

**THE PERCEPTIONS OF TOUCH-BOUNDARIES IN THE  
THAI WORKPLACE: A STUDY OF  
MAHIDOL UNIVERSITY**

**BEVERLEE JEAN BARNET**

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Thesis  
entitled  
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.....  
Ms. Beverlee Jean Barnet  
Candidate

.....  
Mr. Michael George Hayes, Ph.D.  
(History and Communication and  
Cultural Studies)  
Major advisor

.....  
Mr. Matthew Mullen, Ph.D.  
(Human Rights and Peace Studies)  
Co-advisor

.....  
Prof. Banchong Mahaisavariya,  
M.D., Dip Thai Board of Orthopedics  
Dean  
Faculty of Graduate Studies  
Mahidol University

.....  
Ms. Coeli Barry, Ph.D.  
(Comparative Government)  
Program Director  
Master of Arts Program in Human Rights  
Project for the Establishment of  
Institute of Human Rights and  
Peace Studies  
Mahidol University

Thesis  
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was submitted to the Faculty of Graduate Studies, Mahidol University  
for the degree of Master of Arts (Human Rights)

on  
December 26, 2014

.....  
Ms. Beverlee Jean Barnet  
Candidate

.....  
Ms. Latifa Laghzaoul, Ph.D.  
(Social Anthropology)  
Chair

.....  
Lect. Napatrat Kranrattanasuit, S.J.D.  
(Juridical Science)  
Member

.....  
Lect. Michael George Hayes, Ph.D.  
(History and Communication and  
Cultural Studies)  
Member

.....  
Prof. Banchong Mahaisavariya,  
M.D., Dip Thai Board of Orthopedics  
Dean  
Faculty of Graduate Studies  
Mahidol University

.....  
Asst. Prof. Parichart Suwanbubbha,  
Ph.D. (Systematic Theology)  
Director  
Project for the Establishment of  
Institute of Human Rights and  
Peace Studies  
Mahidol University

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Beverlee Barnet

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**BEVERLEE JEAN BARNET                      5537847 HPHR/M**

**M.A. (HUMAN RIGHTS)**

**THESIS ADVISORY COMMITTEE: MICHAEL GEORGE HAYES, Ph.D.,  
MATTHEW MULLEN, Ph.D.**

**ABSTRACT**

Weak sexual harassment policy at post-secondary institutions within Thailand has triggered interest in the topic of sexual harassment in the university workplace. Past research on sexual harassment rarely makes touch the central focus. This study was designed to learn more about touch, more specifically, about women's touch-boundaries within the sexual harassment frame through a mixed study of quantitative and qualitative methods using a Thai female sample population working as support staff at Mahidol University Salaya campus. Findings from the survey, calculated through central tendency, suggest Thai female employees react negatively toward touch in the workplace and share a united perception on parameters of touch, that is, giving males consent to touch is important, what body zones are accessible for appropriate touch, from whom do women reject unsolicited touch in the workplace, on frequency, duration and intention of unsolicited touch, and on the wrong of unsolicited touch according to body zone. The second aim of this study was to examine through respondent-identified control mechanisms, whether Thai female employees at Mahidol University can protect their touch-boundary. This study also suggests protection is a shifting feature and is conditional.

**KEY WORDS: SEXUAL HARASSMENT / TOUCH-BOUNDARY / PERCEPTION**

103 pages

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## **LIST OF ABBREVIATIONS**

### **Key Words**

Sexual Harassment

Touch-harassment

Quid pro quo harassment

Hostile environment harassment

Touch-boundary

Power-dominance

<b>CHRC</b>	Canadian Human Rights Commission
<b>CHR Act</b>	Canadian Human Rights Act
<b>CEDAW</b>	Convention on the Elimination of all Forms of Discrimination Against Women
<b>CSC</b>	Civil Service Commission
<b>DEVAW</b>	Declaration on the Elimination of Violence against Women
<b>EEOC</b>	Equal Employment Opportunity Commission
<b>ICCPR</b>	International Convention on Civil and Political Rights
<b>ILRF</b>	International Labor Report Fund
<b>MU</b>	Mahidol University
<b>NGO</b>	Non-government organization
<b>PTSD</b>	Posttraumatic Stress Disorder
<b>SEQ</b>	Sexual Experiences Questionnaire
<b>SMU</b>	Mahidol University Salaya Campus
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>US</b>	United States
<b>WHO</b>	World Health Organization

## **CHAPTER I**

### **INTRODUCTION**

Sexual harassment is a phenomenon experienced worldwide. Academic studies about sexual harassment come from out of American, (Russell & Trigg, 2004), Brazil (DeSouza & Pryor, 1998), Canada (Saperstein et al., 1995), China (Yang & Li, 2009, Parish et al., 2006), India (Chaudhuri, 2007 & 2008), Japan (Uggen & Shinohara, 2009), and Turkey (Sakalli-Ugurlu et al., 2010) to name only a few of the many places. In Thailand, the attention paid to sexual harassment is relatively new, with scholarly works slowly emerging on the various concerns regarding rights protection (Kompipote, 2002; Soonthornpasuch, 2007 & 2008). In almost all of the above mentioned studies women are the focal point of discussion, which verifies women are at the center of the sexual harassment issue, especially since, their working domain has shifted from the domestic into the public.

Sexual harassment, which takes in unsolicited touch occurrences and an outgrowth of what feminist believe is sexism in society, is manifested through gestures of sexual intimacy like males brushing up against, patting or pinching women—recognized private behaviors that now show up in the workplace. For women's protection, setting the touch-boundary is necessary. In Thailand, the consideration given to establishing sexual harassment regulations against unwelcome occurrences such as touch is almost nonexistent in the university environment. News articles reporting behaviors of sexual harassment occurring at Thammasat (Bunnag, May 8, 2008) and Ubon Rajathante University (Singsiri, July 3, 2008) have raised the issue on the importance of developing clear specific sexual harassment policy across Thai post-secondary institutions. One journalist writes “[t]he law governing the behaviour of university staff needs revamping ... The law only stipulates university [staff] should set a good example, have a sense of decency and not behave offensively...” (Singsiri, July 3, 2008). These conditions are what prompted this researcher to do a study on sexual harassment, more specifically on defining the touch-boundary through Thai

female employees working at Mahidol University (MU), and to examine whether or not they can protect their touch boundary. Aware that Thai female employees at MU cannot always control their social environment; this paper takes the stance that protection is a shifting element that moves in and out of protection depending on circumstances. This paper will substantiate this argument by showing some of those circumstances.

## 1.1 Background

### Western Constructs of Sexual Harassment

Up until 1976, the term *sexual harassment* was nonexistent in the United States (Benson & Thomson, 1982: 236; Roth, 1999: 58). By not giving a range of sexually harassing behaviors a label, the concepts of gender discrimination and violence against women, in this context, rendered them invisible and legally inaccessible. The action of defining such behaviors as sexual harassment was the key to setting standards, especially for workplace conduct. Workplace practice that renders women as sexual objects has grounds for human rights. The United States' Equal Employment Opportunity Commission (EEOC) guidelines serve as one of three model definitions cited in this study.

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex... Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex...[H]arassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision...(US EEOC, Discrimination by Type, Sexual Harassment Section).

The United Kingdom's definition is referenced under the general concept of harassment. The explanatory notes describe three types.

The first type...involves unwanted conduct which is related to a relevant characteristic and has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant or of violating the complainant's dignity. The second type is sexual harassment which is unwanted conduct of a sexual nature where this has the same purpose or effect as the first type of harassment. The third type is treating someone less favourable because he or she has either submitted to or rejected sexual harassment (Equality Act 2010, Part 2 Equality, Chapter 2 Prohibited Conduct, no. 26 Harassment, Explanatory Notes).

The sexual harassment provisions of the Canadian Human Rights Act (CHR Act, 1985) are interpreted through the following discrimination clauses.

#### Harassment

14. (1) It is a discriminatory practice...(c) in matters related to employment, to harass an individual on a prohibited ground of discrimination.

#### Sexual Harassment

(1) ...sexual harassment shall, for the purposes of that subsection [(Harassment)] be deemed to be harassment on a prohibited ground of discrimination. (CHR Act, 1985, Part 1 Discriminatory Practices, Harassment Section 14).

From out of these definitions derive the major concept. Sexual harassment is unwanted behavior of a sexual nature (Soonthornpasuch, 2008: 347; Roth, 1999: 58; Pryor, 1985: 276) that can be interpreted through various legal frameworks.

For any government to justify taking action against the wrong of sexual harassment, nationwide surveys that produce reflective statistics are necessary to capture a clear picture of the severity of the problem. Depending on research sample populations, statistics in the 1980's and 1990's show anywhere between 16 to 90 percent (cited in Welsh & Nierobisz, 1997: 506) of North American working women having experienced the occurrence in their lifetime. According to Loy and Stewart (1984: 32) and others, in a 1981 US Merit Systems Protection Board study, 42 percent of federal female employees reported as having experienced workplace sexual harassment. The Canadian Human Rights Commission (CHRC, 1983) in their general population survey reported 49 percent of women as having experienced uninvited

sexual attention, and of that rate 30 percent specifically labeled it sexual harassment (cited in Welsh & Nierobisz, 1997: 508). Statistics Canada (1993) in their Violence Against Women Survey had a response rate of 54 percent of some type of sexual harassment experience (cited in Welsh & Nierobisz, 1997: 508). Equally important to emphasize, women working in male dominated jobs report numbers higher than women working in integrated or traditional female occupations (Lafontaine & Tredeau, 1986: 436). Past accounts of prevalence levels showing just under or over a 50 percent rate, not only indicated a serious problem, but demonstrated how men behaved toward and devalued North American women. In a way, past accounts represent the history of women's struggle toward gaining recognition as equal persons.

American feminist theory of the late 1970's and early 1980's made the underlying connection between sexual harassment and gender discrimination. They explained it in three ways: unequal treatment based on gender rather than on individual merit; conduct of a sexual nature that is disproportionately more offensive to one gender; and conduct that subordinates women to men (Franke, 1997: 698). In other words, the behaviors would not have occurred but for the gender difference. Under Title VII of the Civil Rights Act of 1964 sexual harassment is considered a form of sex discrimination.<sup>1</sup> The US taking the lead in formulating parameters around the conduct also categorized the occurrence into two legal classifications: *quid pro quo* (translated as 'this for that') and hostile environment (Franke, 1997: 716; Rutter, 1996: 9). The former involves an exchange of sexual obedience for employment opportunity (Roth, 1999: 58; Welsh, 1999: 170; Rospenda et al., 2005: 96). Hostile environment harassment involves sexual jokes and remarks, touching, and showing pornography—types of unwelcome behaviors which make the workplace unbearable (Welsh, 1999: 170; Fitzgerald et al., 1997: 8; Rospenda et al., 2005: 96). This kind of harassment creates an offensive work environment.

Thus far, sexual harassment has been framed in legal and feminist codes. The behavioral definitions are set in the fields of psychology and sociology and refer to the classifications and surveys tools designed to gather data on sexual harassment experiences in the workplace (Fitzgerald et al., 1997: 9). In this vein, three major

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<sup>1</sup> Radical legal feminist, Catherine Mackinnon, greatly contributed to the US legal discourse on sexual harassment in the workplace. In her theory, she depicts sexual harassment as a tool of sexual subordination, a treatment that violates Title VII.

behavioral constructs that more widely define the problem than the aforementioned are briefly presented. Frank Till, for example, roughly laid out in order of severity five types: 1) generalized sexist remarks and behavior, 2) inappropriate and offensive, but essentially sanction-free sexual advances, 3) solicitation of sexual activity or other sex-related behavior by promise of reward, 4) coercion of sexual activity by threat of punishment, and 5) sexual crimes and misdemeanors (cited in Fitzgerald et al., 1997: 9). Professor of Psychology, Louise Fitzgerald built on the work of Till to develop a sexual experiences questionnaire (SEQ). Three primary categories emerged from her analysis: gender harassment, unwanted sexual attention and sexual coercion (Fitzgerald et al., 1997: 10). The first category involves verbal, physical and symbolic behaviors that degrade or insult; the second category is unwelcome sexual activity of a verbal and/or nonverbal display; and in the third category women are coerced in exchange for reward (Fitzgerald et al., 1997: 10-11). Taking a different approach, sociologist James Gruber classified harassment-types based on court cases and relevant literature to formulate the Inventory of Sexual Harassment (Fitzgerald et al., 1997: 10). The inventory consists of three general categories: verbal requests, verbal remarks and nonverbal displays (Limpaphayom et al., 2006: 33). The researcher's motivation to create the two latter taxonomies was to develop exhaustive groupings (Welsh & Nierobisz, 1997: 512). For Gruber he also aimed to make his categories mutually exclusive and that they would reflect the EEOC guidelines (Gruber, 1992: 448).

Although multiple definitions kindle debates on what constitutes the behavior, it is without a doubt the US has vigorously demonstrated through their creation of various frameworks how they have handled sexual harassment. It is important to note here, other countries may differ in their approach.

## **1.2 Sexual Harassment in Thailand**

Prior to the 1950's, the role of Thai women was to manage the household affairs; however, three particular events mark the turning point for Thailand's rapid structural changes in occupational gender patterns. In the 1960's, new opportunities were awarded to women with the rapid expansion of government services which

encouraged women to seek out education to fulfill junior to professional positions; as of 1990, 54 percent of the civil servants were women (Siengthai & Leelakulthanit, 1993/94: 94). Also, for the first time included into Thailand's development plan (Fourth Development Plan 1977-81) were strategies for the growth of women as a human resource, noting in the fourth plan the discrimination against women in education, employment, job promotion and earnings, and proposing corrective measures toward equal employment opportunities in government service (Siengthai & Leelakulthanit, 1993/94: 92). Finally, the decade from 1978 to 1988 the Thai economy expanded into the industrial sector employing women as unskilled labor. As a case for sexual harassment, sexuality in the workplace, which was almost invisible in an all-male work environment, followed from the increase of women's participation in the work force (Gutek, 1985). Gutek (1985) describes women as the 'carriers' of sexuality, not by their choice, but through male stereotyping and a trait, from the male perspective, as a resource to be used.

The male perception is at the heart of the sexual harassment issue, because Thai societal attitudes endorse men as the stronger gender whose power can define his and her reality (Ekachai, December 19, 2007). Men as employers and men in general, are not motivated to name the behavior as adverse because typically, sexual harassment does not harmfully affect men. As such, men's ability to define women's reality can make sexual harassment invisible by not naming it, or denying that it exists, or matters.

In Thailand, sexual harassment has often been trivialized by politics (Franke, 1997: 698; Soonthornpasuch, 2008: 352), that is to say, it is a matter that requires less attention than, for example, trafficking, and trafficking is a crime that requires less attention than does rape and so on (Soonthornpasuch, 2007, p. 195). By putting the issue of sexual harassment on a continuum scale of criminal intensity, it deflects attention away from the real problem at hand. Sexual harassment is an imbalance of power whereby one person or group infringes upon, reveals and/or demands access to another person's sexuality (Roth, 1999: 47). The range of unwanted attention assessed by the victim as harmful stretches from pestering compliments and invitations to behavior that bears similarities to stalking and various classes of assault (Fitzgerald et al, 1997: 14, 15).

Definition disputes in Thailand, attributed to public ambiguous interpretations of and a formless State approach to sexual harassment, result in multiple understandings on what constitutes the conduct (Soonthornpasuch, 2007: 3; Thitiprasert cited in Kompipote, ILRF, 2002: 14). For instance, Thai respondents in Soonthornpasuch's (2007: 151, 154, 179) research identified physical touch, unnecessary familiarity, and sexual requests in exchange for benefits as sexual harassing behaviors, but verbal remarks such as telling dirty jokes, making bodily remarks about a woman and asking invading questions about personal life were considered trivial matters. By not giving the full range of sexually harassing conduct a shared label of wrong doing, the distinction between sexual harassment and trivial matters marks the difference between labeling the incidences as serious and petty (Soonthornpasuch, 2007: 178-179).<sup>2</sup>

As real-life issues of discriminatory treatment and a form of violence against women (Franke, 1997: 696, 722), sexual harassment has been a major focus of academic research, non-government organizations (NGO), legal discourse and government policy. People at risk include occurrences between male and female, between people of the same gender, and directed at individuals who fail to live up to gender norms (Franke, 1997: 696). The harassers are not limited to any professional rank, age or family circumstances (Bingham & Burleson, 1996: 309) and might act solo or in a group.<sup>3</sup>

If news headlines are any indication, Thailand has just recently entered into a sexual revolution. Over the past decade numerous storylines of sexual harassment framed as unwelcome advances (Tungsuwan & Lekfuangfu, July 6, 2013), sex scandals (Post reporters, September 23, 2010), discrimination, oppression and inequality (Ekachai, December 13, 2007) along with advice columns on how to avoid unwanted advances in the workplace (Thamlkitkul, February 19, 2009) have raised public awareness on the issue. One legal case mentioned in *Bangkok Post* (cited in Soonthornpasuch, 2008: 345) that caught the public's attention involved a 73 year old

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<sup>2</sup> See Section 1.1 Background: Western Constructs of Sexual Harassment for a full range of behaviors.

<sup>3</sup> In a study on American federal workers, it was found a divorced 40 year old male worker was most likely to sexually harass, and a young single or divorced female working in a low status job was most likely to receive this sexual attention. Although married women are not excluded from sexual harassment, married women are perceived as belonging to someone else and this relationship status offered more protection to them (See Newman et al, 2003).

former high level official, then a businessman, who inappropriately touched the bodies of an airline stewardess and two other female passengers.<sup>4</sup> Although found guilty under the criminal code, part of the defendant's sentence, a 15-month prison term, was suspended for two years, he was given an opportunity to reform largely because he had been honored with Royal Decoration. The court's judgment which favored protecting the reputation of a high ranking male official over his criminal conduct rendered the violation almost invisible.<sup>5</sup> Soonthornpasuch (2008) in her article "Sexual Harassment: Laws in Thailand," reports on the many inconsistencies in Thai legislation and in its surroundings that make it difficult for women.

In Thai criminal code sexual harassing conduct is viewed as sexual offences, as in sexual assault, indecent acts, rape or attempted rape. Examples of two Supreme court judgments under the Penal Code (Sections 276 and 278) involved women who in one case was forcibly fondled, and in the second case her breasts were touched, both incidences occurred without the plaintiff's consent and in both cases the conduct was considered indecent offences relating to sexuality (cases cited in Soonthornpasuch, 2008: 348).<sup>6</sup> In the latter two cases the women's consent was deemed important by the Thai court. Under the Civil Service Act B.E. 2551 (2008) sexual harassment is treated under Section 83 which states "a civil servant must not commit any act ...which amount[s] to a sexual violation or harassment..." In an addendum to this Act prescribed by the Office of the Civil Service Commission (CSC) in 2010, touch or any physical contact in the workplace is prohibited without consent. It seems consent plays a key role when determining a violation.

Without specific and accurate statistics it is difficult to describe the pervasiveness of the problem in Thailand. The Committee for Asian Women claims female workers are 80-90 percent of the sexual harassment victims (Thitiprasert cited

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<sup>4</sup> Soonthornpasuch cites (Meethot jumkuk, Thairath, 4 May 2006; Kuk neung pee, Matichon, 4 May 2006) for this news article.

<sup>5</sup> From the fourth and fifth report of Thailand presented to CEDAW Committee in 2006, Thailand had yet to create law forbidding discrimination against women. Soonthornpasuch (2008) claims gender equality in laws is rarely upheld by Thai jurists, and confirms sexual harassment is not recognized in any gender-based law, but sexual harassment is addressed as an offence in the Penal Code.

