

Collective Responsibility to address GBV in the workplace

Uganda National Household Survey 2016/17



90%
of Uganda's labour force is in the informal sector



61%
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71%
of these are women



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Introduction

Uganda's labour force in the informal sector stands at 90%, according to the Uganda National Household Survey, 2016/17. More so, 61% of those in all forms of employment are said to be engaged in vulnerable employment, with 71% of these being women. Much as the Sustainable Development Goal 8.8 decrees that countries protect labour rights and promote safe and secure working environments of all workers, including migrant workers and those in precarious employment, Uganda continues to grapple with the lack of more inclusive, violence free and diverse

workplaces; equal pay for work of equal value; maternity protection; employment of persons with disabilities and the minimum social protection standards, among other issues. A lot of working conditions for women in the informal sector are also synonymous with meagre earnings, low productivity and hazardous conditions of work that undermine workers' fundamental rights. Women in the labour market are faced with a number of problems that range from gender inequality, discrimination, and exposure to precarious work, sexual harassment which marginalizes them further.

Frameworks which address GBV in the Workplace

Globally

Gender equality at the heart of decent work resolution was adopted by the International Labour Conference at its 98th Session (2009), calling for the prohibition of gender-based violence in the workplace and for policies, programmes, legislation and other measures to be implemented to prevent it. (ILO, 2015a, paragraph 33(a)-(b)); ILO, 2015b, paragraphs 12, 13 and 28, and Appendix III, paragraphs 14-21). The experts discussed how the experience of violence and harassment sometimes crosses set categories and definitions. This relates to their conclusion that violence and harassment in the world of work should be addressed as part of a continuum of unacceptable behaviours and practices, which can include physical, psychological and sexual aspects (ILO, 2016a, Appendix I, paragraph 3).

In Uganda

The Government of Uganda ratified several international and regional instruments that promote gender equality, support prevention and response to GBV¹. The 1995 Constitution of Uganda is the parent legislative framework underlying the gender equality within it Chapter 4 on Protection and Promotion of Fundamental and other human rights and freedoms by guaranteeing every Ugandan equality and freedom from discrimination, respect for human dignity and protection from inhuman treatment, protection from slavery, servitude and forced labour, and protection from deprivation of property. This is further enhanced with legislations that promote gender equality² and to the workplace³. Workplace-specific laws rarely regulate strictly physical forms of violence and harassment. Where they do, they tend to use the terms “physical assault” or “assault”, without defining the term. Gender Equality work is in alignment with the Uganda Gender Policy (2007) and the National Action Plan on Women (2007), the National Policy on Elimination of Gender Based Violence (2016), Uganda Vision 2040, (2013), National Development Plan NDP II (2015/16-2019/20); the Social Development Sector Plan (SDSP) 2015/16-2019/20 underlines the expansion of GBV prevention and response programs as a priority area of action. In addition, there are other policies including: National Strategy to End Child marriage and teenage pregnancy (2014/2015 – 2019/2020); the National strategic plan on violence against children in schools (2015-2020); and the National Action Plan on Elimination of Gender Based Violence in Uganda (2016 - 2021) guides efforts towards reduction of GBV prevalence in all its manifestations and ensure a coordinated mechanism for elimination GBV from all societies in Uganda.



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Understanding violence and harassment in the world of work: Impact, drivers, risk factors and particular groups

GBV is highly contextual and is often driven by dynamics operating in the workplace and the greater society, including, but not limited to, power relations, gender norms, cultural and social norms, and discrimination. Within certain cultural and social frameworks, GBV can become “normalized” seen as a normal, or unquestioned, part of daily work⁴. Evidence shows that pregnant workers, as well as women and men returning from maternity, paternity or parental leave, can experience harassment by co-workers, subordinates or superiors⁵. Requests for breastfeeding breaks or other family-friendly working arrangements can also result in humiliating treatment, emotional abuse, relocation of the place

of employment and other pressures aimed at isolating workers and forcing them to resign⁶. Workers, particularly women are unprotected and without recourse in the face of gender-based discrimination and workplace violence. Specific forms of GBV at workplaces include: Sexual coercion; Gender based workplace discrimination, stigmatization, and social exclusion; Sexual harassment and intimidation; Sexual exploitation and abuse; Trafficking for forced labour and sex work within and across borders.

