

SEXUAL HARASSMENT IN THE INFORMAL ECONOMY: Farmworkers and domestic workers



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1. INTRODUCTION

1.1 WHY THIS PAPER?

Sexual harassment in the world of work is pervasive and widespread: it takes place in the formal and informal economies, the public and the private sectors and in urban and rural areas. From the media and entertainment industry, to academia, politics, the aid sector, care and domestic work, manufacturing and agriculture, no sector has proved immune to this form of gender-based discrimination.

The “Me Too” movement¹ was started in 2006 by Tarana Burke², and found global resonance in 2017 when actress Alyssa Milano used the hashtag “#MeToo” in a tweet to encourage women to share their experiences of sexual harassment. Hollywood actors as well as millions of others across the world shared their experiences, pressured legal and administrative systems to hold perpetrators accountable and prompted some governments to adopt policies aimed at eradication and prevention of sexual harassment. But while the world’s attention has at times focused on cases involving famous and influential perpetrators, unknown numbers of workers continue to suffer in silence, abused by harassers known to few. Connections between these areas of work were made in an open letter³ from 700,000 farmworkers to the Hollywood actors who spoke out about their experiences. This letter expressed support and solidarity, describing how widespread sexual harassment defines reality in the fields.

“Complaining about anything — even sexual harassment — seems unthinkable because too much is at risk, including the ability to feed our families and preserve our reputations.”

– Letter from Alianza Nacional de Campesinas on behalf of women farmworkers in the United States⁴

A variety of conditions shape inequality of power at work and constrain the possibilities for protection and credibility in the informal sector. Precarious terms of employment are not unique to informal work but are widespread and acute there. Informal work commonly involves lack of recognition as workers, denies labour market visibility and absence of protection by the legal and social provisions that apply to formally engaged workers. Engagement in such work is often established through verbal agreements which are often unenforceable; such conditions benefit perpetrators of sexual harassment.

The informal economy is significant in scale and includes domestic workers, farmworkers, garment workers, waste-pickers, street vendors, home-based workers and undocumented migrant workers in informal employment and self-employment. Not all of these workers are engaged informally: many millions across the world are however, and it is their reality that is highlighted and the focus of attention herein. This paper addresses the experiences of the “unrecognized, unrecorded and unprotected”⁵, with a focus on those domestic workers and farmworkers who endure sexual harassment while they care for their perpetrators’ children and homes, or harvest and pick the food that fills the shelves of supermarkets.

1.2 CONTENT AND STRUCTURE

This paper is organised as follows: chapter two provides a gender analysis, an overview of the informal economy and of the prevalence of sexual harassment. Chapter three provides a summary of international standards on sexual discrimination and fundamental labour rights, which are described in Annex I. Chapter four discusses the lack of social and legal protection for workers in the informal economy. Chapters five and six focus on sexual harassment in informal domestic work and farm work. The last chapter offers suggestions for action by governments and civil society organisations.

Research on sexual harassment of workers in the informal sector has three main limitations. First, studies show that a high percentage of sexual harassment against informal sector workers is underreported^{6 7 8} and that differing understandings of what constitutes sexual harassment causes variation in reports⁹. Second, immigration status concerns and risks of being reported to authorities¹⁰ understandably hinder the engagement of undocumented migrant workers in surveys or interviews that seek to capture their numbers and experiences. Finally, there is variety across countries in definitions of what is meant by, and thus counted as, “informal” work¹¹. These challenges complicate understanding of the scale of the problem and inhibit the building of effective interventions.

2. SEXUAL HARASSMENT OF WORKERS IN THE INFORMAL ECONOMY

2.1 WOMEN IN THE INFORMAL ECONOMY

The informal economy is defined by the International Labour Organisation (ILO) as “all economic activities by workers and economic units that are, in law or in practice, not covered or insufficiently covered by formal arrangements”¹². The informal economy engages 61% of the world employed population, that is 2 billion people, most of them in emerging and developing countries¹³.

The first international standard on the informal sector¹⁴ defined it in 1993 as employment and production taking place in unincorporated small or unregistered enterprises¹⁵. In 2003, informal employment¹⁶ was defined to include all employment arrangements that do not provide individuals with legal or social protection through their work, irrespective of whether the economic units for which they work are formal enterprises, informal enterprises or households¹⁷. Formality and informality are positioned on a continuum¹⁸, possibly coexisting throughout an individual’s working life or even working day^{19 20}. Recognising that informality is detrimental to worker’s rights and a challenge to sustainable development, the International Labour Organization adopted in 2005 the “Transition from the Informal to the Formal Economy Recommendation No. 204”. This provides guidance on transition from the informal to the formal economy, creation of decent jobs in the formal economy and prevention of the informalisation of formal economy jobs²¹.

There are 740 million women in the informal economy²². Women are fewer than half of all workers in informal employment but outnumber men in more than 55% of countries (Table 1).

Women occupy the lowest ranks of the informal economy: there are three times more women contributing family workers than men and women employers number less than half male employers²³. Contributing family workers are family members who work for a market-oriented establishment of a relative living in the same household²⁴. They are generally unpaid workers, although they may receive compensation in the form of family income²⁵. Women are concentrated in feminised jobs such as domestic, home-based-, garment and textile work²⁶ and street vending²⁷. The vast majority of home-based workers are women (62 % in South Africa, 70 % in Brazil and 88 % in Ghana) and are informally employed (60% in Buenos Aires, and 75% in South Africa)²⁸.

Informality in any sector poses a number of common challenges to men and women: reliance on verbal and precarious agreements, income lower than minimum wages, unsafe working environments, excessively long hours, lack of overtime pay, job security and social benefits such as unemployment pay, sick leave, access to health coverage, exclusion from labour laws and from many trade unions. Women make up the majority of low wage workers in the world, including informal workers, because of systemic, intersecting forms of discrimination based on gender and sex, race, ethnicity, migratory status and ability. These have contributed to the absence of recognition and inadequate recompense for their work, globally. They face sex specific challenges in employment, including lack of maternity leave, unequal pay for the same work, absence of contracts for work that men do on contracts, absence of or limited support from male-led labour unions. Widespread gender-based discrimination and violence are experienced by women in the informal economy in many forms, including sexual harassment which can often involve assault²⁹.

TABLE 1
Informal employment data by sex and sub/region

Region	Sub-region	Share of informal employment in total employment (ILO)*	Share of informal employment in total employment by sex (ILO)**	
			Women	Men
Africa		85.8%	89.7%	82.7%
	<i>Sub Saharan Africa</i>		92.1%	86.4%
	<i>Southern Africa</i>		42.4 %	38.4 %
	<i>Northern Africa</i>		62.2 %	68.5 %
	<i>Central Africa</i>		95.2 %	87.1 %
	<i>Eastern Africa</i>		94.0 %	89.1 %
	<i>Western Africa</i>		95.0 %	89.8 %
Americas		40.0%	39.2 %	40.5%
	<i>North America</i>		17.3 %	18.9 %
	<i>Latin America and the Caribbean</i>		54.3 %	52.3 %
	<i>The Caribbean</i>		58.7 %	56.7 %
	<i>Central America</i>		61.8 %	55.6 %
	<i>South America</i>		51.3 %	50.5 %
Asia and Pacific		68.2%	64.1 %	70.5 %
	<i>Southern Asia</i>		90.7%	86.8%;
	<i>Eastern Asia</i>		48.4 %	52.2 %
	<i>South-Eastern Asia and the Pacific</i>		75.4 %	75.2 %
Europe and Central Asia		25.1%	23.6 %	26.4 %
	<i>Central and Western Asia</i>		47.3%	41.1%
	<i>Northern, Southern and Western Europe</i>		13.2 %	15.3 %
	<i>Eastern Europe</i>		28.4 %	34.4 %
Arab States		68.6%	No data	No data

* Bonnet, F., Leung, V., & Chacaltana, J. (2018). Women and Men in the Informal Economy: A Statistical Picture (Third Edition). International Labour Office, 13-14. https://www.ilo.org/global/publications/books/WCMS_626831/lang--en/index.htm

**Ibid, 28, 32, 36, 40.

2.1.1 Women organising in the informal economy

Informal workers have organised and established cooperatives, associations, local, national and international NGOs and community-based organisations³⁰. These include Women in Informal Employment: Globalizing and Organizing (WIEGO), the Self-Employed Women's Association (SEWA) in India, and HomeNet³¹, an international network of home-based workers. Other associations of informal economy workers include the National Association of Street Vendors of India (NASVI), National Domestic Workers Alliance (NDWA) in the USA, the Federación Departamental de Vendedores Ambulantes de Lima in Peru, the Manual Labourers' Association (a trade union federation of informal economy workers) in Pune, India³² and Ghana's Union of Informal Workers Associations. Two of them are briefly described here and examples of their work are included in section 5.3.

WIEGO is a membership-based organisation of informal workers across 40 countries. It seeks to “secure livelihoods for the working poor, especially women, in the informal economy” and to increase their “voice, visibility and validity”³³. WIEGO advocates for appropriate and equitable policies, laws and regulations concerning informal workers.

