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Developing and Communicating Better Sexual Harassment Policies Through Ethics and Human Rights

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DEVELOPING AND COMMUNICATING BETTER SEXUAL HARASSMENT
POLICIES THROUGH ETHICS AND HUMAN RIGHTS

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TABLE OF CONTENTS

Introduction.....	1-4
Globalization.....	5-8
Facets of Globalization.....	5-8
Defining Sexual Harassment.....	9-13
Universal Benchmark.....	14-19
Culture.....	20-36
Culture in Sexual Harassment.....	20-24
Cultural Dimensions.....	24-36
Producing Guidelines.....	37-45
Developmental Procedures.....	37-39
Sexual Harassment Guidelines.....	39-43
Example Policy.....	44-45
References.....	46-48

INTRODUCTION

In a globalized economy, large corporations must have the ability to adjust to the changing business environment. Difficulty arises when codes of conduct, usually thought to be stable, intersect with differing cultural norms in the globalized workplace. Codes are made up of policies that employees are expected to abide by. One section of these codes that can become problematic is the policy addressing sexual harassment. An ethical standard must exist between the individual employee and the workplace with reference to sexual harassment policies. This ethical standard should not be an overarching norm of global tolerance about sexual harassment. Not only does sexual harassment create ethical issues for the corporation but also a financial burden is placed on corporations in a globalized marketplace, such that corporations have gone to great lengths to communicate codes of conduct to employees that govern behavior. It is estimated that sexual harassment will become increasingly costly to global organizations in terms of productivity and legal challenges. Sexual harassment is covered by Title VII of the Civil Rights Act and was amended by Congress in 1991 to provide a way for victims to recover compensatory damages and back pay (Roberts, B. S., & Mann, R. A., n.d.). Stanko and Schneider (1999) reported that 90% of Fortune 500 companies have experienced sexual harassment complaints and claim resolution costs averaged \$200,000” (Keyton, Ferguson, & Rhodes, 2001, p. 33). Recently the United States Supreme Court deemed it possible for corporations to be held liable for up to \$500,000 in damages for sexual harassment even if the top executives of the company have no knowledge of the harassing behavior (AllBusiness website, 2006). It would seem, due to the increased

financial burden related to sexual harassment litigation, companies have found it necessary to develop guidelines within their codes of conduct and ethics that are more comprehensive. This would suggest that organizations are being more proactive in addressing the issue of harassment within their organizations, thereby cutting down on the financial burden represented by litigation.

Sexual harassment, since it was legally defined in Western cultures in the 1970s, has been associated with multi-million dollar lawsuits that have reshaped perceptions about proper workplace communication. Sexual harassment has increasingly become an issue in U.S. workplaces as evidenced by over 15,000 charges being filed and resolved with the U.S. government in 2000 (Keyton, Ferguson, & Rhodes, 2001). In addition, according to Mulligan and Foy (2003), "15,475 sexual harassment charges were filed in 2001 and 14,396 charges were filed in 2002" (p.30). The United States is not the only industrialized country facing the problems of sexual harassment. According to Bridge (1997), thirty percent of 14,000 (4200) female naval personnel and civilian employees in Australia reported harassment (Mackay, 2001). In Japan, forty percent of working women reported sexual harassment varying from sexual jokes, comments about physical appearance or marital status, unwanted physical contact, lewd telephone calls and letters, demands for sex from senior colleagues or sexual attacks (Mackay, 2001; Human Rights Report, 1996; National Personnel Authority survey, 1996).

Sexual harassment has become a global problem that is widespread throughout the world. Sexual harassment policies for a globalized marketplace must be communicated to employees in a culturally sensitive manner. Cultural sensitivity

becomes significant because as corporations maneuver their organizations around the globe, these corporations must hire individuals from many different cultural backgrounds. Corporations must strive to have exemplary sexual harassment policies; however, very few corporations have produced such policies.

It is the purpose of this paper to provide a list of guidelines for executives to use when developing sexual harassment policies. These guidelines are to be used as a tool to create better sexual harassment policies within globalized corporations. Global corporations may find it necessary to use these guidelines and the universal benchmark to create more than one sexual harassment policy for different branches of their organization. The ability to draft more than one policy would permit the organization to deliver a culturally sensitive message through all business units of the globalized corporation. The primary concern that would need to be addressed and maintained through multiple sexual harassment policies is that sexual harassment will not be tolerated in the organization. A universal benchmark will be used to guide the discussion on how current sexual harassment policies may lack important features that would position them as exemplary policies. This benchmark will be developed using three different sources, the United Nations Declaration of Human Rights, the select Conventions found in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work, and by using the European commission's definition of sexual harassment. After developing the benchmark, the discussion will be centered on how three different cultural dimensions can be used to help produce a culturally sensitive message within sexual harassment policies using the newly created

guidelines. These guidelines will be developed by showing how some examples of current written harassment policies of Fortune magazine's Global 500 of 2005 do not provide adequate representation of intercultural communication. Using intercultural communication principles in addressing sexual harassment policies permits employees from varied cultural backgrounds to understand the policy. Five key themes are central to this paper, globalization, sexual harassment, the universal benchmark, culture, and the policy guidelines.

GLOBALIZATION

The first step in this analysis is to define a globalized corporation as an organization that conducts business inside and outside the borders of its country of origin. Most globalization is occurring as corporations in developed nations, particularly American corporations, are expanding into new nations and markets. Corporate diversification occurs as business organizations explore avenues into markets outside of its country of origin in order to conduct business on a globalized scale. In the course of conducting business within the globalized marketplace, employees and the organization must negotiate culture at many levels.

Globalization can be thought of as having four different facets; globalization is interconnectedness, globalization is an identifier, globalization is global, and globalization is not Americanization. Defining globalization is of great importance to this study because globalization affects the way organizations develop codes of conduct.

Facets of Globalization

“Globalization is interconnectedness” refers to how the system of globalization remains dynamic and is able to keep organizations connected in a global marketplace. Friedman (1999) defines globalization by way of interconnectedness, “It is the inexorable integration of markets, nation-states, and technologies – in a way that is enabling individuals, corporations and nation-states to reach around the world farther, faster, deeper and cheaper than ever before, and in a way that is enabling the world to reach individuals, corporations, and nation-states farther, faster, deeper and cheaper than ever before” (Friedman, 1999, p.9). Globalization has allowed corporations to reach

individuals and individuals to reach corporations more easily. This ability to reach one another around the world creates a sense of connectedness. Reaching around the world farther, faster, deeper and cheaper has allowed organizations to develop their businesses into the far corners of the globe, thereby creating the globalized marketplace. Individuals within these organizations find it essential to adapt to new cultural nuances created by an interconnected system.

