

# **VIOLENCE AGAINST WOMEN IN THE WORKPLACE IN KENYA:**

**Assessment of Workplace Sexual Harassment in the Commercial  
Agriculture and Textile Manufacturing Sectors in Kenya**

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**International Labor Rights Fund**

**Rights for Working Women Campaign**

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## **EXECUTIVE SUMMARY**

Research conducted recently by the International Labor Rights Fund (ILRF) determined that women workers in export-processing industries in Kenya, producing goods for the US market, suffer from violent sexual abuse by their employers and supervisors. This study, based on survey research in the coffee, tea and light manufacturing industries, reveals the following:

- Over 90 percent of all respondents had experienced, or observed, sexual abuse within their workplace
- 95 percent of all women who had suffered workplace sexual abuse were afraid to report the problem, for fear of losing their jobs
- Supervisors on coffee and tea plantations were not only abusing women workers, but also their young daughters who live with their mothers on the plantations
- Women who reported sexual abuse were often fired or demoted
- 70 percent of the men interviewed viewed sexual harassment of women workers as normal and natural behavior
- Victims of sexual abuse in the workplace suffered from depression, psychological instability, feelings of helplessness, humiliation, and shame
- Women are not protected from violent sexual abuse in the workplace by Kenyan law, international law, or codes of conduct
- 66 percent of the women interviewed believe that workplace sexual abuse is a strong contributing factor to the spread of HIV/AIDS.

The issue of sexual abuse of women workers worldwide has been shrouded in silence, and there have been very few credible studies to date of problems affecting women in the developing world. Moreover, the problem of sexual harassment in the workplace has been poorly defined. While in some contexts sexual harassment is understood to indicate inappropriate verbal communication or off-color jokes, respondents in this study identified harassment to mean coerced or forced sexual intercourse as a condition of continued employment or advancement. Therefore the study interchangeably uses the terms sexual harassment and sexual abuse to describe this problem.

The research was conducted in coordination with the International Confederation of Free Trade Unions – Africa Regional Organization (ICFTU-AFRO) in partnership with Dr. Regina G.M. Karega, a sociologist affiliated with Kenyatta University, and grassroots union organizers from the Kenya Plantation & Agricultural Workers Union (KPAWU) and the Tailors & Textiles Workers Union (TTWU). In total, 400 women participated in the study, which included a combination of interviews, focus group discussions, and case studies.

The majority of the women interviewed were young, poor women, often between the ages of 20 and 30 years old, who turn to these sweatshop jobs as their only alternative.

Their average pay is from US \$25 - \$35 per month, often below even the Kenyan minimum wage. Almost half (47.3%) were single mothers with school age children dependent on their income. Consequently, many women felt that they could not refuse unwanted sexual relationships with supervisors, even when this was imposed through physical force.

These experiences have devastating psychological and physical effects on women workers and their families. In one typical case, Wanjiku, an elderly coffee plantation worker who tried to resist being raped by a manager, was left unconscious on the plantation grounds. In another case, Adero, a manufacturing sector worker, experienced such psychological trauma that she was forced to leave work after repeated attempts by a floor manager to assault her. However, she ultimately had to return to the job with the same manager in order to care for her children, regretfully claiming, "I was left with no choice but to go back to work."

In response to this horrific problem, the report makes the following recommendations:

- Changes US trade rules to provide protections for women workers exploited by trade
- Recognition by the International Labour Organization (ILO) of the right to a violence-free workplace
- Adoption by companies profiting from global trade of codes of conduct prohibiting harassment in the workplace
- Reform of Kenyan laws to provide legal protections for women workers
- Creation of social programs to raise awareness of working women's rights.

## **I. JUSTIFICATION AND OBJECTIVES OF STUDY**

The International Labor Rights Fund is an advocacy organization dedicated to achieving just and humane treatment for workers worldwide. ILRF initiated this study as part of its Rights for Working Women Campaign, which seeks to alleviate labor conditions that negatively impact working women.

Sexual harassment is increasingly viewed as one of the most egregious forms of violence against women in the workplace, and is particularly a problem in the new global economy where the work force is comprised largely of young women with little formal education or previous work experience. Subcontracting and other forms of flexible work, particularly in agriculture, also make it very difficult for women to organize against such abuse. Further, these young women may be doubly affected by an industrial hierarchy that reinforces culturally based discrimination.

Harassment can involve sexual advances or requests for sexual favors whereby submission to such conduct is made explicitly or implicitly a term or condition of employment; or whereby such conduct has the effect of substantially creating an intimidating or hostile working environment.<sup>1</sup> Indeed, in many countries, it may also extend to bodily searches or pregnancy testing for refusing sexual advances. Recognizing, however, that definitions of sexual harassment vary widely between countries and indeed between individuals, and that there is not yet a widely acknowledged international definition, in this report the terms sexual abuse and sexual harassment are used interchangeably, to highlight the fact that the nature of the violations often extends to violent abuse and even rape.

Currently, there are virtually no international instruments that deal with violence against women in the workplace. The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is, to date, the most comprehensive international instrument specifically prohibiting sexual harassment in Article 11 of General Recommendation 19.

Sexual harassment, however, is not defined as a “core” labor right by the International Labor Organization (ILO), the international body with foremost responsibility for defining workplace rights. Currently, the ILO has only a convention prohibiting discrimination based on gender, but Convention 111 does not specifically prohibit sexual harassment. Nor does Recommendation 111 clarify that its prohibition of sex discrimination incorporates sexual harassment, although the ILO Committee of Experts has alluded to a prohibition of harassment by virtue of Convention 111.

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<sup>1</sup>Definition used by the Special Rapporteur on Violence Against Women for the Commission on Human Rights. The International Confederation of Free Trade Unions (ICFTU) further defines sexual harassment as “[a]ny repeated and unwanted verbal, physical and gestural sexual advance, sexually explicit derogatory statement, or sexually discriminatory remark made by someone in the workplace or trade union environment, which is offensive to the trade union member or worker involved, which causes the person to feel threatened, humiliated, patronized or harassed, or which interferes with the persons’ job performance and undermines job security, or creates a threatening or intimidating environment.”

The failure to recognize harassment as a core labor rights violation has widespread implications. For example, in recent years a number of multinational corporations have adopted voluntary codes of labor practice, governing their operations and their suppliers worldwide. These codes draw heavily on ILO-defined core labor rights, as do any existing “labor” or “social” clauses in various trade agreements. Further, failure by the ILO to recognize sexual harassment as a widespread labor rights violation has translated into a lack of attention to this critical issue at the level of national governments and multinational corporations.

