

An Analysis of Corporate Social Responsibility and Business Ethics Through Workplace Sexual Harassment

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Abstract: Workplace sexual harassment is a sensitive social topic and also a problem that has plagued society and enterprises for many years. Workplace sexual harassment seriously infringes upon the legitimate rights and interests of employees, harms their physical and mental health, disrupts the organizational environment of enterprises, and has a considerable negative impact on the harmonious development of enterprises, the mental health of employees, and their work behaviors. Workplace sexual harassment violates basic business ethics. With the development of the social economy and the gradual improvement of material living standards, some people have become lost in the pursuit of money, leading to the gradual deterioration of the moral environment. At the same time, due to the existence of deficiencies in the legal aspect, the phenomenon of workplace sexual harassment has been left unchecked and connived at, which has become a malignant tumor affecting social development and the growth of enterprises. The governance of workplace sexual harassment is a long-term task. Enterprises should take the initiative and act proactively, standardize relevant mechanisms, improve related systems, protect the rights and interests of employees, and create a healthy working environment and atmosphere.

Keywords: Workplace; Sexual Harassment; Corporate Social Responsibility; Business Ethics; Organizational Management

Published: Feb 15, 2024

DOI: <https://doi.org/10.62177/apemr.v1i1.262>

1. Definition

Sexual harassment is a global organizational phenomenon^[1]. According to the investigation by American scholar Aggarwal^[2], 40% to 75% of women and 13% to 31% of men have experienced sexual harassment in the workplace. The survey results of scholar Chen Xing^[3] on 27,854 women of childbearing age in China show that approximately 43.27% of the women have experienced sexual harassment. Timmerman^[4] conducted 74 surveys and studies in 11 member states of Europe and found that 17% to 81% of women had experienced sexual harassment. The Law of the People's Republic of China on the Protection of the Rights and Interests of Women^[5] stipulates that "sexual harassment against women is prohibited." King^[6] research shows that approximately 20% of people experience workplace sexual harassment once every four years. Workplace sexual harassment has become an important issue of concern for organizations because it not only affects the physical and mental health and work efficiency of organizational members, but also influences the organization's culture and operational costs. The concept of sexual harassment originated from the second wave of the feminist movement in the United States in the 1970s. It was first proposed by American feminist Lin Farley and other scholars studying women's issues in the workplace at Cornell University, initiating the research on workplace sexual harassment.

Scholars in different fields have different definitions of workplace sexual harassment. Among them, in the field of human

resource management, it is defined as “gender-based harassment whose purpose or effect is to substantially interfere with a person’s job performance, or to create a threatening, hostile or aggressive working environment^[5]; Unwelcome sexual acts, such as physical contact or further acts, such as pornographic remarks, words or acts with pornographic and sexual demands “^[7]; In the field of political science, it is regarded as “unwanted sexual harassment, sexual demands, and other sexual verbal or physical acts that occur under any conditions: (1) explicitly or implicitly stating that such acts are terms or conditions for personal employment; (2) The act of agreeing to or refusing such behavior will affect their employment relationship; (3) The purpose or effect of such behavior is to unreasonably interfere with others’ work performance, or to create a threatening, hostile or even aggressive work environment “(Civil Rights Act of the United States); The psychological category explains it as “in the workplace, behaviors that the harassed person considers offensive, unexpected, or threatening their physical and mental health and sexually related”^[9]; From a legal perspective, it is believed that “harassment based on sex is often accompanied by certain intentions or brings about substantial sexual impacts, such as interfering with others’ work performance, creating an offensive, hostile or intimidating working environment; Any form of unwanted verbal, non-verbal or physical sexual act whose purpose or effect is to violate someone’s dignity, especially when creating an environment of intimidation, hostility, insult, humiliation or repudiation (Civil Rights Act of the United States). Scholar Till^[10] classified sexual harassment into five categories, namely gender harassment, seductive behavior, sexual bribery, sexual coercion and sexual assault. Sexual harassment can be divided into verbal harassment, physical harassment and environmental harassment according to the behavioral patterns of the harassing subjects. Scholar Fitzgerald^[11] classified sexual harassment behaviors into gender harassment, sexual temptation, sexual bribery, sexual coercion, and sexual assault according to the severity of the behavior. Scholar Langeran^[12] classified sexual harassers into four types: predatory sexual harassers, street sexual harassers, strategic sexual harassers and dominant sexual harassers. Thomton’s^[13] research further classifies sexual harassment behaviors into bullying, gathering, derogatory and insulting words based on gender or racial discrimination, and marginalized exclusion behaviors, etc.

