

Sexual harassment at Makro

Women pay the price

In August last year members of the SA Commercial Catering and Allied Workers Union (SACCAWU) took action against management's refusal to deal with a case of sexual harassment. **Patricia Appolis** tells of powerful worker solidarity in the face of this inaction and about the consequences.

Underpinning sexual harassment is the abuse of power; perpetrators of sexual harassment are mostly men in positions of power. High profile cases over recent months have highlighted the scourge of sexual harassment and are certainly an indicator of its pervasiveness. Women are fighting back but they too are paying the price for asserting their rights as demonstrated by the following unpleasant incident.

Sexual harassment is one of the most offensive expressions of gender inequality at work and in society. A brief definition of sexual harassment is any unwanted or unwelcome conduct of a sexual nature which causes discomfort, embarrassment and/or a feeling of insecurity and fear.

Two days before National Women's Day 2006, which marked the 50th anniversary of the struggles of, in particular, black women in South Africa, Saccawu women members with the support of male shop stewards at Makro Germiston took action against a perpetrator of sexual harassment. They set out to remove the person

from the workplace. Such action was provoked by management's attitude and inaction in dealing with the complaint of sexual harassment as well as the safety and concerns of women workers.

On the morning in question there was a store general meeting, a report was given on the issue and inaction of management. Management was called to the meeting to explain their laxity. It refused to come and told the men to go back to work as they were going to take action. The workers marched to the front office of the store singing where the harasser was working. They demanded that he leave the store and waited until he left the premises. All were women except for four male shop stewards. Management called it industrial action although it only lasted 45 minutes.

The case involved a woman contract worker who reported formally about being sexually harassed by her immediate manager who scheduled her hours. Both Makro and the labour broker management, Imbabala, refused to take steps to address her grievance instead the victim was asked to

undergo a polygraph test. They contended that it was her word against his.

It was only after Saccawu women took action that the victim's grievance was addressed and management convened a grievance hearing. The outcome was that the harasser was found guilty of abusing his power and not of sexual harassment. The company has not responded to the appeal application of the grievant on the complaint of sexual harassment instead it has arrogantly told her to go to the labour broker to deal with her problem.

It was this dismissive treatment of the grievant that provoked the anger of women workers. Makro refused to accept that it was responsible to ensure that people work in a harassment free environment despite the law and their own policy on sexual harassment.

On the other hand, the company was quick to respond to workers' action on 7 August calling it misconduct and breaking the rules. All who participated in the solidarity action were dismissed.

Firstly, the grievant was dismissed

for her participation in the action three days after the sexual harassment grievance hearing was held. The grievance of sexual harassment lodged with the labour broker has not seen the light of day.

Immediately after this 16 women union contract workers, employed by the labour broker, who had shown solidarity with the grievant were also dismissed for misconduct.

At the same time 61 union permanent workers were charged on five counts of misconduct and some were singled out for being agitators. Once again the arrogance of the two companies was demonstrated. The dismissals came just a few days before the 16 Days of Activism Campaign on Violence Against Women.

The disciplinary inquiry took the form of a mass inquiry.

It was clear from the processes that followed that there is no respect for the rights of women and union members in Makro and Imbabala. The manner in which the inquiry took place was indicative of the attitude of management. It took place way out in places like the Boksburg Stadium - unfriendly and alien places for an inquiry.

Furthermore, the company in disciplining the women flouted its own legal procedures by getting a lawyer to represent the company and a labour consultant to chair the inquiry. Saccawu's objections fell on deaf ears. The company's attitude was that if Saccawu did not attend the inquiry, it would take place irrespective. Saccawu, however, managed to reinstate 56 of the dismissed workers largely because it threatened to embark on mass action. Five of the dismissals were upheld.



Workers outside the union office after hearing the outcome of the inquiry – summary dismissal

The sexual harassment grievant had reported the case of sexual harassment to the police. During the solidarity action, she was assaulted when the perpetrator gave her a blue eye! A case of assault was reported to the police. Their response was that it was a defensive action as the grievant had also assaulted him and thus she had no case. The perpetrator also laid an assault charge against the victim but he could not produce evidence of physical assault. It is clear that sexual harassment and the violence inherent in it is not taken seriously - not by the bosses, not by the police, and not by society in general.

Women are encouraged to speak about sexist and discriminatory practices in order to eliminate it. However, as the case at Makro demonstrates, where women do speak out, they face more obstacles.

In this case, the sexual harassment grievance became

secondary as these women had to fight for their jobs. This painful experience is also an indication of why women who are sexually harassed opt to keep quiet - fear of losing their jobs and subsequent hardships.

Preventing and challenging sexual harassment where it occurs is the union's business. Saccawu has ensured that attention and resources have been put into this case to uphold workers' rights. However, it is not only the union's responsibility to do this. We also need the broader women's movement such as women's rights organisations as well the Commission for Gender Equality to more aggressively address this scourge. To break the silence, women need to speak out but they need support and solidarity to do precisely that!

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Patricia Appolis is Saccawu's National Gender Co-ordinator.