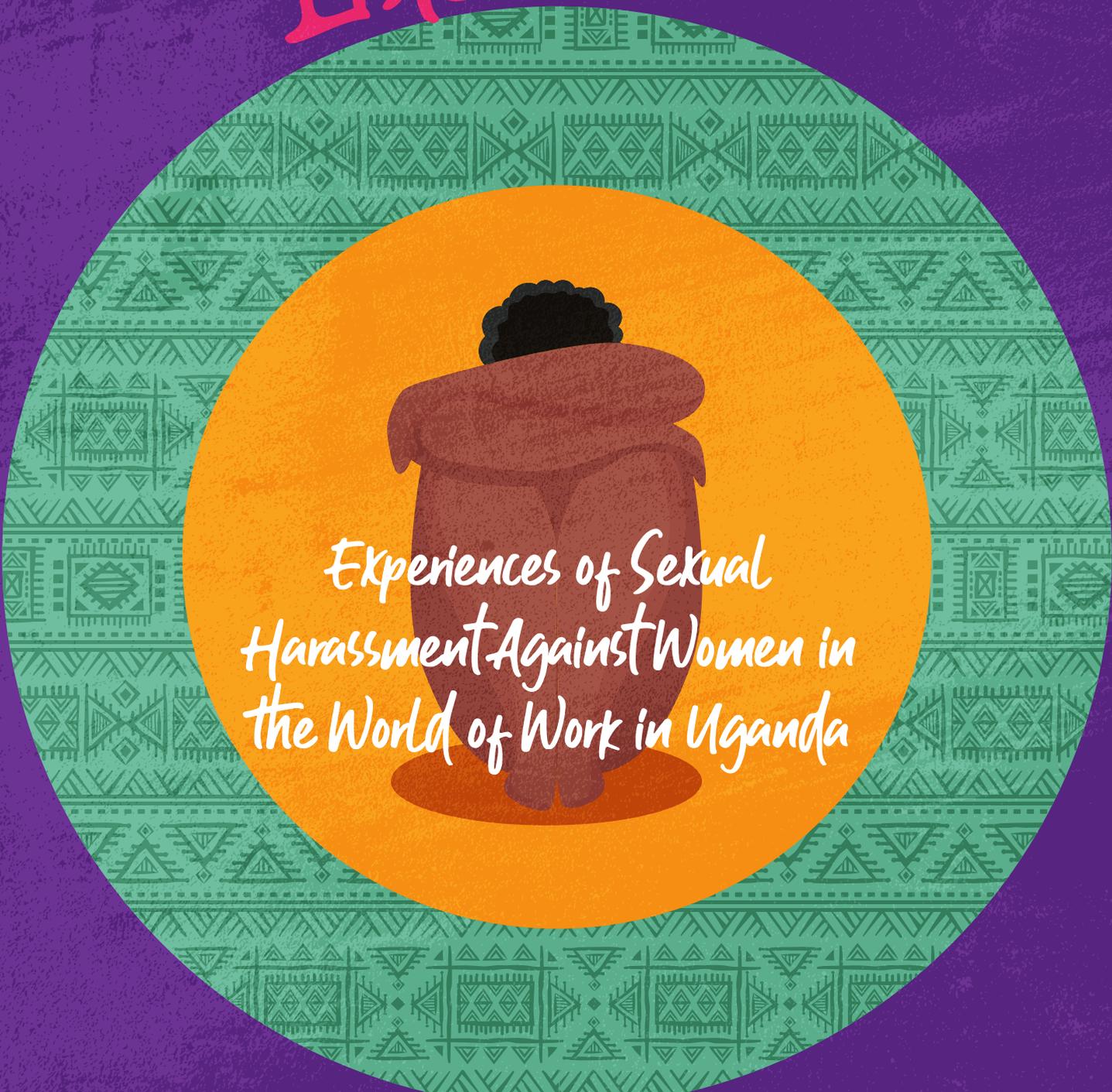


Tusikize

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Experiences of Sexual
Harassment Against Women in
the World of Work in Uganda



Acknowledgements



Developed by Ashanut Okille for Akina Mama wa Afrika

Research Assistants: Fionah Komusana and Andrea Rodriguez

Editorial: Leah Eryenyu

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Acronyms



AMWA	Akina Mama Wa Afrika
CEDAW	Convention on the Elimination of All Forms of Violence Against Women
CRC	China Railways Corporation
GBV	Gender Based Violence
FGD	Focus Group Discussion
KCCA	Kampala City Council Authority
KII	Key Informant Interview
MGLSD	Ministry of Gender, Labour and Social Development
PTSD	Post-Traumatic Stress Disorder
UDHS	Uganda Demographic Health Survey
UHRC	Uganda Human Rights Commission
UN	United Nations
UNGA	United Nations General Assembly
SH	Sexual Harassment

Executive Summary



Discourse on sexual harassment has captured the public imagination, both globally, regionally and nationally. The Me Too Movement which was started by Tarana Burke in the United States and gained worldwide prominence in 2017 after a string of high level male executives were accused of sexual harassment is largely credited for driving this discourse and reckoning. In Uganda, while recognition of sexual harassment as a violation is encoded in law, public views about sexual harassment are still largely dismissive of women's experiences and concerns. The high profile cases that have been reported by the press have not ignited a conversation that has been sufficiently sustained, nor has it led to any significant reforms.

This study on sexual harassment in the workplace sought to generate evidence to inform the design of meaningful and effective laws, policies, and interventions to stem SH. Specifically, it looked to document the voices and experiences of women looking at the common characteristics of how sexual harassment manifests, how it is perpetuated and experienced across lines of industry, occupation and social status and how it has impacted lives of women. The study targeted three sectors predominated by women workers; banking, urban markets and flower farms. Anecdotal evidence and previous research had flagged these sectors as potentially rife with sexual harassment. The study was also anchored to evidence that sectors with that have few women in positions of leadership tend to harbor and cultivate cultures that enable sexual harassment.

Study Findings

The study found that women in banks, markets and flower farms shared similar experiences of SH. Across the board, there was deliberate normalisation of SH as part of the work place and there was pressure to conform to the culture of SH. Women who resisted were talked down to by other women who essentially told them to grow up and accept the circumstances. Others were told that they would not advance in their careers if they did not accept sexual propositions thrown their way. Although the kinds of sexual harassment varied very slightly across the sectors, all sectors examined showed that SH is a harmful workplace behaviour. Manifestations of SH reported includes; persistent solicitation for sex through phone messages, physical propositioning, physical touch and verbal harassment. This suggests that social class and status did not particularly mitigate the likelihood of being sexually harassed. Women in banks and markets who engaged with clients the most also reported SH from that group. At flower farms, new recruits, and women who were not well off financially were reported to be more vulnerable to SH.

The study found that a number of factors contribute to enabling SH in the workplace, and maintaining impunity by emboldening perpetrators and silencing survivors of SH. A lack of institutional policies to respond to SH were reported in some areas, specifically markets. However, even with the existence of policies and structures, women were continually frustrated when they tried to report cases of SH. In some instances, Human Resource Managers to whom the cases were reported were friendly with perpetrators which meant they could not be held to account. Women were afraid of being blamed for reporting, and feared being seen as betraying their colleagues. Others did not want their spouses to know about the abuse they suffered because they felt that it would ruin their marriages. Evidentiary requirements needed to prove SH also made it difficult for women to build a case against a perpetrator. Women said that while the abuse was occurring, it was difficult to have the presence of mind to record an incident. It therefore became a case of a woman's word against a perpetrator. Women also felt conflicted about past sexual consensual relationships with their abusers which could be used to discredit their cases of harassment, when the attention became unwanted. Women in markets specifically reported a lack of female leadership to report cases to as a deterrent to reporting.



An analysis of the legal and policy framework on SH showed glaring gaps in dealing with sexual harassment. For example, the Employment (Sexual Harassment) Regulations, 2012 which is the instrument charged with enumerating on SH and recommending penalties limits the application of sexual harassment policies to workplaces that have at least 25 employees, which leaves a large swathe of Ugandan workplaces unprotected.

This study did find some good practice on sexual harassment for a number of workplaces, including road construction projects. Good practices included things such as not only availing sexual harassment policies but being deliberate about training new employees and giving refresher trainings on SH. A commitment from top management on zero tolerance on SH appeared to influence workplace culture on the same. Flower farms were also identified as providing good practice of using the structure of the Gender Committees to deal with cases of SH as it is employee-led. When resolution of cases fail at this point, then they are transferred to Human Resources.

Recommendations

A number of recommendations were fielded for workplaces, the government, and civil society. Recommendations for the government include but are not limited to; reviewing the legal and policy framework on SH to close existing gaps; ratification of the ILO Convention on violence and harassment at work which will in turn compel national legislation to be in sync with this progressive instrument on workplace harassment; fast track passage of the Sexual Offences Bill, 2019 to provide complementary support to the sexual harassment regulations on penalties and more serious sexual offences, and adequately equipping the Ministry of Gender Labour and Social Development, specifically the Labour Offices to have structures able to respond to SH. Recommendations to banks, flower farms and other businesses include; development and dissemination of SH policies, providing space to promote women's leadership, building transparent and trustworthy reporting mechanisms, and ensuring physical security within the workplace.



