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Humour, sexual harassment, and police managers' discretionary practices

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ABSTRACT

In this article, we describe and analyse police managers' response to incidents of gender and sexual harassment as they play out in a police workplace context. The aim is to examine managers' supervisory discretion in safeguarding employees' legal rights, through three research questions: 1) What implicit understandings of sexual harassment, in the organisation, are made visible by managers' approach to harassment; 2) what do these implicit problem understandings mean for which incidents become legitimate and illegitimate experiences of harassment in the organisation; and 3) which types of harassment incidents are employees protected against? Based on two cases of harassment, observed during 6 months of fieldwork, we explore and analyse humour and managers' power of definition, applying socio-legal perspectives on implementation of laws and rights in a work context. Through this, small incidents of everyday harassment become visible and highlight the role of police managers in transforming policy to action.

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Police management; work environment; sexual harassment; gender; humour; discretion

Introduction

Gender based and sexual harassment is a severe work environment issue (D'Cruz & Noronha, 2021). Within police organisations, these forms of harassment, predominantly against women (J. Brown et al., 2018; Garcia, 2021; Mennicke et al., 2018; Panter, 2018), has been known for a long time (de Haas et al., 2009; McKay, 2014), and is high on the agenda due to major harassment problems which have recently been uncovered across Europe (J. Brown et al., 2018; Davis et al., 2023; M. T. Williams et al., 2023). In this article, we define sexual harassment as behaviours ranging from those which are not aimed at sexual cooperation, but convey gender-based insulting, hostile, and denigrating attitudes, to those which are sexually connotated offensive, unwanted, and unreciprocated behaviours (Fitzgerald et al., 1995). This is in line with an understanding of sexual harassment as an umbrella term for gender harassment, unwanted sexual attention, and sexual violence and coercion (Cortina & Areguin, 2021).

The police's efforts to address sexual harassment has been criticised. In her 2004 article Collins asked, 'Who's policing the police?', and found that sexual harassment cases seldom are tried legally, nor met with disciplinary action within the police (p. 512). Although several studies on sexual harassment in the police have focused on the phenomenon and its association with different

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outcomes (Rostami et al., 2022; Steinþórsdóttir & Pétursdóttir, 2022), few if any have followed up on Collins' question of who's policing the police. A notable exception is Teixeira (2002) who found that radicalized sexual harassment impacted the target's career, mental and physical health and where perpetrators suffer little to no consequence if reported.

Sexual harassment takes form through an interplay of practices, understandings, and responses. We need to understand how managers approach sexual harassment against women because they are in a position of power where their actions are crucial for individual employees' well-being at work (see e.g., J. Brown & Fleming, 2022; Ferrill, 2023). Safeguarding and realising employees' rights to a safe work environment, by providing ethical infrastructure, is a manager responsibility (Tenbrunsel et al., 2003). Insights into managers' approach incidents may further our understanding of why legislation often falls short when it for instance comes to sexual harassment (Fitzgerald & Cortina, 2017).

The aim of this paper is to examine how police managers approach sexual harassment. We argue that this is an often unrecognised and therefore understudied part of police management, in particular, with respect to the cultural practices within the police organisation and the role of humour. We use data collected from ethnographic field observations and two critical cases of sexual harassment in the Norwegian Police Services to shed light on the exercise of managerial discretion in addressing sexual harassment in police organisations. We focus on everyday situations which are often in a grey zone where they may or may not be covered by sexual harassment legislation. The two cases allow for in-depth analysis of the role humour plays in police departments (e.g., as stress-relief and misbehaving) and managers' power of definition.

Humour in the police organisation

Humour at work can positively affect interaction, but also license subversion (Holmberg, 2000). There is well documented use of humour and banter by emergency service personnel (Charman, 2013; Pogrebin & Poole, 1988). Stress-relief «through the telling and re-telling of humorous events» can act as strategies of normalization (Charman, 2013, p. 155). Informal rules regulate humour, amongst others that it is for the insiders, while portrayal of officers to outsiders are that of calm (ibid). Waddington (1999) has critiqued literature on police occupational cultures focusing on talk, rather than action, a point noted by the authors as we use cases based on practice *in situ*.

Previous studies have found that humour may play a part in the persistence of sexual harassment in the police and have as a result recommended future studies in to the 'sardonic police culture and its link to sexual harassment' (Davis et al., 2023, p. 191). Without awareness and consistent use, humour, which may be a social positive glue, may, more or less consciously, be used to guise powerplay in organisations (Pogrebin & Poole, 1988).

Seen from sexual harassment law and police managers discretionary work, humour may be seen as a power tool brokering boundaries of tolerance for errant behaviour and disturbing the formal structure between the rank-and-file (Holdaway, 1988, p. 120). Humour is particularly challenging in the context of management as it forms part of power relations in work organisations when or if used in an exclusionary manner (D. L. Collinson, 1988). These concepts (i.e., homosociality and humour) have been used to explain the persistence of the gendered police organisation and linked to women's lack of progression and representation within policing. Within this context of ambiguity regarding female employees, we analyse two cases from an ethnographical study to show the power of definition inherent in managers' discretionary practices, and the use of humour in the police work setting.

