SEXUAL HARASSMENT
AND THE
LAW

ADETUTU DEBORAH AINA-PELEMO
PAUL ADOLE EJEMBI
PREFACE

The aphorism succinctly asserted by the 19th century British politician that 'power corrupts and absolute power corrupts absolutely' is not only idiosyncratic of politics; it resonates with other aspects of human demeanor including gender dynamics, labour and industrial relations, among others. Contemporary society is bedeviled by exponential cases of discrimination on the grounds of sex, gender based violence, and sexual harassment. The menace of sexual harassment has egregiously impacted the very fabric of the society. Its pungent effect is evidently depicted by the harrowing narratives of inhuman and degrading treatment of victims of sexual harassment by perpetrators in educational institutions, workplaces, other segments of the Nigerian society, and across the world. The enormity of sexual harassment and its attendant physical and psychological trauma on victims has given impetus to the desirability of writing this book entitled Sexual Harassment and the Law. The book consists of twelve chapters.

Chapter one presents a general introduction of the subject of sexual harassment and the law. The chapter briefly examines the nature and dynamics of sexual harassment and various meanings and connotations of sexual harassment. Chapter one also highlights the various types of sexual harassment such as quid pro quo harassment, verbal sexual harassment, non-verbal sexual harassment, and physical sexual harassment. The chapter discusses the causes of sexual harassment at the workplace and its effect on the victim. It also identifies the various means victims could cope with sexual harassment. Chapter two presents a historical overview of sexual harassment, the sources of international law regarding sexual harassment in the workplace, and major treaties signed and ratified by Nigeria. The chapter considers the regulatory framework for sexual harassment in the country and analyses the Nigerian culture in the context of sexual harassment. It observes that Nigerian culture tends to regard the male gender as superior to the feminine gender and gender based sexual harassment is often tolerated. Chapter two further discusses the incidences of sexual harassment in various sectors of the Nigerian society.
The chapter concludes by highlighting the occurrence of sexual harassment in other countries such as USA, Australia, Israel, Saudi Arabia, Lebanon, India, Denmark, Britain, and Pakistan.

Chapter three considers the legal definitions of sexual harassment in some selected countries in the developed world and a few selected countries in the developing world. The developed states in chapter three refers to are United States of America, Canada, the United Kingdom, France, and Germany while, the developing countries the chapter considers include: Nigeria, Kenya, Uganda, India, Tanzania, and South Africa. The countries were randomly selected and classified under countries within the rubric of developed states and those within the rubric of developing states to ascertain their perception regarding the definition of sexual harassment. Chapter three also clarifies other related concepts such as 'Ouid pro quo sexual harassment,' 'Sexual Abuse,' 'Sexual Assault,' and 'Sexual Exploitation.'

Chapter four presents a brief statistical data about the occurrence of sexual harassment in some countries around the world. The chapter also describes the research methodology employed in examining the phenomenon of sexual harassment in the Nigerian legal profession as well as other sections of the book and the challenges encountered in the course of data collection. The work basically adopts the qualitative and quantitative as well as doctrinal research methodologies.

Chapter five, using quantitative research methodology, provides insight about sexual harassment amidst legal professionals in the workplace by examining their perception on the subject matter, as well as their knowledge about the power of the National Industrial Court of Nigeria (NICN) to adjudicate on matters arising from or incidental to sexual harassment and the effectiveness of the Violence Against Persons (Prohibition) (VAPP) Act 2015 regarding the phenomenon of the study. The chapter describes the findings from demographics of the respondents, statistical test used, and results of each research question and hypothesis raised in the study.
Chapter six contains a comprehensive analysis of the findings of the survey contained in chapter five. It examines sexual harassment at workplace in Nigeria and around the world. The chapter addresses three basic research questions that have to do with the incidence of sexual harassment among legal professionals in Abuja and the legal framework provided for the lawyers in dealing with such deviant behaviours.

Chapter seven discusses sexual harassment policies and guidelines. It also presents samples and templates of sexual harassment complaints and institutional forms. Chapter eight discusses international and regional treaties and instruments that have implicitly or explicitly provided for the protection against sexual harassment.

Chapter nine focuses the remedies in respect of cases of sexual harassment. The remedies have been classified into three broad areas, viz; administrative remedies, civil remedies, and criminal sanctions. The chapter indicates that victims of sexual harassment are not hopeless or helpless as they could use the various avenues highlighted to ventilate their grievances and seek redress.