1 Introduction



Over the past couple of years, there has been increased attention and public discussion about sexual harassment, its pervasiveness and impact, particularly on women at work. Largely catalysed by the ‘Me Too’¹ Movement that gained momentum in the United States in 2018, and fuelled by access to various forms of media, the topic of sexual harassment, especially of women is on centre stage e.g. in discourses on socio-economic empowerment of women, gender equality and women’s rights in general. The difference between the discussions today and those in the past, is the greater recognition of the negative impacts of SH and why it must be addressed in order to have more effective women’s leadership and overall productivity and development, and effectiveness of companies and organisations.

In addition, over the past year, fuelled in part by global and regional discussions, on SH, for instance in response to a BBC exposé on sexual harassment in Nigerian universities, as well as national discussions about SH in schools, and recent allegations of SH against a senior official in the Ministry of Justice in Uganda, there is increased awareness and attention to SH at work. One common thread is the lack of ‘evidence’, as well as often times, the denial or trivialisation of women’s experiences. This study seeks to contribute to evidence by sharing women’s lived experiences and giving them voice-so that they can be heard.

1.1 Background

Akina Mama wa Afrika (AMWA) is implementing the Women@Work Campaign, an initiative supported by Hivos, that seeks to propel decent working conditions for women who earn their living in global production chains most notably flowers, fruits and vegetables grown for export. The campaign works with businesses, governments and civil society actors to enforce change for women workers to secure fair wages, participate in decision making, gain leadership at management level and in trade unions, as well as attain safe and secure workplaces without sexual harassment. Sexual Harassment (SH) was flagged as one of the key issues impacting women in the world of work, mostly manifesting in a quid pro quo manner; with women expected to give sexual favours in exchange for jobs and promotions. Hence, the need for this study.

The Overall Objective of the Study was: To generate evidence-based research to inform the design of meaningful and effective laws, policies, and interventions to stem SH. The specific objectives were:

- To review existing research on sexual harassment and harvest what has been learned over time;
- To document the common characteristics of how sexual harassment manifests, how it is perpetuated and experienced across lines of industry, occupation and social status and how it has impacted lives of women;
- To document and analyse available systems of reporting and redressing sexual harassment in the workplace.
- Make recommendations about what suitable interventions/responses are required in light of research findings.

The study will focus on the experiences of women with SH in three sectors; (i) flower farms, (ii) banking sector, and (iii) women vendors in markets

¹ The ‘Me Too’ Movement is a movement against sexual harassment and sexual assault that was founded in 2006 by Tarana Burke to help survivors of sexual violence, particularly Black women and girls, find a pathway to healing. What started as local grassroots work has expanded to reach the global community; aiming to raise awareness of the prevalence and impact of sexual violence.



2 Study Framework



2.1. Study Focus

The study is comprised of three parts: (i) analysing different understandings and experiences of sexual harassment, including risk factors and drivers (ii) analysing existing mechanisms and Uganda's legal framework, and (iii) recommending best practices to more effectively address sexual harassment in the workplace;

- **Analysing different understandings and experiences of sexual harassment, including risk factors and drivers.** The analysis of different understandings and experiences of sexual harassment commenced with an exploration of various understandings amongst the respondents on what constitutes sexual harassment. The study also obtained information during interviews with respondents on their perceptions of the prevalence of sexual harassment, and the form it takes. The final aspect of the analysis will be identifying and understanding the risk factors and drivers for sexual harassment. The factors identified included internal (within the workplace) and external factors i.e. the external environment.
- **Analysing existing institutional mechanisms to address sexual harassment.** The mechanisms in the three sectors were assessed through an initial literature review of relevant human resource policies, and grievance handling policies and guidelines.
- **Recommendations on best interventions or best practices that effectively address sexual harassment in the workplace.** The report provides recommendations on how to establish and/or strengthen existing policies, structures, mechanisms and practices. These recommendations are context sensitive, draw on recommendations from respondents, align with the legal framework and also draw on best practices from similar corporations and/or projects, as well as international agencies. Recommendations will include actions to prevent, deter, as well as address sexual harassment when it occurs.

2.2. Study Methodology

Overall approach: The study primarily relied on qualitative approaches of data collection. The emphasis of the study is to enhance understanding of SH, and qualitative approaches were the most appropriate in this regard. Qualitative approaches widely recognized as the method of choice for generating insight into complex phenomena, the contexts in which they occur, and their consequences. The approach also gives a voice to perspectives that tend not to be heard or to those with experiences that have few precedents in prior research.

Data Collection Tools: Two sets of data collection tools were used to collect the relevant data. These are: a) discussion guides for the Key Informant Interviews (KII) and b) discussion guides for the Focus Group Discussions (FGD). The tools assessed existing mechanisms, as well as included aspects identified as critical to any assessment of the causes of sexual harassment and of its outcomes;² namely,

² United States Army Research Institute for the Behavioral and Social Sciences, 'Best Practices in Sexual Harassment Policy and Assessment', 2005



(i) the perpetration of the behavior, (ii) the tolerance of sexual harassment, (iii) the appraisal of a given behavior as sexually harassing, (iv) the willingness to report sexual harassment, and (v) the degree of negative impact of the sexual harassment.

Study Respondents: The study comprised of interviews with 29 respondents that included women who work with flower farms (in various departments), women who work in banks, (in different departments), women who work in markets (in different departments), human resource managers and staff from key response institutions.

Data Analysis: The analysis involved a critical review of information gathered to identify answers to the survey objectives. Qualitative data from literature review, FGDs, and KIIs was manually consolidated and analysed using content and interpretive techniques. This information was scrutinized to identify themes or patterns then further organized into coherent categories from which conclusions were drawn. Quantitative data was also obtained from existing studies and reports, and corroborated during interviews.



3 Definitions & Legal Framework



What is Sexual Harassment (SH)? Sexual Harassment refers to intimidation, bullying or coercion of a sexual nature, or the unwelcome or inappropriate promise of rewards in exchange for sexual favors. More specifically, this study will work with the definition of sexual harassment in the **Uganda Employment Act 2006**, section 7 which **defines sexual harassment in employment** to occur when an employee's employer or representative of the employer; (a) directly or indirectly makes a request of that employee for sexual intercourse, sexual contact or any other form of sexual activity that contains: (i) an implied or express promise of preferential treatment in employment; (ii) an implied or express threat of detrimental treatment in employment; (iii) an implied or express threat about the present or future employment status of the employee; (b) uses language whether written or spoken of a sexual nature; (c) directly or indirectly makes a request of that employee for sexual intercourse, or sexual intimacy; (d) uses visual material of a sexual nature; (e) shows physical behavior of a sexual nature which directly or indirectly subjects the employee to behavior that is unwelcome or offensive to that employee and that, either by its nature or through repetition, has a detrimental effect on that employee's employment, job performance, or job satisfaction.³

Box 1: Types of Sexual Harassment



There are two types of SH, (i) Quid pro Quo, and (ii) Hostile Environment.

Quid pro quo (meaning "this for that"): SH occurs when it is stated or implied that an employment decision depends upon submission to conduct of a sexual nature. For instance, a promotion or positive appraisal.

Hostile environment: SH occurs when unwelcome conduct of a sexual nature creates an intimidating, threatening or abusive working environment or it is so severe, persistent or pervasive that it affects a person's ability to work.

There are four main forms of sexual harassment;

(i) Verbal: Includes name-calling, whistling/catcalls, obscene phone calls, sexually explicit jokes, comments about people's bodies, innuendo about sexual behaviour, threatening or pressuring someone for a date or sex.

(ii) Written: Includes sexually explicit letters, notes, or graffiti.

(iii) Visual: Includes sexually explicit cartoons, pictures, or pornography, wearing t-shirts with offensive messages or images, gestures like licking one's lips or grabbing one's crotch.

(iv) Physical: Includes unwanted physical contact of a sexual nature, for example grabbing, pinching, groping, brushing up against someone, and unwanted hugs or kisses.

³ Section 7, Uganda Employment Act, 2006



In Uganda, sexual harassment constitutes a violation of a person's fundamental human rights protected under the **Bill of Rights in the 1995 Constitution of Uganda**. This includes; violation of a person's right to privacy⁴, personal dignity and integrity⁵, security of a person, freedom from discrimination⁶, and labour rights i.e. right to work under satisfactory, safe and healthy conditions.⁷ The Uganda **Penal Code Act**, provides that any person who intends to insult the modesty of any woman or girl, utters any word, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen by such woman or girl, or intrudes upon the privacy of such woman or girl, commits a misdemeanour and is liable to imprisonment for one year (Section 128 (3)).

Nevertheless the **Uganda Gender Policy, 2007** recognizes sexual harassment as a form of Gender- Based Violence that is of critical concern to gender equality and women's empowerment in Uganda. The **National Policy on Gender Based Violence, 2010** seeks to address Gender-Based Violence in all its forms (including sexual harassment) as an integral part of achieving gender equality. Similarly, the **National Action Plan on Elimination of Gender Based Violence 2016-2021** recognizes that Gender Based Violence (GBV) in the field of work manifests itself in the form of sexual harassment.