“Globalization is an identifier,” reflects how the system of globalization necessitates an attempt by individuals to maintain their personal identities within their respective global organizations. Globalization in this sense is a way in which individuals become much like individuals in other organizations. Individuals struggle with their own unique identity within their respective organizations; however, globalization forces them to identify or restructure their identity to fit the globalized organization. Friedman (1999) writes that individuals and countries are challenged to find the healthy balance between preserving identity of home and community within the system of globalization. Individuals may then find themselves becoming more like their counterparts within the organization in other countries.

The third facet of globalization is found in the essence of the word globalization. In other words, the defining nature of globalization is inherently found in the word. Globalization creates interactions between organizations and individuals through different technological, informational, and financial means. The concept of being global refers to the interaction of individuals between different cultures and the process of unifying individuals into a global marketplace. Friedman (1999) explains that individuals

directly or indirectly feel the pressures, constraints, and opportunities found within the globalization system. Individuals negotiate these forces but must still work within the confines of their globalized organization. Organizations and individuals must work on a globalized scale in order to conduct business and maintain a relationship in the global marketplace.

“Globalization is not Americanization” is a facet of what the system of globalization seems to be creating within the worldwide marketplace. Politicians, executives, media personnel, and individuals have claimed that globalization is Americanizing the way business is conducted in the global marketplace. Contrary to this conventional wisdom, Joseph Nye (2004) says, “Globalization is not homogenizing and Americanizing the cultures of the world. The image of a homogenizing America reflects a mistakenly static view of culture. Vibrant cultures are constantly changing and borrowing from other cultures – and that borrowing is not always from the United States (Taipei Times, 2004, p.9)”. Globalization shows that organizations and individuals are not static entities, but rather, have the ability to change and adapt to the global business environment. Multinational corporations are adopting sexual harassment policies that are more of a legalized standard. This would reinforce the idea that global corporations are borrowing from another culture so that they can adapt their sexual harassment policies to fit into their own culture.

Globalization allows corporations access to other countries and the benefits of having a multicultural workforce. However, by employing a multicultural workforce, problems may occur and therefore a need arises for a sexual harassment policy to govern

the employees. Sexual harassment may be defined differently depending on the country of origin. In this next section, I will present a discussion on defining sexual harassment.

DEFINING SEXUAL HARASSMENT

Harassment policies within corporate codes of conduct encompass all forms of harassment. The scope of this paper is to focus on one form of harassment covered by these policies, sexual harassment. Sexual harassment has been a buzzword in American business organizational settings since it was named in the 1970s (Kaland & Geist, 1995). Sexual harassment as defined in the United States comes in two forms, *quid pro quo* and a hostile work environment. *Quid pro quo* sexual harassment exists when some condition of employment, such as a salary or promotion, is dependent on an employee submitting to a sexual advance or sexual conduct. If the employee does not submit then termination may result (Mulligan & Foy, 2003). The second type of sexual harassment is the hostile work environment, which may be the most common form of sexual harassment since it is more unobtrusive. Research conducted by Gutek, Cohen, and Konrad (1990) found that men and women experience social-sexual behaviors in the workplace, which are defined as any non – work related behavior containing a sexual component. These social-sexual behaviors could be considered those behaviors that make up the definition of a hostile work environment. “A hostile work environment may consist of sexually explicit photos, telling of sexual stories or jokes, making lewd suggestions, or any other actions that are deemed inappropriate or unwelcome within the work environment” (Mulligan & Foy, p.26). One problem with the American definition of sexual harassment is that it relies heavily on legal interpretation. In other words, the American definition relies on the American judicial system to define what is (un)acceptable. The American definition does not take into account other ethical standards that are presented by global governing

organizations. An alternative definition may be more suitable to understand the nature of sexual harassment globally.

The European Commission Code of Practice presents an alternative definition of sexual harassment, which defines sexual harassment more loosely. The European Commission Code of Practice definition is composed of three different types of behaviors, physical, verbal and nonverbal. The actual definition is, “Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. This includes unwelcome physical, verbal or nonverbal conduct (Timmerman & Bajema, 1998, p.12).” A discussion of the three behavioral types of sexual harassment and the three conditions in the European definition, one has the ability to see the similarities between the American and European definitions. Verbal forms in both definitions consider the following forms as harassment including sexual jokes, remarks pertaining to one’s figure and sexual behavior, asking for sex, and sexual advances made toward an individual either in writing or verbally spoken. Physical forms in both definitions consider sexual harassment as unsolicited physical contact, touching of body parts, kisses and hugs, and sexual assault and rape. Nonverbal forms in both definitions suggest that these behaviors constitute harassing behavior staring, whistling, suggestive gestures, and items such as sexually explicit posters, computer screen savers and the like. The three conditions presented in the definition were; “(a) unwanted, improper or offensive behavior, (b) refusal or acceptance of behavior influences decisions concerning a job, and (c) the behavior in question creates a working climate that is intimidating, hostile or humiliating for the person” (Timmerman

& Bajema, 1998. p. 13). The European definition of sexual harassment presents a better way of explaining sexual harassment as a problem that is based on ethical standards of conduct. Problems do arise in other parts of the world when defining sexual harassment, such that, presenting one unified universal benchmark becomes difficult because some cultures have learned to tolerate sexual harassment as a way of doing business.

Defining sexual harassment in other parts of the world becomes problematic since many cultures do not or have not distinguished certain behaviors as harassing because these cultures have built-up a tolerance to such behaviors as being sexual harassment. Three countries that have difficulty in defining sexual harassment are South Africa, Mexico, and Japan. In South Africa, women in senior positions did not know offhand if they had been sexually harassed or if there were any instances of harassment occurring within their respective organizations (Gordon, 1991). Gordon (1991) went onto report in the article that sexual harassment is interpreted differently in South Africa because it is a very subjective concept such that what one individual considers harassing may not be considered harassment by another individual. However, defining harassment in South Africa becomes problematic for corporations because of the fear of retribution from labor laws, industrial courts, and unfair dismissal lawsuits (Gordon, 1991).

Gordon (1991) reports that sexual harassment exists in Mexico, but sexual harassment is acceptable, or I would offer tolerated, within the Mexican culture. Other research has shown that sexual harassment occurs in Mexican business organizations but sexual harassment is viewed as a game to be played. Many Mexican women are accustomed to playing this game. *Quid pro quo* harassment is found to be commonplace.

Many women do not reject such offers because they need the job, the money, or they have no other option. Research conducted in organizations by Luthar and Luthar (2002) found that in Mexico sexual harassment was a part of doing business. Mexican women are accustomed to propositions for a new promotion or position that is preceded with a sexual favor by a man. Luthar and Luthar (2002) and Gordon (1991) found that Mexican women are praised on their behavior and appearance by men and are accustomed to performing this social game with the women playing along realizing the implications and consequences. Research has reported findings that 95 percent of women workers have been sexually harassed in Mexico (Mackay, 2001; Carrillo, 1992). Sexual harassment in Mexico is becoming a problem; however, it is accepted and tolerated because of implicit cultural support for men conceiving themselves to be superior to women (Luthar & Luthar, 2002; Gordon, 1991). Change is expected to occur as, more and more women enter the workforce and show they are as capable as men in the workplace are.

