

Preventing Sexual and Gender-based Violence

Policy & Programming Guidelines for the Private Sector

A collaborative effort of

International Labour Organization
Employers' Federation of Ceylon
John Keells Foundation
MAS Holdings Pvt Ltd
World University Service of Canada
Lanka Jathika Estate Workers' Union
Women and Media Collective
Sri Lanka Ethical Tea Partnership
Oxfam GB

Facilitated by Prof. Maithree Wickramasinghe

Preface

The report 'Broadening gender: Why masculinities matter' – a study on attitudes, practices and gender-based violence in four districts in Sri Lanka – was launched by Care International Sri Lanka under its engaging men project, EMERGE (Empowering Men to Engage and Redefine Gender Equality) in April 2013. The report was developed in collaboration with Partners for Prevention to understand men's knowledge, practices and social attitudes towards gender and gender-based violence in Colombo, Batticoloa, Hambantota and Nuwara Eliya. The survey provides baseline indicators for Care programmes, as well as a wealth of information on gendered attitudes norms, and practices of women and men that can be applied to enhance GBV prevention, health, youth and empowerment interventions. The study has been implemented using the WHO ethical guidelines for research. The research tools were based on the WHO Multi-country Study on Women's Health and Domestic Violence and the International Men and Gender Equality Survey carried out by Instituto Promundo and the International Centre for Research on Women.

As a means to utilize the data to inform policy and programming enhancements, five thematic working groups which comprised members from the state, health, and NGO sectors and academics were formed to develop recommendations in the following areas:

- Child protection including childhood experiences and their impact on violence perpetration in collaboration with UNICEF and facilitated by Dr Hiranthi Wijemanne
- Exploring women's attitudes and the impact of GBV on their mental and physical health – Facilitated by Dr Nalika Gunawardena
- Private sector engagement and the role they can play in GBV reduction facilitated by Prof- Maithree Wickremasinghe
- Youth engagement for reduction of SGBV- in collaboration with the Family Planning Association of Sri Lanka, facilitated by Prabu Deepan
- Addressing men's health as a means of primary prevention of GBV in collaboration with WHO/UNAIDS facilitated by Dr Dayanath Ranathunga, Country Officer UNAIDS

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Background

The private sector

The Sri Lankan Private Sector is a highly diverse, multi-faceted entity – constituting different levels and segments – ranging from the manufacturing industry topped by garments and tea, and encompassing rubber and wood products, the handloom and textile industry, handicrafts, food / beverage production and processing. Private Sector involvement in the trade and service sector includes shipping, construction, telecommunications, health, transport, banking, tourism, ICT and entertainment.

The definition of a private sector is that of the part of a nation's economy that is not state controlled, and run by individuals and companies for profit ¹. In Sri Lanka, aside from the presence of multinationals and top companies, there is a high proportion of micro, small and medium-sized enterprises as well as a proportion of unregistered micro-enterprises (that have spanned both the urban and rural areas and include agricultural ventures). Collectively, some of these small and medium-sized ventures generate a sizable volume of employment in the country. There are also a number of chambers, federations and industry and tradebased organizations (including women's chambers) within the Sri Lankan Private Sector. Thus the Private Sector, for the purpose of these Guidelines, is conceptualized broadly and inclusively of these diverse segments and levels – and not confined to the formal corporate sector.

According to the 3rd quarter of the 2012 Sri Lanka Labour Force Survey, of the total number of employed people in the country, 41.5% are in the private sector, 15% are in the public sector, 3% are employers, 31.2 are own-account workers and 9.4 are unpaid family workers².

The principal challenges for the Sri Lankan Private Sector today are the distinctive socio-economic currents associated with globalization as well as the lingering local issues prompted by the end of the war and present-day socio-economic policy. These have led to sharp economic fractures and inequalities.

This makes the private sector extremely important as an employer; and there is much that this sector can do to contribute to national development and social transformation that is equitable.

One social issue that the Private Sector could take cognizance of and address is that of the widespread prevalence of sexual & gender based violence (SGBV) in Sri Lankan society.

SGBV is a fundamental human rights violation, and as confirmed by successive research³ women are the main targets of this social practice.

Sexual and gender based violence refers to acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, whether occurring in public or in private life based on one's gender and/or sexuality. It includes sexual harassment, domestic violence and intimate partner violence.

