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# IMPLEMENTING SEXUAL HARASSMENT POLICIES IN ORGANISATIONS IN GHANA: ANALYSIS OF STAKEHOLDER INTERVIEWS

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## ABSTRACT

**Purpose:** The purpose of this case study is to describe issues of stepping up adoption and effective implementation of sexual harassment policy at the organisational level for experts in Accra, Ghana.

**Background:** Sexual Harassment at work is an identifiable occupational, safety and health hazard. Incidence is high especially among women. The health repercussion not only affects the well-being of the victims but also families, workplace productivity and the society at large making it a major Public Health concern. The need to adopt and implement a comprehensive sexual harassment policy at the organisational level has been identified as a crucial solution to combat the problem. However, that has not been attained in spite of legislation, provisions, and on-going advocacy for that purpose.

**Methodology:** Semi-structured guideline based interviews were conducted with 13 key experts and stakeholders in Ghana in spring 2013. The generated data was analysed within the framework of qualitative content analysis.

**Results:** Findings show that comprehensive sexual harassment policies do not exist in organisations in Ghana. What exist are scanty clauses, organizational codes, etc. that do not amount to a comprehensive sexual harassment policy. Two major reasons accounts for this include: victims' reluctance to report sexual harassment cases and employers' limited knowledge of the vicarious liabilities the labour law puts on them. As a result, sexual harassment has not been seen as a problem by employers and other institutional stakeholders. Relevant state institutions have not acted effectively to ensure enforcement of sexual harassment policies in the organizational levels. The responsibility of enforcement of sexual harassment policies at the enterprise level to great extent rests on the state institutions and not just employers.

**Conclusion:** The study concludes that there is need for the development of comprehensive sexual harassment policies in all organizations. Furthermore, these policies and the procedures for redressing sexual harassment violations need to be popularized or clearly made known to all organizational personnel. This can be achieved with collaborative effort of appropriate state institutions, civil society organizations and employers.

**Keywords:** Sexual harassment policy, workplace, policy making procedure, enforcement

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## LIST OF ABBREVIATIONS

AU	African Union
CHRC	Canadian Human Right Commission
CHRAJ	Commission on Human Right and Administrative Justice
CEDAW	Convention on Elimination of Discrimination against Women
CSO	Civil Society Organisations
DOVVSU	Domestic Violence and Victim support Unit
DVA	Domestic Violence Act
EEOC	Equal Employment Opportunity Commission
GBV	Gender Based Violence
GEA	Ghana Employers Association
HRM	Human Resource Manager(s)
HR	Human Rights
ILO	International Labour Organisation
IP	Interview Partner(s)
ITUC	International Trade Union Confederation
LA	Labour Act
LD	Labour Department
MDG	Millennium Development Goal
MOWAC	Ministry of Women and Children’s Affair
NLC	National Labour Commission
NEPAD	New Partnership for Africa’s Development
OSH	Occupational Safety and Health
PH	Public Health
QCA	Qualitative Content Analysis
QDA	Qualitative Data Analysis
QRM	Qualitative Research Method
SDH	Social Determinants of Health
SH	Sexual Harassment
SHW	Sexual Harassment at work

SHP	Sexual Harassment Policy
SDGEA	Solemn Declaration on Gender Equality in Africa
TU	Trade Union
UN	United Nations
UNDFW	United Nations Develop Funds for Women
VAW	Violence against Women
WHO	World Health Organisation
WHP	Workplace Health Promotion/Programmes
WR	Women's Rights

## CHAPTER ONE: GENERAL INTRODUCTION TO THE STUDY

“Sexual harassment is a hazard encountered in workplaces across the world that reduces the quality of working life, jeopardizes the well-being of women and men, undermines gender equality and imposes costs on firms and organizations. For the International Labour Organization, workplace sexual harassment is a barrier towards its primary goal of promoting decent working conditions for all workers.”

François Eyraud, ILO, 2005

### 1.1. Introduction

Sexual Harassment at work (SHW) is a significant Occupational Safety and Health (OSH) problem in both developed and developing countries and affects both employers and employees alike (ILO, 2011a; 2005; 2004). The International Labour Organization (ILO) that deals with labour condition and standards in many countries, considers Sexual Harassment (SH) as a form of Violence against Women (VAW) which violates not only worker's rights and dignity, and the Human Rights (HR) law and freedom (ITUC, 2008) but also poses a health and security challenge because it produces insecurities on the lives of women (who are mostly affected) and their families (Alaga, 2011 p. 3). SHW is also considered unlawful under the ILO Sex Discrimination Act. It is a gender based discrimination that occurs and takes place not only in the work environment but also in extensions of workplaces such as conferences, commuting environments or after work socialisation (EOC, 2006). Generally, more female workers are subjected to SHW directly or indirectly and, are affected by either obvious or subtle harassing behaviours of usually male working colleagues or managers. Victims suffer silently the pain and cost of being exploited, blackmailed, and disrespected. Perpetuation of SHW therefore counteracts employers' efforts to promote gender mainstreaming which promotes the economic empowerment of women as the basis for development and gender equality (ILO, 2011a). According to Brandt and Too as cited in Britwum and Anokye (2006, p.1) the impact of SH is known to create a hostile and demeaning work environment that infringes on Women's Rights (WR). SHW violates the numerous international instruments designed to stamp it out of the

workplace. These instruments include the ILO Convention 111 against 'Discrimination in employment', the United Nations Convention on the 'Elimination of All Forms of Discrimination Against Women' (CEDAW), the Beijing Declaration and Programme for Action (1995) and at the regional level the European Union's (EU) 1991 'Code of Practice' (2002), the 'Inter-American Convention on VAW (ITUC, 2008, p. 6), and the Caribbean Community (CARICOM) model legislation on SH 1991 (McCann, 2005, p. 9). At the African regional level SH is mentioned in the African Union (AU) Gender policy which is a collective instrument made up of the AU Constitutive Act (Article 4L), the Protocol on the Rights of Women in Africa, the Solemn Declaration on Gender Equality in Africa (SDGGEA), and the New Partnership for Africa's Development (NEPAD) framework (AU, a p. 1). A working environment free of SH is essential for promoting the health of both men and women and a pathway to achieving the Millennium Development Goal 3 (MDG) of promoting gender equality and empowerment of women" (UN, 2000). In order to make conventions and treaties meaningful governments are required to enact national laws and policies and take steps to implement them at the organizational levels (ILO, 2004; 2011a).

Although almost all countries in Africa including Ghana have ratified various international instruments mentioned above they have no specific national legislation on SH (UN, 2003). In Ghana anecdotal evidence indicate SH policies do not exist and if they exist at all are not being implemented at the workplaces. It is not surprising that Andoh (2001) and Britwum and Anokye (2006) have reported that sexual harassment remains a widespread and underestimated phenomenon in Ghana. If this is the situation then it is pertinent to ask if there are any sexual harassment policies at the workplaces at all in Ghana and what the level of their implementation is. The focus on the workplace is based on the notion that the workplace is an arena that non-occupational lifestyle factors that affect the general population. The world of work is made up of a significant number of the general population whose chances of getting employment and sustaining it, getting promotion, rewards and sanctions are likely to be affected or compromised by the sexual harassments. The Workplace constitutes a central point for promoting workers' rights and dignity, and securing the well-being co-workers, their families, the employer, and increased productivity and free society from discrimination (Aw, Whitaker & Harrington 2006, p.232; ILO, 2003 pp. 2-3).

## 1.2. Motivation of Study

The motivation for this study stems from two main considerations. Firstly, my Master of Public Health training coupled with my Sociology background and personal experiences and interest in gender issues confirmed my choice of the topic. During my MPH course, I developed more interest in and a better understanding of the principles of social determinants of health (SDH) which is generally understood as the conditions in which people live and work, age that affect their opportunities to lead healthy lives and achievements of wellbeing. Such societal conditions encompass among others social, cultural and political SDH which are unfair and avoidable (WHO, 2005). I see the workplace free of SH as a place where some of these conditions noted above can be achieved. Secondly is my own experience from Ghana. I have schooled and worked in many organizations in Ghana and have throughout those years been privy to private conversations from colleagues and students as well as discussions in the media about the existence of SH in many formal organizations and institutions, but many times unlike rape, the harassment issues are trivialized really not pursued or formally reported to be addressed. Consequently it seems, many victims suffer in silence and one wonders whether anti-sexual harassment policies exist in organizations and institutions in Ghana and if they exist, how are they implemented or what is level of commitment or the challenges involved, hence my interest in this study

## 1.3. Problem Statement

Ghana is one country in Africa that is perceived in the international arena as a steadily developing democracy. Since the restoration of multi-party democracy in 1993, Ghana has continuously held on to multi-party democracy. Ghana has a HR based Constitution, and HR institutions such as Commission for Human Rights and Justice (CHRAJ) to examine HR abuses and make recommendations for their correction. Ghana is also a signatory to number of international HR treaties and continental (AU) conventions and protocols. Yet as stated in the motivation section, SH problem and issues continue to dent Ghana's image as a democratic country with Rule of Law. If SHW continues to plague the Ghanaian society and workplaces in particular, how can Ghana ensure the rights, health and safety of its citizens in work organizations and also ensure increased organizational productivity. A number of researches on

SH in Ghana suggest that the phenomenon widespread but under-reported (see Andoh, 2001; Bortei Doku-Aryetey, 2004; Britwum & Anokye, 2006; Norman, Aikins & Binka, 2013). Many reasons are adduced for this: the lack of unemployment that forces victims to keep silent, the difficulty of assembling evidence, etc. with few studies asking whether there exist comprehensive SHP in the first place, that are popularized and implemented to help define what constitutes SH and how all those affected by it are supposed to deal with it in organizational set ups in Ghana. The study hence seeks to investigate the level of awareness and implementation of SHPs in organizations in Ghana.

#### **1.4. Research Question**

The main research question for this study is: *what is the nature and level of implementing of sexual harassment policies in the workplace in Ghana?*

The following further sub-questions are pursued to answer this question:

- 1) What kinds of SH policies exist in Ghana?
- 2) What are the organisational sexual harassment policy making procedures?
- 3) What is the level of commitment to implementing SH policies?
- 4) What challenges are faced in terms of implementation of SH policy?

The main goal of this study is illuminate the nature and level of commitment of organizations and institutions to fighting SH. It is hoped that relevant recommendations for what can be done to step up adoption and effective implementation of SH policies in Ghana can be made.

#### **1.5. Significance of Study**

Organisations in Ghana are guided by law to ensure the safety and health of all their employees. Therefore they have a mandatory role to deal appropriately with or prevent the occurrence of SHW. The study is intended to analyse challenges of stakeholders and to identify their roles and various regulatory frameworks that can contribute to organisations adopting and implementing comprehensive SH policies. The findings of the study will contribute to informing stakeholders on adopting SH policies and the kind of policy making procedure to adopt.

## 1.6. Sources of Data

The study used both primary and secondary data. Main sources of primary data were interviews from the field with experts and various documents such as policies, legislative acts, conventions and frameworks.

With regards to the field data researcher travelled to Ghana to interview two groups of people. One group made up of Ghanaian experts who are responsible for implementation and the other, HRMs who are at the grassroots where action should take place. Being a Ghanaian and having lived and worked in Ghana until I left for Hamburg for my study I was able to arrange for the HRMs through my personal contacts. My initial intention was to interview four HRMs from different organisation and three other responding institutions. However, upon arrival as the interviews proceeded, the responses that I gathered drew my attention to the overwhelming amount of people I could interview. I eventually had to increase my sample size to 13 respondents that I could manage.

Concerning the secondary sources, an extensive online literature review was conducted to find appropriate articles and publications relating to SHW policy implementation and health impact. The electronic databases PubMed and Google Scholar were the search engines using the key phrase “sexual harassment” and permuting with other words such as: policies, workplace, health impact, intervention, Ghana, Africa and international. WHO, UN, ILO, UNIFEM publications were also used. At the international level documents and policies reviewed include the ILO laws on discrimination, occupational safety and health, the WHO framework for health promotion and the UN’s Millennium Development Goals (MGD) In addition, on Ghana, the 1992 Constitution, the labour Act, the gender policy, the Domestic Violence Act 2007, and three selected SH publications exclusively on Ghana were reviewed.

## 1.7. Outline of the Study

The thesis is organised into six main chapters. The first chapter deals with the general overview of the topic while introducing the problem statement, research questions and significance of the study. The second chapter deals with the background of the study which highlights the definition, prevalence, reason for occurrence, effects and profile of SH, as well as legal provisions and policies on SH in Ghana. Chapter three depicts the methodology. It gives detailed accounts on

the empirical research process from the point of selection of interview partners, methods of data collection, expert interviews, and qualitative content analysis. Chapter four provides the main findings of the interviews while Chapter five discusses the findings of the results. Consequently, Chapter six concludes the work, it summarizes the work, limitations of the study and makes relevant recommendations.



## CHAPTER TWO: BACKGROUND of SEXUAL HARASSMENT IN THE WORKPLACE

The literature review analyses SH policies, provisions and legal framework within the international and national level context. It also focuses on the definition and impact of SH.

### 2.1. Definition of Sexual Harassment (SH)

SH as a concept has no single definition. Many similar views and perceptions exist on what constitutes SH. For example according to the United Nations Development Fund for Women (UNDFW, a) the phrase “Sexual Harassment” in its widest sense refers to: *“Unwelcome or unwanted verbal, non-verbal, physical or visual conduct based on sex or of a sexual nature; the acceptance or rejection of which affects an individual's employment”*.

The ILO in its Circular no. 2 534 which defines SHW as:

*“Any unwanted conduct of a sexual nature in the workplace or in connection with work, which, in the reasonable perception of the person concerned, is: (a) used as a basis for a decision which affects that person’s employment or professional situation; or (b) creates an intimidating, hostile or humiliating work environment for that person...”*

These definitions show clearly that the concept is so broad and subjective and for that matter underlying conditions to fulfil SH might differ from culture to culture. SH generally consists of unwelcome and unwanted sexual conduct by the recipient which makes the definition universal and applicable. It encompasses physical, verbal or non-verbal acts of sexual nature which are offensive to the person being harassed. In order to remove the subjectivity the International Trade Union Congress ITUC has come out with some indicators that need to be fulfilled for SHW to be said to have taken place. The examples of those conditions include:

- 1) **Physical:** Touching, pinching, stroking, squeezing, or brushing against someone, leering or ogling, making homophobic comments and sexually suggestive signals, winking, sending unwanted e-mails, text messages, posting sexually-explicit jokes on an office intranet, unnecessary physical contact and touching, physical assault.

- 2) **Verbal:** Making sexual comments or innuendos, telling sexual jokes, or asking about sexual fantasies, making insults based on a person's sex or rating their sexuality, turning work discussions to sexual topics, requests for sexual favours often related to promotion.
- 3) **Non-verbal:** Displaying pictures, calendars, PC desktop, wallpaper or other sexually explicit material, sending anonymous letters, whistling behind others,
- 4) **Others:** Forcing women to work unsociable hours. (ITUC, 2008, p.3)

### **Categories of Sexual Harassment**

Two distinct categories of SH are identified by McCann (2005 p. 18); "Quid Pro Quo" and "Hostile work environment."

- **"Quid pro quo"** takes place when a job benefit such as a pay increment, a promotion, or continuing employment is made conditional on the victim succumbing to demands to engage in some form of sexual behaviour. It compels an employee to choose between giving in to sexual demands or lose job benefit. This type of SH amounts to abuse of authority by employers or employees in higher positions because, it is committed by someone who wields authority.
- **"Hostile working environment"** relates to conduct that creates a working environment which is unwelcoming and offensive to the victim. It encompasses the range of sexually harassing behaviour like sex-based comments, disparaging remarks about the sex of the target, insinuations, the display of sexually suggestive or explicit material etc.

### **2.2. Manifestation of Prevalence of Sexual Harassment**

Research has consistently found that generally prevalence rates are higher among men sexually harassing women, although it has been a new and increasing phenomenon that men also sexually harass men. ILO (2011a, p. 27) data shows an increasing trend of SH incidence across the world, in the European Union (EU) between 40-50%; in Asia-pacific 30-40 % a prevalence rate has been reported by women. In Ghana Andoh (2001) indicates approximately 74% of female and 42% of male employees respectively experience SH within their working environment. A study conducted by AWLA (2003 as cited in Britwum and Anokye, 2006, p. 27) reveals 63% prevalence among women either at workplace or within educational institutions. A one year study in Ethiopia found the incidence to be about 47% among women (Marshal et al, 2009). A

cross sectional study in India reveals a prevalence rate of 22% of SH in general, out of which 48% happened within the first year of employment (Unnikrishna, et al, 2010), a situation which is also true for Ghana (Andoh, *ibid*). In the US for instance the prevalence of SH is also manifested through the rising number of complaints and law suits. According to Katz (2005 as cited in Kane-Urrabazo, 2007, p) in the US about 15,000 SH claims are filed with the US Equal Employment Opportunity Commission (EEOC) yearly. In the case of men reporting SH, the US EEOC reports an increment of 4% between 1999 and 2009 (ILO, 2011a, p. 27).

### **2.3. Effects of Sexual Harassment**

SH affects not only the victim and the family but also the enterprise and the society at large.