Defining sexual harassment in Japan is difficult as well. Sexual harassment in Japan is a new concept that is not easily defined. Gordon (1991) reports in a *Nihon Keizai Shimbun* (Japan's version of the *Wall Street Journal*) article that attention to sexual harassment began after the Equal Employment Opportunity Law in April 1986. Many organizations in Japan have set up call centers and use ombudsmen to handle complaints dealing with sexual harassment. Found on the Keio University's website, when defining sexual harassment using an American definition it is restricting or inappropriate to define sexual harassment as such. Sexual harassment is presented as

more subjective; perception makes it difficult to have a precise definition. Although defining sexual harassment is difficult, incidences are still reported.

Definitions of sexual harassment vary across cultures; however, similarities exist that can be used to help develop an open dialogue between organizational members, which would help to bring about a change in the way sexual harassment is treated within organizations. When individuals recognize the problem and are able to voice their concerns to management then change can occur. Change in the form of more explicit and detailed guidelines will help to foster a more comfortable work environment. Sexual harassment varies between cultures; therefore, it is important to describe the cultural problem that exists when corporations attempt to conduct business in a globalized marketplace.

UNIVERSAL BENCHMARK

In order to have a working benchmark that can be applied to the discovery of sexual harassment policies that adequately address the issue of restricting illicit behaviors and producing guidelines that deal with the production of sound sexual harassment policies it is necessary to present the benchmark as a single idea. The universal benchmark for my purposes is as follows. *Discrimination, specifically unwanted conduct of a sexual nature, which includes unwelcome physical, verbal or nonverbal conduct, is not tolerated in the workplace. The universal human rights in the workplace permit individuals to work in an environment that does not impair one's ability to be productive or infringe on the equality of opportunity found on the job. Any such communications or behaviors that infringe on these human rights will not be tolerated.* The following explanation will provide insights into the three different areas from which the universal benchmark was derived. Additionally, the explanation will provide a justification into why a universal benchmark is necessary, the ethics behind having one universal benchmark, and how the benchmark is to be used as a guide to draft a responsible sexual harassment policy.

The primary goal of creating a universal benchmark is the ability to articulate one global standard that can be applied universally to current sexual harassment policies and to allow the policies to communicate a culturally sensitive message. In creating this benchmark, a variety of sources was used to choose the ethical and professional standards. The reason for using a variety of sources was that not one source had the ability to provide the best possible benchmark. In other words, each source as a stand-

alone reference point was weak and lacking in areas; however, by pulling all three sources together one comprehensive benchmark could be presented. By creating and utilizing this benchmark, a higher standard will need to be upheld when drafting new sexual harassment policies within globalized corporations, such that, sexually harassing behaviors will no longer be tolerated within the workplace. In applying the benchmark to sexual harassment policies, a different way of writing sexual harassment policies will need to be addressed. Such that corporate policies will need to communicate a message, that sexual harassment will not be tolerated and that the message is understood by many cultures.

The universal benchmark to be used for this study comes from three different sources. The rationale behind using three different sources is that each source, if used by itself, does not adequately represent a benchmark for judging sexual harassment policies. By combining the three sources, a benchmark can be presented that adequately can analyze sexual harassment policies and be used to develop guidelines for producing better culturally sensitive sexual harassment policies, as well as, drafting the sexual harassment policy using the benchmark, itself. In order to offer the benchmark as an alternative way of looking at sexual harassment policies I will first define the benchmark using two standards, an ethical standard and a practical standard; upon which time I will explain the importance of using different sources for offering such a diverse benchmark. The first part of the ethical standard is found in the United Nations Declaration of Human Rights written and adopted in 1948. The United Nations proclaimed in the Universal Declaration of Human Rights that all people of all nations have the right to a common

standard treatment. This declaration is the first step in granting that all people of the world are granted certain human rights that cannot be deviated from. Because sexual harassment is a violation of an individual's human rights, i.e. individuals are not allowed to work in conditions that provide freedom but rather individuals are treated as a means to an end, for this reason it is necessary to include the United Nations Declaration. Through articles that are more specific, the Declaration provides for individuals the right to just and favorable working conditions. The United Nations Declaration sets the base standard for the benchmark. The idea that individuals have the right to work in a fair and just workplace, to have the ability to not to be harassed (to be treated the same), and that working conditions would be favorable for all should be a universal ideal that should be followed by all individuals in the workplace.

The second part of the ethical standard comes from the International Labour Organization's Declaration on Fundamental Principles and Rights at Work, specifically C111 Discrimination (Employment and Occupation) Convention of 1958 and C122 Employment Policy Convention of 1964. This second part of the ethical standard is supplied because of the need to address discrimination (specifically sexual harassment) and the need for free and productive employment that is granted by these two Conventions. The first Convention (C111) defines and characterizes discrimination as a violation of the basic human rights as granted by the United Nations Declaration of Human Rights. The second Convention (C122) addresses the right to full, productive, and freely chosen employment that cannot be infringed upon by another individual. In the case of C122, individuals cannot impugn the rights of others.

The Discrimination Convention of 1958 (C111) discusses those behaviors that are constituted as discrimination and such activities are considered a violation of the Universal Declaration of Human Rights as outlined by the United Nations. Discrimination under this Convention is described as, “any distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation (C111 Discrimination Convention, 1958)”. Furthermore, the Convention goes onto address that the employee has the ability to determine whether discrimination exists and the employer or employer’s representative has the duty to make sure that discrimination does not occur in the workplace. Specifically, the treatment of sexual harassment in the Convention is not discussed but for general purposes of this paper, sexual harassment is considered a form of discrimination.

The second Convention, Employment Policy Convention of 1964 (C122), presents as its major goal, “an active policy designed to promote full, productive and freely chosen employment, in which case this policy ensures that such work is as productive as possible (C122 Employment Policy Convention, 1964)”. Freely chosen employment and productivity is the key to this Convention. Sexual harassment occurring in the workplace has a negative affect to freely chosen employment and production. When promises of promotion and better jobs are suggested in return for sexual favors then the opportunity for freely chosen employment is infringed upon. Productivity is influenced negatively because sexual harassment can cause undo hardship on the harassee, thereby creating a less productive employee. Therefore, sexual harassment has

a negative impact to the Employment Policy Convention of 1964, which is a violation of the Declaration on Fundamental Principles and Rights at Work.

The practical standard for defining the universal benchmark is the European Commissions definition of sexual harassment. Although the European definition casts a light of ambiguousness because specific behaviors are not found within the definition this definition is still the best viable definitional option for the universal benchmark. The types of behaviors that are covered by the European definition are all encompassed by providing that any conduct that is physical, verbal and/or nonverbal is unwelcome. Ethically, the European definition of sexual harassment encompasses conduct that can be construed as sexual harassment. This definition allows the individual a choice regarding their communication in the workplace not to be sexually harassing. The following definition from the European Commission will be used to help produce sound guidelines that can produce sound sexual harassment policies. “Sexual harassment means unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. This includes unwelcome physical, verbal or nonverbal conduct (Timmerman & Bajema, 1998, p.12).” In choosing this definition over the American legal standard, a veil of ambiguousness is created, which can be interpreted as problematic because individuals find difficulty in defining what is sexual harassment becomes present. However, this veil of ambiguousness can be lifted when the sexual harassment policy is written using the idea that unwelcome conduct can be defined as physical, verbal and/or nonverbal because all behaviors can fall into one or more of these categories.

