



**SEXUAL HARASSMENT OF WOMEN AS A MAIN FACTOR IMPENDING ON
WOMEN'S CAREER
THE STUDY OF CURRENT SITUATION IN ARMENIA**

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Introduction

Social attention towards sexual harassment as a form of gender discrimination was raised in 90's throughout the world and especially in the USA. At that time surveys and researches on this issue were largely promoted. Men, just like women, are subjected to sexual harassment at the workplace. However, the research works conducted in the USA and some European countries testify that women are more at risk than men. According the research data the risk groups include young, divorced and migrant women whose need for a job is greater.

Gender issues at the workplace, sexual harassment issues are scarcely studied in RA. Nevertheless there are social stereotypes concerning professional success of female employees on one hand, and information gap concerning the extend level of the phenomenon and the evidence on the other hand. Successful female professionals are often stigmatized as women of low moral principles.

Armenia is often described as a conservative society with deeply rooted gender stereotypes. There is a covert discrimination against women, as well as tolerance towards various forms of gender-based violence. As a result women are ashamed to speak out about sexual harassment at the workplace and they do not apply to the relevant authorities, as well as do not speak about it to their relatives and friends. They believe that it's a shame to talk about it because it's more woman's fault that such an event occurred than the man's. Shame, fear, guilt, potential and existing threats for the loss of employment, fear of being rejected or labeled as "immoral" by society makes women silent on the issue. In the case of sexual harassment society puts more blame on women than that of encroachment performer. Women's silence about sexual harassment at the workplace in some cases is due to low level of awareness; many women often do not realize that they are subjected to sexual harassment, not noticing some hints, jokes, opinions, or compliments' contexts. As a result such cases stay latent and in order to get an accurate picture of the issue additional studies are needed.

The socio-economic situation in Armenia, mass unemployment, illegal migration, women's socio-economic dependency, unsolved domestic problems, women's endeavor in the professional sphere, as well as government agencies and civil society uncoordinated actions and imperfect legal field, all are not only linked to the problem, but often are contributing factors.

Even though there are laws and norms regulating sexual harassment, lots of problems are caused by low level of awareness on laws and rights, as well as on the implementation of them.

The Specific aims of this study are:

1. To study the current situation in Armenia on sexual harassment in the workplace
2. To study the behavioral characteristics of women who work under the risk of sexual harassment at their workplaces in RA
3. To find out the most risky fields where women are exposed to sexual harassment in RA
4. To identify the types of sexual harassment at the workplace in RA
5. To identify the employers' employment promotion mechanisms for women in RA
6. To study the public attitude to the sexual harassment in the workplace and its impact on the perception of women in business and women employment promotion
7. To study the nature of sexual harassment towards women in the workplace, its prevalence and the level of Armenian public awareness about the prevention of it.
8. Based on the results of the research to come up with an effective public policy on the sexual harassment at the workplace, with a proposal for raising awareness among public and vulnerable, risky groups.

Methodology

The following definition of Sexual harassment is being used in the frame of the Project. Sexual harassment is the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands, unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature that tends to create a hostile or offensive work environment. The parties of harassment may be either employers or collaborators.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment¹.

To study sexual harassment situation in RA, qualitative research was conducted, as the latter aims to explore the respondents' life experiences in the certain segment, relying on semantic interpretations of the phenomenon.

¹ <http://legal-dictionary.thefreedictionary.com/sexual%20harassment>

In-depth Interviews with women representatives of risk group professions helped to uncover and describe different forms of implicit and explicit sexual harassment, the prevalence of different forms of sexual harassment in different employment areas (18 women from different age groups (18-30, 31-45, 46 and higher age groups) and of different educational status, 6 in-depth interviews with women will be conducted in each of the sampled regions, covering different employment sectors).

In-depth interviews with employers will provided the information on the employers' party, their awareness on the issue and readiness to collaborate in terms of elimination of sexual harassment at workplaces (6 Employers representing different most risky in terms of Sexual Harassment employment sectors).

Expert interviews helped to understand the current situation with sexual harassment on legislative, media and civil society levels. The information gathered throughout the Expert Interviews helped to develop the Research based Policy and the Recommendations (6 experts: 2 lawyers, 2 journalists and 2 NGO representatives).

Focus groups with women provided the information on social attitude to the problem of Sexual Harassment, as well as the level of tolerance towards the victims and perpetrators.

The sampling included the following regions: Yerevan, as a capital city, Gegharkunik marz/region, as a traditional and patriarchal region, with high level of gender discrimination, Armavir marz/region, as a nearby and in terms of research problem representative region in RA.

Legislation Analysis of Referring Documents

The gender expertise of legislation was conducted during first Project stage. The norms and regulations concerning the men and women behavior at the workplace and the appropriate punishment were revised. The following articles were spotlighted:

- Article 6 of Constitution of the Republic of Armenia,
- Article 3 of Labor Code of the Republic of Armenia,
- Article 113 of the Criminal Code of the Republic of Armenia,

- Article 138 of the Criminal Code of the Republic of Armenia,
- Article 139 of the Criminal Code of the Republic of Armenia,
- Article 140 of the Criminal Code of the Republic of Armenia,
- Law on the Provision of equal rights and equal opportunities for men and women (2013).