#### **2.3.1. Impact of Sexual Harassment on Victim**

The impact of SH on the victim does not only affect the physical health but also the wellbeing. SH victims suffer during the occurrence of the act and after decision to take action against the perpetrator (Haspel et al., 2001 pp.30-31). SH leads to anger, irritation and powerlessness which have been found to be risk factors for stress-related illnesses, high blood pressure and depression (McCann, 2005, pp. 5-6). Research on health impact of SH has increased in recent times and continues to find a crucial link between SH and health. Several negative health consequences are associated with SHW making it a major global PH emergency at international and national level. SH is an important cause of both mental and physical negative health effects on the victims. It is also recognized as a social problem (Kalof, Eby, Matheson & Kroska p. 283) which is an important determinant of health responsible for health inequities, and poverty, disempowerment of women, or women experiencing a “glass ceiling” effect when undertaking efforts of professional promotion. Marsh et al. (2009) found a positive correlation between SH and symptoms of depression. A study by Brown et al, (2011) also reveals that general workplace harassment (GWH), SH and job threat and pressure (JTP) are strongly associated with an increased risk of occupational injuries, illness and assault. These suggest that a hostile psychosocial environment which includes aggressive and destructive acts causes emotional and mental stress. A 10 year longitudinal study by McGindley et al. (2011) reveals predicted harmful drinking and women in particular are at a greater risk of alcohol misuse and interpersonal violence acting as a catalyst for each other. The WHO categorises SH as interpersonal violence

which is a global PH challenge (WHO, n.d.). In a recent study Stock and Tissot (2012) report a significant association between neck pains and various interpersonal stressors which include unwanted sexual attention. Howard (2007, p. 13) also noted that nine out of every 10 sexually harassed women suffer from debilitating stress reaction including depression, headaches and other physical symptoms. Further research Norman et al. (2013) suggests that physical injury, psychological trauma, depression and anxiety and loss of trust in authority as health effects on victims. In addition, cultural norms put extra burden on SH victims when they report their ordeals. The victims face labelling and victimization, further harassment threats or trivialization of the case resulting in denial of justice or the hassle of going through legal system and in some cases termination of employment (McCann, 2001; Andoh, 2001; Britwum & Anokye, 2006).

### **2.3.2. Impact of Sexual Harassment on Organisation/Employers**

It is known that SH brings about strain relationship between workers, tensed work atmosphere which hinders team work, collaborations and work performance (WHO, 2002, p. 18). Several studies that have explored the impact of SH on organisations found that it resulted in low productivity, absenteeism, financial losses due to legal charges and compensation, loss of valuable employees, negative publicity among others. For example, in the US 500 companies loose an estimated \$6.7 million per year in absenteeism, low productivity and employee turnover due to SH (Howard, 2007, p. 12). Sverdberg and Alexanderson (2012) found an association between sickness absence and gender discrimination and in particular SH among both, men and women.

### **2.3.3. Impact of Sexual Harassment on Society**

SH has far-reaching consequence for the society, generally the physical or mental health of a worker will have repercussion on the society. An abused worker will spill his or her emotions or anger on his or her family, personally violence or ends up quitting job. Thus, workplace violence could raise the cost of social services, health etc. (Burton, 2010, pp. 38-39). ILO (n.d.) fact sheet notes the following issues as SH negative impact:

*“Long-term rehabilitation costs for the reintegration of victims; Unemployment welfare benefits and retraining; Invalidity costs for those with impaired working capacities; Legal and criminal*

*justice expenses; Women's undermined access to high-status and well paid jobs, traditionally male-dominated” ( p. 3)*

## **2.4. Sexual Harassment Education/Awareness**

Awareness creation is one prerequisite for successful interventions since it is also the source of empowerment and capacity building. The literacy on Gender Based Violence (GBV) among Ghanaians is considered by Britwum and Anokye to be quite high. The level of knowledge on provisions against SH cannot be determined. According to Britwum and Anokye. (2006 p. 72) noted that non-teaching staff and students did not know of SH specific rules and regulations in their respective universities. A further study Norman et al. (2013) also affirms less knowledge on SH protecting provision due to non-popularisation of any existing policy. Bortei-Doku Aryeetey, (2004, p. 19) identified the mass media as the main source of information on SH, followed by other informal sources. Thus in organisations, and academic institutions little attention is given to SH awareness creation.

## **2.5. A Profile of Sexual Harassment at Work in Ghana**

SHW in Ghana has been researched by Britwum and Anokye, Andoh, and Bortei-Doku Aryeetey. Ankomah (2004, p. 474) argues that it is not a norm in Ghana to pull a woman's nose, tickle the palm or play with any other part of her body. Though, such acts are considered indecent and immoral and equated to SH, but few women will term it SH. On the contrary both Bortei-Doku Aryeetey; and Britwum and Anokye studies do not support that view. For instance Britwum and Anokye (2006, p. 35) found that 40% of respondents considered unwanted physical contact as sexually harassing behaviour while Bortei-Doku Aryeetey (2004 p. 23) found 33% men and 35% women sharing the same view. As stated earlier the prevalence of SHW in Ghana is high, estimated to be at 63% within workplace and educational institution by AWLA (2003 as cited in Britwum & Anokye p. 27) while Andoh (2001) found 74% of female and 42% of male employees being exposed to SH within their working environment. In Ghana, victims of SH are predominantly single, female employees between the ages of 21 and 25. Male SH victimisation is a new but increasing phenomenon. While both males and females are potential victims of SH, men are frequent perpetrators constituting about two-thirds of perpetrators of SH: they are often

employers, supervisors married men in influential positions who are married (AWLA, 2003 cited in Britwum and Anokye 2006, p.27; Andoh, 2001, p. 19). According to Bortei-Doku Aryeetey (2004, p. 2,) and Ankomah (2004, p. 474) young typists, secretaries or lower administrative staff are the ones normally harassed by their bosses. This is an indication of a clear issue of “power relation” and Ghanaian socialisation of male dominance and female submissiveness further supports SH culturally.

It is worth mentioning that only 5% of SH cases are reported formally to management for redress while a good number of people are silent victims and sufferers of SH (Andoh, 2001, p. 20). The coping mechanism for most victims is dealing with SH on their own. It is for many reasons that the levels of formally unreported cases are very high. Such reasons are not far-fetched and includes; stigmatisation given the entrenched culture of victim-blaming (Andoh, 2001). Another reason is fear of repercussions for reporting which may lead to job loss, delayed promotion or transfer (Ankomah, 2004 p. 474). Again most victims are also unaware of their rights as employees and provisions protecting against SH. Evidently so as at 2000 as much as 80% of employees were uninformed about any legal provision on SH (Andoh, 2001 p. 21).

Other reasons for lack of formal complaints are the non-existence of clear channels for SH complaints, coupled with trivialisation and unprofessional way of handling reported cases. Most companies rely on the general grievance procedure for SH complaints. Generally SHPs do not exist in Ghana while few companies have some; it is sometimes embedded in documents such as code of conduct.

As part of strategies to fight SHW, both Bortei-Doku Aryeetey (2004, p. 63) and Andoh (2001 pp. 31-32) suggest the need for clarity of the concept of SH in the legal instruments and adoption of organisational policies. This is the point from which this study this take up the duty to investigate.

### **2.5.1. Frameworks for the Protection against Sexual Harassment at the workplace**

It is important to state categorically that Ghana does not have any national law on SH even though it amounts to an offence within the Ghanaian law (Britwum and Anokye, 2006 p.27). This reason is the major challenge to putting in place a comprehensive checklist to deal with SH. Nonetheless there are some constitutional labour, employment and occupational health and

gender policies, gender advocacy and civil society initiatives that can be used as protective frameworks.

### 2.5.2. Constitutional framework for the Protection of Sexual Harassment

Both the Labour Act and the 1992 Constitution of Ghana protect employees against SHW. The 1992 Fourth Republic Constitution of Ghana provides a general framework against SH which is implied in the fundamental HR and freedom of the individual stipulated in Chapter 33(5). Article 12(1), the executive, legislature and judiciary and other arms of government and its agencies and all persons in Ghana are under the obligation to respect those rights. Article 12(2) further guarantees the enjoyment of the fundamental HR and freedom by every person in Ghana irrespective of their place of origin, gender, political opinion, creed, religion or colour. The anti-discrimination provision as enshrined in Article 17(2) of the constitution on discrimination reads: *“A person shall not be discriminated against on the grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status”* p.21

This provision makes no explicit mention of SH but together with Article 27(3) promotes gender equality and women’s rights which has been explained to give a legal ground for redress in the event of harassment. The provision in the constitution therefore mandates the government to ensure fair treatment of both women and men. The same Constitution, Article 24(1) guarantees the safety, health and welfare of all persons employed at the workplace p.29; by this provision all employees both in formal and informal work are to be protected by ensuring that they work under safe conditions without any adverse effect on their health.”

The constitution provides in addition under the directive principles of state policies, Article 36(10) for government’s responsibility to ensure that the safety health and wellbeing of persons at work are safeguard.

Beyond the Constitution of Ghana, the health sector gender policy framework which is guided by the National Gender and Children’s Policy is also an initiative by the Ministry of Health (MOH) to dealing with gender health related issues since 1999. The policy explicates gender and health issues to ensure the inclusion of gender issues into policies and programmes of the health sector and the entire society to promote gender equity and equality (MoH, 2009). Some international instruments and guidelines ratified by the nation that have bearing on the development, gender equality and promotion of health for all citizens are also outlined in the healthy sector policy

They include, the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Safe Motherhood Conference in Nairobi (1987) the Cairo-Population Conference (1994), and the International Conference on Population and Development (ICPD) (1994) (MoH, 2009, p. vii).

In 1985, the UN Women's Decade summit in Nairobi which Ghana was part formally recognised SH as an offence (Bortei-Doku Aryeetey, 2004, p. 17).

In 1986, Ghana ratified the convention on VAW which gradually led to further enactment of more specific national legislation in the area of VAW. There were amendments to criminalise, and add new definitions and strengthen punishment for offences like defilement, forced marriage, banishment of 'witches', female genital mutilation to list but few to protect women. However, nothing specific on SH was mentioned for the protection of women (UN, 2003, p. 59). The same UN report reveals how most African countries are silent on SH policy for instance in Africa, only Botswana, Burkina Faso, and Cote d'Ivoire are countries with specific national policies on SH. Although, according to African Union gender policy 70% of its members have gender policies (AUa, n.d, p. 5). This shows a clear indication of the little recognition given to the issue at both the regional and the national levels. Despite the missing gap, the ratification of CEDAW in itself is an obligation for Ghana "*to have a formal strategy for dealing with sex discrimination including harassment*" (Bortei-Doku Aryeetey, 2004, p. 4).

Ghana also ratified the Beijing Platform for action (1995), urging all governments and other partners to promote policy of mainstreaming gender perspectives by in-cooperating them in all policies and programmes. The governments commitments to these treaties saw the establishment of a Ministry of Women's and Children's Affairs (MOWAC) in 2001 which was recognised in 2012 as a ministry of Gender, Women, Children and Social Protection, which developed a national gender and children policy framework. This ministry in 2001 had the responsibility to facilitate the creation of an enabling environment for gender equity and women's empowerment (MoH, 2009, p. vii)

As stated earlier Ghana has also signed the MDG which also have specific implication on Gender and Health with specific reference to MDG Goal 3: *Promote gender equality and empowerment*. (UN, 2000)

Further areas of Ghana commitments to gender equality promotion are found in the National Plan of Action on Girls Education (1995); the Ghana Poverty Reduction Strategy 1 (2002);



Growth and Poverty Reduction Strategy II (2005); National Gender and Children's Policy (2004); The National Plan of Action for Women (2004); the National Gender and Children's Strategy (2004); the Three Year Strategic Implementation Plan of the Ministry of Women and Children (2005-2008) and the Domestic Violence Law, 2007 (MoH, 2009 pp. 5-6).

### **2.5.3. Ghana Labour Act**

According to McCann (2005 p.24,) and ITUC (2008, p.7) the use of Labour laws has been instrumental to combat SHW. McCann (2005) further notes that more than one-third of countries have specific provisions included in labour laws that could be interpreted to encompass SH. Such provisions take various forms but common among them are health and safety provisions and unfair dismissal as a result of SH (ibid). Evidently, Part XV of the Ghana Labour Act 2003 (Act 651 p. 43) provides for OSH protection for all sectors of economic activity in Ghana, while Part VIII covers unfair termination due to SH. The Act which was passed in 2003 introduced SH an offence giving its definition and sanction Ghana Labour Act 2003 (651) p.64). Other key provisions in the Act include measures and sanctions against harassing persons, entitlement for the complaint of SH victims, obligation of the employers to inform employees about the law, obligation of the employers towards employees to ensure good health and safe working conditions. Employers are under obligation to protect their employees, and employees are entitled to stop work without loss of pay as long as the employer does not take care of their protection in terms among other issues SH. (Ghana Labour Act 651 63(3b), 64(2 a-c) pp.12 ,23-24)

Ghana joined ILO in 1957 and has ratified 46 ILO Conventions. These include core conventions that guarantee worker rights and freedom, welfare among many others (ILO, 2011b). These conventions together with the 1992 constitution of Ghana are the guiding principles of all health policies at the workplace in Ghana.

### **2.5.4. Facilities for Redress**

Facilities for redress (either within the organisational or national level) of SH complaint are crucial for the enforcement of SH policies. Most of such redress facilities are established as special national agencies to deal with HR issues or enforcement of equality or sex discrimination laws. However, SH claims could be brought under them. They function to facilitate the filing of complaints, investigations, attempt conciliation, adjudicate or make recommendations (McCann,

2005 p. 29). However, in Ghana the mandates of such institutions are not sufficiently enforced both internally (within organisations i.e. working place of victims) and externally (responding institutions). The result is a limited number of reported cases making it difficult for documentation (Bortei-Doku Aryeetey 2004, p. 59) which could also serve as part of evidence to inform intervention strategy. In his work on developing healthy public policy Nutbeam (2003, p. 313) state that evidence is an important element that is used to guide the policy-making process. Structures for SH complaints and redress found within various organisations are windows of opportunity embedded in grievance procedure channels similar to other issues of complaint (Andoh, 2001). In 1993 the Civil Act (456) established Commission on Human Rights and Administrative Justice (CHRAJ) and gives it a constitutional mandate to protect and promote rights of all persons, since SH is a HR issue it also adjudicates SH complaints. CHRAJ is the first civil organisation that adjudicated the first ever case (Tetteh Vrs Norvor) on SH in Ghana in 1999 between Fan Air boss and his airhostess employee. CHRAJ interpreted the law to include SH and went beyond provisions in the Labour act. The boss was found guilty of SH and ordered to pay monetary compensation to the victim for injured dignity, damaged feeling, humiliation and loss of salary for wrongful termination. In addition, the perpetrator was ordered to restrain from committing similar offence (Bortei Doku Aryeetey 2004; p.56, Britwum and Anokye, 2006, pp.27-28).

Another important institution is the Domestic Violence and Victim Support Unit (DOVVSU) of the Ghana Police Services formerly Women and Juvenile Unit (WAJU) which was established in 1998. The mission of DOVVSU is to prevent, protect, apprehend and prosecute offenders of domestic violence, which SH is part of, as its inclusion is found in the DVA 1 (c, d). As at 2004 the unit did not have any separate and comprehensive records for SH due to unclear definition and interpretation of SH as noted by (Botei- Doku Aryeetey, 2004, Britwum & Anokye, 2006, p.29) blame non-attainment of desirable impact of the fight against SH on the lack of specific legal provisions that offers victims proper institutions for redress. This is an indication that there is the need to harness all the independent provisions into a single enacted comprehensive SH policy.

### **2.5.5. Non-Governmental Organisations and Civil Society Groups and Media**

In Ghana, the media, numerous Civil Society Groups (CSG), and gender based NGOs are working in different capacities to advocate gender issues, policies, heighten awareness creation and promoting health and well-being. Such institutions include International Federation of Women's lawyers, Ghana (FIDA), the Ark Foundation, African Women Lawyers Association Ghana (AWLA), Network for Women's Right in Ghana (Netright Ghana), ABANTU for Development. Bortei-Doku Aryteetey (2004) notes that such institutions have been instrumental in advocating for anti-discrimination laws, putting together and pushing for the enactment of the Domestic Violence Act (732) in 2007 which provides a legal environment to empower actors to deal more effectively with issues of VAW in Ghana.

### **2.5.6. Implementation of Sexual Harassment Law**

According to the ILO (2011a, p. x) the mere existence of laws and institutions to prevent discrimination at work is not an end in itself; the challenge is how to keep them to function effectively. The challenges identified by ILO (2011a) level stem from "*shortages of human and financial resources faced by the institutions, inadequate policy coherences at the national and local level coupled with lack of cooperation and collaboration among stakeholders.*" (p. x)

In spite of dire challenges that impede on the effective implementation of SH policies countries like Australia, Canada or South Africa, to mention just a few have made some remarkable progress in that direction. This was achieved by among others active monitoring of workplace practices relating to SH, enforcing SH laws that are also found in the labour laws and coordinating policy-making initiatives on SH issues (McCann, 2005).

