Article

‘Just the way things are’: gender equity and sexual harassment in the South African Police Service

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Abstract
Since the end of apartheid in 1994, the South African Police Service (SAPS) has been confronted with the complex task of organisational transformation. This article explores the process of gender equitable reform in the SAPS in the post-apartheid period and argues that although the SAPS has drafted a Sexual Harassment Policy, it has not been pro-active in combating sexual harassment within its own ranks. The research reveals that despite advances in terms of gender representation at all levels of the organisation, systemic gender discrimination persists. While the SAPS has become a more gender representative organisation than most police services elsewhere in the world, it has not challenged the underlying causes of gender discrimination. This has profoundly influenced the way the police service, and its female and male officers, have responded to sexual harassment.

Introduction
The South African Police Service (SAPS) has been undergoing a process of transformation since democratisation in 1994. This has involved ‘transforming the Police Service into a professional, representative, efficient, effective, impartial, transparent and accountable service which would uphold and protect the fundamental rights of all people’ (Eloff 2007). While once the police enforced apartheid legislation and defended white interests, today the SAPS is expected to serve and protect the rights of all South Africans.
The SAPS is an organisation beset with problems. Many police officers are not properly trained in either routine or specialist work and are poorly paid for serving in a dangerous occupation. Charges of corruption and collaboration with criminals are commonplace and implicate officers throughout the ranks. People frequently complain that the police are ineffective and abusive. Numerous scandals have undermined both public confidence in the police and the morale of SAPS members. Furthermore, there has been unprecedented public and political pressure to more effectively address what many consider to be an epidemic of violent crime. The need to prioritise crime-fighting has undoubtedly complicated the transformation process.

In South Africa the transition to a democratic government, and a new constitution that mandated equality for previously disadvantaged groups, has had serious implications for the SAPS. Government-wide targets regarding representivity in the public service have resulted in external pressure on the SAPS to work towards transformation and organisational change. Furthermore, feminists and women’s organisations have been successful in embedding gender equity into South Africa’s policy and legislative frameworks, providing the basis for gender equality in the workplace. Human rights issues are also on the government’s agenda. The SAPS has been forced to respond to these pressures. While racial transformation has been an institutional priority, gender equitable change has been forced on the SAPS by government in an attempt to more fully integrate women into policing.

The South African government’s White Paper on the Transformation of the Public Service (RSA 1995) identifies representivity as a key aspect in the foundation of a ‘non-racist, non-sexist and democratic society’ and states that in the public service, within a four-year period, ‘at least 30 per cent of new recruits to the middle and senior management echelons should be women’. The White Paper is operationalised in the SAPS through the latter’s Affirmative Action Policy (SAPS 1997), which called for 30 per cent of all middle and senior management positions to be held by women by 2000 and for full representivity of population groups by 2005. According to the Promotion of Employment Equity and the Elimination of Unfair Discrimination document (SAPS 1996), ‘the SA Police Service must address inequalities and unfair discrimination in practices, processes and attitudes and transform its services and composition to meet the needs of the people of South Africa and to reflect the demographics of the country’ (SAPS 1996:1, emphasis added). While the Employment Equity document opens the
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door to addressing questions of how and why gendered divisions are created and sustained in the day-to-day processes of organisational life, in practice gender equity strategies have been limited to increasing the numbers of women, or representivity, as described in the Affirmative Action Policy.

In terms of the gender equality and the transformation of gender relations in South Africa in general, Hassim (2005:184) argues that ‘women’s increased representation has not facilitated the redistribution of resources and power in ways that change the structural forces on which women’s oppression rests’. She further argues that, for the most part, feminism has remained marginal to the women’s movement in South Africa and all too often ‘the concern with gender inequalities is reduced to the inclusion of a quota for women’ (Hassim 2005:190). While much has been accomplished in terms of representation and formal equality for women in South Africa, she suggests, the transformatory agenda of the women’s movement has been overlooked and ‘quotas in themselves are unlikely to produce the outcomes desired by feminist activists’ (Hassim 2005:260).

Strictly in terms of quantitative indicators, the SAPS has made commendable progress in increasing representivity – both in terms of rank- and-file officers and policewomen in senior ranks. In addition to adopting more commonplace tactics, such as quotas, the SAPS has engaged in some rather radical strategies, such as bringing civilians in from outside the organisation and placing them in key positions. Efforts by the SAPS have ensured that female officers make up an increasing percentage of the total number of police officers – 11.5 per cent in 1995, 16.1 per cent in 2004 and nearly 21 per cent in 2008.¹ Statistics indicate the SAPS has been more successful than many police organisations elsewhere in achieving representivity. For example, 17 per cent of all officers in the United States are women (Nicolls nd), along with 12.7 per cent in Georgia, 14 per cent in Belgium, 8.7 per cent in Spain (Organisation for Security and Cooperation in Europe 2007), and 16-17 per cent in Liberia² (Bowah and Salahub 2011). Furthermore, the SAPS compares favourably with countries such as Australia and the UK where women comprise 23 per cent (Australian Institute of Criminology 2006) and 22 per cent (Home Office 2010) respectively of police officers. These figures are particularly striking when considering that the introduction of equity initiatives in the SAPS has been relatively recent compared to the police services of many of these countries.³

The racial profile of women in the SAPS has also changed significantly. In 1995, white women made up 53 per cent of all female officers, while 36 per
cent were African women. By 2003/04, these figures were almost reversed with African women comprising 52 per cent of all female officers in the SAPS and white women 34 per cent, while coloured and Indian women made up 11 per cent and 3.7 per cent respectively. By 2007/08 the figures for coloured and Indian female officers had changed little at 10.5 per cent and 2.3 per cent, while the proportion of African women continued to grow to 68.9 per cent compared to 18.2 per cent white women.