SEWA is a union dedicated to advancing cooperation among women workers in the informal economy³⁴ and has over two million active members. SEWA organises self-employed women to promote their collective strength, cooperation and leadership at the grassroots level³⁵. It facilitates their access to social security and social protection through social service organisations³⁶. It also advocates for better social protection and labour standards and builds members' capacity through formal education and professional training³⁷.

These organisations have been crucial to changes in practice and policy as well as powerful advocates for the rights of women working in the informal economy.

2.2 SYSTEM-WIDE FACTORS

There is evidence that the majority of workers who are sexually harassed are women³⁸ and that women

in informal employment (both in private and public spaces)³⁹, non-standard, casual and temporary employment⁴⁰ are “more likely to be picked out”⁴¹ for sexual harassment. Their lack of protection and absence of power makes them easy targets.

Sexual harassment is “a human rights violation of gender-based discrimination, regardless of sex, in a context of unequal power relations”⁴². It is rooted in a system of gender inequality and intersecting forms of discrimination⁴³, such as sexism, classism, racism: historical structures of power that both shape and reflect cultural norms and stereotypes. They render certain groups, such as women in the informal economy, subordinate to others. Power inequalities and cultural considerations underpin widespread impunity of perpetrators⁴⁴ and foster the social stigma, victim blaming and shame experienced by victim-survivors of sexual harassment^{45 46 47}. Efforts to uncover and resist sexual harassment are hampered by norms that treat it as complimentary and inevitable in the lives of women and girls and sexual entitlement as natural and immutable for men: women learn to acquiesce to men's expectations and that their voices carry less credibility than those of their abusers⁴⁸.

Limited realisation of their rights, structural and systemic discrimination against women who work in the informal economy⁴⁹ decrease their ability to easily or safely leave abusive employers and to access justice⁵⁰.

Globalisation has witnessed the feminisation of international labour migration, pushing migrant workers to seek work in economies wealthier than their own⁵¹. Migrant workers therefore often enter destination countries undocumented, heightening their vulnerability on arrival and thereafter. Many destination countries are migrant-unfriendly; if migrants are not proficient in the local language access to information and support is compromised, especially for migrant domestic workers⁵².

Sexism, economic inequality and legacies from colonialism and enslavement contribute to the lack of recognition of domestic work as “real” work, which is to a large degree relegated to informality. Racism and sexism are deeply interconnected: not only is the overwhelming majority of workers here female but

they are also in large part racialised women in white supremacist societies. International racial hierarchies, socio-economic as well as sex and gender inequalities shape the notions, patterns and expectations of who serves whom⁵³. Some governments do not recognise private households as workplaces but consider domestic labour instead to be “private arrangements outside the scope of state regulations and off-limits to labour inspectors”⁵⁴, though such inspections could protect and promote domestic workers’ rights and safety. Laws enabling such inspections need to define private spaces (homes) as workplaces.

Male dominated leadership and supervision⁵⁵ in farm work shape the culture in workplaces where women make a significant contribution. Women hold few leadership positions and occupy subordinate roles compared to men, reinforcing work-based power inequalities. Additionally, many countries fail to recognise agricultural workers’ basic rights such as the right to unionise and to bargain collectively. In turn, this inhibits their ability to negotiate better working conditions towards the creation of workplaces free from violence and discrimination, including sexual harassment.

2.3 INTERSECTIONALITY

The concept of intersectionality⁵⁶, developed by feminist legal scholar Kimberlé Crenshaw⁵⁷ is key to understanding the dynamics of sexual harassment in the informal economy. Crenshaw explains how different vectors of inequality, and related discrimination, shape the specifics of experiences in ways where each separate dimension cannot easily be disentangled. Any combination of the following shapes the specifics of discrimination and inequality - gender, sex, race, occupation and employment status, migrant status, education and socio-economic status, indigeneity, sexual orientation, ethnicity and disability. Social inequalities and social identities are therefore “interdependent and mutually constitutive”⁵⁸.

Discrimination and inequalities express the power structures that enable or protect perpetrators of sexual harassment. They position some groups of people as targets of discrimination and as less

credible voices than others, should they speak of their abuse. Intersectionality moulds power inequalities such that perpetrators can be confident that those of lesser status will acquiesce to or endure their sexual behaviour; they will likely remain silent or reasonably anticipate that they will not be believed if they report. Power is what enables a supervisor to withhold payment of salary and control aspects of work that can be adjusted to benefit or disadvantage the worker, such as the assignment of light tasks in physically demanding jobs. These outcomes can be leveraged to extract sexual compliance.

Reporting or in any way speaking of sexual harassment is not a realistic option for those who live hand to mouth or in other ways have no cushion for work-related disruptions such as loss of income, however temporary that might be.

BOX 1

Types of sexual harassment in employment

“Sexual harassment in employment is unwelcome sexual conduct in the world of work, and comes in two types:⁵⁹

- (1) **Hostile work environment:** an environmental workplace condition, made up of persistent or pervasive conduct or a single serious incident;
- (2) **Quid pro quo:** proposal or execution of an exchange of a workplace benefit or absence of workplace detriment for sexual compliance.”

Socio-economic status impacts sexual harassment. Informal work can and does attract workers from low and middle income backgrounds and/or with limited or no formal education. Workers may have little or no knowledge of labour law and basic rights, and – in common with other workers – may not be able to recognise sexual harassment. These conditions heighten women’s vulnerability to sexual predators who rely on their positions of power for impunity⁶⁰.

Race and indigeneity play a significant role in countries with a history of slavery and colonialism. The racialised sexualisation of Afro-descendant domestic workers is rooted in the rape and forced labour of female slaves⁶¹. Race can shape sexual expectations, prejudices, stereotypes, and presumed entitlement to women⁶³.

Combined sexualisation and racialisation of domestic workers has been documented in a variety of contexts. A study on domestic workers in Mexico explores how “colonial interpretations and appropriation of notions that link dirt to morality and sin” have informed their sexualisation⁶⁴ that in turn upholds class inequality⁶⁵. A Brazilian study links the present sexualisation of domestic workers to the history of slavery and colonialism⁶⁶, when female slaves were systematically raped by their “owners”, forced to have children, and sexually exploited through prostitution⁶⁷. The sexualisation of Filipina migrant domestic workers has been documented in Canada where they have been idealised by Canadian men as traditional wives embodying “traditional norms of female domesticity”⁶⁸. LGBT+ people, for example, transgender domestic workers and homosexual farmworkers, may face specific discrimination including sexual harassment on the basis of gender identity and sexual orientation^{69 70 71}.

Migration status and informal economy engagement can shape the ease with which women workers are targeted for sexual harassment. Securing alternative employment becomes difficult, workers can be socially and linguistically isolated, financial resources can be scarce and social and legal protection lacking^{72 73}. Regulations on sexual harassment may not be available in the worker’s known languages, so that even if they wanted to make a report or seek support they may not know how to do so. Undocumented status further hinders victim-survivors from making reports, due to fear of deportation^{74 75}. Additionally, women migrant workers experience the emotional pressure and sense of obligation towards the families and children they have often left behind⁷⁶, which may further restrict their ability to resist abuse effectively.

2.4 COVID-19 IMPACT

The 2020 COVID-19 pandemic has affected a wide range of people, but the risk and consequences of contracting the virus have not been evenly known⁷⁷: workers in the informal economy have been disproportionately affected. Economic support and protective equipment provided by governments and employers to formal economy workers have not consistently reached those in the informal economy. Many had to (attempt to) continue to work in unsafe conditions⁷⁸. Evictions, police brutality, confiscation and destruction of produce were documented against informal traders and market vendors⁷⁹.

The pandemic has had a gendered impact on women in informal employment, particularly due to their significant representation in care and domestic work⁸⁰. Expert testimony provided to UN Women⁸¹ confirms that sexual harassment continued for those who were working during the pandemic⁸². COVID-19 also exacerbated sexual and gender-based violence against women migrant workers’ in irregular situations, perpetrators being aware this group is unlikely to report violence, due to their specific experiences of discrimination and fear of arrest or deportation⁸³.

The United Nations framework of socio-economic responses to COVID-19 covered five streams of work and included the protection of informal economy workers through economic response and recovery programmes. The framework⁸⁴ called for the redefinition of social protection systems to guarantee universal coverage of decent work⁸⁵ in conditions of freedom, equity, security and human dignity. Each of these elements has relevance to sexual harassment. No one is free, treated equally, or working under safe and dignified conditions when sexually harassed, or when sexual harassment can happen with impunity.

3. INTERNATIONAL NORMATIVE STANDARDS ON SEXUAL HARASSMENT AND ON THE RIGHTS OF WORKERS IN THE INFORMAL ECONOMY

A number of international standards prohibit sexual harassment as a form of gender-based discrimination and violence⁸⁶ and protect the rights of workers of the informal economy, including women migrant workers. They are described in Annex I.