### **2.5.7. Employer's Obligation and Liability**

According to Burton (2010) a healthy workplace should be developed based on reasons like, business ethics, business case, and law. In most countries SH laws impose duties on employers to have in place SH preventive plan. In some countries the duty is imposed for the employer to react to the occurrence of SH incidence (McCann, 2005 p. 27). Such imposed obligations may require the employer to have in place SHP, complaint procedure etc. within the organisation. In Sweden for instance, employers are obliged to submit an annual report on SH preventive steps

for review, while Israeli employers are supposed to establish adequate grievance procedure (ibid). It is also the employer's moral obligation to deal appropriately with issues of SH. Again it is a prudent business decision since SH could lead to business failure given the impact of SH on organisations. Again, employer-obligation provisions is an avenue to ensure workers and their representatives' involvement in preventing the occurrence SH at work (ibid). As a generally accepted principle, an employer is liable and has a duty of care to ensure that the workplace is a SH free environment (Joubert, Wyk & Rothmann, 2011). For instance, in the US and Canada the Supreme Courts made employers liable for SH of their employees (CHRC 2006; Howard, 2007). The CHRC (2006, p. 3) still notes that since employers control the organization, they are in the best position to actually mitigate the negative effects of harassment to ensure a healthy work environment. This is an indication that the employer has a key role in fighting SH as a form of discrimination. Obviously it is in the best interest of the employer to have in place a comprehensive and effective SH policy. For example in Canada and the United State the first line of defence for an employer is to prove a clearly stated SH policy at the workplace when SH has occurred in the workplace (CHRC, 2006; Howard, 2007). This is also true for South Africa where an employer is not liable for SH occurrence when proven that steps were taken to prevent employees from being harassed (Joubert, et al., 2011).

Expanding further on the need for the employer to attach great importance to dealing with SH, Kane-Urrabazo (2006) identifies the occurrence of SHW as an issue that affects the hygiene factor based on Frederick Herzberg Motivational theory. The hygiene factors which are extrinsic and not within employee control relate to job environment which includes among others; organizational policies, interpersonal relationship with supervisors, peers and subordinates which when lacking, will result into job dissatisfaction. This implies that a comprehensive SH policy will mean minimizing dissatisfaction among employees.

The ILO (2011) states, that dealing with SH should be deemed by employers as a necessary commitment and not just as a formality. There are accrued advantages to the employer or companies if a work environment free of SH is ensured and maintained but, stands to lose when they fail to do so Pearce & DiLullo (2001 as cited in Joubert et al. 2011).

A strong body of literature indicates the existence of SH policies at organisational level but ineffective implementation. Joubert et al. (2011) found the existence of SH policies within various organisations in South Africa but, ineffective implementation. The same is true for

Ghana (Andoh, 2001). This is why this study investigates the factual implementation issues in Ghanaian enterprises.

## CHAPTER THREE: METHODOLOGY

This chapter focuses on how the study was carried out describing research method, methods of data collection and analysis.

### 3.1 Research Method

The research method adopted for this study is the Qualitative Research Method (QRM) which is appropriate for a multifaceted problem and “taboo” topic like SH especially in Ghana (Creswell, 2013). QRM was chosen because it allows an interpretative, case-oriented, naturalistic and have flexible approach to the topic (Schreier, 2012, p.20-27). Since the research is an exploratory case study that focuses on Ghana’s occupational aspects of SH and occupational structure QRM fits perfectly. The case study approach employed also allowed the combination of document analysis and expert interviews and the use of Qualitative Content Analysis (QCA) which is a pragmatic method of analysing data during expert interviews (Mayring, 2010).

### 3.2 Sources of Data

The data for the study were obtained mainly from primary sources but also secondary sources. Primary data was derived from expert interviews with two groups of experts made up of Human Resources Managers (HRMs) and experts from various institutions whose roles and activities encompass SH in terms occupational safety and health, SH redressed institutions, unfair termination of employment and labour laws (*referred to as “enforcement stakeholders”*) who can influence adoption and implementation of SHP.

The review of literature and document analysis was based on primary sources i.e. review of the international and national provisions, conventions, legal frameworks and policies on SH, the Ghana Labour Acts, health sector gender policy and three selected studies on SH in Ghana; *Confronting Sexual Harassment in Ghanaian Universities*, *Coming to terms with Sexual Harassment in Ghana* and *Sexual Harassment in the workplace: the Ghanaian experience*. Literature review included electronic databases; PubMed, Google, WHO, UN, ILO platforms. Studies were included from the year 2000 on. To analyse non-existence and lack of implementation of SH policy at the workplace this paper uses the guideline for SH implementation checklist and literature on challenges of dealing with SH. The Canadian anti-

harassment policy for the workplace, employers guide was specifically chosen because, the content has various characteristics that makes it possible to analyse reasons for ineffective implementation of SH policies. It encompasses the supporting laws on SH, the responsibility of employers to ensure safety and health of employees, the SH policy making process, a grievance procedure, training of experts to deal with the issue, and education of employees on their rights and laws on SH that are all in line with the tenant of ILO policies and conventions on combating SH and WHO workplace health promotion.

### 3.3 Expert interviews

The study employed the expert interview technique for the collection of primary data. Expert interview is a specific form of semi-structured interview that focus on experts in particular field of activities employed to gain knowledge from them. An expert is therefore *“a person with a special knowledge and experiences gained from actions, responsibilities, obligations of specific functional status within an organisation or institution.”* (Littig, 2013, s.13) Whoever is recruited as an expert is defined by the researcher putting into consideration the technicality of the research question and relevance of the experts’ knowledge that researcher wants to generate (Littig, 2013). In 2013 one open ended interview guidelines were designed and face to face interviews with experts of 13 approximately 30 to 60 minutes duration were conducted in Ghana, language was English.

### 3.4 Interview Guides

Interview Guidelines are documents with questions to be asked during interviews that serve as a reminder and guide for the interviewer throughout the interview sessions. It also ensures that same general areas of information are covered across all interviews (McNamara, 2009 as cited in Turner, 2010, p. 755). Two interview guidelines were personally created initially each for the two different groups of experts (the HRMs and the enforcement stakeholders). The questions were developed base on the literature review and were also guided by relevant parts of a SHP, and the international standards and practice for its implementation. The interview guide for the HRMs was made up of four parts which included some of the sub research questions. These were 1) Existence of SHP, 2) Implementation/commitment to deal with SH, 3) How organisation

perceived effects of SH and lastly 4) Profile of the organisation which is not part of the sub question

The interviews solicited information on existence and implementation of SH policies, the knowledge on liability of the employer; education of employees on such policies and utilisation of the policies and policy formulation process.

Questions on the section on Existence of SHP were formulated to solicit information on the kind of SHP that existed in the organisation, reasons for having the policy or not and their knowledge on the legislation on SH. The next section, implementation and commitment to dealing with SH had questions pertaining to the education of employees on SH, handling of SH cases, complaint mechanisms etc.

Questions on the third part finds out how organisation perceived the effects of SH incidences will have on the company. The last section collected information on the profile of the organisations focusing on the size of work force and gender ratio and type of business. It is worth mentioning that, this section was however not included in the data analysis for the HRM group based in part on anonymity and confidentiality issues. The information was important in forming interviewer's probe questions during the interview and gave also better picture of the companies. Other additional information taken were the specific professional positions of the respondents and their gender were observed and noted. Each section had an average of eight questions excluding probe questions. All questions were open-ended and designed in a way that was open to any new and unexpected phenomenon. All the questions ask were relevant to unearth why SHP did not exist at the enterprise level in Ghana and related issues.

A second interview guide was created for the enforcement stakeholders group. However, there were some differences in questions asked due to different mandates of the various institutions involved. Furthermore responses that were given also influenced the line of question. Therefore the interview guide for this group was an open guide out of which question where framed to suit each institution. The format of the interview guide solicited mandated of the institutions, their role in fighting SH at workplace with regards to enforcing SHPs, execution of their role and their challenges and suggestions for solutions.

Each of the interview guides was preceded by a profound introductory letter that introduces the researcher, stated information on the purpose of the study, why they are chosen as experts, assurance of anonymity and confidentiality, duration of interview, request to audiotape interview



and request for interview to be granted. Pilot pretesting is recommended as a necessary criteria to determine the weaknesses and limitation of interview guide or questions to refine any flaws found before its implementation (Turner III, 2010, p. 758). This standard however, was not met by the researcher due to time constraint. The guide was approved by supervisor before administering it.

### 3.5 Data Collection

The data collection tool was interview. There was prior conversation with five HRMs and one enforcement stakeholder via telephone, emails or a middle person about the research and their recruitment as experts for the interviews before the arrival of the researcher in Ghana but there were no specific time schedules. Apart from three all the interviews took place at offices of the respondents. Two of the interviews happened at an agreed location of the respondents, one at a seminar site and the other at his home. It is also important to note that due to time constraint of one respondent and as well as the researcher's short stay in Ghana, one interview was schedule for a later time, and was conducted in written form through emails. In the case of the enforcement stakeholders, except one, all were a snowball technique. Verifications and clarifications of responses were done either by emails or over telephone.

As already made known the data was collected through interviews, upon meeting, the process and principles of "preparation of interviews" as suggested by McNamara (2009, as cited in Turner III, 2010, p. 575) were followed. The researcher briefed the respondents on the purpose of the research, the form the interview will take was also explained. Again, the estimate duration the interview could last was indicated and permission was asked to audiotape. After which the introductory letter was presented to the respondents. Finally a high confidentiality in data analysis storage and reporting was assured by the researcher. The researcher then gave the respondent the opportunity to ask questions if they had any and contact information were exchange. After permission was granted the researcher informed respondents before the recording nob goes off. Except two, all interviews were audio-taped with an electronic tape recorder. During the interview sessions field notes were taking as well by jotting down salient points and later written out and was validated by calling or writing mails to the respondents. As noted by Mayring (2008) and qualitative interview questions must not follow a rigid rule of order and standardisation. Hence, during the interview, questions were not asked in a standardised way

but, in an ordinary conversation or communicative way but with a purpose. The interview was unstructured, open-ended and non-directional. That allowed for a greater control over the line of questioning for participants to provide detailed information on the issue implementation of SH policies. On the other hands, only protocol were taken from respondents who did not give consent for interview to be audio taped, the notes were then written out properly after the interview. In addition, copies of sections of code of conduct documents on SH policies or clauses were collected from participants who were willing to give them out to ensure well-rounded collection of information and served as data for document analysis.

Though questions were not asked in a standardised and sequential order as supported by Mayring and Creswell (2000), the interview took the form of introduction questions, follow up question and probing questions. The probe questions were based on responses of respondents and knowledge gained as a result of the review of current and relevant literature. As a result some questions were added based on the information given by participants. Thus the guideline was ameliorated and enriched during the research process, as new aspects were contributed by the interviewees and subsequent interview partners were asked these new topics as recommended by Creswell.

### **3.5.1. Study Site**

The data was collected in Accra, the capital city of Ghana for the reason that all head offices of organisations of all the participants were located there. With the exception of three all interviews were conducted at the offices of the participants. Further clarification questions were done either over telephone or through emails.

### **3.5.2. Selection of Experts**

The need to use an appropriate sampling strategy to recruit right respondents who will be willing to and share honestly information during interviews is identified as important (Creswell, 2007 as cited in Turner, 2010, p. 757). This research used the purposive strategy for the selection of HRMs through my personal contact. Initial telephone calls were made to randomly selected HRMs to request for their participation. Some agreed while others declined. The rest of the participants were purposively selected based on recommendations from the three major studies on SH in Ghana used for the literature review. Some institutions have been explicitly mentioned

as stakeholders who could influence the fight against SH. After the initial contacts, the snowball technique was used. At the end there was high variation of experts who contributed multiple perspectives. The HRMs were heads of human resource department of various organisations responsible for dealing with issue on SH issues. The organisations of the HRMs were made up of a bank, an insurance company, mobile communication, mining, and oil companies. The enforcement stakeholders group includes The Acting Chief Executive Secretary of the National Labour Commission (NLC), Chief Executive officer of Ark Foundation (Gender-based NGO), the Head of Women's Desk at Trade Union Congress (TUC), the industrial relations senior manager- Administration of Ghana Employers Association (GEA), (director, gender and children) CHRAJ, Program Manager for Occupational Health, Ghana Health Service/ Ministry of Health (GHS/MOH).

### **3.5.3. Sample Size**

Even though Creswell (2013, p. 157) recommends up to five cases in a single case study, the number of participants ended up at 13 which was still not exhaustive. This was due to the complexity and intersectionality of the topic which had not been anticipated in advance. This situation is also an intrinsic factor with qualitative research as researchers may choose to add more cases than originally planned (Schreier, 2012, p. 24). Merriam (2009, pp. 80-81) further supports that in purposeful sampling the appropriate sample size is determined by saturation of information. For this reason in case study sample could be selected before collection of data starts or during the data collection as researcher can add on respondents when necessary.

A total of 13 experts granted the interviews out of which six were HRMs in various organisations and the other six held different positions in different institutions. The HRMs are the “internal stakeholders” who are the custodians and supposed to be the implementers of the SHP in their respective organisations. The “enforcement stakeholders” are the experts from various government institutions and an NGO whose mandates or activities could ensure the enforcement of SHP the adoption and enforcement of SHP.

**Table 1: Demographics of interview partners**

(Source: field data)

<b>No. of Interview Partners</b>	<b>Position</b>	<b>Place of Work</b>	<b>Sex</b>
I	HRM	IP1	F
II	HRM	IP2	M
III	HRM	IP3	F
IV	HRM	IP4	M
V	HRM	IP6	M
VI	HRM	IP7	F
VII	Director, gender and children	IP8 CHRAJ	M
VIII	Chief Executive Officer	IP9 ARK FOUNDATION	F
VIII	Industrial Relations Senior Manager-Administration	IP10 GEA	M
X	Head of Women's Desk	IP11 TUC	F
XI	Acting Chief Executive Secretary	IP12 NLC	F
XII	Programmes manager for occupational health. GES/MOH	IP13 OSH unit GES/MOH	F
XIII	Industrial relation officer	IP14 LD	M

**Table 2: The various enforcement Institutions, their mandates and collaborators**

(Source: field data, institutions' websites and ILO, 2011b)

<b>Institutions</b>	<b>Mandates</b>	<b>Collaborators</b>
NLC	Is established under section 135 of the LA to manage industrial and labour relations in the country. that is, to among others facilitate the settlement of industrial disputes, and to promote effective cooperation between labour and	GEA, Factory inspectorate, Ministry of Labour, Ministry of manpower

	<p>management, investigates unfair labour practices, use alternative dispute resolution mechanisms in the settlement of industrial disputes that is ADR systems that is mediation, arbitration the settlement of industrial disputes. The commission is a tripartite body which means that the social partners in labour have a major stake in the commission.</p>	development youth and employment
OSH	<p>To facilitate the attainment of the highest level of health standards for the Ghanaian worker, promote safety in all sectors of the Ghanaian economy by promoting a healthy environment through collaboration with stakeholder ministries departments and agencies with similar mandates. Specifically, it aims:</p> <ol style="list-style-type: none"> <li>1. To promote and build capacity for the integration of OHS into the health care system using the primary health care approach to health care delivery.</li> <li>2. To promote safe and healthy working conditions by the integration of OHS in work establishments in order to improve the planning for and management of workers' health.</li> <li>3. To conduct and promote research in OHS and Environmental health</li> <li>4. To develop training materials and facilitate the setting up of training programmes for workers' health and safety needs.</li> <li>5. To facilitate the institutionalization of occupational health services for staff of the GHS/MOH.</li> </ol>	<p>Factories and Mines Inspectorates, GEA, Industries trade unions, multilateral and bilateral development partner's e.g. ILO, GIZ and institutions of higher learning.</p> <p>Areas of collaboration include: Health promotion programmes, joint planning for screening activities, celebration of important days e.g. World safety day, organization of trainings, research etc.</p>

TUC	A democratic organisation and comprises of 18 national unions in the formal sector who are affiliates that cuts across all the sectors of the economy of Ghana. They also have associate members from the informal sector. TUC does not deal directly with the members because the members fall under the affiliate unions and are autonomous. TUC comes out with policies which the affiliate national unions will have to take wholly or partly. Each affiliate has its own constitution and has the power to develop its own policies according to the sector that they operate. It also represents organised labour and civil societies in key national institutions, bodies etc.	Affiliate national unions, NGOs e.g. ABANTU for development, Netright Ghana, LD
CHRAJ	Has triple mandates, the HR, the anti-corruption, and the ombudsman mandate. It is supposed to investigate complaints of violations within those mandates and also conduct public educations, educating the Ghanaian on HR and ombudsman activity. So far focus has mainly been on HR.	DOVSSU (in process), ministry of gender social protection and children, Plan GHANA, Action Aid. ect.
LD	Has 10 regional offices 36 district labour offices and 64 employment centres across the country. These offices are under industrial relations that deal with complaints. The workmen compensations and The international relations deals with the ratification of the ILO conventions that facilitates the ratification process ILO instruments.	GEA, GTUC, Ministry of employment and social welfare, DOVSSU, GHS, Dept. of Factories Inspectorate, ILO etc.
GEA	Is a national employers' organisation. It advocates for employers and advise them on how to adopt best labour practices. Also do advocates on labour, economic and social issues to promote businesses. It has a responsibility to be able to research into relevant areas and to advice	LD, NLC, TUC, Ministry of employment and social welfare,

	members how they should to handle it.	
ARK FOUNDATION	A women's right NGO, that focuses on two broad areas young women's right leadership development and provision of service for gender and sexual based violence survivors. In between those two broad programmes they do a lot of policy advocacy, training and public education and some research. They also offer legal aid where necessary, By virtue of their strategy mission handles SH cases by giving first line advice and will refer victims appropriately.	African Women Development Funds, African Women Lawyers Association, Rights and Voice Initiative etc.