There has also been a substantial increase in the percentage of women in the commissioned officer ranks of the police – from 12.4 per cent in 1995 to 23.5 per cent and 28.7 per cent in 2003/04 and 2007/08 respectively, indicating a sharper increase in the number of women in management ranks than in the police service in general. The change in commissioned officer ranks is most marked amongst African women who have increased from 1.5 per cent (1995) to 15.2 per cent (2007/08) of all commissioned officers.

On the surface, these strategies, and the resulting numerical advances the SAPS has made in a relatively short period of time, suggest a readiness to engage in sustainable and equitable gender reform. However, the experiences of female police officers are shaped not only by the numerical predominance of male officers, but also by gendered interpretations of police work; by gender identities in police discourse; and by the structural organisation of the SAPS and its informal culture, all of which make for a highly masculinised environment. Female officers’ racial, class and ethnic backgrounds also influence female officers’ workplace experiences.

Hassim (2005: 262) argues that, in terms of the South African women’s movement and women’s involvement in national and local political parties, ‘gender equality concerns have fallen hostage to a range of institutional hierarchies and systemic obstacles…very few women’s organisations are dealing with issues of cultural norms and everyday practices, which may indeed limit the implementation and effect of legislative reforms’. Similarly, the response of the SAPS to gender (in)equity issues, although quite visible, has been largely superficial and has not altered the fundamental nature of the organisation. Thus, despite the significant increase in female members, the SAPS has not given precedence to the more substantive concerns of female members. This article focuses on one of these concerns – sexual harassment – to demonstrate the failure of the SAPS to make gender equity a real priority.
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Sexual harassment

Sexual harassment is considered a part of the continuum of violence against women (Brown and Heidensohn 2000). Brown and Heidensohn (2000:5) state that ‘[c]ommon themes emerge when considering women’s experience of rape, domestic violence and sexual harassment in terms of attitudes towards victims, symptoms suffered, coping strategies employed and inclination to lodge a formal complaint’. Studies from the US (Carter Collins 2004), UK (Gregory and Lees 1999), Belgium and Holland (Brown 1997) reveal that policewomen routinely experience sexually harassing behaviour ranging from sexually suggestive comments and jokes, to unwanted touching, to rape. For a long time, sexual harassment in police organisations was accepted by both women and men as ‘an inevitable consequence of women moving into the public sphere, a constant reminder to women that they were encroaching on male terrain and could expect to be treated first and foremost as sexual beings and only secondarily as workers’ (Gregory and Lees 1999:49).

Research also suggests sexual harassment is often fuelled by an ‘interest in maintaining power through preservation of the status quo’ (Gratch 1995:55), so that as women’s positions in organisations improve, the level of sexual harassment may actually increase. Acker argues that although women may be found in greater numbers and in occupations and positions from which they were previously absent, ‘these changes are modest and do not alter the fundamentally gendered nature of organisations’ (Acker 2000: 625). In fact, the increased visibility of women in an organisation, including in its management hierarchy, may well distract attention from the reality that the structures, cultures and individual attitudes and behaviours remain gendered and unwelcoming (Hyman 2000, Prenzler 1995).

Studies further show that discrimination and harassment are more likely to occur in organisations where women constitute 20 per cent or less of the workforce; where there is an uneven distribution of women in the full range of departments or specialisations; and where women are isolated in organisation locations (Brown and Heidensohn 2000). Tangri, Burt and Johnson (1992) cite data showing that women who had male supervisors and worked with a majority of men are more likely to be sexually harassed.

The SAPS’s overall treatment of issues of gender equity, which is based on tackling representivity and an emphasis on women’s need to take responsibility for their own ‘upliftment’, is premised on the belief that equality already exists for women in the organisation. This logic suggests
that organisational structures, cultures and officers’ attitudes, behaviours and gendered identities are not an important part of the gender equity equation. Yet it is clear that organisational cultures and structures play a significant role in patterns and prevalence of gender-inequitable and discriminatory practices, such as sexual harassment. Our understanding has moved beyond merely objecting to the lack of women within organisations or to the ‘glass ceiling’ which prevents women from rising through the ranks, to more fundamental challenges to the gendered assumptions upon which organisations – and societies – are based.

An alternative perspective is the ‘gendered organisations’ approach advanced by scholars such as Acker (1990, 1992) and Rao et al (1999). These authors argue that organisations are inherently gendered and that gender inequities are created and sustained in the day-to-day processes of organisational life. Such a perspective focuses on the gendered nature of power in organisations and, therefore, the underlying systemic causes of gender inequity. Thus, achieving gender equity entails more than increasing women’s access to organisations – or even facilitating greater access to positions of power in organisations.