Chapter ten undertakes an overview of the legal and regulatory frameworks of the subject matter of sexual harassment in selected countries around the world. The states discussed include Canada, United Kingdom, Nigeria, South Africa, Australia, and United States of America.

Chapter eleven briefly highlights the various strategies the government and non-state actors may adopt in order to address the problem of sexual harassment particularly in the Nigerian context. Some of the roles discussed include the role of the legislature, the role of judiciary, the role of the executive, the role of employers, the role of employees, the role of contractors and third parties, the role of the individual, and the role of victims of sexual harassment.

Chapter twelve, the final chapter, entitled 'Creating an enabling regulatory environment devoid of gender based violence' treats the phenomenon of gender based violence taking cognizance of the fact that sexual harassment is a form of gender based violence. The chapter presents an overview of international and domestic legal frameworks in respect of gender based violence.
The chapter also highlights challenges of gender based violence in contemporary Nigerian society and concludes by enunciating the roles of states and non-state actors in dealing with the menace of gender based violence in Nigeria. The authors hope that this book will serve not only as a resource material on the subject of sexual harassment but engender a road map for reforms in Nigeria and across the globe.

Adetutu Deborah Aina-Pelemo  
Paul Adole Ejembi

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CONTENTS

Dedication…………………………………………………… iii
Foreword…………………………………………………… iv
Acknowledgements ..................................................vi
Preface…………………………………………………… vii
Table of contents…………………………………………… ix
List of tables…………………………………………………..xviii
List of figures……………………………………………………xix
Table of cases…………………………………………………xx
Table of statutes……………………………………………….xxi
List of Abbreviations…………………………………………xxiii

CHAPTER 1: GENERAL INTRODUCTION
Introduction…………………………………………………… 1
Diverse definition of sexual harassment…………………… 3
Phenomena that pose as challenges for defining the term sexual
harassment……………………………………………………7
Types of Sexual Harassment…………………………………8
Likely Causes of Sexual Harassment at Workplace……… 10
Effect of Sexual Harassment on Victim and Organisation…..11
Diverse means of Coping with Sexual disorder at
Workplace……………………………………………………13

CHAPTER 2: HISTORICAL DISCUSSIONS OF SEXUAL
HARASSMENT
Introduction…………………………………………………. 16
International Treaty and Sexual Harassment…………….. 17
Sources of International Laws regarding Sexual Harassment at
Workplace……………………………………………………18
The major Treaties signed and ratified by Nigeria……….. 19
The Legal Framework of Sexual Harassment at Workplace in
Nigeria…………………………………………………………20
Nigerian Culture and Sexual Harassment…………………..27
Sexual Harassment in Different Nigerian Sectors………… 29
Sexual Harassment in other Countries………………………37
CHAPTER 3: CONCEPTUAL FOUNDATION

Introduction……………………………………………………. 43
Definitions of Sexual Harassment in Selected Developed Countries………………………………………………………………………….44
United States…………………………………………………….44
Canada………………………………………………………..46
United Kingdom……………………………………………48
France…………………………………………………………..50
Germany………………………………………………………52

Definitions of Sexual Harassment in Selected Developing Countries…………………………………………………………………………53
Nigeria……………………………………………………………53
Kenya……………………………………………………………55
Uganda……………………………………………………………56
Tanzania…………………………………………………………57
India……………………………………………………………..58
South Africa…………………………………………………….59
Quid Pro Quo Sexual Harassment……………………………….62
Sexual Abuse, Sexual Assault, and Sexual Exploitation……… 62
Sexual Intimidation…………………………………………..62
Conclusion……………………………………………………..63

CHAPTER 4: A SURVEY OF THE PHENOMENON OF SEXUAL HARASSMENT IN THE CONTEXT OF THE NIGERIAN LEGAL PROFESSION

Sexual Harassment and Legal Profession Globally…………………67
Objectives of Study………………………………………………73
Research Questions………………………………………………73
Hypothesis………………………………………………………73
Research Methodology…………………………………………74
CHAPTER 5: RESULTS OF DATA COLLECTED FROM RESPONDENTS

Introduction

Demographic information of Respondents

Research Questions

  Question 1: Does sexual harassment occur among legal professionals in Nigeria?

  Question 2: If it does, what are the viable means of legally addressing sexual harassment from the legal profession and the society in Nigeria?

  Question 3: How effective is the Violence Against Persons' (Prohibition) Act 2015 (Nig.) (VAPP Act) to Nigerian legal system and the society at large?

Research Hypotheses

  Hypothesis 1: Sexual harassment does not affect the growth of the Nigerian legal profession.

