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Sexual Harassment at Sri Lankan Workplaces, and its Legal Remedy

W. Mihiri Madhushika Karunaratne

Sexual harassment is a closed-door, social evil that has not been discussed sufficiently. Although it is a common problem for all irrespective of gender, in Sri Lanka women are the most vulnerable to sexual harassment in the workplace, educational institutions and even public transportation. It affects their physical, mental and social well-being.

This paper attempts to provide a clear understanding about the related national law and its weaknesses. I have referred to several pieces of foreign legislation and judgments in an attempt to make the law more effective.

Moving away from traditional obstructive roles that limited them to the private sphere, women play a major role in the employment sector, especially in the 21st century. Equal education with men and social mobility have encouraged them to enter into the public sphere and show their abilities and skills, which cannot be considered as lesser to those of men. The feminist contribution to this cannot be disregarded.

The above factors and the global economic status quo necessitate women to provide a valuable contribution to the employment sector. Today, the male-oriented, breadwinner notion has shifted to women. As a developing country, the economic needs of Sri Lanka cannot be fulfilled by men only. Thus, empowering women is essential to advance development and reduce poverty (Srivastava, 2009).

Significantly, women also have a right to a dignified life, and thus they should have a peaceful environment to live in without fear (Ibid). “All human beings are born free and equal in dignity and rights.”¹ So, as an intellectual right of all human beings, the right to work with dignity should be ensured without discrimination on the basis of sex.

However, although the Sri Lanka labour force has seen an increasing women’s contribution since 1977 (Amarasena and Abeysinghe, 2004), the rate is still low compared to men.² Among a number of reasons for this, sexual harassment is the major one for this unfortunate situation, since it forces women to leave employment (such instances are discussed below). A large number of working women face sexual harassment in the workplace regardless of their economic, social or education position. This can happen in the organized or unorganized sector, among illiterate, low-paid workers or even among highly educated and paid executives (Muthusamy, 2009). It disturbs the mental and emotional state of the victim.³ Moreover, it has a “negative effect on productivity, for instance through absenteeism, staff turnover and low staff morale. It can also tarnish a firm’s public image and ultimately decrease its profits both through bad publicity and high litigation costs” (ILO, 2000). Eventually, it downgrades the economic development of the whole country (Fernando, 2012).

Hence, it seems that sexual harassment in the workplace reflects a major economic and social issue. Since there is an inseparable connection with society, the law should exert its full effort to sweep sexual harassment out of Sri Lankan workplaces.

The brutal nature of sexual harassment is clear even before discussing it. It shows the horrendous mentality of the harasser, who enjoys molesting the victim. In particular, rural women who migrate to industrial areas for economic reasons do not have sufficient experience in the public employment sector (Giri, 1959). Their cultural and religious backgrounds induce them to even commit suicide. Sure enough, although there is a higher number of female university students in Sri Lanka, the number of women employees is considerably low (Amarasena and Abeysinghe, 2004). In addition, it should be mentioned that because of sexual harassment towards women in the workplace, the social attitude to them has been downgraded.

Sexual harassment has been defined in Sri Lanka as “unwelcome sexual advances by words or action used by a person in authority, in a working place or any other place.”⁴ Thus, sexual harassment in the workplace can include⁵:

- unwelcome physical contact and advances
- words/comments of a sexual nature that make the person uncomfortable
- dirty jokes and obscene gestures
- showing pornographic material
- demanding or requesting sexual favours
- circulation of abusive personal and/or obscene email and visuals

1 Universal Declaration of Human Rights, 1948, Article 1.

2 Department of Labour, *Annual Employment Survey, Sri Lanka*, 2013, 10.

3 Salary.lk, “Sexual Harassment in the Workplace,” Wageindicator.org, <<http://www.salary.lk/home/labour-law/fair-treatment/sexual-harassment>>, viewed 28 March 2014.

4 Penal Code of Sri Lanka, s. 345, Explanation 1.

5 Actnowsrilanka.org, “Sexual Harassment,” <<http://www.actnowsrilanka.org/en/vaw/sexual-harassment>>, viewed 28 March 2014.

- any other unwelcome physical, verbal or nonverbal conduct of a sexual nature

According to Shyamala Gomez, a lawyer and adviser on gender to the UN Resident Coordinator's office, because of its subjectivity, sexual harassment is difficult to define. It is what the victim feels and not what the perpetrator intends. It is, however, at essence unwelcome, and it can be a single incident or a pattern of behaviour (Samaraweera, 2007).

