



"Violence against women: Good practices in
combating and eliminating violence against women"

Expert Group Meeting

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SEXUAL HARASSMENT IN THE WORKPLACE IN ASIA

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W A A

BACKGROUND

Women's participation in economic sector is crucial for their economic empowerment and their sustainability. However, problems such as sexual harassment in the workplace discourage women to continue working. Sexual harassment in the workplace though an age-old problem has emerged as a serious concern in Asia and the Pacific recently.¹ It is increasingly being recognized as a violation of human rights and human dignity, which undermines equality of opportunity and treatment between men and women. As women's participation is growing in employment sector, the problem of sexual harassment is a necessary problem to address to ensure safe and healthy working environment.

In Bangladesh, large scale of women's entry into paid labour force has increased incidences of sexual

In Japan, a study conducted by Ministry of Labour found that out of 2254 women respondent, two third were subject to sexually harassed, 11 % had experienced quid pro quo and 45 % had been subjected to hostile wor

facilitated to call for the legal provision¹⁵. In Nepal a research conducted by Forum for Women Law and Development (FWLD) for ILO revealed that the problem is highly prevalent however, women suffer in silence in absence of

of an independent and competent system of justice with a view to transforming the concept of rule of law into a living reality.¹⁹

Also, Nepal has ratified 16 international human rights instrument including Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW) 1979. Also, the General Recommendation No. 19 (Eleventh session, 1992) recommends governments to take effective measures including strong penal sanctions, civil remedies and compensatory provisions to protect women against sexual harassment in the workplace.

The Beijing Platform for Action highlights violence against women as a physical, sexual, psychological violence occurring within general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institute etc, giving primary responsibility to the government to protect women from such violence.

Trade unions have also played a role in addressing the problem of sexual harassment. In organizations where policies have not been introduced, trade unions have sometimes taken ad hoc action on receiving a complaint, and managed to achieve recognition for the problem and redress for the victim, especially in countries where sexual harassment policies are not widespread. There are reports from Bangladesh, for example of a manager being suspended after a trade union complained of harassment, while in Sri Lanka, trade unions have pursued harassment complaints which are reported to their district or head offices, although they have proved less likely to take up cases reported in field level. In Nepal, in some cases where complaints have been made to trade unions, the latter have managed to secure compensation for the victims.²⁰

EVALUATION OF SUCCESS/EFFECTIVENESS OF THE PRACTICE

Concern with sexual harassment is relatively recent in South Asia, but increasingly it is being recognized as a violation of human rights and an affront to the dignity of persons, which seriously undermines equality of opportunity and treatment between men and women. In response to continuous advocacy of women's organization and judicial activism etc, the problem of sexual harassment has been recognized well. Research conducted by ILO in Nepal and Sri Lanka has really helped to bring the statistics and evidences of nature, extend and legal measures available in the country. The research conducted in Nepal helped not only to identify the extent of the problem but also to highlight the need for a comprehensive legal framework to address the issue.

advocacy with employer's association and trade unions but also to courtrooms. Awareness programmes facilitated by UN system, NGOs and trade unions, have motivated women to fight for the equality and dignity at workplace. Progresses can be measured through the steps taken against sexual harassment, complaints filed in employer organizations or cases filed in courts.

IEC materials are developed to be used as tools for advocacy and generating awareness. These documents have helped in bringing the issue in highlight and helped in drawing attention from different parts of the society.

Due to the Vishakaha Judgment, many civil societies became aware of the issue, started publicize it and pushed for the implementation. Many have started breaking the silence. In fact cases have increased from the numbers of universities and college. Media has also started giving attention. In one of the university where a student was sexually harassed by professor in Baroda, women organization wrote a petition to the court where court started supervising implementation of Vishakha guideline any service rule are being changed..

CHALLENGES

Increasing number of Asian women is going out to work outside home. Many women are forced to deal with harassment and unwanted attention –because they are women. Inequalities in the position of men and women exist in nearly all societies and sexual harassment at work is a clear manifestation of unequal power relations. Women are vul

and implementing them through practical action at the workplace. Legal protection is necessary but adopting a law is not sufficient to resolve sexual harassment abuses in workplace. In addition to law, workplace polices are necessary to protect workers form sexual harassment and enterprises from expensive measures for redress. Preventive action is key, large-scale awareness raising and training is needed in workplaces.

Training programmes would prove fruitful and will work to empower women to response to the problem. Trade union can play a role in initiating cases of the women and help them receive adequate compensation and punishment to the perpetrator in absence of the law. Sexual harassment is a gender issue and a human right issue, importantly; it violates the right of women to work in a safe and healthy environment. It is imperative that stakeholders give the problem its due attention and contribute in promoting a secure and safe environment for working women.