been little done to question the lack of such policy.

The researcher used as a case study the Ministry of the Public Service. This is because she wanted to fully understand why this ministry, being a mother ministry, up until now still does not have policies in place to protect employees against harassment.

When performing a case study, the researcher used interviews and documentary analysis to gather information on the subject. Conducting interviews was the main method used for gathering data and documentary analysis was to aid it. Purposive sampling was used to gather information. This researcher used a qualitative research because it aimed to obtain an understanding of the reasons behind the lack of policy and targets the people responsible for drawing up these policies.

3.2 Research Approach

The researcher engaged in a qualitative study. Neuman (2006) describes it as an approach that constructs social reality and cultural meaning; focuses on interactive processes and events; where authenticity is key; values are present and explicit; theory and data are fused; it is situationally constrained; it focuses on few cases and subjects; there is thematic

analysis; and the researcher conducted this form of study. Bless and Higson-Smith (2004:38) explain this further:

> In many cases language provides a far more sensitive and meaningful way of recording human experience. In these cases, words and sentences are used to qualify and record information about the world. It is research conducted using a range of methods which use qualifying words and descriptions to record and investigate aspects of social reality.

This implies that qualitative research or approach is very interactive, and the researcher becomes part of the research and correlates with his or her respondents. It is not translated by numbers but words that have been qualified. According to Van der Wal (2004), "Qualitative data is based on meanings expressed through words. Collection results in non-standardised data requiring classification into categories and analysis conducted through the use of conceptualisation." It is therefore evident that quantitative research is based on numbers.

On the other hand, qualitative research, according to David and Sutton (2004), "gives more voice to those being researched, allowing them a greater power to direct the flow of research, and is also seen as ideally suited to the task of demonstrating the validity of ways of life and belief that may be otherwise misunderstood".

According to Creswell (2003), "A qualitative approach is one in which the inquirer often makes knowledge claims based primarily on constructivist perspectives (i.e. the multiple meanings of individual experiences, meanings socially and historically constructed, with an intent of developing a theory or pattern) or advocacy/participatory perspectives (i.e., political, issue-oriented, collaborative, or change-oriented) or both. It also uses strategies of inquiry such as narratives, phenomenologies, ethnographies, grounded theory studies, or case studies. The researcher collects open-

ended, emerging data with the primary intention of developing themes from the data."

The above definition shows that, as the researcher, one makes known knowledge claims which in this case is the 'lack of harassment policies in the workplace'. The researcher knows this for a fact as she had worked in the MPS in the Human Resource department and claims were brought to her attention; unfortunately the employees were not aware that the law was on their side as there is no evident policy against harassment.

According to Charmaz (1995), "Qualitative research is highly contextual, being collected in a natural real life setting, often over long periods of time. Hence, it goes beyond giving a mere snapshot of events and can show how and why things happen - also incidents of interpersonal cooperation and conflict".

This approach taken by the researcher has both strengths and limitations, but the researcher believes that it is the best method to use. The table below lists strengths and limitations of the qualitative approach.

Table 1: Qualitative research: strengths and limitations

Description/ definition	Qualitative (or naturalistic) evaluation approaches involve the use of predominantly research methods to describe and evaluate the performance of programmes in their natural settings, focusing on the process of implementation rather than on (quantifiable) outcomes.
Analysis	Qualitative and participatory methods.
Strengths	Establishing rapport and trust with research subjects; high construct validity; insider perspective. The collaboration and participatory nature of this design minimises suspicion and distrust of research with a concomitant increase in trust and credibility.
Limitations	The emphasis on naturalistic forms of inquiry makes it difficult to evaluate programme outcomes systematically and rigorously. The result is that strong casual inferences regarding programme benefits and impact are difficult, if not impossible, to make.
Main sources of error	Errors typically associated with naturalistic studies, e.g. observer and interviewer bias, as well as lack of rigorous control (no control groups or randomisation of subjects).

Source: Mouton, 2003

This research took an exploratory study form. Although there is extensive information available about harassment in the workplace, there is little research on the lack of harassment policies in the workplace in Lesotho. According to Neuman (2006), “Exploratory research is research in which the primary purpose is to examine a little understood issue or phenomenon to develop preliminary ideas and move toward refined research question by focusing on the ‘what’ question”. Van der Walt (2004) notes that “The purpose of exploratory research is to gain insight into a situation, phenomenon, community or person. The need for such a

study could arise out of lack of basic information on a new area of interest".

Bless and Higson-Smith (2004) observe that "Exploratory research is social research which explores a certain phenomenon with the aim of formulating more specific research questions or hypothesis relating to that phenomenon. The purpose of exploratory research is to gain a broad understanding of a situation, phenomenon, community or person".

It is clear from the above explanations given by different authors that exploratory research takes place when there is no or little information about a certain phenomenon. In this case, in the Lesotho civil service, there are Codes of Good Practice (2005) that speak to the issue of harassment, yet there are no independent harassment policies. The aim here is to find out why there is not enough sensitisation on harassment and yet employees deal with harassment on a daily basis. The MPS is a mother ministry that is mandated to train all civil servants on policies and their rights, yet it appears that most civil servants are not aware of their rights and even when they are, they do not trust the system to uphold their rights.

3.3 Research Design

The researcher used as a case study the Ministry of the Public Service for this study. As Badenhorst notes, "A case study refers to the collection and presentation of detailed information about a 'case'. The case study looks intensively at something and draws conclusions only about that group in that specific context". Neuman (2006) explains that, "A case study research is research that is an in-depth examination of an extensive amount of information about very few units or cases for one period or across multiple periods of time."

From the above, it is clear that it involves extensive research on a certain issue, its characteristics and what makes it different from others. As Van

der Wal (2004) argues, “The term case study pertains to the fact that a limited number of units of analysis (often only one), such as an individual, group or institution, are studied intensively.” Mouton (2003) adds to these definitions by saying “case studies are studies that are usually qualitative in nature and that aim to provide an in-depth description of a small number (less than 50) of cases.”

From the above, it is clear that in this case study, the unit of analysis is the Ministry of the Public Service. This Ministry was therefore intensively studied to assess the reasons for the lack of harassment policies in the workplace and the challenges this poses. The study was limited to this Ministry and to the ten-year period from 1999 to 2009. Van der Wal (2004) goes further to say “Case studies are directed at understanding the uniqueness of a particular case in all its complexities. Usually, its objective is to investigate the dynamics of some single bounded system, typically of a social nature. The unit of study may be human, personal documents, mass media material e.g. journal, newspapers.”

A unit of study therefore is that specific item one wants to perform an in-depth study on, and in this case it is the Ministry of the Public Service.

3.4 Data Collection

The researcher conducted her research at the Ministry of the Public Service, where the person/s responsible for formulating and instituting awareness of policies were interviewed as well as some ministry staff. This is because the researcher wanted to understand, from a policy-makers’ point of view, why there is lack of policy and also how employees who are victims of workplace harassment feel as regards such lack of this policy.