The objective of this study is therefore to provide data on the extent and scope of sexual violence experienced by a representative sample of women workers in Kenya, which can serve as the basis for remedial action, and ultimately the development of an international standard prohibiting workplace harassment at the ILO. The study is part of a series of studies that are being conducted in the Caribbean, Latin America and Southeast Asia to further a global campaign against workplace sexual violence.

## **II. BACKGROUND ON KENYA**

With a Gross National Product (GNP) approaching 10 billion dollars, Kenya is considered one of the most developed countries in East Africa. This is likely due to the relative stability it has enjoyed since independence in 1963. Since 1978, following the country's first democratic elections, Kenya has been ruled by Daniel Arap Moi, a member of the Kenya African National Union (KANU). Moi was most recently re-elected in 1997 and is not expected to run for re-election in the upcoming November 2002 general elections.

Kenya has an extensive infrastructure with the strongest financial and manufacturing industries in the region. With a population of 30 million, it is commercial agriculture, however, that provides 70 percent of the country's total employment. Of this, women workers form 80% of the employees in coffee, tea, flower and sisal estates. Tea and coffee remain the leading exports, especially to the United States. According to the U.S. Bureau of Census Trade Data, approximately 12 million dollars worth of Kenyan coffee was imported into the U.S. in 2001 alone.

Despite trade with its U.S. partner, working conditions in commercial agriculture remain quite poor with wages often near subsistence levels. Poor housing, water and sanitation conditions, as well as inadequate health and education facilities further strain working and living conditions contributing to the total burden of poverty.

Further, most of the women employed in the agricultural estates are very ignorant of their labor rights, and thus are vulnerable to exploitation by employers and their immediate supervisors, most of whom are men. Consequently, even in situations where the labor laws are very clear in the provision of basic rights such as housing and medical care, most women are coerced to have sexual relationships in order to be granted these labor rights.

Women also form the majority of workers in the textile industries within the Export Processing Zones (EPZs). EPZs were developed in Kenya partly in response to massive unemployment and underemployment. Many of the EPZs were a direct condition of

structural adjustment programs imposed by the World Bank and International Monetary Fund (IMF). As in commercial agriculture, workers in the EPZs are also forced to endure long working hours (often while standing), poor wages, and slave-like working conditions.

As described below, the labor laws in Kenya do not have adequate provisions to address sexual harassment (or many other violations) in the workplace. The Kenyan Constitution extends equal protection of rights and freedoms to men and women, but only in 1997 was the Constitution amended to include a specific prohibition of discrimination on the basis of gender. With regards to labor, the *Employment Act* (Chapter 226 of the Kenyan Constitution) is the primary piece of legislation governing employment matters in Kenya. This Act codifies the common law rules of the workplace, including basic conditions and benefits of employment. The Act does stipulate certain labor-related offences for employers, but prosecutions are rare. It also contains certain provisions regarding women and young persons, but fails to address gender inequality and workplace violations such as sexual harassment and discrimination. In fact, the Act even circumscribes the rights of women and children to work in certain areas and engage in certain types of employment at certain hours. The *Regulation of Wages and Conditions of Employment Act* (Chapter 229) deals with matters related to remuneration and conditions of work, and applies to the agricultural and textile sectors. Specifically, it aims to maintain wages and conditions of work at a level determined by the Minister. Again, this law does not address sexual harassment and/or discrimination.

In terms of union contract protections, the Industrial Relations Charter was forged in 1962 between the government, the Federation of Kenya Employees and the Kenya Federation of Labour (COTU(K)). However, this Charter is also silent on many forms of workplace violations, including gender discrimination and sexual harassment.

On the international level, Kenya subscribes to the ideals and principles of the ILO and with regards to women's rights, has ratified Conventions 100 (equal remuneration), 111 (anti-discrimination), 156 (family responsibility), and 183 (maternity). However, as discussed above, the government has not passed domestic legislation to implement these international conventions as part of Kenyan labor law.

### **III. RESEARCH METHODOLOGY**

#### **A. Research Design**

The study utilized both qualitative and quantitative techniques of data collection. *Quantitative* data was used to obtain a broad overview of where, when and how sexual abuse manifests itself at the workplace. In order to gain an in-depth understanding of the phenomena, *qualitative* data through focus group discussions were used together with the case study method to highlight the intensity, implications and the real life experiences of workers who are sexually abused.

## B. Data Collection Method

The study was carried out pursuant to a scope of work provided by ILRF to the International Confederation of Free Trade Unions - African Regional Organization (ICFTU–AFRO) in coordination with Dr. Regina Karega of Kenyatta University, and grassroots union organizers from the Kenya Plantation & Agricultural Workers Union (KPAWU) and the Tailors and Textile Workers Union (TTWU). Interviews and group meetings were held after work hours and outside the property of the employer.

## C. The Study Area

The study focused on the commercial agriculture and textile manufacturing industries of the Export Processing Zones (EPZs) in Kenya. Commercial agriculture sectors included coffee plantations in the districts of Ruiru and Thika, and tea plantations located in the Kericho district. The manufacturing industries included EPZs based in Nairobi and Kitengela.

## D. Sample Selection and Size

In order to gather a wide perspective of the nature and extent of sexual abuse, the following sample was selected randomly as well as purposely to use as case studies.

**Table 1.1 Sample Selections for the Study**

Area under study	Number of Interviews	Number of Case studies	Number of FGD
Coffee Plantations	150	4	6
Tea Plantations	100	2	4
EPZs	150	4	6
<b>Total</b>	<b>400</b>	<b>10</b>	<b>16</b>

## E. Data Collection Instruments

Three sets of instruments were used to gather data for this study. These include the interview schedule, the guide for the focus group discussion and the guide for the case studies. Each interview included a series of questions that focused on various issues related to the background characteristics of the workers, as well as whether the workers understand the term “sexual harassment.” They also sought information on the location, timing and between whom this harassment takes place, as well as information on the frequency in which it occurs, and whether there is any complaint mechanism that exists within the workplace to deal with instances of abuse.

The respondents were also asked to illustrate the effects of sexual abuse, such as psychological and emotional effects on themselves and their families, as well their risk of contracting HIV/AIDS. They were also asked to suggest the benefits of submitting to sexual abuse, and the role of the trade union in this whole process.