The benchmark is one standard that is to be universal for all corporations, all branches of the corporation, and for all sexual harassment policies that govern the global corporation. It is an ethical principle that is broad enough to encompass the needs of all cultures with respect to universal human rights. The application of the benchmark to current corporate sexual harassment policies and future policies must show no flexibility. Corporations when producing policies are not at liberty to manipulate the benchmark so that it fits into the framework of their organization, but rather the organization's framework must fit into the policies that are produced using the benchmark. By using the benchmark as the tool for writing sexual harassment policies with a culturally sensitive message tolerance to sexual harassment in the workplace can be reduced.

CULTURE

Culture in Sexual Harassment

Researchers have found sexual harassment varies from culture to culture. In a study of northwestern European organizations, Timmerman & Bajema (1999) found that, individuals within organizations in varying degrees sexually harass other individuals, and this phenomenon occurs in virtually all workplaces and in all countries. Interpretation of the sexual cues in the communication between individuals becomes the focal point of sexual harassment research. Research in the late 1990s began to examine the cultural variations in how men and women interpret those sexual cues (Pryor, DeSouza, Fitness, Hutz, Kumpf, Lubbert, Pesonen, & Erber, 1997). For example, research conducted by Pryor et al. (1997) found that Brazilian undergraduate students conceptualized sexually harassing communication and behaviors differently than their American counterparts. Hardman and Heidelberg (1996) noted that what is demeaning to an American might be considered acceptable in other cultures (Luthar & Luthar, 2002). In an extreme case in Nigeria, it is not only accepted but it is expected that a male supervisor will have sexual access to female subordinates (Luthar & Luthar, 2002; Hardman & Heidelberg, 1996). From an American viewpoint, sexual harassment is not acceptable in any circumstance; however, within other developing countries the idea of sexual harassment does not exist. Men are expected or allowed to have sexual access to women in the workplace.

Variance in the cultural differences may be small or they may be extreme, but differences present problems for globalized corporations in that employees must sometimes navigate through a cultural quagmire to discover what is (in) appropriate.

Cultural constructs from the local environment and from the business environment dictate what is construed as sexual harassment and what counts as acceptable behavior within organizations.

Not only do individual cultural differences affect employees, but also the organization creates a culture that will control how employees will interact with the organization. Organizations create their own unique culture to bring individuals together to work as employees toward a common goal. The relationships that are developed within the organization are based on communication and behaviors that could have a sexualized component.

Booth-Butterfield (1986) proposed that organizations develop a unique climate, or organizational culture, in response to sexual harassment to help employees. Booth-Butterfield identifies “harassment-prone organizations as those that tolerate higher levels of sexually objectionable communication [in which] harassment may go unnoticed or unpunished” (Keyton, Ferguson, & Rhodes, 2001; Booth-Butterfield, 1986). Within organizations, the amount of sexualized speech and sexualized behavior could directly influence the amount of sexual harassment found within these organizations. Research has posited that the social-sexual behaviors plague organizations such that organizations and researchers should address social-sexual behaviors, specifically, sexual harassment as culturally embedded behaviors in organizations (Keyton, et al, 2001; Keyton, & Rhodes, 1999). Social-sexual behavior consists of non-work related behavior that subtly has a sexual component including the initiating of dating between co-workers, flirting (Gutek, Cohen, & Konrad, 1990), prolonged eye contact or gazing, touching, or sexualized

conversations; all of which could be considered as sexual harassment. These verbal and nonverbal cues could help to define an organization's culture; whereas, an individual must negotiate the tensions these behaviors create.

Through globalization, organizations are facing problems associated with sexual harassment because of the diversity of the workforce. Individuals from different countries and cultures are being asked to work side-by-side. In a diverse workforce, sexual harassment creates problems with the relationships that develop in the workplace. Different cultures place different emphasis on how individuals treat one another. Cultural backgrounds of employees influence the decision-making process and communication behavior within a globalized corporation. Put another way, local, regional, and host country culture helps to determine the beliefs, values, and norms of an individual within society, while the organizational culture trains the employee to identify with the values and beliefs of the organization, as well as, respect the values of fellow co-workers. Individuals that identify with an organizational culture like those found in Mexico can be problematic because the organizational culture has led the workforce to tolerate incidences of sexual harassment. These incidences are in direct violation of the rights of individuals as granted by the United Nations Declaration of Human Rights and the International Labour Organization Conventions on Discrimination and Employment Policy. It is for this reason that a universal benchmark is necessary to help delineate acceptable communications and behaviors. For cultures that define sexual harassment loosely or are still in the discovery stages of finding a definition for what is constituted as sexual harassment it is necessary to have a universal benchmark that these organizations

can use to develop sexual harassment policies that do not infringe upon the human rights of others.

“In a global workforce, people bring with them different work habits and cultural practices (Ting-Toomey & Chung, 2005, p.3)”, which are influenced by predetermined cultural norms or what researchers have termed cultural dimensions. Therefore, individuals also bring different ways of communicating to the global workplace. I will define intercultural communication for this paper as, “communication among people with different cultural backgrounds” (Cheney, Christensen, Zorn, & Ganesh, 2004, p. 404) who negotiates meaning within that communication. These individuals must work closely together and abide by the same policies and procedures, but their individual understanding of those policies and procedures may be completely different because of cultural upbringing. Iben Jensen (2004) discusses intercultural communication with respect paid to the experiences of each individual; as such, that each of these individuals has been socialized from a different cultural viewpoint. It is for this reason that the written policies and procedures for multicultural organizations should take into account the cultures of its workforce. Concerning the universal benchmark, the policies and procedures of the globalized corporation should not only adhere to the benchmark but must also abide by the cultural norms expressed by the host country in which the corporation is doing business. Although this may be difficult when drafting sexual harassment policies, it is necessary to maintain a working relationship between all branches of the organization. In the beginning, this policy shift may appear to be attempting to replace the current cultural norms of the host country, but in fact, the

opposite is true. The changes in the way policies are adapted to fit the corporation through the universal benchmark are put into place to promote fair treatment to all by all individuals in the workforce around the globe. It is essential to override some cultural codes established by host country norms because those codes that have set precedence of overriding basic human rights in the workplace need to be adjusted such that individuals in the workplace should be treated with dignity and respect. One of the ways to instruct corporations about how to change these cultural norms is to discuss how different cultural dimensions can identify how a culture may react to certain conditions. The next section discusses two cultural dimensions and analyzes six different sexual harassment policies.