Thus, an act of sexual harassment cannot only be done by men towards women, but also by women towards men. However, in this article I am mainly concerned about women victims of sexual harassment, because in Sri Lanka "while sexual harassment of men by women has been found to be the exception, sexual harassment of women by men is the norm" (Wickramasinghe and Jayatillake, 2006).

At the workplace, three forms of sexual harassments can be seen. Quid Pro Quo Harassment is one of them. "The supervisor uses or attempts to use his supervisory authority to obtain sexual favors from an employee." (Fremling and Posner, 1999). Accordingly, the victim has to bear her/his supervisor's sexual harassment for the sake of getting such job benefits as wage increases, promotions, training opportunities, transfers, obtaining new jobs, as well as keeping the existing employment.⁶ For example, a housing loan trapped an employee, in Sri Lanka, preventing her from exploring better prospects, keeping her tied down to the job even in the face of workplace harassment (Wickramasinghe and Jayatillake, 2006).

Thus, this type of harassment is also known as 'this for that harassment,' which can be taken as a kind of sexual blackmail (Fernando, 2012). It is recognized in United States, however, that if the plaintiff establishes a quid pro quo claim, the employer is subject to vicarious liability.⁷

The second one is hostile working environment harassment. This can be defined as verbal, nonverbal or physical conduct of a sexual nature that unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive working environment (Fremling and Posner, 1999). Thus, the aforesaid quid pro quo harassment can also be taken as a type of hostile working environment (Wickramasinghe and Jayatillake, 2006). Unfulfilled threats to deny the victim's tangible job benefits can be taken as a hostile work environment claim requiring a show of severe or pervasive conduct, although it prima-facie seems as a kind of quid pro quo harassment.⁸

"It involves the public sphere such as workplace surroundings, work transport, public spaces, etc., where harassment emanates from strangers." (Wickramasinghe and Jayatillake, 2006). Although various factors show the ruthlessness of sexual harassment, some people try to justify this by stating that women provoke men to conduct sexual harassment by using their dress and appearance (Abrams, 1997). The argument should, however, be rejected, because women in the workplace who wear uniforms and even Muslim women in purdah are subjected to sexual harassment.⁹ Moreover, irrespective of gender, freedom should be granted to all to maintain their behaviour and dress as they wish as long as they do not violate others' rights.

Thus, it is commonly recognized that sexual harassment, along with sex segregation and the specific job requirements of women's work, is part of the working environment. It conditions the expectations of workers, and reinforces the gender hierarchy of men over women and of masculine

6 Salary.lk, "Sexual Harassment Worldwide," Wageindicator.org, <<http://www.salary.lk/home/labour-law/fair-treatment/sexual-harassment/sexual-harassment-worldwide>>, viewed 28 March 2014.

7 *Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57.

8 *Burlington Industries, Inc. v. Ellerth*, (1998) 97/569.

9 Salary.lk, "Sexual Harassment Worldwide."

power and sexual subjectivity over female service and the sexual objectification that permeates the rest of society (Wickramasinghe and Jayatillake, 2006).

The above discussion clearly demonstrates that sexual harassment towards women in the workplace brings a number of personal, social and economic disadvantages not only to the victim, but to her employer and to society at large. Thus, the law should play a major role in preventing sexual harassment to protect direct and indirect sufferers. Before discussing the weaknesses and effectiveness of the law, a clear understanding about the existing law is very important.

As already discussed, Sri Lankan law has considered sexual harassment in a broader manner, irrespective of gender and place of the offensive conduct. Fortunately, Sri Lanka is the only South Asian country that has specifically criminalized sexual harassment. There is no legislation in any other South Asian country that penalizes sexual harassment. According to Section 345 of Sri Lankan Penal Code: If the accused, by assault or using criminal force, causes sexual annoyance or harassment to the victim by using word or action, and thus commits the offence of sexual harassment, then the accused is liable for a maximum five-year simple or rigorous imprisonment or fine or both. In addition, the accused has to pay compensation to the victim. Explanation 3 in the same section includes psychological or mental trauma in the meaning of injury. Here, if the victim faced any type of sexual harassment in the workplace, she/he can have this remedy by lodging a police complaint. Moreover, a harasser can be convicted for gross indecency¹⁰ or grave sexual abuse.¹¹

The supreme law of the country has also recognized the right to equality as a fundamental right. Accordingly, no citizen shall be discriminated against on the basis of sex.¹² Even so, sexual harassment, by its meaning, reflects sexual discrimination. Thus, needless to say, sexual harassment is a clear violation of the victim's fundamental rights guaranteed under the Constitution.