Uganda is also party to international frameworks that have clearly defined and encouraged State parties to address SH. The United Nations (UN) and regional treaty systems have recognized SH as a form of discrimination and violence against women. Specifically, the **United Nations General Assembly (UNGA) Declaration on the Elimination of Violence Against Women** defines violence against women to include SH, (Art. 2(b), and encourages development of penal and administrative sanctions, as well as preventative approaches. The **Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)** directs States Parties to take appropriate measures to eliminate discrimination against women in all fields, including the workplace. Specifically, **General Recommendation No. 12 (1989)** made by the CEDAW Committee recommends to States that they should include in their periodic reports to the Committee information about legislation in force to protect women against the incidence of all kinds of violence including SH at the work place. The **Beijing Platform for Action para. 178**, recognizes sexual harassment as a form of violence against women and as a form of discrimination, and calls for the enactment of laws on sexual harassment. The **International Labour Organization (ILO) Convention No. 111 of 1958**, the Discrimination (Employment and Occupation) Convention, and **No. 169, the Indigenous and Tribal Peoples Convention** also specifically prohibit sexual harassment in the workplace. **Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)** obligates State Parties to take appropriate measures to protect women from all forms of abuse including SH.

The World Bank's "Women, Business and the Law 2018" report found that 59 out of 189 economies had no specific legal provisions covering sexual harassment in employment.¹ More broadly, the ILO in its 2016 meeting of experts noted that gaps in legal protections relating to violence and harassment in the world of work include: lack of coherence in laws; lack of coverage of workers most exposed to violence; and an overly narrow definition of "workplace." It also observed that criminal justice approaches are not sufficient for responding to sexual harassment and bullying and that an employer's general duty to protect the health and safety of workers often excludes protection from violence.

Uganda has legislation on sexual harassment, specifically the Employment Act, that requires employers, employing more than twenty-five (25) employees, to put in place measures to prevent sexual harassment occurring at their work place.⁸ Such preventive measures are elaborated under the Employment (Sexual Harassment) Regulations, 2012 (detailed provisions in regulations are provided in Annex I). Such preventative measures include:

- (i) Obligation to adopt and disseminate a sexual harassment policy (Regulation 3)
- (ii) Designate a person responsible for sexual harassment complaints (Regulation 8)
- (iii) Duty to establish a sexual harassment committee (Regulation 10)
- (iv) Sexual harassment complaint handling procedure (Regulation 12)

4 Article 27 guarantees right to privacy of person including non-interference of person's property.

5 Article 24 - No person shall be subjected to any form of torture or cruel, inhuman or degrading treatment or punishment.

6 Article 21 (1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

7 Article 40 provides for the right of persons to work under satisfactory, safe and healthy conditions to be protected under law.

8 Section 7 (4), Employment Act 2006



- (v) Recourse to judicial remedy (Regulation 14)
- (vi) Principles of complaints procedure. (Regulation 15) that include thoroughness; impartiality; timeliness; gender sensitivity; social dialogue; discretion; confidentiality; and the right to privacy of the victim of harassment.
- (vii) Provision of protection measures (Regulation 17)
- (viii) Offences and penalties: those who contravene the sexual harassment related provisions commit an offence and are liable, on conviction, to a fine or imprisonment.

The Employment Act, 2006 also provides for a sexual harassment complaints procedure. The complaint is received by the Labor Officer or Labor Commissioner, who is in charge of dealing with the complaint at the labor tribunals. In case of deadlock in the regular complaints' procedure, the Regulations stipulate that the case shall be referred to the Industrial Court, that falls under 'The Labor Disputes (Arbitration and Settlement) (Industrial Court Procedure) Rules' 2012.

There are three main challenges with the SH legislation in Uganda:

- The law envisages for only institutions with over 25 employees to put SH prevention measures in place. The majority of workplaces /businesses in Uganda are in the informal sector, and are small and medium size businesses, most of which do not have more than 25 employees. The current legislation would therefore not apply to them.
- The legislation by defining a workplace as one with over 25 employees, by implication narrows the definition of workplaces to formal spaces. This leaves out the majority of workplaces that are in the informal sector. Furthermore, there are scores of businesses, even in the formal sector that have less than 25 employees. This arbitrary threshold also suggests that SH only because a severe enough problem that merits resolution when it affects employees in a large work environment.
- Whilst the Employment Act and regulations provide the legal framework to address SH, the structures and resources required to ensure enforcement are inadequate.
- The Employment Act defines a perpetrator of SH as an employee who has authority over the person alleging SH or has authority in the workplace. This definition suggests that someone of the same rank cannot perpetrate SH against a co-worker because they presumably do not have power over them and assumes that power can only be acquired through positional leadership. Imbalance in power relations between genders means that men in the same rank as women, and sometimes even a lower rank will have the power and by extension the entitlement to sexually harass women.

It should be noted that in June 2019, recognizing that sexual harassment is incompatible with decent work, the ILO adopted Convention 190 on eliminating violence and harassment in the world of work to provide a global standard for violence free workplaces. The Convention expands the scope of the world of work and by the same stroke, the protections that workers enjoy work taking into consideration violations occurring in the course of, linked with or arising out of work.⁹

This offers protection to women in the informal sector against sexual harassment in contrast to Uganda's current employment law whose scope can be interpreted to be limited to the formal sector. The ratification and domestication of this convention is critical to inform review of the current legal framework for expansion of the definition of workplaces, and to specifically provide for protection of women in the informal sector.

⁹ Art 3, C190- Violence and Harassment Convention, 2019



4 Context: A ‘Normalised Culture & Practise’



“... You are big (adult) women... what do you fear?..”

Female Market Vendor narrating the market manager’s response to concerns raised about SH against women who work in the market

The statement above reflects the general attitude towards SH in some of the institutions visited. SH is seen as normal and something that is expected, that women should be able to deal with, since they are adults. It trivialises the experiences and consequences of SH and is dismissive of women’s concerns in this regard. Even in institutions where policies, regulations and/or mechanisms exist to address SH, the practise persists, largely because SH is seen as normal by both men and women; and it is accepted that responsibility of ‘dealing with it’ lies with the woman. In a discussion with respondents who work in the banking sector, when asked about how they deal with incidents of SH, they used the following statements;

“... it is the way things are done here...”

“... we die with it...”

“... we take it in our own hands...”

The exact magnitude of SH occurring in the workplace in Uganda remains unclear due to lack of statistics or absence of a designated database by responsible oversight institutions. Whilst anecdotal evidence suggests that sexual harassment at the workplace is very common and widespread – the prevalence rate remains unclear as many incidents are not reported. One study¹⁰ carried out in three districts¹¹ with 1,437 respondents found that three in five women (58%) had experienced some form of sexual harassment by their employers. Women who had sexual encounters with their bosses constituted 26%, and were less likely to be fired or demoted even if they were underperforming. The study further found that many companies in Uganda either do not have specific policies in place to address sexual harassment in their work environment, or do not have the scope within other employment policies and procedures to deal with the problem should it arise.¹²

4.1 Experiences of Sexual Harassment

This study focused on three sectors: Floriculture, Banking and Urban markets, and demonstrates that the women are from different socio-economic classes and backgrounds and yet the problem of SH cuts across class, tribe and standing in society. This is because at the end of the day, Uganda is a patriarchal society where women’s bodies are viewed as open for consumption by society. Patriarchy is a social system in which men hold primary power and predominate in roles of political leadership, moral authority, social privilege and control of property, while the women are subjugated. Patriarchy informs traditional beliefs and customs as well as practices, including the nature of relationships and power dynamics between women and men in the workplace. The culture and systems generally see to it that men are treated as more superior beings, whose every whim needs to be pleased. Men are the heads of homes, clans, and communities. Most of the heirs

¹⁰ Youth Crime Watch Uganda Study, ‘Effects of Sexual Harassment at the Workplace: a Ugandan Case Study’, carried out in 2008 targeting Three districts Kampala, Entebbe and Mukono

¹¹ Uganda had 112 districts in 2008

¹² Only 13% of the respondents were aware of the policies in their workplaces that protect individuals from SH



of property are men. And in many institutions, most of the boardrooms and top seats of companies are occupied by men. As long as women are not given equal opportunities, and are perceived as second-class citizens, whose job is to ensure that the men are given what they want at whatever cost, the unfair treatment and harassment will continue.¹³ This context not only breeds SH, but all other forms of GBV. GBV in Uganda is widespread, occurs in families, communities, workplaces and institutions, and affects all people irrespective of their social, economic and political status.¹⁴

4.1.1 Floriculture Sector

The agriculture sector is a key part of the Ugandan economy that employs most of the labour force and accounts for 26% of the GDP and 54% of the total export earnings in 2019/2020.¹⁵ Floriculture is a branch of horticulture that is concerned with the propagation of ornamental plants, specifically focusing on flowering plants. Uganda started growing flowers as a commodity in 1992,¹⁶ and it is one of the fastest growing segments of the agricultural sector employing mainly youth and women. The flower farms had a total of 7,335 employees by end of May 2020, and 70% of the employees are women. Uganda's National Development Plan (NDP II) prioritised the flower subsector as one of the 5 top major cash crop export drivers for the period 2015/20. The flower sector generated 55 million dollars in export earnings in 2018 compared to 40 million US dollars in 2015.¹⁷