### 3.6. Data Analysis

The study was analysed applying Mayring's content analysis approach which applies analytical rules without rash quantification. (Mayring, 2000; 2010). This approach was suitable due to its flexibility of coding and the ability to reduce and summarise the huge amount of generated data as the analysis focused only on the parts that had relevance to the research question. It allows for a greater extent of description and interpretation of the text which is also in line with Creswell's process of data analysis in a case study. This is achieved through the unique way of objectively and systematically organising, analysing and interpreting the obtained text from the field (Mayring, 2000, 2010; Schreier, 2012). Though (QCA) limits the holistic description and meaning of all information, unlike other methods of Qualitative Data Analysis like phenomenology or grounded theory however, its systematic nature offers the opportunity to examine all text to be able to assign various parts appropriate to code frames and categorisation that relates to the research question in a pragmatic way suitable to the level of abstraction required for experts. It finally creates criteria for data reliability and validity (Rustmeyer, 1992; Shapiro & Markoff, 1997 as cited in Schreier 2012, p. 5).

The data was analysed following Creswell (2013, p. 179) steps in data analysis process in qualitative research; organising data, reading through database, coding and organising themes, representing the data and forming interpretation of them. This was done with the aid of MAXQDA as computer-assisted qualitative analysis software (QACDAS).

In following the aforementioned steps, firstly, to prepare and organise the data for analysis, all except two interviews that were audio taped were transcribed. The field notes were also typed out. The need to produce a simple transcript for readability and time saving has been established by (Kallmeyer and Schütze, 1976; Hoffmann- Riem, 1984; and Kuckartz, et al, 2008 as cited in Dresing, 2012, p. 23). The audios were transcribed according to the rules of simple transcription convention using the “F4” audio transcription software (Dresing, 2012) and saved in rich text format which is compatible to the computer software analysis programme.

Secondly, all audios were replayed and listened while reading over transcript to minimise errors as much as possible. This process was also important as it offers the opportunity to look at the entire text in detail to get a total understanding of emerging ideas (Agar, 1980 as cited in Creswell, 2013, p. 183). This stage of data analysis process is referred as “Reading and Memoing” (Creswell, *ibid*)

Building codes or categorisation has been described by Schreier (2012, p. 58) as representing the heart of qualitative data analysis. With the aid of MAXQDA as mentioned earlier the coding was done. First broad categories of how the data will be analysed were identified and various subcategories were generated for each category in a tree-like structure a step referred to also by Schreier (2012) as “structuring and generating” p. 84

The development of the coding was achieved by employing both concept driven, deductive and data-driven, inductive ways which is a pragmatic for doing qualitative analysis (Mayring’s, 2008). The combination of these two applications was inevitable, because the research question already specifies certain dimensions which were turned into categories and subcategories (Schreier, 2012). Based on the expert interview guide categories were developed deductively, by using the set of questions as deductive categories. So, various deductive categories were assigned to the text by determining criteria for coding data within a category (Creswell, 2013). While the unanticipated information were captured through data driven strategy, where categories were assigned to text in the passage (Mayring, 2010). This procedure helped to unearth emerging themes by allowing key categories and concepts to emerge from the data.

The table below shows an example of the criterion that was used to derive codes.



**Table 3: Challenges in the implementation of sexual harassment policy at the workplace**

Quotes from Interviews:	Code
<p><i>“So I personally went into the whole thing, but at the point that we called the lady she denied [...] so you do not get anybody coming full force and saying it has happened.” (IP-1)</i></p> <p><i>“Unfortunately, you could sense or in private discussions with people whose employment has been affected due to sexual harassment, they don't open up during the sessions that the parties are together to state, [...] They come to tell you that yes in private sessions, ...” (IP-12)</i></p>	<p>Reluctant and boldness to report incidences</p>
<p><i>“We do not have enough bases to justify that it is established because people are not coming out.” (IP-10)</i></p> <p><i>“On what basis will you go and start flagging sexual harassment [...] when you propose that you want to run health talks on sexual harassment. What is the relevance, have you had incidences, because for HIV and all that we were having incidence. So there was the need.” (IP-1)</i></p>	<p>Lack of evidence and relevance of the existence/incidences of SH</p>
<p><i>“Unfortunately in our country issues that look like criminal issues or human rights violations arising out of our cultural and social setting are not taking seriously you will always find a hand full of people or NGOs working on it” (IP-9)</i></p>	<p>Not taken seriously</p>
<p><i>“I will say that because it has not been an issue that it has come out. It has been difficult to ask them which policies you have in place in terms of sexual harassment.” (IP12)</i></p> <p><i>“The challenge is that A. is it an issues to employers? That is the big question. B. To what extent is it an issue to employers? Are our members complaining to us? Do employers consider it as a critical issue” (IP10)</i></p>	<p>SH Not come up us an issue</p>

<p><i>“Lack of attitudinal change to embrace the need for action.” (IP13)</i></p> <p><i>“Normally the men think that it will be used against them and you know most of the board rooms in Ghana are dominated by men. The fear is that we don’t want to pass or bring out a policy that would be used against us.” (IP-8)</i></p>	<p>Male dominance attitudinal change</p>
<p><i>“... we plan to adopt come 2014 NCCE as our collaborator that we could use them to do some of these education and sensitization.[...]So we are sourcing for funding in that direction to see if we could have it.</i></p>	<p>Resources; funding and Personnel</p>
<p><i>“As Ghanaians we have the tendency not to discuss sexual issues in public and even if people are suffering in silence they want it to be so” (IP8)</i></p> <p><i>“It is a silent taboo” (IP1) (meaning to speak publicly about sexual issues).</i></p>	<p>Cultural Influence</p>
<p><i>“Even if you are trying to find out from somebody if they have been sexually harassed they feel shy to discuss it” (IP11)</i></p> <p><i>“Another thing has also been people feeling shy to publicly come out and say that I’m being harassed”.(IP8)</i></p>	<p>Shyness</p>
<p><i>“There are no spelt out mechanism to deal with obviously people will not be forthcoming”. ( IP2)</i></p> <p><i>“So I know that it is something that people firstly hesitate to complain about secondly even if they did there are no systems in place in their work place to deal effectively with. They fear stigma, they fear there will be a kind of revenge.” (IP-9)</i></p>	<p>Lack of Channel to complain</p>

<p><i>“Because if the victim is not seeing it as harassment you cannot turn it to be harassment” (IP-1)</i></p>	<p>Non-recognition of SH by Victims</p>
<p><i>“Those who actually complained about sexual harassment, [...] people find it very difficult to think they have to go through the system for actions like that especially where there isn't that clarity around it.” (IP-9)</i></p> <p><i>“Also because of negative connotations some may attribute to it, or the fact that some bosses make light of it when it is brought to their attention, victims often suffer in silence.” (IP-13)</i></p> <p><i>“...we have the impression that people who should handle it are the culprits.” (IP-10)</i></p>	<p>Reported cases not taken serious and lack of trust and uncertainty of justice</p>
<p><i>“They fear stigma, they fear there will be a kind of revenge.” (IP-9)</i></p> <p><i>“If you come and raise a red flag that I have been sexually harassed people will even laugh at you.” (IP-11)</i></p>	<p>Fear of repercussion; ridicule, stigma</p>

In both ways each category was clearly defined to achieve consistency taken into consideration names of categories, description of the names and examples (Schreier, 2012, pp. 94-95). Paragraphs, sentences or phrases are identified and systematically assigned a category or theme. Two different document groups were created for the two different groups of the interview partners, the HRMs and “Enforcement stakeholders” to be able to compare their responses. During the categorisation process in order not to lose any relevant data, an extra category was created for doubtful relevance data which later suggested as an area for further research. Also links were created among text or phrases of connecting ideas among different documents. Eventually the coding process generated several main themes for analysis.

Finally the generated themes were used to create subheadings as findings of the research. Results were finally interpreted regarding the research question. Each theme was analysed on its own and across other cases and finally interpreted in relation the goal of the study.

### 3.7. Ethical Considerations

In designing the research issues of ethical protocols were considered. There was no need to seek approval from the ethical review board because, it was not a requirement. All the participants were informed about the purpose of the investigation and were given a profound introductory letter. Participants read introduction letters and granted the interview. As noted earlier, permission was sought from participants before recording the interview which some agreed to and others not.

Already Schreier (2012) has noted that: *“Qualitative research acknowledges both the reflexivity of our participants by considering them our partners in the research process and of ourselves by acknowledging the ways in which we co-produce our data and our findings.”* (p. 23)

Therefore interpretation of qualitative data requires the reflection of the entire context of the research. As a result during the interviews certain information on “state of the art” on the topic was given to the respondents which informed their responses. This was not meant in any way to influence the responses of the interview partners but, to encourage the progression of the conversation to jointly produce knowledge for the findings.

My personal opinion and experience were not allowed into the study to eliminate bias. To overcome personal bias based on preconceived notion Schreier (2012, p. 83) suggests seeking opinions from other unprejudiced persons during the categorisation stage. This was achieved with discussions with a knowledgeable friend.

The issue of anonymity of interview partners, confidentiality and storage of data are important ethical issue in research (Dresing et al., 2012, p.12). Each interview partner in the enforcement stakeholder group was asked if they wanted to remain anonymous or otherwise. They all consented to be identified either by their professional position or for some their names or both. On the contrary all the HRM preferred to stay anonymous; already the interviews were granted based on assurance of confidentiality. To protect anonymous of respondents after, the transcriptions of recorded interviews were carefully read to find and replace names of

organisations which appeared in the text that compromised anonymity with alphabets and numbers (Dresing et al., 2012, pp.43-44).

During the interviews it was observed that some of the HRMs were a bit reluctant to give all information, while others tried to defend their organisation portraying it as one with conducive and non-hostile environment. This attitude felt as if they were being interviewed for doing something wrong or being rated.

### **3.8. Evaluation**

Validity and reliability among others are most important criteria for evaluation of coding frame (Schreier 2012, pp. 250-254). Hence, to achieve reliability effort was made to check for consistency of coding by importing the codes into to Excel and reading through. The same process had been done earlier viewing the text in coding segment window in MAXQDA text after the initial coding reading memos and comparing whether categories were correctly and consistently assigned. All discrepancies identified were corrected. During the categorisation process, the explication of category definition inherently ensured the reliability of the analysis.

### **3.9. Validation**

Creswell (2009, p. 191) explains validity as the basis for determining whether research findings are accurate from the researcher, participant and reader's perspective. This study used two validation strategies 'triangulation' as suggested by Creswell and 'face and content' validation by Schreier (2012) to assess the accuracy of findings and code frames.

According to Creswell (2013, p. 251) multiple and different sources can be used for corroboration of evidence to provide validity to the findings. Firstly, triangulation which is achieved by analysis of a topic using more than one method. This study made use of three different sources of information namely documents analysis and responses from the two different groups of experts. So the analysed documents were validated comparing responses from the HRM group and the external stakeholder group and documents reviewed for confirmation. This was achieved by setting links for connecting ideas from different responses within same documents and across different documents with MAXQDA during the data analysis process and

comparing them to other documents. Most of the responses coincided to justify the categories hence, adding validity to the study.

Again, according to Schreier (2012, pp.175-186) face and content validity are appropriate methods to assess the validity of inductive and deductive coding frame in QCA. The face validity of data-driven categories was assessed by looking at the amount of residual segments which was created for doubtful relevant information. This was found out to be less because most of the segments were captured in the main categories. Thus, affirming high face validity of the coding frame. On the contrary high amount or residual segments would have implies low face validity.

## CHAPTER FOUR: RESULTS

In this chapter the data from the field is presented. A total of 13 experts were interviewed. The main issue explored is the nature and level of implementing SHP in the workplace in Ghana. In order to deal adequately with this issue further sub-questions were proposed namely:

- 1) What kinds of SH policies exist in Ghana?
- 2) What are the organisational sexual harassment policy making procedures?
- 3) What is the level of commitment to implementing SH policies?
- 4) What challenges are faced in terms of implementation of SH policy?

The data analysis is based on seven main thematic areas with various sub codes under each. Most of the themes were deductively derived from the sub-research questions and inductively from the interview text. The eight themes with subcategories are shown in the Table 4 below.

**Table 4: Themes of results**

<b>Main Categories with Sub-categories</b>	<b>Description</b>
<b>1. Existence of Sexual Harassment Policy</b> <ul style="list-style-type: none"> <li>• Policy making Procedure</li> <li>• Stakeholders</li> </ul>	This category finds out whether various companies have in place a comprehensive SHP or not, the form, reasons, and content to ascertain. It also finds out how policies are formulated and the persons involved. <i>(This part was applicable only to the HRMs group)</i>
<b>2. Commitment to Implementation</b> <ul style="list-style-type: none"> <li>• Inclusion into WHP</li> <li>• Reasons for exclusion of WHP</li> <li>• Employer’s awareness of obligation</li> <li>• Budget Allocation</li> <li>• Employee Education</li> </ul>	This category is made up of four subcategories to determine commitment to implementing SHP. It shows activities that SH policies are being implemented or a sense of wanting to adopt and implement effectively or otherwise.
<b>3. Sexual Harassment Cases</b> <ul style="list-style-type: none"> <li>• Rumoured cases</li> <li>• Channel for complaints</li> <li>• Sanctions</li> </ul>	In this category documented/records of formally reported SH and rumoured case(s), how to report SH case, the handling and sanctions for such offence are found.

<ul style="list-style-type: none"> <li>• Expertise/capabilities of HRM</li> </ul>	
<b>4. Challenges of Implementation</b> <ul style="list-style-type: none"> <li>• Reluctant to report SH cases</li> <li>• Cultural Influences</li> <li>• Resources</li> <li>• Definition of SH</li> </ul>	The reasons why SHP do not exist at enterprise level, difficulties faced in executing mandate and the implementation of SHP are collated in this category.
<b>5. Suggested Solutions</b>	In this category expert views/suggestions on possible ways to overcome challenges to get companies to adopt SH policy are shown.
<b>6. Achievements of Implementation of SHP</b>	Efforts made by enforcement stakeholders to fight SH are highlighted in this category.
<b>7. Awakened Consciousness</b>	This category shows realisation by IPs that much more could be done to adopt and implement comprehensive SH policy. This is partly influenced by discussions and information on best practice given during interview.

#### 4.1. Theme 1: Existence of Sexual Harassment Policy (SHP) in the Workplace

For anti-sexual harassment policies to work in organizations or workplaces at all, it is imperative that there exist comprehensive SHP that are clearly documented and easily made available to all employees. As indicated in the literature review, Ghana is signatory to a number of international conventions on SH and discrimination and there exists laws at the national level to this effect. As articulated by one respondent from the enforcing institutions:

*“The law has been enacted... a law has been written you can only operationalise the law at the enterprise level if you make policies drawn out of the law and so one is expecting that at the enterprise level the managers, the human resources managers and the employer would draft policies in this direction, and sensitize workers as to what these policies mean, what is expected of them what is expected of the employer and all that but as it stands now you see that in most situations these things are not in place.” (IP-12).*

This statement confirms that Ghana has laws prohibiting SH and all that was needed was the operationalization and implementation of these laws at the workplaces. The implementation of



these policies at the workplaces would enable all employees to read and understand what constitutes SH and what options exist for redress and remedy for those who would be sexually harassed. Thus a key objective underlying this research is to determine whether there exist any sexual harassment policies in the organizations and workplaces at all. Among the HRMs who were interviewed, three out of the six claimed that there were SHP at their workplaces. One manager was emphatic about the absence of these policies, noting

*“We don’t, we don’t, we don’t.” (IP-7).*

However, even those who claimed that these policies existed, only one organization had something that could be called SHP document. A further probing indicated that the majority of the organizations studied had no separate or “stand alone” comprehensive document available rather, they referenced company guidelines, Constitutional provisions, employee handbooks, codes of conduct and disciplinary policies, and some indicated that SHP were part of collective agreement between labour unions and management. As intimated by some of these managers:

*“...it (sexual harassment) is just captured as sexual harassment but, we do not have an elaborate policy detailing under what circumstance detailing who and who, we do not have that.” (IP-2)*

*“Like detailed SH policies, no we just have a clause in our code of conduct that say that we will enforce strictly according to the laws of Ghana. ... Spelling out what it is, what it is not, what will constitute sexual harassment etc., we do not have that. I would say maybe it is because we just made a provision and said we will treat it under the law whatever the law provides will be it. So the details of it are in the law which is not transported here. But there is a reference point, that if you want to really have guidelines as to determine what is harassment whether the thing was really harassment or not we have a reference and that is the law” (IP-1).*

Those who did not have any policy at all, however, indicated their intentions to have them in the future as they confirmed that SH in various forms existed at workplaces in Ghana. As one manager acknowledged,

*“We are currently revising our policies so it will be one of the policies that we will tackled but as of now we do not.” (IP-2)*

This lack of comprehensive SHP in many organisations in Ghana was confirmed by enforcement institutions when they noted that whenever they asked organizations for SHP they usually showed them

*“...small policy statements that sexual harassment will not be tolerated [...] that is about it.” (IP-9)*

*“...every organisation that we have visited we have told them that, it is in their own interest to do that. We have seen that in some of organisations they don't have the sexual harassment policies but, within their conditions of service they put something there.” (IP-8).*

Clearly from the above statements, it seems SHP are not being effectively implemented at the organizational levels in Ghana and it also appears that enforcing agencies have also not been able to hold these organizations accountable. Those who had some policies at the organizational level indicated the need for them in this way:

*“We work in a multicultural environment and our belief systems were different so we thought that we needed to protect employees-employer on that aspect as well because [...] culture; misinterpretation of gestures and what not could also cause issues for us and we did not want to have those issues. We did not want to sweep them under the carpet either. So we needed to project the fact that management was paying particular attention to things like that.” (IP-1).*

However, for others, they did not see the need for comprehensive SHP because, SH never came up as an issue in the organisation, an explanation that is shared also by some of the enforcement stakeholders. One HRM indicated that

*“some of these things come up when there are experiences or incidences occurring in reality... we do not have anything on records right now” (IP-7)*

So it means they were not compelled to develop and implement SHP, although this is not to suggest that SH did not exist. Some also thought constitutional provision—the laws of the land are the reference points which could always be accessed hence they did not give attention to these laws at the organizational/workplace levels.