Moreover, every citizen of Sri Lanka has the freedom to engage in any lawful occupation, profession, trade, business or enterprise.¹³ However, most working women have to bear sexual harassment just by virtue of being women. In other words, their right to lawful occupation has been restricted merely on the basis of sex. Hence, it is a clear violation of both the right to equality and the right to lawful occupation.

Both rights discussed above can be restricted only in the interest of national security, public order and the protection of public health or morality, securing the rights and freedoms of others, or of meeting the just requirements of the general existing written and unwritten law, or to protect the interest of democratic society.¹⁴ Moreover, the right to lawful occupation can be restricted for the sake of national economy¹⁵ and to the members of the armed forces for proper discharge of their duties and disciplinary maintenance.¹⁶ However, sexual harassment cannot be condoned in any of these instances. Further, although it is true that most female members of the forces are subjected to sexual harassment, their right to non-discrimination has not been restricted by the law.

Freedom from torture and cruel, inhuman and degrading treatment¹⁷ is not subject to any restrictions mentioned in Section 15 of the Constitution. Because sexual harassment badly affects

10 Penal Code of Sri Lanka, s. 365A.

11 Penal Code of Sri Lanka, s. 365B.

12 Constitution of the Democratic Socialist Republic of Sri Lanka, s. 12(2).

13 Ibid. s. 14(1)g.

14 Ibid. s. 15(7).

15 Ibid. s. 15(5).

16 Ibid. s. 15(8).

17 Ibid. s. 11.

the victim's physical and mental dignity, it can be taken as a kind of cruel, inhuman and degrading treatment. Accordingly, a victim of sexual harassment can seek relief by filing a fundamental rights case, if the harasser is an executive or administrative official.¹⁸

In addition, when sexual harassment is conducted as an issue of bribery, it can be penalized.¹⁹ In a new interpretation, the court in *Republic of Sri Lanka v. Abdul Rashak Kuthubdeen*²⁰ held that demanding sex could be considered as a form of gratification under the Bribery Act. In this case a supervisor in a government institution had demanded sex from a woman employee as a condition to recommend her transfer from Colombo to Kalutara.

With assistance from the International Labour Organization (ILO), the Ceylon Chamber of Commerce and the Employers' Federation of Ceylon have encouraged Sri Lankan companies to implement a 'Code of Conduct' to prevent sexual harassment. The employer should include provisions relating to sexual harassment in the organization's code of conduct, or the provisions should be displayed in English, Sinhala and Tamil if the company doesn't have a code of conduct.²¹ The employer should also be careful to hold an inquiry according to the rules of natural justice through a grievance committee comprised of at least 50% women representation.²² Furthermore, if necessary, the employer should also provide the victim with medical treatment.

Moreover, according to Sri Lankan labour laws, an employee who is subjected to sexual harassment can go before the Labour Tribunal on the ground of constructive termination of her/his employment.

As a state party to the International Labour Organization and United Nations, Sri Lanka has ratified a number of international conventions that help to eliminate sexual harassment from Sri Lankan workplaces. Among these, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, are the most important.

Because of the recognition of the International Labour Organization's Decent Work Agenda, Sri Lanka has to eliminate all forms of discrimination²³ and strengthen the employee's material well-being and spiritual development in conditions of freedom and dignity, economic security and equal opportunity irrespective of sex.²⁴ The state should also take legislative and administrative steps to implement an effective law to combat discrimination, and educational and vocational programs should be conducted to increase public awareness regarding these issues.²⁵ The Convention also encourages taking special measures to protect vulnerable groups such as women.²⁶

Under CEDAW, too, Sri Lanka is bound to take steps to combat sexual violence in the workplace to protect the right to free choice of employment, promotion, social and job security, and all benefits and conditions of service and the right to receive vocational training and retraining.²⁷

In addition, a victim of sexual harassment can go before the Human Rights Commission

18 Ibid., s. 17, 126

19 Bribery Act No. 11 of 1954.

20 *Republic of Sri Lanka v. Abdul Rashak Kuthubdeen*, B839/93.