<sup>6</sup> Thailand operates three levels of courts: Court of the First Instance, Appeals Court and Supreme Court or Dika. Soonthornpasuch cites the two Supreme court cases as Dika 939/2487 and Dika 1270/2506. Supreme court judgments are referred to by number (1270) sentenced in B.E. 2506 (1963).

in Kompipote, International Labor Report Fund (ILRF), 2002: 14).<sup>7</sup> Thai female respondents in a 2002 survey were asked to report the type of sexual harassment they experienced.<sup>8</sup> Here I report only the physical form defined as inappropriate and uninvited physical contact. Women working in government services reported 39.78 percent as having experiencing physical contact, in State enterprises 59.46 percent, in private companies and in banks 46.31 percent and 50.00 percent, respectively (cited Soonthornpasuch, 2007: 88). A second survey conducted in 2005 asked male and female Thai staff from 130 government agencies to answer questions on sexual harassment.<sup>9</sup> Of the 1,087 surveys analyzed, 93.7 percent of the sample claimed not to have been sexually harassed, leaving the remainder of 6.3 percent having some form of experience (cited in Soonthornpasuch, 2007: 215). While in the former survey, statistics are significant enough to indicate a serious problem, in the latter survey, results clearly show no indication of seriousness. Soonthornpasuch (2007: 215) says the non-descriptive statistics problem is compounded by victims under reporting incidences; women do not report because they feel humiliated (p. 144); they fear being stigmatized as the trouble-maker (p. 225); they do not want to undergo scrutinizing investigative procedures (p. 287); they dread being blamed for the incident (p. 144), and because of weak enforcement—they think nothing will be done by reporting the incident (Ekachai, December 13, 2007). In the ILRF (Kompipote, 2002: 1) study, it claimed 47.6 percent of the survey respondents would not take action against sexual harassment unless it was severe because women feared dismissal or demotion. Moreover, 75 percent of the ILRF respondents had no knowledge about laws that forbade sexual harassment, and 90 percent believed their employment conditions did not protect them (Kompipote, 2002: 1). Women under reporting because of fear, lack of knowledge of rights, or no employer support can potentially render sexual harassment as almost invisible.

The last point to make, the effects sexual harassment has on women is numerous. Regarding health, Fitzgerald (1997) cites work which claims that moderate

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<sup>7</sup> A sexual harassment study on 100 women workers in 10 export industries in Thailand found “violent abuse and rampant discrimination” by employers and supervisors. Thitiprasert was selected for an in-depth interview to serve as an additional resource (See Kompipote ILRF, 2002).

<sup>8</sup> Suan Dusit Poll, Suan Dusit Rajabhat University, July 28-30, 2002.

<sup>9</sup> The Gender Equality Promotion Bureau with the intention to establish a Center for Sexual Harassment Protection conducted the survey in April 2005.

to severe levels of sexual harassment can be linked to symptoms of depression, anxiety, Posttraumatic Stress Disorder (PTSD), fear and other ailments. In a health hazard study conducted by Rospenda et al (2005: 107) it found workplace occurrences to increase risk for illness, injury and assault. Harm moves beyond health and into economic territory. When women are victimized, at stake are their financial resources to support themselves and their family (Kompipote ILRF, 2002), and career goals are put in jeopardy. All too common, women quit jobs to escape from harasser's control of work conditions for noncompliance behavior or unwelcome sexual advances. In the human rights frame, the harm of sexual harassment is explained through the concepts of discrimination and violence against women. The conduct's sexual meaning and the degrading consequences makes sexual harassment a human rights offense.

### **1.3 Gender and Buddhism, and Gender and the Social Hierarchy**

Thailand is a male dominated culture (Soonthornpasuch, 2007: 217; Soonthornpasuch, 2008: 346). Historically, the Thai patriarchy has been closely identified with Buddhism and rooted in a strong social hierarchy, both of which have located women in an inferior position. Even though women today exercise a considerable amount of equality, past attitudes toward women prevail.

Buddhism is at the center of Thai society (Jackson, 2002: 155, 167-168), and a cultural regime through which controls social and behavioral patterns in Thailand (Mole, 1973: 16, 27, 39). As a patriarchal institution it devalues women (history review in Peleggi, 2007: 80; Fongkaew, 2002: 149). Keyes (1987: 35) explains, through the 'law of kamma' (the root meaning of kamma is action), individual actions are based on moral principles, and actions that honor or breach those principles recognized by the Lord Buddha are assigned merit or demerit that will produce in some future-life consequences of enjoyment or suffering. Some Buddhists accept the notion that to be born a woman in a current state is a consequence of bad karma (Fongkaew, 2002: 149). In other words, to have little merit means to be born a woman and to have a lot of merit means to be born a man (Peleggi, 2007: 80; Fongkaew, 2002: 149). In this same vein, a woman who experiences a damaging

incident like sexual harassment might interpret it as bad karma and thus the incident was her own fault (Soonthornpasuch, 2007: 83).

Buddhist ideology also conceptualizes women as nurturers operating within the domestic realm (Keyes, 1987: 123, 124). Power lies within male potency, a capability that is able to control the condition of women by planting the seed within the nurturer's womb and there the seed is nourished until birth (Keyes, 1987: 123). Strong gender and status distinctions are made between leadership (male potency) and followership (nurturer) roles. As a demonstration of this distinction, women cannot be ordained into the Buddhist order (Keyes, 1987: 137; Tannenbaum, 1999: 245), a rank only reserved for men and a status that produces much merit. Academics argue, conceptualizing women as nurturers and denying them access to the spiritual realm of ordained monkhood devalues women's contribution and marginalizes them in a patriarchal system used to control and limit women's participation (cited in Tannenbaum, 1999: 246) in Thai society.

Also evident in Thai culture are hierarchical patterns of dominance; they operate as vertical structures forming proper social associations.<sup>10</sup> Mole (1973: 68-69) claims the attitude of individual Thai's not only accept hierarchies of authority, but demonstrate behaviors of courtesy to those with higher status. Consequently, royalty is superior to commoners, monks rank over laity, and males are superior to females (Cook & Jackson, 1999: 9). The acceptance of the male authoritative and female subordinate relation is depicted in blame. For example, in Thai society women are sometimes blamed by men and other women as the cause for sexual harassment, that is, the responsibility falls upon the female to dress conservatively so as not to provoke a sexual attack, because it is generally understood that Thai men are naturally 'more sexed' and unable to manage their own sexual desires; thus, not accountable for their

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<sup>10</sup> Thailand is an elitist culture, a social organization rooted in a historical ranking system called "sakdina." Its spirit in the 1960's was perpetuated by the civilian and military bureaucracy in regard to personal status and respect for authority and hierarchy (See Social Boundaries in Pelleggi, 2007). Today, the very way of existing is depicted in the appreciation of the relationship between Thai values and behavioral patterns. Built into Thai social structure are stratifications that reward its superior-subordinate distinctions, for example, arranging which occupation as most important: teacher, doctor, priest, soldier, government official, farmer and merchant? Connectivity to knowing the right people results in factors of money, status and influence. The use of proper language and rituals too play into respect for the top down rank. It is thought, the greater the individual's status the greater the individuals "piety and wisdom." Although the explanation of Thai elitism is more complex than what can be described here, it is sufficient to say, acceptance of this concept can be viewed as part of the Buddhist merit which is inseparable from beliefs and practices of daily life (see Mole, 1973).

conduct (Soonthornpasuch, 2007: 144; also blame in Kompipote ILRF, 2002). Women socialized as the subordinate and because of their belief in karma make them more accepting of their position (Soonthornpasuch, 2007 & 2008). Essentially, because of cultural upbringing Thai women have tolerated a lack of consideration as a result of social controls 'defined by men, force on women.'

#### **1.4 Context of this Research**

This study moves beyond the broader scope of sexual harassment to demonstrate in a narrower sense how touch in the workplace shapes the meaning of women's touch- boundaries. Because men are more likely to sexually harass (cited in Bingham & Burleson, 1996: 309), this study focuses on touch-harassment directed at women by men. Touch-harassment, like sexual harassment, is unwanted behavior of a sexual nature that when it is so frequent or severe it creates an offensive environment. Few studies have specifically examined this domain, and where data is difficult to find, it seems to indicate weak spots in documented research. One report however, ranks the seriousness of inappropriate touch (physical types) as second to sexual assault and coercion (Fitzgerald et al., 1997: 16). Another study that dealt with touch (a pat to the fanny) conducted by Gutek, Morasch and Cohen (1983) examined differences between gender. The following passage reports three female responses. Incidents that included touching were perceived negatively especially by women (p.30). Negativity for women intensified when the behavior was combined with a comment on work or initiated by a male or superior (p. 30), and women participants considered a pat to the fanny more likely to be sexual harassment than did men (p. 43). One over all interpretation of the study found that women would rather not deal with touch or personal comments in the workplace; it was regarded by women as inappropriate (p. 46).

A review of the past 35 years of studies on touch-harassment in the workplace reveals that most of the touch literature is embedded into the general sexual harassment discourse. The majority of the studies used quantitative research procedures which abbreviated narrative experiences, and used American sample populations with data results that reflected American perceptions. This research made

the touch argument central to the project, focused on respondent perceptions described through both questionnaires and the narrative, and used an office staff sample population, along with expert input, taken from the location of Mahidol University Salaya (MUS) campus.

The scope of this research was limited to conventional office work spaces. Sexualized work cultures are different from conventional types and were not examined. Thus, perceptions gathered from respondents in this research reflected a more standard work environment. Behaviors such as rape and physical assault, both conducts defined under sexual harassment, were not included because of their criminal nature.

## **1.5 Statement Problem**

Wherever there is male power dominance women have less ability to define their touch-boundaries on their own behalf, and without boundaries, systems serve male interest. The touch-boundary is the focal point of this study and examined through a female employee sample population taken from Mahidol University Salaya campus. The context of the study falls inside sexual harassment discourse, a recognized human rights violation under the Convention on the Elimination of all Forms of Discrimination of Women (CEDAW) and the Declaration on the Elimination of Violence against Women (DEVAW).

The two main reasons for conducting this research are as follows.

1) A lack of academic research done on Thai female employee's perceptions of the touch-boundary in the workplace, unknown is women's touch limitations at work.

2) A need to know whether Thai female employees at MU can protect their touch-boundary. Although they have access to protection mechanisms/strategies, it is important to ask whether those mechanisms/strategies can shield them against sexual harassment.

This study can serve as a valuable contribution toward both touch-data discourse and to the revision of policy and procedures at Mahidol University.

## **1.6 Research Objectives and Questions**

This study draws upon the definitions of legal, feminist and behavioral constructs used in the United States to frame sexual harassment. Unwanted touch in the workplace falls inside the scope of Fitzgerald's (Fitzgerald et al., 1997: 10) category of unwanted sexual attention and Gruber's (Limpaphayom et al., 2006:33) nonverbal displays, under the feminist frame of gender discrimination (Franke, 1997: 704) and the legal concept of hostile environment harassment (Welsh, 1999: 170).

There are three objectives.

1. Define Thai female employee's perception of the touch-boundary.
2. Evaluate weaknesses in MU workplace policy/procedures regarding protection against sexual harassment.
3. Identify some of the circumstances that make women's rights to protection conditional.

### **Research Questions**

1. What is a touch-boundary as perceived by Thai female employees?
2. Can Thai female employees at Mahidol University protect their touch-boundary?

## **1.7 Research Methodology**

### **Data Collection**

Female office staff working on MUS campus was the target sample population. The research applied both quantitative and qualitative approaches based on a designed used to assess Thai perceptions of touch-boundaries in the workplace. Quantitative data was interpreted through central tendency. Central tendency tells

what the whole sample is like by average (O’Leary, 2006: 189-190). To achieve an in-depth assessment and a more holistic view of Thai perceptions, multiple methods, or triangulation was used to study a single problem. Techniques for data collection included a survey, interviews and expert opinions. Devices used to collect data included photographs, questionnaires, interview questions, and a tape recorder.

### **Sampling for Questionnaire**

The survey sample population was made up of 51 female respondents who varied in marital status: 33 were single, 11 were married, 5 were separated/divorced and 2 were widowed, but all were of office working age--18 years to retirement. While 45 of the respondents held university degrees, 4 studied at college level and 2 had a high school education. Forty-three percent of the women ranged in age from 26 to 33 years, and 23 percent ranged from 34 to 41 years. The combined two age groups make up 66 percent of the total, with the remaining 28 percent between the ages of 42 to 62, with the exception of only 6 percent of the respondents between the ages of 18 and 25 years. What can be concluded, a significant number of respondents who agreed to participate in this study were primarily mature single women holding a university degree. The intent of this research was to target women who worked in the capacity of administration serving the faculty, students and university. Jobs ranged from librarian and secretary to analyst and public relations. Not expected though, when respondents were asked to identify their specific job type, a large number of respondents wrote generic answers, such as ‘administrative staff’ which could amount to any number of types of work. These types of responses made it impossible to report on this data.

### **Quantitative Data Collection—The Survey**

Respondents were identified through the convenience sampling technique, a method based on the willingness of the respondent to participate (O’Leary, 2006: 110-111). Although the initial aim was to recruit through the snowball method, this approach was found to be ineffective. As an outcome of the change in approach, a broad spectrum of volunteers from various departments across Salaya campus agreed to be part of this study.

In total, 51 volunteers completed an 18 question survey that was administered one at a time. Prior to the administration of the survey, several pilot tests were completed and the necessary revisions were made based on received feedback. The survey was written into two languages, English and Thai on the same paper. Respondents had the option of writing answers in either language depending on their own comfort level and ability. However, the level of formal Thai language used presented a challenge. Some respondents had to read instructions carefully and slowly, and sometimes they read them more than twice to ensure comprehension. Being aware of this problem, I was able to guide respondents in their completion of the form, and being present during the task helped with the process. Survey's that were incomplete or instructions that were not correctly understood were not included within the 51 batch. In total 12 surveys were not used. Moreover, one question testing knowledge on the term *touch-boundary* was discarded because of poor survey design that produced inaccurate data.

The issue of confidentiality was of utmost importance (Punch, 1994: 92). To maintain confidentiality respondents were assigned a case number and thereafter were referred to by that number during the research and in writing. In this paper, I refer to the participants who completed a survey as Respondent #.

### **Qualitative Data Collection –Employee Interviews**

Mahidol Univeristy Salaya campus operates multiple international programs, for this reason this campus was selected for the interview process because many staff members speak English. In total, there were five female interviewees. The handpicked technique was used to select four out of the five women as they met a particular criterion (O'Leary, 2006: 110-111). It was necessary for participants to speak English fluently enough for dialogue communication. Only in one recruitment case due to department procedure, on the researcher's behalf a computerized memo was distributed among its staff requesting English speaking volunteers. The handpicked selection method might provoke the inquiry into bias. Would have the touch-boundary experiences and perceptions of non-English speaking staff been different from the English speaking--who have wider opportunity to work among more diverse people socialized to touch in different ways. All five volunteer interviewees in

past or present have or do work among foreign university staff. It is the researcher's opinion that perceptions shaped by more diverse life experiences serve as an asset to this study.

This part of the data collection had two primary barriers. One, a topic of touch-harassment requires a more complex level of expression and deeper thought. Interviewees were asked to react to an ambiguous scenario about a woman working in the office who had been touched by her immediate supervisor. Ten questions followed the presentation of the scenario with the objective to draw out more in-depth answers on boundary talk. To overcome the first barrier, each interviewee was given the questionnaire prior to the interview allowing them to read and think about it before the scheduled appointment. Two, because interviews were conducted on campus for easy employee access, the researcher questioned the comfort level of the employee, answering sensitive questions while still near the work site. Twice the interview location was selected by the employees and twice by the researcher keeping in mind the interview required some level of privacy.

Initially, an attempt was made to schedule appointments in pairs to encourage conversation, but after the completion of the first attempt, one interviewee's voice was not heard. Thereafter, each interview was scheduled with only one participant. All interviews took approximately 25 minutes, they were scheduled during lunch hour and all interviewees were given lunch vouchers, since they had no time to purchase lunch during the scheduled appointment. In this paper I refer to participants whom were interviewed as Employee #.

### **Qualitative Data Collection--Expert Opinion Interviews**

Separate from the survey group and employee interviews, five university experts were invited to participate in this study: one from Human Resources, one from Legal Affairs, and three handpicked first-level department supervisors. Questions presented to the experts dealt with the university sexual harassment policy, procedures and management. Initially, the researcher had hoped to interview two outside experts, one from the National Human Rights Commission and one from an NGO, as a way to bring to the study a broader view of the sexual harassment problem in Thailand, however, both external appointments were not secured.

All three supervisors were asked to supply a formal sexual harassment definition used by MU, and asked to respond to questions in the subjective, that is, express their own opinion, and from their own experiences. Human Resources and Legal Affairs experts were asked questions that required formal responses reflecting university outlook. All experts were male gender with the exception of one female supervisor. Whose gender was interviewed was important because one, it had a direct bearing on attitudes toward sexual harassment in the workplace and two, it almost replicated the male/female gender ratio regarding leadership roles within the greater university structure. In regard to supervisors, it was the objective of this researcher to recruit individuals who watch over employees of mixed gender, because the focus of this study is about sexual harassment directed at women by men. Two male supervisors oversee a staff of 29, in one case, 19 males and 10 females and in the second case, 23 males and 6 females. The third supervisor, a female, oversees a staff of three, 2 females and 1 male.

Both Legal Affairs and one supervisor required translators, both of which supplied their own and both of which were highly competent in English and were able to move back and forth into the two languages, clarifying and translating. It is the opinion of this researcher that the accuracy of translation posed no or little threat to the quality of data collected, because both experts spoke and understood English, and when necessary made corrections in the translation. Each interview lasted 25 minutes long and each expert was given their question sheet one week prior to their interview. Legal Affairs provided the researcher a pre written response, but to ensure a more probing investigation the interview was conducted in person. In this paper I refer to Human Resources and Legal Affairs people as Expert #, and to supervisors as Supervisor #.

### **Secondary Sources**

This project relied heavily on secondary sources, from earlier research, legal case studies and NGO reports to UN and government publications and news media articles.

## **1.8 Ethical Concerns**

### **Treatment of Participants**

All participants were clearly informed of the purpose of the study and were made aware that they could withdraw from participation at any time during the process, without judgment (Punch, 1994: 90). Verbal or written consent from each participant was given prior to implementing data collection strategies, and no participant objected to the use of a tape recorder during the interviews. Results of the study will be made available for participants, should they be interested.

To maintain confidentiality all participants were assigned a case number and thereafter were referred by that number during the research and in writing. This methodology protects the privacy of personal data, assures participant safety, and helps develop a level of trust between researcher and participant.

### **Treatment of Publication**

Under no circumstances was data fabricated or falsified, and authorship, in part or in whole, has been cited according to Harvard standards. In addition, data produced from this study is available at any time during the production or review process should questions arise with respect to accuracy of the research.

## **CHAPTER II**

# **SEXUAL HARASSMENT AND INTERNATIONAL INSTRUMENTS & EXPLANATIONS FOR SEXUAL HARASSMENT**

### **Overview of the Chapter**

This chapter presents three international protection mechanisms that deal with the concept of sexual harassment within their provisions: UDHR, CEDAW and DEVAW. The scope of this chapter aims to highlight the workings of international instruments by describing various features within them. It draws attention to obligations, and the struggle toward realization of rights using the UDHR as an example; it provides an overview on protection machinery for CEDAW and DEVAW, and illustrates types of conversations made through UN hearings in regard to periodic reports. I also detail two common approaches to understanding sexual harassment: discrimination and violence against women. It should also be noted here that the concept of sexual harassment takes in unsolicited touch occurrences, and when dealing with moral or legal protection mechanisms the definitions and provisions within them also pertain to unwanted touch. Finally, I present in this chapter explanations for sexual harassment in order to frame the problem of power dominance.

### **2.1 Introduction**

Women's rights originate from their status of being human rather than from any international or domestic instrument or law. However, it is through these tools that women find protection and the suppression of sexual harassing conduct. Moreover, these tools help to redefine what constitutes acceptable behavior in the workplace insisting on new ways for dealing with behaviors that impinge on personal boundaries.

The concept of sexual harassment is treated under an impressive body of international human rights instruments. While the UDHR and CEDAW take the equality, or anti-discrimination approach, DEVAW treats sexual harassment within the frame of violence against women. Thailand as a Member State has pledged itself “to achieve in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms” (UDHR Preamble, G.A. Res. 217A (III). UN. Doc. A/810 at 71 (1948)).<sup>1</sup>

## **2.2 Universal Declaration of Human Rights and the Struggle for Equality**

The Universal Declaration of Human Rights came into force in December 1948. As an inspirational tool, it serves as the basic frame for United Nations continuing efforts to set standards and promote human rights. Even though it is not a legally binding document, the Declaration carries important moral force of its Member States consensus. Thailand committed to its realization when the nation signed on as a UN Member State two years prior, in December 1946. As a global instrument, the Declaration affirms through visionary vernacular that “human rights are inherent to all human beings and are equally applicable to everyone, without any distinction” (Pennegard, 2001: 33). As such, women are guaranteed equality on the ground of gender. Gender equality is asserted in Article 23 (1) of the UDHR (1948), whereby it establishes employment rights entitling women to just and favorable work conditions. In actual fact, the realization toward equality is the struggle to close the gap that is situated between an ideal global perspective and real local processes. Sexually harassing work environments which are unkind to women grow out of a type of gender inequity that of which is justified, perpetuated and pushed forward by local processes such as cultural traditions, patriarchy and social/political structures. The point I wish to emphasize through the use of a litigation case is that, considerable improvement is required within the arenas of social life to meet the basic standards of the UDHR.

