



## A New Conceptual Framework of Workplace Violence Against Women: On Rectifying Mismeasures of Sexual Harassment using the Philippine Data

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**Abstract:** Underestimation of the economic cost of workplace violence is ineluctable with the underreporting of cases of violence against women, further aggravated by the restricted focus of studies. on measuring the consequences of the consummated nature of such violence. Measures of sexual harassment or workplace violence tritely focuses on the consequences of consummated nature of such violence, and, for that matter, are bereft of nomenclature to guide analysis. While hardly desiring to present economic estimates, this study takes an evolutionary view of sexual harassment as a critical route towards the reconceptualization of workplace violence. It begins with the examination of the nomenclature of workplace violence, through forms and intertemporality, both of which lack a systematic documentation and representation. A specific focus is paid two forms of workplace violence: explicit or overt forms as well as explicit or tacit forms. Intertemporality is captured through the constructed stages of development of workplace violence. The data on workplace violence comes from the six legal cases on sexual harassment of women upon which the Supreme Court of the Philippines resolved with a verdict favorable to victims. The period of observation covers the years 1995-2015. The result of this study shows that sexual harassment goes beyond the concept of a discrete type of consummated violence. The infraction on the rights of women had developed continuously across a maximum of four periods. In each period, violence against women had become more diversified to project domination and effect more aggressive forms of violence. The set of findings generally implies the need to rethink our view of the rights and welfare of women in the workplace.

**Key Words:** workplace violence against women; sexual harassment; intertemporality; explicit and tacit forms; Philippines.

## 1. INTRODUCTION

### *1.1 Rationale of the study*

The violence against women (VAW) is an infraction on the human rights of women. VAW is a social concern and phenomenon deeply rooted in the wrongful, if not malicious and unjust, expectations and treatment of the society about the comparative capability and worth of men and women. Multifaceted, it has physical, psychological, or sexual manifestations. Typologically, it can range from subtle infliction of harm through coercion, sexual harassment, threat, verbal abuse and others, to a more explicit and gross representation of aggression such as bullying, deprivation of liberty and possession, genital mutilation, genocide, mobbing, murder, robbery, sexual assault, trafficking, and others (ILO, 2013; VicHealth, 2012; Oxfam, 2014). This nature of violence can thus explain why in the last 70 years, infractions on the rights of women have remotely waned despite large scale and institutional attempts made to advance their cause. In fact, UN reports around 15 to 76 per cent (1.4 to 5.3 billion) of incidence of sexual violence experienced by women in their lifetime (UN Women, [www.unwomen.org](http://www.unwomen.org)). VAW definitely has complex configuration, which, on the basis of its delicate, private, and, sometimes, organized nature, female victims have often found initially difficult or shameful to confront.

Although not as widely reported as the case of domestic abuse, workplace violence --- whether in subtle or aggressive form --- is not a trivial matter. The gravity of this concern is impressed on a strand of literature determining its typology as well as its consequences (ILO, 2013; Bowie, 2002), impact (Wieclaw, Mortensen, and Burr, 2006; Robson, Cossar and Quayle, 2014), and analytic paradigm (Wieclaw, et al., 2006). What is essentially established is that women are found vulnerable to workplace violence for being employed in high-risk occupations (for example as paramedics in Boyle, Koritsas, Cole, and Stanley, 2007; or, teachers, social workers, nurses, and bank and shop workers, in ILO, n.d.), for having experienced domestic abuse, and for confronting trying economic, physiological, and

psychological conditions (Anderson, Fallin, and AlModalla, 2014; Baker and Cunningham, 2005).

Literature directly underscore the deliberate nature or intentionality of workplace violence (also claimed by Kabeer, 2014). This means that perpetrators attempt to emotionally, mentally, physically, physiologically, psychologically or socially destabilise and undermine victims before consummating the violence (Rodriguez-Carballeira, Almendros, Escartin, et al., 2013). Workplace violence can long predate the awareness, consciousness, and decision of victims about the infractions that they are able to sustain (for example see Alexander, Franklin, and Wolf, 1994).

While so, workplace violence appears to be conceived and measured as an afterthought of the situation, neglecting its non-discreteness and intertemporality. Evidently, literature focus on the forms and costs of workplace violence as deemed or perceived harmful by victims in the short, medium or long run. The concepts and measures considerably move about the direct costs (medical needs, productivity loss, income loss, and others), indirect costs (consequences of violence to family or relatives, community, workplace or employing company, justice and medical systems, the national economy), and perpetrators' welfare losses (see Day, MacKenna, and Bowlus, 2005, pp. 12-13), among others (see ILO, 2013; MacKenna and Bowlus, 2015). Such leaves out the effects on health, employment, and psycho-social development of victim as the closest gauge of the overlooked concept of workplace violence.