The study used the focus group discussion method to obtain information related to who experiences sexual harassment, where this harassment takes place and whether a complaint mechanism exists to deal with it. The focus group discussions were comprised of 10-12 women per group. A total of sixteen focus group discussions were held. The group considered the benefits gained from submitting to harassment, the effects on workers and their families, and their understanding of how sexual harassment relates to HIV/AIDS. They also focused on what mechanisms can be put in place to alleviate the problem.

Finally, several cases of people who experienced sexual abuse at the workplace were isolated for case studies. The case studies provide a detailed analysis of the real life experiences of sexual abuse in terms of location, intensity and persistence, perseverance and the mechanisms (if any) utilized to deal with sexual harassment at the workplace and in the trade union movement.

### **F. Data Analysis**

Once the data was collected, it was processed for computation. The quantitative data was analyzed using SPSS and percentages, and cross tabulations were developed. Content analysis was used for qualitative data, whereby it was theme formulated and used to support the quantitative data.

## **IV. ASSESSMENT RESULTS**

The findings of this study are reported from a general perspective, whereby common issues across specific sectors are discussed together. These include the background characteristics of the women who participated in the study, including their perceptions on harassment. The nature and pattern of sexual abuse is discussed in each sector separately, since the pattern it takes is unique to each of the three sectors, namely coffee, tea and the EPZ. Finally, the study documents the effects of suffering harassment according to victims, as well as the role of trade unions and the procedures for reporting instances of abuse in the workplace.

### **A. Background Characteristics of Respondents**

#### **1. Location of the Women Workers**

The study sought information on the demographics of the women working at the coffee plantations in Ruiru and Thika, tea plantations in the Kericho district, and the EPZs of Nairobi and Kitengela. In total 400 women were interviewed (Table 2.1).

**Table 2.1 Sample Selection of Respondents**

<b>Work Sector</b>	<b>Number of women interviewed</b>	<b>Percent</b>
Export Processing Zone (EPZ)	150	37.5%
Coffee Plantations	150	37.5%
Tea Plantations	100	25.0%
<b>Total</b>	<b>400</b>	<b>100%</b>

## 2. Age Distribution of the Respondents

The women who participated in the study were between the ages of 14-65 years old. Table 2.2 indicates that the majority of the women in the three sectors are aged between twenty and thirty years, followed closely by those aged thirty-one to forty years. This is a young and generally economically viable group. Further, this age groups is also more vulnerable to HIV/AIDS since they are typically more sexually active. The focus group discussions confirmed that women aged twenty to forty years are more frequently sexually abused than any other category of women workers.

**Table 2.2 Age Distributions of the Respondents**

Age of women workers	Frequency	Percent
14-19	12	3.0%
20-30	185	46.3%
31-40	138	34.5%
41-50	53	13.3%
51-65	12	3.0%
<b>Total</b>	<b>400</b>	<b>100.0%</b>

It should be noted that three percent (3%) of those examined were between the ages of 14-19 years, and thus "child laborers" according to the Children's Act of 2001. Workers in this age group were largely found in the coffee and tea plantations.

## 3. Marital Status and Family Size of Respondents

Forty percent of the women in the study were married. Single women comprised 38.5%, the divorced/separated 12%, and the remaining 9.5% were widowed. According to these statistics, most (60%) of the women were not married. Being unmarried proved significant in that culturally, single women are more vulnerable to sexual abuse.

Although only 40% of the women interviewed were married, the majority of the women had children. The study established that most of the women (53.7%) had between one and three children, while 28% had between four and six children. A few women (6.8%) had seven to nine children, and only 1.5% respondents had between ten and eleven children (Table 2.3).

**Table 2.3 Number of Children of Participating Women Workers**

Number of Children	Frequency	Percent
1-3	215	53.7%
4-6	112	28.0%
7-9	27	6.8%
10-11	6	1.5%
<b>Total</b>	<b>400</b>	<b>100.0%</b>

The study also established that most (47.3%) of the women workers had between one and two children in school, while 23% had between three and four children in school, and 7.6% had between five to seven children in school. This is an indication that there was a high dependency ratio in the households of these workers. The respondents noted that their children worked in the plantations and helped their mothers complete their piecework on weekends and holidays, and they also missed school to assist their mothers to complete the piece tasks they had been allocated.

#### 4. Occupation of Spouses of Respondents

Among the 40% of women in the study who were married, it was observed that their spouses were either unemployed or were also engaged in occupations that did not bring in a secure income. According to Table 2.4, 19% of the spouses were unemployed, 30% worked in semi-skilled jobs and 23% were casual laborers.

**Table 2.4 Occupations of Respondents' Spouses**

<b>Occupation</b>	<b>Frequency</b>	<b>Percent</b>
Unemployed	31	19.1%
Casual Laborer	37	23.1%
Small Business worker	8	5.2%
Farmer	2	1.3
Semi-skilled worker	49	30.6
Employed in same workplace as wife	33	20.6
<b>Total</b>	<b>160</b>	<b>100.0%</b>

*\*Not Applicable: 240 (60%) of the women were not married and thus did not respond to this question.*

Given the low-paying nature of employment where most of the women's spouses work, incomes from spouses were equally as minimal as those earned by the women. Their spouses' monthly incomes ranged from only Ksh. one thousand to ten thousand (Ksh.1,000.00 to 10,000), as indicated in Table 2.5

**Table 2.5 Monthly Incomes from Spouses**

<b>Income Range Ksh.</b>	<b>Equivalent USD</b>	<b>Frequency</b>	<b>Percent</b>
1000-2900	12.80-24.30	38	<b>27.0%</b>
3000-4900	25.60-37.10	68	<b>42.4%</b>
5000-6900	38.40-50.00	32	<b>20.0%</b>
7000-8900	51.20-62.80	18	<b>11.0%</b>
9000-10000	64.10-75.60	4	<b>0.6%</b>
<b>Total</b>		<b>160</b>	<b>100.0%</b>

*\*Not Applicable: 240 (60%) of the women were not married and thus did not respond to this question*

*\*\*78.00 Ksh= 1USD.*

Given that their spouses were either unemployed or worked in positions that did not bring in adequate incomes at home, the women were more easily intimidated to yield to sexual abuse by their supervisors.

