REPORT

of the

TRIPARTITE SEMINAR ON SEXUAL HARASSMENT IN THE WORKPLACE

Organized by
International Labour Organization, Colombo

Friday, June 1, 2001
Lilac Salon, Galadari Hotel
Colombo.
A Tripartite Seminar on Sexual Harassment in the Workplace organized by the International Labour Organization (ILO), Colombo, Sri Lanka was held on Friday, June 1, 2001 at the Lilac Salon, Galadari Hotel.

The aim of the seminar was to bring together three actors, the government, the private sector and trade unions, to look at the incidence of sexual harassment in the workplace in Sri Lanka, to look at laws and remedies available in a Sri Lankan context and to formulate action plans to address sexual harassment in the workplace. The seminar also aimed at disseminating the findings of the Sri Lanka study on Sexual Harassment at Work.

The Programme

8.30 – 9.00   Registration
9.00 – 9.10   Address by Mr. David Groman, Director, ILO Colombo
9.10 - 9.15   Address by Mrs. Sumanasekara, Secretary, Ministry of Womens’ Affairs
9.15 – 9.20   Address by Mr. Mr. Gotabaya Dasanayaka, Director-General, EFC
9.20 – 9.25   Address by Mr. Harry Sandrasekara, Secretary (FR), Ceylon Workers Congress
9.25 – 9.30   Key Note Address by Mr. R.P. Wimalasena, Advisor to the Ministry of Labour
9.30 - 10.00  Tea break
10.00  – 10.45 Presentation of the situation in Sri Lanka and the case study conducted in the plantation sector

 By Mrs. Kamalini Wijetilleke and Ms. Faizun Zackeriya

10.45 – 11.15 Panel presentation of view points on Sexual Harassment in the Workplaces in Sri Lanka (Representatives of Employers, Workers, Government and Civil Society)
11.15 – 12.15 Plenary discussion
12.15 – 13.00 ILO’s Policies and Perspective on Sexual Harassment in the Workplace

 by Dr. Jyoti Tuladhar, ILO Senior Specialist in Gender and Women Issues, ILO-SAAT

Discussion
13.00 – 14.00 Lunch
14.00 – 15.30 Working group session
15.30 – 15.45 Tea break
15.45 – 17.15 Plenary presentation
17.15    Closing remark
The Inauguration

At the inauguration of the seminar, the keynote address was delivered by Mr. R.P. Wimalasena, Advisor to the Ministry of Labour. Special presentations were made by Mr. David Groman, Director, ILO, Colombo, Mrs. Swarna Sumanasekera, Secretary, Ministry of Women’s Affairs, Mr. Gotabhaya Dassanayake, Director-General EFC and Mr. Harry Sandrasekara, Secretary (Foreign Relations) Ceylon Workers Congress.

- In the keynote address, Mr. R.P. Wimalasena identified sexual harassment as a key issue of loss of productivity and image in places of work and stressed on the need for the State to recognize sexual harassment as a serious issue that negates productivity.

- Mr. David Groman identified sexual harassment in the workplace as creating hostile, offensive and indecent working environments especially for women and urged participants to look at preventive methods that addressed reviewing of legislation on sexual harassment in Sri Lanka under the penal law and at employer education.

- Mrs. Swarna Sumanasekera stressed that addressing women’s issues and mainstreaming gender was a primary objective of the government and spoke extensively on the efforts of the Ministry of Women’s Affairs in raising awareness to combat all forms of violence against women.

- Mr. Gotabhaya Dassanayake highlighted the prevalence of harassment of women in Sri Lanka despite gender equality and it was pertinent, in a economic and business sense as well to look at creating work environments free of gender based harassment.

- Mr. Harry Sandrasekera looked at the role of the media in eliminating sexual harassment in the workplace and stressed on the need to create awareness among employers on the need to have workplaces free of sexual harassment.
The presentation of the Sri Lankan study on Sexual Harassment in the workplace

The Sri Lanka study on Sexual Harassment at Work is one of eleven country studies carried out in the Asia Pacific Region in preparation for the Regional Conference on Sexual Harassment to be held in Malaysia in October 2001.