Gender, representation and policy

The number of women police officers in western countries has been increasing steadily in the last few decades, partly due to recruitment policies (Bjørge & Damen, 2020; Jon, 2021). Meanwhile,

there is a coinciding trend of internal gender segregation, both with regards to position and specialisation (Bloksgaard et al., 2020; Møberg & Damen, 2020). This gender segregation has partly been explained by gendered work-family practices and different temporal norms within different police specialisations (Nordberg, 2018a; Silvestri, 2007, 2017), and partly by a non-inclusive macho culture in the police which pushes women out (see Silvestri, 2017, p. 289). Gendered features in policing are well documented (see J. Brown et al., 2020; 2021; Friedman, 1989; Loftus, 2008; Martin, 1980; Rabe-Hemp, 2008; Silvestri, 2017), also in the Nordic countries where gender equality is a part of the regional brand (Åberg, 2001; Gundhus, 2005; Haake, 2018). Explanations for why these gendered features persists lies in essentialist understandings of policing as enactment of masculinity (Chan, 2003, p. 31), through strategies of dominance and control (Connell, 2001; Martin, 1980) and feminine tokenism within a male bastion (Kanter, 1977). This has been elaborated on by amongst others Kimmel (2006) discussing homosociality, i.e., mutual confirmation of superiority resulting in formal and informal exclusion of females (e.g., gender based and sexual harassment) and critiqued and expanded on by Silvestri (2017).

Findings on the gendered features of the police are ambiguous. From one perspective, ‘... the “cult of masculinity” (Smith & Gray, 1985) has encouraged various forms of sexual harassment and discrimination against [women]’ (Loftus, 2008, p. 757). From another perspective, the police organisation is moving towards inclusion of the increasing number of women entering the profession (see Jon, 2021; Silvestri, 2017). Although the gendered dynamics within the police may be changing, the gendered context of the police service as a traditionally male dominated institution must be considered to understand sexual harassment within the police organisation. The ‘cult of masculinity’ and ‘male bastion’ are sometimes portrayed in a static and crude manner (Silvestri, 2017, p. 289) the gendered features of the police organisation can still have relevance as an analytical tool. Taking as a starting point a cultural context characterised by a macho culture where sexualised humour about or towards women is prevalent, one might presuppose that the police manager would approach incidents of sexual harassment in a way that downplays women’s experiences. The police organisation has an increasing share of female officers as well as a mandate to protect and secure the wellbeing of citizens (National Police Directorate, 2020), we could expect police managers to direct particular attention to their employees’ individual rights.

As a social institution, the police fulfil a central function in safeguarding citizens’ moral rights (Miller, 2010). As institutional role holders, police managers could be said to embody public values such as gender equality or the right to a harassment free work environment. Public values relate to who we are and what we collectively value. However, there are many competing interests and ideologies in play in the public sphere. Hence, public values are contested and often involve competing priorities (Benington, 2015).

Harassment law and everyday management

Harassment is usually prohibited under laws regulating equal rights, health and safe work environment, and discrimination at work (Clarke, 2006; D’Cruz & Noronha, 2021; Fitzgerald, Swan, et al., 1997). In Norway, provisions have been made to protect all citizens’ sexual autonomy (Penal code, 2005, § 298) .in addition to the Equality and anti-discrimination act (2017, § 13) and Working Environment Act (2005, § § 4.3 and 4.4).

Sexual harassment, as one type of workplace harassment, has been understood as ranging from ‘crude and offensive behaviours to sexual coercion’ (Reddy & Murdoch, 2010), as verbal behaviours, physical behaviour, and sexual coercion (Fitzgerald et al., 1988) and persistent unwanted advances (Stockdale et al., 1999). Unwanted sexual attention includes persistent dating request and unwanted romantic advances like touching, hugging, and stroking (Fitzgerald et al., 1995, p. 430). By contrast, sexual coercion may include assault but always includes threats of promotion or termination (Leskinen et al., 2011). The latter for instance illustrating situations where an employee is met with ‘negative consequences for refusing to

engage in sexual activity' with a leader or colleague (Fitzgerald et al., 1995, p. 428). Sexual harassment consists of at least three main dimensions: Gender harassment, unwanted sexual attention, and sexual coercion (Fitzgerald, Drasgow, et al., 1997; Gelfand et al., 1995), with gender harassment being the most prevalent in general (Collins, 2004). Gender harassment is understood as 'a broad range of verbal and non-verbal behaviours not aimed at sexual cooperation but that convey insulting, hostile, and degrading attitudes about' members of one gender (Fitzgerald et al., 1995, p. 430).

Grey zone cases of sexual harassment can be characterized as low-intensity incidents of sexual harassment and are seldom tried in court. Yet, low-intensity incidents of sexual harassment, i.e., sexual innuendos or jokes, indeed have a higher frequency than the high intensity incidents. High frequency-low intensity incidents of sexual harassment (see e.g., Sojo et al., 2016) may be less discernible – also in terms of them being perceived as 'normal' (a part of life) or anomalies (bad and certainly actionable) (see e.g., Lundqvist et al., 2023). Hence, we know even less about these cases than we do about high intensity incidents, how they are managed or if they make any ripples at all.

