

## HUMAN RESOURCE POLICIES PROTECTION AND SEXUAL HARASSMENT AT THE WORKPLACE IN NIGERIA: AN APPRAISAL

**Atairet C. ATAIRET**

Department of Public Administration  
Akwa Ibom State University, Nigeria  
[atairetatairet@aksu.edu.ng](mailto:atairetatairet@aksu.edu.ng)

**Kate U. PAUL**

Department of Political Science  
College of Education, Afaha Nsit  
Akwa Ibom State  
[udohKate2@gmail.com](mailto:udohKate2@gmail.com)

### ABSTRACT

The employment arena is fraught with conducts or infractions that undermine the realization of organizational goals and threaten industrial harmony. It is against this background that human resource policies are developed to checkmate unwholesome tendencies at the workplace. The study appraises human resource (HR) policies and their effectiveness in addressing sexual harassment at the workplace in Nigeria. Despite existing legal frameworks like the Public Service Rules, international conventions and conditions of service of various places of work, sexual harassment remains prevalent and underreported. This study adopted descriptive research. The feminist theory was used as its theoretical guide. The findings of the study revealed that although most organizations have adopted policy frameworks that prohibit sexual harassment, gaps persist in enforcement, sensitization of the workforce and reporting mechanisms. It was further revealed that the prevalence of sexual harassment at the workplace is high but with outrageously low reporting. The study recommends that the National Assembly should promulgate a comprehensive federal legislation to address the menace of sexual harassment at all levels of government in both the public and private sectors, that an effective whistle blowing mechanism should be instituted in all public institutions and that institution-specific HR policies should be instituted in Ministries, Departments and Agencies (MDA's).

**Keywords:** *Human resource policies, sexual harassment, organizational culture, conditions of service and Public Service Rules.*

### Introduction

Admittedly, women constitute one of the most vulnerable and discriminately affected groups in the workplace. As such, they require special human resource policies and legal protection that will enable them work in conditions of freedom, equity, security and human dignity. This is a major concern of the International Labour Organization (ILO) decent work agenda. Women in the workplace are still regarded as vulnerable groups due to evident socio-economic and cultural factors that provoke their precariousness (Sparreboom, 2008, Udoms, et al, 2024 & Tom & Ndaeyo, 2024).

Kanu-Agomo (2011) acknowledges the vulnerable status of women in the workplace when he describes the expression “vulnerable group” in relation to the workplace as those workers who are likely to experience marginalization or exclusion or exploitation or poor productivity

because of their age, sex or status, unless brought into the mainstream of the labour force through deliberate laws and policies by government and employers.

Ideally, the workplace is expected to be a serene, conducive and enabling environment to engender optimum productivity. Apart from the requirement of an enabling working environment evidenced by availability of safe and standard facilities required for efficient discharge of duties, a psychological atmosphere bereft of every harassment or intimidation is a sine qua non for the realization of organizational goals. However, it is axiomatic that the menace of sexual harassment is an egregious impediment to productivity in the work setting. Undoubtedly, sexual harassment is prevalent at the workplace in Nigeria. The phenomenon of sexual harassment takes place in both the public and private sectors of the Nigerian society (Aina-Pelemo *et al.* 2019, Ndaeyo, 2025a).

Sexual harassment is a serious and real problem for various working-class women in Nigeria. It has been viewed as one of the most egregious forms of violence against women in the workplace and has increasingly become a subject of concern to the working women, trade unions and human rights organizations (Atilola, 2017). The reality of sexual harassment is that it is a pervasive phenomenon in Nigeria. Many female employees have encountered the menace of sexual harassment. Stories abound of women who feel pressured to sleep with their powerful male bosses as a requirement or a sort of rite of passage that they must undergo to secure their jobs, obtain promotion or any privilege at the workplace. A case in point is that of marketers working with commercial banks and other business concerns who visit customers in the office or even at home and end up trading sexual favours to meet their (often unrealistic and outrageous) monthly sales targets. Perhaps, one reason sexual harassment remains pervasive in Nigeria is due to the transactional nature of our society. Most people approached for help or a favour will, in most cases demand something in return (Abudu, 2019).

While some progressive organizations have some anti-sexual harassment policies in place, there are some organizations without specific provisions condemning sexual harassment at the workplace. For instance, the Nigerian public service adopts a hard stance against sexual harassment based on the provisions of the Public Service Rules 2021. Beyond the provision of the anti-sexual harassment policy, it is doubtful whether such policies are efficacious. It is against this backdrop that this paper seeks to appraise the role of human resource policies in checkmating sexual harassment at the workplace in Nigeria.