TABLE 2:
International and Regional Normative Standards

International standards

Concerning sexual harassment

ILO Violence and Harassment Convention No. 190 and Recommendation No. 206 (2019)
Convention on the Elimination of all Forms of Discrimination Against Women (1979)
Committee on the Elimination of Discrimination against Women (CEDAW Committee) General Recommendation 19 on Violence against Women (1992)
CEDAW Committee General Recommendation 35 on Gender-Based Violence against Women, Updating General Recommendation 19 (2017)
CEDAW General Recommendation 26 on Women Migrant Workers (2008)
Beijing Declaration and Platform for Action (1995)
Sustainable Development Goals 5, 8, 16 (2015)

Concerning other forms of discrimination

International Convention on the Elimination of All Forms of Racial Discrimination (1965)

Concerning labour rights (domestic workers and farmworkers)

ILO Domestic Workers Convention No. 189 and Recommendation No. 201 (2011)
ILO Discrimination (Employment and Occupation) Convention No. 111 (1958)
ILO Freedom of Association and Protection of the Right to Organise Convention No. 087 (1948)
ILO Right of Association (Agriculture) Convention No. 011 (1921)

Concerning migrant workers' rights

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
ILO Migrant Workers Convention No. 143 (1975)

Regional standards on sexual harassment

Europe

Council of Europe Convention on preventing and combating violence against women and domestic violence (2011)

European Union Charter of Fundamental Rights of the European Union (2009)

Americas

Organization of American States Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1994)

Africa

African Union Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (1995)

Sub-regional instruments

Supplementary Act Relating to Equality of Rights Between Women and Men for Sustainable Development in the ECOWAS Region (2015)

SADC Protocol on Gender and Development (2008)

3.1 ILO VIOLENCE AND HARASSMENT CONVENTION AND RECOMMENDATION

ILO's Convention No. 190 recognises everyone's right to a world of work free from violence and harassment, including gender-based violence and harassment⁸⁷. This includes sexual harassment. The Convention

applies the term "worker" irrespective of contractual status, including those in the informal economy⁸⁸. The Convention also defines the "world of work" as the workplace and spaces connected with work⁸⁹, including private and public spaces. This is particularly relevant to workers in the informal economy who may conduct their work on the streets, for example rag pickers and street vendors, and in others' homes.

BOX 2

ILO Convention No. 190 on Violence and Harassment

Article 1

1(b). *The term "gender-based violence and harassment" means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.*

Article 2

1. *This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status (...)*
2. *This Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.*

Article 3

This Convention applies to violence and harassment in the world of work occurring in the course of, linked with or arising out of work:

- (a) in the workplace, including public and private spaces where they are a place of work;*
- (b) in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities;*
- (c) during work-related trips, travel, training, events or social activities;*
- (d) through work-related communications, including those enabled by information and communication technologies;*
- (e) in employer-provided accommodation; and*
- (f) when commuting to and from work.*

The Convention focuses on the need to transform workplace cultures and to confront the root causes of gender-based violence and harassment including discrimination, power relationships, precarious working conditions, hierarchical gender stereotypes and norms. It is the most comprehensive treaty on gender-based violence and sexual harassment in the world of work, notable for including in its view the informal economy, private and rural workplaces.

Recommendation No. 206 supplements the Convention by providing additional guidance for its implementation. It invites Member States to ensure the effective recognition of the freedom of association and the right to collective bargaining of all workers and employers. It stresses the importance to promote these as means of preventing violence and harassment in the world of work⁹⁰. It additionally invites Member States to adopt appropriate measures for sectors and occupations where exposure to violence and harassment may be higher, including night work, work in isolation, hospitality and domestic work⁹¹. Member States are advised to provide resources to workers and employers of the informal economy and their associations in facilitating the transition to the formal economy⁹². Finally, the Recommendation invites them to take measures, including at legislative level, to protect migrant workers regardless of migrant status, in particular women migrant workers⁹³.

3.2 ILO DOMESTIC WORKERS CONVENTION AND RECOMMENDATION

The first international standards recognising domestic workers as workers were adopted in 2011: the ILO Domestic Workers Convention No. 189 and Recommendation No. 201 (Box 3). These note domestic workers' disproportionate representation in the informal economy, as well as their particular vulnerability to human rights abuses and discrimination in conditions of employment and work.

By recognising domestic work as work, the Convention made visible what was previously invisible “women’s work” performed by so-called “helpers”. The Convention notes domestic workers’ human rights at work including freedom of association, the right to collective bargaining, the elimination of discrimination in respect of employment and occupation⁹⁴ and the right to a safe work environment⁹⁵. It calls on ILO members to ensure protection against all forms of abuse, harassment and violence⁹⁶ as well as access to dispute resolution mechanisms for all domestic workers⁹⁷ and enforcement of labour inspections⁹⁸.

Recommendation No. 201 offers practical guidance for the strengthening of national laws and policies on domestic work, including instructions on how to protect domestic workers from abuse, harassment and violence. The Recommendation advises the establishment of accessible complaint mechanisms for reporting, proper investigation and prosecution⁹⁹.

BOX 3**International standards on domestic workers' rights****ILO Domestic Workers Convention No. 189****Article 5**

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

ILO Domestic Workers Recommendations N.201**Para. 7**

Members should consider establishing mechanisms to protect domestic workers from abuse, harassment and violence, such as:

- (a) establishing accessible complaint mechanisms for domestic workers to report cases of abuse, harassment and violence;*
- (b) ensuring that all complaints of abuse, harassment and violence are investigated, and prosecuted, as appropriate.*

3.3 CONVENTIONS CONCERNING AGRICULTURAL WORKERS

A number of ILO conventions set specific international standards that recognise the human rights of agricultural wage workers, which both directly and indirectly contribute to the achievement of a workplace free from sexual harassment. These prohibit discrimination in employment, commit to freedom of association, the right to organise and to bargain

collectively with employers (see Table 2 and Annex I). These rights have been utilised by women workers' associations and trade unions in achieving greater protection from sexual harassment.

Collective bargaining has in some cases achieved the adoption of codes of conduct by employers, the establishment of complaint mechanisms and the development of training on gender-based discrimination and violence (see case studies in Chapter 6.3).

4. SOCIAL AND LEGAL PROTECTIONS

Legislation on sexual harassment in the workplace has increased between 2009 and 2018, yet there are fifty countries where no legislation is in place¹⁰⁰. Labour and non-discrimination laws that address violence in the world of work often “apply work-related violence and harassment provisions only to persons in an employment relationship”¹⁰¹. Reports of violence and harassment are higher in the informal than formal economy yet most workers there cannot access dispute mechanisms or benefit from labour inspections¹⁰². More than half (55%) of the world’s population is either not covered or only partially covered by social protection¹⁰³, most of whom are in the informal economy. Globally, 7.5 per cent of women in wage work are domestic workers¹⁰⁴, and only 10 per cent of them enjoy labour protections equal to those enjoyed by other workers¹⁰⁵. The absence of legal and regulatory frameworks in the informal economy reflects the lack of recognition of these workers as workers. As a result, they have no basic labour protections against wage theft, termination of employment or from health and safety risks. Efforts towards transitioning to formality have, in some places, included measures to increase social protection coverage of informal economy workers such as health and maternity protection and unemployment support, including by extending contributory social insurance¹⁰⁶.

“If there was security of income, more women would complain of sexual harassment”

—Garment worker from Bangladesh¹⁰⁷

Informal economy workers are in a small number of cases included in national labour and employment protections. Yet, coverage is not equal with formal economy workers and rights are poorly enjoyed, given the absence of viable enforcement mechanisms¹⁰⁸. Recognition as workers gives access to protection and benefits yet is contingent upon holding a contract of employment and on being registered in an employment-linked social security scheme¹⁰⁹. As a consequence, a significant struggle of informal economy workers has been obtaining recognition as workers, so that their employment rights, including working conditions, can be protected or regulated¹¹⁰. Several mechanisms of the United Nations have recognised these gaps, including the General Assembly (Box 4).

BOX 4

United Nations: Gaps and guidance

General Assembly Resolution on the Intensification of efforts to prevent and eliminate all forms of violence against women and girls: sexual harassment. (A/RES/73/148)

The General Assembly:

- Recognises that laws addressing sexual harassment do not cover many workplaces, such as those of domestic workers and migrant domestic workers and calls for these gaps to be addressed¹¹¹.
- Urges States to take effective action to prevent and eliminate sexual harassment against women and girls and to address structural causes and risk factors, including by developing measures to ensure that all workplaces are free from discrimination and exploitation, violence, and sexual harassment¹¹².

General Assembly Resolution on Violence against women migrant workers. (A/RES/72/149)

The General Assembly urges governments to:

- Recognise the importance of protecting labour rights and a safe environment for women migrant workers and those in informal employment¹¹³.
- Adopt or strengthen measures to protect the human rights of women migrant workers, including domestic workers, regardless of their migratory status¹¹⁴.
- Adopt and implement legislation and policies that protect all women migrant workers, including those in domestic work, to include therein, and improve where necessary, relevant monitoring and inspection measures (...)¹¹⁵.

Committee on Economic, Social and Cultural Rights

General comment No. 23 on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights). (E/C.12/GC/23)

The Committee on Economic, Social and Cultural Rights:

- Extends the right to favourable conditions of work to everyone, including workers of the informal sector, domestic workers, self-employed workers, agricultural workers, refugee workers and unpaid workers¹¹⁶.
- Recognises that freedom from violence and harassment, including sexual harassment is one of the fundamental elements that guarantee just and favourable conditions of work¹¹⁷.

