

ADDRESSING GBV IN THE WORKPLACE: A collective responsibility and an economic imperative

It is estimated that GBV incidents cost the Ugandan economy about **UGX 77 billion** (appr. \$20m) annually.



UGX 18.3 billion (appr. \$5 million) is spent on healthcare annually to deal with the effects of GBV



UGX 19.5 billion (appr. \$5 million) is spent on police services



UGX 12.7 billion (appr. \$3.4 million) is spent by local councils

UNFPA case study note (2018)

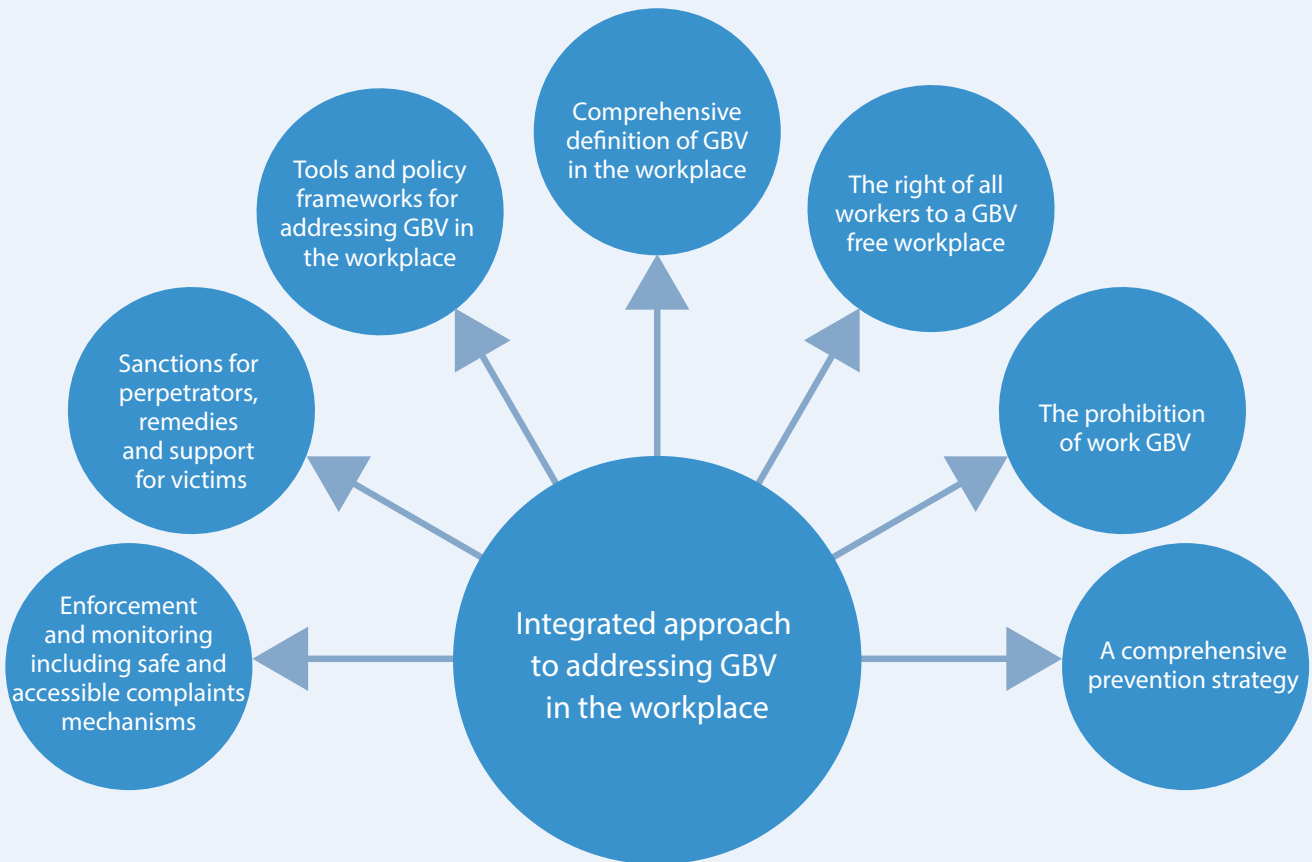


Introduction

Gender-Based Violence (GBV) is undeniably one of the most common forms of human rights abuses. In Uganda, it affects 1 in 5 women aged 15-49 (UDHS, 2016). GBV takes many forms: physical, sexual, psychological and economic – but physical and sexual violence carried out by intimate partners interfere more with women’s full and equal participation in the workforce.