## **Theoretical Framework**

### **Feminist theory**

The study adopted the feminist perspective as its theoretical guide.

Feminist theory is a perspective which focuses on power dynamics, particularly as it concerns the impact of gender inequality and sexism on society. The Theory draws on the conflict theory to analyze the reinforcement of gender roles which results in the domination and oppression of women. The perspective tries to identify ways in which norms, values, institutions and internalized expectations limit women behaviours. It is also interested in demonstrating how women's personal control operates even within the constraints of relative lack of power. The foremost proponents of feminist theory are Mary Wollstonecraft who advocated for women rights. Other proponents include Simone de Beauvoir regarded as a central figure in modern feminist theory who analyzed how women have been historically oppressed and socially constructed as "the other" and Betty Friedan who sparked second wave feminism in the United States in her work 'The Feminine Mystique'.

Feminist theory is a broad social, political, political and intellectual framework that analyzes the way in which gender particularly women have been historically marginalized or oppressed. The theory emerged from the feminist movement and serves as both a critical perspective and a tool for social change, aiming to support structures of patriarchy, gender, inequality and other intersecting systems of power at its core.

The major assumptions of feminist theory include the perception of gender as a source of oppression where patriarchal structures accord men privilege and subordinate women in social, political, economic and cultural life, gender as a social contract which entails that gender roles and expectations are not purely biological but socially constructed and enforced. Others are inter-sectionality of oppressions which makes women experiences to be homogenous and shaped by multiple factors such as race, class, ethnicity, religion and sexuality and that the ultimate assumption is that society must change through laws, policies, increased consciousness and activism required for achieving gender equality and justice.

The feminist theory is directly relevant to this work because it highlights the gendered power relations that often underpin workplace sexual harassment in Nigeria where hierarchical structures are usually dominated by men, which reinforces the likelihood of harassment of women. It also helps to examine human resource policy gaps as most human resource policies are not practically enforced to provide practical protection to women.

Further, the theory provides a lens for critiquing policies with the view to ascertaining whether Nigerian human resource frameworks are truly- sensitive, whether they empower victims to report cases of harassment without fear of retaliation and whether the workplace culture challenges patriarchal norms. In a nutshell, feminist theory is relevant because critiques human resource policy from a gender and power relations perspective.

### **Conceptual Clarification**

#### **Human Resource Policies Protection**

Organizations cannot thrive without evolving and protecting appropriate human resource policies because a high level of conduct is expected of employees at the workplace. Since employees are vested with considerable power over the life and activities of the citizens, it becomes incumbent on such organizations to set rules necessary for the prevention of such powers from being abused for their personal ends. For these reasons, contemporary governments formulate and enforce a code of rules to regulate the conduct of the employees. The rules at the workplace may transcend the ordinary rules of the country. This explains why organizations formulate policies and code of conduct for regulating the conduct of employees in organizations (Sharma *et al.*, 2012, Mbon *et al*, 2025). Beyond this, such HR policies accord protection to vulnerable groups at the workplace.

Human resource policies development implies the process of formulating, implementing and reviewing guidelines that govern the employment within an organization. These policies provide a structured framework for decision making on matters such as recruitment, compensation, leave, workplace behavior, performance management and employee welfare (Armstrong, 2020). Such policies ensure consistency, fairness and compliance with labour laws while aligning with strategic objectives. Human resource policy development focuses on creating a standardised set of rules and expectations that guide both employees and management. Sound human resources policies promote equity and transparency in employee treatment protect the organization from legal liabilities by ensuring compliance with employment legislations (Noe, et al, 2021). HR policies also support organizational culture and

performance goals (Mathis & Johnson, 2019, Akpakpan *et al*, 2025). According to (Armstrong & Taylor, 2020), strong HR policies reduce workplace conflict, enhance job satisfaction, improve organizational reputation and support fair disciplinary and grievance procedures as well as promote transparency and equity in employee treatment.

### **Sexual Harassment**

Employment-related sexual Harassment comes in various forms. The demand for sexual favours in exchange for employment and employment-related benefits is generally known to occur. Complaints of sexual harassment of women in workplaces are widespread but hardly officially reported or investigated or reported especially in the public sector where the internal redress mechanisms may stifle such complaint.

According to Atilola (2017), sexual harassment may take diverse and varied forms. It is not limited to demands for sexual favours made under threats of adverse job consequences but also includes any unwanted conduct of a sexual nature or other conduct based on sex which violates the dignity of a person and in particular when it creates an intimidating, hostile, degrading, humiliating or offensive work environment for the recipient. Sexual harassment is a serious and real problem for various working women in Nigeria. It has been views as one of the most egregious forms of violence against women in the workplace.