2.Hazards

2.1 Harm to the victim of Sexual harassment

For those who are sexually harassed, on the one hand, workplace sexual harassment can have a negative impact on their physical and mental health, such as headaches, fatigue, annoyance, anxiety, anger, a sense of powerlessness, shame, depression, post-traumatic stress disorder and a series of other negative emotions and symptoms^[17]. Moreover, women who have experienced workplace sexual harassment are more likely to suffer from post-traumatic stress disorder and major depressive disorder than those who have not^[18]. On the other hand, the interpersonal relationship handling ability and career development potential of those who have been sexually harassed have declined significantly, which is specifically manifested as follows: the feedback ability on work turns from positive to negative; The frequency of organizational conflicts in the team one is in has increased and business performance has declined. Decreased awareness of the judiciary Show cognitive difficulties (such as distraction); Generate the need for over-performance (referring to the individual’s belief that they need to exceed tasks in order to gain recognition in the workplace)^[19]. The service performance of front-line employees who have been sexually harassed will decline, and employees who have been sexually harassed perform worse in maintaining service norms than those who have not been sexually harassed^[20].

2.2 Harm to the organization where it is located

For organizations, workplace sexual harassment makes the organizational environment harmful and reduces the mental health of organizational members^[21]. Tolerance and tacit approval of sexual harassment in the workplace can easily give rise to a culture of complicity within an organization. The co-conspirator culture can become a breeding ground for workplace sexual harassment. Under this culture, people are more inclined to turn a blind eye to such behavior^[22]. Bystanders who are forced to become co-conspirators will experience stress and feel disheartened. Their job satisfaction and work efficiency will decline significantly, thereby reducing the overall organizational cohesion and morale. Meanwhile, the absenteeism rate and turnover rate of employees have increased. The organization needs to bear the direct costs caused by employee turnover and legal proceedings initiated by those who have been sexually harassed, as well as the indirect costs caused by the decline in

organizational morale or damage to reputation^[23].

3.Cause Analysis

3.1 Absence of legal protection

Before the Civil Code, the legal system for the prevention and control of sexual harassment in China presented the following characteristics: First, the number of laws and regulations related to workplace sexual harassment in the legal system is small and not systematic, with poor operability. There are no definitions of concepts, the competent authorities are unclear, and the legal responsibilities of relevant subjects are not clarified. At the same time, the protected objects of the legal provisions are limited to women, ignoring the relevant interests of men in the workplace. Second, it is difficult to obtain evidence. Sexual harassment incidents usually occur suddenly and in hidden places. Generally, there is no time to obtain evidence or it is very difficult to obtain evidence. The evidence system is overly strict, making it difficult for victims to protect their rights. Thirdly, the law enforcement departments handle the situation improperly. Most of the staff in the public security law enforcement departments are male and lack gender protection awareness. During the interrogation process, they may over-question or use inappropriate words, causing secondary harm to the victims. Article 101 of the Civil Code, which was approved by the National People's Congress in 2019, clearly stipulates sexual harassment. It not only covers male victims but also explains the manifestations of sexual harassment in a listing and summarizing manner. At the same time, it clarifies that units should undertake the obligation of preventing sexual harassment within a reasonable scope, promoting the prevention and control of sexual harassment in the workplace. However, the relevant provisions of the Civil Code do not mention the nature of the liability for sexual harassment, the determination and measurement of material and mental losses, and the assumption of legal responsibilities by the sexual harasser and the employer, resulting in the determination of the responsibilities of the relevant involved subjects remaining ambiguous. Another point is that it is extremely difficult to define sexual harassment. Whether it constitutes sexual harassment is greatly influenced by personal subjective feelings, making the definition hard. From a quantitative perspective, there is still considerable controversy over how to distinguish between sexual harassment and forced indecency, and how to clearly demarcate the boundaries between criminal and non-criminal acts of sexual harassment. The lack of legal protection mentioned above is one of the main reasons for the frequent occurrence of workplace sexual harassment incidents.