Currently Uganda has about 15 farms involved in the flower industry and registered with the Uganda Flowers and Exporters Association (UFEA), that there were more than 19 companies that were registered with UFEA. These companies are involved in flower growing and export activities. Out of these companies, three are wholly-owned subsidiaries of Dutch multinationals (Fiduga, Wagagai, Royal Van Zanten Ltd), Fiduga is further divided into two trading subsidiaries. All the five firms get their funds from the Netherlands while on the other hand, five of the registered firms with UFEA are joint ventures with Ugandans and various foreign interests and nine are 100% Ugandan owned. Most of the farms grow and export their produce, with the exports being mainly to Europe, especially the Netherlands, United Kingdom, Germany and Italy.¹⁸ The top three leading companies in the flower sector earn between \$10 million and \$25 million while 8 players earn between \$10 million and \$5 million.¹⁹ The flower industry is considered a growing industry in Uganda. In 2014, Uganda exported 4759 tonnes of rose flowers and 2051 tonnes of rose cuttings.²⁰ 2015/16 however saw a decrease in the export of flowers in favour of rose cuttings on account of stiff competition from Kenya and Ethiopia. The flower industry is organized under the Uganda Flower Exporters Association (UFEA), however, a study found that stakeholders in the sector perceived UFEA's capacity as weak and recommended for strengthening its coordination and advocacy capacity.²¹

A Gender Scan undertaken by the Uganda Workers Education Association (UWEA) in 2019 indicated that the major flower companies have developed and/or are developing policies and procedures on SH. This is largely as a result of interventions by NGOs (through partners of the women@work campaign), as well as Fair Trade requirements. These companies have also done some awareness raising about these policies, though it is not always consistent nor does it reach all the workers. There are however concerns about how accessible the policies are in terms of language and presentation. The Gender scan report also noted that not all flower farms have distributed copies of SH policies availed to them through the women@work campaign. In addition, whilst structures have been put in place to address incidents of SH, these structures are not always effective for instance some of the companies have male human resource officers that not all women are comfortable reporting incidents of SH to, and in some instances, committees have been put in place but do not have women representatives. Another key challenge is translating the content of the SH policies into changed behaviour.

¹³ See, Daily Monitor Editorial 'Review law on sexual harassment', dated Tuesday November 22 2016 accessed online at <http://www.monitor.co.ug/oped/editorial/review-law-on-sexual-harassment/689360-3459828-ptaybyz/index.html>

¹⁴ Uganda National Action Plan on Elimination of Gender Based Violence 2016-2021

¹⁵ National budgetary framework paper 2019/20

¹⁶ Rose Gaway, 'Uganda Baseline Report: Women's Rights in the Horticulture Industry' June 2016, p.8

¹⁷ https://www.newvision.co.ug/new_vision/news/1516644/uganda-flower-exports-exceed-sh200b

¹⁸ Rose Gaway, p.8

¹⁹ Supra Note 2

²⁰ Rose Gaway,

²¹ Rose Gaway ibid



The flower farm workers who participated in this study mentioned that their farm has SH policy and procedures, and they mentioned that they knew of a few cases where individuals had been reported for SH and had been punished, either by suspension or dismissal. They also mentioned that their Human Resources team is sensitive and responsive to any reports of SH. In addition, the flower farm has established a number of committees that have representation of women, and , there is a specific committee that addresses concerns that the female workers may have, including SH. There have been some efforts to create awareness about SH at the farm, and this has led to increased consciousness both by male and female employees. For instance, some of the women said they only got to know that SH is wrong after a training they received, otherwise, they considered it to be a normal and acceptable practise that women had to deal with. However, despite these policies and structures, SH persists. According to one of the respondents who holds a leadership position on one of the committees, “... we hear rumours about incidents of SH, but women do not come and report. I have talked to the new employees and other women, but they fear...”

The respondents shared that women who are most susceptible to SH are the new and younger staff like the pickers in the harvesting department of flower farms, and then those who are economically vulnerable and so have no recourse but to give in to the harassment. The respondents identified the key forms of SH as: persistent solicitation for sex through phone messages, physical propositioning, physical touch and verbal harassment.

There were four main reasons provided for women not formally reporting incidents of SH:

Patriarchal culture that is permissive of SH: A key factor that may reduce the likelihood of reporting sexual harassment is a highly male dominated organization and patriarchal culture. In very patriarchal work cultures, some men use SH as way to subjugate women and women for fear of retaliation play along with sexual harassment. Women may even start to adopt the same behaviors as men to fit in and be “one of the guys.” This creates an irony that women may be ignoring or down playing sexual harassment to gain access to the “boys’ club” while men are using sexual harassment to keep women out.

Evidentiary requirements: The respondents expressed the concern about the evidentiary requirements for SH. They mentioned that very often the incidents happen in seclusion and there are no witnesses. They were also concerned that if the case were reported, and it came down to their word or the word of the man in question, then they thought that the men’s version would be taken over theirs.

Fear of Victim Shaming and/or Blaming: The other reason that respondents gave for not reporting incidents of SH was the fear of victim shaming and/or blaming. They were concerned that their fellow employees would stigmatise them and even blame them for reporting what could be considered ‘simple things.’ A number of the respondents also emphasised that they would not report incidents of SH because they were afraid of implications for their marriages. Specifically, if they thought their husbands would either get upset with them, and even ask them to stop working.

Economic vulnerability: The respondents stated that their economic vulnerability often led them to succumb to unwanted sexual advances and other forms of SH. In particular, the women in the flower farms whose institutions have clear policies on SH, have taken action on SH incidents, and have also provided platforms for them to lead and express themselves, also mentioned that their economic situation often makes them vulnerable. They pointed out that often times, they will accept a man’s sexual advances if he offers her money. According to one respondent;



“... you know the situation nowadays. It is women who are responsible for looking after families. We have to pay the bills, pay schools fees and make sure that our children are fed, this is whether or not you have a husband. So we always need money, especially just before children go back to school. So if a man is making sexual advances and gives me money, then I will give in, because I do not have any other access to money... However, if he continues with his advances and I am no longer interested, then I am afraid to accuse him of SH because I took money from him the first time, and I am also afraid that the he will tell my husband...”



When asked about opportunities to access salary advances and/or other loans from the company, the respondents mentioned that whilst they used to have access, this is now a lot more difficult. The company has placed a number of conditions including having a guarantor, providing medical forms and/or death certificates, where applicable, in order to obtain a loan. The respondents mentioned that these conditions were cumbersome. These conditions also apply to access to funds from their own savings. They mentioned that they understand the need for some conditions, and recommended that the stringent conditions could be applied to loans of higher amounts.

This experience demonstrates that providing women with voice and opportunities for leadership, and yet not listening and addressing their structural concerns, and not fostering their economic independence still renders them vulnerable to SH.

4.1.2 The Banking Sector

Uganda's financial system is composed of formal, semi-formal and informal institutions.²² The formal institutions include banks, micro-finance deposit taking institutions, credit institutions, insurance companies, pension funds, development banks and capital markets. The banking sector has 25 commercial banks, 3 credit institutions, 3 micro-finance deposit-taking institutions, 203 forex bureaus and 58 money remitters.²³ Commercial banks have an estimated total of 565 branches around the country, and an asset base of UGX 30.3 trillion shillings. This is coupled with over 11000 banking agents around the country, according to the Uganda Bankers Association. Bank of Uganda is responsible for supervising, regulating, controlling and disciplining all financial institutions in Uganda, which mandate is a statutory one, granted by the Bank of Uganda Act. There is limited information on the employment dynamics in the banking sector. However, research shows that the banking sector is female dominated.²⁴ Despite this domination, women are still under represented in management and more so at the senior management levels.²⁵ Out of the 25 bank CEOs in Uganda, only 3 are women, the most recent being Anne Juuko, who was appointed head of Uganda's largest bank, Stanbic.²⁶

The most persistent forms of SH that women employees in banks face are (i) persistent solicitation for sex through messages (ii) physical propositioning (iii) physical touch and (iv) verbal harassment. Regarding the physical propositioning, a respondent from a bank shared her experience as follows;



"...one of the senior managers asked me to sleep with him and I refused. He then used to make suggestive remarks and I would ignore him... and then I would overhear colleagues say- 'what is up with this girl, who does she think she is? When I applied for promotion a couple of times, I did not pass the interviews and someone on the panel mentioned to me that I had failed the interview because of subjective reasons and told me that the word was, I do not come along easily.... Another senior manager told me that if a particular senior manager was on any panel, I should never expect to pass the interview. I still continue to work and do my best, but it is very frustrating."

Whilst most of the respondents (98%) interviewed had experienced SH, they pointed out that those who are most susceptible are employees who have regular interaction with male clients like bank tellers; those seeking promotion and/or transfers; and those that are economically vulnerable.