4.1 DOMESTIC WORKERS

Many domestic workers are employed in formal work, including through agency work. Although, for many millions, location in the informal economy stymies their efforts to be free of sexual harassment as they are denied legal acknowledgement as workers and therefore protection¹¹⁸. In 25% of countries reviewed by the ILO, domestic workers are excluded from labour laws, with women disproportionately impacted due to their over-representation in this profession¹¹⁹. Weak enforcement mechanisms and employers' refusal to uphold provisions where they do extend to informal workers, limits their impact^{120 121}.

Reporting rates of sexual harassment amongst domestic workers is extremely low^{122 123}, compared to the high incidence observed in studies and surveys. Disincentives to making formal reports include (reasonable) fear

of not being seen as credible and the risk of being dismissed for making sexual harassment known¹²⁴. Formal justice systems can be populated by the same allegiances and biases that are found elsewhere: in Brazil a study concluded that employers, who are generally white, upper middle-class men, tend to enjoy the sympathy of judges¹²⁵. Additional barriers to reporting include restrictions on the use of the legal system by undocumented migrants, fear of being discriminated against by hostile government officials, limited eligibility for government legal aid, lack of knowledge of rights in the host country, limited proficiency in the local language and risk of expulsion¹²⁶.

4.1.1 Steps towards increased protection

There has been progress in extending or shaping protections and support for domestic workers. A number

of countries, including Argentina, Brazil, Ecuador, South Africa, Peru and Uruguay have extended some social and labour rights to domestic workers through a mix of enforcement and amended measures such as simplified registration, tax and contribution payment mechanisms¹²⁷. Italy and Spain have conducted regularisation processes to bring migrant domestic workers in irregular situations under the legal framework and to reduce their exposure to exploitation and abuse¹²⁸.

In Switzerland, the canton of Geneva adopted a voucher system that can be used by employers to hire domestic workers even if they are in an irregular situation and to provide them with social security coverage¹²⁹. Other countries have amended their laws or created new provisions to extend protection from sexual harassment to domestic workers, including those in informal employment, as illustrated in the examples below.

BOX 5

India's Law on Prevention of Sexual Harassment at the Workplace

In India, two pieces of legislation concern domestic workers: the Unorganised Workers' Act of 2008, which provides social security to unorganised workers, and the Sexual Harassment of Women at Workplace Act of 2013. The 2013 Act protects workers of both the organised (formal) and unorganised¹³⁰ (informal) sectors against sexual harassment. It explicitly protects domestic workers and includes dwelling places and houses in its definition of the workplace.

A large majority of women are still subjected to sexual harassment nevertheless and many informal workers are unaware of the existence of legislation. The mechanisms established by the law for the prevention, prohibition and redressal of sexual harassment – an Internal Committee (IC) at the institutional level and Local Committees at the district level – are not fully functional, as the latter have yet to be established in many districts¹³¹.

BOX 6

Pakistan: the Protection Against Harassment of Women at Workplace Act and the Amendment to Section 509 of the Pakistan Penal Code

After almost ten years of advocacy efforts by civil society led by the Alliance Against Sexual Harassment (AASHA), Pakistan adopted in 2010 the Protection Against Harassment of Women at the Workplace Act¹³². The Act provided a comprehensive definition of sexual harassment, established Inquiry Committees to investigate claims, and made mandatory the incorporation by employers of the Code of Conduct for Gender Justice at the Workplace¹³³.

The Protection Against Harassment of Women at Workplace Act however does not apply to the unorganized sector, in which the majority of Pakistani women are employed¹³⁴.

Additionally, in 2010 an amendment to Section 509 of the Pakistan Penal Code was passed, classifying sexual harassment in the workplace as a crime. The terminology of Section 509, which previously referred to “word, gesture or act intended to insult the modesty of a woman”, was revised to “insulting modesty or causing sexual harassment”¹³⁵. The amendment provides a definition of sexual harassment which includes both quid pro quo and hostile work environment types. The Section further specifies that sexual harassment may take place in public and private spaces, including private gatherings, or homes¹³⁶.

While positive legal change and progress is observed, more has to be done to ensure domestic workers in informal employment are covered by these laws.

4.2 FARMWORKERS

The labour rights of agricultural workers meet international standards in some states only¹³⁷. Generally, they apply to permanent agricultural labourers but not to seasonal, temporary, casual workers or undocumented migrant workers^{138 139}.

“He told her she had no rights and no papers, so she shouldn’t complain”

He then promised to pay her more if she had sex with him, and when she rejected his advances and threatened to call the police, he threatened to get her deported. [A few months later, when she rejected his sexual advances again], he showed her his pistol in his waistband”¹⁴⁰.

— Crew-leader to an undocumented migrant farmworker in California who complained about receiving lower pay than agreed.

An ILO study argues that laws prohibiting sexual harassment have not deterred perpetrators nor have they proved helpful in supporting victim-survivors, evidenced by low reporting rates¹⁴¹. While the main barriers to reporting are fear of retaliation and job loss¹⁴², some victim-survivors do not report due to confusion, uncertainty about how to respond or avenues of complaint¹⁴³. Precariousness of employment proved a significant factor in women workers’ acquiescence when targeted for sexual harassment in farms in Ethiopia, Tanzania and Uganda; elimination of casual labour has been identified to be a pre-condition for the elimination of sexual harassment in the agricultural sector^{144 145}.

Despite these difficulties, successful legal cases concerning sex discrimination and sexual harassment won by immigrant women farmworkers in the USA, including in irregular situation, have been documented^{146 147 148}. Additionally, the worker-driven social responsibility model of the Coalition of Immokalee Workers is included below (Chapter 6.3).

5. DOMESTIC WORKERS IN THE INFORMAL ECONOMY

5.1 DOMESTIC WORKERS

BOX 7

At a glance: domestic workers in the informal economy

- 50 out of 67 million domestic workers globally are in informal employment¹⁴⁹
- 60 out of 67 million domestic workers worldwide are excluded from social security coverage¹⁵⁰.
- **Brazil:** 63.1% of domestic workers were working informally, 41.9% were educated to elementary school; 62% were African-Brazilians (2009)¹⁵¹
- **Mexico:** up to 96.6% of domestic workers had no access to any kind of health services (2011)¹⁵²
- **China:** labour and social security standards do not cover domestic workers in informal employment; 90% of them are unprotected¹⁵³.

The ILO defines domestic work as “work performed in or for a household or households”¹⁵⁴. A domestic worker is “any person engaged in domestic work within an employment relationship”, excluding those who perform domestic work only occasionally or sporadically and not on an occupational basis”¹⁵⁵.

Almost 75% of domestic workers globally were estimated by the ILO to be in informal employment in 2013 (50 million out of 67 million)¹⁵⁶. Estimates are that the number of domestic workers worldwide more than doubled between the 1990s and 2013, rising from 33 million¹⁵⁷ to 67.1 million¹⁵⁸. Reasons behind this growth include the increase of women working outside the home, a decline in the public provision of care services and reduction of the support previously provided by extended family¹⁵⁹. Domestic workers are overwhelmingly female (80%)¹⁶⁰ and concentrated in cleaning and care services. Men generally gain higher pay in occupations in domestic employment in which they predominate, for example as gardeners, drivers, or security guards¹⁶¹.

Recent years have seen the emergence of gig-based domestic work¹⁶² where workers are engaged “on demand” via e-platforms. There is potential for employers to shop around for the cheapest workers whenever

they have need for one. This type of fragmentation and gig-based approach together has been called the “Uberisation” of domestic work. It poses challenges to organising and can heighten the burden of risk carried by the workers and lessen the risk to employers.

Despite being called “the work that makes possible all other work”¹⁶³, domestic work is not regarded by many as “real” work and remains undervalued and underpaid. The association of femininity, hence women, with the private sphere of the home and with the work that occurs in it results from the unpaid reproductive and caring roles women have been assigned and have performed in the house and the family across space and throughout history¹⁶⁴. Domestic work in the homes of others is generally performed by disadvantaged women from lower socio-economic positions and racial or ethnic groups or castes with little or no access to education, in systems with class inequalities¹⁶⁵.

In countries with a history of colonialism, domestic work is often carried out by black or indigenous women¹⁶⁶ or by women from the lowest castes and class. In the Americas for example, domestic work has roots in the legacy of slavery and colonialism. For centuries, it was performed by black enslaved women, who were routinely and legally permitted to be sexually violated

by white male “owners”¹⁶⁷. In wealthy countries, domestic work is often carried out by women migrant workers, forming the global care chain by moving from poorer to wealthier states. They tend to leave their own families and homes in the global south to care for those of others in countries that historically colonised theirs. Racial inequalities that structure social hierarchies in the latter, marginalise these workers and deny them enjoyment of their rights¹⁶⁸.

Research has thoroughly documented the human rights violations and the verbal, psychological, physical and sexual violence to which domestic workers are routinely subject without relief. These include: sexual abuse, exploitation and harassment, trafficking, forced labour, imprisonment in the employer’s house, control of food consumption, wage theft, non-payment of health care in cases of work accidents, absence of maternity leave, psychological coercion and extortion^{169 170}.