To understand how the law works as a tool for handling harassment (Collins, 2004), an understanding of the phenomena at hand is key. While the prevalence of sexual harassment is a well-studied phenomena (Nielsen et al., 2010; Quinn, 2000), we know less about how incidents are understood and acted on. What managers' express and observations over time during an ethnographic study is central for gaining insights into these understandings.

Law in action – the manager's role

A work organisation's formal system of rules and objectives are a central part of managers' work (Selznick, 2011). As many work-related incidents cannot be settled by general rules, the rules need to be applied in everyday work life. Selznick (2011) argues that formal rules nonetheless form a starting point for action. This represents a common understanding within legal positivism, that the law will guide action and is important for norm formation (Trevino-Rangel, 2018). The requirement of discretionary practice is grounded in delegated legal competence (Molander, 2016), arguably formalising the responsibility of the manager. Still, the course of action for managers may not be straightforward due to epistemic (Molander, 2016) and phenomenological uncertainty connected to underlying assumptions about what the phenomenon, in our case, harassment, is.

Because management requires discretionary practice, it is not given that police managers apply the generalised rules in the harassment legislation in a way which reflect the purposes of harassment legislation laid down by democratically elected bodies. Hence, managers' response to incidents of harassment can be described as 'the black hole of democracy' (Rothstein, 1998, p. 80): Because of the discretion involved, it can be difficult to hold them accountable for their decisions. Furthermore, action relies on interpretation and a minimum degree of epistemic certainty (Molander, 2016). This perspective is particularly relevant when analysing managers' interpretations of grey zone incidents of harassment – i.e., incidents which may or may not be understood as harassment. These interpretations which may be adopted and reproduced by bystanders and the harassed (Clair, 1993). Results from previous studies indicate that due to power dynamics at play, managers have an important role in shaping that idea of well-being within the police (J. Brown & Fleming, 2022), and that managers though this power dynamic, influence ability for employees to cope, as well as underlying gendered assumptions (e.g., cult of masculinity and machoism) (Ferrill, 2023). According to Silvestri and colleagues (2023, p. 99), 'meaningful and long-lasting change' in relation to police leadership necessitates researchers and the police organisation to attract more attention towards 'organisational systems and cultures'. We do this by investigating humour as a cultural practice and how it, within police leadership, can have a preserving social impact. Managers' understanding of and approach to legal frameworks within specific work contexts and occupational cultures is central for how individual rights are secured in practice. In this paper, this is done by

exploring how managers interpret and act on their fiduciary duty in everyday practice, e.g., safeguarding the employees right to a harassment free work environment. We therefore explore the agency of the managers as a means of understanding how formal law works within the police organisation.

Data and methods

In this in-depth case study, two police managers' approach to sexual harassment is examined. Case studies yield detailed information about a phenomenon and allow more social context than other research methods (Coolican, 2004), as one in-depth account may 'exemplify many' (Dukes, 1965, p. 77). The two cases allow us to explore the way managers shape how sexual harassment legislation becomes 'law in practice'. Both cases are selected as critical cases (Patton, 2002, pp. 236–237), dramatically illustrating the centrality of managers' discretionary practices and thereby displaying understandings of sexual harassment. Both cases provide in-depth information about backstage (Goffman, 1990) events of police management involving both formal as well as informal courses of action (i.e., ethical infrastructure, Tenbrunsel et al., 2003). The two cases are (re)constructions of incidents and responses to harassment drawn from observational data from 6 months of fieldwork within a police district in Norway.

The field work was done openly with all necessary permits obtained (case number 23,848 at Norwegian Centre for Data management) and with the explicit consent of the participants. The field work includes 161 management meetings (including morning briefs with all managers of the non-civilian departments, routine daily and weekly meetings as roll calls, intra-agency meetings, strategy discussion and labour trade negotiations). The fieldwork was directed at management and how they convey expectations of loyalty and professional standards within the police organisation – from top management to frontline personnel (Valland, 2015). The police district had fewer than average female senior ranked officers (less than ten percent) and at the time of the study only one superintendent in the police station leader's leader group was female.

To observe sexual harassment and the practice of legislation, is epistemically challenging for the observer. The cases we analyse in this paper were selected precisely because the researcher was not faced with this epistemic uncertainty. The researchers' own judgements of the grey zones of sexual harassment could be set aside because the cases were already explicitly defined as sexual harassment, at least by some actors in the organisation. The two cases are the only incidents where there was a shared agreement about what happened, a consensus as to what the phenomena was. This can be said to be uncommon. The fieldnotes are marked with several other entries marked 'harassment?', but the agents in the field did not talk about the incidents as such. Keeping in mind that different viewpoints and cultural interpretation of praxis can give very different understanding of the same incidents, application of a distinct label (as in sexual harassment) could affect both report, and the turn of events within the organisation.