Women make up over 40 percent of the Ugandan workforce (UNHS, 2016), and they are becoming an increasingly important part of Uganda’s formal workforce as they shift from agricultural work to industry and service sector jobs. The private sector, particularly, employs more than 80% of the Ugandan women and girls, however, is largely unregulated and characterized by non-compliance to existing national labour policy and legal frameworks

(UNHS, 2016). More so, 61% of those in all forms of employment are engaged in vulnerable employment. 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. However, 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. Women work under environments of gender inequality, discrimination, exposure to precarious work, and sexual harassment which marginalize them further (IFC, 2018). A culture of silence and stigma has allowed violence against women and girls to escalate to unacceptably high proportions. Tackling GBV in the work place requires an integrated approach, tools and policies, and work practices that prevent and appropriately respond to those who suffer from GBV.

The model below illustrates strategies that can be adopted by corporate companies to build a GBV free work place.

Tools and policy frameworks which address GBV in the Workplace

Globally, gender equality, the resolution was adopted by the International Labour Conference at its 98th Session (2009) - calling for the prohibition of GBV in the workplace, and for policies, programmes, and legislation to be implemented to prevent it.

The ILO convention is concerned that, violence and harassment in the world of work should be addressed as part of a continuum of unacceptable behaviors and practices (ILO, 2016a). In Uganda, the government has ratified several international and regional instruments that promote gender equality, support prevention and response to GBV.

The 1995 Constitution is the parent legislative framework which underlies gender equality within its Chapter 4, on protection and promotion

of fundamental human rights and freedoms. The constitution, is enhanced with workplace-specific legislation and policies - the Employment Act of 2006, the Workers Compensation Act and the Attendant Regulations, Uganda Gender Policy 2016, as well as the National Action Plan on Elimination of Gender Based Violence in Uganda 2016. However, rarely do these policy frameworks strictly regulate physical forms of violence and harassment.

Understanding GBV in the world of work

The Convention on the elimination of violence and harassment in the world of work defines the world of work to cover the traditional physical workplace, when commuting to and from work, work-related social events, public spaces, informal settings where workers such as street vendors covered, home workers,

domestic workers and tele-operators” (ILO, 2016a). The world of work also includes online spaces that link workers to the workplace through technology.

GBV in the world of work, whether occurring at the actual place of work or on the way to and from work, can take on multiple forms such as: Physical abuse including assault, battery, attempted murder and murder

- Sexual violence including rape and sexual assault
- Sexual harassment
- Verbal and sexist abuse
- Bullying, mobbing
- Coercion

The world of work also includes online spaces that link workers to the workplace through technology.

- Psychological abuse, intimidation and threats of violence
- Economic and financial abuse
- Stalking
- Sexual exploitation and abuse
- Verbal and non-verbal abuse
- Manipulating a person’s reputation
- Withholding information and assigning tasks that do not match capabilities or giving impossible goals and deadlines
- Trafficking for forced labour and sex work within and across borders
- Of recent, inappropriate use of technology targeting women

Physical violence and harassment is frequently reported in occupations where workers deal directly with the public, such as education, healthcare, social work, public administration, accommodation and food services. The most commonly addressed form of work-related violence and harassment in legislation is sexual harassment, however, the laws are not every explicit on other forms of violence (World Bank, 2015). Persons with disabilities and those living with HIV report relatively higher levels of violence and harassment in the

workplace, ranging from beating to sexual assault. 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 superiors. 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 resign. Workers, particularly women are unprotected and without recourse in the face of gender-based discrimination and workplace violence (ILO, 2016d).