Cultural Dimensions

Using a combination of cultural dimension research conducted by Hofstede (1980, 1988), Wilson, Hoppe, and Sayles (2002), Luthar and Luthar (2002), and by employing the newly created universal benchmark to selected sexual harassment policies, I will analyze six examples of sexual harassment policies of six global corporations in terms of the three cultural dimensions. The six examples of insufficiently written sexual harassment policies were selected from companies found in the Fortune magazines Global 500 of 2005. At the conclusion of the discussion on cultural dimensions, I will suggest ways to improve these sexual harassment policies by using the universal benchmark. From there, a set of guidelines will be proposed to inform corporate executives on how to produce culturally sensitive sexual harassment policies that abide by the universal benchmark. Two key cultural dimensions as identified by Wilson, Hoppe, and Sayles (2002) and defined using Hofstede's (1980, 1988) and Luthar and

Luthar's (2002) research are identity (individualism versus collectivism) and change/ambiguity (uncertainty avoidance).

The first cultural dimension is identity (individualism versus collectivism). Identity refers to the relationship between how individuals interact within their organization and society. For Wilson, Hoppe, and Sayles (2002) individualism refers to cultures that find personal autonomy and self-actualization more important than obligation to the group. For Hofstede (2003), individualism refers to individuals embracing their individuality and the rights of the individual remain paramount within society (Hagan, 2005; "Geert Hofstede Cultural Dimensions Explained," 2003). The task is more important than developing relationships within the group. This is not to say that individualistic cultures do not work as groups in the workplace. Work groups found in individualistic cultures tend to find that the accomplishment of the task is most important. Policies are written so the meaning is explicitly defined and clear. Individuals from this type of culture hold onto their work relationships loosely because individuals are expected to look out for themselves ("Geert Hofstede website," 2007). The United States is an example of an individualistic culture. Since the task is the most important, policies tend to address what is important. Sexual harassment policies found in individualistic cultures tend to be direct and to the point. If this were the case, sexual harassment policies in American globalized corporations would be written clear and succinct in dealing with this subject matter; however, in most American global corporations the sexual harassment policies do not follow the cultural dimension. American global corporate sexual harassment policies, as explained previously, tend to be written from a

legal perspective and do not take into consideration cultural perspectives. These two scenarios, non-culturally written policies and more legal speak policies; create problems when American corporations go global because there is no cultural referent to relate to when individuals attempt to understand the policy. I offer the following three examples of American based Global 500 corporation sexual harassment policies.

A. AIG policy: It is AIG's policy to maintain a working environment free from discriminatory harassment. Therefore, any form of unlawful discrimination, including harassment based on race, color, religion, gender, national origin, age, disability, military service, marital status, or sexual orientation or any other characteristic protected by law, is strictly prohibited.

B. Verizon policy: Verizon has a policy of zero tolerance for discrimination, sexual harassment or other unlawful harassment based on age, race color, national origin, religion, gender, sexual orientation, disability, or any other legally protected category under federal, state, or local law. Harassment includes but is not limited to racist, sexist or ethnic comments, jokes, gestures, or any action or statement creating an intimidating, hostile or offensive work environment.

C. IBM policy: Participants should be committed to a workforce free of harassment and unlawful discrimination.

As has been established that sexual harassment policies found in American corporations tend to be based on a legal standard and do not take into account the cultural element. American policies tends to list those behaviors that are prohibited based on legal discriminatory policy, has an element listed as "zero-tolerance", and only address the issue as discrimination or harassment. One cultural element of individualistic cultures is found in these polices and that is the directness of the task. This can be found within American sexual harassment policies as the message is succinct and to the point; however, an element of ambiguousness exists within American sexual harassment policies.

All three of the examples represent the legal standard of American sexual harassment policies. “Five key elements are generally found in American harassment policies; a definition, a harassment prohibition statement, a description of the complaint procedure, a description of the disciplinary measures, and a statement of protection against retaliation (Business Owner’s Toolkit, n.d.)”. In one way or another, these three examples give the definition of harassment, although some are not as direct as others are. The IBM policy is very concise and does not define harassment like the other two examples. A prohibition statement is also found in the AIG and Verizon policies but not in the IBM policy. The other three parts are not found in the sexual harassment policy examples. Even though these three examples follow the legal standard outlined for American sexual harassment policies, they do not have the ability to be transferred to another branch of the corporation outside of the United States because these policies do not take into account a cultural component. Secondly, if these three policies were held up against the universal benchmark, they would be found not to be representative of a sexual harassment policy that delivers a culturally sensitive message. The reasons being that neither one of the three examples represents the universal human rights granted in the benchmark; none of the three presents equality as being part of the employment contract; and only one presents an ambiguous list of those behaviors that are prohibited.

Collectivism refers to how culture integrates individuals into strong cohesive groups within the corporate setting. A collectivistic society believes there is a strong obligation to the group, such that the values of the group are maintained and the actions of individuals within the group are done to benefit the group. Results are a collective

collaboration within the group. Collectivistic cultures value the group and the actions of individuals are done to benefit the group. Individuals in collectivistic corporations are unable to distance themselves from the norms of the group in which they belong (Luthar & Luthar, 2002). The group will work to protect each individual or allow for a wider range of behaviors to be acceptable. This protection, as noted by Hofstede (1998), is expected by group members because of the loyalty shown by group members to the group (Luthar & Luthar, 2002). An example of this type of culture is the Japanese. Because collectivistic cultures work closely together in work groups, protect each other, and are more tolerant of some behaviors sexual harassment policies need to be written so that they address these subjects. A collectivistic sexual harassment policy example would address the “we”, or rather the collective of individuals working in the organization, because the importance is placed on the group. A tendency of collectivistic cultures is that their corporate policies tend to carry more of an implied meaning because communication in these cultures is less direct. I offer the following three examples of collectivistic cultural corporate sexual harassment policies from the Global 500.

D. UBS (Switzerland) policy: UBS is committed to treating its employees in line with its ethical beliefs as outlined in the Vision and Values, and to creating a diverse workplace free of discrimination and harassment.

- We seek to treat our colleagues with respect and collaborate with them based on trust and mutual support.
- We respect other opinions and differences in background, perspectives and expertise.

E. Fortis (Belgium & Netherlands) policy: Each and every person in our organization will be treated with dignity and respect. There is no tolerance for discrimination based on personal characteristics such as sex, race, colour, religion, political opinion, sexual disposition or physical abilities, nor for harassment.

F. Honda (Japanese) policy: In order to make sure Honda is a fair, discrimination-free company, we will affirmatively accept the

uniqueness and differences of people around the world and act in adherence to the principle that all people are created equal.

- Prevention of discrimination – We will not discriminate according to place of birth, nationality, beliefs, religion, sex, race, ethnic origin, age, physical or mental disability, legally protected medical condition, hobbies, education, or status within society.
- Prohibition of Use of Discriminatory Language – We will not use words/expressions considered discriminatory or that may be interpreted as discriminatory.