#### **4.1.1. Sexual Harassment Policy Making Procedure**

On how the SH policies are formulated at the organisation level and which persons were involved and their input to the process of making the policy, the general accounts given by the HRMs, whose organisations' have the SH policies reveal that it is management that takes up the responsibility so the employees are not involved.

*“When we were putting up the manual way back I think 2006, we brought in a consultant these were things that were deliberated at management level and it was important that we bring it in”. (IP-1)*

*“What happened was that there was a draft put up by professionals so from my side you consult others if you like, and other industries’ practices and put up the document and another committee which was made up of various people to sit on the committee to look at the employee handbook and submitted their views in some of the instances[...], then we submitted it to senior management for consideration and approval and then went round educating people about the provisions in the handbook or the policies that are contained in the handbook” (IP-4)*

The HRM whose organisation was in the process of putting together SHP noted that:

*“The way we craft our policies somebody is going to make an initial draft and we circulate it for the other Human Resource guys and other management people to make their inputs then finalise it, sign off and socialise it with the employees”. (IP-2)*

The responses indicate that the processes was not a SHP isolated case but, putting together of general company policies such as the employee handbook/manual or code of conduct which SHP was part of. Thus confirming non-existence of “stand alone” SHP which could explain scanty nature of SHPs.

#### **4.1.2. Stakeholders**

Concerning the persons involved in putting together the SH policy the responses indicate that it was consultants, HRMs, lawyers from Legal Departments of the companies, and managements who normally gave final approval.

*“We had a committee made up of professionals; particularly lawyers, and my background as HR person ...” (IP-4)*

*“...we brought in a consultant... these were things that were deliberated at management level”. (IP-1).*

Unlike unionised companies where workers are represented by union, in one organisation which is not unionised, workers were represented by nomination by management.

*“We do not have a union so what we do is that we make sure that at all times different categories of employees would have somebody representing not elected by them we select that person.”. (IP-4).*

These statements may indicate high selectivity of representative in case of workers' union did not exist. That notwithstanding, it shows some level of employee representation in the process.

#### **4.2. Theme 2: Commitment to Adoption and Implementation of SHPs**

This category identifies actions, activities or a sense of wanting to adopt and implement SHP or otherwise. Two of the HRMs whose companies did not have SHP at all noted that they would want to adopt one in future. *“We might not have it in place now but in future I am sure that it is something that we might want to look at”*. (IP-6)

For companies that had some form of policies, there was some level of commitment and a sense of readiness to improve upon the existing ones. As one respondent readily acknowledged:

*“As to whether the existing framework is strong enough to aggressively tackle the issue I will say that there is still room for improvement”*. (IP-4)

*“Once we are committed to dealing with it in a better and effective way, anything that will inform us in coming up with policies or helping us implement it effectively [...] we are open to it. I am happy to go with it.”* (IP-3)

##### **4.2.1. Allocation of Budget**

With regards to provisions made towards dealing with SH either in cash or kind, the data reveal that, none of the organisations had specific budget allocation for SH. However, some indicated that it could have been catered for had the need arose. As intimated by one respondent,

*“...like I am saying we have not experienced that before. But I am sure if an issue comes up the budget allocated for legal and all that can cover it”*. (IP-1)

##### **4.2.2. Inclusion of SH in Workplace Health Programme (WHP)**

WHP is one of the tools used by OSH and is a combined effort of employers, employees and society to improve the health and well-being of people at work so, questions were asked to ascertain whether the organisations have WHP. The data reveal that five out of the six HRMs indicated that their organisations ever conducted WHP. Interestingly however, none of those five organisations had ever included SH topic in that WHP programme. This means that though SH

is a recognised OSH issue no specific programme is developed in that regard as noted by one of enforcement stakeholders.

*“OSH as defined in Ghana includes the traditional hazards and also recognizes psychosocial hazards within which sexual harassment falls. There is no specific WHP on sexual harassment”.* (IP-13)

*“Programmes we have developed for implementation by health workers include: Workplace risk assessment, health education, promotion, health screening, health walks, health and safety committees, treatment of minor ailments and injuries, promoting health and safety committee’s decision making.”* (IP-13)

From the above, one could not be sure whether SH is recognised by the stakeholders as a workplace hazard as all the partners except OSH did not consider SH as a clear health issue.

*“It definitely is a workplace hazard [...] among OSH practitioners it is known, though one cannot say the same of the general population.*

The indication of implementation of WHP, the kind of topics developed by OSH and those run by organisations are shown in Table 5 below. The Table shows all the partners whose organisations had ever implemented WHP, the topics treated and the routine of such activities.

**Table 5: Existence of Workplace Health Programme and the topics handled**

<b>Interview Partner</b>	<b>WHP</b>	<b>Topics</b>	<b>Frequency</b>
IP1	YES	<ul style="list-style-type: none"> <li>• HIV and Sexual Diseases</li> <li>• HIV screening</li> <li>• Stress and lifestyle management</li> <li>• Malaria</li> <li>• Fire</li> </ul>	Once a year
IP2	YES	<ul style="list-style-type: none"> <li>• HIV/AIDS awareness</li> <li>• Hepatitis B awareness and things like that.</li> </ul>	Once a year
IP3	YES	<ul style="list-style-type: none"> <li>• massaging and all sort of therapies</li> <li>• in house aerobics</li> <li>• visiting doctor for consultation and</li> </ul>	It depends

		advice	
IP4	YES	<ul style="list-style-type: none"> <li>• cervical cancer</li> <li>• hepatitis</li> <li>• breast cancer</li> <li>• prostate cancer awareness</li> </ul>	Once a year
IP6	NO	<ul style="list-style-type: none"> <li>• -</li> </ul>	-
IP7	YES	<ul style="list-style-type: none"> <li>• medical screening based on job type</li> </ul>	Bi annually
OSH	YES	<ul style="list-style-type: none"> <li>• workplace risk assessment</li> <li>• health education, /promotion</li> <li>• health screening</li> <li>• health walks</li> <li>• health and safety committees, treatment of minor ailments and injuries,</li> <li>• promoting health and safety committees decision making</li> </ul>	Permanent WHP developed by OSH

#### 4.2.3. Reasons for Exclusion of SHP in WHP

A further probe to understand the exclusion of SH education in WHP revealed several reasons which includes SH not being recognised as a problem area. As indicated,

*“I think basically it is because we do not have frequent report of instances like that occurring so it has not come up as an urgent need to specifically go out there to educate people as part of these”.* (IP-4)

Another reason given was the “Ghanaian culture of silence” that is put on topics that bother on sexuality and the perceived lack of incidence to justify its inclusion. As noted,

*“...it is a silent taboo you cannot talk about openly” [...] obviously you need management’s approval to start running health talks so when you propose that you want to run*

*health talks on sexual harassment and what is the relevance,... they would ask have you had incidences [...] there is no point.” (IP-1)*

Other reasons include non-appreciation of ill-health due to SH and resources constraints that has resulted in priorities that focus mainly on physical hazards causing workplace injuries and diseases. As articulated by one partner:

*“There is no specific WHP on SH because it’s a matter of inadequate human resources to deal simultaneously with all the issues hence, the need to prioritize those ones causing most ill-health, injuries including other psychosocial issues”. (IP-13)*

Implied in this statement is also the fact that, SH not being recognised as causing serious health problem needing urgent attention thus relegating it to the background.

#### **4.2.4. Employer Awareness of Obligation and Negative Impact of SH**

It can be argue that employers’ knowledge on SH legislation and possible impact of SH on organizations could influence the adoption of SHP was unclear. When the HRMs were asked whether they knew the law makes the employer responsible and liable for any occurrence of SH, three of the HRMs replied they were aware but, three were not. Those who were not had the following to say:

*“Not really.” (IP-1)* (Meaning not sure of knowledge on employer’s obligation).

*“No, I have not paid attention to that (meaning employer’s obligation towards SH). I have read the labour law, you apply portions of it as and when it comes” (IP-2).*

Equally enforcement stakeholders acknowledged that most employers did not have enough awareness on SH issues. As they opined:

*“It seems that the awareness have not come up among the employers” (IP-10)*

With regard to the possible negative impacts SH could have on organisations, all the HRMs were of the view that SH incidences could dent corporate image,

*“It could negatively affect the image of the company.” (IP-1)*

However, the extent to which SH could impact negatively on productivity, labour turnover, absenteeism was not perceived as a serious threat. As one HRM noted

*“I think that from the broader company-wide perspective, I will say I do not think that it can affect productivity, labour turnover etc. [...] But I will say also quickly that, [...] these*

*things are there, they happen. It is just that you do not find them as you outline them as clear cut that it is happening.” (IP-4).*

*“Academically yes it could have negative effects such as productivity etc. on the company but, I have not had that experience wherever I have worked.” (IP-7)*

This means that SH was theoretically seen as negative for companies, but low productivity in organizations for most HRMs, emanated from the “bad attitudes” Ghanaians have toward work in general.

*“The general Ghanaian lackadaisical behaviour some are genuine sickness, [...] some might say when I woke up I did not get transport. Some take things for granted [...] So these are the reasons and not because there is a sore relationship due to SH.” (IP-1)*

And it was argued that people moving from one job to another was not due to SH but rather other considerations. As noted,

*“In most cases people are leaving to join other companies either because of a career move or they are relocating or maybe another company come calling with a better package.”(IP-4)*

These responses reveal that employers’ knowledge about their responsibility to develop SH policies at the work places and being held responsible for occurrence of any SH incidences at the work was not deeply appreciated and taken seriously.

#### **4.2.5. Employees’ Awareness and Education**

Commitment to implementation of SHP by employers or enforcement stakeholders was also determined by awareness creation for employees on existing SHP or provisions. With regards to finding out whether employers educated their employees on SHPs, three of the HRMs assumed that employees had the awareness on SH provisions based on periodic education on the general policies of the company which SH is part of. As noted,

*“We do education occasionally of all our policies, I mean once a month to explain policies. We go to employers, (employers as part is group of companies) we go to staff members, we hold durbars we explain and let them to know the kind of policies that we have in place and what you can do when you have issues. And also what can be done to them when issues happen to them and all that. So when it comes to the policies they are well informed.” (IP-1)*



They were also of the opinion that the employees have copies or access to the general policies to inform themselves.

*“Every single person has access to condition of service. At least they know it (SH) is captured in there. [...] It is a working document; it is a day to day document because that is where people’s allowances and everything is, including policy on misconduct which includes sexual harassment. So it is something that, there is a soft copy on the net that you can have access to. Every department has one copy at least that people can refer to. ... I join the meetings and one of the key things I always discuss with them is misconduct.” (IP-3)*

In addition, two HRM said employees also signed consent forms, which implied that they have received, read, understood and accepted the company’s policy which includes SH. As intimated,

*“There is a form which says: I have read the policies, we give you copies of the policies so you are aware of, it is not just the education you even have copies that you will be reading yourself and all that. So by signing that, you are saying that I have received the handbook I have read, I understand.”(IP-4)*

*“We have a number of forms that we sign conflict of interest, ethics etc.” (IP-2)*

There was extreme case that some companies did not educate their employees at all. One HRM confessed readily that:

*“... we have not done much in terms of awareness creation... it is an assumption ...that people are quite aware of what probably constitute harassment in the system. As a company for now we have not really done much in terms of education.” (IP-6)*

Given these responses we can conclude that most employers did not educate their employees on SH. This raises the issue of how knowledgeable employees were on the phenomenon of SH. It is not surprising that enforcement stakeholders could conclude that

*“A lot of people are not aware. No, no, no, because you see unfortunately in our country issues that look like criminal issues or human rights violations arising out of our cultural and social setting are not taking seriously,... you will rather find a hand full of people or NGOs working on it.” (IP9)*

Enforcement stakeholders were of the view that SH education of employees was a duty expected of employers, a duty we can say they failed to perform. As noted

*“...a law has been written you can only operationalise the law at the enterprise level [...] so one is expecting that at the enterprise level the managers, the human resources managers and*

*the employer would draft policies in this direction, and sensitize workers as to what these policies mean, [...] what is expected of them, what is expected of the employer and all that but as it stands now you see that in most situations these things are not in place.” (IP-12)*

It is in this respect that CHRAJ was educating the general public and encourage employers to adopt SHP in its outreach programmes.

*“...every organisation that we have visited we have told them that, it is in their own interest to do that.” (IP-8).*

#### **4.2.6. Enforcement and Monitoring of Existence of SHP in Organisation**

On enforcement and monitoring of SHP in organizations, the general response to emerge from the stakeholders was that, they had not taken any concrete actions to ensure the enforcement of SHP at the enterprise levels. As readily admitted,

*“I will say that because it has not been an issue that has come out, it has been difficult to ask them (‘them’ referring to employers) which policies they have in place in terms of sexual harassment and all that”. (IP-12)*

Responses from the most HRMs also confirm the fact that there has been no external institution monitoring whether their companies had SHP or not to ensure it enforcement. The confession of an HR tells it all.

*“To tell you the truth I have been an HR practitioner for almost 12 years now, I have never seen anybody visiting the company. I have worked with two different companies not even one was visited.” (IP-4)*

### **4.3. Theme 3: Sexual Harassment Cases**

Statistics on SH cases could serve evidence for extent of the problem. Efforts to find statistics on SH from the interview partners indicated that most of them never formally received SH cases. As noted:

*“Academically yes but, I have not had that experience. I have not heard anybody in the IP7 or wherever I have worked complaining about that.” (IP-7)*

*“No, officially never.” (IP-3) (Meaning never received any SH case officially).*

Among the 13 IPs, three confirmed to have formally received SH complaints; one HRM and two enforcement stakeholders. It is important to note that, not all the enforcement stakeholders have a

specific mandates to take SH complaints. Interesting, however, a HRM confirmed that his organisation received three cases and one of these cases involved him as perpetrator.

*“Immediately I can recall two cases, and I have also fall a victim of playing with a female colleague who also takes offence and report [...] she made a report to my boss and I was called, I gave my side and I was reprimanded for it.” (IP-4)*

This is an indication that, there is the need for policies because the stakeholders themselves do not know the boundaries of SH. One enforcement stakeholders agreed that there could be several cases but statistics were not readily available.

*“Yes, I think I will have to get the figures from the registry for you. There are more, but this one (referring to the landmark case between Fan Air boss and his air hostess employee) is more famous that is why we always refer to it but, I think I have seen some figures to that effect.” (IP-8)*

These cases notwithstanding, the general impression is that SH cases were difficult to establish as stakeholders did not often receive SH complaints. This situation was attributed to the reluctance of victims to report sexual harassment cases. This certainly does not imply that SH incidences did not occur.

#### **4.3.1. Rumours on Sexual Harassment Cases**

Though there is low number of reported SH cases, most respondents agreed that they had heard rumours and suspected SH cases in many organizations. As noted,

*“There are occasions where you might feel that what is going on looks like sexual harassment. You question the person affected and the person will tell you no [...] that is not how he or she is seeing it. So it means it’s all imagined [...] it is not real, so here we have not established a real case of it. But because you feel that may be you have to guide the process to a certain point you want to talk to them and ask them certain questions. And you are trying hard to put a name to what is happening; so you ask questions and they say no and so your suspicion won’t fly anywhere.” (IP-1)*

As one other respondent noted

*“I heard of one case in the grapevine several months after it has allegedly occurred. It was just in a conversation with a colleague of mine who claims the lady mentioned the incident to. But the lady herself never approached any institution formally to say it...” (IP3) and*

*“Sometimes you hear whispers around that some people are having problems with their bosses in reality I have not come across that yet”.* (IP-7)

These are major difficulties in unravelling SH cases in organizations even when rumours seemed credible enough. For example as noted by one respondent:

*“We had an incident like that when one staff [...] a lady was actually suggesting that there was one person who was trying to harass her on the job because the person had made advances and she didn’t like it so she pointed it out. So I personally went into the whole thing, but at the point that we called the lady she denied that, that is not what she meant and so you do not get anybody coming full force and saying it has happened. You hear you go into it and it is nothing so on record we are as clean as that”.* (IP-3)

The “denial” by victims may not only mean it is not a SH case it also mean the mechanism for complaints and handling of cases are unsuitable. This makes a case for establishing proper channel for complaints.

Some of the complaint receiving institutions noted that most accusations of SH cases ended up in the termination of employment/unfair dismissals. As they noted

*“...sometimes you deduce that the dismissal of a lady is related to (SH) [...] if you go further to ask her[...]you could see that majority of the dismissal cases involved young unmarried females [...]are the result of sexual harassment.”* (IP-12)

#### **4.3.2. Channel for Complaint of Sexual Harassment Cases**

The responses of the HRMs on how; where and who victims could go to report SH cases showed that a general grievance procedure is used going through hierarchical steps to report. As noted,

*“There is a grievance procedure and it covers every issue [...] So in the event that you have a grievance, you first raise the issue to your supervisor, your supervisor must investigate and bring you a response within five days if he is not able to do that you go to the HR department who is also expected within two days to deal with the issue for you. If you feel the Human resource manager is also not able to resolve it then you go to the group human resource if the group human resources manager does not satisfy you then you go to your MD to talk about it. The decision of the managing director will be final in the matter. You can go to the law court to seek redress.”* (IP-1)

Another HRM added that in his company victims had another option to report to complaint receivers outside the company.