A significant number of domestic workers are migrants, estimated to number 11.5 million, accounting for 17.2% of all domestic workers and 7.7% of all migrant workers¹⁷¹. Undocumented migrant domestic

workers and live-in domestic workers are the most vulnerable as the risk of deportation limits their ability and willingness to seek help^{172 173 174}. Undocumented migrant women choose domestic work in part because they associate private spaces with lower risk of being found by authorities compared to a factory or other less secluded workplaces¹⁷⁵, yet they bring other dangers. Immigrant domestic workers face challenges in escaping abusive households, as exemplified by the story of a Mexican victim-survivor working for a chiropractor in the USA: “She was afraid that the doctor would kill her (and no one would even notice she was missing); she had no money, identification, or knowledge of English; she did not think that the police would believe her word against that of a doctor; and she felt that she would be blamed.”¹⁷⁶.

5.2 SEXUAL HARASSMENT OF DOMESTIC WORKERS

Many studies have documented widespread sexual harassment of domestic workers^{177 178 179 180}; examples are provided in Box 8.

BOX 8

Sexual harassment of domestic workers: a global picture

- A 2018 survey conducted in **India** of 291 domestic workers found that over 29% of them experienced sexual harassment at work: 19% ignored the incident, 15% spoke with their friends about it, and 20% of them complained to the police, without results¹⁸¹.
- A 2009 study on sexual harassment of 366 domestic workers in **Brazil**¹⁸² found that 26% of them had experienced sexual harassment at work during the previous year. Of these:
 - 69% named their experiences as sexual harassment.
 - 61% believed their jobs rendered them more vulnerable to sexual harassment, mainly due to proximity and daily interaction.
 - 83% experienced retaliation.
 - 47% (live-in workers) reported that sexual harassment incidents occurred in their bedrooms at the employers’ residences.
 - 75% of the perpetrators were men.
- A 2007 survey conducted in **Egypt**¹⁸³ of 633 migrant and refugee domestic workers, of whom 85 % were working without work permits found that:
 - Overall 10% reported sexual harassment
 - 18% said they knew others who were sexually harassed.
 - Perpetrators were male employers (66%), sons of the employers (19%), brothers of the employer (14%) and in one case the father of the employer.

- Sexual harassment included demanding sex, verbal harassment, touching, exposing genitals, showing pornographic films and materials, attempted rape, rape and gang-rape.
- A 2018 study in **Portugal** conducted with 684 native and foreign domestic workers (30.2% of them in informal employment) found that of the 14% who reported abuse, 22.9% experienced sexual harassment¹⁸⁴. Brazilian domestic workers were found the most vulnerable, including to sexual abuse and harassment¹⁸⁵.
- A 2005 survey¹⁸⁶ conducted in **China** with 206 domestic workers found that 6.3% of them had experienced sexual harassment. More than 50% of domestic workers in **Guangzhou** and **Chengdu**, and 27% of domestic workers in **Beijing** didn't have a contract. Shame and lack of information on where to find support meant that many workers preferred to keep silent or leave their jobs.

It has been argued that sexual harassment of domestic workers is used as a tool “to inscribe shame onto the workers’ bodies (...) to justify their exploitation”¹⁸⁷. Sexual harassment is in most cases perpetrated by male employers and younger male members of the house. Female employers who are made aware generally side with the family, accuse the worker of instigating the behaviour and retaliate against them¹⁸⁸. While generally it proves difficult to challenge a perpetrator of sexual harassment directly, for some migrant domestic workers it may also be completely at odds with cultural norms that mitigate against confronting men¹⁹⁰. Domestic workers have described their work as a journey to find the right jobs in good homes where they can work safely, by learning how to identify potential aggressors¹⁹¹. The informal nature of domestic work contributes to perpetrators seeing such workers as ideal targets for sexual harassment.

The specifics of informally engaged domestic work that influence targeting for sexual harassment are explained below.

5.2.1 Workplace factors

Domestic work is conducive to sexual harassment in part because of the privacy of the workplace: work is conducted in isolation and behind closed doors. Private households are not universally considered to be workplaces, contrary to international standards¹⁹². One reason why domestic work is largely informal is employers’ unwillingness to declare the employment relationship to social security departments, preferring instead to avoid making relevant contributions¹⁹³.

Workplaces that employ a number of staff often have codes of conduct that can be applied to all, at least in theory; this is not so for domestic workers. Nor are there human resource colleagues, welfare staff – any third person to whom workers can turn if they are targeted for sexual harassment. Verbal agreements create job insecurity and enable employers to dismiss workers at any time.

The relationship between domestic workers and their employers is generally characterised by subordination, power inequalities, as well as proximity and direct dependency of the worker on the employer. These factors enable sexual harassment perpetrators to feel confident of an absence of risk of accountability and may cause confusion for the worker on whether compliance with sexual demands is an inevitable part of their job as domestic workers¹⁹⁴.

Domestic workers tend to be poorly paid and unlikely to have significant savings, so are highly dependent on income to cover basic needs¹⁹⁵. They are likely to have little if any financial security that would provide leverage to challenge or denounce their employers/perpetrators. They are scattered across households, making connections and networking difficult: sharing information or supporting each other and organising is challenging. Migrant domestic workers with irregular terms of engagement are more likely than others to continue working for abusive employers, due to fear of being reported by the employers¹⁹⁶.

The dangers of sexual harassment can vary between live-in and live-out domestic workers, and between local and migrant domestic workers. Live-in domestic workers’ risk of sexual harassment is

constantly in the proximity, and arguably control, of their employers. They are dependent on them for accommodation, which can often lack privacy, they have little freedom or mobility (in some situations and in certain regions, there are no days off work) and some are prohibited from using phones¹⁹⁷. These factors reduce their ability to build a social network, important for the support it can provide, and restrict their ability to make reports.

5.2.2 COVID – 19 and sexual harassment of domestic workers

The 2020 COVID-19 pandemic affected domestic work with the ILO estimating that in June 2020, over 55 of 67 million (75%) domestic workers were at significant risk of losing their jobs due to lockdowns and no or poor social security coverage¹⁹⁸.

While there is not yet statistical data available on sexual harassment of domestic workers during the pandemic, accounts provided by domestic workers' organisations¹⁹⁹ indicate that sexual harassment unsurprisingly did not stop during this time and that fear of job losses inhibited their responses. Lockdowns have seen live-in domestic workers confined with their employer who may also be the perpetrators of sexual harassment²⁰⁰. Past epidemics such as Ebola evidenced that women and girls, including migrants, were at heightened risk of gender-based violence and of sexual exploitation and abuse, a pattern that may well be mirrored in the 2020 pandemic²⁰¹.

5.3 DOMESTIC WORKERS ORGANISATIONS AGAINST SEXUAL HARASSMENT

Dispersed workplaces, isolation, limited if any legal protection and other difficulties they meet have not prohibited informal domestic workers from organising. They have progressed with collective bargaining and negotiation in many regions of the world²⁰² ²⁰³. In 2011, their mobilisation and effective advocacy contributed to the adoption of ILO Domestic Workers Convention No. 189.

Domestic workers in the informal economy face social, legal and logistical obstacles²⁰⁴. Laws that codify the rights of workers to organise yet do not recognise those in domestic work as workers, fail to give legal support to their right to join or form trade unions²⁰⁵ ²⁰⁶. Nevertheless, domestic workers have established membership-based organisations and associations²⁰⁷. Logistical and practical challenges include the difficulty of bringing together geographically decentralised and “hidden” workers²⁰⁸, to engage with counterparts (associations of employers of domestic workers)²⁰⁹ who themselves tend to be isolated employers; the group basis of social dialogue and collective bargaining is missing²¹⁰. Additionally, the closeness of the employer-employee relationship can engender fear that employers would be personally affronted if their employee engaged in organising efforts and they could consider ending the relationship²¹¹.

Domestic workers organisations have however established communication networks through group activities revolving around education, training and income generation, providing a forum for raising women's consciousness for collective action. They have worked with other organisations including trade unions²¹², achieved improved access to social security and contributed to labour law reform. Trade unions have progressed formalisation by promoting written contracts and by including domestic workers in informal employment in tripartite negotiations²¹³. Domestic workers associations have undertaken collective action and conducted collective bargaining agreements with national trade unions (France and Italy)²¹⁴.

Domestic workers' organisations provide a range of services to their members in response to sexual harassment and gender-based violence such as “legal advice, referrals to legal centres and government services where these exist, training and awareness raising, immediate support through shelters, job placements and financial assistance”²¹⁵. Affiliates of the International Domestic Workers Federation bring cases to court with the support of NGOs, who pay for legal fees or provide legal consultancy.

The below boxes provide examples of how domestic workers networks and associations' have challenged sexual harassment.

BOX 9**Argentina: Cooperation between trade unions to ensure protection of Paraguayan undocumented domestic workers, including from sexual and gender-based violence**

Domestic workers trade unions from Argentina and Paraguay joined forces to increase the protection of Paraguayan domestic workers migrating to Argentina, who are subjected to discrimination and abuse.²¹⁶ Between 2014 and 2015, Argentinian domestic workers unions participated to the creation of a “Mercosur Passport”, to be used by migrant women who travel to Argentina to take up domestic work. The passport was agreed by the governments of Argentina and Paraguay, at the request of the International Trade Union Confederation (ITUC). The passport affirms that “immigrants and their families have the same rights to health, education, justice, work and social security as citizens of Argentina, even if they are in a situation of migratory irregularity”²¹⁷. The initiative contributed to the improvement of domestic workers’ labour rights, access to social security and reduction of abuse and violence, including sexual exploitation.