3.4.1 Primary Data

(a) Interviews

As had already been pointed out, this was a case study, and personal interviews were used as a tool for gathering information. This means that the interviewer met on a face-to-face basis with people she had selected as her sample in order to gather information. As Bless and Higson-Smith (2004) put it, “the interview is a data collection technique based on a series of questions, relating to the research topic to be answered by research participants”. This method will allow the researcher to gain understanding of the matter and to further probe where not clear and also clarify the questions to interviewees (MMPP Course Pack, 2009). Although this method can tend to be time-consuming and expensive, the researcher believes that it will be the best method to collect the information needed for the research.

The researcher conducted telephonic interviews. Van der Wal (2004) describes telephonic interviews by saying “people selected to be part of the sample are interviewed on the telephone”. This method was used because the matter discussed was sensitive and some respondents felt freer to respond over the telephone rather than face-to-face and also because the researcher wanted this information to be as discreet as possible; whereas when sitting in respondents’ offices for a long time other people may become suspicious and start asking questions. The researcher also used this type of interview to get further clarity on issues she missed during the interviews and where she was not aware at that time of the interview that there was ambiguity. According to Oppenheim (1992), “refusals are sometimes actually lower because of interviewer visibility to some respondents”, meaning that the expected level of response is positive.

Face-to-face in-depth interviews were conducted and both policy makers and employees were interviewed to get the answers the researcher needed.

(b) Documentary Analysis

Documentary analysis involves using documentary data such as minutes of meetings, reports, public records, books, newspapers, to get the information one needs (analysing the information to get the required data) (Van der Wal, 2004). The researcher had anticipated using documentary data, but failed. As had previously been pointed out, there is not enough information on this subject. The documents that the researcher wanted to use were harassment reports that have been forwarded to the Human Resource Departments and Employee Relations. These reports would have shown cases that had been brought forward and how they were tackled. Unfortunately, these could not be released for the researcher to use as there were no records, or maybe disclosure of such confidential information would discredit the ministry or possibly lead to the complainants losing confidence in the ministry. According to Cooper and Schindler (1998), “a researcher should first start with an organisation’s own data archives. Reports of prior research studies often reveal an extensive amount of historical data or decision making patterns”. However, this was not possible.

3.4.2 Secondary Data

According to Bless and Higson-Bless (2004) “Secondary data is data used in a specific study, although collected by a different researcher for the purpose of addressing a different research problem”. As stated above, secondary data is about using information that somebody else had collected, and using it to add to the research the person is doing. The researcher did make reference to books journals and internet links to find out more about harassment in the workplace.

Secondary data can be raw if not much processing of the data has been done. As Van Der Wal (2004) explains, “the data you use may be raw data where there has been little if any processing, or compiled data that have received some form of selection or summarising”. Neuman (2006) goes further to say that “Secondary analysis is a special case of existing statistics; it is the reanalysis of previously collected survey or other data that were originally gathered by others”. This indicates that the data was originally collected by other researchers.

3.4.3. Sampling

The researcher used purposive/ judgemental sampling. According to Neuman (2006), “purposive sampling is a non-random sample in which the researcher uses a wide range of methods to locate all possible cases of a highly specific and difficult to reach population. With purposive sampling, the researcher never knows whether cases selected represent the population. A researcher may use purposive sampling to select members of a difficult to reach, specialised population; another situation for purposive sampling occurs when a researcher wants to identify particular types of cases for in- depth investigation. The purpose is to gain a deeper understanding of types.”

Purposive sampling also mixes and matches the sample size in a way that will best suit the researcher, as Gray (2005) explains: “the researcher deliberately selects the subjects against one or more trait to give what is believed to be a representative sample. This approach may, indeed, succeed in achieving a true cross-section of the population”.

It is clear from the above that purposive sampling aims to get deeper insight on a particular case and mainly targets a specialised population. This was most relevant as policy makers were targeted in this regard. There are different categories as the research aimed to talk to policy makers (managers), as to why there are no harassment policies in the

workplace and to hear from employees about the challenges they face due to lack of these policies. In the Ministry, the heads of the Human Resources department was interviewed he is part of those responsible for the formulation of policies that affect the welfare of employees, as well as two other directors who are policy makers. Five people who appeared to have laid harassment claims in the last ten years according to the Ministries' records were also be interviewed as it was believed to be important to talk to people who have been exposed to harassment, even though the researcher believes that many are not reporting it. "Purposive sampling starts with a purpose in mind and the sample is thus selected to include people of interest and exclude those who do not suit the purpose (www.changingminds.org)".

3.5 Data Analysis

When data has been collected, it is edited and coded accordingly (Van der Wal, 2004). According to Mouton (2003), "Analysis involves breaking up the data into manageable themes, patterns, trends, and relationships. The aim of analysis is to understand various constitutive elements of one's data through an inspection of the relationships between concepts, constructs or variables, and to see whether there are any patterns or trends that can be identified or isolated, or to establish themes in the data". This indicates that data collected cannot be generalised, there are different patterns or trends that it follows and it thus has to be edited and coded accordingly.

The researcher engaged in content analysis. Hennina (2004) describes it this way: "Content analysis is reading or studying data sets to form overview and to apprehend to context (within the data text)". Neuman (2006) goes further to explain it as "a technique for gathering and analysing the content of the text. Content analysis is nonreactive because the process of placing words, messages, or symbols in a text to communicate to a reader or receiver occurs without influence from the researcher who analyses its content". The researcher believes that this

method was relevant for her study as the study was explorative and analysing the information that was found from the research helped understand the information gathered.

The researcher believes that in using this method, she was able to gather from policy makers their views on harassment and why they have not yet developed the policy, and from employees how they feel about the lack of this policy. According to the Answers website, “content analysis is most commonly used by researchers in the social sciences to analyze recorded transcripts of interviews with participants” (www.answers.com). In this case, the researcher divided her questions according to two different sets of targeted respondents; the questions were put in sections so as to make the information flow and make sense. The researcher then analysed the information gathered and developed graphs in respect of what the information represents.

3.6 Validity and Reliability

According to Van der Walt (2004:49),

> Two main criteria for testing the goodness of measures are validity and reliability. Validity tests how well an instrument developed measures the particular concept it is supposed to measure. Reliability tests how accurately and consistently a measuring instrument measuring whatever concept it is measuring. In other words, validity is concerned with whether the right concept is measured, and reliability is concerned with stability and consistency in measurement.

This means as the researcher one has to maintain consistency in the research and the correct method or instrument is put in place for measurement. According to Gray (2005), “There is, at least, some potential for such consistency when an interview is standardised, with the same questions being asked of each respondent. However, even with standardised questions the issue of interviewer bias comes into play –

does the interviewer ask the same questions in the same way and with the same tone of voice with all respondents?"