The most commonly addressed form of work-related violence and harassment in legislation is sexual harassment (World Bank, 2015). Persons with disabilities report relatively higher levels of violence

and harassment in the workplace, even though they are less represented in the labour market. GBV against people living with HIV is widespread in employment, education and healthcare and ranges from beatings to sexual assault.



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¹Conventions on the Rights of the Children 1989 (1990); Convention on Elimination of all Forms of Discrimination Against Women 1979 (1987); Convention Against Torture and other Forms of Cruel, Inhuman and Degrading Treatment 1984 accession (1986); Abolition of Forced Labour Convention 1957 (No.105) (1963); ILO Convention on Worst Forms of Child Labour, 1999(No.182) (2001); Equal remuneration Convention No.100 (2005); Discrimination (Employment and Occupation) Convention No 111 (2005); UNESCO Convention on Safe Guarding of Intangible Cultural Heritage, 2003 (2009); Convention on the Rights of Persons With Disabilities, 2006 (2007); Beijing platform for Action 1995 (1996); The African Charter on Human and Peoples' Rights 1981 (1986); The African Union Heads of State Solemn Declaration on Gender Equality, 2004 (2005); the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol, 2003) (2010).

²the Penal Code Act Cap 120 which criminalizes and penalizes most forms of GBV against women, men and children, the Domestic Violence Act 2010 provides for the protection and relief of victims of domestic violence, punishment of perpetrators of domestic violence and procedures, the Children's Act Cap 59 and the Children (Amendment) Act, 2016 provides for protection of children, strengthening the provision for guardianship, strengthening the conditions for inter country adoption and prohibits corporal punishment including mandatory reporting of cases of violence against children by teachers, health and social workers, the Persons with Disabilities Act, (2006), the Prohibition of Female Genital Mutilation Act, 2010 and the Prevention of Trafficking in Persons Act, (2009).

³Employment Act No. 6, (2006); the National Equal Opportunities Policy, 2006; the Equal Opportunities Commission Act, (2007); the Uganda National Employment Policy, (2011); the Labour Disputes (Arbitration and Settlement) Act No. 8, (2006); the Labour Unions Act No. 7, (2006); the National Child Labour Policy (2007); the National HIV/AIDS and the World of Work Policy (2007); the Local Government Act; Minimum Wages Board and Advisory Council Act; The National Women's Council Act; the Occupational Safety and Health Act No. 9, (2006) and the Workers' Compensation Act, (Cap 225) among others.

⁴Baby et al., 2014; Hillis, 2013; Matulewicz, 2015; Rasmussen et al., 2013; Keogh and Byrne, 2016, page 32; Baines and Cunningham, 2011

⁵ILO, 2016d

⁶Giunti, 2015; Addati et al., 2014; Masselot et al., 2012

⁷MGLSD, Uganda Management of Social Risk and Gender Based Violence Prevention and Response Project, Social Impact Assessment- April 2017