BOX 10**USA: Domestic Workers’ Bill of Rights**

Domestic workers in the United States have historically been excluded from the National Labor Relations Act (NLRA) that recognises basic rights such as trade union organising and collective bargaining though it excluded some groups of workers, such as domestic and farm workers²¹⁸. These groups were primarily black Americans, and then Hispanic workers²¹⁹.

US employers with fewer than fifteen workers are exempt from Title VII of the Civil Rights Act of 1964 which prohibits discrimination on the grounds of gender, race, religion or disability. This exemption leaves domestic workers unprotected by federal law if sexually harassed, which in the USA is recognised as sex discrimination.

The Domestic Workers’ Bill of Rights was adopted in New York State in 2010 following a campaign by domestic workers. It provides protection against sexual harassment and assault and coverage under the New York State Human Rights Law²²⁰. The law applies to workers regardless of immigration status, including citizens, legal permanent residents, immigrants with other lawful status and undocumented workers. As of July 2020, eight more states (Oregon, California, Connecticut, Illinois, New York, Massachusetts, Hawaii, and Nevada) and one city (City of Seattle) in the USA adopted legislation protecting domestic workers²²¹.

BOX 11**Nicaragua: SITRADOTRANS promotes the right of transgender domestic workers to workplaces free from sexual harassment**

The union of transgender domestic workers SITRADOTRANS raises awareness about the intersectional discrimination faced by transgender and gender non-conforming workers in the informal economy, and in particular gender-based violence and harassment²²². They have worked with the domestic workers’ union federation FETRADOMOV to lobby the Nicaraguan government to adopt the ILO Violence and Harassment Convention²²³. SITRADOTRANS and the Miami Workers Center (USA) advocated for the IDWF to “implement a program of action to address discrimination according to gender, race, ethnicities and sexual orientation”²²⁴. This resolution set the stage for subsequent campaigning and policy work on the rights of LGBTQI domestic workers.

BOX 12**Creation of the International Domestic Workers Federation and campaigning for the Domestic Workers Convention No. 189**

The International Domestic Workers Network (IDWN) was established in 2006 through collaborative work between the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) and Women in Informal Employment: Globalizing and Organizing (WIEGO). The governing body of the International Labour Organization (ILO) began a standard-setting discussion in 2008 on decent work for domestic workers²²⁵. IDWN gathered concerns and demands of domestic workers from across Africa, Asia and Latin America, and brought these to the 2010 International Labour Conference at which an agreement was secured for both a Convention and a Recommendation²²⁶. Between 2010 and 2011, the IDWN carried out a campaign across regions, mobilised and organised domestic workers, worked with the trade union movement, lobbied governments and employers, and built alliances with NGOs, researchers and supportive groups to support this work. Convention 189 was overwhelmingly approved at the ILO in 2011.

The IDWN became a Federation (IDWF) in 2013, which as of June 2020, has 75 affiliates from 58 countries who represent domestic workers with or without contract, in formal or informal employment, documented and undocumented²²⁷.

6. FARMWORKERS IN THE INFORMAL ECONOMY

6.1 FARMWORKERS

In 2013, 31.3% of the global workforce²²⁸ was engaged in agricultural work, amounting to 1.1 billion people. The agriculture sector has the highest informality, with over 90% of its workforce in informal employment, many of whom are rural poor²²⁹. Workers in informal agricultural employment²³⁰ may be in wage employment, self-employment, or work as contributing family members. Agricultural wage workers, estimated at 450 million globally, neither own nor rent the land they work and are concentrated in the production and primary processing of agricultural products in farms and on plantations²³¹. Many are in precarious seasonal, short term and casual employment where labour regulations are not applied, not enforced, or not upheld²³².

Many waged agricultural workers are poorly paid²³³, their employment is commonly temporary, hazardous and involves unhealthy work conditions, including exposure to pesticides. Some are denied fundamental rights such as freedom of association and collective bargaining²³⁴.

Women account for 20-30%²³⁵ of agricultural wage employment and that proportion is growing. The participation of men in informal agricultural wage employment globally is higher than women's²³⁶ (except in South Asia²³⁷) though women are concentrated in the least secure and lowest paid jobs, with few opportunities to develop their skills²³⁸ or ascend to management positions in agricultural companies²³⁹. They work in the fields and packing houses and carry out production tasks in planting, cultivation and harvesting.

BOX 13

At a glance: agricultural wage workers in the informal economy

- Over 90% of agricultural workers globally are in the informal economy²⁴⁰.
- **Sub-Saharan Africa** (62%) and **South Asia** (46.3%) have the highest proportions of informality in agriculture, as compared to the **European Union** 3.6%²⁴¹.
- Globally, women account for 20-30% of agricultural wage employment; 40% in **Latin America and the Caribbean**^{242 243}.
- 0.7 million women migrant farmworkers account for 3.2% of all women migrant workers. They are concentrated in high income countries²⁴⁴.
- In **South Asia** and **Sub Saharan Africa**, women in informal agricultural wage- and self-employment account for 71% and 59% of employed women, compared to 47% and 56% of men²⁴⁵.

6.2 SEXUAL HARASSMENT OF FARMWORKERS

Research on women farmworkers has documented widespread sexual harassment of migrant farmworkers

in high income countries^{246 247 248 249 250} as well as of farmworkers in low- and middle-income countries^{251 252 253}.

BOX 14

Sexual harassment of agricultural wage workers: a global picture*

- Research²⁵⁴ conducted across 62 cut-flower and horticultural farms in Ethiopia, Kenya, Tanzania and Uganda found that:
 - In **Ethiopia**, of 160 women, 38% of workers had never heard the term “sexual harassment”, and 86.6% reported some form of harassment.
 - In **Tanzania**, 89% of women workers across 20 farms had personally witnessed one or more incidents of sexual harassment, mainly perpetrated by managers.
 - In **Kenya**, 90% of those interviewed rated sexual harassment as the most difficult problem experienced by women in the cut-flower sector. Of them, 40% reported verbal sexual harassment, 24% unwanted touching, 18% had had threats of reprisal for not responding to sexual advances.
- A study²⁵⁵ on Mexican-American farmworkers conducted in **California** found that 90% of women farmworkers considered sexual harassment to be a major problem in the workplace. 10% reported that they were sexually harassed by a co-worker or a foreman²⁵⁶.
- In **Ecuador**, a study²⁵⁷ on the cut-flower industry conducted throughout 47 companies found that 55% of workers reported sexual harassment:
 - Incidence rose to 71% amongst 20-24 year olds.
 - Incidence was lower amongst women with higher skills: 6.9% amongst supervisors and administrations, as opposed to 46.5% of those engaged in cultivation.
 - Only 5% reported the incidents to their superiors. Following these reports, disciplinary measures were taken in only 14% of the cases reported²⁵⁸.

* Due to a lack of studies and surveys specific to farmworkers in informal employment, the examples provided may include farmworkers in permanent, temporary, casual and informal employment.

Stark power imbalances exist in the fields, plantations, greenhouses and packing areas where farm work is conducted. The male dominated cohorts of business owners, supervisors and foremen have the power to hire, fire, extend (or not) the duration of employment, confer benefits or violate rights and retaliate with impunity against women who reject their sexual advances²⁵⁹. Women workers are instead concentrated in unskilled, labour-intensive tasks²⁶⁰ and are mostly in temporary and precarious employment. These arrangements are reflective, and constitutive, of power

inequalities which make farms, fields and plantations fertile places for sexual harassment.

Workers in informal employment are particularly at risk, since “the more precarious is a worker’s job, the more likely she is to be harassed”²⁶¹. Women farmworkers have developed many self-defence strategies to protect themselves from sexual harassment and assault: they wear loose clothing to hide their physique and have adopted false sexual orientations to avoid attention²⁶²; in the absence of toilet facilities in

the fields, they accompany each other into secluded areas where sexual assault is known to happen²⁶³; they tie shirts around their waists “to cover [their bodies] from male scrutiny, commentary, or touches when they bend over to work”. They also inform new workers about the fields to avoid where “work is exchanged for sex”²⁶⁴ under conditions of inequality.

Sector specific conditions of agricultural wage employment that exacerbate inequalities of power and exposure to sexual harassment are discussed below.

6.2.1 Workplace factors

Farm work is characterised by large power imbalances, which are conducive to sexual harassment. In these environments, farm owners, supervisors and foremen can use *quid pro quo*²⁶⁵ forms of sexual harassment (see Box 1) and retaliate against those who refuse to comply with their sexual expectations. As farm work is in large part seasonal, arrangements are often short term or casual and can rely on verbal agreements. The precarity of these agreements exacerbate power differentials, leaving workers with neither job security nor leverage against their employers²⁶⁶. Supervisors instead have the power to hire, fire, discontinue work or offer work in the following season; to confer benefits such as assigning lighter or more pleasant work; (dis)allow basic necessities²⁶⁷ such as taking breaks, going to the toilet, or drinking water; to lower worker’s income or “not calculate their productivity and payment correctly”²⁶⁸. In many countries, farms are often male dominated environments where womanhood itself constitutes a risk of being targeted for sexual harassment²⁶⁹. Young women and single mothers report higher levels of sexual harassment than older women and married women with families²⁷⁰. Workers with low skills levels have been found more likely to be sexually harassed than others, with workers in cultivation and post-harvesting being targeted more than workers in administrative positions^{271 272}.