### 5. Number of Years of Employment

The study also sought data on how long the women had worked at their current workplace. Most of the women (42%) had been at their present workplace for five to ten years, followed by those who had worked for six to ten years (Table 2.6).

**Table 2.6 Number of Years Worked by the Respondents**

Number of years worked	Frequency	Percent
Less than 1	5	1.0%
1-5	164	41.0%
6-10	165	42.0%
11-15	21	5.1%
16-20	20	5.0%
21-25	12	3.0%
26-36	13	3.0%
<b>Total</b>	<b>400</b>	<b>100.1%</b>

### 6. Respondents' Incomes

One of the major problems in the sectors under study is poverty associated with low monthly incomes. The study established that wages for the workers under study ranged between Ksh. one thousand to five thousand (Ksh.1000 to 5900, or \$12.80 to \$75.60) per month. Table 2.6 shows the distribution of these incomes.

**Table 2.6 Distribution of Monthly wages**

Wages in Ksh.	Equivalent USD	Frequency	Percent
1000-1900	12.80-24.30	33	8.3%
2000-2900	25.60-37.10	160	40%
3000-3900	38.40-50.00	82	21%
4000-4900	51.20-62.80	122	30%
5000-5900	64.10-75.60	3	0.8%
<b>Total</b>		<b>400</b>	<b>100.0%</b>

\*78.00 Ksh = 1 USD

## B. Defining Sexual Harassment

### 1. Women Workers' Understanding of the Term

The study also sought to determine whether women workers understand the term sexual harassment. In general, the study found that most did understand what the term encompasses, defining harassment in the following ways:

- Having sex with superiors to gain favor at workplace;
- Being forced by superiors at the workplace to give in to sex in order to retain employment;
- Being forced to have sex unwillingly.

*\*Source: Interview schedules*

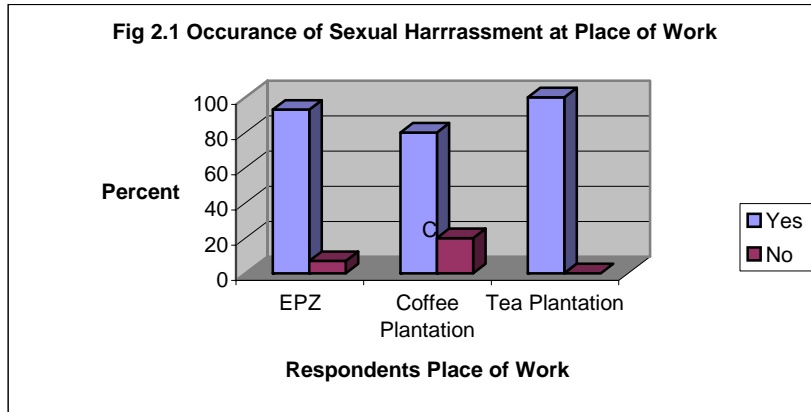
Table 2.7 indicates the responses to these answers by factory type and number (and percentage) of women who refer to each definition. According to this table, most of the women had a fair understanding of sexual harassment and what it entails. However, 28.5% of the women did not have a good understanding. This statistic demonstrates that there is a need to incorporate a section defining sexual harassment for all the workers in any remedial program.

**Table 2.7 Definition of Sexual Harassment by Industry**

	One cannot express themselves		Work is hard and payment delays		Women sleep with male seniors for favors at workplace		Women are coerced sexually in order to retain a job		Forced to have sex unwillingly	
	N	%	N	%	N	%	N	%	N	%
EPZ	6	1.5	4	1.0	23	5.8	16	4.0	101	25.6
Tea Estates	2	0.5	1	0.3	9	2.3	19	4.8	78	19.5
Coffee Estates	7	1.8	2	0.5	35	8.8	39	9.8	58	14.5
				<b>1.8%</b>	<b>67</b>	<b>16.9%</b>	<b>74</b>	<b>18.6%</b>	<b>237</b>	<b>59.6%</b>

According to Figure 2.1, the workers in all sectors acknowledged the occurrence of sexual harassment at their places of work. In the EPZs, 93% of the respondents noted that sexual harassment occurs, while 80% and 100% in the coffee and tea plantations respectively observed the occurrence of harassment at their places of work. It is likely that many of those who reported that they had not experienced harassment were unable to define the term correctly.

The study also established that women do not receive the same rate of pay as men do. This was attributed to the fact that men are said to carry out heavier chores, making their work more valuable.



Women are seen as weak and not able to perform the heavier duties, which means that they get paid less. The focus group discussions and the case studies show that women's wages could be deducted at any time if they do not give in to sexual favors. This is well illustrated in the case of Mary (names have been changed for purposes of this report).

**CASE 2.1: MARY IS SEXUALLY ABUSED BY HER SUPERVISOR**

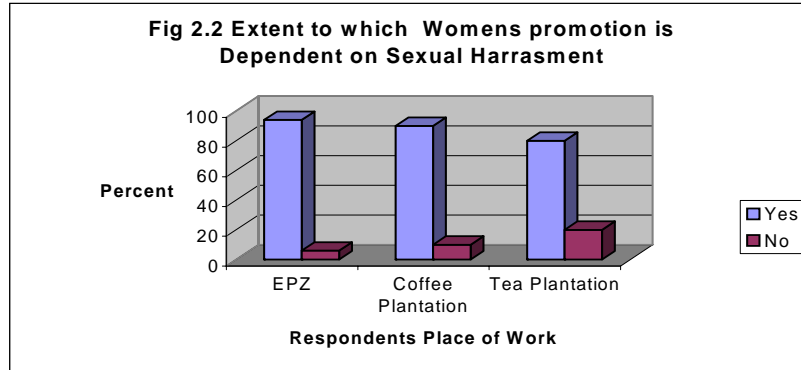
*One month after I was employed, the supervisor retained my check-off card. When I went to check with him and ask for the card, he told me loved me. I told him that I was married and that I had children. He told me to go and seriously think about what he had told me, but gave me the check-off card back. Several days later, he retained my check-off card again, and when I went to get the card, he asked me what I had decided about the issue he had raised with me. He retained my check-off card a final time, at which point I told him again that I could not have a sexual affair with him because I was married and had children. He said that he would not believe I had children unless I brought them for him to see. The following week I was demoted from a machine operator to a casual worker, and my salary was reduced. I did not report this matter because even the superiors I would have reported to are male, and there is not a single woman in management. This experience made me feel very low and helpless.*

Inequalities in promotion are based on the fact that women are viewed on an inferior level in Kenyan culture, which is manifested in the workplace. Consequently, they are expected to submit to the sexual demands of their supervisors in order to be promoted, while this does not apply to their male colleagues. Table 2.8 displays explanations that respondents provided as to why they were not fairly promoted.