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<sup>1</sup> This chapter deals with binding and nonbinding international instruments. Thai law regarding sexual harassment is presented in Chapter 4.

Local processes reveal how women's rights to equality are played out in social life. For example, judicial power as a patriarchal institution and a representation of government, defines whose rights will be enforced and on what terms, keeping in mind the power, culture and type of system that backs the law (Roth, 1999: 49). In one earlier American litigation case of sexual harassment, *Corne v. Bausch and Lomb, Inc*, 390 F. Supp.161 (D. Ariz. 1975), two female clerical workers were exposed to sexually harassing conduct in verbal and physical forms from their immediate male supervisor while at work. MacKinnon, cited in Franke (1997: 726), sees these sorts of behaviors as imposed gender inferiority that deprives women of recognized personhood, and believes the inequality approach best describes the wrong of sexual harassment. However, the court's perspective of the sexually harassing conduct minimized it to a personal urge.

[The harasser's] conduct appears to be nothing more than a personal proclivity, peculiarity or mannerism. By his alleged sexual advances [harasser] was satisfying a personal urge...[A]n outgrowth of holding such activity to be actionable under Title VII would be a potential federal lawsuit every time any employee made amorous or sexually oriented advances toward another...(cited in Franke, 1997: 699).

Because the 'representation of the world' is described from a male perspective (MacKinnon, 1982: 537), as is the law, the law often reinforces male values (Soonthornpasuch, 2007: 46). As a result, men have been shielded. For the female victims mentioned above, the court trivialized the harassing experience, inappropriately reducing harm to desire and neglected to prove sexual harassment as a kind of gender discrimination (Franke, 1997: 730), a condition that affects women's psychological well-being. Sexually harassing conduct can make the work environment unbearable for women. Moreover, in the above case, the women were victimized in two ways: by the harasser's actions and by the court's response. The law as a patriarchal institution justified its decision and through its ruling it had the power to perpetuate old thinking that enforced female subordination.

The purpose of presenting the UDHR as a visionary instrument and to put it up against a documented account women confront in real life is to note the gap that exists and draw attention to the challenges women face in the struggle for equal

recognition in the workplace. But more than that, much work is required by the human community to meet standards of international human rights tools.

### **2.3 Convention on the Elimination of All Forms of Discrimination Against Women**

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) entered into force in 1981. Thailand acceded to CEDAW in August 1985. As a major instrument that uses more precise language than the UDHR, it specifically addresses women's human rights issues on the ground of gender. The convention protects human dignity by the "elimination of prejudices and customary and all other practices which are based on the idea of inferiority or the superiority of either of the sexes or on stereotyped roles for men and women" (CEDAW, Art. 5 (a) G.A. res. 34/180 (1979)). To meet this protective obligation, Thailand has a legal duty to implement ratified Conventions into its domestic laws and practices. As such, CEDAW requires Thailand to ban social, legislative and institutional practices along with some cultural patterns that treat women in reductive ways. Articles 2 through 16 of the Convention addresses measures Thailand should take for eliminating discrimination, including in the field of employment. Article 18 obligates Thailand to submit a progress report on the legislative, judicial, administrative or other measures taken to give effect to the provisions.

In regard to sexual harassment, the employment provisions within the Convention do not directly address the sexual harassment concept. The concept is treated under discrimination against women which is defined as:

...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field (CEDAW, Part I, Art. 1 G.A. res. 34/180 (1979)).

The above definition incorporates those characteristics that describe the sexual harassment experience in the workplace, such as segregated jobs, denied types

of employment and controlled through economics simply because of gender. This type of differential treatment obstructs the full development and enjoyment of personhood in the workplace. In spite of its elusive definition, two UN General Recommendations, No. 12 and No. 19 do link the concept of sexual harassment to discrimination and violence against women. In General Recommendation No. 12 (eighth session, 1989), the CEDAW Committee requested Member States to include in their periodic reports, information on violence and on legislative measures taken to protect women in their daily lives against violence of any kind occurring at the workplace. In General Recommendation No. 19 (eleventh session, 1992), it defines discrimination to include “gender-based violence...acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.” These Recommendations do not hold the same legally binding force as CEDAW; their purpose is to show Member States their obligation when provisions in the Convention are not sufficiently explained (Merry, 2006: 75). Legal protection is further extended through a Special Rapporteur whose task is to investigate charges of abuse, and an Optional Protocol setting out a complaint procedure for citizens. Thailand is a State Party to the Optional Protocol acceding in 2000.

According to the latest UN records, thus far Thailand has submitted two joint periodic reports, jointly the second and third addressed by the CEDAW Committee in 1999 and jointly the fourth and fifth addressed in 2006. It is widely thought, genuine UN membership reveals itself through Convention compliance. The following excerpt describes the slowness of Thai conformity. In the 1999 hearing, the Committee encouraged Thailand to adopt a comprehensive anti-discrimination law which would define intentional and unintentional discrimination. Thailand was told that without it the government would only “skim the surface of discrimination” (UN Press Release WOM/1091, 1999). Seven years later in 2006, Thailand had not yet complied. While Thai representatives claimed there was a draft in plan, they told the Committee due to lengthy government procedures it may take a considerable amount of time before it could be adopted (UN General Assembly WOM/1531, 2006). Dubravka Simonovic, a UN expert, sensed that the Convention was viewed by Thailand as a Declaration, not a legally binding instrument since the Convention still needed to be transformed into Thai national law--this comment was also directed at

Thailand's Reservation to the provisions of Article 16 (UN General Assembly WOM/1531, 2006). Although the Committee recognized the numerous initiatives the Thai government had made toward the improvement of women's status, trafficking, sex tourism, and domestic violence, they also concluded that much still needed to be changed (UN General Assembly WOM/1531, 2006).

The underlying theoretical assumption of this protection mechanism is that by increasing the status of women in regard to men, it will decrease women's vulnerability to discrimination. The Convention, its provisions and General Recommendations emphasize individual autonomy, women's physical safety, measures for eliminating discrimination and State obligation. Periodic reports monitor Thailand's compliance by requesting that the government detail their efforts as to how they have put the provisions of the Convention into force.

## **2.4 Sexual Harassment as a Form of Discrimination**

Alongside social identity, economic income is equally important for women worldwide who depend on their job to support themselves and/or their family. When women are exposed to sexual harassment in the workplace the employment experience is more stressful and more insecure with threat to their economic security. More than just sexual mischief, feminist jurisprudence claims sexual harassment is open for legal attack because at the root of the problem is gender-based power (Franke, 1997: 703). MacKinnon explains the working relations between gender, sexuality and power influence forms of unequal treatment (cited in Franke, 1997: 703). From out of this understanding three feminist principles have emerged naming sexual harassment as a form of gender discrimination.<sup>2</sup> Often, these three principles do not work in isolation but reveal themselves in an integrated manner.

In the first principle, sexually harassing conduct would not have occurred but for the person's gender. The underlying belief is that all people, regardless of

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<sup>2</sup> It is important to note here, the three forms of gender discrimination presented in this paper are based in U.S. law and serve as examples in how sexual harassment has been handled. Although American sexual harassment discourse has been influential in other nations, perceptions of gender and laws regarding gender differ among countries. Thailand has yet to clearly define the parameters of sexual harassment across legislation and within the MU university environment.

gender, should be treated based on their individual merit, abilities and achievements (Franke, 1997: 705-714). The frame of quid pro quo best illustrates this point. Quid pro quo is based on condition--sexual obedience in exchange for job benefit. In *Barnes v. Costle*, 561 F.2d 983, 990 (D.C. Cir. 1977), the plaintiff alleged that her male supervisor had made sexual advances toward her. The plaintiff refused to engage in an affair and claimed as a result of the refusal her job had been eliminated. The D.C. circuit held that she was “discriminated against not because she was a woman, but because she refused to engage in a sexual affair with her supervisor” (Franke, 1997: 707). The feminist argument asserts that had the plaintiff been a male the coercion would not have occurred. MacKinnon explains that male biology programs men to be sexually aggressive and to express their power in sexual ways (cited in Franke, 1997: 726). MacKinnon continues to say, social roles support male privilege which sustains coercive sexual behaviors strengthened by supervisory power over the job (cited in Franke, 1997: 726). In other words, the harassing conduct deprived the plaintiff of job opportunity and limited her in a way that he was not limited—a sexual condition was attached to her employment altering its terms and conditions.

In the second principle, sexually harassing conduct violates because it is sexual in nature. It is offensive and dehumanizing given that it reflects sexual activity like arousal and intercourse—typical behaviors associated between men and women. As a case for discrimination, women are sexualized at work reducing their humanity and status to stereotypic sex objects available for male desire (Franke, 1997: 714-725). Sexual harassment in this principle is more degrading to one gender than the other. The following litigation case demonstrates gender discrimination as hostile environment which involves conduct that creates offensive conditions causing humiliation or intimidation for women in the workplace. In *Robinson v. Jacksonville Shipyards, Inc.* 760 F. Supp. 1486 (M.D. Fla. 1991) women were subjected to offensive graphic material of naked women posted throughout the shipyard and other humiliating verbal innuendos. Although the posted materials were not directed at the women workers specifically, the environment was disproportionately more demeaning to women. Sexualizing the workplace disadvantaged all female workers. Expert testimony claimed explicit pictures served as incentive to treat women in the workplace as sexual objects. The court concluded that the evidence reported

contributed to a sexually hostile work environment and was abusive to women because of their gender.

In the final principle, sexually harassing conduct subordinates women to men. In this principle, men (along with patriarchal institutions) possess power and through this power they have the ability to define women in terms of their sexuality which is treated as a social construct (Franke, 1997: 725-729). For example, in the litigation case, *United States v. Virginia et al.* (94-1941), 518 U.S. 515 (1996) women, simply because they were women, were denied admission to the Virginia Military Institute, thus denying them from full citizenship status. Sex-based classification not only resulted in the exclusion of women, but had the view toward developing different male talents and different government employment opportunities for male graduates. In such a case, discrimination highlights the hierarchical construct between the genders.

## **2.5 Declaration on the Elimination of Violence against Women**

The Declaration on the Elimination of Violence against Women (DEVAW) adopted by the General Assembly in 1993, both complements and strengthens CEDAW. Similar to the UDHR, it carries the moral force of obligation. The CEDAW Committee affirms that violence against women is a gender-based violence, a form of discrimination which gravely impedes women's opportunity to benefit from human rights and fundamental freedoms based on gender equality (Merry, 2006: 22). It recognizes the source of gender violence as a "manifestation of historically unequal power relations between men and women" (DEVAW, A/RES/48/104 (1993))--claiming inequality to be a socially engineered condition rather than natural (Merry, 2006: 23). Article 1 of DEVAW (1993) echoes Recommendation No. 19 as it defines the term violence against women as

any act of gender-based violence that results in, or likely to result in, physical, sexual or psychological harm or suffering to women, including threat of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

In Article 2 the definition extends to

- b. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution
- c. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 3(g) identifies the right to just and favorable conditions of work

Unlike other instruments, the Declaration explicitly declares the prohibition of sexual harassment. It mentions location as workplace and lists the types of forbidden harm as physical, psychological, sexual and intimidation. Work conditions for women must reflect a good life. Also, prohibition of State abuse, directly or indirectly, is referenced. As a concerted effort to 'expose and oppose' violence against women, the Declaration provides for a set of full measures in the areas of prevention, legal, education, evaluation and research. Moreover, working toward the elimination of violence against women it calls for Member States to work alongside UN bodies, NGO's and internal government agencies.

Part of the machinery of safeguarding women's rights is a Special Rapporteur whose mandate is to seek and gather information on the causes and consequences of violence against women, to respond to that information, to recommend measures to eliminate violence against women, to work closely with other protection machinery and to communicate urgent appeals to Member States whom are suspected of violations. Through the ethnographic work of Merry (2006: 61-65), it is known that Special Rapporteurs have been very effective in bringing attention to issues. Merry (2006: 76) also confirms violence against women is discussed at length in country reports, and during UN hearings questions are frequently asked about the degree of violence and government tactics used to combat it. For example, in Thailand's fourth and fifth joint periodic reports the Committee expressed concern for female workers in the textile industry who were suffering from work-related ailments (UN General Assembly WOM/1531, 2006). The Committee asked questions about the existence of protective provisions that covered health and safety standards,

information on health hazards, and safeguarding women's reproductive health (UN General Assembly WOM/1531, 2006).

In sum, the underlying theoretical assumption of DEVAW is to bring the status of women in line with men's status—supposedly resulting in lower levels of vulnerability to violence. As a Declaration it has limited force; however, the UN delegated Special Rapporteur's task is to monitor and raise awareness on issues. The document's provisions encourage Member States to take various approaches toward its elimination of violence, to work alongside multiple agencies and to write progress country reports—reinforced by the UN General Recommendations.

## **2.6 Sexual Harassment as a Form of Violence against Women**

Among the numerous forms of violence, sexual violence, most frequently experienced by women, has often been conceptualized on a continuum with rape and cruel physical forms of conduct at one extreme of the spectrum, sexual assault and unwanted forced sexual contact located at midpoint, thus placing sexual harassment at the opposite end of the continuum (Bennett et al., 2000: 5). Although sexual harassment might be viewed as the lesser form, the effects terror tactics cause to women are no less valid (Bennett et al., 2000: 5). Terror is a means of control; its use is closely interrelated with male power and dominance which restrains women's autonomy, threatens her economics and her sense of personal safety.

In Baker's (2005: 246, 248) article, "Blue Collar Feminism: The Link between Male Domination and Sexual Harassment," the author echoes the feminist claim stating that the sexually harassing tool is an expression of male dominance used to police, perpetuate and enforce gender norms; it is used by men to maintain their own power for fear of losing it to the newer female workforce. MacKinnon (cited in Baker, 2005: 248), claims harassing conduct harms all women because it reinforces subordination, the third feminist principle mentioned earlier, and gender segregation in the workplace. In other words, the sexually harassing tool keeps women in their place. Dominance takes the sexual form because women have long been conceptualized as sexual objects and because men or the patriarchy are historically and culturally

associated with dominance, masculinity, sexual skill (Baker, 2005: 246, 247) and privilege.

The litigation case in *Minnesota v. Continental Can Company*, 297 N. W.2d 241 Minn. (1981), demonstrates sexual harassment as violence against women. Hawkins, one of two women working at the plant was repeatedly sexually harassed by male co-workers. Male workers subordinated Hawkins in various ways. Male employees frequently made derogatory comments and verbal sexual advances which escalated to sexual touch and to physical violence by grabbing her between her legs. One male co-worker said to Hawkins he “wished slavery days would return so that he could sexually train her and she would be his bitch.” The same male co-worker and others told Hawkins “a female has no business in a factory” and “if a female would work [in] a factory, she has to be a tramp.” Her car headlights were broken, and she was threatened with a gun.

Characterizing sexual harassment as a form of violence against women puts emphasis on the violence and not on the sexual (Baker, 2005: 246). Bularzik (cited in Baker, 2005: 247) reminds us that violence against women are not random acts, nor are they isolated ones, but they are violence against women because they are ‘consistent, systemic and pervasive.’ Bennett and associates (2000: 4) in their report cites four common facts about sexual violence 1) it happens in everyday contexts, 2) perpetrators are most often men, 3) perpetrators are known by the victim, and 4) violence happens in places where women might expect safety. It is also important to note that the one common denominator shared by all women is the lack of consent in acts of violence (Bennett, et al., 2000: 4).

## **2.7 Explanations for Sexual Harassment: Power Dominance**

Past research most often explains the power relation of sexual harassment as one person or group exercising control over another human being, and was a product of a male dominant society (Gutek et al., 1990: 561). Grounded in social psychological and psychological frames, researchers like Gruber (1998: 303) asserts the workplace can be viewed as an extension of male culture and in it some men pursue their sexual interests, but because sexual harassment is a behavior that happens

some of the time by some people, Pryor and associates (1995: 69) claim when social conditions that accept this type of behavior meet up with men with natural tendencies, environmental and/or personal characteristics, the likelihood for sexual harassment increases. The following explains sexual harassment at the organizational level, within social conditions, and highlights certain person factors.

### **Organizational Level**

Organizational constructs examine how formal and informal power structures within businesses uphold sexual harassment and maintain inequality. In Benson's and Thomson's (1982: 237, 238) article, they claim individuals of higher rank and with formal authority have often used their status to sexually harass subordinates. The underlying deduction is that most senior positions in organizations are held by men, while women typically hold lower status jobs with lower pay (Pryor et al., 1995: 81; Bell, 2002: 67). Other dimensions such as the age of female workers and their marital status play into this power dynamic (Welsh & Nierobisz, 1997: 177). Among researchers who refute the formal authority claim is Gutek, who found co-workers, as an informal source of power and who have more opportunity, are more likely to sexually harass, (cited in Welsh, 1999: 177 and Lafontaine & Tredeau, 1986: 437), followed by supervisors, subordinates and clients (Lafontaine & Tredeau, 1986: 433).

Other robust arguments lay in the local norms that show the presence or absence of leaders whom prohibit or encourage harassment, another condition which is directly linked to prevalence levels (Gruber, 1998: 304; Pryor et al., 1995: 70).<sup>3</sup> Interestingly, women who report to male supervisors were more frequently sexually harassed than women who reported to female supervisors (Piotrkowski cited in Bell, 1997: 69), and that women who reported to men viewed the organization as being more tolerant of sexual harassment than of women reporting to women (Hulin et al., cited in Bell, 1997: 69).

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<sup>3</sup> Research on women in management roles found that women are less likely to sexually harass, and by placing them in senior positions it would directly impact prevalence levels. Also, because women use a different leadership style from the center of a network rather than from the traditional top down approach, they have direct access to information and they are quicker to respond to sexual harassment incidences (see Bell et al., 2002).

### **Social Conditions**

The lines of scholarship of sociology and social psychology offer other explanations of power-dominance. Pryor and associates (1995) emphasize how social situations in the workplace contribute to sexual harassment. One particular construct examines power-dominance through number ratios. Contact hypothesis described and verified empirically by Gutek and colleagues (1990) is based on the premise that simply, daily contact with the opposite gender predicts occurrence (Gutek et al., 1990: 564). For example, women working in male dominated occupations such as in corporate law, or union work are more likely to come into contact with men and thus experience more sexual innuendo, posted images and/or unsolicited touch than do women working in female dominated jobs. In 'doubly male' workgroups like mining or construction, women experience more hostile and aggressive forms of harassing behaviors because women who seek work in masculine preserved work cultures, their visibility is not only heightened, but they are perceived by men as threatening the male territory (Welsh, 1999: 179).

Another important social construct, coined phrased as sex-role spillover, equates gender with work roles (Gutek et al., 1990: 564). For instance, in the dominated male occupation of car mechanics, men take on certain established mannerisms in the workplace such as not afraid to get dirty, to be strong and gruff and have technical skill of machinery. Women working in these types of nontraditional occupations lead to the male expectation, or spillover effect, women to be considered good workers must act like men, and should hold the mannerisms associated with the work performed primarily by men. However, as gender discrimination men see women as women first, and therefore, treat women differently from other co-workers including the making of sexual advances (Gutek, 1985: 134).

### **Person Factors**

How do psychologists account for male aggressive behavior? A particular line of thought draws insights from research on the proclivities of rapists (Malamuth, 1981; 1986; 1989a; 1989b) and associates them to attitudes concerning women (Thompson & Pleck, 1986) and sexual aggression against women (Pryor, 1987: 271-272). Just as offender characteristics were linked to rapists, sexual aggressor traits

were linked to sexual harassers (the Likelihood of Sexually Harassing Scale in Pryor, 1987; the Sexual Harassment Proclivity Index in Bingham & Burleson, 1996; and predicting harassment in Pryor et al., 1995).<sup>4</sup> O’Leary-Kelly and colleagues (2000: 373) linked types of aggressive behaviors to the harasser’s valued power goal, for instance, the harasser’s withholding of pay as a means to force a woman into accepting a sexual proposition, or the harasser touching a woman with the intent to cause harm. Also, Welsh and Nierobisz (1997: 177) cites the work of Cleveland and Kerst who made the claim, those co-workers with unique personalities, those who hold expertise, or have access to critical information are also potential harassers. The conclusion here is sexual interest seems to be a secondary motive, the primary interest is a demonstration of power or hostility (Pryor et al., 1995: 82; Gutek et al., 1990: 561).