21 Salary.lk, "Sexual Harassment in the Workplace."

22 Ibid.

23 Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Article 2.

24 Ibid., Preamble.

25 Ibid., Article 3.

26 Ibid., Article 5.

27 Convention on the Elimination of All Forms of Discrimination against Women, 1979, Article 11(1)c, e, f.

if the harasser represents an executive or administrative official. Also, the Industrial Disputes Act,²⁸ Trade Unions Ordinance²⁹ and Workman's Compensation Ordinance³⁰ can also be taken to indirectly eliminate sexual harassment.

The previous section showed that there is variety of laws to combat sexual harassment in Sri Lankan workplaces. It is essential to see whether sexual harassment can be effectively swept away by using these laws, because the purpose of them cannot be actually achieved only by enacting legislation.

It is true that including a provision to the Penal Code to penalize sexual harassment is a good measure to eradicate offensive conduct. However, a criminal offence should be proved beyond a reasonable doubt. Thus, although Section 345 of the Penal Code provides room for compensation, unlike in a civil case that requires balance of probability as the standard of proof, a higher standard is needed for obtaining relief.

In addition, a victim of sexual harassment cannot obtain relief under Section 12 of the Constitution if the harasser is a person who does not hold any executive or administrative position. So, most vulnerable female tea plantation workers, domestic servants, migrant workers, etc., are not protected under the provisions of the Constitution.

The Bribery Act also covers only bribery-related issues. Although it covers some kinds of quid pro quo harassment, its support cannot be obtained for hostile working environment harassment.

The implementation of a code of conduct is not a mandatory requirement for an organization.

Unfortunately, there are employers who do not comply with decisions of the Labour Tribunal, and the Labour Tribunal does not have any power after rendering judgment. In such a situation, the Labour Tribunal has to complain to the Magistrates Court,³¹ where, unlike in the Labour Tribunal, the victim cannot obtain the special facilities granted in the Labour Tribunal due to their low income. Furthermore, a minister's higher power in the Labour Tribunal can be disadvantageous to victims.

Although Sri Lanka has ratified the two main international conventions relating to gender equality, the implementation of their provisions is problematic, because as a dualist country special legislation should be passed to enforce those provisions. Sri Lanka has not yet adopted these conventions. Unfortunately, the CEDAW Committee has not taken a satisfactory position on the current law on sexual harassment in Sri Lankan workplaces.³²

It is clear that the existing law, which has taken only preventive measures, is not sufficient to combat sexual harassment in Sri Lankan workplaces. It seems that although the law has tackled the symptoms, it has not realized the causes of women's inequality, which are the household division of labour, violence against women and sexism (Fudge, 2012).

This situation clearly justifies the attitude of feminist legal jurisprudence towards the law: the law is male biased and has not properly taken into account women's experiences (Ibid). Thus, the law should be held responsible for the existing subordinate situation of women.

28 Industrial Dispute Act No. 43 of 1950.

29 Trade Unions Ordinance No. 14 of 1935.

30 Workman's Compensation Ordinance No. 19 of 1934.

31 Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Article 5, s. 33(2).

32 CEDAW, "Concluding Observations of the Committee on the Elimination of Discrimination Against Women," CEDAW/C/LKA/CO/7, 17 January-4 February 2011, Article 34.

Here also, although the law has recognized the equal opportunity for employment for both men and women without discrimination, sexual harassment in the workplace discourages women from entering into employment (Wickramasinghe and Jayatillake, 2006). For instance, a woman named 'Malini' had to obtain a transfer and then leave employment, because the employer had not given sufficient weight to her complaint that she was subjected to sexual harassment by her supervisor. In a situation where the existing law cannot effectively eradicate sexual harassment in the workplace, it is useless to have an equal right to lawful occupation. It is an open truth that discrimination against women persists in the labour market, in particular the concentration of women in low-skilled and low-paid jobs and the high rate of unemployment despite the achievements of Sri Lanka in the area of education (Ibid). Thus, one has to agree with the stand of feminist legal jurisprudence that the existing law helps to continue a male-dominated society.