In alignment with the call from Waddington (1999) and Silvestri and colleagues (2023), the two cases are not mere talk nor focusing on the exposed women, but based on externally validated cases illustrating the role of humour can take in a cultural practice when performed by police leaders with power. The cases fulfil the following criteria: easily detectable, intra-personal labelling of the phenomena, and did not require the observer to be the one naming the phenomenon. In addition, they both involved managers, and as such displaying power and hierarchy. The object of analyses are expressions and actions, not intentions of the managers' observed, as the managers themselves were not interviewed or asked to elaborate on the results presented here in formal interviews. As their own view of the same incidents are assumed to be equally fruitful, future studies are encouraged too.

The cases were selected strategically (Antoft & Salomonsen, 2012; Patton, 2002), because they could contribute knowledge about the role of police managers and their modes of action, tolerance of workplace hostility and norm-shaping through practice. As the work is qualitative, the

underlying assumption is not to aim for statistical representativity, but to develop valid arguments that may be analytically transferable (Malterud, 2001, p. 485). We argue that these cases are suitable for further discussion based on theme (low intensity end of sexual harassment scale), consistency in narrative, occurrence (repeated over time) and potential legal ramification. We highlight how managers deal with issues of gender and workplace hostility, particularly the high frequency incidents which are especially of interest for intervention work as well as participatory action research (Pedersen et al., 2023).

As the two cases figured in several conversations during the period of observation, we also have a fuller picture of how the cases played out within the organisation. The observation of everyday practices allows for insight into processes by which the interconnectedness (or lack thereof) between law and everyday life is produced in everyday practice, which Sarat and Kearns have described as 'attending to particular practices and concrete, historically situated examples of law and social relations' (1993, p. 11). These cases are therefore less severe and dramatic, then high profiled incidents, but rather exemplify incidents understood on the less severe end of the tripart model of sexual harassment (Gelfand et al., 1995).

Findings

In the following, we present the analysis of two critical incidents that concern 1) implicit understandings of sexual harassment, in the organisation, which are made visible by managers' approach to harassment; 2) what these implicit problem understandings mean for which incidents become legitimate and illegitimate experiences of harassment in the organisation, and; 3) which types of harassment incidents are employees protected against, in practice.

Case 1: does this make you feel harassed?

Our first example considers the aftermaths of a sexual harassment verdict. The previous year a male police manager had sued the local police appointments board for taking disciplinary action against him after he had been found to have sexually harassed a female subordinate. The incident had occurred during a work and social related event. The result of the disciplinary action was that the police manager was permanently downgraded. The manager appealed the demotion to the local District Court resulting in an additional fine. The court decision was based on physical contact (stroking of arm), as well as having made graphic descriptions of a sexual act in front of the manager's subordinates and the exposed employee's colleagues. The court also emphasised the impact of formal position (senior) and the demands of management (trust, closest manager).

This case was initially dismissed by The Norwegian Bureau for the Investigation of Police Affairs, though the offender later was sanctioned both by the local Police appointments board (degraded permanently) and by the court (fined). The offended female officer experienced bullying and ostracism after having reported wrongdoing at work.

During the field work, it became apparent that the court ruling was observed as upsetting for a small proportion of managers and officers. One of the older male police managers for instance brought up this ruling and the legal interpretation several times:

Does this make you feel harassed?, the police manager asks, stroking my arm. 'Is this really harassment, I ask you'. Of course, the two onlookers mumble 'No'. I bite my tongue, not mentioning the court ruling on the recent sexual harassment case obviously contained a lot more than strokes on the arm. Since it is the fourth time, he is expressing his opinions about that particular criminal case I know where he is heading: 'it's bonkers what they say is harassment these days'.

The police manager repeatedly brought up the court ruling over the course of several months, partly under the guise of humour and every time counting as a 'but she [the researcher] didn't feel harassed!'. Simultaneously, other vital elements of the case (i.e., the graphic descriptions of

a sexual act) were repeatedly left out of the sexual harassment narrative. The manager's depiction could be interpreted as i.e., sarcasm or minimizing of the incident(s). However, this way of portraying 'facts' was not questioned publicly within the organisation during the field work, even if the message was conferred jokingly, with the added rolling of eyes, smiles and head shakes. None of the other police managers said anything when the case was recounted in either formal or informal meetings. Non-action of fellow managers may be interpreted as a destructive or laissez-faire form of management (Einarsen et al. 2007). When the depiction of sexual harassment using sarcasm/minimizing of victims/mimicking of their experiences is left uncontested in this way, it is simultaneously and implicit, but openly manifested and shared resistance towards legal requirements for safe workplaces may be interpreted as a form of destructive or laissez-faire form of management (Einarsen et al. 2007). The repeatedly misrepresenting of both course of action and legal interpretations of employee rights, and this case, a final and enforceable judgement on sexual harassment, has several implications. More generally, the unchallenged redressing of course of action is not a factual dispute in a legal sense, but more easily understood as an attack of the public values the legal provisions are founded on. The observed management practice resulted in a status quo, where the practice of employment law, which aims at protecting and safeguarding against sexual harassment was contested, downgraded, and ridiculed. In this context, humour had the function of preserving an established cultural practice.