In the naïve misuse of power, Bargh and Raymond (1995) claim men are not aware of their inappropriate actions. The basis of this argument states “having power within a situation automatically and non-consciously triggers a sexuality schema...” (Bargh & Raymond, 1995: 85). It has been found, women are more likely to report and understand sexual conduct as harassment, but men however, do not assign the same interpretation or importance to the behavior as do women (Bargh & Raymond 1995: 87; Gutek et al., 1983: 34). For instance a woman in a subordinate position will be friendly to her boss and laugh at his jokes because he has power over her outcome. The boss perceives her friendliness as a sex automatic association and makes a sexual advance. She then interprets his advance as an abuse of power. The underlying belief of the automatic paradigm is that the majority of sexual harassers believe their behavior is motivated by good intentions; and thus, the misuse of power is based on the person’s naiveté (Bargh & Raymond, 1995: 94).

The biological or natural argument, refuted by many scholars, remains a theoretical power construct that deserves mentioning. The general premise lies in hormonal and evolutionary factors. It is believed sexual harassment is viewed as a normal manifestation of men’s more potent sex drive (Soonthornpasuch, 2007: 20-21). Men seek out ‘short-term, low cost, and low commitment’ sexual relations as an

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<sup>4</sup> Sexually violent men are more likely to have coercive sexual fantasies, they are encouraged by pornography, more hostile toward women and view women as opponents to be challenged and conquered. Traits differing from other men include impulsiveness, anti-social behavior and demonstrated masculinity (see World Report on Violence and Health (2002).

expression of their biological state (Soonthornpasuch, 2007: 20-21), which is acted out as power-dominance.

In sum, this chapter outlines significant concepts on sexual harassment that form the UN definitions along with feminist jurisprudence, theories and approaches to the occurrence. I pointed out the struggles toward realization and the wrong of the behavior and claimed the overall underlying conjecture is to raise the status of women in regard to men, with the purpose to decrease women's vulnerability to harm. This chapter also outlines theoretical sexual harassment explanations that have the potential to fit into both the discrimination and violence against women frames. To which argument can be made depends on person factors, social conditions and organizational circumstances.

## **CHAPTER III**

### **DEFINING THE TOUCH-BOUNDARY THROUGH SURVEY**

### **DATA ANALYSIS**

#### **Overview of the Chapter**

This chapter defines the concepts of boundaries and touch, and merges them to form a new construct which I term as the touch-boundary. In the remaining part of the chapter, survey findings based on respondent's perceptions on touch are presented. Perceptions on who or what is responsible for setting the touch-boundary, on approved touch zones, on rejection of unsolicited touch from work colleagues, on parameters of touch, and perceptions on the wrong of unsolicited touch by body zone are given in that order and supported through theoretical frames.

#### **3.1 Merging the Concepts of Boundary and Touch**

Over the last thirty-five years researchers have tried to understand the origins of motivation for sexual harassment and its occurrence, and then later moved towards asking questions about definition and measurement (Hershcovis et al., 2010: 415). As a result, research offers limited attention to boundary study which examines lines of separation and demarcation. However, one exemplary work by Rutter (1996) marks out three boundary terms, and from them he builds the foundation for his own work showing the importance of boundary understanding as a way to respect and upgrade women in the workplace. Rutter (1996: 14-15) defines a *personal boundary*, which takes in both physical and psychological domains, as a line, real or conceptual, that divides and marks out territory of possessions (what property is mine and what is yours), of people (me from you) and of my space from your space; a *sexual boundary* as a conceptual line that each person defines (either verbal or nonverbal) around him or herself in respect to giving off or taking in sexual messages; and a *boundary-*

*crossing* as anything a person tries to do or does that penetrates the personal/sexual boundary line.

Touch as one of the most basic human senses can be defined in two capacities. One as physical contact on the skin, and two, as registered sensory information brought about by physical contact, commonly known as feelings (Hertenstein, 2002: 71). In the absence of a formal definition, but drawing meaning from out of the scholarly works of Rutter (1996) and Hertenstein (2002), I use the construct *touch-boundary* to indicate a conceptual invisible line that is individually defined, a line that separates what he/she thinks is appropriate from inappropriate physical touch on the human body. The touch-boundary is affected by the location, type, intention and context of touch, along with culture. Since women are the main focus in this study and are independent thinkers, it can be said, each woman has her own touch limits. A woman's touch-boundary has been crossed when she perceives touch as being wrong. One case previously mentioned provides a good example as to why there is need for boundary talk in the workplace. A female worker was approached from behind and while she bent over she was grabbed between her legs by a male co-worker (*Minnesota v. Continental Can Company*, 297 N. W.2d 241 Minn (1981)). Within the EEOC sexual harassment and Equality Act 2010 guidelines, hints of boundary talk can be found. The guidelines use key subjective expressions from the victims perspective, like "unwelcome sexual advances" (US EEOC, Discrimination by Type, Sexual Harassment Section), or "unwanted conduct of a sexual nature" (UK Equality Act 2010, Part 2 Equality, Chapter 2 Prohibited Conduct, no. 26 Harassment, Explanatory Notes). In the above scenario the behavior of inappropriate touch directed at a private body zone was subjectively perceived by the victim as unwelcome sexual conduct that crossed her touch-boundary. The touch-boundary therefore, defines the personal domains of what is unacceptable, or inappropriate and in opposition to that, what is acceptable, or appropriate (adaptation of Durkheim cited in Lamont & Molnar, 2002: 167).

### **3.2 Perceptions on Who or What is Responsible for Setting the Respondent's Touch-Boundary**

Boundaries are innate within all people and understood as defining and dividing societies, identities, classes, genders, and so on. According to Epstein (1989: 572) those responsible for social arrangements is the work of the collective whom act in pattern ways signaling the criteria of distinctions. Within any given society, the collective speaks through institutions and associations. Which institutions and associations do respondents in this study perceive as being responsible for setting their touch-boundary? Thai female respondents ranked family values (53%) and law (25%) as the top two answers. Tied for third position, was Thai patriarchal society and religious beliefs (10% each). In last position, respondents named the media (in print, TV, and internet) (2%). In this section I focus only on the number one answer because it has not been discussed elsewhere in the paper, and because over half of the respondents, on an interpretative level, credited lessons learned about the right and wrong of touch to their household. Families play a key role in defining who their girls think they are and set their girls day-to-day behavior (Epstein, 1989). I provide a brief overview of gender distinction and stereotype socialization from out of which girls learn constraints, value and sexuality.

Sexuality arranges society into two sexes, male-female, man-woman, and boy-girl—a divide which is regulated by social rules of conduct. Goffman (1977: 303) explains in his article, “The Arrangement between the Sexes,” from birth and in every home boys and girls are given different treatment, reap different experiences and imposed upon different expectations. This is the important work of socialization whereby segregated patterning is deeply internalized into the mind presented as norms, but upheld as human nature. From out of the socialization process gender distinctions are reinforced and controlled. Lyttleton (1999: 172) for example writes on how in Northern Thailand young girls by the age of three are taught to sit with legs together, never to show her genitals, but in opposition to that, boys up until the age of four are touched frequently with their genitals tickled by older familiar people. As girls reach their teens, sexual behaviors are instilled and distinguished differently from boys. *Bangkok Post* columnist, Ekachai, comments about double standards among Thai people, how premature female lost virginity is considered a blemish on girls (March 8,

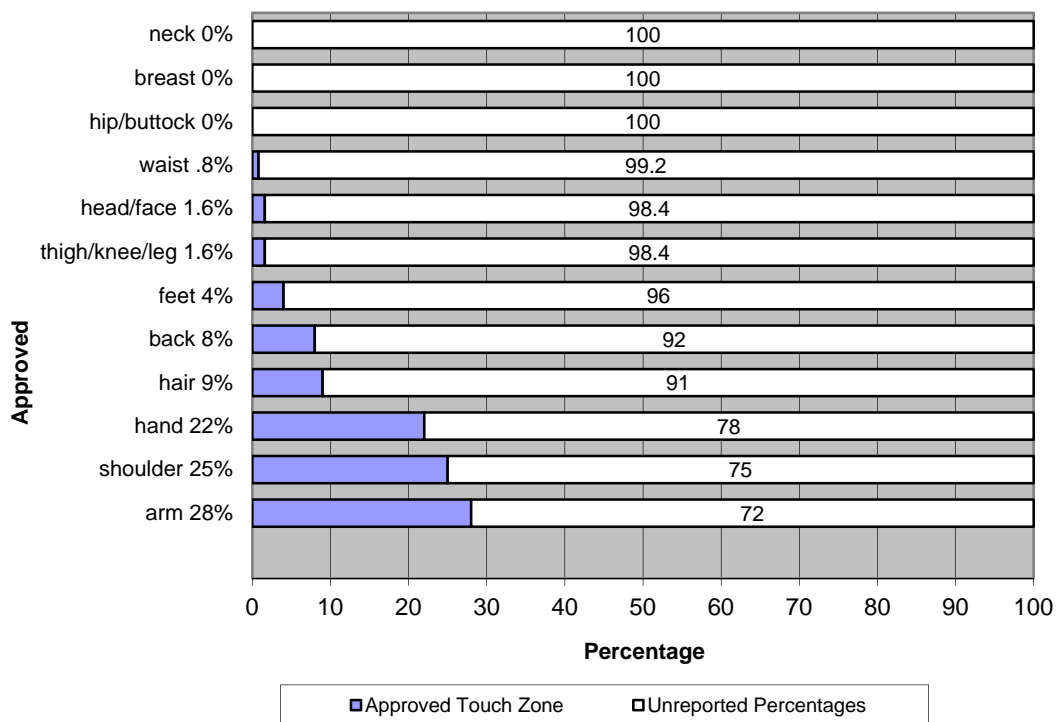
2007), but for boys lost virginity is passage into manhood. Created by Thai culture, Epstein (1989) states distinctions act as conceptual boundaries which are used by parents and other gatekeepers to justify constraints on females.

If the household can be considered a 'socialization depot,' then Lyttleton (1999) and others are correct in detailing gender distinctions. In Thailand the girls life regiment is linked to domestic duties, while Thai boys are given free reign outside the house to roam, girls are considered weak and boys tough, girls by nature and through character training are obedient, boys are defiant, girls are encouraged to take the subordinate form and boys the controlling (Lyttleton, 1999). The two important points here are, evident in Thai culture are comparisons which support these binary opposites of restricted/free, weak/tough, good/bad, subordinate/controlling and so on, and, these associated traits are valued differently. Although each gender is socialized to the desirable distinctions, male traits are more highly valued than are female's traits (Heilman, 1997: 879).

Socialization also brings into discussion the conditioning of females as stereotyped sex objects. Stereotype is a fixed image assigned to a particular group that typifies them because they belong to that group (Heilman, 1997: 879). Feminine gender imaging, which is directly associated to the act of objectifying, is encouraged in and outside the home. Research in nonverbal communication and on feminist theory explains how females are conditioned to gender from a very early age (Henley, 2007: 91; Goffman, 1977: 304). For example, Henley (2007: 90-92) discusses girl's gendering as 1) dressed in pink with the expectation to look sweet and pretty, and 2) stylizing physical movement to produce a particular appearance of a girl, posture and gesture. Research in female sexual imagery asserts that the widespread distribution of fantasy images shown, for example, in broadcasting and print media, condition girls at a very early age to learn stereotyped behavior rather than learning the full potential self (Rutter,1996: 111). Female stereotypes are the vehicles through which a culture of sexual reduction is perpetuated (Rutter, 1996: 165) and the reason why females from early in life are in constant monitoring of their touch-boundaries. In the next section, I present Thai female respondents approved touch zones for the workplace, data collected through a self-report.

### 3.3 Perceptions of Approved Touch Zones: A Self-Report

When Thai female respondents were asked to self-report their own approved touch zones concerning appropriate touch in the workplace, their compiled answers indicated a hierarchy of touch zones. Making up 75 percent of the approved touch zones, more women preferred touch on the arm (28%), followed by the shoulder (25%) and then the hand (22%). The percentages fall significantly thereafter ranging from 9 to 0 percent (see Figure 1). Respondents named the neck, breast and hip/buttock regions as the most sacred areas, or absolutely no touch zones. But more telling than their chronicled responses is what they are not saying. By drawing attention to the soaring unreported percentages, ranging from 72 to 100 percent, these figures overwhelming suggest that Thai female respondents might not prefer any touch in the workplace. However, because they did stake out a terrain of approved touch regions, perhaps alternatively it might be interpreted as a woman saying, I would prefer no touch, but if you are going to touch me, touch my arm, shoulder or hand.



**Figure 3.1:** Self-Report on Thai Female Employee's Approved Touch Zones for the Workplace

What can account for Thai female respondents marking out these particular zones? One simple idea, and an important contribution to this discussion, is the notion that the universal body-form as an organized organ and when in the upright posture has outer extending swinging appendages of hand, arm and protruding shoulder that creates a rationale for easy accessibility, and they are tools with functional use in the workplace to touch and be touched, reach, write, pick up, carry and block. Another truth about the body, its inner trunk is meaningfully connected to regions of intimacy like the neck, breast or buttocks zones reserved for touch only by significant others. The body-form therefore, based on its natural structure and function explains the hierarchy inquiry.

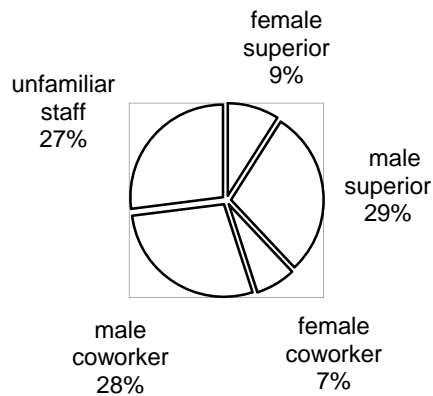
However, the concept of the organized body does not alone explain why respondents named the arm, shoulder and hand as touch zones. Cultural beliefs must also be taken under consideration. Thailand, an Asian country entrenched in the traditional practice of Buddhism, for centuries has indoctrinated ethical beliefs, values and decorum among their population directly influencing social norms (Anderson, 2011: 360). Touch can be perceived as unwholesome conduct, and through its avoidance one does not become too familiar, intrusive, impolite, or even sexual toward another (Andersen, 2011: 360). Thai male respectful attention to social norms requires men to distinguish among appropriate body-touch-zones for the workplace. For Thai women to control and protect themselves from danger, and direct men away from becoming too familiar or impolite, make choices about their body pertaining to which parts are publicly accessible. As an outcome, conditions set by the owner of the body bring moral freedoms and dignity to Thai women through constraints.

Though, probably more revealing than the reported approved touch zones are the respondent's unchronicled answers. Most touch data research in dominance and in sexual harassment locates women in a disadvantaged place when dealing with touch. According to my own results concerning unreported percentages (see Figure 1) there is enough evidence and argument to support why respondents might not want to approve any touch in the workplace. Henley (1973-74: 11-12) proposed that females are touched more by others than are males from early childhood onward, a socialization whereby females learn to be the recipient of touch rather than the initiators. Because touch has the potential to communicate all types of connotations,

and women know this, as recipients there are many reasons for women to link touch to negative emotions, or experiences. For example, unequal power relations in the workplace permit a one way familiar privilege for superiors (typically male) to touch subordinates (typically female) (Goffman, 1956: 481), or when the degree of touch-intimacy is greater than a woman's desire, such as an arm around her shoulder or the holding of her wrist, it creates a kind of nonconsensual invasion (Fisher, Rytting & Heslin, 1976: 417). In a study by Uggen and Blackstone (2004), they report women in the workplace are more likely to receive unwanted touch and associate touch to the feeling of being sexually harassed. Perhaps my survey findings might be interpreted as Thai female respondents wishfully rejecting any physical contact in the workplace, but knowing that is impossible--through a combination of natural body-form, cultural regime and choice, respondents approve touch to the arm shoulder and hand. Next, I present perception data that specifically identifies particular individuals in the workplace who ought not to have touch privileges.

### **3.4 Perceptions on the Rejection of Unsolicited Touch from Work Colleagues**

It seems there is not only a touch hierarchy according to body zones, but another hierarchy determining who is permitted or not permitted to touch. Thai female respondents clearly indicated male superiors (29%) were at the top of the list of unwanted touch, narrowly followed by male co-workers (28%) and then by unfamiliar staff members, or strangers (27%). These three groups make up 84 percent of the total. Not surprisingly, the percentages drastically drop to 9 percent for female superiors and 7 percent for female co-workers. In other words, Thai female respondents overwhelmingly do not want touch from men in general or from strangers. Important to note here, the two 'superior' categories top the power list, although touch from female 'superiors,' because of the low percentage seems not to be a major concern for female respondents.



**Figure 3.2:** Rejecting Unsolicited Touch From Work Colleagues

To define the touch-boundary, many factors must be considered, not the least of which whether there is an association between touch and intimacy and touch and rules of conduct. Touch is linked to the feelings of familiarity. The concept of intimacy is primary here because “[t]ouch is a signal in the communication process that, above all other communication channels, most directly and immediately escalates the balance of intimacy” (Thayer cited in Hertenstein, 2011: 303). Research maintains that women match the intimacy of the relationship with the intimacy of touch; women report positive feelings when intimate touch comes from a significant other (Hertenstein, 2011: 307; Hertenstein et al., 2006: 37). Two respondents in this study echo this finding. Respondent 41 said the act of touch was reserved for her husband; otherwise it should not occur if it was not necessary, and Respondent 30 thought it was not appropriate for men to touch women in the workplace.<sup>1</sup> Men on the other hand respond differently from women. They are more inclined to focus on the gender of the person (Heslin et al., 1983: 147) and to think positively about sexual contact with women at first meeting (Rytting cited in Heslin et al., 1983: 149).

Similar results were found in regard to touch from strangers. In the study by Heslin and associates (1983: 156), women rated intimate touch from a stranger of the opposite gender as dislike and an invasion of privacy, while men responded positively to intimate touch regardless of the degree of acquaintanceship. These

<sup>1</sup> Respondent 41 (Survey March 27, 2014, age 37, female) and Respondent 30 (Survey March 25, 2014, age 33, female)

studies provide interpretation for why Thai female respondents may have placed men and strangers at the top of the hierarchy of rejected touch, that is, for Thai female respondents, work relationships of male superiors, male co-workers and unfamiliar staff ought not to have familiar status and therefore should not have intimate touch privileges.

Why did the Thai female respondents rate female superior and female co-worker categories as low concern? The answer can be found in studies which manipulate same gender touch. Argyle (1994: 231) cites data that says female-female pairs touch more frequently than do male-male pairs, and in the Heslin and associates (1983: 154) study their results showed women have less disdain for same gender touch than do men. For women, these results suggest that touch from fellow females might elicit a greater comfort level, familiarity or even fellowship.

Because touch involves the invasion of personal space, it is also important to raise the question about rules of proper work conduct. Goffman (1956: 473) in his theory maintains that a rule of conduct acts as a proper or moral guide for behavior, and when the rule is breached it brings about troubled feelings and penalty. Such is the case with touch-boundary crossings (Rutter, 1996). Rules, having binding qualities instill many types of patterned behaviors like the ritual of a young man offering his seat to an older woman on a bus, whether he wanted to or not. The bare bones of Goffman's (1956: 473-475) theory explains that obligation establishes how X (men) are morally restricted to behave themselves, and expectations establishes how Y (others) are morally bound to behave in respect to X. A male doctor has the obligation to follow hospital code of conduct in his proper treatment of nurse staff. Conduct codes, based around etiquette and legal discourse involve constraints to behave in particular ways. But contrary to the rule the doctor intimately touch-harasses a nurse. The nurse on any other day is expected to treat the doctor with respect, but because of the breach both parties are put at risk (Goffman, 1956: 475). The nurse demonstrates distress and anger because of a touch-boundary crossing, and files a complaint against the doctor. Argyle (1994: 225; also rules theory in Henderson & Argyle, 1986) in *Bodily Communication*, links rules to touch; he further deciphers the argument and claims there are explicit codes which stipulate particular types of touch are permitted by particular people and only in particular instances. In a hospital context, a doctor's

touch-right to a patient while attending to a wound is very different from his touch-right to a nurse.