The following documents were analyzed:

- The universal declaration of human rights,
- Convention on the Elimination of all forms of discrimination against women,
- Declaration on the Elimination of Violence against Women,
- European Social Charter.

The content analysis of the documents allows us to make the following conclusion:

The current Civic Code of the Republic of Armenia does not provide compensation for humiliation, moral damage and abasement. The Labor Code of the Republic of Armenia does not provide liability for the employers in case of not taking measures against workplace sexual harassment, aimed to prevent and punish in cases of performance. The victim is defenseless even within the frames of criminal department. Hence if the victim of sexual harassment approaches the Police department for emergency response the chances of the declaration of a criminal case are very low as the absence of crime case does not assume criminal liability. The actor himself won't be accused within the terms of administrative liability because the Legislation of Republic of Armenia does not define administrative offense as such. At the same time it is remarkable that there are currently running legislative initiatives towards this issue. The law referring to domestic violence has undergone through significant changes. The National Referral Procedure of the victims of domestic and sexual violence is in process. In 2013 there have been changes in the Chapter 18 of the Criminal Code, Articles 131-142 relating to sexual offenses.

Review and Analysis of Publications on Harassment Issue in Armenian Electronic Media

In the scope of these research online Armenian media monitoring has been held. Articles related to the harassment issue, published from 1.01.2013 to 11.08.2014, were detected and analysed as study material for the monitoring of harassment cases and its reflection in media.

The study showed that online media coverage of the sexual harassment towards women by employers or collaborators in Armenia is rarely met. During the monitoring we have come across only two articles concerning the sexual harassment towards women at the workplace. Media highlighted both incidents in 2013. Yet there were several dozens of articles on gender discrimination.

Nevertheless the rare publications about harassment do not speak about the absence of the phenomenon. The reasons for insufficient coverage of the harassment issue in media are different. On the victims' level the reason may be shy, the fear of being defamed or losing the job. On the media level the reason may be the lack of knowledge and skills to detect and spotlight the harassment issue, as well as lack of journalist's awareness on harassment and attitude towards the problem.

The Vulnerable Groups in Terms of Labor Market Gender Discrimination and Sexual Coercion

The research work allows segregating certain factors contributing in labor market gender discrimination and sexual coercion. According to experts estimates in Armenian labor market the vulnerable group consists of women over the age 40. The risk of sexual harassment in labor market is especially high in areas where the number of unregistered workers is higher because registered workers are protected by the law. The risk is also high among young, new entrants as well as among experienced employees with secondary educational level who realize that won't get another job offer in the field.

The Issue of the Disclosure of Sexual Harassment towards Women

The cases of sexual harassment towards women at the workplace in RA aren't being revealed. The victim is afraid of losing her job as well as of public opinion or stigmatization. Also the fact that it is hard to clearly distinguish the cases of sexual harassment prevents the disclosure of the cases. Based on the cultural context it is hard to distinguish compliments from humiliating comments and offensive words. Also the absence of evidences prevents the disclosure of the cases. Coercion often does not have any material proofs. There are no financial implications, there is no evidence neither there are witnesses.

There is a lack of legal awareness and a low rate of legal culture in RA. People aren't aware of their rights and freedoms which makes it hard to detect the problem.

Even in case of the appearance of detection mechanisms it is possible to have statistic data regarding women who lost their job because of being victims of sexual harassment.

Meanwhile there is no data about women who are forced to continue working.

Gender Stereotypes Promoting Workplace Sexual Harassment towards Women

Experts believe that the main factors shaping the gender relations in today's labor market of the Republic of Armenia include gender stereotypes and prejudices referring to the role of women in society.

Thereby,

- Gender socialization encourages men to express their sexual favors.
- The most important roles of a woman in Armenian society are marriage and motherhood.
- A woman that has well-developed professional skills and has reached success in her career is usually linked with a man's sponsorship as prerequisite of the success.
- The responsibility for workplace sexual harassment is attributed to the victim, the woman.
- The significance of men's role in Armenian society is more valuable than women's.

The Reasons of Sexual Harassment

Summarizing the results of the study we come to the following reasons of sexual harassment:

- Legislative gaps
- The lack of quick response mechanisms
- The lack of women's protection mechanisms
- Gender stereotypes
- Society's permissive attitude toward the phenomenon
- Masculine model of gender socialization in society
- Low level of women's awareness of their rights and the existing protection mechanisms
- Low level of employer's awareness of their rights and the existing protection mechanisms.
- High rate of unemployment and lack of jobs.
- Unregistered workers

Gender Based Labor Division

Interviewed employers mentioned that a main factor conditioning the decision making regarding to job acceptance or progression in the field is professional qualification. Although the distribution of job responsibilities of men and women isn't formally documented in labor market responsibilities are

clearly distributed between men and women. As the survey data shows the process of professional orientation, which is carried out in the family contains elements of gender discrimination. However interviewed employers didn't mention any demands on candidates for the job. However for job positions such as director's assistant or clerk, they prefer hiring women explaining that such positions are more suitable for women. Employers also referred to the issue of stigmatization of certain professions in our society. Also they noted that the family or husband can prevent the career development of a woman.