 $^{^{1}\} Business Dictionary. Com, http://www.business dictionary.com/definition/private-sector. html$

² Quarterly Report of the Sri Lanka Labour Force Survey – 2012, 3rd Quarter, Department of Census and Statistics, Ministry of Finance and Planning, http://www.statistics.gov.lk/samplesurvey/2012q3report.pdf

³ Jayasundere, Ramani (2012); Jayasundere, Ramani (2009); Kamalini and Zackariya, Faizun (2001); Wijayatilake, Kamalini (2004).

SGBV at the workplace can have a direct or indirect impact. On the one hand, domestic violence and intimate partner violence can lead to employees being unable to perform at their optimum due to absenteeism, disability, the loss of concentration and motivation. The workplace can be compromised if violence from the domestic sphere spills over; and perpetrators begin stalking and harassing their victims at the workplace.

On the other hand, SGBV at the workplace itself (in the form of sexual harassment, sexual assault and rape) can also lead to the same consequences. Thus aside from addressing SGBV

because it is a crime and a form of social injustice, it is equally important for the private sector to take note and prevent SGBV so as to ensure that workplaces are safe places.

It must be noted that SGBV is a manifestation of discriminatory, unequal and unfair ideologies and practices pertaining to women (and men). Consequently, SGBV cannot be tackled without simultaneously dealing with issues of gender equity / and equality (GEE) at the workplace.

The Objectives of the Guidelines on Preventing Sexual and Gender-based Violence are:

- to introduce the issue of sexual and gender based violence and its impact on workplace productivity,
- to discuss the significance of the social construction and expression of masculinities (and femininities) at the home and workplace, and
- to suggest guidelines on how to address SGBV and promote gender equity / equality at workplaces by work organizations.

The significance and impact of SGBV and masculinities for the private sector

A recent study⁵ on masculinities conducted by CARE International Sri Lanka and Partners for Prevention (a UNDP, UNFPA, UN Women and UNV regional joint programme for gender-based violence prevention in Asia and the Pacific) reveals a great deal of information and disturbing insights on masculinities and sexual and gender-based violence in Sri Lanka.

While it is not a population or representational study, the concerns highlighted can be taken as pertinent insights pertaining to SGBV and employee health and wellbeing – especially for work organizations.

Some of the significant findings of the study bulleted below imply that SGBV and the social construction and expression of masculinity can be of critical significance for the workplace; given that men and women spend a greater part of their days / working lives at work; and because work / life imbalances can have an impact on both the quality of their lives and the way in which the next generation is raised. The workplace could thus be utilized as a crucial site to address the issue alongside other multi-sectoral initiatives.

⁴ Gender equality is the notion that men and women should have equal rights, responsibilities and opportunities without discrimination. Equality does not mean that women and men should be the same, but that the rights, responsibilities and opportunities should not depend on whether people are born male or female. For instance, both men and women should have equal opportunities in accessing jobs, training, promotions and equal rights to be appointed to committees and boards. Gender equity is the notion that the specific interests, needs and priorities of both women and men should be taken into consideration by work organizations. Equity recognises that men and women have differing interests, needs and priorities depending on their biological sex and their gendered life experiences such as maternity rights or transport concerns when working late (due to possible exposure to SGBV).

⁵ Broadening gender: Why masculinities matter is a part of a multi-country study (UN Multi Country Study on Men and Violence) on men's knowledge, practices, and attitudes towards gender relations and sexual and gender-based violence, which spanned the districts of Colombo, Hambantota, Nuwara-Eliya and Batticaloa, and included a sample of 1658 men and 653 women aged between 18 – 49 years.

⁶ The notion that men and women are socially conditioned / constructed or gendered into different types of masculinities and femininities depending on their identities, experiences and dominant ideologies, and based on social structures and time periods (based on CARE International / Partners for prevention: 2013).