Indeed, some studies conclude that organisational factors, such as an organisation’s tolerance of sexual harassment (or the perception of tolerance), rather than individual factors such as the propensity of harassers to harass, are the most critical when determining whether harassment will occur in an organisation (Hulin et al 1996). Thus sexual harassment is a systemic issue in its severity and pervasiveness, how people respond to it, and how an organisation intervenes (Cleveland and McNamara 1996).

The argument is developed in four sections. First, the methods of data collection are briefly described. Second, an overview of sexual harassment in the SAPS is provided. The third section documents the SAPS response to sexual harassment, making the case that simply having a policy may not be sufficient to deter harassing behaviour. Finally, I examine female police officers’ perceptions of and responses to sexual harassment. In this section I suggest why, despite a Sexual Harassment Policy, women do not identify harassing behaviour as sexual harassment nor do they report such behaviour.

**Note on research methods**
This study is based on 16 months of fieldwork conducted between 2000 and 2003. The fieldwork involved participant observation, interviews, a focus group and document review. I conducted the bulk of participant observation
at a police station in Soweto where I observed daily activities and accompanied officers on their day-to-day or nightly duties, as well as special operations. In addition to participant observation, I also conducted 114 semi-structured interviews with the following: 64 active and 2 retired policewomen; a female officer who had recently resigned; 35 policemen; 2 police union gender representatives; and 11 civilians who were actively involved with the police in various capacities.

A variety of sampling techniques were used when selecting respondents. I interviewed police officers at the police station at which I was based. I also targeted certain police officers encountered at the Women Empowerment Workshops, and officers who held key positions related to my study, such as those in the SAPS Equity Component. But most respondents were selected based on a snowballing technique. Policewomen were especially willing to provide the names of female colleagues they thought I should speak with, but almost all police officers were cooperative and helpful. Overall, I sought to ensure that I had a cross-section of respondents from all races and (almost) all ranks, in a variety of different units and in both operational and support functions. Throughout my fieldwork activities and in this article, I have maintained the confidentiality and anonymity of all respondents. Quotations are not directly attributed to the speaker, unless they were made in a public forum, such as a workshop presentation. Instead randomly selected initials are used. At times I have had to limit the amount of data supplied about the respondents, such as their exact unit, where they were located and, sometimes, their rank. While this may, at times, result in disembodied voices, it was necessary to ensure anonymity.

The methods used had several advantages and limitations. Although much effort and time was devoted to gathering data, the study is limited in its ability to make generalisations for the rest of the SAPS as my data collection was confined primarily to the province of Gauteng. However, the qualitative information gained from the women and men interviewed, the observations made during my shifts at the police station and ‘ride-alongs’, my attendance at various meetings, workshops, and the station management course, all provided important insights into the issues and challenges facing the SAPS, and its members, in its gender reform initiatives.

**Overview of the SAPS and sexual harassment**

‘Making allegations of sexual harassment is the quickest and surest way to get rid of a man. A lot of innocent men have been a victim of this tactic. It is difficult these days to discipline a woman and it’s very easy to shout
A male police officer in the Northern Cape is found guilty of sexually harassing seven of his female colleagues. He is given a suspended sentence and is transferred across the road from the victims. (Kika 2002)

The Western Cape Attorney General decided not to prosecute a former station commissioner accused of sexually harassing a policewoman for six years. His decision is based on the grounds that the policeman was suffering from depression and had suffered enough as a result of the publicity surrounding the case, even though an internal disciplinary hearing demoted the police officer and fined him R500. The station commissioner received a R1.6 million retirement package from the SAPS after the charges were dropped. The accusations against him included trying to pull the policewoman’s pants down, telling her he had wet dreams about her and that he would have sex with her before his retirement. (Hess 1998)

As noted above, concerted efforts by the upper echelon of SAPS have resulted in female officers making up a growing percentage of the total number of police officers – from 11.5 per cent in 1995 to nearly 21 per cent in 2008 (SAPS 2001, SAPS 2008) However, policewomen remain isolated from each other in units, stations and departments and particularly in the less traditional areas of policing such as operational functions, and are usually supervised by male commanders. As the studies above suggest, these conditions may contribute to a working environment in which women are more likely to experience sexual harassment.

Information and statistics regarding the prevalence or nature of sexual harassment in the SAPS are incomplete. The statistics available only take into account allegations that have been dealt with at official disciplinary hearings; however, my research suggests the majority of cases are dealt with informally. Therefore, the full extent of sexual harassment in the SAPS is unknown. My interviews with policewomen show that 18 per cent of respondents report having experienced sexually harassing behaviour and another 49 per cent personally know a policewoman who has been a target. Additionally, 68 per cent of all respondents believe that sexual harassment is a widespread problem in the SAPS.

Of those who reported harassment, 9 of the 12 policewomen were African, two were White and one Indian. All but two were non-commissioned officers. All of these women were subject to sexual harassment by a colleague or superior, not a subordinate. The majority of the cases were
harassment by a superior. All but one of these respondents worked at a station or specialised unit, where women are more isolated, not at a provincial or national office, where they are found in greater numbers, and in higher-ranking positions.