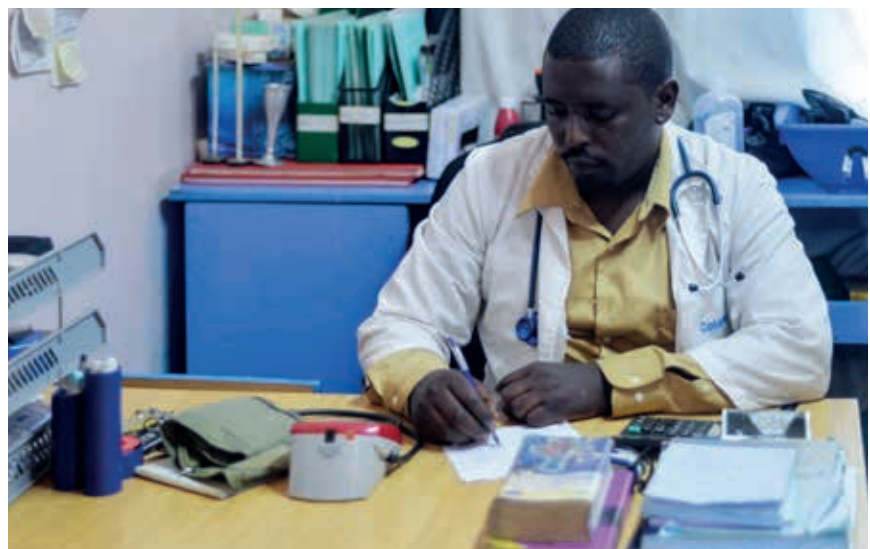
Reasons to tackle gender-based violence in the work place

THE HUMAN RIGHTS CASE

The ILO Convention No. 190 and its accompanying Recommendation No. 206 make it clear that everyone has the right to a world of work - free from violence and harassment including gender-based violence. It gives recognition to GBV prevention

and response by making it clear that governments, employers and workers have a role to play to provide and sustain a work culture that is based on mutual respect and the dignity of human beings by refraining from preventing and addressing violence and harassment. The 2030 Agenda for Sustainable Development calls for the achievement of full and productive employment and decent work for all women and men: reduction of inequality; ensuring healthy lives and promoting well-being for all; and the achievement of gender equality and empowerment of all women and girls.

The 1995 Constitution underlie gender equality within Chapter 4 on protection and promotion of fundamental and other human rights and freedoms. It guarantees 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. GBV in the world of work is an obstacle to development and implies significant costs for Uganda, resulting from lower accumulation rates of social and human capital. Its continuous occurrence undermine aspirations of Vision 2040 of attaining a middle income nation.





Prof. Maggie Kigozi, Director of Crown Beverages Ltd. (L), Julian Adyeri Omalla, Managing Director of Delight Uganda Ltd. (C), and Johnson Omolo, General Manager NTV (R) at the official launch of the Corporate Collective against gender-based violence

GBV costs US\$ 22.2 million (0.75% share of the national budget in services (Kasirye, 2012).

THE BUSINESS CASE

In addition to its serious human impacts, GBV negatively impacts business productivity and reputation. Studies have shown that, in countries where gender-based violence is widespread, such as Papua New Guinea, staff members lose an average of 11 workdays per year as a result of gender-based violence due to absenteeism (David, et al., 2015). Reduced staff time alone costs companies between 3% and 9% of payroll. Meanwhile, sexual harassment claims frequently major companies' brands and reputations.

Allegations of sexual abuse and misconduct by construction workers on a major Ugandan infrastructure project resulted in the World Bank cancelling \$265 million of funding and issuing a public statement (World Bank Statement, 2015). In fact, research has shown that sexual harassment claims have a greater effect on a company's reputation than other forms of misconduct like fraud (Serena, et al., 2018). A poor public

image can contribute to difficulty in both recruiting and retaining staff, besides, court cases on harassment and violence can divert and drain enterprise budgets, which ultimately impact competitiveness of the company.