Sexual and gender based violence

- One in three ever-partnered men reported they had committed physical and / or sexual violence against an intimate partner in their lifetime, thereby, underlining this practice within average households as a high probability rather than an exception.
- Approximately ½ of all women who experienced physical Intimate Partner Violence (IPV) had been injured by their husbands or male partners, with 9% being injured more than five times.
- Only 13% of women who experienced IPV and 8% of women who experienced non-partner violence reported it to the police.
- However, most men who admitted to having perpetrated sexual violence said they were motivated by notions of sexual entitlement; as opposed to common social perceptions of alcohol being a prime mover for violence.
- In fact, 86% of perpetrators said that they were motivated by sexual entitlement or 'their right' to have sexual relations with women.
- Even more disturbing is the culture of impunity that prevents perpetrators from experiencing any consequences for their actions (76% received no consequences at all).
- "Only 18% of men who had perpetrated forced sexual relations said that they were afraid of being found out, while 69% claimed that they did not feel any guilt after the act. 93% of perpetrators reported there was no punishment from family and friends for the violence committed by them, while 97% of the sample did not experience any violent backlash from anyone supporting the victim".
- More than 1 in 2 men (58% of men) agree with the use of violence viewing it as an expression of masculinity or 'manliness' especially in connection to family

Sexual harassment

- Nearly 1 out of every 4 men surveyed stated that they agree that women should accept teasing of a sexual nature.
- Men's perpetration of rape against a non-partner was associated with IPV, having multiple sex partners, sex with sex workers, and engaging in transactional sex (or sex as a payoff - for instance, at the workplace).

Costs to productivity

- To reiterate, approximately half the women who experienced IPV was incapacitated and required bed rest; 16% had to take days off work; and 32% had to seek medical attention for the injuries.
- Among women who experienced IPV, 25% ever had suicidal thoughts as opposed to only 7% of women who have not experienced IPV.

- Economic pressures resulting from inadequate incomes, lack of economic assets, and financial responsibilities as breadwinners and heads-of-households were found to be the primary causes of male stress and lack of wellbeing.
- More than 2/3 of men and women interviewed agreed that "To be a man means providing for your family."
- Over 2/3 of women believed that "A woman cannot refuse to have sex with her husband."

- The study showed that "More than half of all men reported work related stress." Furthermore, "60% of men reported they were frequently under stress due to inadequate income."
- About "46% of male respondents also reported that they are frequently stressed or depressed because they did not have a job that suits their education or experience" and "men with less education were at highest risk of depression and suicidal thoughts, possibly due to fewer opportunities for employment and social mobility available to men with less education."

Neglect and abuse of children

- 39% of male respondents reported experiencing physical abuse during childhood while 44% were emotionally abused.
- Men who had experienced childhood physical, sexual or emotional neglect / abuse are 1.6 to 2 times more likely to perpetrate violence against their partners.
- "The time parents spend with children plays a significant part in child development, parent-child bonding, and family health as a whole. Though ¾ of men accompanied their wives to pre-natal clinics, fathers were often absent from nurturing child care because of economic necessity."

Given these findings, it is highly probable that masculinities and SGBV could impact work organizations as follows.

Company productivity

SGBV can lead to high staff turn over, which can, in turn, result in the organization having to bear the costs of recruitment and training of new staff.

Employees being laid off work due to injuries of SGBV can affect company productivity. Productivity can also be lowered due to frustration, anger, fear, and depression etc., of employees affected by violence.

Stress arising from SGBV as well as stress related to gender roles / responsibilities can have a direct impact on employee health. Workplace stress of those who carry a heavy workload can also lead to health issues if there are no avenues for stress release (for instance, if employees do not use their annual leave etc.). These can lead to additional medical and insurance costs for some work institutions.

More importantly though, employees may not have developed their capacities to deal with stress and may deal with stress through inappropriate means (such as violence).

These, as well as the adverse effects of SGBV on the reputation of work organizations, brands and industries can have an ultimate effect on company productivity.

Work / life balance

The problems related to employees' work/life balance, such as economic pressures on breadwinners, suggest the need, for instance, of programming that specifically confronts the issue of financial management. The apparent economic burden on men could be further lessened with gender sensitivity training and awareness programs that re-evaluate masculinity and challenge gender norms.

Furthermore, it conveys the need for policies that allow for a more flexible and adaptive work experience, including part-time and job share employment as well as flexi work practices. Contemporary work practices spanning after-office hours lead to employees having to choose employment over their families. This could have severe repercussions on the neglect of children as highlighted in the study – especially in situations where both parents are working.