Meanwhile, the police manager's continued mocking of the incident, and the (lack of) response from his fellow managers can teach us something about how police managers can contest laws and regulation intended to secure wellbeing at work, such as preventing sexual harassment. As shown by previous research on police canteen culture (see e.g., Charman, 2013). In a description of the reflections made by a chief constable, Ferrill (2023) describes how the managers' role in preserving the safety and rights of their personnel has changed. Exposing officers to 'rites of passages' (bullying and sexual harassment) was a way of seeing what your breaking point was (Ferrill, 2023, p. 91), and through this ensuring a certain way of thinking and acting, (e.g., individualised coping mechanisms, collective cult of masculinity. Seen this way, sexual harassment was a way to create social and collegial wellbeing, at the expense of some (Ferrill, 2023, p. 91). In line with these findings, it may be that police managers use of definitional power to re-interpret or distort sexual harassment cases is done to secure the wellbeing of 'some' (e.g., heterosexual men) at the expense of 'others'.

The example, '*Do you feel harassed*' shows how power is asserted through humour, by examining who shows agency and who is the target of the jokes. In our example, the target of the joke is the victim, the police organisation, the employment council, and the court – policy as it plays out in practice. As such the socialisation (see e.g., Anell et al., 2022; Fielding, 1984; Van Maanen, 1975), either as building on, expanding, or contesting norms, is 'staged out' without any bystanders' intervening. The latter may be due to fear of stigma of association or social contagion (Mulder et al., 2014). The police managers' understanding of what comprises legitimate experiences of sexual harassment is allowed to exceed or transgress official policy (as norms) within the police (Linstead, 1988; Paton & Filby, 1996; Pogrebin & Poole, 1988; Wieslander, 2021). As such, our analysis does relate to action (or non-action), rather than «talk» in accordance with Waddington's (1999) critique of previous research. Research has pointed to the importance of including the actor of the harassing behaviours into intervention work due to the risk that efforts to intervene may backfire (Vranjes et al., 2023). Based on this, the implications for policy and practice may be to aim for opening up for the exploration of whether the managers' behaviour is mimicking, intentional and/or motivated by a search for legitimacy. Are they socially mimicking based on prior socialisation experiences (see e.g., Anell et al., 2022; Ferrill, 2023) or are they seeking legitimacy from subordinates and other managers based on a need to ensure or strengthen their social power base and protect their own status? (see e.g., Berdahl, 2007). In line with Vranjes and colleagues we see the need for more work directed at disentangling the ways in which training can promote or hinder sexual harassment, as not doing so may make matters worse. One example of how to reduce managers' use of strategies to

de-legitimize sexual harassment could subsequently be to include knowledge and training on the double sword side of humour into intervention work on sexual harassment.

Case 2: a Dog's world

The context for the next case is an initiative to address the gender gap in recruitment and counteract the male dominance within the workplace, where some police districts have established networks for women. This was in line with official policy plans instigated by the National Police Directorate centrally. The network organised meetings about twice a year. Male employees, and management, did voice discontent: Why should 'they' (i.e., women) have this as their arena when the topics addressed (crisis psychology, management, leadership, and organisation in a policing context) were just as relevant for 'them' (i.e., their male counterparts)? The snide remarks and comments from managers were not disclosed in public, but rather in the shadow organisation (Shaw, 1997), i.e., informal meetings, upon passing in the hallways or before, after roll call etc with other co-managers). However, during roll call, their tone of voice, or sometimes a wink, would clearly state that the whole business of a women's forum was a waste of time. Only one time did the men's expression of distaste for the women's network result in a formal complaint – and forced management into taking employment and equal rights laws into action. This incident is our second example.

An email was sent to the coordinator of the women's network asking for membership. All well and nothing out of the order, except: The sender was a female canine, belonging to a well-liked dog-handler, a canine specialist. In the email, which was written in the canine's name, the arguments for joining the network were the hard labour and duties of her work, being called a bitch, and the amount of bossing around she had to take from her male manager. In the email it was argued that she needed a safety net and that she felt she would gain a lot from meeting females in the same position as her.

The email did not go unnoticed as a formal complaint was made, by a board member on the Women's forum. The complainant was both a female and a senior manager. The formal action by management (head of section) was to interview the owner of the email account and then discipline him for leaving his computer unlocked. 'We all knew he had not done it, but had to act,' said one senior manager, referring to the complainant's fury. The email itself went unpunished, as they did not have the culprit. The response to the incident followed formal procedure, as it is forbidden to leave police computers unlocked. However, the response did not formally, or explicitly, deal with the issue of sexual harassment, as noted by the complainant, the female manager. Nor did the discussions about the incident among managers or other bystanders (police employees) mention the harassment aspect of the incident the female manager described. In general, the female officers subscribed to immature humour, the male officers as clever and fun.