**Table 2.8 Explanations Given for Unequal Promotion**

Reasons for Unequal Promotion	Frequency	Percent
Women have to be willing to submit to supervisors' sexual favors	329	82.2%
Men are seen as more capable than women as supervisors	54	13.5%
Women are not seen as good leaders	13	3.3%
Women are treated as cowards who cannot fight for their rights	4	1.0%
<b>Total</b>	<b>400</b>	<b>100.0%</b>

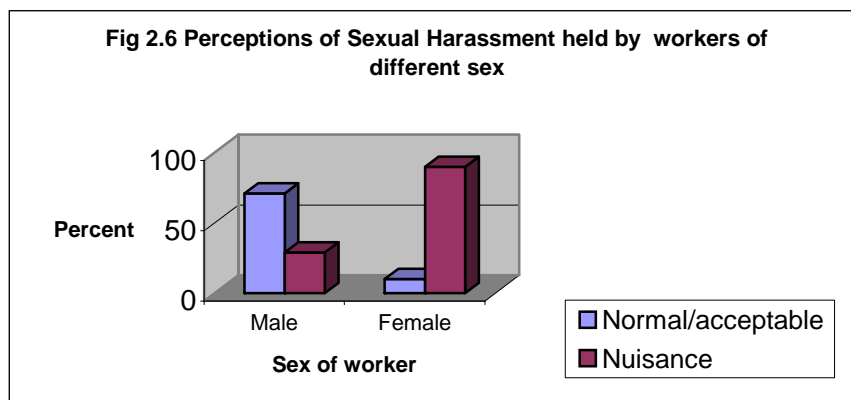
The extent to which women have to submit to sexual abuse in order to get promoted is illustrated in Figure 2.2. The women interviewed noted that the promotions in the EPZ (90%), the coffee (80%) and the tea (79%) sector were related to some form of sexual relationship with a supervisor.



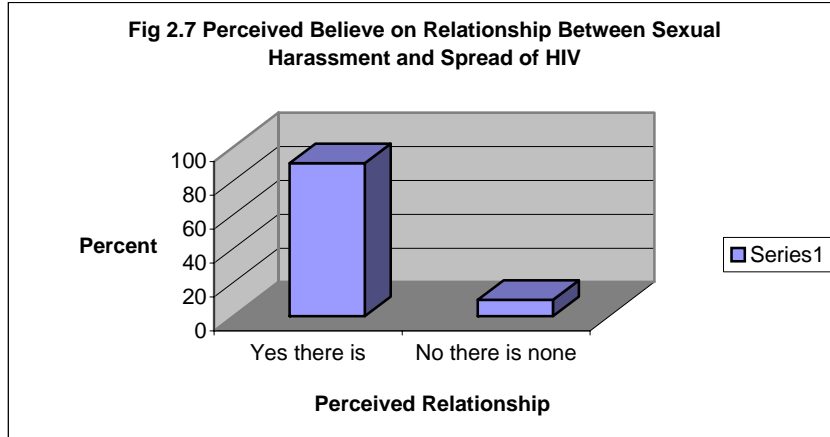
The women explicitly observed that female workers typically have to give in to sexual advances by their supervisors in order to get promoted. These advances usually take place at the workplace. Supervisors, who are often male, make advances to those women who they know are seeking promotions. A further analysis by workplace indicated that in all the sectors studied; promotion of women workers is based on women giving in to their bosses’ sexual advances.

**2. Men and Women Workers’ Perceptions of Sexual Harassment**

The study further sought to establish the perceptions held by men and women in these study areas about sexual harassment. The women reported that men tend to believe that harassment is an acceptable behavior at the workplace. Indeed, Figure 2.6 illustrates that 71% of men view sexual harassment as normal and acceptable behavior. However, the remaining 29% of the men view it as a nuisance. To the contrary, 90% of the women viewed sexual harassment to be a nuisance and did not like it. About 10% viewed the behavior as normal and acceptable, and some even considered it an advantage for a boss to develop a sexual interest towards a woman. These perceptions are illustrated in Figure 2.6.



Given the above scenario and perceptions held by men and women in the areas of study, it was necessary to establish whether these workers associate HIV/AIDS with sexual harassment. Most women did believe that there is a relationship between sexual harassment and the spread of HIV/AIDS (Fig 2.7).



Although respondents observed that they were worried about contracting HIV/AIDS, they found themselves trapped between yielding to sexual abuse, poverty and job security (Table 2.9). In fact, only 54.3% of women reported to be concerned about contracting HIV/AIDS. This could be attributed to the fact that the workers have not conceptualized the magnitude and reality of the disease. This is normal in instances of extreme poverty, where lack of proper medical attention contributes to the population’s vulnerability to a range of diseases.

The women workers also agreed that there was a high possibility that workers who are HIV positive are most likely infecting others, either willingly or unwillingly. These perceptions are indicated in Table 2.9.

**Table 2.9 Workers Spread HIV to Each Other**

Perception	Frequency	Percent	Rank
Strongly Agree	264	66%	1
Agree	91	22.6%	2
Disagree	32	8.0%	3
Strongly Disagree	13	3.3%	4
<b>Total</b>	<b>400</b>	<b>100.0%</b>	

The respondents strongly agreed that workers are easily spreading HIV/AIDS to each other. The perceptions that are ranked two to four are extremely dangerous in that these categories of women may not be worried about the spread of HIV/AIDS. They are therefore most likely willing to yield to sexual abuse. The women also expressed that people who fear



that they might be HIV positive are most likely infecting others willingly. These perceptions are illustrated in Table 2.10.

**Table 2.10 Perception that HIV-Positive Workers Purposely Infect Others**

Perception	Frequency	Percent	Rank
Strongly Agree	246	61.5%	1
Agree	57	14.3%	2
Disagree	40	10%	4
Strongly Disagree	4	1%	5
I do not really know	53	13.3%	3
<b>Total</b>	<b>400</b>	<b>100.00%</b>	

According to Table 2.10, most women agreed that workers who know they are HIV-positive purposely affect others. However, the ones ranked three to five are a vulnerable group in that they could be spreading or they are easy targets for getting caught in the trap of yielding to sexual demands and then getting infected.