The high incidence of stress and depression revealed by the study demonstrates the need for companies to implement mentoring and/or coaching programs for their employees that can address career advancement and stress management. Counseling services for men and women, specializing in trauma, anger management, and depression could also prove to be very beneficial.

Brand image and reputation

Sexual and gender based violence arising or spilling over to the workplace is a risk that could be profoundly damaging to the image and reputation of a workplace. The actions of individuals involved in SGBV being directly or indirectly linked to individual corporate images, brands and even industries can also lead to client aversion and boycotts. Examples from the tourist industry (from India and Sri Lanka) convey how sexual harassment and rape can sometimes defeat large-scale marketing endeavors.

Sri Lankan companies/brands seeking local and global markets have an opportunity to enhance their credibility and sustainability by adopting and implementing policies and programs to prevent SGBV. Many opportunities exist for business to support affirmative action, if at least in the interest of business sustainability and reputation.

Why should the private sector address the issue of sexual and gender-based violence (SGBV)?

Victims of SGBV are subject to both physical and psychological trauma. As noted earlier, this may lead to workplace disturbances, stress, behavioral changes, poor efficiency, absenteeism, high medical and insurance costs and the sacrifice of career opportunities, which could result in losses to the work organization. The Private Sector should address the issue of SGBV:

So as to deal with stress

All persons are subject to stress – ranging from the stress of being physically or psychologically abused, performance-related stress to fulfill his/her job requirements to the economic stress faced in steering and managing his/her family unit. Stress can cause an emotional strain on a person, and depending on each individual, stress can manifest itself in diverse

ways. Some individuals may deal with stress by resorting to behaviours, which cause conflict and violence, and which can overflow from the personal life into the workplace and vice versa. Employees may need help to identify their sources of stress, understand their own personalities and learn how to respond to stress. Moreover, employees may need to learn how to work with others in balancing their responses in ways that do not negatively impact others - whether in the home, workplace or society.

So as to enhance employee wellbeing

It is recognized that the human capital of a company plays a key role in its success and growth. Work organizations understand that facilitating programs that enhance employee motivation, engagement and productivity delivers extra margins to the bottom-line even though it may not be directly measurable. In other words, companies that appreciate people as human beings end up performing better.

Depending on their focus in industry, the investment of work organizations on employee related expenses rates among the top 3 cost factors.

So as to prevent company productivity and sustainability being retarded

SGBV – whether in the home or at the workplace is a real issue; even though at times it may be hidden beneath the surface. Not only women, but men also can be victims of SGBV. SGBV in the workplace (including sexual harassment) can cause a decrease in worker productivity and can compromise employee teamwork. Workplaces that are known to have a history of not taking SGBV seriously have a hard time filling up vacancies and are unable to attract the best talent from both sexes. As a result, company innovation and growth can become retarded. Thus for a work organization to maintain its productivity and sustainability, the employees in the organization (both men and women) should be able to work together.

So as to foster corporate social responsibility

Taking on SGBV as an issue of corporate social responsibility provides an opportunity to break the silence and give visibility to this hidden issue of violence and the surrounding culture of impunity. Given the prevalence of the problem, there is no doubt that both abusers and victims would be present in any given workforce. Thus workplaces are well positioned to formulate policies, organizational measures and programs to address the issue – especially as part of their CSR initiatives. Organizational measures to minimize workplace stress and provide a healthy work/life balance; specific mechanisms to address the issue of sexual harassment and violence; and support programs aimed at challenging the ideologies of violence and the construction and expression of aggressive masculinities can prevent and protect the next generation from violence.

Legal and policy frameworks relating to gender, labour and violence

International standards

Sri Lanka has ratified the foremost United Nations international standard on women, the Convention on the Elimination of Discrimination Against Women in 1981. In 1993, Sri Lanka signed the Vienna Declaration on the Elimination of Violence Against Women –which specifically recognizes violence against women as a social phenomenon. Promoting gender equality and empowering women is part of the Millennium Development Goals (MDGs). Sri Lanka has also ratified the following ILO conventions: Equal Remuneration Convention (No. 100), Discrimination (Employment and Occupation) Convention (No. 111) and Revision of Maternity Benefits Convention (No. 103). Apart from these, Sri Lanka has also ratified the Convention on the Rights of Persons with Disabilities.