In addition to the risk of litigation, failure to address sexual harassment and GBV can come with reduced productivity and increased staff turnover. Harassment happening on job sites create work environments that feels unsafe, un-supportive, dismissive, or even threatening. This can cause employees stress, anxiety, fear, and can disrupt concentration, which in turn can lower productivity, and increase staff turnover (ICF, 2018). Gender-based violence prevents victims from performing to the best of their abilities at work, hinders career progression, and costs employers dearly in terms of lost staff time and lost productivity.

Social risks associated with GBV in work places:

- Low Level of awareness of the Employment Act and related regulations despite their existence.

Along with the physical and emotional suffering, the economic costs of violence against women are considerable and can amount to loss of money due to medical and health care services or loss of productivity because of increased absenteeism. It affects job performance and leads to lateness, decreased job retention and slows career advancement.

L-R: UNFPA Representative, Mr. Alain Sibenaler, Ms. Nataliy Bitature founder of Musana Carts, Mr. Patrick Bitature Chairman and CEO of Simba Group of Companies, and Ms. Julian Adyeri Omalla Managing Director of Delight Uganda Ltd at the official launch of the Corporate Collective against gender-based violence.



These have not been adequately disseminated, neither are they clear and explicit on the maximum working hours and remuneration, forms of harassment, affirmative allocation of tasks, and whistle blowing and protection.

- The whistle blowers protection Act, 2010 has not been disseminated and there are no guidelines to operationalize the Act.
- Focus on sexual harassment and less on other forms of violence like Intimate Partner Violence (IPV), psychological, economic and physical which are very prevalent.
- Limited knowledge of accident reporting forms – the LD form 31 used in reporting and investigation of compensable accidents does not provide clear guidance on investigation of social risks and GBV.
- Police Form 3, lacks a section on the place where the incident occurred (whether at the workplace or in the community)” thus making case filtering impossible.
- 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.

Businesses Can Be Part of the Solution

In June 2019, the International Labour Organization (ILO), a United Nations entity tasked with setting labour standards, agreed to a global treaty that sets out the first globally recognized standards for addressing violence and harassment. One of the most significant implications of the new agreement is that companies will be required to respond to GBV in a more-comprehensive way than before-including taking steps to prevent violence, to protect survivors through remedy and compensation, and to develop reporting and grievance procedures. Beyond meeting legal requirements, businesses have a tremendous opportunity to help shift social norms, make every workplace conversation, policy and action the potential to challenge gender inequality and the kinds of attitudes and norms that drive violence.

In efforts to encourage companies to set standards on workplace ethics for GBV deterrence, UNFPA Uganda in partnership with the Private Sector Foundation Uganda (PSFU) launched the Corporate Collective Against Gender-Based Violence (CCAG) in 2019. The CCAG is a forum that will support corporate companies to take a stand against gender-based violence in the workplace. The initiative brings together a cross section of private sector players to deliberate on how leaders of private companies can create better working environments for women - free from GBV. This forum is an opportunity to reflect on how best working practices can be improved to enable top performance from employees while boosting productivity and economic gains. Initiatives like the CCAG can empower employers and their employees by increasing awareness on how to make workplaces safer and spur business growth through reduced absences and losses.

Five steps businesses can take

1. Prevent Violence and Harassment by Identifying Potential Risks

To address sexual harassment and abuse that may be happening in the workplace, understanding the basic legal framework of employers' responsibilities is an important initial step toward preparing for and preventing workplace violence.

Companies need to understand the extent of the problem, the institutional and structural issues that may be contributing to, and the ways in which sexual harassment and GBV may reflect broader issues within the company's culture. An understanding of gender norms within the community can add to this knowledge base, especially when such gender norms could be playing a key role in the extent of sexual harassment in the workplace. The prevalence, acceptability, and response to GBV have cultural dimensions, which can be exacerbated by the social and economic changes happening in organizations. In many countries, even where GBV has been criminalized, it can still be a pervasive problem.