²² Sophia Kironde, 'Overview of the Financial Sector in Uganda' March 2015 Available at <http://www.comcec.org/wp-content/uploads/2015/07/Uganda1.pdf>

²³ Ibid

²⁴ Rozalyne Akinyi, 'Career Progression of Women in the Banking Industry Sector: Case Study of Standard Chartered Bank Kenya' 2012 Available at http://erepository.uonbi.ac.ke/bitstream/handle/11295/76503/Akinyi_Career%20Progression%20Of%20Women%20In%20The%20Banking%20Sector%20The%20Case%20Of%20The%20Standard%20Chartered%20Bank%20Kenya%20Limited,%20Nairobi%20City%20County.pdf?sequence=3

²⁵ Rozalyne Akinyi, p.4 A simple survey of Stanbic Bank indicates a fairly large number of women in the leadership positions in the bank. The Stanbic Board has 11 members, 5 of whom are women. This is coupled with other women in senior management positions in the bank such as head of operations, head legal and corporate secretary. This is specific to Stanbic Bank and cannot be said to the case across the other 24 banks in the country.

²⁶ 'Stanbic names first female CEO' March 2020 Available at <https://www.cnbcfric.com/news/east-africa/2020/03/02/stanbic-bank-names-anne-jukko-as-its-first-ugandan-female-ceo/>. The others are Sarah Arapta, CEO Citibank and Anne Nakawunde Mulindwa, CEO Finance Trust Bank.



The study found that one of the banks did not have a clear policy on SH, and for the one that did, staff were not aware of the policy.

Lack of institutional policies and/or mechanisms to address SH: Where there are no institutional policies and/or mechanisms to address SH, it occurs unabated. The study found that in one bank, there was no comprehensive policy on SH, what exists is a short paragraph in the human resource documents.

However, even where policies exist but are not known by the staff, SH is accepted practise. One respondent from a bank shared the following experience;



"When I had just joined this bank, someone asked me if I am from a certain part of the country, and when I said no, I was told 'I wonder how you will manage working in this bank, or even get promoted'. When I asked why, I was told that it is known that women from my part of the country do not open their legs, and so miss out on opportunities. Indeed, I got challenges in my work and at some point one of the bosses whose sexual advances I refused sent me to work in branch with very little business and he told me 'you will suffer in that branch.' I was new, did not know if we had a SH policy, and did not even know who was the head of human resources in the bank."

The respondents all acknowledged that because of social cultural traditions and/or practices, there are people (men and women) who do not know what SH is, the consequences, and that it is wrong. For instance, some of the women said they only got to know that SH is violation after a training they received, otherwise, they considered it to be a normal and acceptable practise that women had to deal with.

Where policies exist, and there is lack of accountability: Where policies exist and have not been tested, or where they have been tested and the response inadequate, then staff will not trust them or use them. In one of the banks, the respondents stated that they did not trust the system nor the staff in the human resources departments, and mentioned that the human resources staff do not treat their concerns as confidential nor take their concerns about SH seriously. In some instances, the respondents mentioned that the human resources staff are close colleagues and/or friends with the people against whom claims of SH are made. One respondent who works with a bank narrated her experience of reporting incidents of SH to an unresponsive human resources team;



"I have experienced SH. There was a manager in one of the branches that I worked at who was interested in me, but I was not interested in him. He then decided to make my life at the bank very difficult. For instance, if I was even 5 minutes late for work, he would send an email and copy everyone in the branch and ask the IT department to deactivate my access to the bank computer and data. He would berate me in front of other employees and would always find fault with my work and kept reporting me to disciplinary committees. So I decided to share my concerns with the human resources team and report the matter. However, it seemed like the more I reported, the bolder he got. He even told me that he knew that I kept reporting him, and he asked me 'who do you think is your Godfather in this bank?... I will sit on you, you will stay in this position and never move...' One time he sent me an email in which he stated that he would vomit me out of the company. When I got the email, I thought that it was a good thing because I now had tangible evidence that he was deliberately making my life and work difficult. However, when I shared the email with the human resources team, I was told that the statement was not evidence of harassment, but that it was a Biblical expression.... They did nothing about it, even after I said I was ready to move to any branch upcountry... so I gave up. With time he killed my energy and I just stopped fighting... But I think that someone finally heard my cry and pleaded on my behalf for human resources to move me. So, after six (6) very hard years of working with that man, I was moved to another branch. I worked in the new branch for eight (8) months, applied for a promotion, and got it."

Where there is no accountability for SH, it breeds impunity because the perpetrators know that they can get away with it.



Victim blaming and shaming: In all the interviews, the respondents referred to various forms of victim blaming and/or shaming as one of the factors that perpetuates SH. They all expressed concern about how they will be seen and/or treated by their work colleagues if they report a case of SH. They did not want to deal with the stigma and labelling that they considered would come along with reporting an incident of SH. According to one respondent from a bank, "... if you report an incident of SH, *word goes around the whole organization, people do not want to associate with you. They say that one is a 'reporter'...*"

In the discussions, some of the respondents also intimated that some of women do not send a strong enough signal to the perpetrators, and in the process 'encourage' the harassment. A few of the respondents argues that SH could stop if one had a strong and firm response to the harasser. And that those who do not have a strong response, for instance, giggling when statements that are sexually suggestive are made, were asking for it. However, this does not consider that a strong response in. situation of unequal power relations takes a lot of courage, that not all women have. Often, women will maintain what appear to be cordial relationships with their abusers in order to maintain their jobs, sources of income and survive. Furthermore, when women appear to giggle or succumb to coping, these could be coping mechanisms that they adopt when they feel powerless to change the situation.

4.1.3 Urban Markets

A market refers to a place where buying and selling of goods and services takes place. The Uganda National Physical Planning Standards define markets as 'premises for sale of consumable goods including farm produce to the public'.²⁷ Markets take various categories which include municipal markets, roadside markets, rural markets, town council markets, supermarkets and farmers markets.²⁸ The most prominent of these are the municipal markets. Kampala has about 7 major local markets that supply a host of things, but mostly food and farm produce. These markets include Nakawa, St. Balikudembe (Owino), Nakasero, Kalerwe and Wandegeya and Nakulabye markets.²⁹ These markets serve the population in and around the suburbs of Kampala. The largest market is arguably Nakasero Market. It was established in 1927 and employs over 10,000 people, mostly vendors, service providers, hawkers and traders.³⁰

People working in markets comprise what is known as the informal sector. ILO defines the informal sector as that set of economic activities characterised by relative ease of entry, reliance on indigenous resources, family ownership, small scale of operations, labour intensity, reliance on skills acquired outside formal educational system and unregulated and competitive markets. According to the ILO, an informal sector enterprise satisfies the following criteria;³¹ Firstly, it is an unincorporated enterprise, which means that it is not constituted as a legal entity separate from its owners, and it is owned and controlled by one or more members of one or more households. Further, it is not a quasi-corporation i.e. it does not have a complete set of accounts, including balance sheets. The informal sector can be divided into 2 sections³² (i)the modern informal sector where goods and services produced are similar to those in the formal sector (ii)the community of the poor, which is mostly comprised of women.

27 Draft Report of the Review of the Markets Act Cap 94 in Uganda- June 2013 Available at <https://www.ulrc.go.ug/sites/default/files/Draft%20Study%20Report%20on%20Markets%20Acts%20Review%20July22%20%202013.pdf>

28 Ibid

29 <https://steadfastsafaris.com/uganda-safari-news/local-markets-in-kampala/>

30 Will Monteith, 'A Market for the People? Changing Structures of Governance and Participation in the Ugandan Market Place' Available at https://www.researchgate.net/publication/291531381_A_'Market_for_the_People'_Changing_structures_of_governance_and_participation_in_a_Ugandan_marketplace/link/59e74733aca2721fc2308c6e/download

31 International Labour Organization, 'Informal Economy' Available at https://www.ilo.org/ilostat-files/Documents/description_IFL_EN.pdf pg. 1

32 Jane Nalunga, 'Women Employees in the Informal Sector in Uganda' Gender Issues Research Reports Available at <https://www.semanticscholar.org/paper/Women-employees-in-the-informal-sector-Kampala%2C-Nalunga/ef48bf0430c1313a820bb61a1c0e4b-1f16aceb41> pg 9



In a survey conducted by the World Bank in Greater Kampala,³³ it was found that the informal sector is made of people that are self-employed and majority of the people in the informal sector are women.³⁴ Despite the large number of women in the informal sector, most studies carried out on women are usually on women in the waged sector, often ignoring women in the informal sector.³⁵ Inevitably, policy frameworks leave the women in the informal sector out.³⁶

A considerable number of women are employed in markets. The forms of labour are either private or family based. The form of labour determined the conditions of work, family labour being the most exploitative. The forms of ownership of the businesses were, at the time of the study, either individual or partnerships.³⁷ The partnerships comprised mostly of women who obtained capital from their spouses, and the spouses in turn maintained a say in the businesses. Women who work in markets mostly engage in catering services, sale of food produce and other products.

The respondents who work in the market said that the most common forms of SH are (i) physical (ii) in person propositioning and (iii) verbal harassment

One respondent who works in the market shared her experience as follows;



"... Sometimes during school holidays, I ask my daughter to come and help me mind the stall whilst I carry out other errands...however, these young boys in the market keep speaking bad words and keep touching, touching us. The last time my daughter was here, they kept disturbing her... now she has refused to come back and help me in the market..."