### *1.2 Statement of the problem and objectives*

This study attempts at bridging the gap in literature by reconceptualizing sexual harassment. It aims to examine the overlooked non-discreteness of work place violence, which possibly underlines a host of continuing infractions of workplace violence against women. The said attribute of violence possibly exists as some literature point to the employment of perpetrators of multiple forms of sexual harassment across a period of time (Milczarek, Vartia, and Pakkin, 2010; United Nations Development Programme or UNDP, 2013).



It is crucial to find out if workplace violence against women is a spectrum of temporal incidents with changing manifestations as well as initial impact(s), intertemporality, and transitions manifesting and posing consequences on victims and others.

The resulting conceptual framework is a step forward to identifying the missing concept, if not norm in defining and measuring, sexual harassment. The augmented framework bears implications on what we need to know concerning the evolution, progression, and dynamics of gender related violence.

## 2. METHODOLOGY

This study follows a case design utilizing coding techniques. The Philippines is chosen as a case area as it is one of the countries in Asia that registered early discourses on gender (see Kintanar, 1995) and passed anti-sexual harassment laws. The latter are Republic Act No. or RA 7877, AntiSexual Harassment Act of 1995, and RA 9292, AntiViolence Against Women and their Children. This study derives its data from the cases of sexual harassment that reached the judicial intervention of and received verdicts favoring victims from the highest court of the land, the Supreme Court of the Philippines (SCP). Case selection considers the years of effectivity of RA 9292: 1995-2015.

RAs 7877 and 9292 conceive of violence against women as extrication of the personal freedoms and human rights of women, especially in the setting of work. They implicitly define one aspect of nomenclature of workplace violence, which is the form. RA 7877 implies that violence has two major forms: explicit (overt) and implicit (tacit). The explicit or overt forms are the physical aggression of the perpetrator that manifest through kissing, slapping, touching the sensitive body parts, or any violative body contact on the victim. The tacit forms denotes manipulation and infliction of psychological violence on victims. Perpetrators can be direct offenders or are complicit to the enactment of violence.

The other aspect of the nomenclature, intertemporality, finds support from Milczarek, et al. (2009). It depicts sexual harassment as both an

“unwanted sexual attention”, and a repeated and compounded violence aimed at disabling the victim. Intertemporality describes the “escalating nature” of violence, emanating from a conflict between the victim and perpetrator, that turns into aggression against and stigmatisation of the victim, eventuating to imposition of authority of the perpetrator and “displacement” of the victim, who, around then, “becomes the problem” in the workplace (Milczarek, et. al. 2009, p. 22).

## 3. RESULTS AND DISCUSSION

This study gathered six sexual harassment cases that correspond to its objectives and design (G.R. No. 140604, G.R. No 158700, G.R. No. 14128, G.R. No. 140128, G.R. No. 132164, A.M. No. RTJ-981351, and A.M. No. P-03-1697). Table 1 shows the profile of victims and perpetrators of sexual harassment. The six cases point to a 1:1 ratio of perpetrator and victim of sexual harassment. There was superordination-subordination power play for all cases. In the position of power, perpetrators feigned an attempt to address the business, employment or office performance related concerns of victims to effect sexual advances. Perpetrators either exercised their formal authority or created situations to scheme their way to affect the lives and mindset of victims. Regardless of the physical setting of sexual harassment, the provenance of violence remains the unchallenged authority and intentions of perpetrators. When tried in courts, perpetrators were dismissed from office or temporarily suspended.

Table 1. Profile of victims and perpetrators

Items	Case 1	Case 2	Case 3	Case 4	Case 5	Case 6
Victim	Daughter of childhood friend of perpetrator	Stenographer in an office of government agency	Married teacher requesting transfer of office	Owner of school obtaining permit to operate from perpetrator's office	Court interpreter	Clerk of court
Perpetrator	City Health Officer in	One chairman in a labor	Division Superintendent of	Division Superintendent of	Presiding judge of one	Presiding judge of one



a province	relation	the	the	regional	municipal
commission	national	national	national	trial court	trial court
office	agency	education	education		
	in	agency	agency		
	one	in	in		
	province	one	one		
		province	province		

Examined cases relate the unaccounted concepts and items of violence against women. At the first burst of violence, all perpetrators had successfully pre-identified the use of office resources as well as the situation of the victim to attain their selfish ends. They also utilized the elements of social connections (for example, their kinship, rank and work reputation) to blur or hide their motives through feigned care, concern, or friendliness. Sexual harassment thus has a base form called premeditated violence (*PV*), which starts from the period when (family members of the) victims had first contact with perpetrator and ends with the enactment of tacit violence. *PV* signifies the intentionality of violence. During this stage of violence, it was inevitable for victims not to experience loss of productivity, out of the confusion and anxiety experienced in attempting to fully make sense of the sexual advances of perpetrators.