### 3.5 Perceptions of Parameters: Frequency, Duration and Intention Determines Wrongful Conduct for Unsolicited Touch

Sexually harassing conduct is multidimensional taking in classifications of severity. Efforts to help capture levels of offensiveness are determined through parameters. In touch data research, Hertenstein (2002: 83-84) identifies four parameters: the location on the body, the frequency, the duration, and the extent of surface area touched. Sexual harassment literature echoes two of the four categories, frequency and duration, but adds intensity as its third (Fitzgerald et al., 1997: 14-15). Because intensity refers to the scale of trauma experienced, and the scope of this project does not deal with that dimension, this parameter is replaced by another one, intention. In this study frequency refers to the number of times touched, duration refers to the length of time touched, and intention refers to the underlying reason for touch. Little is formally known concerning parameters and touch-boundary. This study aims to contribute to that discourse.

**Table 3.1:** Frequency, Duration and Intention Determines Wrongful Conduct for Unsolicited Touch

	Agree	Disagree	1 time	2 times	3 times	3+ times	Other
Frequency	94%	6%	49%	33%	10%	4%	4% no touch
			up to 1 sec	2-3 sec	4-5 sec	6+ sec	
Duration	90%	10%	24%	39%	25%	12%	
Intention	71%	29%					

### Frequency

Soaring at 94 percent, Thai female respondents agreed frequency of unsolicited touch determines wrongful conduct. Only 6 percent answered in disagreement. In a micro analysis of the parameter, respondents were also asked to identify what frequency is considered wrong. Twenty-five women (49%) claimed wrongful conduct if unsolicited touch happened 1 time. Seventeen women (33%) thought it was wrong if it happened 2 times. The percentage significantly drops for the next two categories. Nine women (10%) ticked 3 times, and two women (4%) ticked more than 3 times. Two of the respondents (4%) wrote in the 'other' category that 0 touch was necessary in the workplace. The significant pattern that emerges here might be explained by a Thai female respondent saying, a first or second time touch is considered wrongful conduct.

Three female employees provide their own perceptions concerning frequency of unsolicited touch in the workplace. Here I quote their responses.

Employee 1: For me, it is not about frequency, because from my experience one of my senior co-workers...the first time he placed his hand on my lap, that was the first time...[that was] not okay...it was not about frequency.<sup>2</sup>

Employee 3: [T]he first time it would be okay for me, but the second time...it [would] not be okay<sup>3</sup>

Employee 4: [O]ne or two times is okay, but if more than two times then I...would tell [him]...don't touch me...<sup>4</sup>

### Duration

It seems respondents stand united. Perceptions regarding duration nearly replicate the previous percentages on frequency. Ninety percent of the respondents thought the duration of unsolicited touch determined wrongful behavior. The remaining 10% marked disagree. Unfortunately, surveys abbreviate answers, so motive for marking the disagreement category remains unknown.

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<sup>2</sup> Employee 1 (Interview 1, April 2014, administrative work, female)

<sup>3</sup> Employee 3 (Interview 2, April, 2014, administrative work, female)

<sup>4</sup> Employee 4 (Interview 3, April, 2014, administrative work, female)

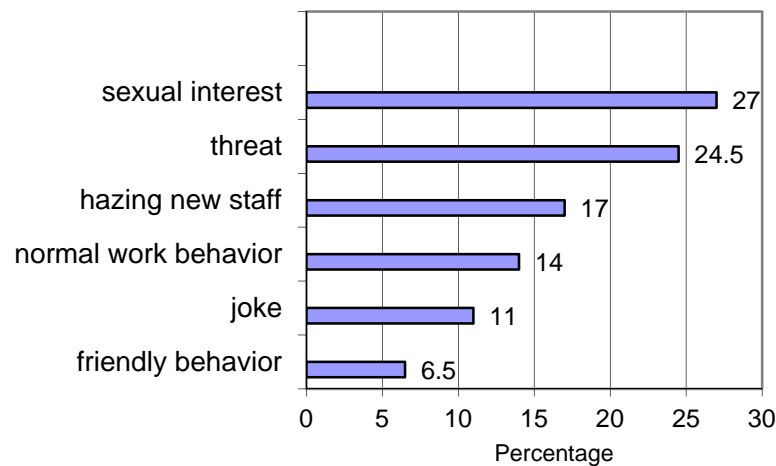
A second question on duration asked respondents to identify the time zone considered wrongful, and by doing so, it marked out the time category preceding it as considered allowed duration (see Table 2.). Twelve women (24%) perceived wrongful conduct as up to 1 second long, interpreted as any length of unsolicited touch is not acceptable. Twenty women (39%) at 2 to 3 seconds long, meaning a short quick unsolicited touch seems to be granted. Thirteen women (25%) at 4 to 5 seconds long, reading a slight lingering unsolicited touch is tolerated. Finally, six women (12%) at 6 or more seconds long, infers a longer loitering unsolicited touch is permitted.

It seems the moral standing regarding the first question does not reflect answers in the second, given that the scores were more scattered across all four time options. By a small majority (64%), or just under two-thirds of the sample population, respondents perceived allowed unsolicited touch to fall within three seconds. It might be interpreted as a Thai female respondent saying if unsolicited touch is longer than 3 seconds she thinks it is wrong. Adding duration as another layer to the touch-boundary argument complicates the interpretation of wrongful conduct and demonstrates respondents hold broader perceptions on this particular parameter. The dispersion of scores might mean duration is perceived differently by different female respondents. The other potential reason for the diffused scores might be because respondents were not able to conceptually connect what a 4 or 5 second touch feels like. The time written down on paper is quite different from the actual time a male coworker places his hand on a female employee's breast, or lower back.

### **Intention**

I add to these two parameters one more, intention of unsolicited touch. The underlying meaning of physical contact adds a new dimension to the research. In the survey, intentions to harass are expressed through a broad range of behaviors. Shown in Figure 3, Thai female respondents associated sexual harassment mostly with a historical understanding, or stereotyped kinds of sexual behavior, and were more forgiving of behaviors that were less threatening in the workplace. Thai female employees mostly associated the wrong of intention with sexual interest (27%), then followed by threat (24.5%), hazing a new employee (17%), part of the normal work behavior (14%), a joke (11%) and last of all, just friendly behavior (6.5%). These

results suggest the touch-boundary is like an elastic band expanding and retracting according to perceived danger of touch.



**Figure 3.3:** Thai Female Employee's Perception on the Wrongness of Unsolicited Touch by Intention

In a second question, respondents widely agreed (71%) that intention determines wrongful conduct. However, respondents also ticked a significant number of the disagreement categories (29%). The rise of the later percentage might be interpreted as respondents thinking touch could happen for other reasons like by accident, or using touch purely to get a person's attention. It seems it is important for respondents to know the meaning before thinking touch as wrong. This idea is supported by two employees whom provide their own perceptions concerning intention. When Employee 1 was inappropriately touched she reported "I didn't know what his intention was so I decided to say nothing." This feeling is echoed by Employee 5 who added that intention involved many factors like the content of the conversation, the environment and the situation.<sup>5</sup> Employee 5 said that first impressions, eye contact and the sense of a woman all come into play when perceiving intention. In the next section, I examine the wrong of touch by body zone.

<sup>5</sup> Employee 5 (Interview 4, April 2014, administrative work, female)

### 3.6 Perceptions on the Wrong of Unsolicited Touch by Body Zone

Thai female respondents were asked to evaluate twelve different photographs that depicted twelve specific touch gestures that might occur in the office. Bearing in mind the evaluation was based on photographs depicting specific types of touches, it is worth noting here that there are many permutations of touch that, if the gestures were changed they might elicit a different reaction within respondents. The type of touch gestures shown to employees fell within the realm of potential to explicit sexual harassing conduct. The evaluation was based on four levels: very wrong, wrong, slightly wrong, and not wrong. Table 1 presents the average scores by body zone.

**Table 3.2:** Thai Female Employees Perceptions on the Wrong of Unsolicited Touch by Body Zone (Average scores reflects the perception of severity)

Very Wrong 1.0-1.9	Average	Wrong 2.0-2.9	Average
Breast	1.01	Hand	2.25
Hip/buttock	1.03	Neck	2.33
Thigh/knee/leg	1.07	Back	2.58
Waist	1.56	Hair	2.66
Head/face	1.90		
Feet	1.90		

Slightly Wrong 3.0-3.9	Average	Not Wrong 4.0-4.9	Average
Shoulder	3.07	N/A	N/A
Arm	3.23		

When the raw scores were averaged, it revealed respondent’s perceptions on the wrong of unsolicited touch ranged between very wrong to slightly wrong. The ‘not wrong’ category is *not* represented by a mean score for any of the twelve types of

inappropriate touch, including arm, shoulder and hand. Interestingly, touch gestures shown in photographs concerning these three specific body regions were not overly invasive, yet, average scores still puts them into 'wrong' categories.

How can these findings be explained? People spend a greater portion of their lives involved in work than in any other single activity (Muchinsky, 2000: 801). It would be logical to conclude that fellow coworker's behavior in the workplace has influence over other employee's feelings. In fact, research maintains that intimate touch directed at women by male coworkers lowers women's job satisfaction (Gutek, 1985: 114, 159; Uggen & Shinohara, 2009: 209), lowers their organizational commitment (Bell, 2002: 70) and sexual harassment, in general, causes psychological and physical distress (Loy & Stewart, 1984: 42; also PTSD in Stockdale, 2009). There is something wrong when women's development is impaired by male conduct. As an ethical issue, I believe unsolicited intimate touch in the workplace is harmful for women. But who decides what conduct is harmful or not, or what conduct is right or wrong? In any given society, all institutions and associations within them have implicit and explicit ethical codes about appropriate behavior. The codes separate the right from the wrong or the good from the bad.

Buddhism is a unique institution in Thailand and holds a particularly strong relationship with morality. At the center of Thai society, Buddhism is a cultural regime aligned with and sanctioned by the State (Jackson, 2002: 155, 167-168), a relation that validates religious ideologies which has a certain level of control over social and behavioral patterns (Mole, 1973: 16, 27, 39). By framing behavioral patterns within moral codes, Thai's can be told 'x ought to be done' or 'x ought not to be done.' If we ask whether Buddhism sculpts the Thai mind and the expression of Thai conduct, the question can be answered in the affirmative through three primary influential sources--about 95 percent of the populace identifies as Theravada Buddhists (Cook & Jackson, 1999: 8), nationwide Buddhist education curriculum is taught through monastery and government schools (Swearer, 2003: 32), and for the majority of Thais, the association between religion and national identity can be assumed as "to be Thai is to be Buddhist" (Jackson, 2002: 156).

In regard to sexuality, Buddhist practitioners--monks, nuns and laypeople recognize human temptation for sexual pleasures is a force that creates obstacles on

the path to enlightenment (Glassman, 2003: 761). Consequently, touch is prohibited between the camps of monks and nuns, and monks and laywomen, that is, sexual indecency, intimate touch such as holding hands, or monks sitting beside women is considered an offense. Broadly stated, behavioral regimes such as these are internalized in the Thai mind and respected in Thai daily life. As a moral guide for training lay members, five precepts provide reason and motivation for proper action, speech and livelihood. The precepts call for abstention from 1) taking a life of anything living, 2) stealing, 3) sexual misconduct and sensual overindulgence, 4) untrue speech, and 5) intoxications (Mole, 1973: 34). Serving as basic moral norms, the precepts, more specifically the abstention from sexual misconduct, obligates everyone who lives in the relevant culture. In regard to moral norms, everyone's compliance with, respect for and performance of moral duty is expected, while nonconformists are condemned as wrong (Primoratz, 2001: 215). A reflection of Thai female respondents adverse feelings toward touch can be found in comments extracted from the survey.

Respondents 47/48: There is no need to touch at all in the workplace<sup>6</sup>

Respondent 45: Touch does not belong in the workplace; other forms of communication should be used instead<sup>7</sup>

Respondent 42: If there is no opportunity to touch, no mistakes would occur<sup>8</sup>

Respondent 31: In the workplace a man and woman should not stay alone together<sup>9</sup>

Moreover, within a human rights frame, it is the sexual meaning and the degrading consequences within the context of a professional work environment that makes unsolicited intimate touch wrong. In other words, an invasion of women's bodily integrity is a human rights offense. In this moment, universal vernacular should be applied. Reducing women to a 'fleshy reality' objectifies women rather

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<sup>6</sup> Respondent 47 (Survey March 28, 2014, age 53, female) and Respondent 48 (Survey March 28, 2014, age 43, female)

<sup>7</sup> Respondent 45 (Survey March 27, 2014, age 40, female)

<sup>8</sup> Respondent 42 (Survey March 27, 2014, age 43, female)

<sup>9</sup> Respondent 31 (Survey March 25, 2014, age 28, female)

than relating to them as human beings. United Nations rhetoric validates women as universal subjects worthy of equality, respect and dignity. Abiding by the principle of respect, equal treatment takes under consideration the thoughts, feelings, wishes and, of vital importance, the consent of women, diverting from the male dominant approach of treating women less than persons (Primoratz, 2001: 207). I add to this discourse, women are hurt more seriously and more directly (Mackinnon cited in Schwartzman, 1999: 39). Intimate touch is a problem of non-mutual behavior since sexual harassment typically happens to women, not men (Uggen & Blackstone, Kompipote, ILRF, 2002: 14); males do not quit jobs, ask for transfers, feel physically threatened, nor are they coerced through job related attachments, unlike are women (Gutek, 1985: 158, 159).

When Thai female respondents were asked to name the benefits of regulating touch in the workplace, their answers could be grouped into six primary categories: respect for women, protection of rights, improved office relations, control of male conduct, justice and the termination of sexual harassment. Collectively, what each category promotes is the improvement of life for women. Here I provide quotes to demonstrate the respondent's line-of-thought. Regulation would

Respondent 43: demonstrate women's value.<sup>10</sup>

Respondent 42: promote equality between men and women.<sup>11</sup>

Respondent 30: create a good work atmosphere both mentally and physically.<sup>12</sup>

Respondent 46: control touch-behavior from the supervisor, co-workers and peers.<sup>13</sup>

Respondent 44: allow the respondent to systematically fight for rights.<sup>14</sup>

Respondent 53: prevent sexual harassment.<sup>15</sup>

For Thai female respondents in this study, the touch moral codes set out in the Buddhist cultural regime and framing unsolicited intimate touch as a rights issue

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<sup>10</sup> Respondent 43 (Survey March 27, 2014, age 48, female)

<sup>11</sup> Respondent 42 (Survey March 27, 2014, age 43, female)

<sup>12</sup> Respondent 30 (Survey March 25, 2014, age 33, female)

<sup>13</sup> Respondent 46 (Survey April 28, 2014, age 34, female)

<sup>14</sup> Respondent 44 (Survey March 28, 2014, age 48, female)

<sup>15</sup> Respondent 53 (Survey April 2, 2014, age 32, female)

do much of the work in explaining why the average scores for unsolicited intimate touch in the workplace put them into 'wronig' categories. Respondents know moral codes and respectful conduct provide good reason and motivation for creating the right kind of work environment.

## **CHAPTER IV**

### **CAN THAI FEMALE EMPLOYEES AT MAHIDOL UNIVERSITY PROTECT THEIR TOUCH-BOUNDARY?**

#### **Overview of the Chapter**

In this chapter, the main question under examination was Can Thai female employees at MU protect their touch-boundary? The context of the question was specifically framed within workplace policy, university and Civil Service law and self-control strategies. In this chapter I present survey data results, circumstances that affect protection and support findings through theoretical frames. The answer to the question cannot be framed solely in the affirmative or negative but protection can be understood as shifting and conditional.

#### **4.1 Introduction**

According to MU statistics as of 2012, there is a yearly enrollment of approximately 28,000 students, a teaching faculty of over 3,600, and a full support staff serving at least 32 departments across six campuses (Facts and Figures, [www.mahidol.ac.th](http://www.mahidol.ac.th)). University employees, made up of both male and female workers whom work side by side, are an integral part of the operations that serve to assist both faculty and students while adhering to important administrative duties. The objective of this paper is to define the touch-boundary in the workplace through the perceptions of MUS female support staff. Perceptions taken from out of surveys and interviews are used along with theory to help in the analysis process. The question under examination was Can Thai female employees at MU protect their touch-boundary? To address this question, as a frame, I use the respondent's top three responses of a touch-control survey inquiry. Respondents in this study relied on, in ascending order, touch behavioral control through workplace policy, law and self-control. For respondents to rank these features high as control mechanisms, they must

feel these strategies are the more effective ways of protecting their rights. Given that protection is a multilayered and complex concept, it would be impossible to present degrees of protection; instead, this paper takes the stance that protection is a shifting element that moves in and out of protective mode depending on circumstances.

## **4.2 Protection through Workplace Policy**

In more recent times written into some workplace policies is the prohibition of men from openly expressing their sexuality toward women--something what men have done for centuries is now considered wrongful conduct. Though, were sexual expressions of personal urges ever acceptable in the workplace? Policy is like workplace law but more easily accessible and tangible that offers women a real avenue to inclusion; women have finally found ways of safeguarding their rights through written instruments of control, a method Rutter (1996: 138) says that is one of the most important steps to changing male traditional behavior. As a protection mechanism, women depend on it to direct men in how to look at, speak to or touch female co-workers (Rutter, 1996: 2).

When Thai female respondents in this study were asked who or what they relied on to control touch behavior in the workplace they ranked the top three answers as 1) they controlled who touched them, 2) the law, and 3) they relied on the conduct policy written into university guidelines.<sup>1</sup> It seems respondents feel safe enough in their workplace and trusting enough of the MU policy to name it as a third choice touch-control mechanism. Of the 51 respondents 48 were aware of the university policy, and 92 percent marked agreement categories perceiving the policy as protecting their rights not to be inappropriately touched. Ideal protection might be explained as a continuous safe work environment with able conditions that competently support everyone's welfare, but in the event of a failure inside that environment, everyone can rely on that support to look after their interests. Any environment lesser in one or all capacities--of safety, conditions, competent support, and/or reliability on that support--would be deficient in protection.

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<sup>1</sup> The 4<sup>th</sup> and 5<sup>th</sup> ranked answers regarding who or what the respondent relied on to control touch behavior in the office were supervisor and coworkers, respectively.

After examining MU workplace policy provisions for efficiency, more of a deficient scenario emerged. The use of language, or lack of, renders the tool itself ineffective in bringing full protection to university female employees. The policy does not include an approach to, define the concept of, or specifically mention the term sexual harassment. At one of Thailand's most prestige's educational institutions, its policy excludes through language a common female experience. Human rights in Thailand have long been tied to struggle, not only in the arenas of minorities or sexual orientation, but also in the dismissal or misunderstanding of concern for female inclusion through language.<sup>2</sup> Given that women, as members of a group, are harmed more directly (Mackinnon cited in Schwartzman, 1999: 39), it is at this crux, Thai female employee's access to full protective proviso, regarding bodily integrity, shifts in and out of protective mode. Consequently, what is not fully recognized is not fully protected.

The wrongness of sexual harassment is considered an ethics issue and understood as a serious breach of discipline. The conduct provisions state:

- No. 39 The university staff must be polite, well-mannered, united, work together to help each other carry out their duty in the university and must not do anything that is seen as harassment or bullying to others.
- No. 41 The university staff must not do or let others do things that will result in the destruction of the righteousness and honour of their position.
- No. 43 The university staff must not act in any way that will go against the objective of the university.
- No. 44 The university staff must follow ethics as stated by the university regulation ... especially in the following [field]...Carrying out duty without discrimination...(unofficial translation of General Policy and Procedures, 2014)

From out of the above provisions, a sexual harassment violation must fit into a preexisting non-descriptive statement that uses minimalist terms like 'polite,' 'harassment,' 'bullying,' or 'discrimination.' As such, inconsistent assignment of the victims sexually harassing experience to a random category, taking in levels of severity, would occur. Most would agree unsolicited intimate touch is deemed sexually harassing; however, a policy lacking in definition and detail remains open for

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<sup>2</sup> The specific term "sexual harassment" does not exist in the provisions of the Penal Code (See Soonthornpaush, 2008).

interpretation—like the frequency of touch or the kind of harmful environment touch creates. Women’s full protection of their touch-boundary therefore, in guidelines that do not specifically recognize the experience is challenged by the potential act to trivialize the category, for example, into conduct that is impolite, not only reducing the seriousness of harm of touch but also overlooking the behavior as a traditional expression of male dominance, or gender discrimination.<sup>3</sup> Within the human rights frame, Thailand is obligated through UN membership, and as a party to CEDAW to redress structures within its system so as to align its concepts with international instruments. Mahidol University has failed to so.

