

'It's important to speak out for the sake of your humanity'

MAIN PICTURE: Nomawele Njongo gave women hope when she spoke out against Mbulelo Goniwe (BELOW RIGHT) sexually harassing her. But her courage is being tested at his latest disciplinary hearing and she collapsed under the strain.

at National Magazines made legal history when she filed a complaint of sexual harassment in the workplace and was awarded R776 000 in damages.

The ruling underscored the principle that employers are legally obliged to create a work environment in which employees are protected against sexual harassment.

"Sexual harassment is a form of discrimination prohibited under the Employment Equity Act," says Susan Stelzner, head of employment law at Cape Town law firm Edward Nathan Sonnenbergs.

Companies should have a policy that encourages victims to speak out, she says. It should allow the victim access to trauma counselling when reporting a case and both before and after a disciplinary hearing.

"The policy should state that any employee who becomes aware of sexual harassment has to report it. Failure to speak up should be a disciplinary offence."

Employers should also conduct regular training sessions on sexual harassment in the workplace.

"A disciplinary hearing is not a court of law so a witness can refuse to answer questions," Stelzner emphasises. "However it's in the victim's interests to reveal as much as possible so action can be taken."

Ensink adds, "It's important to speak out for the sake of

your humanity, even if it means there will be a stigma attached to you for the rest of your life."

She has no regrets about her action and is writing a book about her experiences to encourage and help others in the same situation. "Tell the truth from the start," she advises. "Provide as many details as possible."

She remembers once walking into the office of Gasant Samuels, her former boss. He asked her to shut the door and that was later offered as evidence "we were having an affair".

Ensink kept everything he gave her, including a letter apologising for the first kiss imposed on her and even a Bible he'd bought her.

"Keep everything. It can later be presented as evidence at the disciplinary hearing."

If you're threatened it's important to find someone reliable to support you. In Ensink's case this was the company's labour consultant.

"My psychologist and psychiatrist also helped me

through it all. I ended up suffering post-traumatic stress."

Be aware of everything that could be used to discredit you as a witness, she says. "Talk to a therapist or a good friend about all the so-called skeletons in your cupboard and practise responses in case they're raised."

Seek help as soon as possible – get legal support or join a support group of victims who have had similar experiences. "Sadly only at the end of my case did I get in touch with women at work who'd been through the same thing."

Men don't realise the devastating impact sexual harassment has, Ensink says. "Imagine how it would feel to be forced to face your harasser every day because your job is your bread and butter."

MEN are one of the most important links in the battle against sexual harassment, says Mbuyiselo Botha of the South African Forum for Men, an organisation that tries to give boys positive role models.

"Be a man and speak up when a colleague is being sexually harassed. Go with her to the hearing as one of her witnesses. Keeping quiet makes you just as guilty," he says.

"The big problem is men are taught to see women as prey to be hunted – they think they can just grab them. But it takes just one man in a company to say enough is enough to make a difference."

Often the more power a man has in a company the more he abuses it to get what he wants, Botha says. "We need to learn to listen to what women say. She's not overreacting if she gets upset about something you've said or done. That's how she feels and you should be sensitive to it."

"It's worth it speaking out," Stelzner says. "If you don't the problem will persist and other women will get hurt. I've often seen that if one woman comes forward then others who've kept quiet are encouraged to do so." □

ADDITIONAL SOURCES: AIDS LAW PROJECT (WWW.AL.P.ORG.ZA), SUNDAY TIMES.

Steps against sexual harassment

1 First talk to the person harassing you and ask him to stop the behaviour that makes you feel uncomfortable. He may be groping you, telling unwelcome sexual jokes, asking unwanted questions about your sex-life, giving inappropriate signals, asking you to have sex with him or looking at you in an intrusive or insulting way.

2 If you feel uncomfortable about being alone with the harasser ask someone you trust to accompany you when you talk to him.

3 Write to the harasser telling him his behaviour makes you uncomfortable and ask him to stop. Note the things that make you feel uncomfortable in the letter.

4 Keep a copy of the letter and send it to the harasser by registered mail so you can prove you sent it.

6 Ask someone else to speak to the harasser – a company representative, your shop steward or a work colleague, for instance.

7 If none of this helps report the person to senior management.

8 If you're unhappy with the way your complaint is being handled approach the local branch of the Commission for Conciliation, Mediation and Arbitration (CCMA). Or call the Advice Centre for Open Democracy toll-free during office hours on 080-052-5352.