The race and rank breakdown of my respondents is consistent with studies which conclude that race and gender are strongly linked to sexual harassment. Because sexual harassment is about power, less powerful people, such as women, minorities, younger individuals and, in the case of police organisations, lower ranking officers, are more likely to be targeted. Although black women are not a minority in South Africa, they remain a minority within the power structures of the SAPS. As RS, a white female captain, and one of the respondents who disclosed her own harassment, explained, ‘white women are off limits to black men, but African women are fair game to all men’.

My evidence suggests sexual harassment is less prevalent in senior ranks and more prevalent at stations and specialised units. It also suggests that black women are targeted more often than white women, both because of their race and because of their predominance in lower ranks.

The sexual harassment figures from my respondents are far below those reported in other employment sectors in South Africa. In 2002/03 the Sexual Harassment Education Project (SHEP) conducted a national study investigating the extent of sexual harassment in the workplace in South Africa. It found that 77 per cent of women surveyed had experienced sexual harassment during their working lives (Khumalo 2005). This is especially puzzling in light of the fact that the figures for police organisations elsewhere in the world indicate rates of sexual harassment from 38 per cent in Australia and Britain (Brown 1996) to as high as 63 per cent in some departments in the USA (Martin 1990).

This suggests three possible scenarios. First, that the incidence of sexual harassment is much lower in the SAPS than in other work environments in South Africa and in police organisations in other parts of the world. Second, that policewomen in the SAPS are more reluctant to discuss and report experiences of sexual harassment than other women in the formal workplace in South Africa and policewomen elsewhere. Lastly, that my sample of women, who stated they experienced sexually harassing behaviour, is too small to make definitive judgements. However, my research evidence is not confined to these women (18 per cent) alone. Other respondents, including the 49 per cent who stated they knew women who had been sexually
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harassed; interviews with disciplinary officials; interviews with sexual harassment trainers; attendance at workshops and observations during my fieldwork, all point to higher levels of sexual harassment than this figure would indicate. In fact, recent research indicates that lower rates of reporting may actually indicate a workplace that is tolerant of sexual harassment rather than one in which less harassment occurs (Hertzog et al 2008). HV, a white director, stated:

I think especially in a male dominated masculine job like the police in South Africa, you find a lot of it. It’s just that it’s hushed up and kept quiet and nobody wants to talk about it.

The SAPS response to sexual harassment

The SAPS Sexual Harassment Policy was drafted in 1998. According to the policy, sexual harassment is defined as:

- A sexual demand, the non-compliance of which could result in certain actions being taken by the harasser;
- Comments or conduct of a sexual nature which the harasser reasonably ought to have known would be objectionable to the harassed employee or person; or
- Comments or conduct of a sexual nature resulting in the creation of a work environment in which the dignity of a person is impaired. (SAPS 1998)

More specifically, sexual harassment can consist of: unwanted sexual advances; requests for sexual favours in return for employment benefits; verbal abuse with sexual overtones; remarks or insinuations about a person’s sex life or private life; unwanted infringement of an individual’s personal space; suggestive comments about a person’s appearance, body or clothing; physical contact; obscene gestures, indecent exposure; staring, leering, whistling; physical or computerised display of sexually offensive or explicit material; direct sexual propositioning; continued pressure for dates and/or sexual favours; and letters or calls of a sexual nature (SAPS 1998).

According to the policy, sexual harassment is considered a serious form of misconduct that is subject to disciplinary action, and behaviour for which a warning is not sufficient. The question is: has enforcement of this policy been promoted and has it led to the progressive transformation of sexually harassing behaviour?

My research indicates that the experience of policewomen who do report, discourages others from lodging official complaints. Complainants are often
intimidated and ostracised by their colleagues, creating a hostile work environment. The disciplinary process itself is stressful and cumbersome. Female complainants must contend with overwhelmingly male disciplinary panels. During the disciplinary process the accused is usually represented by both a union representative and legal counsel; however, because victims are technically represented by the SAPS, they have no personal representative. After a formal grievance is lodged, the alleged perpetrator is supposed to be either suspended or transferred. Some who anticipate a suspension take medical leave, claiming the process has triggered a stress-related illness, thus further postponing the disciplinary process, sometimes permanently. Sexual harassment disciplinary cases typically take years to reach finality.

When an accused is transferred to another station, women at the new site may be subject to harassment. Moreover, it is sometimes the complainants who are themselves transferred. CI recounts the experience of a female colleague:

At my last station, our station commander was the one harassing her and when she complained to the area commissioner the sad part was that they transferred her and left him. They made it seem like it was her fault although everybody knew what he was doing and there was nothing you could do about it. There was no disciplinary action taken against him. It was all hushed up by transferring her out of the station. She was just relieved to get out of that situation. She would have just done anything; she probably would have resigned just to get out of there. The fact that she was going to a totally new station was good for her, but what about the females left behind? If he got away with it once, obviously he’s going to get away with it again. How many times previous to her did he get away with it?

