



## Sexual Harassment in Zimbabwe

In Zimbabwe there is a culture which we are familiar with: - we all know about walking in the street to numerous comments and sexual innuendos about one's body. "Psst psst sister, makabatana or sister sister mune zvinhu zvenyu". One thing any woman in Zimbabwe has learnt is when you hear the sound "psst psst", you do not turn because it is usually followed by unwelcome comments. We also know that ignoring may not be the end of it, it may end with denigration to raise public attention to you.

With high unemployment and fear of losing jobs, how prevalent is sexual harassment in the workplace in Zimbabwe? We often watch movies, read books, newspapers & different articles which depict sexual harassment, but do we really know what the term means? Many people and cultures view it differently. A lot of literature has often showed how prevalent sexual harassment is in Zimbabwe and other parts of the world. However, in spite of this a lot of people do not know what sexual harassment is. Sexual harassment is defined as *Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature when: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or · Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or · Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.*<sup>1</sup>

The levels of sexual harassment in Zimbabwe are not adequately known as no national research has been conducted. However, media reports suggest the levels are high. The Herald, on 9 June 2016, reported on the abuse of female employees in the banking sector at the height of retrenchment in Zimbabwe. A lot of women either had to choose abuse or lose

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<sup>1</sup> <https://www.eeoc.gov/laws/types/harassment.cfm>

their jobs, and, because of the economic challenges, many 'chose' to go through the abuse to keep their jobs.<sup>2</sup> As a follow up on the report in the Herald, *Her Zimbabwe* met with Zimbabwe Congress of trade Unions (ZCTU) and the Zimbabwe Banks & Allied Workers Union (ZIBAWU) which had made the accession of that rampant sexual harassment in the banking sector in Zimbabwe.<sup>3</sup> They reported that in their campaign against sexual harassment they realized that many employees were victims. Startling also was their admittance that they did not know what sexual harassment was and their rights. They also could not report the cases to anyone. As the report commented:

*'Out of 132 employees who were interviewed and participated in the survey, 61% were female. 31% of the women indicated that they had been victims of sexual harassment or had witnessed sexual harassment in the workplace. Out of the individuals who indicated that they had been victims of sexual harassment, only 34% had reported these cases.'*<sup>4</sup>

In another study, entitled '*Sexual Harassment in Zimbabwe workplaces*'<sup>5</sup> it was found that fourteen percent (14%) of the participants indicated that they had been sexually harassed at work. Forty-eight percent (48%) of the respondents had witnessed a colleague being sexually harassed at their workplace. Twenty-six percent (26%) of the respondents were not aware of the ways to address sexual harassment at their workplaces. Forty-three percent (43%) of the survey participants stated that they are not aware if there is a policy statement on sexual harassment at their workplaces. Seventy-five (75%) of the participants that were sexually harassed at work were females. Sixty-two percent (62%) of the participants that said the definition of sexual harassment is confusing and unclear, and are also not sure of the boundaries between sexual harassment and harmless flirting, were managerial employees. Eighty-six percent (86%) of the respondents have never received any training on sexual harassment.

The problem of sexual harassment stems from the history of our country. Zimbabwe is a patriarchal society and women are often raised to be submissive to men even in cases where

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<sup>2</sup> <http://www.herald.co.zw/latest-sexual-abuse-rampant-in-banks/>

<sup>3</sup> <http://herzimbabwe.co.zw/2016/09/women-safe-workplace/>

<sup>4</sup> Ibid.

<sup>5</sup> Sexual Harassment in Zimbabwean Workplace survey report 2016- Industrial Psychology Consultants (pvt) Ltd- [www.ipconsultants.com](http://www.ipconsultants.com) (unpublished).

they are abused. Many feel powerless to challenge things that make them feel uncomfortable. When a woman does raise issues of sexual harassment she also risks becoming the subject of scrutiny; her dressing, her conduct, her lifestyle. She is often blamed for the behaviour of the perpetrator.<sup>6</sup> So sexual harassment continues to be a problem, something that we do not talk about yet it happens in our society all the time.

The problem of non action is not necessarily the absence of the law, it is a culture of the people. So many women are afraid to report because they are afraid of the responses from work, co-workers and their own families. However, the Labour Relations Act states in section 8 states that '*An employer or, for the purpose of paragraphs (g) and (h), an employer or any other person, commits an unfair labour practice if, by act or omission, he*'

*(g)demands from any employee or prospective employee any sexual favour as a condition of*

*(i) the recruitment for employment;*

*or (ii) the creation, classification or abolition of jobs or posts;*

*or (iii) the improvement of the remuneration or other conditions of employment of the employee; or*

*(iv) the choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment;*

*or (v) the provision of facilities related to or connected with employment; or*

*(vi) any other matter related to employment;*

*or (h) engages in unwelcome sexually-determined behaviour towards any employee, whether verbal or otherwise, such as making physical contact or advances, sexually coloured remarks, or displaying pornographic materials in the workplace."*

The United Nations General Assembly Resolution 48/104, on the Declaration on the Elimination of Violence Against Women, defines violence against women to include sexual harassment, whilst the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) specifically defines what sexual harassment is while with others the language used is broad enough to cover sexual harassment. Under Article 11 (1) b of CEDAW state parties are obliged to '*take all appropriate measures to eliminate*

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<sup>6</sup> Ibid.

*discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular the right to the same employment opportunities, including the application of the same criteria for selection in matters of employment.’* The Southern African Development Community (SADC) Protocol on Gender and Development, in Article 22, requires that states parties by 2015 to: ‘...enact legislative provisions, and adopt and implement policies, strategies, and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment.’<sup>7</sup>

There is still a lot of work in Zimbabwe to ensure that culture and practise of sexual harassment is eliminated. This includes the following;

➤ **Adequate laws and enforcement:**

The law is not adequate and there is no enforcement of existing laws. For the culture of sexual harassment to change in Zimbabwe, the law has to be clear, and punitive to discourage the practise. As long as the law is lax and not enforced the culture will continue to be rampant in Zimbabwe.

➤ **Adequate policies:**

In addition to having adequate clear laws these must be followed by clear mandatory company policies of dealing with sexual harassment. It must be mandatory for every employee to go through this upon joining an organisation.

➤ **Independent complainant mechanism:**

Each company must also have an independent person who receives and investigates all complaints. This is because most victims are reluctant to go and report to someone within the company when they feel the case will not be dealt with impartially.

➤ **Research:**

There is need for more research on this issue in Zimbabwe to understand how best the law can protect victims. Without proper knowledge of the problem, there cannot be proper redress.

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<sup>7</sup> *ibid.*