The Sri Lanka study on Sexual Harassment at Work carried out by Ms. Kamalini Wijayatillake and Ms. Faizun Zackariya focused on the incidence of sexual harassment in the plantation sector.

The aim of the study was explained as -

- To carry out a desk review on sexual harassment in the working environment identifying attitudes, definitions, scope, nature, types and incidence of sexual harassment as viewed by government, employers and workers organizations, civil society organizations and workers themselves.

- To carry out an in depth analysis on specific action against sexual harassment at the enterprise level

Presentations on the Sri Lanka study was carried out by both authors and included a detailed presentation of macro issues pertaining to sexual harassment including legal definitions, provisions of law definitions, impact and recommendations for preventive action and lessons and cases from the field level exercise in the plantations sector in Sri Lanka.

*(see Annex 1 for complete Study)*
Panel presentations, Open discussion and Plenary

The presentation of the Sri Lanka study on Sexual Harassment at work was followed by a series of panel presentations by a group of experts representing the private sector, trade unions, State sector and the law. Further information was provided to the forum by Ms. Jyoti Tuladhar, ILO Senior Specialist in Gender and Women Workers’ Issues, ILO SAAT speaking on ILO policies and perspectives on Sexual Harassment in the workplace.

Panel presentations

Mr. K.A.I Kalyanaratne, (representing the Merchant Bank of Sri Lanka)

- Workplace stress is the manner in which the Merchant Bank deals with sexual harassment in the work place.
- Perusing symptoms of stress in employees include examination for sexual harassment.
- Sexual harassment is an issue of misconduct in the Bank’s Code of Ethics.
- Awareness raising, identification as a matter of work ethics, training and procedures to deal with sexual harassment and full support of the management is essential to prevent sexual harassment in the workplace.

Mr. Leslie Devendra (representing the Sri Lanka Nidahas Sevaka Sangamaya)

- Sexual harassment in the workplace is an important issue of concern for Trade unions in Sri Lanka.
- The difficulty of addressing this is the lack of female leaders in the trade union movement.
- In a male dominated union movement, it is important to look at the incidence of sexual harassment and the freedom for women to bring attention to the issue.
- It is important to draw women into leadership positions in the trade unions to create an environment to address and redress sexual harassment in the workplace.
- Each trade union must designate a permanent position to receive complaints of sexual harassment in work places.
- Trade unions must lobby for the inclusion of sexual harassment as an offence of grave nature in all establishment and disciplinary codes.

Ms. Pearl Weerasinghe (representing the Department of Labour, Ministry of Labour)

- Sri Lanka has identified sexual harassment as a grave issue and provided for legal recognition of the issue as an offence in the Penal Code. This means the Police Department is entrusted with the responsibility of handling the issue. However the Department is not provided with sufficient facilities, with awareness and training to handle complaints.
- Women workers must be empowered to bring issues of sexual harassment into the open.
- Government workplaces must develop better procedures and policies to handle sexual harassment and government officials need to be trained.
- Labour laws should be expanded to cover sexual harassment in the workplace.
Shyamala Gomez (Lecturer in law at the University of Colombo)

- There is need to develop policy of sexual harassment in the workplace including the setting up of Complaints Committees within workplaces and outside.
- Employers must recognize the responsibility to ensure safe working environments to prevent sexual harassment from taking place on the one hand and to protect victims on the other.
- Sexual Harassment should be included in the Industrial Disputes Act and as content of Collective Agreements.
Presentation on “ILO policies and perspectives on Sexual Harassment in the workplace” by Dr. Jyoti Tuladhar, ILO Senior Specialist in Gender and Women Workers’ Issues, ILO SAAT.