Moreover, the lack of cases of workplace sexual harassment indicates the reluctance of women to report this intolerable offence (Wickramasinghe and Jayatillake, 2006). It also reflects the inability of the law to understand the women's experience: The following can be taken as the reasons for this reluctance.³³

1. Lack of encouragement by the criminal justice system and law enforcement authorities for complaints on sexual harassment
2. The fear of making matters worse
3. The fear of harm to one's name and reputation
4. Considering sexual harassment as a common practice in workplaces
5. Lack of awareness about legal relief
6. The absence of sexual harassment prevention policies in the workplace
7. The common practice of blaming victim-survivors rather than the aggressor
8. Low self-esteem

"In one instance, a factory worker rejected the offer of a promotion to a supervisor, because she feared her colleagues would spread stories that she received the promotion due to favoritism/sexual favour. Interestingly, this woman also goes on to state that there was no sexual harassment at her workplace"(Wickramasinghe and Jayatillake, 2006). Not implementing the existing law properly, not having an efficient mechanism to protect victims, ignorance, a bad social attitude towards women and a lack of concern for the ideas of feminist legal jurisprudence can be taken as the main causes for this unfortunate situation.

In a situation where the current law does not give effective support to combat sexual harassment in the employment sector, the economic and social well-being of society cannot be protected. This demonstrates that the law cannot achieve its purposes. Thus, it is essential to reform it. Hence, the following recommendations may be useful.

1. Enact specific legislation to combat sexual harassment in the workplace

In many countries, such as Australia (Sex Discrimination Act), Denmark (Law number 1385 of 21 December 2005), France (Labor Code), Greece (Law 3488/2006 (O.G.A.'191), Switzerland (Federal Act on Gender Equality), etc., there are specific sexual harassment laws. By enacting separate legislation, most of the previously mentioned difficulties can be avoided. For instance, unlike under the Penal Code, a victim may receive compensation by

33 Actnowsrilanka.org.

proving the offence in balance of probabilities. Legislation may be a special grounds for a victim to receive relief not limited to constructive termination of employment. Surely, this is more effective than a code of conduct enacted by an employer. Furthermore, this can be taken as recognition of the theory of deconstruction advocated by the Critical Legal Studies Movement.

The right to equality is not violated if an act has specific provisions to protect women from workplace sexual harassment, because the Constitution itself allows appropriate measures for the benefit of women.³⁴ As pointed out by feminist legal thinkers, the law should not obscure the different experience and role of women. What should be done is to provide adequate remedies for women's situations taking into account their different situations. This further can fulfil the recommendations of the CEDAW Committee.³⁵

It should be noted, however, that although the United States Civil Rights Act³⁶ is not a law to specifically combat sexual harassment, it has greatly contributed to eliminating sexual harassment from the workplace.

2. Make the employer vicariously liable for workplace sexual harassment

As in countries having special legislation on sexual harassment, many benefits can be obtained by making the employer vicariously liable for workplace sexual harassment. Accordingly, not only the harasser, but the employer, is liable in granting relief to the victim of sexual harassment. This is an easy way to obtain medical leave and other benefits for the victim, as well as to induce the employer to take efficient and effective steps to prevent sexual harassment in the workplace, and to implement procedures in the organization's code of conduct. Thus, a special policy on sexual harassment and punishment mechanisms would automatically be enforced in all employment sectors.

3. Create a safe workplace environment

Along with specific legislation on workplace sexual harassment and the organizational code of conduct, changing the environment of the workplace is very essential to establish a peaceful and non-discriminatory workplace. Establishing a code of behaviour and practices, taking immediate steps against sexual harassment, treating complaints confidentially, etc., help to reduce women's reluctance to complain and increase their faith in the workplace.³⁷ Ultimately, this helps to improve the personality of employees, increase the outcome of the employment and develop the national economy.

4. Take measures to protect the victims of sexual harassment

It has been seen that the fear of making a situation worse has silenced many victims of sexual harassment. Thus, a proper protective mechanism for victims can decrease the fear of complaining. Establishing such a national and organizational protection mechanism helps to improve the standard of victims without restricting them.

5. Implement the existing law effectively

Improper implementation of existing law is a common problem in Sri Lanka regardless of

34 Constitution of the Democratic Socialist Republic of Sri Lanka, s. 12(4).

35 CEDAW, Article 35.

36 United States Government, Civil Rights Act of 1964.

37 Actnewsrilanka.org.

the area of the law. However, it is useless to have even the best law if it is not implemented properly. Political influence, partiality, bribery and corruption are the main reasons for this. For instance, the function of the Labour Tribunal cannot be effective if there is ministerial influence on its powers and functions. Thus, legal, executive and administrative institutions such as the Bribery and Corruption Commission should do their duty according to the rules of natural justice.