According to Convention on Elimination of all Forms of Discrimination Against Women (CEDAW) General Recommendation Number 10 of 1992, sexual harassment has been defined to include such unwelcome sexually determined behavior as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment. The National Industrial Court of Nigeria further explained that CEDAW General Recommendations Number 12 of 1989 recognizes sexual harassment as violence against women. Sexual harassment is an affront to the dignity of person and breach of the right to freedom from degrading treatment (Gupta, 2014).

Section 46 of the Violence against Persons Act, 2015, defines sexual harassment as unwanted conduct of a sexual nature or other conduct based on sex or gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment and this may include physical, verbal or non-verbal conduct. Taking cognizance of the foregoing statutory and judicial standpoints, sexual harassment connotes any form of unwelcome behavior of a sexual nature which may include physical, verbal or non-verbal conduct which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment and is tantamount violence against the person and an affront to his or her dignity (Bhasin, 2015). Examples of sexual harassment includes unwanted sexual statements such as sexually explicit jokes, comments on physical attributes, spreading rumours or rating others about their sexual activity in front of others, displaying sexually explicit drawings, pictures or written material. It includes unwanted sexually oriented statements in writing, text messages, facebook and other media outlets. It also includes unwanted personal attention through personal interaction, pressure for dates, unwanted visitation, where sexual or romantic motive is obvious. Sexual harassment is also exemplified by unwanted physical as touching, hugging, kissing, touching oneself sexually for others to see, assault, unwanted sexual intercourse or other sexual activities (Abe, 2012). Although no definition is given, the Akwa Ibom State Conditions of Service (2018) identified the acts that constitutes sexual harassment to include sex for grades, sexual exploitation and

advances, seduction, comments with sexual overtures and pimping. Others include sexual assault, unwanted touching, vulgar sexual jokes, rape and indecent exposures. Proven cases of sexual harassment, being a gross misconduct matter attracts dismissal or compulsory retirement. It is on this premise that organizations institute grievance redress mechanisms to afford opportunity to employees who may be aggrieved by certain administrative decisions (Ndaeyo *et al*, 2025a, Atairet & Ndaeyo, 2022).

### **An Overview of the Legislative and Judicial Interventions on Sexual Harassment at the Workplace in Nigeria.**

Nigerian laws have provided some remedies for sexual harassment although victims are always reluctant to adopt legal option due to some cultural inhibitions associated with sexual harassment and in most cases the fear of reprisals by accused especially at the workplace (Mboho & Ndaeyo, 2017).

Similarly, the judiciary has also given bold decisions on sexual harassment. In the case of Ejieke Maduka v. Microsoft Nigeria Limited and 3 ors., the employee/applicant sued the respondent /country manager and chief executive officer of the company and her immediate boss for sexual harassment that involves tickling her and other female members of staff on their waists. After several warnings of the country manager and chief executive officer (harasser) by the employee (harassee) and reports to the immediate boss and human resources manager of Microsoft Nigeria Limited without change, and her persistent refusal to the harasser's sexual advances earned the harassee her termination. Consequently, she filed this suit claiming that her wrongful termination was based on her refusal to yield to sexual harassment of the 3<sup>rd</sup> respondent and her opposition of the fourth defendant's acts of insider's dealings and conflicts of interest, which amounts to an act of retaliation and gender discrimination in the workplace. The claims of the applicant were upheld by the National Industrial Court of Nigeria(NICN) which declared that although the labour jurisprudence has at now has no provisions for sexual harassment in the workplace but that the NICN by virtue of Section 254c(1)(g) of the Constitution of the Federal Republic of Nigeria, 1999 as amended, Third Alteration Act, 2010, has the jurisdiction to entertain civil causes and matters relating to or connected with any dispute arising from discrimination or sexual harassment at the workplace. Ejieke Maduka v. Microsoft Nigeria Limited.

From the decision of the NICN, the judicial attitude to allegations of sexual harassment vis-à-vis extant legal instruments could begin to settle. Sexual harassment in the workplace would be in breach of the underlisted instruments:

I Section 34(1) (a) of the 1999 COnstitution: Under this provision, every individual is entitled to respect for the dignity of his person, and accordingly, no person shall be subject to torture or to inhuman or degrading treatment.