2. Commit to gender equality and diversity across the workplace

CEOs and senior leadership commitment to diverse, equal, and respectful workplaces, backed by adequate resources and action through work place policies, form the necessary foundation for addressing GBV. It tackles the root of the problem (gender inequality) and creates trust amongst staff. Without this foundation efforts to 'raise awareness,' GBV programming can appear tokenistic. A clear example by the Vodafone Group, which revealed that one in three working adults (37%) had experienced some form of domestic abuse and that it had significantly impacted their careers.



In response, Vodafone now provides 10 days of paid “safe leave” across its 26 markets for any staff member experiencing domestic violence and abuse. The policy also makes provision for human resources and line-manager training to identify and assist people experiencing abuse. Vodafone’s longstanding organizational commitment to gender equality helped enable the change in policy. It’s new policy builds on a violence free vision to make Vodafone the “the world’s best employer for women by 2025,” and follows the establishment of a global maternity policy with a minimum of 16 weeks leave, regardless of the market (Vodafone, 2015).

3. Protect employees with supportive policies and procedures

Clear policies and procedures including reporting and grievance mechanisms not only empower staff to take appropriate action when needed, but also reassure survivors, bystanders, accused perpetrators, and whistle-blowers that the company will handle cases effectively. An example of this is Unilever Tea Kenya which, in 2013 undertook an independent review on how to prevent sexual and GBV that was distressingly prevalent across the tea plantation sector. The review resulted in a series of recommendations, including a multi-sectoral approach to reporting and supporting victims. After training, awareness building and employee engagement, the number of reported cases began to increase as employees’ trust in the system grew. As a result, Unilever, developed a human rights-based intervention programmes across the tea supply chain leading to the 2018 publication of “A Global Women’s Safety Framework in Rural Spaces,” which includes case studies, practical tools, and a comprehensive theory of change that businesses can apply to a range of agricultural commodity supply chains.

4. Collaborate and campaign beyond the immediate workplace

Sector-wide approaches to reducing GBV, such as efforts across the alcohol, construction or tourism sector can help raise standards with suppliers and build a stronger overall ecosystem to tackle deeply ingrained issues. Companies also have the ability to influence societal norms and behaviours on gender-based violence through advertising and campaigning, particularly when the issues align with core business aims, and include culturally relevant reference points or actors. An example of Nile Breweries Uganda, alcohol producer which recognizes the high-risk of sexual harassment along its value chain, decided to tackle sexual harassment through its advertising and branding. This is a clear step towards improving the health, safety, and working conditions of women and girls, and setting of industry standards across the alcohol value chain.

5. Be accountable and monitor action

To increase trust in the system, companies should take extra steps to ensure that the actions they are taking to tackle GBV are benefitting employees, and that companies effectively comply with legal obligations. The best approach is to adopt the standards set out in the new ILO treaty or use the Business for Social Responsibility Diagnostic tool to set up feedback mechanisms to assess employees’ uptake of new policies and programmes, conduct regular employee surveys and invite staff to share views on prioritizing resources to tackle GBV.

Three main insights will benefit businesses.

- It all starts with inclusivity. Companies big and small need to establish diverse, equal, and respectful workplaces to build the trust necessary for developing

violence and harassment policies and practice.

- Businesses need to embrace a new spirit of openness. Taking the steps outlined above can increase the number of staff who report incidents, and who use trainings and hotlines. We must collectively recognize this as a positive step toward improved practice that will result in the retention and wellbeing of workforce members, increased productivity, and less risk to brands.
- Developing more open reporting on the success or failure of approaches is critical, as many of our case studies reveal a lack of ability to track real impact. This could include gathering sex disaggregated data in staff surveys to better understand employees experiences, or partnering with monitoring and evaluation experts to develop appropriate indicators to measure progress.

Gender-based violence is not an easy issue to tackle, but businesses have an important norm-shifting role to play, and a lot to gain by their efforts, including improved overall performance, productivity and staff retention.

Those experiencing GBV deserve a strong commitment to change.



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