Like our first example, this one also involves the use of humour but with a different outcome. The act was deemed serious enough to demand a sanction. However, the involved parties, (managers, the offended female manager and the employee identified as the email-owner) were all in agreement that the email owner was not the culprit. The prank was deemed particularly successful as the real culprit got away with it as the sanctioned action was rule-breaking, but not the main reason for the offended party. Another aspect of this incident is how male officers responded to the fact that it was reported. Comments among male officers suggest that the female manager who reported the incident was expected to just so as she had earlier taken a stand against discriminatory practices and workplace bullying. Last, as the female network was part of a diversity strategy for recruiting more female leaders in the organisation, it was also mocking the top tier and what was perceived as unnecessary 'noise' in the organisation by the older generation of officers. The women either categorised the behaviour as childish, or they were as furious as the complainant, hence admitting the actual effect the joke had on them (Bjerke & Ronnes, 2017). As some of the male managers explicitly noted the anticipated response from their female colleague the sheer anticipation (wait for it, wait for it), looks to have added to the fun. We are inclined to interpret this aspect as key to understanding both why the prank was understood as successful and fun. More importantly, the

lack of sexual innuendo made the joke more harmless (a female K9 dog 'wrote' the letter). The lack of sexual innuendo can then be understood as making it easier understood as a prank, in a common-sensical manner, rather than sexual harassment. Judging from the response of the collective of managers reaction, we interpret both the effort, and the absurdity enhances the evaluation of this transgression as a 'clever joke'. However, we do note a few male managers made remarks suggesting the conduct was unbecoming for a senior police officer.

The *Dog's world* example shows us that the managers' use of discretionary practice directed attention away from what the complainant perceived to be the problem. On one hand, the managers' strategy can be understood as downplaying the experience of harassment, not taking it seriously enough to address it directly. It may also be a result of unease and displacement. Our interpretation is that addressing the 'real issue', harassment, rather than a 'no brainer' the security breach of lack of not securing one's computer, in a societal safety primed organisation such as the police.

Discussion

In this article, we have used two cases of what we characterize as everyday critical incidents of sexual harassment, to examine managers' discretionary practices. Our examples are aimed to 'confront law in its dailiness' making visible that which is often a 'virtually invisibly factor in social life' (Sarat and Kearns, 1993, p. 1), hence informing how employees' individual rights play out in practice in an organisation dedicated to ensuring and upholding equal legal rights. Our findings point out directions in which to look when addressing sexual harassment in practice, as we show that that everyday incidents of sexual harassment can be downplayed with humour by police managers, either explicitly or implicitly. We show that even when the police organisation and some police managers formally address sexual harassment, humour functions to simultaneously delegitimize the exposed employees' experiences. As such the sexual harassment slips like a soap between the hands of the police leaders, due the role humour has as cultural practice. This means that managers' approach is formative both for what is regarded legitimate experiences of gender and sexual harassment, and for whether and how employees' formal rights translate into practice.

In both cases analysed in this paper, the manager's own interpretation circumvented the laws and current practice of the laws, indicating what Wilson referred to as 'interpretational autonomy above the law'. Our findings suggest that, with regards to sexual harassment, we may be witnessing an opposite version of the 'dirty harry' or 'watchman notion': The first minor violations of criminal law generally are tolerated and only attract formal intervention when reaching a threshold of seriousness (Wilson, 1968, as cited in Cockcroft, 2013, pp. 80–81; Jaschke et al., 2007, p. 55).

Do you feel harassed? is a striking example of how a police manager makes an impact through his position. The manager actively delegitimized an incident which in this case, had been established by the court as well as formally in the top-tier of the police organisation. While his personal opinions of the case may motivate sarcasm and mimicking the incident in question, the result is that he in practice used his position to routinely downplay the experience of the female officer and ridiculing the way this incident of sexual harassment was defined and handled both internally (by employment council, station manager) and the court system. We understand this as a case where humour is used to transgress the formal structures within the organisation. Thus, in line with others we find that managers have an important role in shaping that idea of well-being within the police (J. Brown & Fleming, 2022), and that managers though power dynamics influence the ability for employees to cope, as well as underlying gendered assumptions (e.g., cult of masculinity and machoism) (Ferrill, 2023). As humour plays a part in «formation and the reinforcement of organisational culture» (Charman, 2013, p. 155), the consequences for workplace policies should be considered.

'*A Dog's world*' is a case where a formal complaint of sexual harassment was made, and formal action was taken. The case illustrates how chosen actions signal how an incident and its seriousness, is understood in relation to other workplace harms (cf. Mansour, 2022). When the manager chose

to act on the breach of IT security, the content of the report was undermined. The result of the measure chosen, disciplinary action for not securing the computer, is that the practice of employment and equal right laws, and protection from gender-based harassment, is downplayed. We could interpret the action taken as an implicit signal of acknowledgement from the head of section to the complainant, while leaving an impression in the organisation that the incident was not serious enough to investigate.

Two key findings drawn from the cases will be discussed in the following. First, we will discuss the power of definition which is inherent in managers' discretionary practices. Both the way managers communicate their understandings of sexual harassment and the measures taken (or not) towards incidents of harassment informs how the phenomenon is understood by the actors responsible for tackling the phenomenon when it occurs in the workplace. Second, we will discuss the findings on the role of humour. We anticipated that rule interpretation was vague, but what did come out as a stronger finding is that humour adds an epistemically challenging dimension to managers' discretion in harassment cases.