Conversely the majority of women prefer to work with male superiors, considering that men are more malleable than women. However the opinion of women about the gender discrimination occurring in the workplace isn't definite.

The Right to Equal Wage of Male and Female Employers

The legislation is abolishing wage disparity based on sex. The difference of the amount of the wage can only be based on the experience of the employers and not their sex. But in 2013, according to statistical data, the average salary for women was lower than men's average salary, ranging correspondingly 114 328 AMD compared to men's AMD 174 283, and that is due to the gender division, gender segregation.

The Examples of Sexual Harassment towards Women

There have been recruited cases of sexual harassment victims of which either the respondents or their family members. Such cases were described by the following situations:

- Too much/unwanted attention shown by men
- Verbal conduct including comments, jokes and anecdotes with sexual content
- Performance of sexual acts
- Unwelcomed Sexual advances and demands of sexual favors

Reccomentations

Within the frame of the comprehensive study of the topic of "sexual harassment towards women", the main focus is on the way it is affecting women's professional career. From this perspective the effects of sexual harassment have the following manifestations:

- Legal - when the constitutional principle of gender equality is violated
- Social - when a woman is forced to reckon with the stereotyped perceptions of professional development opportunities and suffers of harassment being forced to leave or change her workplace.
- Psychological - including personal anguish, humiliation, alienation and feeling of guilt.

The necessity of legislative initiatives is linked to the struggle against the aforementioned problems as well as the combination of law enforcement experience, public awareness and explanatory campaigns. The above mentioned issues assume different forms of solutions and concrete steps directed to it:

➡ **Improvement of the Legislative Forms referring to Gender Discrimination and Sexual Assault**

The UN Convention on Elimination of All Forms of Discrimination against Women, as well as the Beijing 4th World Conference /1995t./ recommendations, the Council of Europe Committee on Equal Opportunities for Women and Men as well as the requirements of the documents of the UN Millennium Declaration and requirements of other international Commitments. Since 1998 the fight against gender discrimination is constantly being on the focus of the government and due to that a respected number of programs has been developed and implemented. Due to the aid of International organizations, non-governmental organizations a series of workshops have been conducted regarding to Violence Prevention and Protection of Victims of Sexual Harassment. However it is necessary to take preventive measures such as:

- ✓ Definition "sexual harassment" as well as fixation and criminalization.
- ✓ Applying sanctions against those who were engaged in sexual harassment, considering the severity of the offense, applying non-custodial penalties, fines, removal from office, prohibiting professional activity, etc.
- ✓ Cultivation and provision of implementing the mechanisms of law referring to workplace sexual harassment and gender discrimination

➡ **Raising Social Awareness on Human Rights and Responsibilities**

- ✓ Notifying men and women as well as organizing public discussions about the equal opportunities of men and women in political, social and professional areas guaranteed by the law.
- ✓ Organizing informative campaigns aimed to raise awareness of legislative policies and employees rights.
- ✓ Raising public awareness regarding cases of sexual harassment and possible ways of overcoming them through presentation of success stories.
- ✓ Moderating negative stereotypes forming public opinion by presenting success stories regarding the progress of women in the labor market and their career growth.

➡ **Psychological Support and Counseling**

- ✓ Management of support hotlines for women subjected to sexual harassment at the workplace
- ✓ Provision of psychosocial support (possibly including psychologist in the organizations' staff) aimed to prevent workplace sexual harassment
- ✓ Organizing psychological sessions for actual victims as well as potential victims of sexual harassment.

Considering the existing gaps in the legislative forms of RA as well as the specifics of the national-cultural perspectives, the level of the latency and the tabooing of the issue (the change of which requires much more time and resource) we believe that it is more effective to take preventative measures against sexual harassment. First and foremost, officially (according to the government's decision) oblige employers to include thesis regarding the disclosure and the punishment procedures (if such cases take place) and the prevention of sexual harassment in the regulations governing labor relations, including:

- ✓ A written statement by the employer aimed to prevent any form of sexual harassment, which can act as a separate document or incorporate with the ethics code of the organization (if there is such)
- ✓ Regularly organizing informative sessions by the HR department for new and older employers to inform them about the labor relation ethics and principles
- ✓ Determination of administrative and disciplinary sanctions for sexual harassment cases
- ✓ Developing the procedures of the enforcement of the mentioned sanctions
- ✓ Reforming policies and principles regarding the responsible collegial body / committee operations regarding the decision-making as well as sanctioning processes carried out in cases of sexual harassment investigations.
- ✓ Provide the accessibility to the harassment prevention and regulation system in the workplace including HR and psychologist who are authorized for the adoption and management of the relevant information and complaints (in oral or written forms) as well as responsible for the privacy commitment.
- ✓ Providing legal social and psychological support to victims of sexual harassment maintaining and ensuring their security and anonymity.