A number of examples of verbal SH were provided by all the respondents, who said they are often embarrassed by such comments. One of the women market vendors shared the following experience;



"...I am a mature woman, and these young boys and men have no respect for us. Imagine, the other day I was walking home with my daughter and they still kept shouting obscenities towards us. They refer to me as 'eno size yange' (my size). And when I complained and told them to stop, they said that they were helping me by paying attention to me because I am old."

Lack of institutional policies and/or mechanisms to address SH: Where there are no institutional policies and/or mechanisms to address SH, it occurs unabated. There are no policies and/or mechanism to govern SH in the markets. In the meeting with women market vendors, one respondent said, "... *tolina kyakukola, oguma bugumi...*" i.e. there is no place to report, so you just have to tolerate it. When asked about mechanisms that exist outside the market for instance, the police, the vendors said they do not report such incidents to the police because they thought that the perpetrator would bribe the police and get away with it. Corruption is a key challenge to access to justice in Uganda generally, and so can affect SH cases.

There have also been some allegations of sexual harassment reported in the public domain/media, notably prevalent in the business sector, however, such cases have also not received appropriate action from authorities who tend to prioritise protection of business interests (economic factors), and view these cases as sabotaging investments. A case in point is the Pearl of Africa Hotel³⁸ foreign boss reported by female staff to the State Minister of Labour for sexual harassment. The State Minister initiated informal investigations but later publicly stated these reports were meant to blackmail and frustrate investors. Later the State Minister was allegedly caught receiving a bribe. The case is still in court.

33 World Bank Group, 'Role of City Government in Economic Development of Greater Kampala' September 2017 Available at https://development-data-hub-s3-public.s3.amazonaws.com/ddhfiles/143567/119806-revised-public-the-wb-book-2017-report-web-individual-page-layout_0.pdf

34 The survey found that 66% of the people in the informal sector in Greater Kampala were women, at p.22 as above.

35 Jane Nalunga, 'Women Employees in the Informal Sector in Uganda' Gender Issues Research Reports Available at <https://www.semanticscholar.org/paper/Women-employees-in-the-informal-sector-Kampala%2C-Nalunga/ef48bf0430c1313a820bb61a1c0e4b-1f16aceb41>

36 Ibid

37 Nalunga, p.10

38 Formerly known as the Hilton Hotel.



Absence and/or limited representation of women and their voices in decision making: The study also found that part of the lack of action on SH and making workplaces safer for women is due to the absence of women's voice and/or leadership in institutions. In the institutions where women occupy positions of leadership and have voice to influence policy, there are policies and even mechanisms to address SH. In institutions where women's voice was not particularly encouraged, there was an absence of SH policies. In particular, the women who work in the markets noted that their absence in leadership and/or representation in the market management structures was part of the reason that there was no action on SH, nor on ensuring that markets are safer places for women to work. According to one respondent from the market;



"... That office (market management) is full of men... they elect themselves. They do not listen to use. We need women leaders and representatives in that office... and yet we as women vendors we are the majority in the market. Surely, should we not have a representative that we can take our problems to?..."

This study however notes that the lack of women's representation was addressed in project in Nakawa market, Kampala,³⁹ where following awareness-raising program undertaken by the Institute for Social Transformation (IST) with the market women, a protocol to deal with cases of sexual harassment was developed. The market is now 'divided into six zones, each with 40 departments. Every department has a women's representative, and they are the first port of call for sexual harassment complaints. Next is the zone leader, and above that, the market's disciplinary committee'. This system also includes a system of punishments, which is determined by the severity of the crime. According to one of the market women, "you pay a fee of 50 to 100,000 Ugandan shillings (about \$13–26), and if you pay that fee and do the same thing again, you are given a month suspension from the market. If you continue, they expel you." Key challenges are the culture of silence and lack of knowledge of the mechanisms in place, which prevents many from speaking out, especially younger women and girls.

The nexus between physical security and SH: The study also found that where there is inadequate attention to physical security of women in the workplace, there is increased vulnerability to SH. This was specifically highlighted during the discussions with the women vendors in the market who mentioned that some of the men who work in the market and are rowdy tend to be inebriated, and there are no steps or actions taken to address this. Another major concern that the women raised was the lack of security lights near the market. The women often have to get to the markets very early in the morning (from 4.00 am), in order to receive fresh produce from suppliers at good prices. However, the poorly lit spots on the roads make them vulnerable. In particular, they pointed to a dark round about near the Kalerwe market that is the scene of many forms of violations, including rape of women. It is so bad that some of the women mentioned that when they need to be up early to receive produce, they would rather sleep in the market stalls. One of the women said, *"... I would rather carry my clothes, and my baby's things then we sleep in the stall, rather than risk moving around at night... anything can happen to you on the road."*

In addition, the women market vendors also expressed concerns about the lack of proper and safe toilet facilities for women. They mentioned that there is one entrance to the toilets for women and men, and that the doors are not secure. The respondents mentioned a number of incidents where men walked in on them whilst they were in the toilets. In one incident, a man followed a woman into the toilet and told her that he had been admiring her for a long time. Safe and dignified sanitary facilities for the women vendors are therefore necessary.

From the study, one of the challenges with SH lies with its definition/description. The boundaries can be broad and controversial – where does it start and stop? Accordingly, misunderstandings can occur, and sometimes there is a concern that it is possible for cases of SH to be false or frivolous accusations used to expel employees. However, this should not undermine the need for policies that indicate no tolerance for SH. Another key challenge with addressing SH is that incidents tend to go unreported. When asked about this, respondents said that they will not report incidents if they do not trust that their issues will be taken seriously

³⁹ McCool, Alice (2019). "Men fear us: Kampala's market women unite against harassment" in *The Guardian*, August 19, 2019. Retrieved from <https://www.theguardian.com/global-development/2019/aug/19/men-fear-us-kampalas-market-women-unite-against-harassment>



and handled with confidentiality. The women who work in the flower farms and markets were particularly concerned about confidentiality and the concern that if they report any incidents, this information would get to their husbands, and they did not want to have to deal with explaining the issues to them. In addition, they also expressed concern about the lack of evidence in SH incidents. According to one of the respondents who works in the flower farms, *"...the most challenging issue is getting evidence... very often there are no witnesses, it is only me and him, and so it is his word against mine. He can deny... and yet men have more power than women..."*

In addition, the respondents also highlighted the need for counselling and other forms of support to enable women deal with the emotional and psychosocial impacts of SH. In the flower farms, some committees have been set up to provide support, but have not been trained as yet.

It should be noted that oftentimes, the impact of sexual harassment on the victim is not given due attention despite having far-reaching consequences. Whereas apologies may be made by perpetrators, in most cases little recognition is given to the long-term impact on victims. In reality, workplace sexual harassment, like other forms of violence, is not harmless. It causes serious health, human, economic and social costs, which manifest themselves in the overall development indices of a nation.⁴⁰ At a personal level, flashbacks, intrusive thoughts, anxiety, depression, even Post-Traumatic Stress Disorder (PTSD)-like symptoms can often haunt and overwhelm a victim. What is more, the financial and career cost for victims is immense.⁴¹

The respondents recommended that mechanism should be robust, confidential and hold perpetrators to account. They highlighted the need for awareness about SH, including the negative impacts it has on the victims. They also emphasised the need for strong communication from leadership at all levels that there will be punishment for any incidents of SH. Ultimately, reporting incidents of SH is considered a risk for most women, who are putting their jobs, reputations and even security at risk if they report. So the challenge for institutions, is how to make reporting of incidents of SH less risky for women, and to make the practise of SH risky for perpetrators.

40 Government of India, Handbook, Ibid.

41 Ibid.



5 When Systems to Address SH Work



This section identified some good practices that can be adopted by institutions in order to address SH. The practices are drawn from Uganda and internationally.

5.1 Clear Management Commitment to Address SH- in Policy and Actions

Where there is clear policy and management commitment to addressing SH, it is reflected in the sense of confidence of women who work in the institution. This was evident in the discussions with the respondents who work in the flower farms, who said,

“...our bosses talk about sexual harassment, and the human resources team takes it seriously... there have been instances where those who have done the harassment have been given suspensions or sent away from the company... We even have a women committee, and our representatives on the Staff Union committee that we can report to...”

Woman who works on a flower farm

The Gender committees on the flower farms are constituted by a woman representative from every department of the flower farm, and one of their functions is to provide a forum where cases of SH can be reported and addressed. The flower farms designate ‘persons of confidence’ to whom allegations of SH can be reported. The chairperson of the Gender committee is usually a ‘person of confidence.’ When an allegation is brought to the attention of the chairperson (or deputy), they record a statement and depending on the gravity of the matter, the chairperson may meet the alleged perpetrator, and if s/he apologises, she will warn them to stop. This will then be noted in the committee minutes and perpetrator will be monitored to assess any changes in behaviour. Where the case requires investigation, either the Gender committee will set up a sub-committee to conduct the investigation or refer the case to the human resources department that would then take over the investigation. This is all dependant on the complexity of the incident. Findings from the investigations are given to the Gender committee, that reviews them and makes recommendations to management who then take a decision on the nature of punishment.⁴²

Contrasted with the women who work in one of the banks, in theory one would expect that because they have more formal education, and exposure, they would come across as more confident empowered and able to report incidents of SH. However, most of the women who work in the bank expressed a sense of powerlessness and acceptance of the status quo. Those who are able to stand up for themselves are few, and it is an individual struggle, they do not feel supported by their institution.