In 'A Dog's world', harassment comes in the form of a mischievous prank, which many bystanders find funny. Hence, the use of humour overshadows the gendered dimension of the prank, which was directed at the women's forum. We also asked whether this incident is less visible because of the interaction between humour and the lack of a sexual dimension to the harassment. General reception observed amongst the (mainly male) officers was that it was fun because it was clever (dog, got away with it, anticipated reaction). As such, this prank can be understood as a subversive critique of organisation, meaning the external pressures of organisational change in terms of diversity, an apparently (partially contested public value).

Both cases are underpinned by cultural aspects of policing. As low intensity sexual harassment cases are most common (Sojo et al., 2016), and humour is portrayed as a coping mechanism in some parts of the police occupation (Ferrill, 2023) the epistemological challenge for managers can be daunting. However, it is also a question of role-interpretation, and finding guidance in the law (Selznick, 2011) and manage dilemmas as upholding public values (Benington, 2015). Both case 1 *Do you feel harassed*, and Case 2 *A dog's world*, can be interpreted as challenging for the police manager. Are the incidents understood as an attack of the public values the legal provisions are founded on, or a coping mechanism as reaction to harsh working condition? We found that humour played a role as murky waters creating epistemological uncertainty for managers. '*Do you feel harassed?*' shows how managers' resistance to official policy and handling of sexual harassment-cases can be explicitly expressed through humour. In our case this is done in a way that asserts the manager's power of definition, takes culpability away from the perpetrator, as well as the manager and bystanders who delegitimises the experience of the harassed. The ramifications for the managers as practitioners of employment and equal right law and their underpinning public values are stark.

Defining sexual harassment through discretionary practices

The 'misogelasts' (haters of laughter), offer a useful perspective in that they distrust the assumption that humour is overwhelmingly positive and optimistic (Plester, 2013). Using humour in masculine organisations can police the boundaries of insiders and outsiders (Plester, 2015). This 'boundary work' is nurtured by a competitive mentality and use of 'jocular abuse' (Haugh & Bousfield, 2012), a term evaluating impolite behaviour as non-impolite. Relying on a 'good or humorous intention, rather than admitting the actual effect the joke had on them' (Bjerke & Rones, 2017, p. 18) might be a coping strategy by the recipients of the abuse. Ignoring mal intent, e.g., not hearing (Hershcovis et al., 2021), and being a 'good sport' are requirements that ignore that sexual harassment in the form of sexual jokes most often are acted out for a female audience (Nielsen et al., 2010; see also Keplinger et al., 2019; Sojo et al., 2016).

There is support in extant literature to suggest that the harm of sexual harassment lies in its content, that jokes and pranks and talk of sexuality are inherently demeaning (Quinn, 2000, pp. 1176–1177). Since managers' action, as well as non-action, towards sexual harassment has legal ramifications, there is a necessity of role-understanding for those who have power and authority through formal responsibility for social control and organisation in specific contexts (Collins, 2004, p. 73, p. 283). The current study shows that although police managers embody public values (Benington, 2015) the same values, which also come in the form of legal frameworks, may be contested from within, both by these same managers, as well as co-workers. The manager is making some attempt to discipline and thereby reinstate some order (cf. Holdaway, 1988). But by directing the reprimand towards the employee who left the computer unlocked, he simultaneously signals that the breach of safety instructions ranges higher than the gender-based harassing content of the e-mail. This represents an easy option for the manager. Something is done, but the source of the complaint is not dealt with.

Using humour as part of boundary work is related to the subversive strategies of misbehaving in organisation, where the contemporary scholarship has included sexual harassment as one counter-productive behaviour with for example bullying (Vardi & Weitz, 2016, p. 98). The contestation of values is deeply intertwined with the cultural context where managers' discretionary practices of everyday incidents of sexual harassment are played out. The police organisation has been described as a gendered organisation on individual, structural and cultural levels (Silvestri, 2017), and there is a call for research beyond 'talk' (Waddington, 1999) and aimed at organisational system and culture (Silvestri et al., 2023). As case 2 shows, there are variations in the gendered performance of the police manager role within the police (Silvestri, 2017).

The cases show that there is great practical value in how managers use their discretionary space in practice. Being a manager entails discretionary powers in how to approach employee rights and the possibility to choose an approach that reduces one's own workload. Diversity in the police workforce has also strengthened the calls for organisational reform (Bjørkelo et al., 2021; Silvestri, 2017) leaving police managers to balance competing priorities in personnel care and core tasks to a greater extent (Nordberg, 2019). Due to the cultural context of the police, power relations are potentially reproduced in practices, despite actual changes in the total sample of who makes up 'the police'. We could add that temporal structures, those who shape organisational 'life because they manifest through practices that are routinized, and continuously re-enacted over time' (Heraclues & Bartunek, 2021, p. 219) can be understood as an important part of failure of organisational change. 'Old habits' about who 'we' are can re-enforce current police management behaviour despite more balanced representation in age, gender, and cultural background, regardless of intent. 'Time' can here be said be significant both in terms of the police career model, in what is valued as worthwhile in competing daily tasks, and through different stages of organisational reform or change, and external demands to secure citizens.