As has been discussed earlier, collectivistic cultures have certain distinguishing characteristics from that of the individualistic culture. The four primary characteristics for this discussion on collectivistic cultures are, individuals tend to work collectively as a group forming the “we” in the workplace, these groups work to protect the individual, which in turn allows for a wider range of behaviors to be acceptable, and there is more implied meaning found in the communiqué of this culture. Sexual harassment policies in the collectivistic culture are written keeping the “we” as the centerpiece and in some instances the meaning of some behaviors is implied, thusly keeping a sense of ambiguity to the policy.

All three of these examples present the “we” found in collectivistic cultures either by using the “we” or an implied meaning of “we”. By “we”, I mean the collection of individuals working toward a common goal found in the corporation. Instead of believing that they are individuals working individually toward a common goal, collectivistic cultures believe that they must work as one unit to achieve the common goal. The UBS and Honda policy statements directly refer to the “we”, whereas the Fortis policy statement mentions more of an implied “we” by using the phrase each and every person. This would lend itself to the ideal that each company strives to represent its individuals as a collective and cohesive work group. The “we” found in the sexual

harassment policies helps to frame the second and third features of a collectivistic culture, protection and acceptability of behaviors. In the three collectivistic culture examples, each one communicates that “we” as a company of individuals should seek to protect each other as individuals by giving one another respect, prevent discriminatory behavior, and not communicate in language that would be constituted as discriminatory (harassment). As per the wider range of acceptable behaviors, this area is grayer when discussing these three examples. The Fortis and Honda examples provide lists of what is not to be tolerated in terms of discriminatory practices, but sexual harassment as a specific issue is not expressed. This could lead individuals within the group to be tolerant of this type behavior because sexual harassment is not specifically stated; however, sexual harassment may be a part of the implied meaning of the policy statements. The Honda statement specifically addresses language that is not tolerated in terms of discrimination. The implied meaning in this statement is that sexual harassment is covered since it is a discriminatory behavior. The UBS and Fortis policy mention harassment as being a behavior that is not tolerated and therefore it is implied that sexual harassment is covered by the generalized term, harassment. These three policy examples may be closer to reaching the standard to be established by the universal benchmark.

These three examples seem to try to get at the human rights and equality distinction given in the universal benchmark by using language that can be tied to the universal benchmark. For example, in the UBS policy, “treating employees in line with the ethical beliefs in the Vision and Values,” or in the Fortis policy, “Each and every person in our organization will be treated with dignity and respect,” and lastly from the

Honda policy, “we will affirmatively accept the uniqueness and differences of people around the world and act in adherence to the principle that all people are created equal.” Behaviors considered sexual harassment in the benchmark are not listed in the three examples with exception to the Honda policy since it does list language or expressions that are prohibited, but fails to mention actions that are prohibited. By not communicating specifically in the policy what is a prohibitive behavior an impression of ambiguousness is present in the policy. Therefore, the examples fail to measure up to the standard set by the benchmark.

Maintaining a common sexual harassment policy for both individualistic and collectivistic cultures becomes problematic in current corporations because of the need to address two different types of cultures. However, by using the universal benchmark as the starting point and preserving the sense of equality and fairness in the policy this problem can be resolved. Resolution to the problem may come in the form of writing different policies for differing business units of the globalized corporation that cover the different cultures represented in the company. It may not be possible for globalized corporations to maintain one standard of sexual harassment policy for all of its branches of the organization. Presenting behaviors that are not tolerated and prohibited are also necessary parts of a message of cultural sensitivity in a sexual harassment policy that is exemplified by the universal benchmark.

The second dimension refers to change and ambiguity in cultures referred to as opportunity (individualistic culture) on one end and stability (collectivistic culture) on the other. This dimension relies on the amount of uncertainty avoidance or ambiguity

intolerance that is tolerated within a culture. Uncertainty avoidance or ambiguity intolerance can be defined as “the extent to which the members of a culture feel threatened by uncertain or unknown situations” (Tuleja, 2005. p 79).

A culture found to be low in uncertainty avoidance and ambiguity emphasizes a culture that is less rule-oriented, less of a concern for uncertainty and ambiguity, and has more tolerance for a variety of opinions (“Geert Hofstede Cultural Dimensions Explained,” 2003). These cultures are considered opportunistic cultures because they are comfortable with uncertainty. These individualistic cultures are less formal, have fewer rules, are flexible and adaptable, and are prone to taking risks. This suggests that individuals in these cultures are more likely to take risks and are less emotionally resistant to change (Luthar & Luthar, 2002). Cultures that are found on the low end of the scale, like the United States, find their sexual harassment policies to be less formal. Uncertainty does not affect these cultures so the policies are written to be more flexible and adaptable. Guidelines for handling incidences are not always put into these policies because individuals from these cultures are not threatened by the uncertainty produced by not showing a list of procedures to follow. Generally, subordinates report to their supervisors because of the authority structure of the workplace, therefore a written policy is not needed.

The four characteristics of the individualistic culture in terms of uncertainty avoidance and ambiguity that I will use in this portion of the analysis of the three example policies are that these cultures are prone to being less formal, have fewer rules, are more flexible and adaptable, and are inclined to be risk takers. Corporations based in

individualistic cultures tend to communicate a sexual harassment policy that is less formal. If the legal speak is taken out of the AIG policy and the Verizon policy, then the policy becomes a one or two-sentence policy, which would present a policy that is less formal. This would hold true for a policy that has fewer rules. The lengthier part of the policy comes from the need for the policy to contain language deemed necessary because of legal precedence. The IBM policy is already in its simplest form and is the less formal and, by nature, has the fewest rules attached to it. In the AIG policy and the IBM policy, flexibility and adaptability are a part of the policy since no reference is made to what actions are prohibited. In the Verizon policy, the ambiguity of flexibility and adaptability is removed in two ways. First, specific behaviors are listed as to what constitutes harassment. Second, the Verizon policy specifically states that there is a zero-tolerance policy for discrimination, thereby eliminating any ambiguousness in what is expected of the employee. The fourth characteristic of the individualistic culture in the ambiguity cultural dimension refers to the inclination of individuals to take risks. There is no direct correlation to this characteristic in the policy examples, but it is essential to note that these cultures may find it not necessary to address sexual harassment policies with this characteristic in mind. In applying the benchmark to individualistic cultures in the ambiguity dimension, sexual harassment policies should be written to be more explicit in defining what are inappropriate behaviors, the policy should be more formal in nature, be less flexible and adaptable in the interpretation, and address the inclination of risk taking.