From the above explanations, it is clear that the research questions must be consistent, and follow a route that aims to answer the researcher's aim of doing the research. Furthermore, the researcher must be able to maintain balance, all the respondents must be interviewed in the same manner, given enough time to respond, and the tone of voice must be the same always, with no leading questions or facial expressions that tend to lead the respondents. To achieve this, the researcher kept a time schedule for each interview even though it differed according to people as some were slower than others, some liked asking questions while some simply answered the questions.

3.7 Limitations of the Research

The study, as shown before, is exploratory, since there is little information given as to why organisations lack harassment policies. Due to the nature of the information required, the researcher was not permitted to examine the files of people who had once reported harassment, and was even asked to change her area of focus, while still focusing on the Ministry. The researcher had anticipated basing her study on the whole Ministry, but she was given access to only part of the ministry, with the reasons given as being that was the busiest part of the Ministry whereas other sections were quiet.

3.8 Ethical Considerations

The researcher acknowledges that due to the sensitivity of the information identities would have to be protected. Respondents were given alphabet letters instead. There was no favouritism of management over employees and *vice versa*. The respondents were assured that the information gathered will not be published in the newspapers or be given to radio stations to publicise, and is for the University of the Witwatersrand only.

3.9 Summary

This chapter shows that research is shaped by different forms of methodologies; it is up to the researcher to decide which is relevant for their particular research. This was a case study on the Ministry of the Public Service of a qualitative type. It used interviews and documentary analysis for data collection, and these were face-to-face interviews done in the comfort of respondents' offices. Ethical aspects were taken into consideration as this is a sensitive issue and confidentiality was guaranteed. Although this issue is an international concern, little is known about why some countries and ministries still do not have the necessary policies in place. This made it difficult to gather information, and records were not made available which made the analysis of data difficult.

CHAPTER FOUR

PRESENTATION AND ANALYSIS OF DATA

4.1 Presentation and Analysis

The researcher conducted a series of interviews, and it is from the responses gathered that the analysis is drawn. There were two types of respondents, namely policy-makers who also form part of management and employees. This was to get the different views on harassment on different levels of the organisation. The analysis consists of Sections A and B and these have sub-sectors as they all show different responses. Section A examines what management knows about harassment and what it has in place to fight it, while Section B concentrates on employees and their views on harassment.

Section A

4.1.1 Management and Researcher Perspectives

4.1.1.1 Harassment Policies in the Ministry

Two people out of three who are policy makers replied that there are harassment policies in the Ministry of the Public Service. They said there is no written harassment policy (no conventional harassment policy), but the Codes of Good Practice (2005) speak to issues of harassment, therefore, they believe there is a harassment policy. They say there is no written harassment policy in the Public Service because they have not been receiving any claims on harassment, and they are confident with the codes as they give guidelines on how officers should conduct themselves in the workplace. Maybe when cases come to their attention, as they

sometimes hear of harassment cases in other ministries, they will draw up a policy to address this issue, but as yet no-one from any ministry has come to them to ask for formulation of this policy.

Only one policy maker said that there is no harassment policy, respondent Three (3) (interviewed on 15/06/2010). He also added that during the many years he has worked for the Lesotho government, he has not seen any harassment policy, and if there is any, he is most certainly not aware of it. He also made the researcher aware of the fact that, previously, the civil service used to function on the motto of 'business as usual', but it is only now trying to improve the working situation. It may be that policies will now be put on place and be fully functional. He also added that he thinks that now they have been made aware of lack of harassment policy, they will deal with things properly as matters are arising where certain things need to be addressed individually, and not be taken for granted that they are covered under certain policies.

From the above, it is clear that the policy makers do not all agree as to whether there are harassment policies in the Public Service, even though most feel that there are. The researcher believes that ignorance plays a major part for there to be no specific or conventional policy in place. It may be that because the Ministry of the Public Service is small, it does not get many claims or they are ignored.

According to Thabane (2010), "the Constitution of Lesotho, chapter 11, provides for protection of fundamental human rights and freedoms". The researcher felt that as a base for laws and policies was laid out, policy makers would have by this time developed a conventional harassment policy in the workplace so as to protect employees from harassment. "Harassment codes and policies attempt to cover a wide range of behaviours including sexual harassment, racial harassment, religious harassment and bullying" (O'Dwyer and Madden, 2006). This indicates that having a harassment policy in the workplace will protect employees from unwanted and hurtful behaviour from their peers.

Lack of a conventional harassment policy leaves too many loopholes for perpetrators to manipulate, which in turn leaves victims in an unstable state. If there is something meant to protect employees, is there any sensitisation? Employees/victims may be suffering in silence due to lack of knowledge, yet, according to policy makers, there are mechanisms in place. Other government ministries and departments surely experience incidents of harassment and some are reported or brought to the attention of the very policy makers, who are thus aware of acts of harassment in the workplace.

4.1.1.2 Managers Aware of Harassment Claims

When responding to whether there have been claims brought to their attention, two policy makers said they have not received any harassment claims. One of these policy makers, respondent One (1), (interviewed on 08/06/2010), even suggested that, since the scope of the research is the whole ministry, the researcher should focus on one department in particular, namely the Lesotho Institute of Public Administration and Management. The respondent said this is because it has a larger workforce than other departments and there is a lot of activity in that department. Only one policy maker said he has received harassment claims.

These answers are contradictory, even though one of the policy makers said that there is no harassment in the ministry, and she directed the researcher to LIPAM, where, of course there is a lot of harassment, as this is where the research was ultimately conducted. Policy makers are aware of harassment, but possibly because it occurs in another department, not theirs, they do not feel bothered, or they feel the codes are doing enough to combat it. One wonders whether there is really no harassment, or whether employees do not understand what harassment is, and therefore are not aware of it happening. They may be aware and are afraid of

reporting it, as explained by Pease and Pease (2002) who outlined some factors of not reporting harassment.

There is a concern that harassment is increasing at an alarming rate, and if there is no policy in place, incidents of harassment will continue with serious consequences. As explained in Chapter Two, the workplace harassment and bullying policy and procedure (2008) lists ways of dealing with harassment claims. It states that, “The organisation should provide and make accessible for all personnel relating to workplace harassment or bullying, including complaint resolution process”.

The website ‘workplaceviolencenews.com’ writes that, “There are too many reports of workplace harassment and bullying to list. It seems at least 30 per cent of managers and employees are being bullied”. This is very alarming and to hear that management has not received any claims gives cause to wonder if managers were truthful, or were trying to protect the image of their ministry. It is important for managers to make employees aware of harassment and steps that can be taken to report it. Communication plays a major role in any organisation, measures in place should be communicated to everyone, employees should be made aware of the policy when it is in place, and sensitisation should be an ongoing practice in the organisation.