There was also the revelation that unionised members have also the option to report to the workers union.

*“If it is a unionised staff it also has a different approach. If you talk to your HR and is not working you appeal to the union. The union will take up the process if it is not working then you go for arbitration.” (IP-1)*

One HRM whose organisation seemed not to have made any provision for such a situation mentioned that such cases could be reported to the disciplinary committee

*“We may have to let it go through internal disciplinary procedure, because at the moment, we have a disciplinary committee in place. When the committee meets it have various parties represented so a decision can be taken [ ...] I am sure may be it because we haven’t been confronted with it but if we are confronted with it and we have to go to the police I do not think we will hesitate to send it to the police.” (IP-3)*

The overall impression is that there were no clear-cut channels for reporting SH cases. The bureaucratic general grievance channel seems to be an unsuitable complaint structure of SH cases. This is the likely reason contributing to victims not coming up to report their ordeals.

#### **4.3.3. Degree of Offence**

Some HRMs considered SH a serious offence and listed it as major misconduct at workplaces. As acknowledged by one of them,

*“We have listed SH as a major offence under our disciplinary policies.” (IP-1)*

However others did not consider SH as a serious problem noting that:

*“We treat it as any other offence that will be committed in the workplace, not really like a criminal offence” (IP-3)*

Clearly, the level of seriousness attached to SH offence is problematic because some saw it as minor offence while other a major one.

#### **4.3.4. Handling and Sanctions for Sexual Harassment Offences**

Regarding how SH cases were dealt with or would be dealt with and the existing penalty for committing SH offence, the general responses gathered from the HRMs showed that there were

no clear-cut sanctions for SH offence. Some responses revealed that within some organisations, cases were handled according to the rules of general disciplinary procedures. As confirmed by one respondent,

*“You do not find a specific sanction that say if you do this for the first time it will be one month suspension and the following time if you do it again it will be two months suspension because we want to take them on in their own merit. Sometimes it could be one case but the implication could be serious to warrant termination. It could be a minor case where two parties might have misconstrued each other however both parties might feel hurt by their actions where you can say a warning or suspension comes in. So the sanction ought to be on the recommendations of the disciplinary committee” (IP-4)*

Sanctions vary from organization to organization. One organization for example awarded a month suspension penalty to the perpetrator and in addition an apology letter from perpetrator to victim and in-house publication of the case and department transfer. Such decisions are internally handled. As noted

*“The decision, split the two of them let them go to separate department. The other case the gentleman was even made as part of the sanction to write a letter to the lady apologising ...but also go on suspension for one month.” (IP-4)*

Beyond the organization level sanctions for unfair termination relating to SH was not punitive. Normally the employer was asked to pay compensation or reinstate the victim as enshrined in the Labour Act.

*“The remedies for unfair termination depending on the circumstances could be reinstatement or compensation. So if it is established that the employment is unfairly terminated due to sexual harassment then the commission can order reinstatement or compensation.” (IP-12)*

The handling of such cases outside the workplace depends on the power of the complaint receiving institution. Ark Foundation who had received complaint before for instance advised victims and referred them to appropriate institutions for redress.

*“... we had to advice the complainants to actually seek help elsewhere. We are just an NGO we do not have a mandate to deal with criminal cases or whatever. What we can do is to receive a case, counsel the victim provide them with services that they need, refer them*

*appropriately where necessary and so on. So [...] most of them were referred to CHRAJ, or were advice to go for private lawyers to actually go after the case as a civil matter.” (IP-9)*

The other institutions like NLC, LD have laid down steps for investigations and adjudication and also have the power to give verdict.

#### **4.3.5. Competence of Persons Dealing with Sexual Harassment Issues**

Looking at the competence level of persons to handling SH cases none of the HRMs seems to have had adequate training on dealing with SH cases. The commitment as based on their personal convictions about SH or professional position as HRM. As noted

*“To be very honest with you we have not had any training in that area. In both cases I had to act as a counsellor. For me as an individual [...] in my practice as HR practitioner I have availed myself in such a situation that I make it easy for people to be able to approach me.” (IP-4)*

Moving further to the enforcement institutions level, ARK Foundation’s and CHRAJ had trained its personnel to handling SH cases and educate on SH.

*“Initially we didn’t even know what constitute sexual harassment but, we continue to educate ourselves and educate the public especially those who do things without knowing its sexual harassment.” (IP8)*

#### **4.4. Theme 4: Challenges in the Implementation of SHP at the Workplace**

There were similar as well as different opinions in the sample regarding challenges that inhibit implementation of SHP in the workplace.

The most common opinions to emerge from both groups was cultural influences, victims’ reluctance to report cases, lack of data to serve as evidence. As observed

*“As Ghanaians we have the tendency not to discuss sexual issues in public and even if people are suffering in silence they want it to be so” (IP-8)*

Others noted that

*“It is a silent taboo” (IP-1)* (meaning to speak publicly about sexual issues).

*“We do not have enough bases to justify that it is established problem because people are not coming out with evidence.” (IP10)*

Clearly victims' reluctance to report cases of SH leads to lack of evidence necessary for legal action. As questioned by a respondent

*“On what basis will you go and start flagging sexual harassment, are you getting me. What is the relevance, have you had incidences, because for HIV and all that we were having incidence. So there was the need.” (IP1)*

One partner added that even if they did report they end up not pursuing cases further due to unclear action and the cumbersome nature of the redress procedure. In their view,

*“Those who actually complained about sexual harassment, [...] find it very difficult to think they have to go through the system for actions like that especially where there isn't that clarity around it.” (IP-9)*

Others identified non-existence of mechanisms to deal with the issue. Because people

*“...hesitate to complain about sexual harassment even if they did there are no systems in place in their workplaces to deal effectively with.” (IP-9)*

The enforcement stakeholders identified the non-existence of national SH law as a major challenge for implementing SHPs.

*Currently, there is no law mandating companies to have a sexual harassment policy in the country. A draft national policy which mandates this, is awaiting cabinet approval.” (IP-13)*

#### **4.5. Theme 5: Suggested Solutions**

Several suggestions were given by the IPs as a way to fight SH. The most common theme to emerge from the suggestions was the urgent need for education on SH for employers and employees and workers unions. As intimated,

*“...it is education, for staff both management and staff that is crucial...” (IP-3)*

*“We need to get employers and employees educated to make them aware...and where there are unions or no unions, the individual workers must be made aware. (IP-12)*

Many respondents also considered sensitisation of the general public and for that matter workers as the prerequisite to encouraging reporting of SH incidence to serve as evidence of SH occurrences to inform developing any strategy to combat it. As noted by one respondent

*“...before you can have an implementation strategy, the people should be aware that there's something called sexual harassment. So I will go for awareness creation first. [...] Then you can come back if they're aware, what are the strategies that will be able to develop to*



*overcome it. If people are not aware and you develop strategies implementing it, I believe will be cumbersome.” (IP-11)*

*“It is a matter of awareness. So as a strategy we intend to do a lot of education, sensitization on this issue of unfair termination due to sexual harassment. [...]Once the sensitization is done and it goes down there and then the case is filed and the reason for the termination is titled sexual harassment then, you can hold them and find out which policies you have, which policies in the provisions have you flouted, do you have the policies in place at all, you don't have the law say go and do it.” (IP-12)*

The use of the media was strongly suggested as important in the sensitisation programme. As one respondent noted

*“... use of media to convey health promoting messages, sensitizing students of the ill-health of sexual harassment.” (IP-13)*

*“It is all about education [...] as a strategy also we are planning to have or even serialise the Act and we are thinking even having it dramatized on TV and we are thinking of picking up some of these provisions and have them performed in drama for we think it's a way to get people sensitized.” (IP-12)*

The enforcement stakeholders were unanimous in their suggestion on the need to have a separate and specific national SH law. As noted

*“There should be a push for a specific sexual harassment legislation in Ghana” (IP9)*

and

*“It should be an act on its own if we see it as a major issue. Sexual harassment should be a full Act on its own and not to be subdued under some.” (IP-11)*

Some suggested bylaws that will mandate employers to have SHP in their workplaces.

*“I think we need to push a policy that will get our member to be able to incorporate it in their policies framework as far as possible.” (IP-10)*

Again two partners intimated that to facilitate the promulgation of SH appropriate law and adoption of the policies by organisations. There is the need for education on the gender neutrality of SHP to give the male dominated enactor a better understanding.

*“Normally the men think that it will be used against them and you know most of the board rooms in Ghana are dominated by men. The fear is that we don't want to pass or bring out a policy that would be used against us. But we always tell them when it comes to sexual*

*harassment you may also be harassed yourself so it will be in interest of everybody if you roll out a policy and there is a clear guideline that this is one off limits.” (IP8)*

One respondent suggested the need for SH specific action plan upon which performance will be appraised.

*“As OSH takes root in the health sector, we plan to urge institutions to include specific action point on sexual harassment as part of their annual plan of action on which their performance will be assessed. (IP-13)*

Further suggestions were the need to train on SH

*“Organize appropriate training for dealing with the problem of SH.” (IP-13)*

*“Training makes a big difference, we train on sexual harassment. So it is also sensitive so you need somebody who has that sensitivity, a bit of experience and so on to be able to.” (IP-9)*

Two of the respondents suggested that the NLC in particular should ensure employers have in place appropriate SHP. Therefore, there were suggestions that NLC should ensure collaborations among stakeholders.

*“Labour Commission could also collaborate with institutions that have done some research already and advocacy [...] to do some comprehensive work around sexual harassment” (IP-9)*

Suggestion to have a defined punishment for perpetrators of SH offence was also of great concern among some of the respondents.

*“Advocate for punitive measures against perpetrators of harassment.” (IP-13)*

Others suggested that organisations should pre-empt the occurrence of SH incidents and have the policy in place.

*“Even though it is not obvious but at least they should just perceive that something like that exists in the organisation” (IP-10)*

#### **4.6. Theme 6: Achievements of Implementation of SHP**

This category reveals responses on concrete steps that has been taken by the enforcement stakeholders to ensure enforcement of SHP. CHRAJ reports the implementation of outreach programmes on SH as well as visiting companies and encouraging them to adopt SHP. As noted

*“We have had our district directors and regional directors who go into the markets to mount platforms and to educate people [...] at church we are expected to meet various people educated and non-educated people so we go there to educate them. [...] every organisation that we have visited we have told them that, it is in their own interest to do that.” (IP8)*

Ark Foundation on any given opportunity includes SH education, advocate for SHP and has given first line of advice to SH victims, Again Ark Foundation has been putting together SHP and training for institutions upon demand.

*“the attention on it is very little [...] a few women right NGOs like ourselves where we go round doing education we add sexual harassment you know we talk about having a law on SH but that is as far as it goes.” (IP9)*

OSH on the other hand has drafted OSH national policy that awaits enactment.

Most of the institutions has nothing concrete being implemented but the issue has been discussed occasionally and there are have planned to work towards it intimated by one some partners.

*“...As a strategy also we planning to have or even serialise the Act and we are thinking even having it dramatized on TV and we are thinking of picking up some of these provisions and have them performed in drama for we think its way to get people sensitized.” (IP-12)*

*“...the institution itself have not initiated any critical move to be able to get all others to appreciate the enormity of such problem. That notwithstanding there are instances that we try to chip in; most especially when we are discussing issues of termination which are very critical we try to bring it up but we have not taken it serious as a project to be able to drive it home to our employers.” (IP-10)*

#### **4.7. Theme 7: Awakened Consciousness**

The overall impression and receptiveness for the need to adopt and implement comprehensive SHP as result of information on SHP and best practice shared and discussed during interview.

All the partners both the HRMs group and the enforcement stakeholders group were of consensus that the need for SHP was an important strategy to combat SH. They also acknowledged that their attention has been drawn to the need to do better and were all ready to take action on it.

*“But it is best to have the provisions than to wait for it to happen. I think with this you have awakened my senses in that direction. I will see what I can do in future. If we start pre-*

*emptying, yes not a bad idea. Yes we will table the motion and see how it goes.” (IP-1)*

*“I think it is very useful exercise, we talk about sexual harassment, sexual harassment (making an emphasis) but even the simplest thing of defining what it is, I do not think we have done it internally no [...] So it is an eye opener for me and it is a huge education for me.” (IP-3)*

Four of them realised that they have been taking the issue of SH for granted.

*“Over the years we have operated under this assumptions that it’s (meaning SH) not a big deal here” (IP-1)*

*“Well actually we might be taking things for granted, considering what you are saying I am beginning to think that the policy will be relevant [...] talking to you, it brings about good thought about what to do to get some of these things in place.” (IP-7)*

There was also a general agreement among the HRM that the existing SHP provision they have in place were not adequate enough to deal or prevent the occurrence of SH.

*“It may not be enough, because the provision is not solid enough. (IP-3)*

*“As to whether the existing framework is strong enough to aggressively tackle the issue I will say that there is still room for improvement. (IP-4)*

The enforcement stakeholders admitted that they had not given the needed attention and confirmed that not much has been done in terms of ensuring enforcement of SHP at the workplace.

*“We need to look at it. It seems we have not taking it serious but we need to. It may seem it is not there but it is there. It is an inherent issue:” (IP-10)*

*“I think it’s an area I must admit we haven’t done much in that regard we have talked about it in our trainings and all that but, we haven’t done much to have it addressed. It is an issue [...] that we haven’t highlighted it so much in terms of the training and education, but behind the scenes we have heard complainants talking to us that this is it.” (IP-12)*

#### **4.8. Summary of Results**

The overall results consist of seven themes some formulated deductively base on sub research questions and other inductively from interview data.

### **Theme 1: Existence of Sexual harassment Policies**

Findings show that generally SHP did not exist in organisations of the HRMs. This was also noted by the enforcement stakeholders. However, some of the HRMs had erroneous view that their organisations have such policies. What is claimed to be SHP were clauses or statements on SH embedded in the organisations' general policy which are either employee handbook, collective agreement. Therefore there were are no isolated SHP making process and “stand alone” or specific SHP. The general policies were based on the labour laws and Constitution of Ghana. The persons involved in putting together policies included management who does the deliberations first, HRMs, company's legal team and workers union representative or selected workers in case of non-unionised company. The process could be considered as participatory to some extent.

### **Theme 2: Commitment to adoption and implementation of SHPs**

With regards to commitment to adoption and implementation of SHP, there were no concrete activities to point at. However, all the HRMs noted that they would want to adopt the policy in future. For all the companies that had the policies as a clause or detailed was at least an evidence of some level of commitment. They also affirmed their readiness to improve upon the existing ones. Four other indicators were used.

#### **Indicator 1**

Though no specific budget allocation is made towards SH issues there were opinions that it could be catered for when need be.

#### **Indicator 3**

WHP was also used as an indicator for SH education or intervention programme. While five of the HRMs mentioned they were implementing WHP, none the organisations had ever done any education on SH. One external stakeholder OSH also affirmed that there is no specific WHP developed for SH. All the partners except OSH and NLC did not explicitly consider SH as a health issue. Reasons given by the HRM for the exclusion of SH in WHP are due to the Ghanaian culture of silence that is put on topics that bothers on sexuality and the perceived lack of incidence to justify its inclusion. OSH added reasons like non-appreciation of ill-health due to

SH, prioritization that focuses mainly on physical hazards causing workplace injuries and diseases, and lack of human resource.

#### **Indicator 4**

The responses reveal that employers' knowledge on responsibility and liability that the SH legislation confers on them for occurrence of any SH incidence at the work is not comprehensive. Three of the HRMs replied they were aware of the responsibility and liability of the organisation as a result of SH case but, three were not. In addition three of the enforcement stakeholders confirmed that most employers do not have enough awareness on SH issues. Secondly, all the HRMS were of the view that SH incidences could dent corporate image. However, to the extent that SH could impact negatively on productivity, labour turnover, absenteeism was not a perceived reality.

#### **Theme 3 Sexual harassment cases**

Effort to find hard data from the interview partners yielded that among the 13 interview partners three confirmed to have formally received SH complaints; one HRM and two enforcement stakeholders. Among the HRMs group only one confirmed that his organisation had received three cases and he was involved as a perpetrator in one of the cases.

For the enforcement stakeholders IP9 had received three cases while IP8 (CHRAJ given it mandate) had received several cases but statistics were not readily available. In general the respondents did not formally receive SH complaints.

However all the respondents had heard rumours or handled cases that had SH connections but, were neither reported formally nor labelled as such by victims. Two complaint receiving institution who are part of the enforcement stakeholders group noted that possible SH cases were buried in cases of termination employment/unfair dismissals cases. The responses of the HRMs on how to report SH cases showed that a general grievance procedure is used going through hierarchical steps to report. One of the HRMs added that in his company victims had another option to report to complaint receivers outside the company.

Again unionised members have also the option to report to the union. Among the HRMs it was not clear how SH serious offence is considered since some listed it as major misconduct, others considered it like any workplace offence. Generally within the organisations, cases are handled

according to the rules of general disciplinary procedures, or resort to external laws of the Ghana and personal conviction of the HRM on SH.

The responses gathered from the HRMs showed that there are no clear cut sanctions for SH offence. The most responses identified as commensurate sanctions for SH offence was to be in accordance with disciplinary procedures which could possible include summary dismissal. The only organisation IP4 that handled some cases awarded a month suspension, penalty to the perpetrator and in addition an apology letter from perpetrator to victim and in-house publication of the case as well as department transfer based on details of each case.