None of the women interviewed, including an official in charge of disciplinary management, knew of a male police officer who had ever been found guilty of misconduct in a disciplinary hearing related to sexual harassment, or of a commander who had been disciplined for not adequately responding to a complaint. This is not to say that neither has ever happened, but it does indicate that the threat of disciplinary measures is unlikely to act as a deterrent to a potential harasser. Nor is the official response apt to encourage victims to report harassment, or management to respond proactively to allegations of sexual harassment.

The SAPS Annual Report for 2003/4 indicates that of nearly 8,000 cases
of misconduct addressed at disciplinary hearings, only 0.1 per cent dealt with sexual harassment (SAPS 2004). Of these, no member was dismissed or suspended. The 2008 and 2009 Annual Reports show a slight increase in officers found guilty of sexual harassment, from 0.1 per cent of all those found guilty of misconduct in 2008, to 0.4 per cent in 2009 (SAPS 2008, 2009). While these figures may reflect the relatively small number of sexual harassment grievances filed, they may also speak to the reluctance of the SAPS to deal with such cases.

Strategies utilised by the SAPS to combat sexual harassment put the onus on individuals, rather than the organisation, to end the behaviour—primarily by relying on targets of harassment to report the abuse and individual commanders to follow up on such reports. Studies in the USA and Canada suggest that the way an organisation treats sexual harassment, and how it implements its policies, are a good indication of whether the organisation regards such incidents as isolated or as systemic (Carter Collins 2004, Gruber 1998). According to this research, in order to create a climate that is intolerant of such behaviour and conducive to reporting, management must be proactive in its discipline (Gruber 1998). ‘The real test of the policy… is the encouragement given or not given to women to bring cases of complaint against men and the action taken to discipline those who are found to be offenders’ (Cockburn 1991:143). Thus, after establishing a policy, interventions must work to increase reporting of sexual harassment, while at the same time reduce sexually harassing behaviours. The figures regarding reporting of sexual harassment, officers found guilty of sexual harassment, and suspensions and dismissals of those accused of such misconduct, suggest the SAPS has not embraced this approach.

Many women in the SAPS are either unaware of or uninformed about the Sexual Harassment Policy. At a meeting for Soweto area women detectives, three years after the policy was established, not one of the female police officers—including the commanders—knew the details of the policy and many did not even know of its existence. The SAPS hired the Sexual Harassment Education Project (SHEP) to train one person per province in sexual harassment awareness, the SAPS Sexual Harassment Policy, and procedures to follow when sexual harassment is reported. These individuals were in turn to train others. PK, a trainer at SHEP, felt that in an organisation the size of the SAPS (over 100,000 members), with ‘widespread resistance’ to gender equity, training one person per province (a total of nine people) is not enough. She maintains that when only one member is trained and then
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returned to a resistant environment, it is unlikely that that person will be able to change their workplace.

PK reported that if the trained member becomes vocal about sexual harassment, she or he (usually she) is likely to encounter hostility. In PK’s opinion, some commanders intentionally sent members to sexual harassment training sessions based on who would have minimal impact combating sexual harassment after their training. For example, rather than sending front line management, trainees might be low ranking officers from a dog unit. She regarded this as a form of silent resistance by SAPS management. Furthermore, PK commented,

The only time they remember about this project [SHEP] is when there is a problem. They seek advice and after that we don’t hear from them again… The SAPS has had a [sexual harassment] policy since 1998, but nothing has been done about sexual harassment… The people who know about the existence of such a policy are either middle or top management, but I don’t think the information goes down to the police stations so that people know they are protected from victimisation and intimidation should they complain about sexual harassment.

In May 2002, the SAPS arranged a Sexual Harassment Workshop at which some of the problems PK spoke about became evident. Participants at this workshop were not the individuals previously trained in sexual harassment and most of the attendees I spoke with had very limited knowledge of the Sexual Harassment Policy. Two non-commissioned female officers stated they did not know why they were there, other than they had been told by their commanding officers to attend. When asked why, one replied, ‘Because I am a lady, I think’ (AI).

Gender committees established by the SAPS Equity Component are expected to encourage and enforce the implementation of the SAPS Sexual Harassment Policy, and members belonging to the gender committees or those who have attended the SAPS Sexual Harassment Workshop, have been encouraged to accept responsibility to educate others about the policy. Police members are to carry out these duties in addition to their full policing workload with no compensation. Committee members are exclusively women. One focus group participant raised the question that if sexual harassment awareness, and issues of gender equity more generally, are important to the SAPS, why are such activities not considered official duties rather than something relegated to after hours, adding to an already overburdened workload? ‘I have come to this meeting, but not again. Where
does the time come from?’ (FGS).

Although studies indicate it is difficult to combat sexual harassment in any work environment, it is especially challenging in police organisations where an ‘us versus them’ mentality and loyalty to the agency are stressed. These dynamics make it particularly difficult to report sexual harassment or publicly support victims (O’Rawe and Moore 1997).