4.1.1.3 Addressing Harassment Claims

Only one person had received harassment claims, which represents a third of policy makers/managers who have received these claims. It was explained that when dealing with it, the normal grievance procedure is followed, the matter is discussed, but usually no final judgement is reached as these are tricky cases. In some instances, cases die a natural death, perhaps because the victims know that not much is going to be done for their case and perpetrators will not be formally charged.

It is obvious that the absence of this policy makes life difficult for employees as not much is being done to respond to their claims. The workplace harassment and bullying policy and procedure (2008) explains what should be done when these claims are received: “on receipt of a written formal complaint and if the matter is deemed to warrant further action, the responsible Officer will appoint a person to conduct an impartial and confidential investigation of the complaint to establish the facts”.

It is clear that matters in the Ministry of the Public Service are not being dealt with in this manner, and this leaves room for perpetrators to avoid being made accountable. Formulation of a conventional harassment policy will help both the employer and the employee as the consequences of harassment are detrimental. The policy will have rules and regulations, steps that should be followed when reporting, and will also lead to having a committee that deals specifically with harassment in the workplace, assuring that all claims are dealt with without biasness.

The Department of Labour and Industries Report (2008) states that, “Employers should create a zero tolerance anti-bullying policy, and if entrenched in the organisation, bullying complaints need to be taken seriously and investigated promptly”. Harassment harms not only the victim and/or the perpetrator, it destroys the whole organisation in the long run. It can be so bad that the victim gives out important company information as he/she feels that the organisation does not care about them, and this in turn will make the organisation suffer, coupled with the smear campaign the victim will most likely be conducting outside.

The Women and Law in South Africa Research and Education Trust (2002) explains that “data has revealed that sexual violence is for different reasons reported to various structures by victims. The choice would be influenced by the circumstances surrounding a particular incident and the victim’s social and economic structures”. This means that there should be different channels available to report harassment, but these should all function the same way and not give preference to certain people over

others. Employees should be encouraged to report harassment and management should provide the platform to do that.

4.1.1.4 The Impact of Harassment on Employees

All the respondents agreed that harassment in the workplace is a breeding ground for demotivated employees. It leads to employees that are disloyal to the organisation, and who end up not sharing the same values with the organisation. The employees become demotivated, both the competent and incompetent, therefore production decreases, and those who were incompetent lose focus on their jobs even more and lack the drive to improve.

The policy makers agree that a workplace that is prone to harassment is not conducive for productivity and it is therefore important to produce a harassment-free working environment. Harassment affects not only employees, it ultimately affects the organisation as people will leave and look for better employers where they will be protected and appreciated.

The above supports what Baetz (2008) and Neuman (2000) speak about in Chapter two. The impact of harassment is negative, and any negative effect on employees lowers performance. As Neuman (2000) explains, “Each of the internal states noted previously (physical arousal, hostile thoughts, and negative affect) not only lead to aggression and bullying but decreases in human performance as well”. It is thus clear that harassment and bullying decrease performance. When the above occur, employees lose their morale and confidence, and in the end this negatively affects them and the organisation, which sometimes lead to organisations losing a lot of money. Stress levels also tend to be high and this leads to frustrated employees.

Harassment surely does not bring about happy employees and a conducive working environment, and as Viljoen (1992) puts it, “sexual

harassment certainly has negative effects on women's career development and job satisfaction. It decreases a woman's long term career and promotion prospects and should therefore be seen as an institutionalised obstacle to their career commitment".

However, Baetz (2008) and Neuman (2000) show that in having the policy in place, the workplace is more conducive, employees feel safe and are motivated to work. It is therefore important that managers and policy makers should have clear harassment policies in place in order to avoid frustrated employees.

It is not healthy for the organisation to be subjected to workplace harassment. The researcher holds the view that more sensitisation for both managers and employees should take place so as to avoid having a hostile work environment. When employees are happy and safe and trust in their organisation, they are more likely to excel in their work.

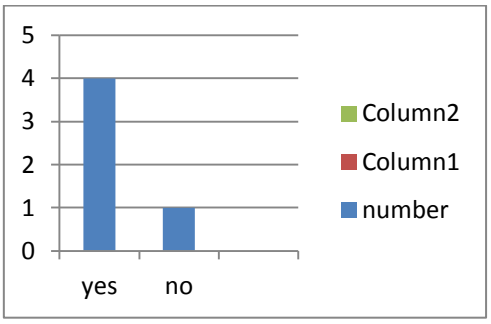
Section B

4.1.2 Employee and Researcher Perspectives

This set of questions was for employees, where a total of five employees were interviewed. These questions tried to get insight on harassment in the workplace, whether it does exist, how it makes employees feel and how they have dealt with it.

4.1.2.1 Knowing and understanding harassment

Figure 1: Knowledge of Harassment



Source: Own, 2010

Four out of five people said they knew and understood what harassment was, they even explained it as they knew it and gave examples of harassment that they know. The respondent who said she did not know nor understand was given an explanation of harassment and what it meant in this context and a few examples were given. In this context, harassment means “any verbal, written or physical behaviour or conduct that is of an offensive, threatening, intimidating, abusive or belittling nature and that is unwelcome, unreciprocated, uninvited and usually, but not always repeated” (Workplace Harassment and Bullying Policy and Procedure, 2008). Then the respondent said she had the same understanding in mind, but first wanted to be sure that she was on the same level with everyone. It can then be said all respondents knew and understood what harassment is, even though one was not sure.

There are, of course, different forms of harassment, but it was important to make sure that the respondents understood what it was and understood and knew the two that were the main focus of this research, namely sexual harassment and bullying in the workplace. Sexual harassment in this case is “persistent and unwanted sexual advances, typically in the workplace,

where the consequences of refusing are potentially very disadvantageous to the victim" (Makadzange, 2008). These advances can be verbal or in action, and the perpetrator will try by all means to show what he/she wants from the victim.

Bullying on the other hand refers to "behaviour that is directed towards personnel or a group of personnel, that is repeated and systematic, and that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten personnel to whom the behaviour is directed, creating a risk to health or safety" (Workplace Harassment and Bullying Policy and Procedure, 2008). This indicates that bullying is aimed at bringing the other person down, undermining their authority and their worth, which in turn makes other people lose respect for them.

The researcher believes that is important for employees to know and understand what harassment is, so that they can see a difference in just making harmless remarks and being spiteful. It is also important for employees to know how to spot being harassed and simply being friendly.

4.1.2.2 Knowledge of harassment policies in the Ministry

The respondents seemed very passionate when answering this question. Four said that there are no harassment policies in the Ministry of the Public Service, or the civil service as a whole. Only one said that there are policies. He said that the Codes of Good Practice of 2005 has something about harassment, even though not in broad terms. It can then be extrapolated that 20 per cent of employees sampled agree that there is a policy in place, which they say is the Codes of Good Practice (2005), even though it does not speak specifically to harassment. Eighty per cent of them say there are no policies that address harassment in the workplace.