At the level beyond the company, sanctions for unfair termination relating to SH is not punitive. Normally the employer is asked to pay compensation or reinstate the victim as enshrined in the Labour act.

Looking at the competence level of persons to handling SH cases; none of the HRMs had had training on dealing with SH cases. The commitment were based on their personal convictions about SH or professional position as HRMs.

#### **Theme 4 challenges in implementation of SHP**

There were similar and differences in opinions on challenges to the implementation of SHP. Both the HRM and enforcement stakeholder groups noted cultural influence, reluctance of victims to report, lack of data on SH cases as evidence of the problem. In addition the enforcement stakeholders mentioned challenges like insufficient funding and human resources, non-existence of national SH law and non-recognition of SH as a problem by employers. Other challenges were, the little attention given to the issue, lack of attitudinal change to embrace the need for action and non- recognition of the ill- health of SH. Most of the challenges influenced each other perpetuating the problem.

#### **Theme 5: suggested solutions**

Several similar and different suggestion were given by both expert groups to ensure enforcement of SHP at the enterprise level. These include education as suggested by all the experts. Education for employers, employees and the general public on their responsibilities, liability, rights and provisions on SH. Some were of the view that such sensitisation and awareness program will facilitate the enforcement of SHP. Other suggested solutions were, training for personnel to

dealing with SH issues, need for more research into SH issues, enactment of a national SH law. IP12 (NLC) and IP10 (GEA) suggested the need to develop bylaws to encourage or ensure it members adopt the SHPs.

#### **Theme 6: Achievements of Implementation SHP**

Most concrete steps taking towards the enforcement was identified among two of the enforcement stakeholders. CHRAJ has been embarking on SH education outreaches for the general public and sensitizing organisations for the need to adopt SHP. OSH

#### **Theme 8: awakened consciousness**

Almost all the partners realised that the issue of SH has been taken for granted. All HRM group became conscious that the kind of SHP provisions they have in place, did not match standard SHP and were of consensus that there need for a comprehensive SHP was important. On the other hand most of the enforcement stakeholders acknowledged not haven taken concrete action towards ensuring the enforcement of SHP at the enterprise level. They all acknowledged that their attention has been drawn to the need to do better and are all ready to take action on it.



## CHAPTER FIVE: DISCUSSIONS

In this chapter the meaning and the relevance of the major findings from the interviews are explained and discussed to answer the research question. The explanation serves as a basis for achieving SHP at the enterprise level in Ghana and suggesting possible ways for that realisation.

### 5.1 Discussions of Results

As stated in the beginning, the study sought to explore the nature of SHP and level of implementation in the workplace in Ghana, aiming to provide recommendations for what can be done to step up adoption and effective implementation of SHP at the enterprise level.

The research revealed that comprehensive SHP at the enterprise level did not exist in Ghana. In cases where it existed, the content did not match standard practices as recommended by the ILO. This is due to a number of factors principal among them is (i) employers did not recognise SH as a relevant issue, (ii) enforcement institutions were unable to guide the process of enforcement or demand enforcement and (iii) both employees and employers has limited knowledge about their respective responsibilities and obligations on SH issues. For any nation to effectively fight SHW, it is important that SHPs exist at the organisation level. ILO therefore advocates that countries should take steps to have organisations adopt comprehensive policy and implement effectively. According to CHRC (2006; pp, 6-15 ) bascally a comprehensive SHP must have a clear statement that SH is not tolerated and unambiguously supported by management, explanation and examples of SH; clear complaint mechanism and sanctions, identified complaint receivers and periodic reviews of policy. This requires multiple strategies “*legal framework, stronger enforcement, adequately funded institutions and greater awareness*” (ILO, 2011, p. xi). So the question, whether in Ghana SHP exist in the workplaces at all becomes relevant.

The overall data indicate that not many organisations in Ghana have SHPs. Some organisations did have the policies, others did not. Even in organisations that had, the policies were not clearly stated. This finding is in line with previous studies by (Bortei-Doku Aryeeteh, 2004; Britwum & Anokye, 2006). This indicates that even though SH problem persists, state institutions’ attitude towards it has not been effect in countering it.

The literature review and the empirical findings clearly show that Ghana has ratified numerous international recommendations and conventions. There are also Ghanaian laws and legislations,

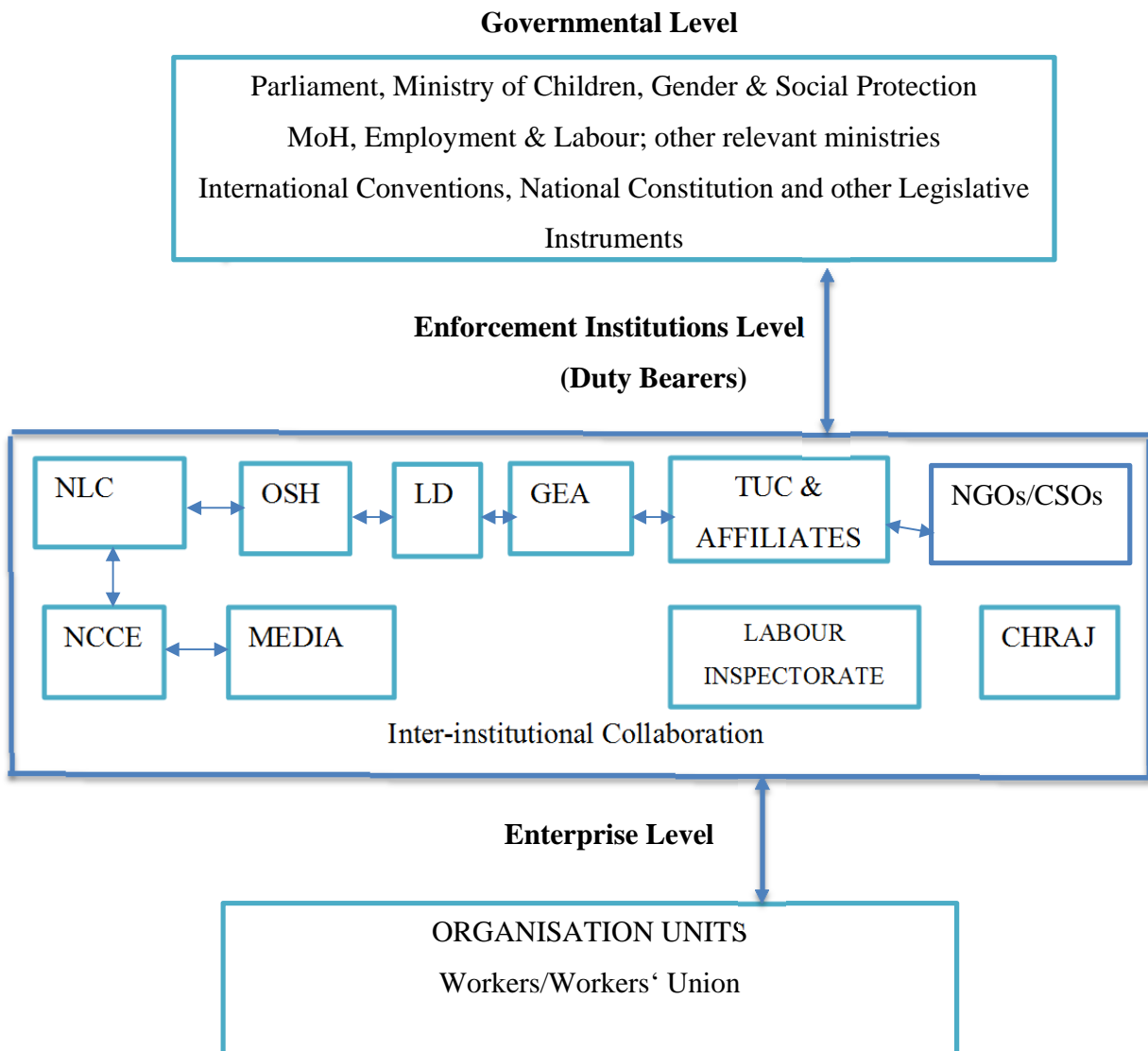
such as the Domestic Violence Act 2007, the 1992 Constitution of Ghana, the Labour law 651, OSH framework and the health sector gender policy. Furthermore there are supporting Ministries, Agencies, Departments and institutions, some which were included in the study sample, GEA, OSH, NLC, TUC, CHRAJ, LD, NGOs, CSO and international development agencies. However practices relating to dealing with SH issues in Ghana did not meet the international standards. There is thus a gap between policies, legislations, recommendations etc. on the one hand and practice on the other.

It is also clear that in Ghana the awareness about SH is minimal as such many cases of sexual harassment do not surface for contestation and redress. Cultural disempowerment of women, possible negative stigmas, and vulnerability of individuals (particularly women) may prevent victims of SH from openly reporting and contesting SH cases. Thus, number of cases of SH that come up only reflects the tip of the iceberg. As a result the HRMs did not recognise SH cases as major problems. Sanctions vary greatly and are not uniformly imposed. There was also not much that was being done by enforcement institutions to make sure companies implement anti-SH policies and also demand compliance to law and legislation. While this may be due to insufficient funding of activities of enforcing institutions, and for that matter there was limited capacity to monitor and ensure enforcement at the enterprise levels. It is also clear from the study that there existed no comprehensive national SH policy or law that could serve as a reference point for SH issues and also mandate employers to have the policy at the enterprise levels.

Clearly, there is the need for more awareness creation about SH. Ultimately however, the problem has to do more with the enforcement institutions than with HRMs or employers. There are agencies that are supposed to support and hold accountable organizations and companies. It is clear that there were some legislation and laws even if they were not expressed comprehensively but there were problems of implementation of SHP at the level of enterprises or industries. So the main question is what can be done to step up adoption and implementation of SHP at the enterprise levels. The model below suggests the way forward.

**Figure 1: Suggested model for implementation**

(Source: own creation)



The suggested implementation model shows three different levels of stakeholders (Governmental, Institutional and enterprise) that need collaborations in execution of their roles to ensure the existence of SHP at workplaces in Ghana. As the model shows, the parliament, relevant ministries and institutions are located at the governmental level. Already at the government level can be found the broad frameworks; the national constitution, policies and other legislative instruments, the international conventions and recommendations have provided.

Ratification of international treaties by government implies its commitment to implementation and must therefore take steps to develop strategies accordingly. To achieve this, the government must facilitate and provide an enabling environment enjoined by the Ghana Constitution. Such enablers as legislative frameworks and other conditions like enforcement institutions, investment and financial support as well as good governance that will support and ensure enforcement and implementation of SHP at the workplaces are realised. The enforcement of SHP at work goes along with national prohibition laws. Already the basic structure such as the enforcement institutions and most legislative instrument exist in Ghana. The remaining challenge is the translation into its implementation. One most important missing instrument is a national law on SH and OSH, government needs to ensure the enactment of those laws and allocate funding to the various institutions for specific activities aimed at combating SH. The government who cannot sufficiently fund all the supporting entities should seek support from the international development agencies.

The ministry of children, gender and social protection in particular should allocate part of its budget to the NLC to support that course.

At the enforcement institutional level are found the various relevant state institutions (LD, OSH, NLC, CHRAJ, GEA, TUC and NCCE), NGOs, CSOs and the media who could be referred to as “duty bearers”. The “duty bearer” is used to refer to state actors but also non- state actors with *“the responsibility or obligation to respect promote and realise human right and to abstain from violation of human right”*.<sup>1</sup> The broad frameworks which are supposed to be implemented at the organisational level can be achieved through the “duty bearers” which are already established by the state. This would be achieved through inter-institutional collaboration, capacity building lobby and advocacy, SH awareness creation for employers, workers and the general public. However the is the need for capacity building at this level to be able to operate effectively. The institutional stakeholders should develop specific programme or activities aimed at fighting SH and solicit sponsorship from government or international development agencies such as ILO, WHO, UNIFEM etc. For instance in 2011 South African local institutions worked in collaboration the UN Women and ILO to award companies that are committed to ending SHW.<sup>2</sup>

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<sup>1</sup> Gender Equity UN coherence and you. <http://www.unicef.org/gender/training/content/resources/Glossary.pdf>

<sup>2</sup> South Africa Companies awarded for commitment to end sexual harassment at work

NGOs and CSO who are already in the business should continuously embark on policy dialogue, advocate and lobbying to influence government's actions to get especially the national SH and OSH laws enacted.

The data show that such collaboration already exist among almost all these institutions, however it is currently weak and so there is urgent need for more effective collaboration to harness their various roles and mandates to ensure that SHPs are effectively implemented in every organisation. Therefore the areas of collaboration should be streamlined towards enforcement of SHP at enterprise levels even as they perform their specific mandates. The NLC, LD and CHRAJ, are all external complaint receiving and redress institutions on labour issues including HRMs and workers' unions within their various institutions. As the NLC, the LD, CHRAJ and Trade Unions sometimes receive complaints of unfair terminations with SH undertones, personnel these organizations must receive training on SH to skilfully extract facts of cases that borders on SH. There should be a mechanism in place to collate records of all documented cases of SH from all the institutions involved. The cases should include allegations, suspicions, and those secretly confirm by victims. Such data will serve as evidence to push for required policies that will ensure enforcement.

The NLC should lead the coordination since it is the custodian and implementer of the LA at least on SHW. The commission should launch and sustain massive awareness campaign on SH. This will inform the general public about their rights, existing laws and provisions that protect them and the remedies. This should be done in collaboration with the media and National Commission on Civic Education (NCCE). The NCCE is considered best to for such collaboration since its functions centres on awareness creation on the civic rights and responsibilities of Ghanaian citizenry as spelt out in the Ghana constitution Chapter 19 (231). The NCCE has a research, gender and equality department with special responsibility to research on among others gender issues to provide empirical facts to serve as a basis to for planning effective public education programme.<sup>3</sup> The department is also open for such collaboration, thus NLC should capitalise on that and work together in terms of research and education on SH. The power of the

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<http://www.unwomen.org/en/news/stories/2011/3/south-african-companies-awarded-for-commitment-to-end-sexual-harassment-in-the-workplace>

<sup>3</sup> NCCE research, gender and equality department  
[http://nccegh.org/index.php?option=com\\_content&view=article&id=40&Itemid=200](http://nccegh.org/index.php?option=com_content&view=article&id=40&Itemid=200)

mass media in promoting health cannot be over emphasised. The media can be used to reach millions of people across the country through prime-time television and radio dramas.

Already Part XVI sections 122 to 126 of the LA give the Labour Inspectorate division the power and duty to ensure workers and employees comply with the provisions in the labour Act and report violators to the NLC or LD. The NLC and Labour Inspectorate division should work together with workers and management to monitor and evaluate the implementation of SHP.

Most importantly the NLC should have in place SHP implementation check list which will guide employers to adopt a standard SHP to suit their organisational culture. The GEA given its mandate should be proactive to research on SH impacts on organisations and educate and advice employers on the possible negative impact of it on business. In this way it will and urging their members to adopt the SHP to improve their businesses.

The OSH should develop SH intervention programmes that would be in-cooperated in WHP that are being implemented by most organisations already to serve as SH education for employees.

.The TUC should also educate its affiliate union bands and have unified action plan with employers and include SH prevention clauses during Collective Agreement The research department of the TUC should also do some research on SH issues and collate all SH cases brought to its' affiliate unions for review.

At the bottom level is located the organisations where the existence of policies will manifest. It is believed that if the suggest steps are taken at the national and institutional levels it will translate into companies adopting the policies. However, adopting the policy might not natural result into it effective implementation. Therefore organisations should adopt a participatory approach in putting together the SHPs to involve all workers. This process should not be part of company's general policy-making process but a SHP specific. During the process culturally sensitive rules should be formulated and applied. The workers and unions and management participatory approach at the enterprise level enterprises might be a solution to solve the problem of defining the fine lines of SH to ensure commitment and responsibility of all stakeholders.

## **5.2 Discussion of Methodology**

Qualitative research is *“an inquiry process of understanding based on a distinct methodological approach that explores a social or human problem.”* (Creswell, 2013, p. 300). In qualitative

research to present a sophisticated study, the researcher need to identify and adopt a specific approach to the qualitative inquiry (Creswell, 2013 p. 69). There are several strategy of inquiry for qualitative research, in this study the researcher determined for the case study approach to be appropriate for exploring the research question to have insight into the research problem.

Following the procedure for conducting case study the researcher had “*clearly identifiable cases with boundaries and seeks to provide an in-depth understanding of the case or comparison of several cases*” (Creswell, 2013 p. 100).

The purposeful sampling which is a primary sampling strategy qualitative research employed was very useful. This allowed the researcher to select only individuals or experts who could inform the understanding of the research question. Though the experts were purposively selected, there could have been some biases in the sample. With regards to the HRMs, those who finally agreed to participate were the ones through researcher’s personal connection. All of them were connected to a middle person known by researcher. This made the selection of experts easier though. One could not tell however, if inclusion other HRMs without connection to a middle person would have influenced the results. With the recruitment of enforcement stakeholders, the researcher had identified some of them but could not make any contact or arrangement ahead of her arrival in Ghana. After the initial interview a snowball technique which I had not planned to do naturally found its way into the sampling technique. This was actually helpful because it gave the researcher an easier access to the respondents. However, there were many referrals to other stakeholders that were not on researchers identified sample list even though they all fell into the inclusion criteria but could not be interviewed due to time constraint. This accounted for some selection bias to keep a manageable sample size.