- i. Articles 2 and 5 of the African Charter; By Article 2—every individual shall be entitled to the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, religion, political or any other opinion, national and social origin, fortune, birth or other status. By article 5—every individual shall have the right to the respect of dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation, and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.
- ii. General Recommendation 19 of CEDAW and Article 1(a) of the International Labour Organization's Discrimination (Employment and Occupation No 11. The Article 1(a) provides that for the purpose of this Convention, the term discrimination includes—



any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national interaction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.

### **The Criminal Law of Lagos State 2011**

Section 262(2) of the Criminal Law of Lagos State defines sexual harassment as unwelcome sexual advances, request for sexual favours, and other visual, verbal or physical conduct of a sexual nature which when submitted to or rejected—(a) implicitly or explicitly affects a person's employment or educational opportunity or unreasonably interferes with the person's work or educational performance; (b) implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions; or creates an intimidating hostile or offensive learning or working environment.

The CLLS attaches criminal responsibility to any person who actually harasses another. Such a person, upon conviction, is liable to imprisonment for three years (S, 262(1)). The main drawback of the law is that it is not comprehensive. It merely criminalizes sexual harassment and prescribes penal sanctions on perpetrators of the offence. The law has no provision obligating employers to take measures that would prevent or ameliorate the occurrence of sexual harassment. Another challenge is that the criminal law of Lagos State, 2011 being a law enacted by the Lagos House of Assembly is exclusively applicable to Lagos State, therefore excluding other states from its provisions.

### **Violence against Persons (prohibition) Act 2015**

The Violence against Persons (Prohibition) Act, 2015 (VAPPA) primarily aims at eliminating violence in public life and prohibits all forms of violence against persons. It seeks to provide remedies for victims and impose appropriate punishment on offenders. The law defines sexual harassment as unwanted conduct of a sexual nature or other conduct based on sex or gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment and this may include physical, verbal or non-verbal conduct. The law penalizes offences such as rape, infliction of physical injury on a person, willfully placing a person in fear of physical injury, offensive conduct (which may be sexual in nature), female circumcision or genital mutilation, deprivation of liberty, economic abuse, intimidation, and emotional verbal and psychological abuse. The law primarily focuses on prescribing penal sanctions. No civil remedies are applicable. This is only applicable in Abuja, the Federal Territory of Nigeria. A national legislation of this nature on sexual harassment is required considering its prevalence in the workplace (Ndaeyo, 2025b).

### **Sexual Harassment in Tertiary Education Institution Institutions (Prohibition) Bill 2016**

Sexual harassment in Tertiary Education Prohibition Bill 2016 aimed at making provisions for the prohibition of sexual harassment of students by educators in tertiary educational institutions. Section 2 of the Bill states that sexual harassment includes:

Sexual intercourse between an educator and a student where the student is below the age of 18 years or an imbecile or of a generally low mental capacity or physically challenged; Any unwelcome sexual attention from an educator who knows or ought reasonably to know that such attention is the student; or any unwelcome explicit or explicit behavior, suggestions, messages, or remarks of a sexual nature that have the effect of offending, intimidating or humiliating the student or a related person in circumstances which a reasonable person having regard to all circumstances would have anticipated that the student or such related person would be offended, intimidated or humiliated.

Globally, sexual harassment is recognized as a kind of gender—based violence, discrimination, and a violation of human rights. According to the International Labour Organization (ILO), sexual harassment encompasses “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment” (ILO Convention No 190, 2019, Article 1). (Ndaeyo *et al.*, 2025c).

Sexual harassment is understood not only as physical advances but also includes verbal, psychological and environmental behaviours that create a hostile or intimidating working environment (UN women, 2021, Mboho & Ndaeyo, 2019). Prominent international legal instruments that address sexual harassment include ILO Convention No, 190(2019) on Violence and Harassment in the world of work, UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and Universal Declaration of Human Rights (UDHR).

### **Concluding Remarks and Recommendations**

Over the years, Nigeria’s human resources policy and legal environment has progressed notably with prohibition of acts of sexual harassment at the workplace and outstanding legislative and judicial interventions. However, implementation of these policies and culture change are the foremost constraints. It is instructive to note that without protected reporting, anti-retaliation guarantee and confidentiality, HR policies and legal framework will not sufficiently reduce incidence of sexual harassment.

### **Recommendations**

1. The National Assembly should promulgate a comprehensive federal legislation to address the menace of sexual harassment at all the tiers of government and in both the public and private sectors.
2. Both the public and organized private sectors should institute whistle blowing mechanisms in all institutions to serve as a forum for cases of harassment to be reported without the identity of the informant(s).
3. There should be institution-specific HR policies to address the peculiarities of different organizations

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