Here a comparison becomes a means to examine the policy content weakness as a protection mechanism. One practical way of conducting a comparison is to identify a good example of a strong detailed guideline with a clear definition and important protection components. I use the Durham College Harassment and Discrimination Policy (AMIN-202, reviewed in March 2014) definition to do this because of the Canadian institution’s proactive and preventative strategy toward sexual harassment, for instance, it requires of the college an annual review as stated in the Ontario Health and Safety Act.

Sexual harassment: One, or a series of, comment(s) or conduct that is gender-related or of a sexual nature that is known or might reasonably be unwelcome/unwanted, offensive, intimidating, hostile or inappropriate. In order to constitute sexual harassment, the conduct complained of must detrimentally affect the complainant’s work/study environment by creating a hostile atmosphere in which the victim is made to feel inferior, inadequate, or offended.

Examples include gestures; remarks; jokes; slurs; taunting; innuendo; threats; physical; verbal or sexual assault; unwanted physical contact; invitations; leering; the display of sexually offensive material; solicitation; demands; penalties related to sexual orientation, marital, or family status; unwanted attention; implied or express promise of reward or benefit in return for sexual favours; implied or express threat or act of reprisal if sexual favours are not given; and sexual assault.

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<sup>3</sup> Based on policy it might appear the university is blind to the concept of sexual harassment, but this is not the case, see pg. 61 for sexual harassment definition perceived by Legal Affairs department.

Absent in MU policy, the Durham College definition names sexual harassment and details it as harmful conduct. Through precise terms it sets the parameters of protection. It distinguishes the concept of sexual harassment from other concepts like discrimination. It also taps into a combination of American legal, behavioral and feminist theoretical understandings of sexual harassment.<sup>4</sup> In the definition it:

- specifies the frequency parameter as one or continuous occurrence(s)
- states harmful conduct is linked to gender, or is sexual
- identifies approaches to include unwanted, harmful and hostile environments, but also quid pro quo (affects the terms of employment)
- takes in the victims subjective perspective
- identifies the work/study environment as unbearable
- locates women's life history experiences through a full set of examples and specifically names touch as unwanted physical contact

The purpose of presenting this passage is to note the detailed approach available, an approach which enables women to perceive themselves as active moral agents permitting them to protect their touch-boundary through a recognized understanding, from out of and supported by theory. But also, the comparison shows up the gaps in MU policy. Mahidol University can learn more effective ways of dealing with sexual harassment by comparing its own guidelines to this model, in order to revise their own.

The concept of sexual harassment, which often involves unfavorable or preferential treatment, is closely tied to discrimination frames (Franke, 1997). Durham College policy (ADMIN-202, reviewed in March 2014) also offers a separate comprehensive discrimination definition identified on the prohibited grounds of the Ontario Human Rights Code which validates the claim of women against gender discrimination they experience in patriarchal societies. Clauses within the Durham policy associates human treatment to inequality, a core notion found in CEDAW

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<sup>4</sup> See Chapter 1, Background: Western Constructs of Sexual Harassment for American legal, behavioral and feminist constructs of sexual harassment.

involving distinction, exclusion or restriction of women made based on their gender causing sorts of deprivation. It serves as a good example of how international human rights and provisions within a local context come into contact, but more than that, it actually links the college policy to provincial legislation which makes it locally accountable and enforceable.

### *Procedural Weakness that Affects Protection*

Operational procedure means for an organization to follow an official or formal course of action to attain a goal; however, procedural steps to reach that goal are not always effective. In this study, part of the interview objective was to extract information from experts on how the university typically handled sexual harassment. Consequently, I found workplace policy not the only source of weakness when it came to protecting female employee bodily rights. Some of the university procedures obstructed their access to protection.

a) Two specific authorities redress sexual harassment cases, Human Resources and Legal Affairs. Legal Affairs Expert 2 reports only .01 percent per year of the cases reach their department.<sup>5</sup> This percentage represents only the exposed tip of the iceberg. In interviews with Human Resources and Legal Affairs experts, they concurred that almost all of the sexual harassment occurrences are dealt with at supervisory level. More importantly, university administration does not track these occurrences--by gender, number, type, or by department. Consequently, the university cannot confirm the severity of the problem. It also makes it more difficult for women, as members of a particular group, to prove that they have been singled out for sexual harassment, or justify training when statistics are not available. The act of not tracking actually shields the violation.

Under-representing the female case is also replicated in another university structure—leadership gender ratios.<sup>6</sup> The President of MU is male. The male/female gender ratio holding Vice-President positions is 3:1 (9 men versus 3 women) and Dean and Director positions are almost 2:1 (23 men versus 13 women) (Administration,

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<sup>5</sup> Expert 2 (Legal Affairs Interview, March 13, 2014, male)

<sup>6</sup> Thailand has still yet to promote women within government. As of 2013 women holding seats in national parliament amounted to 16 percent (see UN Human Development). Women however, working in other sectors such as in agriculture, manufacturing and commerce slightly surpass men in numbers (see statistics retrieved from the National Statistics Office cited in Siengthai & Leelakulthanit, 1993/94).

[www.mahidol.ac.th](http://www.mahidol.ac.th) dated July/October, 2014, respectively). In total, for every five men there are two women which mean male leadership is in the majority.<sup>7</sup> This is an important acknowledgement regarding decision-maker roles because whose gender influences what directives are or are not issued inside the work environment. Whether intentional or unintentional, the directive to not to track sexual harassment in the general workplace trivializes the concern. The attitude of insignificance is reflected in the perception of Expert 1 when he says because sexual harassment happens so few times, the university will not construct rigid procedures on it, and because the legal department as a ‘separate entity’ exists, it has the mandate to deal with the occurrence.<sup>8</sup> One must ask how the legal department actually services female employee victim’s needs if occurrences are not tracked or even reported in the first place.

By not tracking statistics, it makes it more difficult to hold the university accountable to their awareness. The current condition shields the institution from legal responsibility. I quote Human Resources Expert 1, “I believe one way to look at this whole sexual harassment [problem] is that we have only a fraction of the whole picture here because we just don’t know those numbers.” Unaccountability based on type of harassment is also problematic for female employees because of the erroneous tailoring of a sexual harassment claim to fit into one of the preexisting categories of breach. The noticeable shortcomings of the workings of procedures become the root for disarticulation of women’s rights to defend their boundary.

b) Typically, victims report occurrences to their direct supervisor, although they have the option of going directly to Legal Affairs. Those authorities having to oversee the inner features of the sexual harassment experience (gender, power-relations and boundary issues), their knowledge about, management skills of and attitudes toward sexual harassment must now be under scrutiny because the university does not train them in sexual harassment or discrimination control. Yet supervisors, in an ad hoc way, proceed to manage cases as they deem appropriate without knowing something about male dominance, a condition that might help them to understand the full meaning of the harm women suffer from occurrences (Schwartzman, 1999: 37).

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<sup>7</sup> Studies show sexual harassment decreases when an equal number of men and women are represented at various levels of authority across organizations (See Bell, 2002).

<sup>8</sup> Expert 1 (Human Resources Interview, March 5, 2014, male).

In the end, with the certain blend of qualifications and personality, supervisors across departments can bring about different response outcomes--from accessibility to rights and support, to unprofessional handling of complaints, and complete disregard of an occurrence. Different kinds of management can also bring about disarticulation of women's rights to protect their touch-boundary.

c) I add to this problem another deficient procedure concerning authorities. When an occurrence requires investigation there is no regulation in assigning specific gender as committee representation--a committee (three to five representatives) can be comprised of all male members. These procedures have strong implications because potentially absent is the female perspective. Distressed female victims who must confront an all-male committee oriented to a male reality, might for example, fear blame or insensitive treatment and decide not to report an occurrence. Silence for some women might be seen as a better option.

d) In regard to evidence, at MUS a victim's subjective perception of being harassed is insufficient proof. Expert 1 emphasized because of rigid procedures, weaker cases require from victims a signed statement, he added, it is better for victims to have stronger personal evidence and solid material. Rutter (1996: 5) says 90 percent of harassment occurrences in America are not officially reported, so might be the case at MU. Female employees who have insufficient evidence, because sexual harassment often happens in places not visible to witnesses, or female employees who have fear of making a signed statement (act as their own witness) might be discouraged from reporting the incident.

e) Mahidol University does not disseminate information about sexual harassment in the workplace. When asked about where employees learned proper work conduct Expert 1 and Supervisor 1, Supervisor 2, and Supervisor 3 stated they relied on their employees to use their own common sense.<sup>9</sup> If we do not take into account common sense behavior or even personality, at MU a sexually harassing conduct has to be reported first for the harasser to know that it is an offense, because the definition of sexual harassment is not written into policy and because men have not been told directly not to do it. Men function within vague conditions. A key

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<sup>9</sup> Supervisor 1 (Interview May, 2014, male, engineering department), Supervisor 2 (Interview May, 2014, female, information department), and Supervisor 3 (Interview May, 2014, male, engineering department)

advancement to how society thinks about sexual harassment grows out of studies done on the differences of gender (Henley, 1986). In regard to relational style, men spend much of their time in and outside of work testing women's sexual boundaries in search of relationships, and known to treat women in the workplace as if they were a 'social situation,' while women allocate much of their energy on how to handle men's sexual advances (Rutter, 1996: 23, 30-31). Dissemination of information about sexual harassment accomplishes many things, it serves as a preventative strategy before an occurrence happens; it adds additional protection for women because it teaches them their rights and raises awareness among male staff; it encourages men to learn new skills on fantasy management, and it takes steps toward setting new workplace norms (Rutter, 1996). But because MU does not teach on the wrong of sexual harassment not only do the benefits remain undiscovered, but the work environment remains at risk. Female employees working under the current circumstances must be in constant monitoring of their own touch-boundaries.

### **4.3 Protection through Law**

Legal theorists affirm that law protects rights (Schwartzman, 1999: 26). No longer unthinkable, legal strategies can be used to strengthen women's autonomy by regulating relationships through boundary standards telling men what touch is right or wrong. In doing so, it can change the way men think about women in the workplace. Perhaps for the above reasoning, Thai female respondents in this study thought they would rely on the law as a way to control workplace touch. They ranked the importance of law in second position. In this section on law, I will first address the university's internal system, a separate entity and a distant relation to law under the Civil Service Act B.E 2551 (2008). Harder core legal procedure is usually second to the internal university process and can be sought out by the concerned party if he/she is unsatisfied with the internal outcome. Then, I will address the law under the Civil Service Act B.E. 2551 (2008).

When legal Expert 2 was asked to provide a formal sexual harassment definition used by the university, he declared "the university doesn't define it specifically," they perceive it by general meaning as "unsolicited and unwelcome

sexual advances, requests for sexual favors and other verbal, physical, visual or written conduct of a sexual nature directed to persons of the same or opposite sex.” This informal definition reflects important criteria widely associated with the violation, that is, conduct must be unwanted and sexual in nature; it describes *quid pro quo*, in part, and hostile environment harassment. It specifically identifies touch as physical conduct, but does not perceive sexual harassment as discrimination. What I want to emphasize, for the university to acknowledge this definition exists, it is an important step toward helping women in their plight against workplace sexual violations. However, where is this perception of the definition written down in formal documents and who knows about it? This is a simple but important question. It appears this general understanding of sexual harassment exists inside Legal Affairs. When four out of five experts were asked to produce such a definition, they could not, and it is not written in the policy handbook. When information is not openly available, it makes it more difficult for female employees to stand from an informed position, reflect on an experience, and decide for themselves if their rights have been violated. Brookfield (1995: 22) writes about how informed actions can be explained and justified not just to others but to oneself, with a keen sense of accuracy grounded in fact allowing for individuals to make a convincing legal argument for their own case. Not only that, but from expert interviews, evident are the inconsistencies that exist among department leaders regarding the understanding of what legally constitutes sexual harassment. Almost all that I have to say about the lack of dissemination of information which causes ignorance and inconsistent understandings is that it exposes a top down bureaucratic power structure. Top power (Legal Affairs), withholds the knowledge that all departments and staff require to function with full efficiency regarding staff protection rights. Under this structure dependency relations operate. Bell (2002) and others draw attention to the male management style of top down command hierarchy whereby sexual harassment, primarily a female experience, happens in a male management style which supports less responsive practices.

Moreover, as a government institution the ethics of sexual harassment is considered as minor, with major emphasis on disciplinary sanctions. Like the Civil Service Act B.E. 2551 (2008), but with one less sanction, at MU there are four possible levels of punishment. In ascending order of seriousness they are 1) probation,

2) salary cut, 3) refrain from annual salary on the year which the staff received the disciplinary penalty, and 4) dismissal. Within university procedures the most severe punishment is dismissal, and for the Civil Service Act B.E. 2551 (2008) it is expulsion (cited in Section 88). Sanctions are supposed to serve as deterrents. Advocates of women, allude to civil service disciplinary actions as ‘soft penalties’ with the view that sexual harassment is not taken seriously (Wongruang, September 12, 2010). Advocates believe sexual harassment should be controlled through tougher disciplinary measures (Singsiri, July 3, 2008). In Thai society women are compared to the hind legs of the elephant (Kompipote ILRF, 2002: 5). Their gender is devalued even in folklore idioms.

Applicable to ordinary civil servants like university employees, the Civil Service Act B.E. 2551 (2008) considers sexual harassment as immoral misconduct.

Section 83 A civil servant must not commit any act... (8) ...which amount[s] to a sexual violation or harassment...

In September 2010, an addendum to this Act prescribed by the Office of the Civil Service Commission (CSC) regulated the prohibition of a sexual violation or harassment. It states, civil servants whether in or out of official places who engage in sexual behaviors toward colleagues without their consent, or actions that cause a nuisance is a breach of Section 83 (8). Five specific conduct categories were attached:

- 1) Touching or having any other [physical] contact such as kissing, hugging or grabbing of any part of a colleague’s body
- 2) Telling smutty jokes or making such comments, using offensive words.
- 3) Making indecent gestures, such as suggestive eye contact or adopting sexually implicit body language
- 4) Engaging in communications of a sexual nature, such as sending pornographic photos, letters or messages through any means of communications
- 5) Any [unwelcome] behavior that could be construed as sexual harassment or could make others feel uncomfortable

(unofficial translation of CSC Regulation; Chetchotiros, August 31, 2010)

In the local context, through language this detailed revision defines the conduct more as a behavioral and hostile environment construct, but it does not go as far as aligning the behavior with CEDAW, naming sexual harassment as gender discrimination. Soonthornpasuch (2008: 345) confirms, in Thailand sexual harassment is not recognized in any gender-based law. The revision however, does specifically prohibit touch regardless of where the conduct happens, and adds the crucial condition of consent declared from the receiver of touch, without consent, unwelcome touch is considered a serious legal breach. Consent is a multidimensional feature with some of its strengths and weaknesses argued later in this chapter. Nonetheless, this revision takes the important step toward detailing women's life experiences and giving them some legal control over what happens to their bodies.

In the global milieu, the new regulation links domestic context to the greater 1997 Constitution with direct reference made to the restriction of rights and liberties of persons under Section 31. Moreover, under Section 30 of the Constitution, women are guaranteed equal protection from the State. Unjust treatment regarding restrictions, freedoms and gender inequities is prohibited. The international instrument within the Thai constitutional frame that legally attends to sexual harassment is CEDAW (Soonthornpasuch, 2007: 6), with importance on the UN protection of women's rights under DEVAW. Sexual harassment is structured in human rights language, more specifically in women's rights. "Sexual harassment is understood as obstructing women from enjoying their rights on the same basis as men...and defines it as a form of sex discrimination and violence against women" (Soonthornpasuch, 2007: 5). However, CEDAW is only used as a visionary tool of standards to achieve because Thailand is a constitutional monarchy (Soonthornpasuch, 2007: 6). Any law that is incompatible with the Constitution's proviso is of no force or effect.

Yet, outlawing sexual harassment does not guarantee rights to protection. Legal discourse would be incomplete without drawing attention to some of the circumstances that show how women cannot always defend their touch-boundary because they do not always control their social environment. Soonthornpasuch (2008) reports in her article "Sexual Harassment: Laws in Thailand," the many inconsistencies in legislation and in its surroundings that make it difficult for women.

For one, the grounds for consideration include the status of the ‘civil servant, sociality and intention.’ A suspended sentence of a guilty sexual harassment verdict because of the man’s prominent status (a Thai legal case cited in Soonthornpasuch, 2008: 345) has a direct impact on the female victim. In a law that has an exception to the rule, a feminist would say law shields men, allowing important men to get away with a conduct that law considers wrong. It puts into question whether women are rendered invisible inside a system that places greater value on male experiences. In a similar regard, the Thai justice system is unsympathetic toward women victims. Women must provide evidence beyond a reasonable doubt (Soonthornpasuch, 2008: 349). A high standard such as this is difficult to prove because sexual harassment often happens without witnesses. When evidence is questionable—a he said she said scenario—the court tends to side with the harasser; thus, questioning the believability factor of the injured party (Soonthornpasuch, 2008: 349). These kinds of insensitive climates where a feeling of hopelessness might prevail encourage women instead to contemplate keeping silent, with the negative effect of assigning lower value to one’s own bodily rights.

The act of silence takes the sexual harassment issue beyond the workplace into the arenas of fear and feelings of personal endangerment; hence, silence can also serve as a self-protection mechanism (Barry, 2007: 282). When a private sexual harassment experience turns into a public aspect, women fear humiliation, and in matters of power relations, women might succumb to silence because they fear the consequences from a legal complaint made against an important man (Soonthornpasuch, 2008: 349). In such cases, women weigh the benefits and sacrifices and prioritize not to protect their bodily integrity but instead their reputation and security. In a recent news article entitled, “Finding The Courage To Speak Out,” the journalist claims one key reason women’s voices are not heard in sexual harassment cases is because men in the male dominated arenas of policing and law frequently discourage women from filing complaints (Wongruang, September 12, 2010). In other words, sometimes through sorts of persuasion the decision to defend bodily territory is made by men on women’s behalf.

#### **4.4 Protection through Giving Notice**

Ranking themselves in top position, Thai female respondents in this study thought that they would first rely on themselves to control touch behavior in the workplace. From this perspective, perhaps Thai female employees are saying work policy and law are not the only sources of power to protect one's touch-boundary. From a proactive standpoint, Rutter (1996) developed a self-control protection strategy made up of several steps for women in the workplace to follow. Whether or not university policy or law changes, it is through this frame female employees can see themselves as independent agents who have some control over what happens. I present a brief outline of Rutter's (1996: 121-136) procedures, although in this paper I address only the first stage of verbal notice. What is useful to this discussion is not the full procedure, but what notice accomplishes.

- Boundary protection requires the recipient of unwelcome infringement behavior to give notice to the harasser either verbally or by clear nonverbal expression-- followed by written warnings and keeping a log before transferring the matter over to management.
- Once the harasser has been informed of this unwanted behavior, it is the responsibility of the harasser to control his future conduct. A one-time touch can be interpreted as a mishap or misunderstanding, but once notice is given, if it happens a second time it can be interpreted as a violation.
- After a second occurrence the victim has the option of filing a formal complaint to human resources. The reported incident then becomes integrated within management and the outcome will rely significantly on how management runs the business.

Giving notice is a direct warning. It is a space cut out for women to access and express self-protection speech, features that feminists say subordinated groups are not typically permitted, and features which send rebellious signals that disrupt gender patterning. Goffman (1977: 328) asserts, the social arrangement between the genders pattern women away from independence in many ways, including how not to fight. Women are not trained in vocalizing their dislikes and are at a disadvantage in giving objection in response to harassment. Because development begins with women themselves, feminism argues women, socially viewed as lesser beings, must

reconstruct their knowledge deviating from typical female stereotypes of easy sexual access, passivity, inability to resist, enforced physical and psychological weakness and so on (MacKinnon, 1982: 530). Through consciousness raising women can build their own image of what it means to be a woman, to love and prize oneself as a person deserving of dignity and respect (MacKinnon, 1982). Awareness of one's own unjust circumstances in the workplace encourages the person to speak out as a way to transform their state of affairs. Giving notice therefore requires from women both courage to stand up and a willingness to immediately confront a difficult situation by directly voicing an objection to unwelcome male sexual touch. The circumstance of self-protection, in other words, directly depends on individual women finding the courage to fight.