### C. Location of Occurrences by Sector

The study further sought to establish where and how sexual abuse takes place. In short, it was determined that abuse takes place within the workplace and it takes different formats. The place and nature of sexual abuse is discussed by each sector, beginning with the coffee sector.

#### 1. The Coffee Sector

The situation in the coffee plantations is similar to that in the tea plantations. Sexual abuse is more rampant in these sectors because of the nature and structure of the workplace of plantations. However, unlike the workers in the EPZ and the tea plantations, women workers in the coffee plantations had more varied descriptions of the term sexual harassment. Listed below are some examples of their interpretations from the focus group discussions.

##### ***Sexual harassment is...***

- *Any act that makes a woman feel inferior because the man doing this considers her weaker physically or emotionally and intends to take advantage of her weak position. These acts include raping, insulting or sexually forcing oneself on the woman.* - Mchana Coffee Estate
- *“When a supervisor (“Mnyapara”) wants to have sex with a woman by force and when the woman refuses he starts harassing her and giving bad reports so that the woman can be fired.”* - Azania Pillion Mchana and Benda Coffee Estates
- *“Any kind of despise towards women because they are weak. For example, when men insult, touch inappropriately, or rape women.”* - Azania Coffee Estates
- *“When men take advantage of women’s poverty. Women do not usually desire sex, but they give in due to fear of losing their job and subsequently their income.”* - Ruera and Oakland Coffee Estates

The above definitions show that women in the coffee factories were aware of what sexual harassment entails. In general, they concurred that sexual harassment involves "women's sexuality being exploited in order to get what they [men] want."

In the coffee sector, sexual abuse takes place most frequently at the plantations and at camp houses. The study also established that the same men frequently harass both mothers and their daughters. The most frequently abused workers are young women aged 15-30 years, and even younger girls aged 10-14 years working in the estates or going to school, whose mothers are housed or work in the estates are also abused and even raped. Single women, divorced/separated and widowed women are more vulnerable to sexual abuse because men believe that they have no man to protect them. The supervisors ("Nyapara") often use insulting language to single women, such as the following remark:

*"Nani atakuweka wewe?"*: Who will take care of your sexual needs unless we do it, since you have no husband?

However, the married women are also subjected to their supervisors' sexual demands. In fact, the supervisors have a saying that "*Mama wa Kambi ni wa kila Mtu*," meaning "the sexual life of every woman accommodated in the coffee estates is the property of any man." This saying is frequently used in the Mchana estate by supervisors. Casual workers are also frequently abused in the coffee sector.

Abusers often approach their victims while they are performing their work. For instance, a supervisor will order the woman he wishes to abuse into the back of the plantation to perform a repetitive task (such as picking coffee beans or weeding). Workers often complain that they are unable to cover a full day's pay from this type of work. In this situation, a supervisor will offer extra work (especially the in the bushes) to a woman he seeks to exploit. The supervisor then uses this private opportunity to touch the woman inappropriately. The supervisors also rape women when they are left behind or when they are working in the bushes. These victims are often threatened against screaming, as they risk being strangled if they do so. Consider the case of Wanjiku, below.

*Wanjiku, an elderly woman, was raped by a young man in the bushes who was a supervisor. Other workers heard her screams and rushed to the scene. They found Wanjiku unconscious on the ground.*

Sexual abuse also occurs when women seek houses within the estate. The supervisors, who are also members of the *Wazee wa Kambi*, or "Elders" in the housing estate, often demand sexual favors from women who seek housing. Those women who refuse to give in are denied a place to live. In instances where women are seeking better housing, those who do not give in to sexual demands are thrown out of the estate house or are made to share their housing with others. In extreme instances, the supervisor might bring a young man to share a house with a woman who has children. In many instances, the young man will bring a girlfriend to the shared house and have sex with her in front of the woman and her children. Should the woman complain, then the young man tells her to find her own

boyfriend. It is easy to see why women often prefer to give in to sexual demands of supervisors instead of facing such humiliation.

Supervisors also abuse women when they go to weigh their coffee beans. For example, a supervisor might argue that the coffee beans for a particular woman they wish to abuse have not reached the required measurement. Thus the woman will not be allowed to measure the coffee she picks. She is also compelled to walk with the coffee to the weighing point. While the woman walks to the center where the beans are measured, the supervisor uses this opportunity to express his sexual interest to the woman. Sometimes women who are not interested will trick her perpetrator by agreeing to let him visit her at night in her house. However, if she purposely does not to leave her door open, then she will be abused the following day. Should the woman being pursued blatantly refuse to have sex, then the supervisor might pounce on her and rape her.

Women are also abused as they pick the coffee beans and as they weed. For example, the supervisors might order women to go back and pick some beans left on the coffee bush or to repeat the weeding. As a worker is rectifying a "mistake," the supervisor orders her to stand with one foot on a stamp with legs apart so that he can have sex with her as she pretends to pick the beans. If it is weeding, he will have sex with her as she bends pretending to weed. If she agrees, he unzips his trousers and has sex with her. It is a quick and convenient method for the man. As a result of compliance, the woman will then get light work and will not be shouted at. However, she must continue these services to him whenever he demands.

Should the woman being abused refuse these sexual advances, then she is shouted at for performing "shoddy" work and insulted in front of others, sometimes even in front of her own children. The woman might also be marked absent on a supervisor's whim after a whole day's work. She is also given an unreasonably heavy workload, and is penalized by not finishing it in time by not receiving any pay for the day. Such women are then compelled to bring their children to work to help them complete the heavy tasks. Worse, the daughters of the women who refuse to give in to sexual demands are then seduced and abused by the supervisors at work.

The more financially unstable a woman is, the more vulnerable she is to sexual abuse. Unfortunately, supervisors and estate owners know who are the most financially desperate women. The supervisors will shout at them and ask, "why are you allowing yourself to suffer like this? Have sex with me I will pay..." He would then quote the amount he would pay her. If the woman decides to comply then he has sex with her and pays her. To this, the women noted that it is very difficult for a woman to see her children go hungry for days when she can sell sex and get food for her children. However, some very poor women have stood their ground, and they have lost their jobs as a result. The experience of this form of endurance is illustrated in the case of Josephina (whose name has been changed) in Case Study 2.6.