Legislation

Legally, SGBV is addressed under the Penal Code section 345 of 1995 (sexual harassment), 363 (rape), 364A (incest) and the Prevention of Domestic Violence Act of 2005. The Prevention of Domestic Violence Act recognizes the phenomenon of violence within the family / domestic sphere.

National policies

The Sri Lanka Women's Charter was passed by Cabinet in March 1993 and is the main policy statement by the government regarding the rights of women. It expresses the State's commitment to remove all forms of discrimination against women and address areas of gender-specific relevance to women. The most significant outcome of this Charter has been the establishment of a National Committee on Women in 1994. The Committee is tasked with monitoring the rights established under the charter. Sri Lanka also adopted a National Action Plan for Women in 1996. The updated National Action Plan for the Protection and Promotion of Human Rights - 2011-2016 carries a section on women's rights and labour rights that refers to devising policies to address SGBV in the workplace.

The objectives of the Family Policy of Sri Lanka (2011) include the elimination of gender-based violence as well as the neglect and abuse of children. The National Human Resources and Employment Policy (2012) recognizes sexual harassment and talks of the need to promote attitudinal change to prevent sexism and discrimination in workplaces as well as the equitable sharing of care and household chores.

Company Guidelines on Gender Equity / Equality (ILO and EFC) and the Guidelines on the Prevention of Sexual Harassment at the Workplace (ILO and EFC) provide guidance on deterring sexual harassment at the workplace. Companies such as HSBC, Standard Chartered Bank, Lever Bros, and John Keells Holdings have adopted sexual harassment policies and installed mechanisms of redress.

Recommendations for private sector companies and work organizations

The following constitute a list of possible guidelines that could be used by the private sector to promote gender equity / equality (GEE) within their work organizations and the business community. The objective of compiling such a list is to provide diverse, practicable options aimed at deterring SGBV in workplaces that could be considered by the private sector - as a responsible corporate entity. It

GOOD PRACTICE

The Employers' Federation of Ceylon and the International Labour Organization have developed Guidelines for Company Policy on Gender Equity / Equality.

vate sector - as a responsible corporate entity. It is not a comprehensive list, but one that was built on consensus as to what was considered to be workable for individual companies, employer organizations and chambers of industry, trade and commerce to espouse on a voluntary basis – depending on the capacities and opportunities available.

At the level of policy and legislation

Private sector companies and work organizations

■ Promote and make employees aware of policies and related grievance handling procedures to address and prevent sexual harassment at the workplace.

GOOD PRACTICE

Companies such as HSBC, Standard Chartered Bank, Lever Bros, and John Keells Holdings have adopted sexual harassment policies and installed mechanisms of redress.

- Engage with other stakeholders on promoting national policies and laws directed at advancing women's rights and gender equality/equity, the prevention of gender-based violence etc.
- Seek ways of integrating sessions on gender equality/equity, gender-based violence, non-

discriminatory employment into existing employee training modules / proactively implement awareness raising on SGBV within the workplace.

- Consider adopting guidelines/policies on gender equality/equity at the workplace.
- Ensure that maternity leave and benefits mandated by law are granted, and that no female employee is discriminated against due to pregnancy or childbirth.
- Dialogue on legal impediments and other practical constraints to more flexible working arrangements that could, if addressed, provide gainful employment for women and encourage more women to participate in the economy.

Employers' organizations and chambers of commerce, trade and industry

■ Develop / adopt a Code of Ethics for companies on issues related to gender and SGBV, including guidelines for advertising and media-representation.

■ Support advocacy efforts around issues of preventing SGBV as well as larger social reform through education and positive awareness-raising efforts among civil community and law enforcement authorities.

At the level of institutional mechanisms and practice

Private sector companies and work organization

- Ensure the security of women employees in and around the workplace.
- Consider instituting CSR programs on the prevention of child abuse and SGBV.
- Refrain from extending sponsorship / support to films, teledramas and stage plays which implicitly or explicitly exalt or exculpate SGBV.
- Review advertisements and brand man agement to ensure that they do not de mean women or promote poor stereotypes.