The need for a conventional harassment policy is evident, since if only 20 per cent of employees say they are aware of and know this, then 80 per cent is unaware, which may be because it is not clearly explained. One can say policies are not there, rather the codes are there, but they may not cover the issues that harassment policies cover, and may not instil a sense of belonging in employees and a sense of security. These are things a harassment policy should do, but if it is not available, then there will inevitably be concerns.

There are different books and reports and laws that give a detailed way on how to bring about a conventional harassment policy in the workplace, and the framework given can be used and changed according to how it is going to best suit the organisation. According to Baetz *et.al.,* (2008) “researchers identify harassment codes as instruments of societal change”. Unfortunately, in this case, most of the employees do not know of any harassment policies or codes, which means that the chance of having a well-informed and responsible society is only a dream for now. Policy makers and managers still have much work to do if they want a harassment-free environment, and teaching employees about harassment is essential. If there are no harassment policies in place, there are other places one can turn to, like the organised forum, lawyers and other means (Boucher, 1992). This illustrates that even if there are no policies, when one feels that they are being violated, they can seek help from whoever they think will listen to them.

4.1.2.3 Type of Harassment Exposed to

Table 2: Harassment Type

Sexual harassment	Bullying
2	5

Source: Own, 2011

The above table shows that some of the respondents were not only exposed to one form of harassment, but multiple. All five said that they had been bullied, and by their supervisor. Another two said they were also sexually harassed. This does increase the concern, since if employees are experiencing different forms of harassment in the workplace their stress levels ultimately go up. Pontus (2011) says “structural bullying specifically involves supervisors or line managers taking actions perceived as inequitable or retaliatory involving scheduling, workload assignments or pressurising employees to not use their earned time”.

No one is immune from harassment, be it male or female, senior or junior , but some people are more prone to it than others. As Friedman, *et.al.,* (1992) puts it, “a victim of harassment can be anyone: you, I or the person next to you. The victim can be young or old, single or married, male or female”. Boucher (1992) agrees with this by saying that “women are not the only victims of sexual harassment. More and more men are being harassed in the workplace, classrooms and locker rooms. Whoever is in a position of power has the advantage. Men can be victims of male or female harassers”.

It is clear from the above that harassment is happening, and it is impossible to think that management and policy makers are not aware of this matter. One does not even want to imagine what this is doing to the employees’ morale and self-confidence. Davies (1999) agrees with the above statement in that, “sexual harassment brings into focus the helplessness of women, because they are suppressed in society”. This

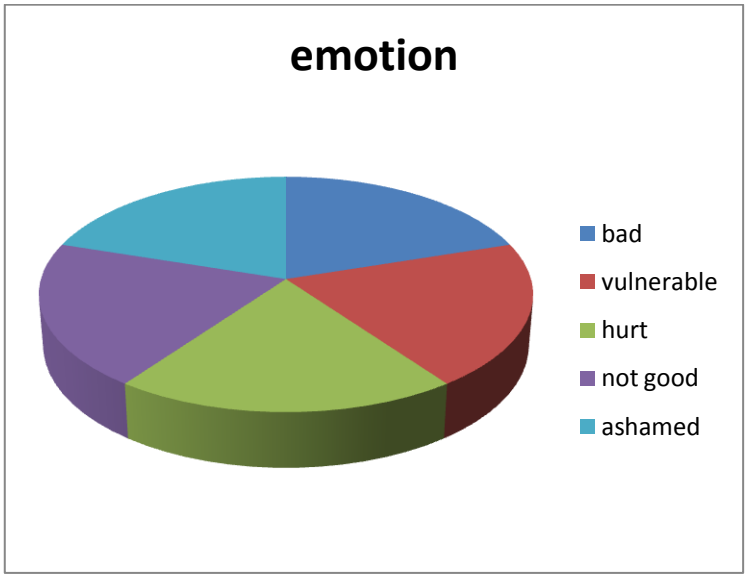
situation is not conducive to work and leads to high turn-over and demotivated employees.

The researcher can also positively say that harassment may be so entrenched that management and policy makers are so used to it that they see nothing wrong with it, not recognising it as it is happening every day. However, there will be negative consequences for the organisation as victims will find other ways of venting their frustration and anger.

The Lesotho Gender and Development Policy (2003) states that, “gender based violence is a national concern. It manifests itself in physical, psychological, verbal and sexual forms”. This indicates that violence or harassment is happening in different spheres of people’s lives, but at work is even worse as there are no policies to protect employees. Where harassment is an everyday occurrence, people lose respect for themselves and the organisation, and the workplace potentially turns into a playground run by bullies.

4.1.2.4 Feelings brought by being harassed

Figure 2: Emotion Chart



Source: Own, 2010

All the respondents answered this in their own words, but in the end they all meant one thing - bad. The fact that someone harasses them at the workplace makes them feel inferior and it angers them. One respondent said he did not take it lying down as after he was harassed, he took it back to the harasser and it made him feel good. All these answers show that the feeling that harassment leaves behind is not a good one, therefore should be avoided at all costs.

Harassment does affect employees negatively, and to think 100 per cent of the respondents have been harassed, one wonders if this means that all employees are going through some sort of harassment at work, and how this is making them feel. The feelings they experience concur with what Davies (1999) explains in chapter: “All that the victims can feel is anger and impotent rage”. One can then understand that it is not only these employees who feel angered when being harassed in the workplace, they share this emotion with many other victims in the world, the only difference

is that others may have the privilege of having policies in place so they can report harassment and have their perpetrators brought to book.

Viljoen (1992) states that “sexual harassment in the workplace causes women to feel humiliated, degraded and threatened”. This indicates that victims of harassment feel degraded, hurt and as if the organisation does not recognise them. An intervention is seriously needed as these feelings lead to actions which are detrimental to the victim, perpetrator and the organisation. Boucher (1992) observes that “in some ways though, harassment is like flu. It indicates an unseen disease (although a social one); it makes you feel awful; it disrupts your life; and you cannot be certain of avoiding it.”

The researcher believes that the feelings brought about by harassment are double-edged, where the perpetrator feels like a king, the victim like a slave. The Women and Law in South Africa Research Trust (2002) states that “the perpetrator gets sexual gratification out of humiliating and sadistically maltreating his victims”. It is appalling that some people find pleasure from hurting others, where victims are left powerless, fearful, angry and exposed. It is common understanding that people should treat others as they would like to be treated, but in the case of harassment the researcher doubts that the perpetrators would like to be victims of harassment.