A high uncertainty avoidance score would indicate that the culture has a low tolerance for uncertainty and ambiguity, which would promote the idea that the culture

would have more rules and regulations to cut-down on the amount of uncertainty (Hagan, 2005). Cultures that score high in uncertainty avoidance indicates a culture that distances itself from ambiguity and is risk averse, thereby promoting distrust in new ideas and behaviors (Luthar & Luthar, 2002). An example of a culture that is identified as one that highly values stability is the Japanese (collectivistic) culture. High change and ambiguity sexual harassment policies are written to be strict codes of behavior. Guidelines for handling incidences are written into the policy because members of these cultures are uncomfortable with uncertainty. Stable cultures find the need for predictability. Stable cultures find the need for rules and strict codes of behavior and must have plans for uncertainties.

The four characteristics, that I will choose to use in the discussion of the three policy examples, which make up the collectivistic culture in the ambiguity dimension, are these cultures have more rules and regulations; they are risk averse, the culture distances itself from ambiguity, and the promotion of stability and predictability. In the UBS and Honda policy, the need for more rules and regulations is present with more emphasis placed on the Honda example. The Honda example presents two specific bulleted points that deal with discrimination and prohibiting discriminatory language. The Fortis example may not specific bulleted points but in the language of the statement gets at the regulatory nature of the policy by stressing, “There is no tolerance for discrimination”. Risk aversion in these examples can be found in the language used to describe what not acceptable or tolerated behavior is. In the UBS policy, words and phrases like “treating” and “free of” are used, in the Fortis policy, “treated”, “dignity and respect”, and in the

Honda policy, “acceptance of uniqueness”, “differences”, “all people are created equal”. Using language that provides individuals with a sense of belonging permits, them to be less averse to the risks involved with the workplace. This leads me to the third characteristic of the culture tries to distance itself from ambiguity. The Honda policy does this the best by presenting specific behaviors and language that are prohibited. However, the policy is incomplete since it only mentions language that is prohibited and only lists those legal items that constitute a discriminatory practice. The other two policies still leave a sense of ambiguousness in what is acceptable and unacceptable behavior. Lastly, the collectivistic culture in the ambiguity dimension tries to find stability and predictability. The three policy examples do not address in a straightforward manner the stability and predictability characteristic of the ambiguity dimension, but indirectly these policies address the desire for these two characteristics. By communicating a policy, that addresses the other three characteristics then the policy becomes stable and predictable. Although the policy examples from collectivistic cultures tend to present more of what is expected in terms of the universal benchmark when discussing the ambiguity cultural dimension more can be done to adjust these policies to fit the standard set by the universal benchmark. Sexual harassment policies should be written to delineate all behaviors that would be considered harassment. The policy should give a comprehensive explanation of behaviors while maintaining the cohesiveness of group membership found within this type of culture. The policy should explicate those behaviors that are prohibited thereby maintaining the stability and predictability in the policy and the workplace. Risk aversion would be avoided as long as

the sexual harassment policy delineates the course of action to be taken when an incidence of sexual harassment occurs.

The two most important goals when applying the benchmark to any sexual harassment policy are, there cannot be any flexibility in the benchmark and tolerance to sexual harassment is unacceptable. The universal benchmark is just that, a universal guide or rule that is not flexible or adaptable. Tolerance to sexual harassment is not acceptable behavior. The writers of sexual harassment policies must use the universal benchmark to help craft better sexual harassment policies. These new policies need to address the important issues of, human rights, tolerance of sexual harassment is unacceptable, and should provide a list of unacceptable behaviors. The next section of this paper will address how writers of sexual harassment policies will be able to create better policies. I will present a set of guidelines based on the universal benchmark and show how the previous six examples could be rewritten using the universal benchmark and the guidelines.

PRODUCING GUIDELINES

As has been previously laid out sexual harassment has become a global problem. One of the ways in which to combat this growing problem is to investigate sexual harassment policies of global corporations in terms of the universal benchmark. The language of current sexual harassment policies, as can be seen in the aforementioned examples, does not promote a culturally sensitive message. Culturally sensitive language is an important distinction in the way organizations communicate with a diverse workforce. Multinational corporations should take into account the diversity of the workforce when drafting their sexual harassment policies. It is the contention of this paper that sexual harassment policies should be written using a universal benchmark as the primary guide and use culturally sensitive language to communicate its message.

Developmental Procedures

The first step in this process to prepare viable sexual harassment policies is to develop the universal benchmark that was presented earlier. The universal benchmark is a combination of the United Nations Declaration of Human Rights, two Conventions from the International Labour Organization, and the European definition of sexual harassment. These three entities comprise the universal benchmark because they are the best illustrations of how individuals should go about making ethical decisions when writing sexual harassment policies. Using the United Nations Declaration of universal human rights allows practitioners to make ethical decisions regarding how to write culturally sensitive policies. The Conventions from the International Labour Organization present specifically the behaviors that are acceptable such that the behaviors

do not infringe on one's ability to be productive and on the equality of opportunity found on the job. Using the European definition of sexual harassment covers all behaviors that should be included in the comprehensive sexual harassment policy by defining that sexual harassment is a form of discrimination. This form of discrimination includes any behavior that is an unwanted conduct of a sexual nature, which includes unwelcome physical, verbal or nonverbal conduct. A reasonable human being should be able to differentiate ethically what behaviors are (un)acceptable under this definition.

The examples of the sexual harassment policies used in the cultural dimension section were chosen based on their country of origin since the two cultural dimensions used in this proposal are based on the cultural dimension derived by Hofstede. Three policies were chosen as examples that reasonably showed how current policies are not based on intercultural communication and do not fit into the standards outlined by the universal benchmark. Three examples from an individualistic culture, the United States, balance out the three examples from collectivistic cultures, Japan, Belgium and the Netherlands, and Switzerland. Before I present the newly reformulated policies taken from the six examples provided earlier, I will first provide a list and explanation of the guidelines that are to be followed when writing culturally sensitive sexual harassment policies. These guidelines are what should be considered when writing a culturally sensitive sexual harassment policy. Another consideration is in dealing with the universal benchmark. When the writing of the new sexual harassment policy begins, the universal benchmark stays the same. There is no option for the benchmark to be a flexible standard that can waver. If the policy cannot be written to the universal standard

then the policy needs to be rewritten in order for the policy to fall under the universal standard. The guidelines themselves are what ought to be considered when writing a sexual harassment policy that delivers a culturally sensitive message.

Sexual Harassment Policy Guidelines

- G1:** Evaluate the current sexual harassment policy for acceptability with the universal benchmark.
- G2:** Evaluate host country culture of employees.
- G3:** Evaluate diversity of workplace.
- G4:** Begin formulating the new sexual harassment policy using language that is allowed in the culture for which policy is written.
- G5:** Multiple policies may need to be written for different branches of organization. Each policy must refer to the universal benchmark.
- G6:** The sexual harassment policy must address all aspects of the universal benchmark. The sexual harassment policy must use language that addresses the basic human rights as granted in the United Nations Declaration of Human Rights and the International Labour Organization Conventions.
- G7:** A sexual harassment policy must outline all behaviors that are prohibited. Language in the policy should send a message that sexual harassment will not be tolerated.
- G8:** A sexual harassment policy must be a zero-tolerance policy. An example of this type of policy is, (1st incident) a written warning and suspension for a

specified period of time, (2nd incident) suspension for specified period of time without pay, (3rd incident) automatic termination.