**CASE 2.6: JOSEPHINA AND HER HUSBAND, WHO ARE EXTREMELY POOR, LOST THEIR JOBS BECAUSE SHE DID NOT YIELD TO SEXUAL HARASSMENT**

*Josephina was approached by a Mnyapara supervisor for a sexual relationship, yet refused because she was married and she respected her husband. But they were very poor. Josephina was so poor that she could not afford to buy the mandated canvas shoes worn by workers in the coffee plantation, and thus had to wear house slip-ins ("Patapata"). The supervisor used the excuse that she had not worn the right shoes while coming to work and told her that she must have sex with him if she did not want to be reported to the manager. When Josephina declined, she was reported to the manager, where she was summoned to explain why she did not wear the right shoes and why she was rude to her supervisors. Josephina explained that she had to pay fees for her son in high school and daughter in primary school, so she had no money to buy shoes. She pleaded that if offered shoes she would wear them.*

*She was told that she must buy her own shoes, but was still allowed to work. The supervisor, however, continued to harass Josephina by shouting at her and insulting her by saying: "Do you think you are the only poor woman in this estate? How can you afford to pay school fees and not afford shoes?" He also accused her of inadequate work. Further, although she worked for the whole week, the supervisor marked her absent for three days. At this point Josephina went to see the manager and explained that she was being punished not for being absent or not having the correct footwear, but because she had refused to give in to sexual demands. The manager denied her claims and dismissed her.*

*Josephina reported her case to the union branch in Ruiru. They discussed her case with the manager and she was reinstated. Once she was reinstated, the supervisor decided to intimidate Josephina through her husband. He sent someone to steal a pipe where her husband worked as a watchman. In turn, he was accused of stealing and was dismissed from work and evicted from his house (in the estate). However, Josephina and the children were instructed to stay. One night after her husband had moved out and begun a new position, he brought food to Josephina. However, he was caught and taken to the police station for trespassing. He explained his situation to the police, and was released*

*When Josephina decided to face the manager and ask that her husband be allowed to bring food to them, she was asked to choose between her job and her husband. Since she sided with her husband, she was fired. Josephina reported to the union again and the company agreed to pay her dues. However, not all her dues were paid and she had no money to pursue the other pay. Her children were forced to drop out of school and now they work together as casual laborers in other farms.*

The study further established that men collaborate in the exploitation of not only women but their girl children too. Due to ignorance of avenues of redress and fear of being fired, the women often do not report these cases and when they do they are intimidated. The following case of Wangui illustrates these frustrations of working mothers.

**CASE 2.7: WANGUI'S DAUGHTER WAS RAPED AND THE MANAGER DISMISSED HER CASE, LABELING MOTHER AND DAUGHTER AS PROSTITUTES**

*Wangui worked in the coffee estate. She had a sexual relationship with the manager and as a result, was promoted to a supervisory position ("Mnyapara"). Wangui decided to send her ten-year-old daughter to Gatundu to buy some groceries one day. Her daughter was to board the lorry that transports workers after work and board it back on the way home after dropping all workers. Workers living in the estate always use this transport, so this was a normal routine. The conductor of the lorry decided to sit at the back with the girl on the return journey. When the driver reached the camp of the estate, he stopped for the girl to get out. However, he heard the girl crying and came out to find out what was wrong. The girl was not talking and the conductor refused to explain why she was crying. The girl jumped out and ran home to her mother. She explained to her mother that the lorry conductor had raped her.*

*Wangui decided to report the case to the manager, who was her immediate boss and also her boyfriend. The manager asked her to wait until morning since it was already late. However, that night the manager called the accused bus conductor to his house and questioned him. The boy admitted that he raped the girl. The manager, being of the same ethnic group as the conductor, advised the young man to "disappear" and go back home because he would be jailed for nothing, claiming that "Watoto wa Malaya ni Malaya," meaning children born of prostitutes are also prostitutes.*

*The next morning when Wangui went to the manager's office, he sent for the young man but he had already disappeared. The manager then told Wangui that the case was therefore dismissed.*

*Two months later, the conductor who raped Wangui's daughter returned and was given back his job. He bragged how the manager had helped him to escape, and had labeled Wangui and her children as prostitutes. Wangui was so upset by this that she stopped working in the estate and went back to her home in Nakuru.*

The women also noted that sometimes their husbands drive them to give in to sexual demands. This happens when married women confess instances of abuse to their husbands. Often their husband will ask them why they are being harassed and not someone else. Since their husbands don't even sympathize with them and they risk losing income anyway, women often opt to give in to sexual demands in order to take home their proper earnings and not be abused by their husbands instead.

## **2. The Tea Plantations**

Sexual abuse in the tea plantations is also rampant, and is somewhat similar to the coffee plantations in nature and structure. The respondents from this sector agreed that abuse occurs in tea plantations when a male supervisor/manager comes to a woman worker seeking sex upon threats of firing, demotion or promises of promotion. Case 2.3 illustrates an example of a woman who was abused in this manner.

**CASE 2.3: JENIFER DENIED A DESERVED PROMOTION BECAUSE SHE REFUSED TO GIVE IN TO SEXUAL DEMANDS**

*The management advertised for a quality controller post. Feeling that she was qualified, Jenifer applied for the post. She wrote an application, which went through the factory manager. The factory manager called her to inquire why she thought she was qualified for the position, and gave her a date to meet him at a Kitengela in a local hotel. She agreed to go for the date after work at 6.00pm. However, she was unable to go since she had to work late. Later, the manager asked her why she did not meet him, and gave her another date on a Saturday. Again, she did not go. Later, when she was finally interviewed and told she had passed, she was still not promoted. She suspects that this is because she did not submit to the manager's sexual advances. She did not want to ask him why she was not promoted because she was scared that he might ask to meet her again. The manager did not abuse her again after she was denied the promotion.*