The aspirations and opportunities of policewomen (or men, or non-binary) can be severely hurt by their choice of action when they experience sexual harassment. This may be understood as an 'irresolvable conflict': either be a 'misogelast', e.g., not good humoured, or subdued to enduring jocular abuse and pranks. The police managers' lack of reflection on their double position as interpreters and practitioners of employment and equal right laws is striking.

According to Berdahl (2007), the occurrence of sexual harassment may be explained by a desire to protect status. Based on this line of argumentation, sexual harassment, particularly in the two dimensions with highest frequency, may be explained and interpreted as driven by police managers 'desire to protect and enhance' their 'social status in the context of gender hierarchy' (Berdahl, 2007, p. 642). In the police, sexual harassment has been found to be a component in an inclusion-exclusion culture (Steinþórsdóttir & Pétursdóttir, 2017, 2022). In line with Berdahl, these situations require investigation and analyses of 1) which factors that predict the desire to protect social status, 2) which events are likely to trigger the desire to protect social status, and 3) which forms

sexual harassment can take depending on the actors (i.e., gender, race, age, sexual orientation) involved.

To solve epistemically murky tasks, the understanding of the phenomena is key to what action to be taken by a manager (i.e., use of discretion). Rule-applying and law in practice requires the interpretation of social actions. Our findings suggest that jocular abuse adds an interpretive layer that might heighten the degree of epistemic uncertainty. Jocular abuse thus makes it more difficult to interpret social actions and thus to address certain actions with organisational interventions. The power of definition is central. Managers must navigate these murky waters, also when incidents include humour and pranks, in both policing and other public organisations if employee and equal right laws are to be understood, implemented, and practiced.

While *Dog's world* is an example of mischievous humour, *Do you feel harassed?* is different as we interpret the staging of the narrative as an act of defiance delegitimising the experience of sexual harassment. By doing so, managers may actively make the navigational space for police officers (in this case females') experiencing sexual harassment smaller: If a joke is taken seriously, one signals one's outsider status and potentially marks one as socially clumsy, overly sensitive lacking the good-humoured nature required to 'take it as a man'. This ambiguity serves to bind the target's response, effectively short-circuiting direct complaint (Quinn, 2000, p. 1163). This makes for both walking a tight rope, and a double bind (Goffman, 1975), as 'resistance is disempowering', ultimately leading to 'paths of least resistance' (G. Williams, 2020, p. 326) for the harassed as well as the colleagues, bystanders, and fellow managers.

Conclusion

Responding to the call by Collins (2004), we find that humour functions as a cultural practice when understanding how sexual harassment policies and legislation in practice are shaped through managers' discretionary practices. Our analysis indicates that what becomes law in practice should not only be viewed as change-management but as formal and informal maintenance work in upholding norms and practices.

Our cases portrayed situations where police managers may dismiss seriousness, disregard infringements of employment and equal right laws, actively mock one's own subordinate's sexual harassment experiences as well as the content of formal court rulings and employment council decisions. The findings illustrate how understandings of what comprises legal and legitimate experiences of sexual harassment in the police, are expressed, manifested, and reinforced through the function humour has in a cultural practice. As in our cases, explicitly dismissing, or not addressing harassment in formal action, could be interpreted as a type of denial which again affects bystanders, colleagues, and fellow managers, who in our case remain silent bystanders (Greenberg & Edwards, 2009).

Like gender equality policies (Nordberg, 2019), implementing sexual harassment legislation may not be perceived as a 'core task' (i.e., getting 'good numbers/clearance rates') for police leaders (see Nordberg, 2018b). Still, lack of sustainable psychosocial working conditions may impact employees' ability to perform their work due consequences such as turnover or sickness absence. It may also lead to the attrition of certain groups of employees which one aims at recruiting (e.g., women and employees with immigrant backgrounds) (Fekjær & Alecu, 2022). The role of the manager within the police organisation is not only securing 'core tasks', but also a question of performing the role of government using the right tools or laws (Selznick, 2011), and by doing so, securing public values (Benington, 2015). We find this aspect of the police manager role neglected in the current police literature. We also show how the use of humour can function as a mechanism to preserve an existing cultural practice. Previous studies (Fekjær & Alecu, 2022) have found that few police employees quit the profession, but some employee groups leave more than others (e.g., women and personnel with immigrant backgrounds). Our findings shed light on the function humour can play in preserving

existing cultural practices. The same cultural practices that can pull police employees into social cohesion can, when applied inattentively from police leaders simultaneously push some police employees out. Expressing and acting on the employment and equal right laws of safe workplaces might be downplayed if it is not understood as vital to securing operational capacity. This can in the long run be a costly choice as organisational stress, and the accompanying costs of attrition, turnover and sick leave, thrive in workplaces where psychosocial work environment issues are neglected.

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