6. Amend the provisions of the relevant enforcing acts

As already discussed, the Trade Unions Ordinance, Industrial Disputes Act, Workers' Compensation Ordinance, etc., can be used indirectly against sexual harassment in the workplace. Operative support can be obtained from these enactments if they are amended to include special provisions on sexual harassment.

7. Adopt relevant UN and ILO conventions and implement their recommendations

8. Take the *Vishakha* case³⁸ as a demonstration

In this Indian case, Vishakha, a social worker, was subjected to a brutal gang rape at her workplace. Due to not obtaining the expected relief, many social activists and non-governmental organizations helped her to file a fundamental rights petition to the Supreme Court. The court referred to fundamental duties, the international obligation of the country, the objective of the judiciary, etc., to not limit its determination only to the fundamental rights chapter.

The guidelines of the case have been discussed. However, other aspects of the *Vishakha* judgment can be made applicable to Sri Lanka:

- encourage public interest litigation
- include the right to life, liberty and security in the Sri Lankan Constitution
- protect judicial independence

9. Take other non-legal measures to prevent workplace sexual harassment

Law is an interdisciplinary subject with other social sciences. All lawmakers and legal professionals should be careful to continue the inseparable relationship between the law and society, because a law that is not suitable for society does not have value. To continue this inseparable relationship the law should be implemented according to the needs of society, and the new law should be properly communicated to society.

For instance, it has been observed that the reporting of sexual harassment is very low, because the law has not properly understood women's experiences. In addition, ignorance of the legal remedies has increased, because of the difficult language of legislative enactments. Even in petty cases, victims need the assistance of lawyers, and this is limited due to a number of economic and other problems.

Thus, establishing a national and organizational public awareness mechanism on sexual harassment and the relevant law and remedies is very essential, because in many instances the perpetrators do not know that they are doing anything illegal, and the victims do not know that this is a violation of their rights. Movies, short video clips, posters, leaflets, etc., can play a major role in communicating these important factors to the public at large. The 2006 protest march at the Katunayake Free Trade Zone that was conducted by women activists is a good example of how sexual harassment discourages women in doing their work (Samaraweera, 2007).

38 *Vishakha v. the State of Rajasthan*, AIR 1997 SC 3011.

In addition, education is the other mechanism to change social attitudes and encourage important values. Providing knowledge about the law and remedies is not the only task that education can do. It can also encourage the victim to take action against the harasser, rather than feeling shamed. It could reduce the unequal power relations that prevail between men and women and thereby reduce unequal power relations in the work environment.³⁹ Ultimately, it helps to strengthen women's self-esteem and decrease sexual harassment without labelling it as a common practice at workplaces.

In order to effectively implement these recommendations, special care should be given to women's experiences. For instance, inquiry should not be conducted in a manner that degrades the victim's dignity. Implementation should be capable of removing all barriers of entering into the public sphere by women. In such a situation, it is essential to understand the restrictive experience of women, who have been limited to the private sphere for a long time.

The above recommendations point out that preventive measures are not sufficient to sweep sexual harassment out of Sri Lankan workplaces. The process should be done along with public participation.

Sexual harassment in the workplace has not been subjected to enough discussion, even globally. The ILO has not implemented a separate convention for workplace sexual harassment. However, the issue must be seen as not only a personal one, but as affecting the economy of the country.

As mentioned earlier, the male-oriented breadwinner concept has shifted to women. Section 2(1) of the Maintenance Act No. 37 of 1999 implied the women's effective role in the employment sector by including the husband's right to a wife's support. Sri Lanka's current economic model encourages a role for foreign industry, especially in tourism. Therefore, the state cannot forget the protection and rights of Sri Lankan working women.

Thus, it is high time to implement laws to prevent sexual harassment in the workplace. This would be a positive influence on women entering into the public sphere.

39 Lanka Business Online, 2007, "Sri Lankan Employers Act against Increasing Sexual Harassment, <<http://www.lankabusinessonline.com/news/sri-lankan-employers-act-against-increasing-sexual-harassment/1109525225>>, viewed 28 March 2014 .

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