G9: A chain of procedures must be given for the handling of sexual harassment incidences.

G10: The foundation for any exemplary sexual harassment policy is maintained in sound ethical decision-making.

The use of guidelines in creating exemplary sexual harassment policies is important because it is in the best interest of the corporation to have a comprehensive policy. A comprehensive policy will inform employees what actions are inappropriate and guide them to make the best ethical decision when dealing with their fellow employee. It is important that by using these guidelines that corporations communicate their sexual harassment policies in an understanding way. The following description of each guideline is given for clarity purposes.

Guideline one begins the process of writing new sexual harassment policies as an evaluation of the old policy. Importance must be placed on the first evaluation stages because it is in these stages that corporate executives will be able to learn if their current policy is salvageable or if they will need to write the policy from scratch. In this first step of the evaluation procedure, the current sexual harassment policy is applied to the universal benchmark to find out if the policy in its current form adheres to the principles advocated in the universal benchmark. If in its current form, the policy does not adhere

to these principles then the sexual harassment policy will need to be redesigned from the beginning. If there are salvageable parts of the policy in its current form then there is the possibility of using those parts to reconstruct a new policy.

Guideline two is the evaluation of the host country culture of the employees working in the branch of the organization for which the sexual harassment policy is meant. In this evaluation process, it is important to discover any language that may be viewed as not culturally sensitive or rather language that is viewed as unacceptable or connotes a different meaning for the culture the policy is meant to be administered. In this stage and the next, it is important to conduct as much due diligence as possible as this is where the culturally sensitive message is derived.

Guideline three is the evaluation of the diversity of the workplace. It is important to discover the different cultures that work in the branch of the organization to which the new sexual harassment policy will be applied. If different cultures do not understand the policy or find the message offensive then the policy is no good and does not follow the principles outlined in the universal benchmark.

Guideline four is the actual formulation of the new sexual harassment policy. After the due diligence stages are completed the writers of the new policy have been educated as to what is acceptable language and culturally sensitive such that a new policy can start to be written. When writing the new policy it is important to maintain the principles as outlined by the universal benchmark and to maintain a culturally sensitive message through the appropriate language of each culture affected by the new policy.

Guideline five prepares the writers for the possibility of the need to write more than one policy for the organization. Because many corporations operate in many different areas and culturally diverse areas, it may not be possible to formulate one policy to cover all business units of the corporation. If this is the case then multiple policies will need to be written to cover the different cultures found within the global corporation. As a reminder, each new policy must adhere to the universal benchmark.

Guideline six purports the fundamental feature of the new culturally sensitive sexual harassment policy. The use of the universal benchmark is the key to the new sexual harassment policy. The universal benchmark, as has been stressed numerous times, must not be used flexibly. The language of the policy must adhere to the Declaration of Human Rights and the International Labour Organization Conventions. The reason for addressing basic human rights is that current sexual harassment policies do not address these rights. By addressing these rights, individuals understand why it is important to treat their colleagues with dignity and respect. Taking the universal benchmark and making it fit the current policy is not a viable option.

Guideline seven presents the need for the policy to address the behaviors that are prohibited or unacceptable. Many sexual harassment policies fail to list the prohibited behaviors. In these cases, individuals may think that these behaviors are acceptable, when in fact they are not. With this in mind, it is necessary to list the behaviors that are prohibited. The list includes physical, verbal, and nonverbal behaviors. The new sexual harassment policy will need to deliver a culturally sensitive message using language stressing that sexual harassment will not be tolerated. If the policy were not written in

this manner, some branches of the corporation around the globe may be offended because of their particular culture. Cultural sensitivity is the second most important feature behind using the universal benchmark as the standard.

Guideline eight is just as it reads. There can be no tolerance for sexual harassment within any business organization. A zero-tolerance policy is necessary. Each corporation must define the zero-tolerance policy for their respective organization. The guidelines have given an example of one such procedure for a zero-tolerance policy. A zero-tolerance policy would need to be strictly enforced in order for it to be effective. If the organization deems it necessary to incarcerate an employee for telling a dirty joke then that is what the organizations zero-tolerance policy stands for.

Guideline nine is included in the guidelines because many sexual harassment policies do not give a reporting procedure should an incidence of sexual harassment occur. Any exemplary policy must have a reporting procedure. The procedures list must also follow the same criteria of following the universal benchmark and be written to present a culturally sensitive message.

Guideline ten represents the ethical decision-making process. In order for employees to make good, sound ethical decisions, the policy needs to give the individual the opportunity to make the correct decision. In order for the policy to be an exemplary policy ethical decision-making must occur.

Example Sexual Harassment Policy

The following sexual harassment policy is posited with reference to the universal benchmark and the guidelines for writing culturally sensitive sexual harassment policies. The policy is a cumulative example of how one policy could address cultural sensitivity in any corporation globally.

Example: Sexual Harassment Policy Corporation XYZ

“We here at Company XYZ consider discrimination, specifically sexual harassment, to be an infringement of the basic human rights guaranteed to everyone. This sexual harassment policy will be a zero-tolerance policy. All behaviors that are physical such as unwanted touching (including hugs, pats on the buttocks, back and shoulder rubs, sexually suggestive touching of any part of the body), propositions (for example, promotions, raises, and/or better job opportunities) in exchange for sex are prohibited. All behaviors that are verbal such as propositions, dirty jokes, dirty and foul-mouthed comments, catcalls, and whistles are prohibited. All nonverbal sexual behaviors such as sexually suggestive winking, sexually suggestive raising of eyebrows, leering, sexually suggestive posters, printed jokes, and risqué laptop screensavers are prohibited. Individuals should never allow their work environment to become impaired such that productivity and equality of opportunity is infringed upon.

Should an incidence of sexual harassment occur then the following confidential procedure should be followed.

1. Report the incidence to your supervisor, manager, Department Head, or Human Resource Representative, or call the Sexual Harassment Report Hot Line (in case of superior being the harasser please report directly to the Human Resource Representative).
2. All reports will be handled confidentially.
3. All incidences will be handled in-house unless otherwise discussed.
4. There will be no negative consequences to the reporter of incidence.
5. Report will be handled quickly, efficiently, and discreetly.

Sexual harassment is everyone's business as such all employees should treat each other with dignity and respect."

The following example is one that would work in a culture that is an individualistic culture. The message is one that may not be culturally sensitive for a collectivistic culture because the due diligence phases as outlined in the guidelines was not completed. This policy may contain language or present a message that is unacceptable in some collectivistic cultures. This example is not to be taken as a standard by which all new sexual harassment policies should be written. It is one example of a sexual harassment policy that addresses the principles as outlined in the universal benchmark and delivers a message of cultural sensitivity to an individualistic culture that is not found in current sexual harassment policies.

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