3.2 Lack of social concepts and cognition

From the perspective of social concepts and cognition, the following problems exist in the prevention and control of workplace sexual harassment: One is the narrow social perception. The current public opinion's understanding of sexual harassment is very limited. In combination with the recent reports on "tram wolves" and "bus trolls", it seems that only being a rogue in public places can be regarded as sexual harassment. Even worse, it is believed that only "rape" can be considered sexual harassment. In fact, the forms of sexual harassment are diverse. Including "making pornographic jokes or discussing sex-related topics in the office without others' consent", all should be classified as sexual harassment acts; The second is the constraint of traditional concepts. With the development of society and the progress of culture, although the status of Chinese women is gradually improving, it cannot be denied that the traditional patriarchal social thinking still has a strong influence. The recent discussion on "women's freedom of dressing" triggered by a certain celebrity is a concrete manifestation. The prejudice against women in traditional customs and outdated concepts that have not yet been eliminated will bring the risk of stigmatization to the victim. That is, when a woman publicly discloses that she is a victim of sexual harassment, not only will she not receive sympathy and help from those around her, but she may even be questioned for actively seducing and harassing the person. Thirdly, from the perspective of protecting their own interests, some victims of workplace sexual harassment may choose not to hold the harasser legally responsible or simply swallow their anger out of consideration for the work relationship or fear of retaliation. Meanwhile, bystanders may also choose to remain silent for the same reason. This article holds that the lack of social concepts and cognition is the most significant reason for the frequent occurrence of workplace sexual harassment incidents.

3.3 Absence of organizational management

The people one must come into contact with in the workplace are no more than superiors, colleagues, partners, clients and

other groups. Workplace sexual harassment usually occurs between superiors or colleagues and falls within the scope of internal control of the organization. However, in response to such internal control risks, few enterprises or institutions have taken effective measures to avoid or rectify workplace sexual harassment. On the one hand, the vast majority of enterprises have not paid due attention to workplace sexual harassment. They only focus on economic benefits and have not formulated corresponding rules and regulations for the rectification and prevention of workplace sexual harassment, ignoring the legitimate interests of employees. Although there are unwritten regulations in administrative organs, public institutions and state-owned enterprises in our country, That is, leaders cannot appoint full-time secretaries or assistants of the opposite sex. Although this has played a role in preventing workplace sexual harassment to a certain extent, the practical effect is not very ideal. Moreover, from another perspective, in the state-owned system where male leaders are in the majority, it has instead become an obstacle to the career development of women. On the other hand, after a workplace sexual harassment incident occurs internally, the vast majority of enterprises, considering their own interests and social impact, will choose to calm the matter and mediate internally. They will not elevate the behavior to an illegal or even criminal act, especially when the harasser is a core employee of the enterprise or a shareholder or their family member. The harassed person may face even more harm and distress. The absence of organizational management is also one of the important reasons for the frequent occurrence of workplace sexual harassment.

4. Suggestions for Prevention and Rectification

According to the theory of corporate social responsibility, although a company is essentially an economy that pursues profits, its purpose of existence is not only to pursue high profits for shareholders, but also to undertake certain responsibilities for social interests. This includes safeguarding the interests of employees, and the interests of employees should also include preventing employees from being sexually harassed in the workplace. Article 54 of the Labor Law of the People's Republic of China clearly stipulates the requirements for employers: "Employers must provide workers with labor safety and hygiene conditions that comply with national regulations and necessary labor protection articles." Employers should provide workers with a healthy and safe working environment, including preventing workers from being sexually harassed in the workplace and safeguarding their physical and mental health. These are all responsibilities and obligations that enterprises are required to undertake as stipulated in the Labor Law. As the Civil Code clarifies the regulation of sexual harassment, the corresponding detailed rules and legal interpretations will also be refined and deepened in the future. Therefore, from the perspective of internal management control, in order to avoid unnecessary internal disputes and conflicts, avoid uncertain legal risks, and reduce unnecessary management costs, enterprises should take active actions. Incorporate the prevention and control of workplace sexual harassment into the management scope of the company. This article explores the prevention and rectification of workplace sexual harassment from the perspective of enterprise managers.