Dr. Tuladhar outlining ILO’s Policies and Perspectives on combating Sexual Harassment at work stated that there is increased attention to the issue at international level due mainly to the higher visibility of women in the labour market and in public life, presence of women activists and NGOs in international fora, the growing impact of pre-existing instruments concerning women’s rights, the advance of women’s movement politically in industrialized countries – adoption of equal opportunity laws and greater attention to women’s issues by employers and women raising their voices to be heard,

Tracing the recognition of sexual harassment as gender based discrimination/violence, Dr. Tuladhar noted that although at international level, Sexual harassment is not the subject of any binding international convention, it has been covered as a form of sex-based discrimination in a multitude of instruments from as early as 1948, including the Universal Declaration of Human Rights, CEDAW, and the Commission on Human Rights. She further saw ILO in vanguard position under the Discrimination (Employment and Occupation) Convention, 1958 (No.111) where the broad definition of the term ‘discrimination’ in Article 1 covers “ any distinction, exclusion or preference made on the basis of, inter alia, sex, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.”

Speaking further Dr. Tuladhar illustrated that the ILO approaches sexual harassment as a violation of human rights, a violation of Fundamental Rights of Workers, gender Discrimination at work, a safety and health issue, a specific form of violence, as offending the dignity and personal integrity of workers, as a human resource management issue, as a potential threat to workers and the enterprise – labour issue and above all, a manifestation of power relations.

The ILO perceives sexual harassment as a social and economic problem, a attitudinal problem, a personal problem, a violation of human rights, as an act of violence against women, as an act of sex discrimination, a contravention of the law, a health and safety risk, as creating unacceptable condition of work and a labour and management issue.

(See Annex 2 for Handouts pertaining to this presentation)
At the conclusion of the presentations, an open discussion took place providing a series of issues for further discussion that took place in the group sessions. Having identified broad issues, participants divided themselves into three groups with representatives of the government sector, private sector (employers) and trade unions and formulated action plans in each sector. Upon the presentation and acceptance of these workplans, a committee to follow up on the action plans was set up including representatives of all three sectors.

**Issues identified during the open discussion to guide the formulation of action plans.**

**Employers:**

1. To provide a safe environment for employees to be free of sexual harassment and to be free to complain of sexual harassment.
2. To look at special procedures to facilitate complaints and prevent sexual harassment (Complaints Committees, mentoring, counseling).
3. To carry out training programmes for supervisory level staff.

**Government Sector:**

1. To enable Labour Tribunals to hear complaints of sexual harassment as grounds for unfair termination.
2. To include sexual harassment as a grounds for termination under the Industrial Disputes Act.
3. To enact separate legislation on sexual harassment – A sexual harassment Act.
4. To amend all labour laws to include sexual harassment as an offense and grounds for disciplinary action.
5. To address sexual harassment of Sri Lankan migrant workers and workers in the Free Trade Zones.
6. To look at the role of the Public Services Commission in this issue.
7. To provide facilities to government institutions to work towards preventing sexual harassment.

**Trade Unions:**

1. To formulate policies on sexual harassment at the work place including measures for prevention.
2. To promote women’s active participation at managerial and decision making levels in employment and trade unions.
3. to address sexual harassment as an issue in Collective Agreements.
4. To designate a permanent position(female officer) in Trade Unions to receive complaints of sexual harassment and to provide redress to such complaints.
General issues:

1. To counsel perpetrators of sexual harassment as a process of prevention.
2. To define work place widely.
3. To look at sexual harassment in informal sector employment.
4. To look at sexual harassment as part of health and safety policies for workers.
5. To motivate women to speak on, complain and handle incidents of sexual harassment.
6. To include sexual harassment in all Codes of Ethics and Disciplinary Codes.
# ACTION PLANS

## EMPLOYERS

The group representing employers identified issues from stemming from the lack of awareness and ingrained prejudices and insecurities on the part of employers and employees and outlines activities aimed at changing this situation.