However, the frequency and duration of sexual harassment were not the same across the victims. In half of the examined cases, sexual harassment happened once without recurrence. The other half describes the recurrence. In the latter case type, however, the explicitness of violence (e.g. mashing of breast) was manifest but verbal abuse (e.g. cursing) and/or manipulation (e.g. threatening victims) became more pronounced as time went on. Sexual harassment appears to worsen and become more violent and multifaceted at the end. *PV* terminated at the time of resistance or struggle of victims.

The consummation of *PV* and its transition to the next stage of violence paves way for more aggressiveness of perpetrators.

During the second stage of violence or (*SV*), perpetrators adopted more evolved configurations of violence. They inflicted a combination of explicit forms and implicit forms of violence with psychological manipulation of victims. Explicit forms

were used for domination while the implicit forms for distraction. Manipulation was used to strike a guilt on or obtain the consent of victims. Some perpetrators pleased the sensitive parts of the body of victims to overcome their resistance.

*SV* can terminate at will of perpetrators or by the force of certain circumstances. Based on the examined cases, *SV* was consummated when victims started to articulate the infractions of the perpetrators. Some victims, together with a family member(s) or friend(s), took initial steps at confronting, clarifying intentions of, or cautioning perpetrators before taking a legal action.

During *SV*, both perpetrators and victims were adversely affected by sexual harassment. They encountered loss of productivity with the former's repeated commission of infraction(s) and the latter's distress in fulfilling work assignments. Some victims experienced income loss from work absence just to avert repeat(ed) contact with perpetrators. Others incurred additional expenses for related medical, health or psychological assistance. There was also loss of productivity and income among the affected family members, friends or fellow workers. On the other hand, perpetrators caused a breach in security protocols and regulations as well as had a wasteful use of office resources.

The penultimate stage of violence (*TV*) could go beyond development of violence in *SV*. The data relate that *TV* blends well with the levels of (dis)empowerment and proactivity of victims and/or their social networks. The physical forms of violence tapered off to give way to intensified use of more tacit forms of violence. Victims as well as their families, friends, or other concerned individuals normally responded by filing legal suits against perpetrators. However, some perpetrators attempted at countering these initiatives by discouraging victims to pursue legal actions through further violence (e.g. threats and foul language) or by preempting the due process of the judicial system (e.g. arranging terms with the victim's family). The objectives of manipulation were to dominate and silence victims, avoid legal liabilities, and preserve the workplace reputation of perpetrators.

Understandably, the infractions of perpetrators during *TV* had national to local and personal consequences and implications. Perpetrators breached national laws and policies by obstructing justice meant for them and victims. They also infringed the human rights of victims by attempting to economically, politically, and socially disempower the latter. They also had lost foresight of their future socioeconomic opportunities due to threat of suspension or expulsion from duty. They likewise had lost foresight of the future socioeconomic opportunities of the victim given their unproductivity for over a period of time.

Despite extinction of physical forms of violence for *TV*, the escalating nature of sexual harassment can linger much further beyond the actual commission of violence. The reason is that perpetrators were using all means necessary to cleanse their hands off their legal liabilities. As documented, the last stage of sexual harassment had occurred in the court room in the form of manipulation. Thus, court room violence (*CV*). In this final stage of violence, perpetrators bore false recollections of events and false witnessing against victims in attempting at absolving themselves. They could end up accusing victims of hiding sexual desires for them or running after their money in suing them. The consequences of *CV* were obviously incurrence of hidden costs on maintaining a fair judicial system, functional offices of perpetrators and victims as well as of the witnesses, and on the productivity and/or incomes of perpetrators, victims, witnesses and their families. Victims and families of victims may also face mental anguish during the courtroom battle and beyond.

#### 4. CONCLUSIONS

Understandably, workplace violence, as a form of sexual harassment, has a profound effect on the welfare and dignity of victim and those that depend on her for a living or for support. Indeed, violence against women in the workplace is an infraction of the rights of women because it diminishes their person, their social worth, and their

opportunities to positively contribute to their society and realize their full potential. It was initially thought plainly to be an unwanted sexual act that transpires in discrete sets of time and circumstances. Contrary to such concept, this study found out that while sexual harassment against women is unwanted, the violence contained in the actions of perpetrators is intentional. This attribution is critical for such implies that sexual harassment is an absolute infraction regardless of the perception and realization of perpetrators or victims, as workplace violence is the constitutive core of (the system of commission of) sexual harassment. Such is the case as workplace violence forms a host of temporal incidents (*PV*, *SV*, *TV*, and *CV*) of infractions, existing in varied forms. Workplace violence bears initial impact on and personal consequences to perpetrators, victims, and their social environment, and has local to national implications for security and order in workplaces and community.

The findings of this study are limited to its technical design. As a case exploration, this study did not aim at generalizing its findings but solely at contributing a reconceptualised framework of sexual harassment via workplace violence against women. Future researchers maybe interested to find out if these cases have disparate features with those cases filed in lower courts and reported in police stations. There is also a need to stress that the conceptual framework can further be formalized.

#### 5. ACKNOWLEDGMENTS

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