The very act of contemplating giving notice encourages the process of analytic thought asking if there exists a deeper social pattern working against women. Women want to familiarize men to their reality, that is, the social arrangement of male dominance and female subordination deeply embedded into social norms. A quote from Employee 5 supports this statement.

In society people think about males [as] having more power and [they] are stronger in society and in the workplace, especially if you have a male supervisor, then usually they think they have power to do anything. Sometimes they exercise power over a woman. I think this is unfair for women, but if women are touched... they can say something out loud...[Supervisors and other males] don't have that right to...[harass].

In regard to the MUS workplace, Employee 1 and Employee 4 perceptions of Thai social norms, respectively, claim male directors at the university and men in general trivialize the issue of sexual harassment. In other words, Thai men with and without power do not understand the harm sexual harassment causes Thai female employees. When uninvited touch happens, through carefully chosen words of objection, women can make visible the pattern. Putting words to an objection can bring about awareness and change. From out of American research, Rutter (1996: 25) says that more than 95 percent of male sexually harassing conduct stops when men are directly but privately informed about sexual harassment.

Protection communication is different from the right to protection, the latter, a circumstance that pushes women to talk rights messages for men to grasp and respect. Mahidol University, a government institution that mandates into work policy employee's duty to uphold the university's honor and reputation through appropriate conduct, cares about public perception. A female employee's verbal objection to a sexual harassment incident is likely to be protected if it deals with an issue concerning human rights, and that human rights issue is evaluated against the institutions interest in the workplace that is to be free from sexual harassment (an adaptation of Barry, 2007: 271). Notice as the first step of a whole process, does many things as protection communication. It draws attention to the greater work conditions, it can lead to whistleblowing, it helps the institution formulate a position on sexual harassment, but more importantly it can improve a woman's life.

Notice can rearrange the order of power opening new possibilities for women as control agents. In opposition to voice is silence, and Williams (2002: 114) asserts that if a woman remains silent, or does not forcefully oppose a touch behavior her conduct is a signal of consent, so giving notice on first occurrence not only tells men who is in power but it also sets a strong relational tone which helps draw boundaries more effectively. In hypothetical scenarios discussed in this study, Employees 1, 3, 4 and 5 reactions to unwelcome touch were expressed as direct verbal confrontation with the harasser.<sup>10</sup> For notice to be effective, Rutter says it must be immediate and brisk, it might look like "I don't like your touching me...please do not do that again, and if you didn't mean to, then it was my mistake and there should be no further problem" (Rutter, 1996: 122-123). Female interviewees in this study also provided other nonverbal forms of notice that varied from doing facial expressions and creating physical distance (Employee 1) to walking out of the room (Employee 5). The point is, through notice women must demonstrate to themselves and others she has power over what happens to her boundaries.

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<sup>10</sup> None of the female employees interviewed were formally asked about harassment experiences, however those that did volunteer information did not give notice. In hypothetical scenarios interviewees thought they would talk directly with the harasser, or say to the harasser "I don't like the way [you] touched me" or "stop touching" or "don't touch me," or inform the harasser of a boyfriend or give notice through humor.

## 4.5 Protection through Consent

When Thai female respondents were asked if giving men permission to touch their body was important, the women stood united at 100 percent responding only to agreement categories--31 percent of the women agreed, and the remaining responses at 69 percent answered in strong agreement. This is a valuable finding. Thai female respondents marking only agreement categories and in such high numbers seek to make sense of the body property as a territory having authority over it. This finding might be interpreted as a female employee telling her male co-worker--do not touch my body unless I give you permission.

United Nations instruments validate the right to one's body through personhood and relates the concept of personhood to the idea and expression of *human beings* found written into the global instruments of the UDHR (Preamble and Article 1), the International Convention on Civil and Political Rights (ICCPR, Preamble), and DEVAW (General Assembly Notes). While discourse in human rights references the human body as a sovereign entity, I choose to use the terms property and possession, words taken out of medical and philosophical discourses that depict a more powerful underlying meaning with stronger theoretical property models to support the concept. Tracking language discourse on the right to a body can be found in Kass's (1985: 22-23) medical commentary, he begins with two primary ideas on ownership, one, the body belongs to a human being, and two, language use of possessive pronouns reflect bodily entitlement (possessive language also in the works of Harris, 1996: 65; Campbell, 1992: 34; Den Uyl & Rasmussen, 2003: 50; Odegard, 1970: 225). In a sexual harassment scenario, in ordinary speech a woman might say he pinched *my* buttocks or he fondled *my* thigh. The body is identified as *mine*, in parts or in whole as a possession. To name the body as a property one looks to make meaning of it as a territory having control over it, and it puts a "demand on others to respect its integrity" (Campbell, 1992: 35).

One way to respect the boundaries of property is to look at the use of consent, a protection mechanism that encourages self-governance, a libertarian view that celebrates the freedoms of individuals through values of sexual autonomy realized via choice (Larson, 1993: 428), and a condition that requires women to see themselves independent and separate from men. Consent is a persuasive example of social respect

for women; failure to acknowledge the right to consent communicates a profound disdain for personhood (Larson, 1993: 437). To demonstrate the operation of consent and for clarity, I use Cowart's property model whereby X has jurisdiction over a possession and Y has no right to act on that possession without obtaining permission from X (Cowart, 2004: 510). Consent therefore, means one party has the right to control, a power that is not shared by the second party. A woman uttering words or signaling to a man can result in the forbidding of a particular act, like intimate touch. Self-protection strategies depend on women's clear expression of objection. Women have choices to make; choice gives them independence to control over what happens and helps locate that crucial touch-boundary line. The liberal position defends the possibility to upgrade the status of women through choice and asserts women are better off with it than without it (Larson, 1993: 430-431). As a significant moral issue, consent not only makes a lot sense, but it also makes a lot of difference in intimate touch. Forced intimate touch is an act of trespass and enters into criminal activity. Unfortunately though, Cowart's property model has flaws on the applied level—efforts to stop sexual assault, sexual harassment and other forms of sexual abuse rely on the man's recognition of women's right to control what happens to her (Larson, 1993; 437).

#### **4.6 A Feminist Critique of Consent**

Although libertarians and feminists agree that women have a right to protection, feminism aims to deepen our understanding of consent by going beyond the simple description of free choice and the body property paradigm. Feminists might say the respondents of this study and libertarian frames draw on the imaginary realm concerning consent because they do not take in the realities, or circumstances of how a protection mechanism like consent is bound up with inequality. In the real world women cannot always defend their touch-boundary because they do not always control their social environment—here the margins of protection are blurred.

Feminist claim women have never owned their sexuality (MacKinnon: 1997a: 43), the flesh of her body, her reproductive ability or constructed femininity. The starting point for this discussion is to set up the historic backdrop of Thai

women's past treatment during the 19<sup>th</sup> and into the 20<sup>th</sup> century. This will help clarify the feminist viewpoint. Thai women, under the law which operated at various degrees depending on status (more liberal rules for the commoner and rigid for the noble) were the objects of male property (Pelleggi, 2007: 80). Women, not separate from their sexuality were bought, sold, bartered or exchanged for by fathers and husbands as gifts to solidify alliances, into serfdom and prostitution (Pelleggi, 2007: 80-81). Through a polygamist system that geared to male nobility, the *Code of Three Seals* (1805) legally recognized three levels of wives, the major, minor and slave (Pelleggi, 2007: 80; Barne, 2002: 20). In other words, 'in life and in law,' women's sexuality was bound up with specific social roles well defined by men within the existing social stratum and bound to men as owners whom never treated it with consideration.

Growing from out of past patriarchal attitudes which early social critics believed hindered Thailand's progress (Pelleggi, 2007: 83), similar lines of thought in regard to male supremacy and women's lack of management over her sexuality permeates into modern times. Male forced treatment against Thai women is still present. For example, Thai female's sexuality is stolen by rape (8,181 lawsuits in 2004 for rape and indecency cited in Soonthornpasuch, 2007: 231), exploited by trafficking, exchanged for through girl marriage (UN General Assembly WOM/1531, 2006), or subordinated by a male boss (Post Reporters, September 23, 2010; Thamlikitkul, February 19, 2009; Thamlikitkul June 29, 2011 ).<sup>11</sup> When force is

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<sup>11</sup> a) Rape and indecency statistics cited from Center for Judicial Information Service, Ministry of Justice cited in Gender and Development Research Institute, 2006.

b) In the 2014 Trafficking in Persons Report, Thailand was listed as Tier 3--a country which does not comply with the minimum standards for the elimination of trafficking. As such, Thailand maybe subjected to sanctions for this noncompliance. Thailand is known as a source, destination and transit nation for men, women and children forced into labor and sex trafficking.

c) UN expert expressed concern over a legal provision in Thai law which permits men to marry girls without prosecution if he had sex with her and if she was over 13, but less than 15 years of age. This situation was viewed as being equivalent to allowing marriage with a child.

d) *Bangkok Post* reporters give details concerning a police major general who allegedly sexually harassed his female subordinate in his office. His actions recorded by video clip were sent to the Royal Thai Police Office for further investigation. The video clip was televised and went viral on the internet. The NGO, Friends of Women, hoped for a straightforward investigation, as previous anonymous letters of complaints had been made against this same superior. Also, in the *Bangkok Post*, advice columnist, Thamlikitkul, responds to two sexual harassment inquiries, married expatriate director and board member made advances toward their female subordinates, both women asked how to handle this unwanted sexual attention as they both feared their careers were in jeopardy.

present, it does not mean the absence of forbidding consent, it means men still treat women's sexuality with entitlement and women still lack control over it because of preexisting experiences that have alienated women from positions of control. Consent cannot operate when superior/inferior relations are at work. Acts of terror and oppression are not only moral transgressions, but hold female sexuality captive to subordination (Franke, 1997). Sexually harassing conduct reflects this kind of gender power designed to reduce the female body to mere 'fleshy reality.' Mentioned earlier, women workers make up 80 to 90 percent of sexual harassment victims (Thitiprasert cited in Kompipote, ILRF, 2002: 14). Two studies cited by Soonthornpasuch (2007) draw attention to surprisingly high statistics, one on sexual harassment against nurses in a Thai hospital that accounted for 58 percent of the sexual harassment experiences (p. 104), and the second on women workers in private, government and community sectors--a study of 35 cases that found 17 (49%) were quid pro quo harassment and 18 (51%) were hostile environment (p. 110). Overwhelmingly, research states that women experience more sexual harassment than do men (Gutek, 1985; Uggen's and Blackstone's, 2004: 64).

Feminists assert women are socialized to passive receptivity (MacKinnon, 1997a: 48). To understand Thai behavior one must understand Thai values and the relationship between values and behavior because group norms develop from out of this matter. Deeply embedded into Thai social structures are hierarchies of dominance; they operate as vertical frameworks forming proper social associations. Mole (1973: 51-52) asserts that individual Thai's demonstrate behaviors of courtesy to those with higher status; a subordinate is not expected to challenge a superior. Another value impressed upon Thai's is the expression of happy, smooth and congenial social relationships without any open conflict (Mole, 1973: 54) short of serious mishap. Just as these behaviors are admired within the greater community, so they are admired in the workplace. Thai female employees are expected to adhere to these group norms and do so for social acceptance. Two Thai employees in this research provide leading support for the passive receptivity argument. Employee 1 had been inappropriately touched by a senior coworker and when asked how she handled her own situation, she made two revealing statements. One, she said normally Thai women would not stand up and ask for justice, and two, she said in the Thai

way, people are quite polite and don't express what they dislike, so she didn't say anything. In almost all of the interviews conducted in this research, respondents made reference to 'the Thai way' or 'in Thai culture,' a signal that indicates strong pressure to conform to social norms. When Employee 1 was asked if she would confide in a girlfriend at work about a touch violation, she explained that normally, one would not talk to anybody about the incident, because it is like gossip. If one person talks to another person, the meaning of the experience will change. Employee 2 wholly concurred by saying in Thai culture you don't say anything because Thai women try to deal with it themselves.<sup>12</sup> Employee 1 later explained that voicing an objection to a sexual violation could affect one's career, or the situation, and that women do not want to become the 'hot topic' in the office. How meaningful then is the concept of consent if Thai female employees are pressed into submission due to the social context? MacKinnon (1997a: 48) explains, women may perceive that they have no other alternative than to submit to a sexual violation; submission might be the better alternative than to injury, or humiliation of a lost battle, or they might submit for reasons of survival.

Feminists claim women do not control the situation they are placed in (MacKinnon, 1997a: 45). Women are the recipients (acted upon) of unsolicited touch and men are the initiators (actors). Mentioned earlier, Cowart's (2004: 510) model of consent does not tell men how to listen to women, how to respect rules of etiquette or how to accurately interpret female body language. A male co-worker will knowingly proceed against a female employee's will. The above mentioned statistics serve as proof. Women as recipients are located in the submissive position because they are socially unequally situated. Because of female positioning, communication of consent operates under conditions that are unequal in gender power relations. Imbalanced power relations are not some kind of biological phenomena, but they are socially engineered. Thai maleness through patriarchal socialization reinforces dominance; it fortifies the idea in men that women are available for pleasure. Beliefs instilled are male sexual desire toward attractive females is natural behavior (Kennedy & Gorzalka, 2002: 232), male infidelity is expected and encouraged so to establish masculinity (Cook & Jackson, 1999: 17), and men are responsible for instigating and pursuing

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<sup>12</sup> Employee 2 (Interview 1, April 2014, administrative work, female)

relations (Hickman & Muehlenhard, 1999: 259). This substance is what makes men act as initiators and what makes women objects of male action.

This chapter presents an overview of protection framed within the respondent's top three responses regarding a control inquiry: workplace policy, law and self-control strategies. In each, circumstances were presented drawing attention to weaknesses that affect protection. One overall condition depicted through analysis of documentation and theory is that Thai female employees cannot always control their social environment which directly affects their human rights.

## **CHAPTER V**

### **CONCLUSIONS AND RECOMMENDATIONS**

Researchers generally concur that sexual harassment is not a problem for men, but it is for women. Sexual harassment which takes in unwanted touch triggers various responses, though rarely do women report favorable reactions. Through the perceptions of Thai female employees working at MUS, one aim of this study was to define the touch-boundary. In doing so, this study found perception-scores-averaged for all twelve touch scenarios located unsolicited touch into three levels of wrongful conduct categories. This finding was not surprising, since other quantitative and qualitative studies have claimed unwanted touch causes negative emotions within, personal problems for, and discriminatory and violent treatment of women. Men should believe women when they say they do not like touch in the workplace. To draw attention to the problem of touch, it was important to gather women's perceptions so as to detail it in ways not yet studied. In this chapter, I present a compressed summary of the touch-data findings from the survey and findings to the question studied—Can Thai female employees at MU protect their touch-boundary? .

In regard to the survey, one significant finding was that 100 percent of the Thai female respondents in this study think giving consent to touch their body was important. Interpreting this on two levels, first, by the clustering of scores, it seems respondents think about touch in a united way, and second, it seems respondents perceive the body as a property having control over it through the power of consent. Without consent, therefore, unsolicited touch is considered a touch-boundary crossing or trespass. Another main finding was that Thai female respondents were united in their perceptions about the parameters of the touch-boundary. Here I present the findings.

Overwhelmingly, Thai female respondents identified approved touch zones as the arm, shoulder, and hand for only appropriate types of touch. In fact, respondents reported a hierarchy of zones assigning the outer upper limbs used to

reach, touch, pick up, block and carry as accessible, and identified through the expression of very low or zero assigned percentages, all other body zones (hair, back, feet, thigh/knee/leg, head/face, waist, hip/buttock, breast and neck) as off bounds, or crossing the line if touched. Reasons why respondents make these three particular approved zones accessible might be attributed to a combination of the natural body-form, Buddhist cultural influences, and the lessons learned in the home through socialization patterns. However, when the percentages were visually charted, a second conclusion arose. There is enough evidence and argument to support respondents alternatively might not want to approve any touch in the workplace, because what the respondents collectively didn't say was far more telling than what they collectively did say. The large surpluses that followed the actual reported percentages far exceed the approved numbers.

Respondents in this study explicitly marked out boundary territory regarding who is permitted or not permitted to make unsolicited touch. Clearly, respondents rejected touch from male superiors, male co-workers and unfamiliar staff. Female coworkers including women in power-positions were perceived as minimal concern. This suggests women share a level of familiarity or even fellowship. My findings suggest and supported through theory, that respondents may have matched the intimacy of touch with the intimacy of the relation. For respondents in this study, male colleagues and unfamiliar staff do not hold intimate relations status; so therefore, they do not have intimate touch privileges. Males or strangers that breach this touch-rule would trigger conflict.

Thai female respondents clearly perceived a one or two time unsolicited occurrence was considered wrongful behavior, and just under two-thirds of the respondents called unsolicited touch wrong if it exceeded 3 seconds. It is the opinion of this researcher the design of the duration question may be responsible for the one-third of the scores that went above 3 seconds. Some respondents may not have been able to imagine what a real 4 or 5 second touch-violation feels like when asked via a questionnaire. Also, more of a dispersed score pattern was identified for intention. It seems, respondents interpreted intention according to perceived harm, and through interviewees my findings suggest women want to know the meaning of intention

before thinking touch as wrong. For this parameter, the touch-boundary is like an elastic band, expanding and retracting according to perceived understanding.

The threat of danger plays a key element when talking about unsolicited touch because women know from their life history touch can quickly escalate to violence. Women are more vulnerable than are men when dealing with sexual incidences. Mentioned above, all twelve forms of unsolicited touch, through averaged scores, were perceived as wrongful conduct by respondents. The wrong of unsolicited touch in the workplace moves beyond moral implications and into human rights.

The second aim of this study was to provide the answer to the question— Can Thai female employees at MU protect their touch-boundary? Both quantitative and qualitative data was used to address this problem. In the introduction of Chapter 1, this study set the premise that protection for Thai female employees at MU shifts in and out of protection mode depending on circumstances. This study has been able to show some of those circumstances.

One obvious deduction in regard to workplace policy was that, what is not fully recognized cannot be fully protected. It was shown that the policy did not include an approach to sexual harassment, use the specific term or define the concept, and language use in the existing provisions was deficient for optimum protection. It was also shown a touch violation must incorrectly fit into one of the preexisting classifications of breach with the potential to reduce the seriousness of harm. Moreover, the current frame overlooks unsolicited touch as gender discrimination. Thai female employees at MU have access to a protection mechanism, but not to a mechanism that can protect against sexual harassment, or protect against the widely known CEDAW and DEVAW human rights criteria associated with that violation. In summation, in the greater scheme of human rights, the university, a government institution, has fallen short of their obligation to align themselves with international instruments. While respondents ranked workplace policy as a third choice control mechanism against touch behavior in the workplace, it might be inferred, they are not actually aware of its many shortcomings. Feminists often paint women as individuals who need to come to know their own social collective reality.

Here it is important to distinguish the difference between disarticulation of rights shaped by weak policy versus weak procedure. Operations are consistent with

university outlook. After looking at certain operations, combined with the structure of the policy, it can be inferred that sexual harassment, a conduct that harms women, is treated as an insignificant issue, or the university uses less responsive practices which impinges on women's rights to protection. Findings on operational weaknesses were uncovered and extracted from out of dialogue with experts and supervisors during interviews.

What are the implications for organizational structure? This study suggests that heads underestimate the impact of university organizational structure on procedures. The research attributes a lack of female leadership as one source of blame. At MU there is an underrepresentation of women in top management. The absence of women, in part, results in the unwillingness to create effective sexual harassment policy/procedures to protect all staff. Moreover, the research finds the top down command hierarchy disadvantages women because it draws attention to the dependency relations that exists among departments. In the event of an occurrence, the definition of sexual harassment comes from top down, and released by request—women do not have easy access to a definition that would help them decide for themselves if a violation has occurred. One other deduction attributed to directives issued from the top, the disarticulation of rights are caused by, in part, to rigid reporting and investigative procedures that are insensitive to the female experience. Weak reporting and investigative procedures have the potential to discourage female employees from actually filing a complaint.