  Hypothesis 2: there is no relationship between awareness of the lawyers about the empowerment of the National Industrial Court of Nigeria and its ability to prevent the workplaces from sexual harassment.
Hypothesis 3. There is no need for a unified law in Nigeria that punishes sexual harassment at workplace.  

CHAPTER 6: FINDINGS OF THE SURVEY
Introduction..............................................................................101
Discussion of Findings............................................................102
Question One.............................................................................102
Question Two..............................................................................108
Question Three..........................................................................111
Hypotheses .............................................................................113
Summary...................................................................................122

CHAPTER 7 SEXUAL HARASSMENT POLICIES AND GUIDELINES
The necessity of Sexual Harassment Policies in the Workplace123
Sample of Sexual Harassment Policy for Institutions..............124

CHAPTER 8: INTERNATIONAL LEGAL FRAMEWORK FOR THE PREVENTION AND PROHIBITION OF SEXUAL HARASSMENT
Introduction.............................................................................135
Convention on the Elimination of all Forms of Discrimination against Women, No. 19 of 1992 ................................. 135
Beijing Declaration and Platform for Action, 1995 .................137
Discrimination (Employment and Occupation) Convention, 1958.................................................................138
The Indigenous and Tribal Peoples Convention .................140
Protocol on Gender and Development, 2008......................142
The European Convention for the protection of Human Rights and Fundamental Freedoms..................................................144
Charter of Fundamental Rights of the European Union........146
Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence 2011....147
CHAPTER 9: SEXUAL HARASSMENT AND LEGAL REMEDIES FOR VICTIMS
Introduction .............................................................................................................. 152
Administrative Procedures and Remedies ............................................................... 153
Reporting Sexual Harassment or Filing Complaints .............................................. 154
Investigation and Commencement of Disciplinary Proceedings ............................ 154
Warning .................................................................................................................. 155
Query ...................................................................................................................... 155
Suspension .............................................................................................................. 156
Transfer .................................................................................................................. 156
Other Internal Administrative Directives ............................................................... 156
Dismissal or Termination of Employment ............................................................... 157
Civil Actions and Remedies .................................................................................... 157
General Damages ................................................................................................... 157
Special Damages ..................................................................................................... 157
Aggravated Damages ............................................................................................. 160
Interim Orders ....................................................................................................... 162
Perpetual Injunction or Perpetual Orders ............................................................... 163
Order of Reinstatement ......................................................................................... 163
Criminal Sanctions and Compensation .................................................................. 163
The Crime of Sexual Harassment .......................................................................... 163
Sentencing and Compensation .............................................................................. 165

CHAPTER 10: LEGAL AND REGULATORY FRAMEWORKS ON SEXUAL HARASSMENT IN SELECTED STATES
Canada .................................................................................................................... 167
United Kingdom ..................................................................................................... 169
Nigeria .................................................................................................................... 172
South Africa .......................................................................................................... 179
Australia ................................................................................................................. 183
United States of America ....................................................................................... 187
CHAPTER 11: HARNESSING STRATEGIES FOR THE PREVENTION OF SEXUAL HARASSMENT IN THE WORK PLACE

Introduction…………………………………………………………..188
Legislature…………………………………………………………..189
The Judiciary…………………………………………………………..192
The Executive…………………………………………………………..194
Employers…………………………………………………………..195
Employees…………………………………………………………..195
Contractors and Third Parties……………………………………..196
Individuals…………………………………………………………..197
Victims of Sexual Harassment………………………………………197

CHAPTER 12: CREATING AN ENABLING REGULATORY ENVIRONMENT DEVOID OF GENDER BASED VIOLENCE

The Concept of Gender Based Violence…………………………..199
An Overview of the Regulatory Regimes Regarding Gender-Based Violence………………………………………………………201
National Legislation………………………………………………..201
International Instruments…………………………………………201
The Challenges of Gender-Based Violence in Nigeria…………..203
The Strategic Roles of States and Non-State Actors in Dealing with the Menace of Violence against Women in Nigeria…….. 204
The Government……………………………………………………204
Non-State Actors……………………………………………………205

APPENDIX I Sexual Harassment Complaint Form………………..207
APPENDIX II Sexual Harassment Oath Form……………………..209
APPENDIX III Anti-Retaliation Form………………………………210
APPENDIX IX Employment’s Anti-Sexual Harassment Form 211
APPENDIX X Student’s Anti-Sexual Harassment Form …………212
INDEX ………………………………………………………………..213