4.1 Attach great importance to zero tolerance

The attitude of leaders determines the cultural tone of an organization regarding workplace sexual harassment issues. Strong leadership can create a cultural tone for the organization that is inclusive of gender differences. Under such a culture, women can be fully accepted and recognized, and receive sufficient respect and fair treatment. On the one hand, when employees believe that managers have a zero-tolerance attitude towards workplace sexual harassment, training on restricting workplace sexual harassment will be more easily internalized. On the other hand, if employees believe that managers are moral, they will acquire more knowledge during the training period and are more likely to change their attitudes towards workplace sexual harassment, thereby preventing problems before they occur.

4.2 Formulate corresponding policies

Employers should issue policy documents to strongly condemn workplace sexual harassment, define workplace sexual harassment, clearly define protection mechanisms to prevent employees from retaliation, outline the process of handling cases, and ensure a fair investigation process and reasonable remedial plans and handling measures. Using emotionally rich and culturally rich language can enable employees to better implement policies, because at this time employees regard policies as a protective measure rather than a threat. Meanwhile, by listing bystander intervention and the prevention of sexual harassment as a necessary obligation, this policy places the responsibility for creating a healthy organizational culture

on all organizational members, thereby reducing the uniqueness of employees' responsibility to report sexual harassment and prevent predatory sexual behavior.

4.3 Strict Accountability mechanism

In a legal complaint against an organization for workplace sexual harassment, the employer must demonstrate that the organization has taken reasonable and prudent measures to prevent and promptly correct any workplace sexual harassment behavior, and that the employee has failed to make reasonable use of the effective policies formulated by the employer. (Bergmen,2002) Therefore, employers must establish an accountability mechanism for workplace sexual harassment and take the accountability mechanism and the complaints of each employee seriously. First of all, regularize gender-based harassment complaints. The organization should formulate policies to protect employees who come to complain and let them know that they have channels for relief. Secondly, ensure that the victims feel that their problems are valued and their complaints are taken seriously. Managers should take action to hold harassers accountable and prevent such cases from happening again.

4.4 Conduct training on the prevention and control of workplace sexual harassment

Training of different contents can be carried out for managers and front-line employees. Training for managers is generally aimed at enhancing their awareness of workplace sexual harassment issues, enabling them to understand the questions that can or are prohibited from being raised during job applications, and making them realize that improper behaviors in management (such as those that have a significant impact on the personal or physical health of employees, or behaviors that exceed the usual tolerance limits of society) require personal responsibility. And retaliatory actions against employees' complaints are illegal. For the training of front-line employees, the focus should be on how to deal with customer sexual harassment and how to establish effective protection mechanisms.

4.5 Improve the recruitment policy and optimize the gender ratio

Hire more female employees. On the one hand, quantitative security can make women more willing to stand up for themselves. Therefore, employers can hire more women and offer them more promotion opportunities, thereby changing the gender environment of the organization, creating a favorable cultural atmosphere, and curbing the occurrence of workplace sexual harassment from the source. On the other hand, recruiting more women is conducive to maintaining a harmonious working environment. Employers can highlight on the organization's website the women currently engaged in these jobs and the fairness and authenticity of the organization in promoting female employees. Meanwhile, emphasizing the flexibility of work can also increase the attractiveness of the job to female employees.

5. Conclusion

Objectively speaking, the incompleteness of the legal system and the immaturity of social concepts and cognition have led to the frequent occurrence of workplace sexual harassment. However, as the most direct relevant parties, enterprises should also constantly improve and enhance their internal management mechanisms, protect the interests of employees, effectively prevent and control workplace sexual harassment, and create a clean and upright working environment. Although the scope of preventing workplace sexual harassment is too broad and seems to be a matter of the entire country and social governance on the surface, as the old saying goes, "Governing a large country is like cooking a small fish." This is not limited to the imperial court. As a member of society, enterprises also have an inescapable responsibility for this. This is also a basic requirement of business ethics for enterprises. In the course of development, enterprises should recognize the social responsibilities they shoulder. They should not only focus on the interests of shareholders and the economic benefits of the enterprise, but also attach importance to business ethics and social responsibility, create a favorable internal and external environment, and maintain good employee incentives. Only in this way can they steadily move forward in the fierce market competition and promote the stable, sustainable, sound and healthy development of the enterprise.

Funding

no

Conflict of Interests

The author(s) declare(s) that there is no conflict of interest regarding the publication of this paper.

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