However, the impetus for the SAPS and its members to effectively investigate and rid the organisation of sexual harassment comes not only from a gender justice perspective, but is also based on a more practical imperative. In 2004, a South African Labour Court ruling held a company responsible for not responding appropriately to allegations of sexual harassment. The court found the employer liable for the actions of an employee because it did not intervene and the complainant was awarded more than R760,000 in damages (Vaida 2004). This watershed case has opened the door for other such suits, not all of which are successful however. In August 2005, a SAPS policewoman lodged a grievance of sexual harassment against an assistant commissioner. After reporting the harassment, the policewoman was transferred. The reason cited for the transfer was poor performance. Nearly a year later, the policewoman attempted to claim R500,000 in damages from the SAPS for failing to properly investigate the complaint (Kockett 2006). In June 2008, nearly four years after she had first complained, the policewoman was charged with misconduct relating to making false accusations of sexual harassment. The disciplinary charges were later dropped. The trial is still pending and the complainant is on temporary incapacity leave. She applied for ill health retirement in March 2007, but her application is still not finalised. No disciplinary action has been taken against the alleged perpetrator.8

Female police officers’ perceptions of and responses to sexual harassment
Confusion exists amongst respondents regarding exactly what constitutes sexual harassment. Many policewomen do not use the term ‘sexual harassment’ to define actions falling within the parameters of the SAPS Sexual Harassment Policy. Knowledge increases at the senior officer levels, with 74 per cent of respondents at the rank of superintendent or higher describing sexual harassment similarly to the way it is defined in the policy, but with 69 per cent of respondents below the rank of superintendent defining sexual harassment as including only situations that involve physical
contact, such as touching a woman’s breasts. In one interview SM, an African sergeant based at a station in Soweto, stated emphatically that she had never experienced sexual harassment in the workplace, but soon after she recounted an incident in which a male superior tried to force her to have sexual intercourse. This was one of many unwanted and aggressive advances she described during the time they worked together, behaviour which stopped only after she threatened to lay a complaint. Several years later, when she no longer worked in the same station, the male superior commented that had she relented she would have been a captain already, but that she did not know how to play the game. When I asked this officer why she did not regard these incidences as sexual harassment, she explained that this was ‘just the way things are’.

Why avoid the use of the label ‘sexual harassment’, or even deny that an incident such as this is sexual harassment? There are several possibilities. Jo Phelan (1994:105) suggests that if an individual perceives a situation to be impossible to change, ‘the situation may be distorted psychologically so that it is no longer perceived to be as inequitable’. As SM stated, it is ‘just the way things are’. ‘We don’t even know it’s sexual harassment,’ observed LG, a female station commissioner and a 14 year veteran of the SAPS, ‘we think it’s normal’. Furthermore, because sexual harassment is not spoken about, women may not readily admit to it. Although a Sexual Harassment Policy has been established, my interviews and the focus group discussions indicate there is a general lack of awareness amongst members regarding the specific details of the policy, how to report sexual harassment, and even the existence of the policy.

All but one of the women who reported experiencing sexual harassment, worked at stations or special units that employ relatively small numbers of women. As a result there are few people to confide in and even greater pressure to conform. Without some sort of peer network or support structure, few women are prepared to risk further isolation and possible hostility from the male majority by raising the issue of sexual harassment. In line with this reasoning, studies have shown that women who are employed in traditionally masculine work cultures tend to avoid formally defining such incidents as sexual harassment in order to be part of the team and avoid risks to their career (Welsh 1999).

Just as is the case with rape, women are concerned that they will be blamed for sexual harassment – perhaps they dressed inappropriately. Or as MP, a station commissioner, states, they might not be believed: ‘[They’ll say],
“she’s a divorced woman, she probably didn’t get what she wants and now she’s screaming this”’. RS, a white captain, spoke to me about her experience. For over a year RS’s immediate commanding officer, a high-ranking White official, sexually harassed and assaulted her – everything from sexually explicit phone calls to sexual intercourse. At the end of the workday he would tell her to undress and wait in his office. She would try to arrive and leave early to avoid this situation, but to no avail. He threatened that she would lose her job if she did not comply. She told me she felt so embarrassed and humiliated she did not know what to do. When she finally said something, he denied everything and his status protected him. ‘[I]t was terrifying. Of course I did what he said, what else could you do? He is this extremely powerful man. In the end he denied everything. Everybody called me the liar’.

Finally, it is painful to admit to sexual harassment. Roberta Sigel (1996:65) found that denying victimisation is a protective strategy.

People will deny victimisation, at times even to themselves, in order to protect their self-respect… To think of oneself as being systematically discriminated against… might be painful, threatening, humiliating, all feelings against which we generally try to protect ourselves.

The policewomen I spoke with use much energy to distance themselves from sexual harassment, by not categorising their experiences as ‘sexual harassment’ per se.

Each of these possibilities emanates from the fact that women perceive it not to be in their best interests to describe an incident as sexual harassment or to admit to being victims of sexual harassment. Not acknowledging sexual harassment is not only a strategy of individual policewomen. The organisation does little to encourage women to talk about it. In 2001, the SAPS organised a series of provincial Women’s Empowerment Workshops. At one such workshop in the Northern Cape, presenters and organisers ignored the issue of sexual harassment entirely. At the Gauteng workshop, participants in small group discussions acknowledged that women in the police force were targets of sexual harassment by their colleagues and superiors, but it was suggested that women often ‘brought it upon themselves’ because of the way they dressed and behaved.