4.1.2.5 Reporting Harassment

Three of the respondents said they reported harassment, while two said they do not. Respondent A (interviewed on 09/06/2010), went further to say that for a long time now it has been taken as an organisational culture that harassment exists and that leads to most cases not being reported. The ones who did not report it said it was because they did not know who to report or steps that should be followed in order to lay a charge of harassment. This indicates that the lack of policies and lack of guidelines

on what should be done when one is harassed in the workplace leads to many perpetrators going free and possibly repeating their offending behaviour.

From the above it is clear that at least some harassment cases go unreported. Unclear reporting channels make it difficult for victims to report the harassment, which means the perpetrators will again repeat the acts of hurting and humiliating the victims, either because they know they will get away with it or because they are not aware that they are committing a wrong. As mentioned in chapter two, one boy said ”if the girls do not tell them they do not like the behaviour, they will carry on with it” (Strauss and Espeland, 1992).

Some employees have reported harassment and it was up to the responsible person to make sure that the claim is followed up and that the offender is called to account. It is difficult for employees to report harassment when the system does not support them, and this shows why a larger number of harassment claims go unreported. Pease (2002), in Chapter Two, also gives reasons why some people do not report harassment.

There are a number of reasons why harassment goes unreported, but in this case, the victims said as it was their supervisor who harassed them, they felt nothing would be done since grievances are reported to their supervisors, and they do not know where to report harassment. It is clear that communication channels to employees are not open, because even though there are the Codes of Good Practice (2005), employees do not know their rights when it comes to harassment. Pease and Pease (2002) does give reasons for why harassment is not reported, including that “the victim feels helpless, hopeless and powerless and they do not trust the system”.

The researcher believes that it is important for the Ministry to encourage its employees to report harassment, because only then can something be

done to the perpetrators, and management will become aware of harassment happening in the Ministry. The reporting channels should be clear for everyone and different reporting channels should be available to all employees. Communication is always essential to dealing effectively with harassment problems.

4.1.2.6 Outcome of harassment report

All three respondents said that their cases were not solved; meaning 60 per cent of cases from sample size which were brought to the awareness of responsible people went unattended. Respondent B (interviewed on 09/06/2010), further explained that, she is yet to receive the outcome of her case, but what is evident is that victimisation is taking place after the perpetrator was brought to his supervisor. The others said their cases had just died a natural death and they lost the will to follow up on something where it was clear that no-one wanted to do anything about it.

This shows that even though some cases of harassment are being reported, nothing or very little is being done to resolve them. This can be a major factor for victims not reporting harassment in future as they know nothing will be done to solve the matter. Victimisation will be a great deterrent of reporting harassment as victims will not feel safe in the workplace because they are being harassed, and also because they are being victimised when they do report harassment.

There are ways to deal with harassment in the workplace, and employers do have to abide by these, including putting Anti-Harassment Policy, Complaints Procedure, and Distribution and Communication processes in place. (www.humanresource). The Workplace Harassment and Bullying Policy and Procedure (2008) states that “On receipt of a formal complaint, the Responsible Officer will appoint a person to conduct an impartial and confidential investigation of the complaint to establish the facts...”. It goes further to show how the investigation should be carried out and what

should be done with the perpetrator. Unfortunately, in these cases, nothing happened, and instead, victims are being victimised for reporting harassment.

The researcher is of the view that absence of the policy allows such negative events to occur, since the policy would state that victims have to be protected from victimisation and that claims should be attended to as soon as possible and be dealt with fairly. Neglecting harassment claims makes employees lose faith in the system as it does not support them, and when no-one is there to listen to employee concerns, this leads to frustrations and negativity.

4.1.2.7 Feeling safe in the workplace

Only one person from the respondents said they feel safe at work as regards harassment. The other four said they do not feel safe since, as one showed above, she is now being victimised after reporting that she is being harassed. Others feel that whoever is responsible for dealing with harassment is not protecting them as cases are not being solved, and perpetrators know that nothing will be done to them should they carry on with what they are doing. This means twenty per cent of employees feel safe in the workplace, whereas the other eighty per cent feel threatened and unsafe.

The employer is supposed to provide a safe working environment for the employees, but it is impossible to feel safe in the presence of people one does not trust. When employees are not safe, they become agitated, anxious and even believe things that are not real. Viljoen (1992) argues that, "… sexual harassment and its consequences provoke anxiety; guilt; loneliness; hatred; jealousy and confusion. The victim may feel guilt over imagined provocation of harassment; anxiety about receiving further harassment; loneliness because they have been isolated; confusion concerning the harasser's motives; hatred of the harasser and others who

express aggression; and jealousy of the harasser's succession deprived by restricting the victim's displays of competence".

When an organisation permits harassment to take place, there is really nothing victims can do about it, their safety is at stake and as Davies (1999) puts it, "when a man talks, a woman is not supposed to answer back". It is of great concern that the organisation allows this form of behaviour, since employees cannot concentrate on their job and feel insecure. This is a result of claims not being addressed and a sense that perpetrators can take revenge. Employees need to feel safe and comfortable in their workplaces so that they can excel in their work and help grow the organisation. When this is not happening, the organisation may lose valuable people and also resources, since it will have to re-train new staff.

4.1.2.8 Measures to be taken to protect employees from harassment

The four respondents gave different answers, but all supported having measures in place to combat harassment. Respondent C (interviewed on 10/06/2010), said that clear policies that will be easily understandable to all should be put in place. Respondent D concurred and wanted laws put in place. This indicates that respondents feel vulnerable, and they want something written down that everyone has access to and that can be understood by everyone and applied equally to everyone.

Respondent C (interviewed on 10/06/2010), even went on to say that everyone, even the more senior staff, should stick to their own job descriptions, and no-one should be made to do their supervisor's or managers' job. Abuse of power should never be used to make people perform jobs outside their scope of work. Respondent E said that firmness and remedial systems should be evident. No-one should be excused because of the position they hold, and all should go through the same processes and be punished in the same way.

From the above, it is clear that what is needed is a harassment policy which is firm and fair and also clear procedures that will apply to everyone. Supervisors should not be left to harass their subordinates because they are in position of power. Power and politics should not be the focus in the workplace, since all people should be empowered and made to feel equal. It is believed that strategic HR applications can be used to address these concerns and develop a policy and procedures for the company for dealing with sexual harassment, including training to ensure that all employees are familiar with the policy.

Putting in place the harassment policy is vital, and the employer can follow different approaches by different organisations. It is important for policy-makers to find a harassment policy that best suits the environment they function in. In the absence of such a policy, Pease and Pease (2002) gives steps that victims can take to protect themselves from harassment, including communicating with the harasser clearly and telling them to stop; laying detailed complaints with senior staff; or going to a person in higher authority and always keeping documentation of all incidents". The intention is that the complaint will eventually reach the highest level of management who will then take action.