⁴² Process described by a staff member of one of the flower farms



The case for clear policies on SH based on global standards was raised by Human Rights Watch in a 2018 report on ending violence and harassment at work.⁴³ This report identifies the following good practices:

- 'Uruguay's National Women's Institute's 2013 National Policy, (which) recognizes companies that include in their internal policies a commission which receives and monitors cases of sexual harassment;
- South Korea's Institute for Gender Equality Promotion and Education, (which) provides training to public officials on sexual harassment counselling education, and sexual harassment and sexual violence prevention education.
- Belgium's Welfare Control Directorate, (which) requires notification from a prevention adviser when, during formal psychosocial intervention following an act of violence in the workplace, she/he believes that a grave and immediate danger for the workers exists'

5.2 Consistent Awareness Raising and Establishment of Structures for Reporting SH

A study that analysed the experiences of the China Railways Corporation (CRC) road construction project in Uganda, found that a consistent and persistent emphasis on awareness raising was critical to addressing SH. The company was able to incorporate discussions about SH at various points during its training activities for staff, monthly staff meetings, as well as having sessions in which people from outside the company were also invited to take part in the discussions, including officials from the Ministry of Gender Labour and Social Development (MGLSD).

In addition to the awareness raising, the study of the CRC also demonstrated that critical role of leadership in addressing SH. There must be clear communication from the top leadership, and at other levels that there is zero tolerance to SH, in word and action.

In addition, having various channels to report incidents including the human resources team, leaders in peer committees, as well as access to external hotlines is important. In this way, staff have the options to choose a reporting option that they feel comfortable with. The people in these reporting structures have to be trained to handle the reports with confidentiality and to listen empathetically. In the CRC, these structures were considered effective, and in addition, there was a grievance committee, with staff representatives, that was constituted to investigate and address any allegations of SH. All this demonstrated to the staff that incidents of SH would be taken seriously by the company. CRC also had an orientation process for new staff that ensured that new staff were told about the company policies on SH, including mechanisms to address it. Peer support to address SH was also encouraged.

⁴³ Human Rights Watch (2018) 'Ending violence and harassment at work: The Case for Global Standards'. Retrieved from https://www.hrw.org/sites/default/files/news_attachments/2018_hrw_ilo_brochure.pdf



5.3 Public Awareness Campaigns, an example of Nile Breweries⁴⁴

Nile Breweries, Uganda, joined the 16 days of Activism against Gender Based Violence (GBV) under the 'No-Excuse' campaign and in collaboration with The US Embassy. This campaign was launched in 2019 targeting 50 bars in Kampala with the aim of ensuring that over 1000 bar goers especially men make a personal pledge to stand against sexual harassment and violence. The official webpage of the company further details the aims of the campaign, which include 'to shine a spotlight on the sexual harassment problem, to bring about a change in long-established societal behaviors and attitudes, to activate bystanders with the aim of decreasing and preventing this act, to challenge the public to take appropriate action against perpetrators of sexual harassment and to encourage stakeholders to support the victims to access appropriate support services'. Nile Breweries also undertook a survey on the website www.noexcuse.ug, addressing Ugandans generally to grasp the general understanding of the concept amongst Ugandans. They also announced that they would provide 'Information on available support systems provided by partners US Embassy and USAID' through 'different communication channels such as flyers, billboards and posters around the country'.

5.4 The Gender Equality Model Policy

The Gender Equality Model Policy created by Akina Mama wa Afrika (2020) within the context of the Women@Work Campaign provides with specific measures to address cases of sexual harassment in flower farms. These include:

- The creation and designation of duties of a Sexual Harassment Sub-Committee as part of the Gender Committee to be in charge of sexual harassment issues and complaints;
- The provision of periodic capacity-building training for all members of the Gender Committee and Human Resource Department, especially those belonging to the Sexual Harassment Sub-Committee;
- The implementation the stipulated preventive measures, including the dissemination of the policy and public staff awareness activities;
- The promotion and implementation of practices to create a conducive environment for women and men to report incidences of sexual harassment;
- The provision of effective protection of and support to the affected person.
- The implementation of a Complaint Procedure established in accordance with the law that is accessible to all workers in a comprehensive manner'

⁴⁴ Alinda, Alex (2019). 'Nile Special 'No Excuse' Campaign Against Sexual Harassment Extended To Bars' in the Tower Post, November 26, 2019. Retrieved from: <https://thetowerpost.com/2019/11/26/nile-special-no-excuse-campaign-against-sexual-harassment-extended-to-bars/>



5.5 Cross-Cutting Interventions as International Best Practice

The 'Literature Scan of International Best Practice About Preventing and Responding To Workplace Sexual Harassment'⁴⁵ identifies three kinds of cross-cutting interventions that shape international good practice of dealing sexual harassment at the workplace. These are primary prevention, secondary intervention and tertiary intervention.

Primary prevention refers to activities that take place before any injustice has occurred to prevent any initial harm. The Primary prevention is the employer's responsibility and is mainly aimed at establishing a safe and positive work culture, that is essential to preventing sexual harassment in the workplace. Primary prevention has four key components: prepare, prevent, respond and transform. These are further elaborated in the matrix that follows.

Secondary intervention incorporates immediate responses after the event has occurred. Intervention measures are considered an employer's responsibility at the organisational, interpersonal and individual level. However, a substantial body of work suggests that procedures for raising and responding to a complaint of sexual harassment are often ineffective, largely because of a lack of trust between staff and management.⁴⁶

Tertiary intervention refers to long-term response strategies that aim to deal with any ongoing consequences of the problem. It is an individual and organisational responsibility that falls upon the employer. Tertiary prevention addresses the lasting consequences of victimisation for instance by providing ongoing counselling for victims and specialised sex offender treatment and management. Tertiary interventions are relevant to sexual harassment because of the significant negative psychological, health and job-related consequences that victims have been found to experience.

45 Published by the Ministry of Women of New Zealand (2019)

46 An ILO working paper No. 31 provides evidence on how these procedures and grievance processes can be hostile and counterproductive, risky for the women who either suffer or witness SH, in terms of employability and reprisals from the work group.



Table 2: Components of Cross Cutting Interventions

Primary Prevention	Secondary Intervention	Tertiary Intervention
<p>Under 'Prepare', actions can include:</p> <ul style="list-style-type: none"> • Cultivating a zero-tolerance policy for sexual harassment. • Taking proactive steps to make this policy and the company's commitment visible • Setting guidelines to help employees understand appropriate norms for human interaction and affection in the workplace. • Creating processes to consider how sexual harassment affects women in their diversity, (according to ethnicity, class, ability, Sexual Orientation and Gender Identity and Expression) in the organization. • CEO awareness about organisation's policies and for when the board should be involved with or notified of SH complaints • Galvanising across functions to help employees have quick access to resources. <p>Under 'Prevent', actions can include:</p> <ul style="list-style-type: none"> • Accelerating parity in representation of women at all levels, including the board of directors • Educating and training leaders on forms of sexual harassment—including how to escalate. <p>Focusing on effective anti-sexual harassment training.</p> <p>Suggestions under 'Respond' include:</p> <ul style="list-style-type: none"> • Reinforcing company's zero-tolerance policy for sexual harassment and retaliation • Investigating all claims promptly and fairly. • Honoring the target of sexual harassment and following up accordingly. • Allowing space for support, understanding and, ultimately, compassion—particularly during times of trauma. <p>'Transform', involves:</p> <ul style="list-style-type: none"> • Building a climate of respect and accountability • Evaluating the company's dominant business culture for norms and practices that promote shaming and silence. • Addressing heavy alcohol consumption at work functions' 	<ul style="list-style-type: none"> • Immediate response after sexual harassment has occurred. It aims to prevent further perpetration and deal with short-term consequences, including the victimization of those at risk. It is primarily the responsibility of employers • Includes appropriate legislation and supported, in some cases, by partnerships with trade unions, government agencies and NGOs. • Establishment and functioning of grievance procedures to address SH complaints, hence an avenue through which employee rights are enacted. 	<p>These address the lasting consequences of victimisation for instance,</p> <ul style="list-style-type: none"> • providing ongoing counselling for victims • providing specialised sex offender treatment and management to the perpetrators of sexual violence to minimise the possibility of re-offending



5.6 Makerere University Intervention: An Example of Cross-cutting interventions

In March 2018 Makerere University launched an investigation to identify the causes of sexual harassment, to review and identify the gaps and inadequacies of the Sexual Harassment Policy and Regulations of the university and make recommendations.⁴⁷ The input provided by the investigating Committee laid down the foundations for the amended Policy and Regulations against Sexual Harassment launched in August 2019. The document incorporated the prohibition of sexual harassment in 'both on-campus and off-campus university setting against, between or among; students, academic, administrative and support staff, contractors, partners, visitors and researchers' (It also states the specific penalties a person found guilty of sexual harassment must face depending on the gravity, ranging from 'written warnings, counselling, restraining order, apology to the aggrieved party' to 'fines up to two years' salary, suspension, demotion, dismissal and criminal investigation and prosecution'.⁴⁸

The regulations further established the Vice Chancellor's Standing Roster of 100 members to all receive and react to sexual harassment complaints replace the previous unit Anti-Sexual Harassment and provided the Gender Mainstreaming Directorate and the Directorate of Legal Affairs the responsibility to monitor the university's responsiveness towards all lodged complaints. Together with Gulu University, Makerere also participated in the 'The Safer Universities Project', a joint initiative aimed at identifying and preventing the issues that affect women and girls within the university. It envisioned the elimination of all forms of gender-based violence and sexual harassment 'by promoting favorable social norms, attitude and behavior and strengthening sexual harassment reporting mechanisms. The project is also geared towards improving Sexual Reproductive Health Rights (SRHR) at community and individual level and ensure that perpetrators are held countable'.⁴⁹

5.7 The Australian Human Rights Commission recommends advocating for the bystander approach.

Bystanders are individuals who observe sexual harassment firsthand, or are subsequently informed of the incident. This definition includes both 'passive' bystanders (those who take no action) and 'active' bystanders (those who take action to prevent or reduce the harm). Applying bystander approaches to sexual harassment in the workplace Education about bystander intervention is a potentially invaluable element for preventing sexual harassment in the workforce. Bystander education can teach people to interrupt incidents of sexual harassment or the situations which lead to harassment. It can also teach them to challenge perpetrators and potential perpetrators, to provide support to potential and actual victims⁵⁰.