My research shows that policewomen have a number of concerns that deter them from reporting incidents of sexual harassment. They have insider knowledge of how civilian women who report rape, sexual assault and domestic violence are treated by police. They fear a backlash, particularly by male colleagues, who make up the vast majority of their co-workers. There
are few women in leadership positions to whom they can report abuse. The grievance process itself is flawed: the chance of disciplinary action against an abuser is low, the process lacks confidentiality and is very lengthy. Finally, as some women have discovered by reporting sexual harassment, standing up for your rights can result in other forms of harassment and a negative work environment. As one commanding officer, MP, explained:

We have to open a formal case and we have to go over it step by step, where did he touch, where did he do it, how did he do it, what did he say. I mean even a rape victim doesn’t have to give such details. And I know, me personally, I wouldn’t report it. Never. I mean there are too much of the formalities, it’s too long a process. It drags a long time and it is really, really embarrassing. The stigma will stay with you… I wouldn’t do it. (MP)

This officer’s comment indicates that many women regard the formal grievance process as too protracted and painful to ever lodge a complaint.

Women in the SAPS are not confident in the grievance procedure nor do they believe they would have the support of their female and male colleagues if they were to report sexual harassment. For more policewomen to start reporting incidences of sexual harassment or assault, they have to believe that their complaint will be taken seriously; that the likelihood of retaliation or secondary victimisation will be minimal; and that the grievance procedure will result in a fair outcome.

One member of disciplinary management reports:

There is still this reluctance to believe that there is such a thing as sexual harassment – it is merely a figment of a woman’s imagination. It could have just been a compliment or something, but the woman exaggerates the situation or is trying to frame the man. There are very few that have the opinion that sexual harassment is a problem in the police and that something has to be done about it. Also, another common thing is to say that she asked for it. (DM)

Given these perceptions, it is hardly surprising women are reluctant to report sexual harassment as they are unlikely to see reporting such cases to be in their best interest. Thus, while one possible explanation for women’s lack of reporting is that it is their free choice – a policy is in place to assist women, but they choose not to use it – the other possibility is that lack of reporting may reflect the constraints within which women in the SAPS, in general, and targets of sexual harassment, more specifically, operate. Policewomen made it quite clear that they consciously choose to act in ways that are in their best
personal interest. This generally means not reporting sexual harassment. Power relations are well established within the SAPS and policewomen may find it strategic to avoid conflict and confrontation with their male colleagues and superiors.

The respondents who personally experienced sexual harassment or knew women who had, report that they tried other strategies such as ignoring the incident, avoiding the perpetrator or telling the individual to stop the behaviour. Only one interviewee reported that these responses have been effective. In most cases, the next step is generally to request a transfer or to ask a superior to deal with it informally.

A case involving six black female members who lodged a grievance against their Black station commissioner (BM) illustrates the difficulties that complainants may face. The alleged harassment started in 1997 as soon as BM became station commissioner. The complainants reported that it occurred almost daily and often publicly in the presence of male colleagues. They said the harassment initially involved public jokes and frequent comments about their appearance and as time went on it escalated to touching, demanding sexual favours and declaring to male members that he had had sex with all the women and that their performances had been disappointing. The women confronted BM about his behaviour many times during this period, but nothing changed. They finally reported the abuse after the accused allegedly announced to members of the Crime Prevention Unit that he was SE’s lover and that is why he had assigned a police vehicle for her use – so that it was easier for them to meet. Interestingly, it was a comment that undermined SE’s status as an officer – that she was assigned a vehicle not because she is a police officer, but rather because of her sexuality – which finally prompted the women to report the harassment.

The women called for a meeting with the station management and their unions and again confronted the station commissioner. BM denied all their accusations and the station management did nothing. The unions advised the women they could lodge a grievance, which they did. It took five months after the policewomen lodged their grievance for any action to be taken. At this point the accused was transferred from the station. During these five months the accused was still in command and the respondents claim he made their work environment even more intolerable by removing them from their regular duties to less desirable tasks; trying to transfer one of them out of the station; and intimidating and publicly demeaning them. As soon as BM was transferred, he went on medical leave and the grievance procedure was
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postponed. Eighteen months later, the process was still at a standstill.

The women spoke of the effects of the harassment and the SAPS ineffectual response on both their work and personal lives. While some of their male colleagues have been supportive, many have laughed along with the comments and jokes made at the women’s expense. At the time of the interviews, comments still persisted: ‘They say they can’t talk to me because I will open a sexual harassment case against them’ (CE). ‘They say “you like it”’ (UE). Remarks such as these are common enough to make the policewomen feel so uncomfortable and unwanted at the station that three of them have asked for transfers. The circumstances have resulted in a great deal of stress and in two cases, assertions of depression. According to SE, ‘I even thought of leaving the police force because everybody knew what was happening and my husband was also angry with me’. UE agrees, ‘Even now, I want to leave’. Several of the women discussed the effect the situation has had on their family relationships, two of them revealing it has nearly destroyed their marriages.

Policewomen complain that little has been done to combat the problem of sexual harassment, despite the 1998 policy. Respondents believe the SAPS does not deal with sexual harassment cases expeditiously or treat them seriously. Those who have been targets of sexual harassment or abuse and reported it, or who have been involved in the disciplinary process, state they are wholly dissatisfied with the SAPS and its response. A director likened the Sexual Harassment Policy to the SAPS’s ‘No Smoking’ policy: ‘In terms of making sure that the members are aware of what they can and cannot do, I do not think a conscious effort has ever been made’ (JN).