GOOD PRACTICE

In Sri Lanka, the following companies provide paternity leave:

- Union Assurance 3 working days
- Suntel 3 working days
- Srilankan Airlines 3 working days
- Unilever 10 working days
- Standard Chartered Bank 5 working days
- Consider the sponsorship of media programs and other initiatives promoting gender equity / equality.
- Consider establishing the following employee support programs:
 - Household and Financial Management programs to all employees.
 - Mentoring and coaching programs for men and women.
 - Counseling services for men and women (stress relief / anger management / depression).
 - Adult education programs

(sex / health / masculinities – including men as abusers and victims)

- Recognize and reward staff who are active in promoting gender equity / equality (e.g. for taking a stand against sexual harassment).
- Encourage all employees to take their maximum allocation of leave so as to maximize on employee wellbeing.
- Consider establishing crèches and daycare facilities at the workplace.
- Support measures to make the workplace inclusive and family friendly; for instance, by introducing family days at work.

Strategies for implementation and integration

Private sector companies and work organization

- Link core company competencies and existing assets (such as security, medical devices and products, educational materials) towards preventing gender-based violence.
- Create or enhance brand association with gender equity / equality.

GOOD PRACTICE

The 2013 Indian TV commercial on Scooty Girl provides a feminist response to sexual harassment on the road.

Employers' organizations and industrial chambers

Provide space for companies to publicly share best

practices against SGBV both within and outside the private sector (through media / company reports / competitions).

- Recognize company initiatives on gender equity / equality (through corporate awards, etc.)
- Request top companies to lead gender equity / equality initiatives by making visible pledges of company support.

It is believed that the implementation of these policies and programs (some dealing directly with SGBV and others aimed at creating gender equal / equitable workplaces) will increase the work-life balance and lead to a more productive and happy workforce; ultimately resulting in a more harmonious society with less sexual and gender based violence.

Key players in the private sector

The following are identified as some of the key players in the Sri Lankan Private Sector who could take the issue of addressing SGBV and GEE forward as federations, chambers, associations or individual private sector companies.

- Individual Private Sector companies
- Employers' Federation of Ceylon
- Ceylon Chamber of Commerce
- Ceylon National Chamber of Industries
- Federation of Chambers of Commerce and Industry of Sri Lanka
- Association of Licensed Foreign Employment Agencies
- Ceylon Hardware Merchants' Association
- Lanka Confectionery Manufacturers' Association
- National Construction Association of Sri Lanka
- Sri Lanka Tea Factory Owners' Association
- Protected Agriculture Entrepreneurs' Association
- Vehicle Importers Association of Sri Lanka
- Software Exporters' Association
- Sri Lanka Association of Printers
- Sri Lanka Fruit and Vegetable Producers', Processors' and Exporters' Association
- Sri Lanka Gem and Jewellery Association
- Tourist Hotels Association of Sri Lanka
- Sri Lanka Association of Hair Dressers & Beauticians
- Sri Lanka Association of Inbound Tour Operators
- Sri Lanka Association of Software & Services Companies
- National Chamber of Commerce of Sri Lanka
- National Chamber of Exporters of Sri Lanka

- Sri Lanka Chamber of Small Industry
- Women's Chamber of Industry and Commerce
- Chamber of Commerce & Industry of the North Central Province
- Chamber of Commerce & Industry of the Uva Province
- Serandib Chamber of Commerce & Industry
- Galle Trade & Industries Association
- Hambantota District Chamber of Commerce
- Chamber of Commerce & Industry of the Central Province
- Wayamba Chamber of Commerce & Industry
- Matara District Chamber of Commerce
- Sabaragamuwa Chamber of Commerce & Industry
- American Chamber of Commerce in Sri Lanka
- Sri Lanka Federation of Industrial Associations
- Federation of Information Technology Industry Sri Lanka
- ICC Sri Lanka
- Industrial Association of Sri Lanka
- Joint Apparel Associations Federation
- Sri Lanka Apparel Exporters Association
- International Labour Organization

Some resources

Care / Partners for Prevention (2013) Broadening Gender: Why Masculinities Matter – Attitudes, Practices and Gender-based Violence in four districts in Sri Lanka, Care International Sri Lanka, Colombo.

Code of Conduct and Procedures to Address Sexual Harassment in the Workplace – A Guideline (undated pamphlet) International Labour Organization / Employers Federation of Ceylon, Colombo.

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