There is a lot that management can do to keep their employees from harassment. Effective strategic human resources can help in drawing up a policy that is suitable for the whole organisation. Making sure that employees are aware of the policy and reminding them about their rights and what they can do in the event of harassment is important. It is also necessary for managers to realise that long term effects of harassment on employees can be damaging. Viljoen goes on to say that, "a combination of rage and guilt feelings may have long-lasting effects on the personality and psychological well-being of harassed victims".

4.1.2.9 The environment organisations without harassment policies create

Four of the respondents agreed that these organisations create an unproductive, confused and unruly workplace. The employees have no respect for their jobs, the environment is not conducive for production and therefore the company will end up running at a loss. As there will be no guidelines in terms of harassment, women mostly, as they are the ones who mostly suffer harassment, will have high stress levels and this could have a serious impact on the company.

Only one, Respondent E (interviewed on 11/06/2010), said that the organisation will create a good working environment. He said that life would be difficult with many policies around, and they will end up functioning like robots, no jokes or having a relaxed time. He said policies are good, sometimes, but when everything is governed by policies life becomes difficult. He added that at work, they all joke around and if it happens that on that particular day one is not feeling good, and they make a joke about them, they would easily be put under disciplinary action because they had harassed their fellow employee. A clear demarcation of what constitutes harassment would have to be drawn, and in this life, it is going to be difficult as the present organisational culture allows for harassment to take place, but in a light way.

However, according to *www.strategichr.com*, “Hostile environment” harassment occurs when an employee is subjected to unwelcome or unwanted sexual conduct that is sufficiently pervasive or severe to alter the terms or conditions of the employee’s employment, and such conduct unreasonably interferes with an employee’s work performance or creates an abusive, intimidating, offensive or hostile work environment”. A hostile environment leads to hostile working conditions and with these in place one can forget about positive work performance, since the environment is too tense for productivity.

It is clear that harassment makes life unbearable for victims, since they will feel they want to be somewhere else. They lose respect for both their jobs and the organisation and do whatever they want as long as it makes them feel better about themselves, and this can go as far as stealing from the company. The twenty per cent that feel harassment policies should not be there only want to be left with room to play, and do not want to be made robots, but this does not mean they want to hurt others, they only want to make life light and amusing.

An organisation is successful through the kind of staff it retains, and if harassment is high, people will leave and the organisation will suffer. As the Department of Labour and Industries Report (2008) explains, “bullies do not run good organisations; staff turnover and sick leave will be high while morale and productivity will be low. Stress, depression and physical health problems result in time away from work that is costly in terms of workers’ compensation and lost productivity”. No-one would like to work for an organisation with the above features, and even those employees left will find their way out and the organisation will fail.

4.1.2.10 Harassment Affects Employee Performance

All the five respondents agreed that harassment affects employees’ performance at work. One said if it is too intense, it has a negative impact. Others said any form at any level makes an unhappy and unproductive employee. They said the employee becomes demotivated and is not looking forward to going to work, and performance drops drastically. Respondent B referred to the ‘Baleto principle’, which is 80 per cent / 20 per cent. What this principle means is that at work, employees give 80 per cent of their time to the organisation and 20 per cent is for their own personal interests. Now, due to harassment, this shifts to 20 per cent to the organisation and 80 per cent for one’s personal interests. What this means is that the employee spends most of the organisation’s time and resources pursuing their own personal interests, and doing little for the

organisation, since if the organisation does not care about them, why should they care for it? It is clear that the organisation is going to lose a lot as its employees have shifted their loyalties - self first, then the organisation.

Harassment negatively affects employees at work, where they lose focus and as Respondent B said, they resort to the Baleto principle, which now they use in the opposite manner. When employees do not perform, the organisation loses money and its image is negatively affected. Employees no longer maintain the high standard they had for the organisation, clients leave this organisation and sometimes it ends up being closed or sold as it can no longer maintain itself. Neuman (2000), in chapter two explains "harassment causes stress, injustice and negative effect on performance". Harassment effects employees negatively and it leads to the organisation losing itself in the end, and it should thus be dealt with immediately.

Viljoen (1992) observes that, "physical symptoms like headache, nausea, weight loss or gain, and psychological reactions like insomnia, depression and nervousness are common. These reactions in turn cause loss of motivation, absenteeism, and in the end, diminished productivity as victims lose their desire and ability to work effectively". From the above it is clear that organisations clouded by harassment do not produce a conducive place to work and the employee's commitment is affected.

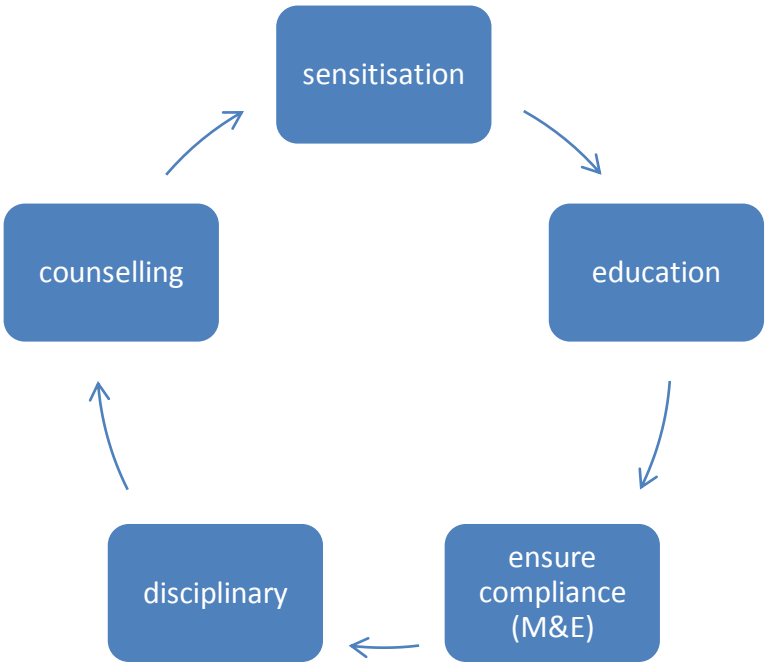
The Workplace Harassment and Bullying Procedure (2008) reads, "harassment in the workplace decreases productivity, increases absenteeism and is also against the law. For these reasons harassment will not be tolerated". The above indicates that workplace harassment is not good, since it hinders performance, it makes people sick and they absent themselves from work on a regular basis. It is therefore up to management to prevent workplace harassment so as to ensure happy, productive and committed employees. Makadzange (2008) observes that "harassment interferes with work performance; creates a hostile

environment; increases stress; instils fear and anxiety; and causes the victim to be less productive".

4.1.2.11 Reforming the Harasser

Respondents thought that the law should be enforced. In order to make sure that everyone is treated in the same way, harassment committees should be put in place, these should deal specifically with harassment cases, and no-one should be excused from them. Perpetrators must be disciplined. From what the respondents were telling the researcher, a cycle was developed that could usefully inform the processes for dealing with harassment, as presented below.