Special highlight of this section

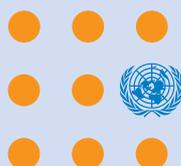
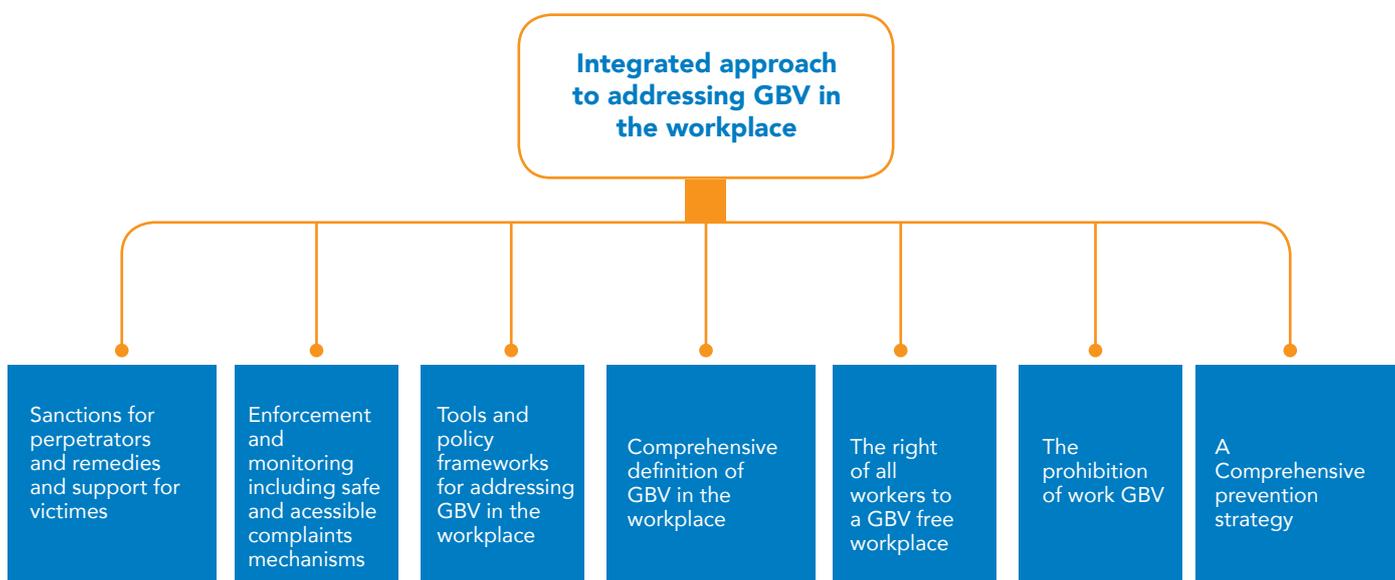
Social risks associated with labor influx and GBV in Uganda work places ⁷:

- Low Level of Awareness of Employment Act and related regulations despite the existence of the Employment Act with related regulations, terms and conditions exist. Lack of Formal Contracts of Employment and Long Working Hours and limited use and understanding of the Minimum Wages Advisor Boards and Wages Council Act.
- Unfair Workers Remuneration left to the discretion of the employee especially in the private sector.
- Lack of guidelines on family/work life balance has contributed to broken family/boy/girl relationships, resulting in increased GBV at family level and poor parenting of children.
- Normalisation of workplace intimate relationships, resulting into GBV and high risk of transmission of HIV and other sexually transmitted diseases.
- Breach of Leave Entitlement as spelt out in the Employment Act.
- Lack of Conducive Environment for Safe Motherhood: There are no national regulations and guidelines on flexibility of work schedules for pregnant workers, rotation or provision of alternative tasks to pregnant women or support for breastfeeding mothers in workplaces.
- Poor Safety and Health Culture; National guidelines and

regulations on mitigation of social risks within the working environment are poorly disseminated which affects enforcement and self-regulatory mechanisms.

- Violence in the Workplace: focus has been put on sexual harassment and less on other forms of violence like psychological, economic and physical which are considered high.
- Accident Reporting Forms: LD Form 31 used in reporting and investigation of compensatable accidents does not provide clear guidance on investigation of these accidents in relation to social risks and GBV.
- Police Form 3, Medical Examination of an Injured Person: The Senior Medical Officer, HC IV, revealed that the PF form 3, lacks a section or question on the place where the incident occurred (whether at the workplace or in the community)"; making case filtering impossible.
- Low Awareness on Whistle Blowing Protection Guidelines: The Whistle Blowers Protection Act, 2010 has not been disseminated and there are no developed guidelines to operationalize the Act. This has hampered reporting of GBV cases due to fear of 'Whistle Blowers' losing their jobs, especially where they are subordinates to the perpetrators.
- Lack of Clear Grievance Redress Mechanism or grievance redress guidelines for GBV cases in workplaces, which affects reporting, investigation, preventing and responding to any cases.

Principles for an inclusive and integrated approach to addressing GBV in the workplace.



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