Conclusion

The SAPS has begun to address some issues of gender equity within its organisation. It has made progress in tackling formal equality concerns of representivity and policy implementation. In the past 13 years, the percentage of female officers within the service has risen by nearly 10 per cent, and positions and activities from which female police officers were previously barred are now formally accessible to women. The SAPS also introduced a Sexual Harassment Policy in 1998. Such progress is to be commended. Nevertheless, a focus on representivity and policy is a rather narrow aspiration in which the more challenging dimensions of gender reform are often not considered.

Scholars such as Acker (1990, 1992), Cockburn (1991), and Martin and
Jurik (1996) have argued that organisations are not gender-neutral; that gender is enacted, produced and reproduced not only in the formal policies and practices of organisations, but also in the informal patterns of everyday interaction. This perspective necessitates that reform initiatives include strategies that focus not only on numerical gains, but also raise questions about and explore the gendered identities of both men and women, as well as the gendered nature of power in organisations. This study provides evidence that the SAPS gender reform process has been limited by its focus on formal equality issues. It has not challenged the underlying systemic causes of gender inequity. While the upper management of the police seeks to integrate more women into the organisation, at least in part to meet the requirements of government, existing organisational cultures and attitudes of police officers, which create and sustain gender inequities, are not questioned. This mediates the degree to which the Sexual Harassment Policy is implemented. It is assumed that once formal barriers to women’s equal access and participation are removed, a level playing field will exist. However management ignores the fact that gender divisions are created and sustained in the day-to-day processes of organisational life. Unless organisational cultures and individuals’ attitudes and actions change, gender equity initiatives will be undermined and change will be limited. In fact, the increased visibility of women in an organisation, including in its management hierarchy, may well hide the reality that the structures, cultures and individual attitudes and behaviours remain gendered and unwelcoming.

It seems that for many in the SAPS hierarchy the establishment of a sexual harassment policy adequately addressed the problem and they believe that women will avail themselves of the policy because it is in their best interest. This conviction is reinforced by the small number of official complaints, which helps create the impression that sexual harassment is quite rare in the police. What these assumptions fail to take into account are the complexities involved in deciding what action to take, or whether to act at all. Decisions are predicated upon an individual’s perceived interests, not all of which are immediately self-evident. It is impossible to understand individual choices without understanding the context within which these choices are made. Thus, while it may seem common sense that a female officer in the SAPS will report an incident of sexual harassment now that a policy has been created that recognises the problem, my research reveals that the reality is more complicated. Many policewomen ‘choose’ not to report sexually harassing behaviour, in order not to threaten future promotion possibilities and to
avoid possible conflict with their colleagues, who are predominantly male. While it could be argued that these actions reflect women’s ‘choice’, Kabeer (1999) urges us to remember that these may be choices which stem from women’s subordinate status. We need to be aware that power relations are expressed not only through the exercise of choice, but also through the kinds of choices people make.

This study provides ample evidence that the SAPS has not created an environment that encourages police officers to act on incidents of sexual harassment. The way in which the organisation has responded to sexual harassment reinforces a culture of tolerance for such behaviour, which, in turn, results in the underreporting of these offences. When harassment is reported, managers do not always address complaints. When they do, they often favour informal resolutions over the official grievance procedure. The lack of censure by the upper echelons of police management for inaction creates the impression that harassing behaviour is tolerated. This is reinforced by inadequate response or inaction by management. Overall, the SAPS response to sexual harassment has been superficial and ineffective. Unfortunately, this is emblematic of the organisation’s lack of awareness of and commitment to the more substantive aspects of gender equity.

Notes
2. Similarly to South Africa, Liberia is actively trying to address the gender imbalance of the Liberian National Police through measures such as quotas, outreach, gender-responsive recruitment practices, etc (Bowah and Salahub 2007).
3. It should be noted that while the recent proliferation in the numbers and proportion of women in policing is almost certainly due in part to the strategies undertaken by the SAPS, there may be other factors at play as well. For example, the exceptionally high rates of unemployment in South Africa may also be pushing more women into policing. Unemployment in South Africa has been estimated between 26.7 per cent and 38.8 per cent. The latter figure includes ‘discouraged workers’ or non-searching unemployed persons (Kingdon and Knight 2006).
4. The lower to senior management ranks of captain through to National Commissioner.
5. Statement by Lennit Max, former Western Cape Provincial Police Commissioner, in reference to sexual harassment allegations against him (Joubert 2009).
6. Between the 2004 and 2008 Annual Reports, the presentation of misconduct
data changed, making comparisons difficult. The total number of persons charged with offences and the penalties imposed are no longer provided, only those found guilty of misconduct.

7. According to a survey of 580 policewomen and -men, conducted by the Centre for the Study of Violence and Reconciliation (CSVR), when asked, ‘Have you received any training within the SAPS on sexual harassment?’, 70.3 per cent of police officers in the Johannesburg area responded ‘No’ (Newham 2005).


References


Steele, Georgina (2009), Personal communication, June 29.