This study also concluded that the current state of affairs at MU shields the violation in many ways. Because the university does not track the occurrence at ground level the severity of the problem is unknown. Non-tracking also makes it difficult to prove that women have been singled out for sexual harassment or to justify the need for training on the matter. It was also inferred that by not tracking, the university cannot be held accountable to their awareness and is void of legal responsibility. I complemented this finding by another--emphasizing there is no training on sexual harassment at any level. Who pays attention to the problem is important. If the university wants to deal with the occurrence in a proactive and preventative manner, rather than in their current ad hoc way, employees at all levels must know something about sexual harassment. At the present, because of a lack of

information on the occurrence 1) Thai female employees must be in constant monitoring of their own touch-boundaries, 2) different qualifications and personalities of management can result in different response outcomes to a violation, and 3) men must commit a violation first to know that it was wrong.

In regard to sexual harassment law, Thailand is slowly introducing into their domestic system new ways of understanding the occurrence. In Chapter 4 this research presents an informal understanding used by MU Legal Affairs which elevates female employee protection by introducing specific language that describes sexual harassment as hostile environment and in part, *quid pro quo*. This research also presents a recent definition produced by the Office of Civil Service Commission that gives clear examples of women's life experiences concerning verbal and nonverbal displays of conduct, but also the definition makes reference to the important use of consent to help determine if a violation has occurred. However, missing from both definitions is the discrimination approach. As a party to CEDAW, Thailand should align their legal definitions with the convention. The main conclusion being, Thai female employees at MU cannot seek sexual harassment protection under the discrimination claim, because it is not recognized.

Law, considered by respondents as a second choice control mechanism against touch-harassment in the workplace, was argued against as an effective method of control, by presenting impinging circumstances found in secondary sources that supported the statement--outlawing sexual harassment does not guarantee rights protection. Given were the following situations. Protection depends on how judicial power defines whose rights will be enforced and on what terms, whether the justice system is sympathetic toward women, whether the victim fears her perpetrator or feels endangered for filing a report, or how the police handles a sexual harassment claim. These are just a few of the conditions women must confront which effect the realization of their protection rights.

The finding that respondents named themselves as the top control agent against touch behavior in the workplace was an important discovery because this belief underpins the notion that women know they can improve, at ground level, the quality of their own lives in the workplace, regardless of whether or not policy or law changes. But again, protection of the touch-boundary depends on circumstances.

Presented in this study were two self-help strategies, notice and consent. For notice and consent to be effective, it depends if women can conjure up certain qualities--a fight instinct, the love of self, and an awareness of unjust conditions along with willingness to voice objection against a violation, or willingness to make known their preference. If women choose to articulate, they have more control over what happens to them. The concept of notice can be understood as a direct warning after the act, and the concept of consent views the body as property having some form of control over it through choice. Both self-help strategies rearrange the order of power that turns women into control agents. However, one inescapable inference made in this study is that for self-help strategies to work, it requires of men to recognize women's rights to control what happens to her. Feminists argue in regard to protection through consent, circumstances are bound up with conditions of inequality--as such, women do not always have control over their social environment.

### **Recommendations for Action**

Respondents, Employees and Experts in this study provided important information to make the following recommendations.

- Create a strong sexual harassment policy as a way to control the occurrence and protect female employee's rights. The revision should include the term and a detailed concept of, as well as an approach to sexual harassment.
- The revision should align gender equality principles with language and concepts used in the international instruments of CEDAW and DEVAW.
- The female perspective (including feminist thought) should be incorporated into the revised sexual harassment policy, because as policy-makers women are more likely to relate to the sexual harassment experience and work toward a harassment free environment.
- Reexamine all procedures for effectiveness.
- Track cases and use statistics to look for patterns
- Mandate female representation on investigative committees

- Disseminate information/definitions on sexual harassment
- Educate all levels of staff, new and old about sexual harassment. Curriculum should include
  - education for prevention
  - the university's internal legal process
  - relevant outside law
  - self-control strategies on notice and consent
- Human Resources, Legal Affairs and others, should engage in critical reflection habits regarding how the top down command hierarchy pertaining to protection mechanisms and general operations create real obstacles for women to gain access to protection. They should ask questions like—What are the benefits of training? How can the university enable women to be active moral agents in their own cause? What kind of support do women require inside the work environment other than law? What is the duty of leaders in sexual harassment prevention?
- Revise sanctions. Sanctions are an important deterrent, but they have been labeled by women advocates as 'soft penalties.' The issue of sexual harassment needs to be taken more seriously.

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## **APPENDIX**

ดิฉันชื่อแบเวอร์รี่ บาร์เนต เป็นนักศึกษาปริญญาโทโปรแกรมสันติสุขและสิทธิมนุษยชน ฉันกำลังทำการศึกษาเรื่องขอบเขตของการล่วงเกินผู้หญิงในที่ทำงาน แบบสำรวจเป็นความลับและนิรนาม ผู้เข้าร่วมในการวิจัยนี้ทำอย่างสมัครใจและคุณสามารถถอนตัวเมื่อไรก็ได้ ฉันหวังว่าข้อมูลนี้สามารถดี แต่เพื่อให้สาธารณะชนเข้าใจในขอบเขตของการสัมผัสที่ไม่พึงประสงค์ในที่ทำงาน ถ้าคุณต้องการทราบผลลัพธ์ของการวิจัยนี้ สามารถติดต่อดิฉัน ได้ทางอีเมลนี้ ค่ะ [bjbarnet@yahoo.com](mailto:bjbarnet@yahoo.com)

ด้วยประการฉะนี้ ฉันขอแสดงความยินยอมเพื่อเข้าร่วมในการสำรวจค่ะ

(copy to participant)

ดิฉันชื่อแบเวอร์รี่ บาร์เนต เป็นนักศึกษาปริญญาโท โปรแกรมสันติสุขและสิทธิมนุษยชน ฉันกำลังทำการศึกษาเรื่องขอบเขตของการล่วงเกินผู้หญิงในที่ทำงาน แบบสำรวจเป็นความลับและนิรนาม ผู้เข้าร่วมในการวิจัยนี้ทำอย่างสมัครใจและคุณสามารถถอนตัวเมื่อไรก็ได้ ฉันหวังว่าข้อมูลนี้สามารถดี แต่เพื่อให้สาธารณะชนเข้าใจในขอบเขตของการสัมผัสที่ไม่พึงประสงค์ในที่ทำงาน ถ้าคุณต้องการทราบผลลัพธ์ของการวิจัยนี้ สามารถติดต่อดิฉัน ได้ทางอีเมลนี้ค่ะ [bjbarnet@yahoo.com](mailto:bjbarnet@yahoo.com)

ด้วยประการฉะนี้ ฉันขอแสดงความยินยอมเพื่อเข้าร่วมในการสำรวจค่ะ

เลขรหัส Code No.: R # _____	วันที่ Date: _____	ตำแหน่ง Position: _____		
สถานภาพ Marital Status: _____	โสด single	สมรส married	แยกกันอยู่ หรือหย่าร้าง separated/divorced	เป็นม่าย widowed
อายุ Age: _____	การศึกษา Education: _____	มัธยม high school	วิทยาลัย college	มหาวิทยาลัย university

My name is Beverlee Barnet. I am a Master student at Mahidol University in the Human Rights and Peace Program. I am doing a study on women's touch boundaries in the workplace. The following survey was developed to ask you a few questions regarding your perceptions on touch in the workplace. The survey is both confidential and anonymous. Participation in this research is completely voluntary and you can withdraw at any time. The survey will take approximately 15 minutes to complete. It is my hope that this information can contribute to a broader understanding of sexual harassment and boundary work. If you would like to know the results of this research, contact Beverlee Barnet at [bjbarnet@yahoo.com](mailto:bjbarnet@yahoo.com).

I hereby express my consent to participate in the survey.

My name is Beverlee Barnet. I am a Master student at Mahidol University in the Human Rights and Peace Program. I am doing a study on women's touch boundaries in the workplace. The following survey was developed to ask you a few questions regarding your perceptions on touch in the workplace. The survey is both confidential and anonymous. Participation in this research is completely voluntary and you can withdraw at any time. The survey will take approximately 15 to complete. It is my hope that this information can contribute to a broader understanding of sexual harassment and boundary work. If you would like to know the results of this research, contact Beverlee Barnet at [bjbarnet@yahoo.com](mailto:bjbarnet@yahoo.com).

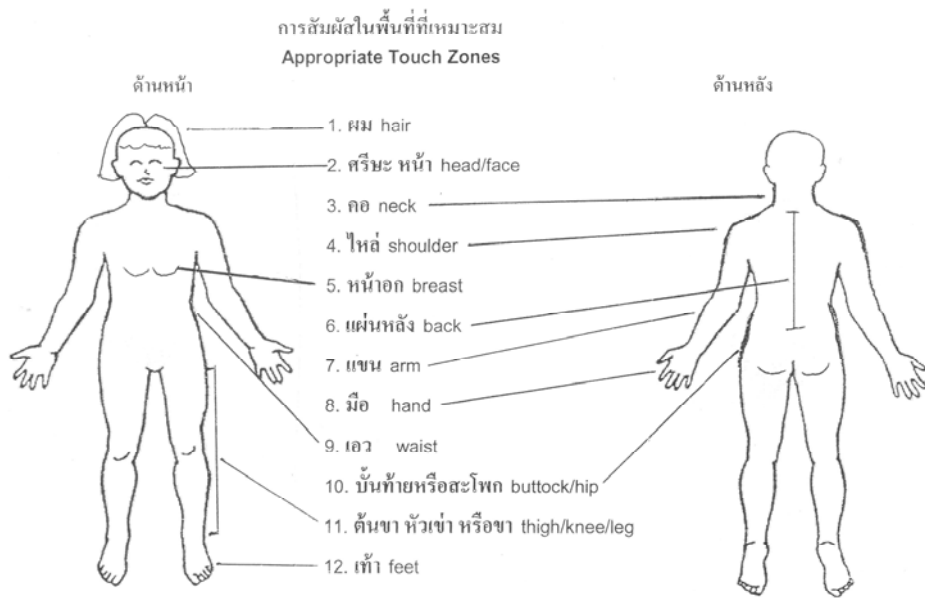
I hereby express my consent to participate in the survey.

การศึกษาขอบเขตของการแตะเนื้อต้องตัวเพศหญิงในที่ทำงาน  
 A Study of Female Touch Boundaries at the Workplace

1. ในภาพด้านล่าง ส่วนใดของร่างกายที่คุณคิดว่าเหมาะสมหากถูกสัมผัสในที่ทำงาน ถ้ามีให้ระบุโดยการวงกลมตัวเลข (ตอบได้มากกว่า 1 ข้อ)

Look at the body pictures below – What are your own appropriate touch zones for the workplace (if any). Identify by circling the number(s) of the applicable body areas listed below.

ถ้ามี เช่น ในที่ทำงาน ดิฉันไม่ถือสาถ้ามีการแตะเนื้อต้องตัวอย่างเหมาะสมในส่วนนี้  
 For example: In the office, it is okay to appropriately touch me here ...etc...



การสัมผัสที่ไม่พึงประสงค์ **Unsolicited Touch**

2. ดังภาพในแฟ้ม ๑๒ ข้อเบื้องต้น ผู้หญิงในแต่ละภาพนั้นถูกสัมผัสอย่างไม่พึงประสงค์ ในความเห็นของคุณคิดว่า การสัมผัสนั้นผิดอย่างไรบ้าง

Look at the 12 photos in the binder. In each photo the woman is the recipient of unsolicited touch. In your opinion, how wrong is the touch?

ให้ทำเครื่องหมายกากบาท (Mark with an X)	ผิดมาก Very Wrong	ผิด Wrong	ค่อนข้างผิด Slightly Wrong	ไม่ผิด Not Wrong
1. ผม hair				
2. ศรีษะ หน้า head/face				
3. คอ neck				
4. ไหล่ shoulder				
5. หน้าอก breast				
6. หลัง back				
7. แขน arm				
8. มือ hand				
9. เอว waist				
10. สะโพก buttock / hip				
11. ต้นขา เข่า ขา thigh / knee / leg				
12. เท้า feet				

ให้วงกลมอักษร หรือข้อความ (Circle the letter/word)

3. ฉันคิดว่าเป็นสิ่งสำคัญที่ผู้ชายจะต้องได้รับอนุญาตก่อนสัมผัสตัวฉัน  
I think giving males permission to touch my body is important.

ไม่เห็นด้วยอย่างยิ่ง    ไม่เห็นด้วย    เห็นด้วย    เห็นด้วยอย่างยิ่ง  
strongly disagree    disagree    agree    strongly agree

4. คุณมีความคุ้นเคยกับคำว่าขอบเขตของการสัมผัสหรือไม่?  
Are you familiar with the term touch-boundary?

ใช่ Yes                      ไม่คุ้นหู No

ขอบเขตของการสัมผัสหมายถึงเส้นแบ่งทางความคิดที่แยกการสัมผัสในที่ทำงานที่คุณคิดว่าเป็นการสัมผัสที่เหมาะสมออกจากการสัมผัสที่ไม่เหมาะสม ผู้หญิงแต่ละคนมีขอบเขตในการถูกสัมผัสแตกต่างกัน ขอบเขตของการสัมผัสจะถูกละเมิดเมื่อคุณรู้สึกว่าการถูกสัมผัสนั้นไม่เหมาะสม การวิจัยในครั้งนี้เป็นการศึกษาถูกสัมผัสของผู้หญิงที่กระทำโดยพนักงานชาย

5. ฉันคิดว่าความถี่ของการสัมผัสที่ไม่พึงประสงค์ไม่ว่าจะบ่อยหรือไม่ ก็ควรจะผิด  
I think the frequency of unsolicited touch determines whether or not it would be wrong.

ไม่เห็นด้วยอย่างยิ่ง	ไม่เห็นด้วย	เห็นด้วย	เห็นด้วยอย่างยิ่ง
strongly disagree	disagree	agree	strongly agree

6. ฉันคิดว่ามันเป็นการผิดถ้าร่างกายฉันได้รับการสัมผัสที่ไม่พึงประสงค์  
I think it would be wrong if I received unsolicited touch...

ก. ๑ ครั้ง      ข. ๒ ครั้ง      ค. ๓ ครั้ง      ง. มากกว่า ๓ ครั้ง      จ. อื่นๆ  
a) 1 time    b) 2 times    c) 3 times    d) more than 3 times    e) other \_\_\_\_\_

7. ฉันคิดว่าช่วงเวลาในการสัมผัสที่ไม่พึงประสงค์ไม่ว่าจะนานแค่ไหนก็น่าจะแสดงว่าผิด  
I think the duration of unsolicited touch determines whether or not it would be wrong.

ไม่เห็นด้วยอย่างยิ่ง	ไม่เห็นด้วย	เห็นด้วย	เห็นด้วยอย่างยิ่ง
strongly disagree	disagree	agree	strongly agree

8. ฉันคิดว่าผิดถ้าช่วงเวลาในการสัมผัสที่ไม่พึงประสงค์เป็น...  
I think it is wrong if the duration of unsolicited touch was...

ก. นานถึง ๑ วินาที      ข. นาน ๒ - ๓ วินาที      ค. นาน ๔ - ๕ วินาที      ง. นานมากกว่า ๖ วินาที  
a) up to 1 second long    b) 2-3 seconds long    c) 4-5 seconds long    d) 6+ seconds long

9. ฉันคิดว่าความตั้งใจในการสัมผัสที่ไม่พึงประสงค์ไม่ว่าจะตั้งใจหรือไม่ก็น่าจะผิด  
I think the intention of unsolicited touch determines whether or not it would be wrong.

ไม่เห็นด้วยอย่างยิ่ง	ไม่เห็นด้วย	เห็นด้วย	เห็นด้วยอย่างยิ่ง
strongly disagree	disagree	agree	strongly agree

10. ฉันคิดว่ามันเป็นการผิดถ้าความตั้งใจในการสัมผัสที่ไม่พึงประสงค์นั้นเพื่อที่จะ...  
I think it is wrong if the intention of unsolicited touch was meant to be ...

ให้คุณทำเครื่องหมายกากบาทหน้าคำตอบที่เหมาะสม (Mark applicable answers with an X)

- a) \_\_\_\_\_ เด่นตลก a joke  
b) \_\_\_\_\_ แค่พฤติกรรมอันมิตร just friendly behavior  
c) \_\_\_\_\_ ซ้อมรับพนักงานใหม่ hazing a new employee  
d) \_\_\_\_\_ เป็นส่วนหนึ่งของพฤติกรรมการทำงานปกติ part of the normal work behavior  
e) \_\_\_\_\_ เป็นความสนใจทางเพศ sexual interest  
f) \_\_\_\_\_ เป็นการข่มขู่ a threat

11. ให้นิยามการสัมผัสอย่างเหมาะสมในที่ทำงาน  
Define appropriate touch for the workplace

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12. ให้นิยามการสัมผัสที่ไม่เหมาะสมในที่ทำงาน  
Define inappropriate touch for the workplace

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13. ฉันไม่ต้องการการสัมผัสที่ไม่พึงประสงค์จาก...ของฉัน  
I do not want unsolicited touch from my...

คุณสามารถกากบาทคำตอบที่เหมาะสมได้มากกว่าหนึ่งข้อ (Mark applicable answers with an X)

- a) \_\_\_\_\_ ผู้บังคับบัญชาเพศหญิง female superiors
- b) \_\_\_\_\_ ผู้บังคับบัญชาเพศชาย male superiors
- c) \_\_\_\_\_ เพื่อนร่วมงานเพศหญิง female co-workers
- d) \_\_\_\_\_ เพื่อนร่วมงานเพศชาย male co-workers
- e) \_\_\_\_\_ พนักงานที่ไม่ได้สนิทสนมกัน unfamiliar staff members

14. เพื่อควบคุมพฤติกรรมสัมผัสในที่ทำงาน ฉันวางใจให้  
To control touch behavior in the office, I rely on....

ให้คะแนนจากข้อ ๑ คือมากที่สุดถึงข้อ ๕ คือน้อยที่สุด (Assign numbers 1 through 5. 1= most 5=least)

- \_\_\_ ทำตามนโยบายที่เขียนตามข้อบังคับของมหาวิทยาลัย conduct policy written in university guidelines
- \_\_\_ อำนาจของผู้บังคับบัญชาของฉัน my supervisor's authority
- \_\_\_ ฉันควบคุมเองได้ว่าใครสัมผัส myself – I control who touches me
- \_\_\_ เพื่อนร่วมงานของฉันให้ควบคุมพฤติกรรมของพวกเขาเอง my co-workers to control their own behavior
- \_\_\_ กฎหมาย the law

15. ใครหรืออะไรที่รับผิดชอบในการกำหนดขอบเขตพฤติกรรมในการสัมผัส?  
Who or what is responsible for setting your touch boundary?

ให้คะแนนจากข้อ ๑ คือมากที่สุดถึงข้อ ๕ คือน้อยที่สุด (Assign numbers 1 through 5. 1= most 5=least)

- สังคมไทยที่ควบคุมโดยผู้ชาย Thai patriarchal society
- คุณค่าของครอบครัว family values
- ความเชื่อทางศาสนา religious beliefs
- กฎหมาย the law
- สื่อ (สิ่งพิมพ์, โทรทัศน์, อินเทอร์เน็ต) media (in print, television, internet)

16. คุณได้ตระหนักถึงการทำตามนโยบายของมหาวิทยาลัยมหิดลหรือไม่?  
Are you aware of the conduct policy at Mahidol University?

ใช่ Yes      ไม่ใช่ No

17. การทำตามนโยบายที่มหาวิทยาลัยมหิดลนั้น ปกป้องสิทธิของฉันไม่ให้ถูกสัมผัสอย่างไม่เหมาะสม  
The conduct policy at Mahidol University protects my rights not be inappropriately touched

ไม่เห็นด้วยอย่างยิ่ง      ไม่เห็นด้วย      เห็นด้วย      เห็นด้วยอย่างยิ่ง  
strongly disagree      disagree      agree      strongly agree

18. การกำหนดกฎของการสัมผัสในที่ทำงาน จะช่วยคุณอย่างไรในฐานะผู้หญิงคนหนึ่ง?  
By regulating touch in the workplace, how would it help you as a woman?

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

## **BIOGRAPHY**

<b>NAME</b>	Ms. Beverlee Barnet
<b>DATE OF BIRTH</b>	April 27, 1959
<b>PLACE OF BIRTH</b>	Ontario, Canada
<b>INSTITUTIONS ATTENDED</b>	York University Bachelor of Arts (Drama Literature) York University Bachelor of Arts (Psychology) Mount Saint Vincent University Master of Education (Adult Education)
<b>CONTACT</b>	19/20 Moo 3 (Tarinda Apt. #318) Salaya, NakhonPathom Thailand, 73170
<b>EMAIL</b>	bjbarnet@yahoo.com