There were some limitations in terms of interviewer subjectivity and sample biases. During the interview the researcher subjectively influenced some responses, by providing certain information on the component of international standard SHP. Given out such information could not have been avoided by the researcher for two reasons. Already inherent in expert interview is the need for interviewer and interview partner to interact to co-produce data. Again, with the HRM group especially, most of them had minimal knowledge of what constitute a comprehensive SHP. Therefore such information was needed to stimulate discussions and facilitate responses to keep the interview going and not meant to influence responses per se.

Again the development of the interview guide was not without difficulty, because most of the institutions concerned had different mandates and there were only that much similar questions that could be applicable to them all. It was also not feasible to develop different interview guides for each of the enforcement stakeholders. That notwithstanding, during the interview researcher was able to frame questions appropriately to suit each institution with the help and the guide. Thus, developing a single question guide for all of them was problematic for the researcher. The interview guide could have however, been better if a pilot testing had been conducted to identify weaknesses to make revision before its implementation, that was unfortunately not possible for researcher. The researcher used the first interview to tweak the guideline, also the extensive literature review informed the researcher to construct probe questions as they arose during the each interviews. Again the interviews proceeded from HRMs to the enforcement stakeholders which also informed some questions for the enforcement stakeholders. Also important to note is some deficiencies in recording of data. In cases where only notes were taken during the interview for participants who did not allow audio recording, data taken was highly selective because not everything could have been captured, it also distracted flow of interview a bit. This could have resulted in missing some interest data. Furthermore, efforts for researcher get statistics on documented SH cases and further clarifications on some issues through emails and telephone from few respondents proved futile. This could be attributed to tight schedules of the concerned respondent and distance apart. It was useful to interview two groups of partners (HRMs and enforcement stakeholders). The HRMs responses were good to give the organisational level perspectives of practice on the ground while, the interviews with the enforcement stakeholders also gave different perspective which painted a broad picture of the whole situation.

Overall the methodology allowed for triangulation, making use of multiple and different sources such as the international legislations, standards and practice, the Ghana legislation as reviewed in the literature and the empirical research to give insight of the case and same result to the research question. Thus provided corroborating evidence for validation. The case- study methodology was appropriate to examine SHP implementation problems at enterprise level in Accra-Ghana



### 5.3 Limitations

There were a couple of challenges that were encountered. One of the challenges encountered is inherent of the qualitative case study approach chosen. The scope of case was broad that led to several potential relevant cases to be considered. This posed a bit of difficulty as to which and how many issues to select that will give a broad and in depth analysis at the same time.

Again since the case being studied was highly intersectional it led to unending referrals.

Unfortunately time constraints did not allow for all prospective respondents to be interviewed.

Some of the partners could not respond to all the question because other departments or persons were the custodian of certain details. As a result there might be some missing information since each of the institution was fully exhausted. An interesting approach could have been a focus group discussion given some overlapping in the mandate of some the enforcement institutions.

## CHAPTER SIX: RECOMMENDATIONS AND CONCLUSION

### 6.1 Recommendations

Based on the findings of this study and the experts view on solutions the following recommendations can be made.

#### **Governmental Level**

- The government must show commitment by actively leading the campaign against SH.
- At the governmental level policy-makers should have a gender neutral attitude towards issues of SH. This should manifest in the enactment of national SH law and laws that will ensure its enforcement.
- State institutions should be empowered to develop penal, civil, labour and administrative sanctions to punish and redress the wrongs caused to sexual victims.
- In order that supporting institutions function very well, government should allocate sufficient funds to them.
- For the government to be able to sufficiently fund the identified institution it should seek funding support from international development agencies.
- The Ministry of Children, Gender and Social Protection should convene a symposium or a conference of all relevant stakeholders to exchange ideas, draw from their expertise to work out modalities and spell out mutual rules of engagement to achieve the goal of enforcing SHP in organisations.

#### **Enforcement Institutional Level**

- To ensure the passage of SH CSOs and NGOs concerned with health, gender, HR and National Development agencies must cooperate to lobby Parliament to pass a national law on SH.
- Relevant CSOs and NGOs should further embark on serious national sensitization programme on SH. The sensitization programme must focus on educating the public on what constitute SH, the protective provisions on SH, where and how to seek redress and the general negative impact that SH has on victims. The campaign should also aim to change

public attitudes of sexually harassing behaviours, ridiculing, victimisation, labelling etc. of SH victims.

- The media should also be sensitized on how to report on SH issues with sensitivity and get itself, informed on SH issues.
- Concerning employers' education on SH, GEA should do further research on SH impact on business, and employees and educate its members on the need for them to have in place SHPs.
- Whenever possible the enforcements stakeholders should collaborate with unions, government agencies and researchers in order to improve workers' health.
- In terms of monitoring and evaluation of the implementation of SHPs, NLC, LD and OSH should collaborate and take up that responsibility in collaboration with the labour inspectorate division. The role of the Factory Inspectorates Division should be expanded to include checking on existences of SHPs. It means the Division should be well-resourced.
- CHRAJ and all other SH redress institution should be supported financially. CHRAJ which already embarking on SH outreach programme should also be well resourced to sustain intensified and expanded the programme across the nation.
- The NLC has oversight responsibility for implementing labour laws need to develop implementation plan/mechanism for the enforcement of SHP. The Commission should pass a law or directive that will mandate all organisations in Ghana to have in place a comprehensive SHP. In addition, the Commission should work with the other stakeholders to have in place a SH implementation checklist to guide organisation to develop their own SHP to meet their organisation's culture.
- The NLC should collaborate with the NCCE and the media to set up sensitization activities on effects of SH employees and organisations.
- The NLC should cooperate with TUC and GEA, to create the awareness for especially employers, TUC's affiliate unions and workers unions on their obligation, liability and responsibility for SH occurrences as enshrined in the labour law.
- International development agencies should also work in conjunctions with the duty bearers and fund their activities.

## **Enterprise Level**

- To ensure comprehensive SHPs, organisations should endeavour to have separate documents on SH.
- Workers union should also negotiate for inclusion of SHPs in their conditions of work and service during their collective bargaining.
- To ensure that staffs are educated and committed to SH issues and regulations, a participatory action oriented SHP making procedure is suggested. Policy making process should be participatory and not top-down approach. This approach is already supported by the Chapter six 36(11) under the state principles of directive policies of the Ghana constitution (1992). There it is stated that: *“The State shall encourage the participation of workers in the decision- making process at the work place.”* Employees should be involved in putting together the SHPs; guided by a national SH implementation checklist, the definition of SH; what constitutes SH and what not, sanctions and procedures for complaints, counselling or support unit should be agreed upon by both workers and management This approach will ensure that all workers as potential perpetrators and victims or even those unknown victims suffering from the menace are provided the opportunity to participate, influence the development of SHP, implementation and evaluation. The participatory process will ensure awareness creation, responsibility and commitment of all those involved.
- Within the various organisations, employers should set up communication campaigns and organized trainings to improve the awareness on SH for their all their staff.
- In addition, companies could use consultants to educate, train and guide the participatory process of put together the SHP. Example of a consultant is ARK Foundation which has already undertaken projects.
- Before the process, a baseline survey on knowledge of SH should be done to serve as a basis for future evaluation.
- After formulation of the policy, education on SH can be sustained through periodic education which could be made part of the WHP. There should be pictorial SH posters that are easy to read on department and general notice boards and there should also be periodic review of these policies.

Further studies should investigate 1) the impact on SH on productivity of the organisation. 2) Each enforcement stakeholder as a case.

## 6.2 Conclusion

Overall, at the enterprises level, employers operated under the assumption that SH was not an issue due to perceived lack of reported cases. The enforcement institutions also did not act effectively because SH cases did not “come up: as issues. The possible negative impact of SH on an organisation was underestimated by employers who also misconstrued clauses on SH for SHP. The employers’ minimal knowledge on their vicarious liability and a victim’s reluctance to report was the missing link for the adoption of SHP. The commitments made by stakeholders to ensure that SHPs were in place at the enterprise level were not effective, as most effort were at the conception stage.

There was a high degree of stakeholder collaboration except that it was not well streamlined and harnessed towards effective implementation of SHP at enterprise levels.

Other challenges were delays in passage of national SH and OSH laws, lack of massive awareness creation on SH, inadequate funding for responding institution, and also lack of training for personnel who handle SH cases, culturally deeply rooted notions about SH and lack of research and non-realisation of the negative impacts of SH on organisation by employers. To have SHPs in the workplace does not rest only on individual organisations; there should be holistic approach that goes beyond organisations. It is important that all stakeholders play their respective roles and work in collaboration to achieve that. The mere demand for overarching SHP and effective implementation at the enterprise level will not translate into best practice. There is the need to sensitize employers on their obligation and liability on SH cases. Also important is the process of the policy making procedure.

The need for hard data or reported incidence as evidence for employers is a challenge, but unsuitable or the non-existence of clear channels for complaint were possible causes of lack of evidence on SH cases. Though SH is seen to be an issue that must be addressed by organisations, the responsibility to getting the enterprise level to adopt and implement SHP rest to a greater extent on other enforcement institutions.

This study has explored and provided information on the nature, adoption and implementation level of SHP in organisations in Ghana. On the basis of the data the study suggests a holistic approach to deal with reported SH cases. It is hoped that the implementation of these recommendations would ensure the effective adoption and implementation of SHP at enterprise levels in Ghana. This would help achieve the quest for decent work for all, gender equality, employee well-being and increase business productivity that is critical for national development. If SH is effectively addressed at workplaces there should be reduction in SH incidences at other areas of society.

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## Appendices

### Appendix A: Code System

1. Existence of Sexual Harassment Policies in the workplace/organisation
  - **Policy making procedure**
  - **Stakeholders**
2. Commitment to Implementation
  - **Inclusion into Workplace Health Programmes**
  - **Reasons for exclusion of Workplace Health Programmes**
  - **Employer's awareness of obligation and negative impact of SH**
  - **Budget Allocation**
  - **Employee Education**
3. Sexual Harassment Cases
  - **Rumoured cases**
  - **Channel for complaints**
  - **Sanctions**
  - **Expertise/capabilities of HRM**
4. Challenges of Implementation
  - **Reluctant to report SH cases**
  - **Cultural Influences**
  - **Resources**
  - **Definition of SH**
5. Suggested Solutions
6. Achievements of implementation of sexual harassment policies
7. Awakened consciousness

## Appendix B: Interview Guide

### Letter of Introduction

Hello, I am Aileen Sobeng Ashe a Ghanaian and Master of Public Health (MPH) student, Hamburg University of Applied Science (HAW) Hamburg, Germany. I am conducting research for my thesis on the Topic: **Implementing sexual harassment policies in organisations in Ghana: Analysis of stakeholder interviews**. The study seeks to investigate existence of anti-sexual harassment policies, its effectiveness and implementation challenges at workplace. The focus of the study is from Health Promotion point of view. For many people unemployment is a cause of ill-health but the workplace itself poses a lot of preventable health “hazard”. Both male and female deserve to work in safe and healthy work environment and must therefore be protected accordingly. The first step to secure a sexual harassment free work environment is to have in place a comprehensive sexual harassment policy. It is demanded of organisation to have sexual harassment policies in place. It is for this reason that this study takes a step further to investigate the extent to which that has been achieved. The question will focus on mandate of your institution and role as a stakeholder, strength and weaknesses, effort to deal with sexual harassment in the workplace and your suggestions for the way forward..

I am using the “expert interview” study design and you have been purposely chosen because you are considered as an expert based on your professional position, knowledge on the topic and involvement as a stakeholder. The information you give is purely for academic purpose and will be kept highly confidential if you so wish. I will like to audiotape this interview if you permit me, to capture all information correctly. You will be notified before recordings starts. Our conversation may take approximately one hour. I humbly ask that you grant me this interview.

Thank you for your consent to be interviewed. Do you have any questions for clarification before we begin?

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Aileen Sobeng Ashe  
(MPH) Student HAW

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Prof. C. Färber (supervisor)  
Dept. of Health Sciences (HAW)

## Interview Guide 1: Human Resource Managers (HRM)

### **Existence of Sexual Harassment Policy and Policy Making-Procedure**

1. What kinds of anti-discrimination laws do have in your institution?
2. What about sexual harassment policy?
3. What does the policy says? (*how detailed is the policy*)
4. Do you have a separate policy on SH?
5. In which other documents of your organisation can the sexual harassment policy be found?
6. On what legal Provisions did you base your policies on?
7. How was the policy formulated?
8. Which persons were involved in putting together the policy?
9. How aware are you about an employers' obligation and liability for the occurrence of any sexual harassment incidence in the organisation?
10. Since when have you had such policy?
11. How often do you review the policy?

### **Implementation/ Commitment to dealing with Sexual harassment**

1. What comprehensive steps do you have in place to prevent the occurrence of SH?
2. How will you describe staff/employees knowledge of the sexual harassment policy you have?
3. What is kinds of consent forms does staff sign upon gaining employment?
4. Do your company implement Workplace Health programme (WHP)?
5. How will you describe the WHP? (Is there anything or intervention programme on SHW?)
6. How frequent is your company confronted with sexual harassment cases?
7. What is the procedure for complaint when an employee feels sexually harassed?
8. How confidential and conducive is the atmosphere for victims to report?
9. What are the expertise of the person(s) in charge of sexual harassment cases?
10. Describe how you will handle/handled the sexual harassment cases?
11. How satisfied were the victims and perpetrators?
12. How are victims supported by crisis and counselling unit?
13. What are factors that obstruct the implementation SH Policy?



14. In your own estimation do you think existing policies is enough to effectively fight sexual harassment?

**How important is sexual harassment perceived by organizations?**

1. Has your company ever being dragged to court over a sexual harassment case? What do you make of the verdict?
2. To what extent do you see SH issues to negatively affect your company?
3. What do you think of sexual harassment as an issue that could negatively affect corporate image, productivity, absenteeism, labour turnover etc.?

**Profile of organisation**

1. Could you please give me brief profile or your organisation?
2. What is the gender ratio?

**Do you think there are some important issues that you want to add?**

**Do you have any question?**

**Thank you for granting the interview.**

**I will get back to you for any further clarification.**

## Interview Guide 2: Enforcement Stakeholders

1. Can you please give a brief profile of your institutions?
2. To what extent do you (*name of institution*) see sexual harassment in the workplace as a critical issue?
3. What has been the your (*name of institution*) role in dealing with SH at the workplace?
4. How often do you deal with sexual harassment cases?
5. What is the procedure for reporting sexual harassment?
6. How are sexual harassment cases handled?
7. How autonomous and competent are the persons who handling sexual harassment cases?
8. *You also deal with cases of unfair dismissals/termination etc.* What are the reasons for such dismissals? Do you try to look out for any traces of SH as the cause?
9. Do you have statistics on companies that have sexual harassment policies in place?
10. What effort have you made to commit organisations to develop policies and strategies for dealing with sexual harassment?
11. What are your implementation strategies for fighting sexual harassment at the enterprise level?
12. Do you have a comprehensive data/statistics on all reported arbitrated cases on SH? (*Is it possible to have it?*)
13. What institutions do you work in collaboration with?
14. What are the areas of collaborations?
15. What monitoring or surveillance systems do you have in place with regards to existence and implementation of comprehensive SH policies in various companies?
16. As an institution what are the challenges with regards to dealing with sexual harassment?
17. What are the challenges that you face as an institution to fighting of sexual harassment at the enterprise level?
18. What do you think can do to ensure sexual harassment policies are in place in organisations?

**Do you think there are some important issues that you would like to add?**

**Do you have any question?**

**Thank you for granting the interview.**

**I will get back to you for any further clarification.**

**NB:** Not all the questions may be applicable to all the institutions

### Interview Guide 3: Occupational Safety and Health (OSH)

1. Can you please give a brief profile or role and mission of the OSH unit?
2. To what extent is sexual harassment recognised health and safety hazard at work?
3. Will OSH deserve a broad interpretation that will not exclude SH (*or is it limited to issues like physical, chemicals and equipment danger etc.*)
4. (*The existence and effective implementation of sexual harassment policy at the workplace is an important step to fighting the menace*). How have you used your mandate (as OSH) to ensuring various companies have SH policy and implement them effectively?
5. How best have you being able to achieve this?
6. What monitoring or surveillance systems do you have in place with regards to existence and implementation of comprehensive SH policies in various companies?
7. Which institutions do you have collaborations with and what kind of collaborations do you have?
8. (*Workplace health Promotion is one of the tools used by OSH*). What are some of the OSH intervention/ educational programmes in WHP?
9. Do you have a specific programme on Sexual Harassment?
10. If yes. What are your implementation strategies on sexual harassment?
11. If no why not?
12. (*There is an urgent need for a national policy on OSH*). In the absence of national policy on OSH and sexual harassment, what do you think could be done using other existing provisions within your reach?
13. As an institution what are the challenges with regards to dealing with sexual harassment?
14. What do you think your unit can do to fight SH at workplace? What do you think is the way forward given all challenges?

**Do have some important but uncovered issues to add?**

**Thank you for taking your time to answer the questions.**

**I will get back to you for any further clarification?**

## Statutory Declaration

I hereby declare that I have developed and written the enclosed Master Thesis completely by myself, and have not used any sources or means without declaration in the text. Any thoughts from others or literal quotations are clearly marked. The thesis was not used in the same or similar version to achieve an academic grading or it is being published elsewhere.

Hamburg, 24.04.14

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Aileen Sobeng Ashe