Supervisors use their powers in *quid pro quo* forms of sexual harassment as do perpetrators who are co-workers.

The characteristics of farmworkers’ workplaces – the fields, farms, plantations, or accommodation where they sleep – are particularly challenging for women: there may be an absence of toilet facilities for those working in fields, such that women can be easily targeted for sexual harassment when they seek secluded areas to relieve themselves. Accommodation can be inadequate and overcrowded, lacking privacy or security and with poor sanitary facilities²⁷³. The location of farms and the extensiveness of the fields where work is conducted make labour inspections in the agricultural sector difficult to implement²⁷⁴. Exclusion from membership of trade unions of informal farmworkers without permanent-work status inhibits their ability to organise and can increase the risks of being targeted²⁷⁵.

6.2.2 COVID – 19 and sexual harassment of farmworkers

During the COVID-19 pandemic, some governments such as in Italy and the USA²⁷⁶ took measures to ensure continued functioning of their food supply chains. In the USA for example, farmworkers -including undocumented workers- were designated as essential, yet, they have not been protected from the threat of deportation²⁷⁷; in Italy, the government passed a law allowing undocumented workers in agriculture and domestic work to apply for a temporary residency permit of six-months²⁷⁸.

Farmworkers have been exposed to the virus and risked their health, with minimal or no access to healthcare or paid sick leave. In an open letter to US political leaders, farmworker advocates noted how the pandemic exacerbated violence, including gender-based violence and labour exploitation in the fields. Highlighting how domestic violence, sexual violence and human trafficking have continued during the pandemic, the letter requests policy makers to take into consideration farmworkers’ needs in their policy responses to the pandemic²⁷⁹.

6.3 FARMWORKERS ORGANISATIONS AND TRADE UNIONS AGAINST SEXUAL HARASSMENT

Less than 10 per cent of the world's waged agricultural workers are organised in trade unions or rural workers' organisation²⁸⁰. Male representation is higher than women's in these associations²⁸¹.

Trade unions and workers organisations have engaged extensively in collective bargaining agreements. Some of these agreements however do not cover workers who are not union members²⁸². The exclusion of workers in

non-permanent employment by some trade union exacerbates their vulnerability to sexual violence and hinders their ability to organise to tackle this problem.²⁸³ This leaves them without protection and organised support should they be targeted for sexual harassment.

Collective bargaining agreements in horticultural farms in Tanzania, Uganda and Ethiopia led to the introduction of policies addressing casual women workers' concerns, including sexual harassment, and a reduction of the use of casual labour through increased adoption of written contracts²⁸⁴. Some examples follow of improved protection of informal workers from sexual harassment associated with farmworkers organising.

BOX 15

A collective bargaining agreement tackling sexual harassment in Uganda

A Collective Bargaining Agreement (CBA) negotiated between the Uganda Flower Exporters Association and two national trade unions representing floriculture workers, had the support of national and international NGOs (Uganda Workers Education Association and Women Working Worldwide)²⁸⁵. The CBA included the establishment of sexual harassment prevention mechanisms including steps towards a sector-wide sexual harassment policy. The CBA covers all workers including non-union members and sets out the procedure for dealing with sexual harassment on farms²⁸⁶. Using a mechanism in which farm managers and NGOs participated, workers were able to highlight that concentration of power held by direct supervisors contributed to sexual harassment. This led to the reduction of discretionary power of supervisors and to the organisation of awareness raising activities for trade unions and companies concerning the conditions faced by women workers²⁸⁷.

“Although supportive, the union was not always sensitive to the needs of women workers. Male leaders can't know the problems women have.”²⁸⁸

Women workers stressed the key role played by the two women's organisations, in particular in setting up the Women's Committee where women could share issues they previously felt unable to discuss with union representatives or company managers.

BOX 16

Chiquita signs a Joint Understanding on Sexual Harassment

A union campaign led the company Chiquita to introduce in 2013 the first sexual harassment policy in the Latin American banana sector, forming part of IUF/COLSIBA/Chiquita Regional Framework Agreement. The agreement applies to all Chiquita employees, including seasonal workers, temporary workers, workers on short term contracts, and non-employees who conduct business with Chiquita.

An appendix to this agreement includes a Joint Understanding on Sexual Harassment, which established training on sexual harassment prevention and ensured access to information about worker's rights in Latin American Banana Operations²⁸⁹.

BOX 17**Coalition of Immokalee workers: The Fair Food Programme (USA)**

The Coalition of Immokalee Workers (CIW) is a worker-based human rights organisation which in 2011 launched the Fair Food Program (FFP). FFP is a worker-driven social responsibility model which is designed, monitored and enforced by the same workers it is intended to protect²⁹⁰. The model is based on a partnership among farmworkers, tomato growers, and participating retail buyers. CIW expects buyers to sign legally binding agreements promising to source tomatoes only from farms participating in the programme²⁹¹. Fair Food Farms ensure decent working conditions and workplaces free from wage theft, trafficking and sexual harassment. These standards are enforced and monitored through complaint resolution, auditing, market-based enforcement and worker-education programs²⁹².

The model includes the adoption of The Fair Food Code of Conduct by participating growers, a set of standards created by workers drawing on their own experiences which include zero tolerance provisions concerning sexual harassment²⁹³. An independent reporting process for sexual harassment provides a toll-free, 24/7 complaint line and access to multilingual investigators.

Through peer to peer education and training, workers learn about their rights, including how to identify abuse in the workplace, and how to make protected and confidential complaints²⁹⁴. Between 2011 and 2018, the CIW reported a significant reduction of sexual harassment in participating farms, having disciplined thirty-five supervisors for sexual harassment, and fired ten²⁹⁵.

BOX 18**UN Women and Unilever: Prevention of sexual harassment in the tea industry**

In Kericho, Kenya, UN Women partnered with Unilever implement a program to prevent sexual harassment across one of the largest tea industries in the world. The program adopted a multi-pronged approach, which included:

- i) Improving the gender balance amongst team leaders;
- ii) Improving the grievance handling process;
- iii) Improving lighting across the plantations, the establishment of safe places for women to breastfeed and day care centres for children;
- iv) Establishing twenty “kings and queens school clubs” for children while parents are at work. Additionally, awareness raising sessions were conducted amongst young learners who were trained on how to recognise and report sexual harassment.

“Creation of safe spaces and gender parity in tea industry in Kenya, one of the largest globally, not only provided safety for women and girls, but contributed to high productivity”

The African Women’s Development and Communication Network (FEMNET) helped engage and mobilise local male smallholder farmers in the prevention of sexual harassment.

7. TOWARDS SAFE WORKPLACES FOR ALL

The consultations conducted in the production of this paper, literature reviewed and UN Women's work against sexual harassment provide the foundation for recommendations that follow²⁹⁶. These begin with a general focus on ending sexual harassment in informal employment and then address sector specific issues relating to domestic and farm work.

7.1 RECOMMENDATIONS CONCERNING SEXUAL HARASSMENT IN THE INFORMAL ECONOMY

Policy and law²⁹⁷

States with the support of women's organisations to:

- Address the root causes of sexual harassment: gender inequalities, gender-based discrimination and gender stereotypes in particular amongst workers in the informal economy²⁹⁸.
- Adopt intersectional approaches in policy, practice and legislation on gender-based discrimination in employment, to include workers in the informal economy.
- Adoption of a victim-centred approach²⁹⁹ by law enforcement agencies and by the criminal justice system to ensure that workers in informal employment have access to remedies and justice for cases of sexual harassment³⁰⁰.

States to:

- Ratify, implement and align national laws and policies with ILO Violence and Harassment Convention No. 190.
- Implement ILO Violence and Harassment Recommendation No. 206, noting in particular

guidance on the transition to the formal economy, migrant workers, and sectors and occupations with high exposure to violence and harassment.

- Implement ILO Recommendation No. 204 on the Transition from the Informal to the Formal Economy, ensuring the promotion of equality and the elimination of all forms of discrimination and violence, including sexual harassment at the workplace.
- Secure the right to freedom of association for all workers, including all informal workers, in accordance with the ILO Freedom of Association and Protection of the Right to Organize Convention No. 87³⁰¹.
- Extend the scope of labour and employment laws to all workers in informal employment, regardless of sector.
- Ensure that all informal workers have access to social protections, including health care and paid leave from work.

Awareness raising and support for victim-survivors

- States to support, including through funding of specialists, the establishment of national helplines for victim-survivors of sexual harassment, free of charge and in a variety of languages.
- NGOs, informal women workers organisations and trade unions to develop and offer training on sexual harassment drawing on UN Women's guidelines for effective training standards³⁰². Trade unions to ensure that such trainings are open to workers in informal employment. Training should be designed with the specifics of the work contexts – home-based work, street vending, domestic work, farm work – in mind.