Figure 3: Combating Harassment Wheel



Source: Own, 2010

The respondents gave answers that formed the above wheel, and according to the researcher, if this is followed, harassment will be fully addressed. Sensitising people that there is harassment policy in the workplace will be the first step, then teaching them about what the policy is and what it covers, then making sure that everyone abides by it, having monitoring and evaluation mechanisms in place, disciplining those who harass others, and counselling these perpetrators as it is important to find the reason behind someone harassing their colleagues. It should, however, be noted that sensitisation should happen regularly as employees need to be made aware of their rights at work and how they are protected by the law and policies.

As explained on the strategichr.com website, “after the investigation, an employee who is found to be in violation of the company’s policy on

harassment will be subject to appropriate corrective action, up to and including termination". The employer and the team at hand for dealing with the harassment claim will choose the appropriate disciplinary action for the harasser. The researcher feels that it is important during the inquiry to find out the root cause of harassment so that it is dealt with appropriately. It is important that any psychological issues of the perpetrator that need to be attended to be not overlooked. It is better to treat the cause and not the problem as it will occur again if the cause still exists. It is relatively true that most perpetrators are male and more focus should be on men, Rhodes (1997) goes to say that: "More effort should also centre on helping men in their own stake in family, employment, and antiviolence initiatives".

It is important that counselling is provided and all situations addressed in an equal manner. This is best addressed through putting in place policies which describe in detail how the perpetrator should be dealt with, and what should be done to protect the victim. *The* victim should be informed of all processes taking place in dealing with the perpetrator. The whole process is confidential and not for public knowledge other than amongst the affected parties. According to Makadzange (2008), "there should be training to focus on sexually harassing behaviours being exhibited, this is a subtle resolution technique and it makes harassers aware of their inappropriate behaviour". This technique is meant to instil a sense of ownership of one's mistakes and avoid repeating them. He goes further to say "the administrative sanctions can be letters of admonishment and reprimand; rehabilitative transfer; negative performance administrative reduction; discharge from service; denial of certain privileges".

4.2 Summary

From the above analysis of both the policy makers and employees, it is evident that harassment does exist. To answer the main question, 'Why are there no harassment policies in the ministry of the Public Service, it is the view of the researcher that policy-makers are not aware of any harassment in the workplace, which leads to ignorance. Or, as shown above, management is not aware and supportive, and those who say harassment policies are covered in the Codes of Good Practice (2005) feel no need for an independent harassment policy. However, the reasons for such a view are unclear. It is hoped that those who admit to a lack of policy will be keen to address the lack. Since the civil service is still transforming, this provides a good opportunity for new policies to be developed and implemented.

Employees are being harassed in the workplace, but most of them are not aware of any policies in place that are meant to protect them, and remain vulnerable and less productive. Intervention from management and policy makers is needed as soon as possible to avoid further problems. Employees must feel that they are valued.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

It is clear that harassment is a highly contentious issue, and if not brought under control, it spreads with serious consequences. This study intended to establish why there are no harassment policies in the Ministry of the Public Service, since it services so many ministries and surely, in one or more of the ministries they have encountered harassment. The main questions to answer were why are there no harassment policies in the Ministry of the Public Service, and what the challenges are that employees encounter due to lack of these policies?

The researcher had hoped to plant a seed in policy makers' minds, even though the research drew only on one department - Lesotho Institute of Public Administration and Management (LIPAM). It is hoped that the policy makers were motivated to address the gaps. Regarding employees, it is the hope that employees will feel empowered to demand the implementation of a harassment policy so that they can provide a safer and conducive working environment. In conclusion, this study suggests that a nation without focus perishes.

5.1.1 Harassment in the Workplace

The Ministry of the Public Service, LIPAM, where the researcher conducted her research, is not a big department, with a staff complement of 53 employees, even though it is the highest when compared to other departments. Harassment is said to be high for such a small department. It appears that all the respondents had been harassed in one form or another, and this is continuing without offenders being taken to task. The researcher was not able to establish the exact statistics of harassment as she was not given access to the organisation's records of harassment

claims, the explanation being given that this was due to ethical reasons and implications of officers that are on high levels. Nonetheless, the researcher hopes that with the few interviews that were conducted, this has revealed the problem and will be used to promote the development of a policy to address harassment.

5.1.2 Legalities of Harassment

Harassment is an offence, even though there are no clear policies that govern it in the Ministry of the Public Service. While the Constitution and the Gazette mention sexual harassment in the Public Service in Lesotho, laws still need to be formulated because just a mention of these will not deter offenders from acts of harassment as these laws are not really read by any ordinary employees. It must also be noted that sexual harassment is not the only form of harassment. It is the up to those responsible to formulate laws and policies that protect employees in the workplace.

There are countries with harassment policies or some legal framework to govern harassment in the workplace, and it is hoped that Lesotho can learn from these countries. This study also took into consideration some ethical issues, which due to the nature of this research, could not be left out. Honesty, confidentiality and biasness were important. No biasness was evident, confidentiality was guaranteed and both interviewer and interviewees were as honest as they could be.

In conclusion, it is important for managers and policy makers to work together with their employees and see what can be done to bring about a conventional harassment policy in the workplace, since urgent action is needed. The challenges employees are facing are evident, since all of those interviewed had been harassed. Ignoring matters will not solve the problems. A policy that protects everyone is necessary.

5.2 Recommendations

This research has revealed aspects surrounding harassment, and could be used as the basis for further research into the absence of policy. It should also examine mechanisms that could be put in place in the Ministry to address issues of harassment in the future.

5.2.1 Formulation of Harassment Policy

Given the high level of harassment in the ministry, an independent policy should be drafted and effected as soon as possible. This should not be the responsibility of the Human Resource personnel, but a committee should be formed. This committee should deal specifically with harassment issues and it should draft its own rules and regulations and abide by them. Policy is available in many countries that can be drawn on and modified at low cost.

Sensitisation to the policy should take place with strong communication processes to the staff. When people know where to go to report and know that the law is on their side, they will be willing to help the organisation grow. No one should be above the law, and all perpetrators should undergo the same treatment, irrespective of gender or rank.

5.2.2 Tips for Managers

Harassment is like cancer, if not discovered early, it destroys an organisation. Managers can provide a harassment-free environment for their employees by ensuring that everybody is aware of the policy. In cases where there are no policies in place, managers can make sure that claims are dealt with using whatever mechanism there is in the workplace, as long as there is fair treatment and clear consequences where cases of harassment are identified.

5.2.3 Further study

As shown in chapter three, this study is explorative as little is known regarding the lack of harassment policies in the workplace. Further research is thus recommended. This could also be conducted by the Ministry itself as an assessment of how harassment is being addressed.

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