Oxfam International also provides a great example of safeguarding policies that organizations and businesses facing sexual harassment allegations can adopt to ensure that the culture of violence is dealt with and prevented from reoccurring.⁵¹

47 Nakkazi, Esther (2018). 'Makerere upgrades sexual harassment policy amid concerns' in University World News: African Edition, 14 December 2018. Retrieved from: <https://www.universityworldnews.com/post.php?story=2018121407091829>

48 Proscovia, Nabatte (2019). 'Mak unveils VC's Roster of 100; amends the Sexual Harassment policy; and launches Safer Universities project' in Makerere University News, August 31st, 2019. Retrieved from <https://news.mak.ac.ug/2019/08/mak-unveils-vc%E2%80%99s-roster-100-amends-sexual-harassment-policy-and-launches-safer-universities>

49 Proscovia Nabatte ibid

50 Australian Human Rights Commission: Encourage. Support. Act! Bystander Approaches to Sexual Harassment in the Workplace 2012 Retrieved from https://humanrights.gov.au/sites/default/files/content/sexualharassment/bystander/bystander_june2012.pdf

51 Safeguarding in action: Our 10-Point Plan Retrieved from <https://www.oxfam.org/en/what-we-do/about/safeguarding/10-point-plan>



6 Doing Our Part to Make Workplaces Safe and Empowering



Institutions and organisations that address SH comprehensively, do not only need to have policies and mechanisms that address SH, but need to have and/or build and nurture organisational cultures that promote gender equality and women's rights.

Organisational cultures that promote gender equality and women's rights, not only have the right policies, but also have leaders at all levels i.e. governance and management, who consistently promote and through their own actions and words, demonstrate respect for women in their institutions. Women in these organisations are treated with dignity and respect, they are provided with equal opportunities to lead and where necessary given the required support and/or encouragement to take up positions of authority. Women at all levels know their opinions matter, and they know that systems/mechanisms are in place to protect their rights. These institutions have zero tolerance to SH, and this is manifested in their policies, as well as their actions to hold perpetrators of SH accountable.

6.1. Recommendations

This report makes the following recommendations for organisations to develop the type of workplaces, systems and practices that promote gender equality and women's rights, and address SH effectively. Although the recommendations are for institutions these structures are made up of people who can also prevent or enable SH to happen. Individual responsibility is a critical component of maintaining a culture free of sexual harassment, and the first step to ensuring accountability. Speaking up against and reporting cases or supporting colleagues to report SH is indispensable in rooting out the vice. Holding peers accountable and calling them out immediately when they sexually harass others is a one such show of individual responsibility. Individual responsibility goes hand in hand with power. Those with social power in the organization (Males, people in positions of leadership, peers) are better positioned to exercise the power and privilege to hold others to account without fear of reprisal.

6.1.1. Recommendations on National Policy and Legislation

- a) Review the Employment (Sexual Harassment Regulations) to respond to a number of gaps including updating definitions of SH to respond to contemporary experiences, and ensuring the policy applies to all institutions regardless of the number of employees.
- b) Uganda should ratify the ILO Convention 190 on violence and harassment at work which has more robust and comprehensive provisions to deal with SH in the workplace. Ratification should be followed by domestication which can include reviewing and updating existing regulatory frameworks to incorporate stipulations such as extending protections for people in the informal sector, or exploring stand-alone instruments.



- c) Fast-track the passage of the Sexual Offences Bill 2019 to provide complementary support to the Sexual Harassment Regulations, 2012, particularly in terms of remedies and penalties for more egregious sexual offences committed in the workplace.
- d) Labour Offices tasked with handling of cases of sexual harassment should be adequately equipped with human resource and financing to ensure adequate deployment of time and energy to investigation and resolution of cases of SH. The Industrial Court should be similarly equipped to ensure that cases are expedited and access to justice for survivors.
- e) Additionally, the MGLSD should put in place a system to regularly monitor whether companies have internal policies to address SH, and the extent to which these are being adhered to. In addition to sanctions, the MGLSD should also provide recognition and rewards to companies that have the right policies and practices.

6.1.2 Recommendations for Banks, Flower Farms, Markets and Other Businesses

- a) Develop and disseminate industry/sector specific good practice guidelines or code of conduct on SH in the workplace.
- b) Develop and implement sexual harassment policies. Training on SH should form part of orientation practices for new employees, and refresher trainings and awareness raising sessions should be held regularly for all staff, including leadership. All employees should sign a code of conduct that stipulates a workplace free of SH. SH policies should also take into account harassment for third parties such as clients and consultants.
- c) Provide space and promote women's voice and participation in leadership and governance structures both by vendors and the market management. Draw on KCCA good practices on safeguards for their work in the road construction in this respect.
- d) Human Resources & Accountability- Integrate the need to hold managers accountable for the conduct in policies as well as be able to assess their relational behavior in previous teams.
- e) Build transparent and trustworthy reporting mechanisms that ensure protection for Survivors and enables accountability regardless of rank. This can involve developing appropriate sector relevant SH committees to respond to cases of harassment. The group of staff that compose the committee should be clearly defined in the SH with complementary Terms of Reference.
- f) Provide psycho-social support for Survivors of SH as penalties for offenders are not sufficient to right the wrongs committed.
- g) Provide clear pathways for wage negotiations and promotions to ensure that employees are not abused as they undertake this.
- h) Uphold the tenets of basic dignity and have well-constructed and managed sanitation facilities separated by gender.
- i) Ensure physical security within and the surroundings of places of work, particularly large establishments like factories, markets and flower farms for example by installing streetlights and security cameras where possible.
- j) Assess and improve organizational culture. Organizations can consider out regular confidential culture audits to keep their finger on the pulse of the company's culture. Ensuring that women have supportive supervisors, work groups, and cultures could reduce risk of sexual harassment.



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Annex I



The Employment (Sexual Harassment) Regulations, S.I. No. 15 of 2012 Regulation 2 reiterates the definition of sexual harassment in the Employment Act elaborated with some examples as follows; “Sexual harassment in employment” means—

- (a) a direct or implicit request to an employee for sexual intercourse, sexual contact or any other form of sexual activity that contains—
 - (i) an implied or express promise of preferential treatment in employment;
 - (ii) an implied or express threat of detrimental treatment in employment;
 - (iii) an implied or express threat about the present or future employment status of the employee;
- (b) use of language whether written or spoken of a sexual nature such as unwelcome verbal advances, sexual oriented comments, request for sexual favours, jokes of a sexual nature, offensive flirtation or obscene expressions of sexual interest that are addressed directly to the person;
- (c) use of visual material of a sexual nature such as display of sexually suggestive pictures, objects or written materials or sexually suggestive gestures; and
- (d) showing physical behaviour of a sexual nature such as unwanted and unwelcome touching, patting, pinching or any other unsolicited physical contact; which directly or indirectly subjects the employee to behaviour that is unwelcome or offensive to that employee and that, either by its nature or though repetition, has a detrimental effect on that employee’s employment, job performance or job satisfaction.⁵²

Annex II



Study Respondents

Categories	Number of respondents	Number of interviews
Women who work in the flower farms	8	1 FGD
Women who work in the banks	8	1 FGD
Women who have experienced SH	6(3 from each sector)	6
Human Resource managers	2(one per sector)	2
Staff of key response institutions	3(EoC; MGLSD; Labour Tribunals or UHRC)	3
Staff from good practice institutions	2(Nile Breweries; China Railways Corporation- World Bank/KCCA road project)	2
Total		29

⁵² Regulation 2, the Employment (Sexual Harassment) Regulations, S.I. No. 15 of 2012





Plot 222 Mama Africa Close,
Off Kiwatule Road, Ntinda Kigoowa
P.O.BOX 24130, Kampala-Uganda
Tel: +256 414 543 681

Email: amwa@akinamamawaafrika.org

Website: www.akinamamawaafrika.org

Facebook: Akina Mama wa Afrika, **Twitter:** amwaafrika