7.2 RECOMMENDATIONS CONCERNING SEXUAL HARASSMENT IN DOMESTIC WORK

Policy and law³⁰³

States to:

- Ratify, implement and align national laws and policies with the Domestic Workers Convention No.189 and Recommendation no. 201.
- Ensure ratification and implementation of ILO Violence and Harassment Convention No. 190, and as per Article 7 adopt laws and regulations to define and prohibit violence and harassment in the world of work, including gender-based violence and harassment. Such laws and regulations shall include informal workers and private spaces of work.
- Ensure that domestic workers enjoy realisation of their right to organise.
- Ensure that national laws and regulations authorise labour inspections in private homes, including where domestic work is conducted informally, and that these include monitoring of sex discrimination including sexual harassment.
- Promote the transition to formality through the use of standardised contracts that include provisions on gender-based discrimination and sexual harassment.
- Ensure legal avenues of entry through immigration for migrant domestic workers.
- Ensure undocumented migrant domestic workers are granted basic legal and social protections.

Awareness raising

- States to develop mass public campaigns on sexual harassment to include the specifics of domestic work and the private household. Such campaigns to be developed with the guidance and support of domestic workers organisations. Campaigns to clarify what constitutes sexual harassment³⁰⁴, identify where to find free, confidential support, be

easily accessible and available in a variety of languages.

- Women domestic workers organisations and NGOs shall develop and offer training on sexual harassment that upholds UN Women's standards³⁰⁵ open to all domestic workers, including those in informal employment and not affiliated to workers' organisations.

7.3 RECOMMENDATIONS CONCERNING SEXUAL HARASSMENT IN FARM WORK

Policy and law³⁰⁶

States to:

- Extend legal protection from sexual harassment in the world of work to all farmworkers, including those in informal and non-standard (casual, short term, seasonal) employment.
- Ensure legal avenues of entry through immigration for agricultural workers to perform seasonal and temporary labour and ensure these workers have equal protections to others.
- Ensure undocumented migrant farmworkers have legal and social protections.
- Reinforce labour inspections in farms, fields and plantations, and ensure that they include monitoring of sex discrimination, including sexual harassment.

Representation and collective bargaining agreements

- Ratify, implement and align national laws and policies with the ILO Right of Association (Agriculture) Convention No. 11, ensuring farmworkers can realise the right to organise.
- Ensure effective implementation of ILO fundamental Conventions concerning Discrimination (Employment and Occupation) No. 111 and Freedom of Association and Protection of the Right to Organise No. 87.
- Agricultural workers' trade unions ensure the participation of workers in informal and non-standard

employment in collective. The rights and protections granted by such agreements to apply to all workers working under the participating employer, including those in informal employment.

- Ensure gender and sex equality are integral to collective bargaining agreements, through collaboration with women workers organisations. These to include the adoption by employers of a code of conduct, policy and procedures on sexual harassment and accessible and confidential reporting mechanisms (refer these standards³⁰⁷).

Awareness raising, capacity building, and cultural change

Employers, with the support of women organisations and NGOs shall:

- Advance and promote women farmworkers' access to supervisory positions.
- Support the development of training on farms which challenge gender inequality, gender stereotypes and promotes cultural change³⁰⁸.
- Support and enable women farmworkers to design and conduct peer to peer training³⁰⁹ on sexual harassment. These should clearly explain what sexual harassment is³¹⁰ and provide information on available support and complaints mechanisms.

ANNEX I

INTERNATIONAL STANDARDS

The **Convention on the Elimination of all Forms of Discrimination Against Women** (1979) defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”³¹¹. The Convention condemns “discrimination against women in the field of employment”³¹².

CEDAW Committee General Recommendation 19 on Violence against women (1992) specifies that gender-specific violence, which includes sexual harassment in the workplace, seriously impairs equality in employment³¹³. It also states that unwelcome sexually determined behaviour is discriminatory when it creates a hostile work environment and when a woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment³¹⁴.

CEDAW Committee General Recommendation 26 on women migrant workers (2008) highlights the specific vulnerability of women migrant workers to sexual abuse, sexual harassment and physical violence, especially for domestic workers and women migrant workers in farms or in the industrial sector. States Parties have an obligation to protect the basic human rights of undocumented women migrant workers and that “undocumented women migrant workers must have access to legal remedies and justice in cases [that include being] ... abused physically or sexually by employers or others”³¹⁵.

ILO Transition from the Informal to the Formal Economy Recommendation No. 204 (2015) recognises that high rates of participation in the informal economy pose a challenge for the rights of workers and their social protection; it advises members to develop

strategies and policy frameworks to facilitate such transition. These are to integrate the promotion of equality and the elimination of all forms of discrimination and violence, including gender-based violence, at the workplace³¹⁶ and pay special attention to those in the informal economy, including women, migrants, indigenous and tribal peoples, domestic workers and subsistence farmers³¹⁷.

ILO Discrimination (Employment and Occupation) Convention No. 111 (1958)

This Convention calls on Members to promote equality of opportunity, treatment and to eliminate all forms of discrimination in respect of employment and occupation.

The **Beijing Platform for Action** (1995) affirms that sexual harassment is “an affront to a worker’s dignity and prevents women from making a contribution commensurate with their abilities”³¹⁸. It acknowledges the increasing participation of women in the expanding informal sector, which they often enter due to lack of other opportunities³¹⁹. It calls on governments, employers, trade unions and non-governmental organisations to “develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere”³²⁰.

The **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** (1990) states that migrant workers shall have the right to security of the person and effective protection by the state against violence, threats and intimidation³²¹. It applies to all migrant workers, including undocumented and irregular migrant workers.

ILO Migrant Workers Convention C143 (1975) calls for respect for the basic human rights of all migrant workers³²² and states that all migrant workers, including those in irregular situations³²³, have the right to present their case to a responsible body, either in person or through a representative³²⁴.

The **International Convention on the Elimination of All Forms of Racial Discrimination**, adopted in 1965, defines racial discrimination as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin with the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, of human rights and fundamental freedoms³²⁵. State Parties must eliminate racial discrimination to guarantee everyone regardless of race the right to work in just and favourable conditions of work.³²⁶

Sustainable Development Goals³²⁷

The Sustainable Development Goals (SDGs) include commitments to end violence against women and girls by 2030. SDGs 5, 8, 10 and 16 include specific targets on eliminating all forms of violence against women and girls, promoting decent and safe workplaces for all, reducing inequalities and promoting just, peaceful and inclusive societies. The table below highlights key (in green) and relevant (in blue) targets and indicators (in yellow) on addressing sexual harassment and on improving the rights of women workers in the informal economy.

Sexual harassment and workers of the informal economy in the SDGs	
Goal 5: Achieve gender equality and empower all women and girls	
Target 5.1	End all forms of discrimination against all women and girls everywhere.
Target 5.4	Recognise and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.
Goal 8: Promote inclusive and sustainable economic growth, employment and decent work for all	
Target 8.5	By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.
Target 8.8	Protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.
Indicator 8.8.2	Level of national compliance with labour rights (freedom of association and collective bargaining) based on International Labour Organization (ILO) textual sources and national legislation, by sex and migrant status.
Goal 10: Reduce inequality within and among countries	
Target 10.2	By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status.
Target 10.3	Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.
Target 10.4	Adopt policies, especially fiscal, wage and social protection policies, and progressively achieve greater equality.
Goal 16: Promote just, peaceful and inclusive societies	
Target 16.1	Significantly reduce all forms of violence and related death rates everywhere
Indicator 16.1.3	Proportion of population subjected to (a) physical violence, (b) psychological violence and (c) sexual violence in the previous 12 months
Target 16.3	Promote the rule of law at the national and international levels and ensure equal access to justice for all
Indicator 16.3.1	Proportion of victims of violence in the previous 12 months who reported their victimisation to competent authorities or other officially recognised conflict resolution mechanisms
Target 16.b	Promote and enforce non-discriminatory laws and policies for sustainable development
Indicator 16.b.1	Proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law

REGIONAL STANDARDS

Europe

The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (2011)

Best known as the Istanbul Convention, this instrument requires parties to take legislative measures on sexual harassment, “to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.”³²⁸

Charter of Fundamental Rights of the European Union (2000)

The European Union prohibits any discrimination on the basis of “sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation”³²⁹, and states that “equality between men and women must be ensured in all areas, including employment, work and pay”.³³⁰

Americas

Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (1994)

In this instrument also known as the Convention of Belém do Pará, the Organization of American States treats sexual harassment as violence against women. Art. 2 states that violence against women includes “sexual harassment in the workplace, as well as in educational institutions, health facilities or any other place”³³¹.

Africa

Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (1995)

The Maputo Protocol obliges States Parties to “combat and punish sexual harassment in the workplace”³³².

The Economic Community of West African States (ECOWAS), a sub-regional body, adopted in 2015 a **Supplementary Act Relating to Equality of Rights Between Women and Men for Sustainable Development in the ECOWAS Region**. The Act calls for Member States to “ensure that the perpetrators of gender-based violence, including (...) sexual harassment, ... are brought before a court of competent jurisdiction and punished accordingly”³³³, and “to adopt laws and regulations for the implementation of policies, strategies and programmes that define, prohibit and penalize sexual harassment and rape in all areas”³³⁴.

The Southern African Development Community’s 2008 **Protocol on Gender and Development**³³⁵ requires States Parties to “enact legislative provisions and adopt and implement policies, strategies and programmes which define and prohibit sexual harassment in all spheres, and provide deterrent sanctions for perpetrators of sexual harassment”.

ENDNOTES

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