<table>
<thead>
<tr>
<th>Issues</th>
<th>Activities</th>
<th>Assistance needed</th>
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<tbody>
<tr>
<td>Lack of awareness and ignorance of expected behaviour</td>
<td>Educational programmes within organizations and in the wider society starting from school level to change attitudes</td>
<td>Trained personnel for counseling</td>
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<tr>
<td>Social and cultural backgrounds and context that impact on behaviour</td>
<td>Training including training in counselling</td>
<td>Allocation of funds for awareness raising activities (films, posters, literature) and training activities (videos)</td>
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<td>Changing values and attitudes</td>
<td>Codes of conduct including sexual harassment policies</td>
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<td>Threat to job security - increased women at work threatening male dominated workplaces</td>
<td>Mechanisms and procedure for redress including complaints committees</td>
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<td>Lobbying for responsible journalism in reporting on sexual harassment issues</td>
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## GOVERNMENT

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<thead>
<tr>
<th>Issues</th>
<th>Activities</th>
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<tbody>
<tr>
<td>Extent of the issue and incidence of sexual harassment</td>
<td>Carry out a Baseline Survey on sexual harassment in the workplace</td>
<td>Training</td>
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<tr>
<td>Policy on sexual harassment</td>
<td>Formulate national policy on sexual harassment in the workplace</td>
<td>Literature Equipment</td>
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<td>Government interventions</td>
<td>Motivate more prosecutions under the Penal Code provisions on sexual harassment</td>
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<td></td>
<td>Make Codes of Conduct in private sector and government sector places of employment to compulsorily include provisions on sexual harassment recognizing sexual harassment as a form of misconduct</td>
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<td></td>
<td>Set up grievance/complaints committees and counseling centers in all work places</td>
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<td>Sensitize the Judiciary including Labour Tribunal Presidents, Public Services Commission and government Departmental Heads to have complaints of sexual harassment dealt with effectively.</td>
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<td>Promote State media to play an effective role in focusing on sexual harassment issues</td>
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<td>With specific focus on migrant workers - equip Sri Lankan missions to handle complaints of sexual harassment; promote bi-lateral agreements which will facilitate follow up with labour receiving countries and monitor official duties of Labour Attaches and Welfare Officers attached to Sri Lankan missions abroad.</td>
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<td>With specific focus on workers of the Free Trades Zones – ensure the compliance with labour laws; raise awareness on available Complaints Centres and sensitize Industrial Relations Department</td>
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<td>To include a reference in the proposed Workers’ Charter on</td>
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TRADE UNIONS

The primary issues identified by representative of trade unions focused on legal definitions, raising awareness and affecting policy.

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<tr>
<th>Issues</th>
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<tbody>
<tr>
<td>Insufficient definition of ‘work place’ and work related places</td>
<td>Tripartite meeting to decide on definitions for the workplace and work related places</td>
<td>Finance</td>
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<tr>
<td>Insufficient definition of sexual harassment in the penal code</td>
<td>Mobilize policy makers to enact suitable legislation</td>
<td>Expert advice</td>
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<tr>
<td>Lack of awareness on sexual harassment</td>
<td>Organize awareness building and sensitization programmes for workers and employers, school teachers and children, media personnel, trade unions and service personnel</td>
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<td>Non availability of Trade Union policy on gender and sexual harassment</td>
<td>Mobilize trade unions to formulate policy on gender equality and prevention of sexual harassment</td>
<td>Advisory services equipment</td>
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<td>Non availability of career prospects for women (specifically in the plantations sector)</td>
<td>Ensure inclusion of gender equality and prevention of sexual harassment in collective agreements, disciplinary codes and codes of ethics</td>
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<td>Non existence of mechanisms for recording</td>
<td>Lobby policy makers to expand the scope of the provisions in</td>
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<td>complaints</td>
<td>the Penal Code relating to sexual harassment</td>
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<td></td>
<td>Promote more women to supervisory positions</td>
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<td>Carry out large scale campaigns to change attitudes of society towards women in employment</td>
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<td>Formulate committees at different levels to receive and handle complaints of sexual harassment</td>
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COMMITTEE MEMBERS

1. G. Weerathunga (Sri Lanka Telecom Ltd.)
2. Asoka Jayasena (Pussellawa Plantations Ltd.)
3. Laleeni Hulangamuwa (Uni Lever Ceylon Limited)
4. Nirosa Hussain (Uni Lever Ceylon Limited)
5. Anton Marcus (Industrial Transport & General Workers’ Union)
6. Ayomi Fernando (Employers’ Federation of Ceylon)
7. Pearl Weerasinghe (Department of Labour)
8. Lalani Perera (Ministry of Justice)
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