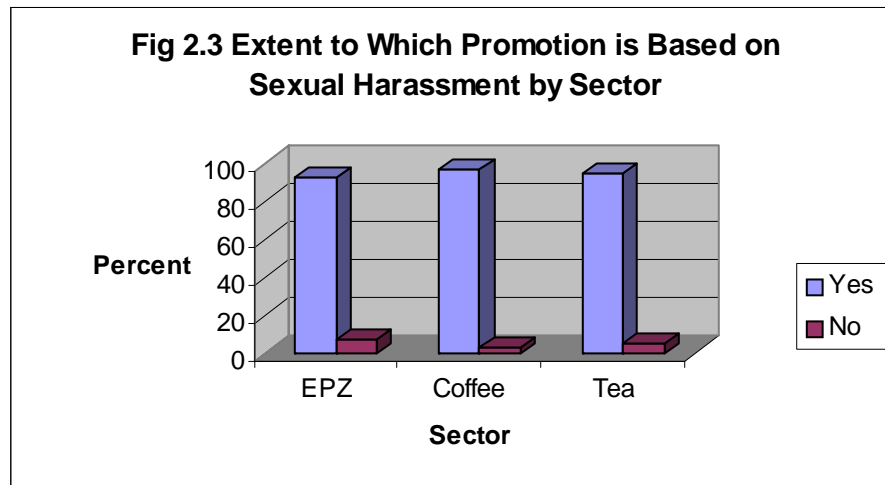
Respondents agreed that it is the woman's choice whether or not to give in to her supervisor's sexual demands. However, the nature and structure of work conditions, as well as the housing structure create conditions in which women cannot risk the consequences of denying advances. This is partly because the supervisors, mostly male, are the ones who allocate housing to the workers, and thus they know where each worker lives.

The study establishes that age and marital status are important in determining whether a female worker will be sexually abused or not. In the tea plantations the most frequently abused women are those aged 20-30 years old. It is also very common for single women, widows, and divorced or separated women to be victims of harassment. Further, workstation, housing and medical structures are also factors that can create an enabling environment for sexual abuse to occur. For instance, the workers who carry out the weeding tasks are likely to be abused because they can be threatened with transfer to tea picking, which is a more difficult task.

Sexual abuse takes place in the tea plantations when the supervisors touch the women inappropriately while they weed or weigh the tealeaves. The clerks and foremen in these offices will also lift up the women's skirts when they go in to report to the office, and talk about them inappropriately. The supervisors also ask women if they can visit them at night in their houses.

Sexual abuse also takes place when women workers seek initial housing or upgraded housing. This happens when a woman approaches those who are in charge of distributing houses (known as *Wazee wa Kambi*, or Elders). These men demand sex or money (usually Ksh. 500.00, equivalent to \$6.40) before they will grant a house to a woman. If the woman refuses these demands, then she is not granted necessary housing. This problem is most prevalent for single, widowed and divorced/separated women because the Elders know very well that they will have no husband living with them. Thus they are able to freely walk in to these women's houses at any time.

Similar to the EPZs, sexual abuse also occurs when women seek promotions from tea picking to office jobs, or when women request that they be shifted from one workstation to another. Most commonly they will request to be transferred from tea picking to weeding, because tea picking is a more difficult task. The woman requesting for promotion will then be asked for a sexual favor. Figure 2.3 clearly illustrates that in most (90%) of the cases, promotion of women has a sexual basis. This data is further supported by Case Study 2.4, which illustrates the real life experience of Alice (whose name has been changed).



**CASE 2.4: ALICE SOUGHT A PROMOTION FROM A TEA PICKING TO A CLERK POSITION, FOR WHICH SHE QUALIFIED. SHE DID NOT YIELD TO HER SUPERVISOR'S SEXUAL DEMANDS AND WAS CONSEQUENTLY DEMOTED**

*Alice was initially employed to pick tea. She applied to be considered as a clerk and was interviewed for the position. She came to be first choice in the interview, and all other interviewees were asked to wait. Later, the woman who was the fifth pick confided in Alice that the supervisor had asked her to either give him Ksh. 500.00 or to visit him at night in his house. Alice advised the woman not to do either. However, after a few days, the same woman was made a clerk. Alice suspects that she either bribed the supervisor with the money requested or gave in to his sexual demands.*

*Alice and the others who were short-listed as second and third were very hurt, yet told to continue waiting. One day the manager realized that Alice, his first pick, had not been promoted, so the manager went to Alice and ordered her to go to the office and take up the clerical job immediately. Alice worked as a clerk for three weeks before the supervisor that had promoted the fifth-pick woman ordered her to go back to the field and pluck tea. He did not explain to her why he was demoting her. Alice continued to pick tea until the manager realized she had been demoted three months later. When the supervisor could not explain why Alice had been demoted, the manager ordered her to go back to the office and resume her clerical job. However, the supervisor continued to come in the office and abuse Alice. He abused her only verbally since he risked losing his own job if he violated her physically. He also gave her unreasonable work to do.  
(continued next page)*

**CASE 2.4: ALICE SOUGHT A PROMOTION FROM A TEA PICKING TO A CLERK POSITION, FOR WHICH SHE QUALIFIED. SHE DID NOT YIELD TO HER SUPERVISOR'S SEXUAL DEMANDS AND WAS CONSEQUENTLY DEMOTED**

*(continued from previous page) Later, the manager who had initially promoted Alice was transferred, which made Alice's position much worse. The supervisor who had been harassing her demanded that Alice give him Ksh. 500.00 every month. Alice declined to do so. He also asked her to consider having sex with him and still she declined. He soon realized that Alice was not going to give in to any of his demands. One day when Alice reported to her office, she was ordered by the supervisor to go to the field and start plucking tea. The supervisor replaced her with another woman who had not even been interviewed but had reportedly yielded to his sexual demands.*

*At the time of the interview for this report, Alice still plucked tea. She has given up hope of ever getting a clerical job. The supervisor still picks on her and harasses her, and even talks about her inappropriately in front of other workers to embarrass her. As a result of this constant harassment, Alice has a very low self-esteem. She fears that her fellow workers think she is incompetent or lazy to have been demoted. Her husband's social status in the community has even been diminished since other men mock him for his wife having been demoted. Further, her demotion has negatively affected the family income. Alice did not report her case to the trade union because her union ignores matters related to sexual harassment. She says the union deals more with issues of firing and since she was not fired, then she has no reason to report her incident.*

Abuse also occurs when women seek permission to use working hours to take their children to the estate dispensary, or when they need to take a day off to seek medical attention for themselves. In such instances, it is not uncommon for a supervisor to demand that the employee have sex with him in order to get time off. Those women who give in to the sexual demands or financial bribes are given an official day off. Those who do not submit to either of the demands but go to the dispensaries anyway are marked absent and consequently lose their pay for that day.

Many women face these struggles even from their own doctors, as they are bribed by their doctors with sex or money in order to receive doctor's slips for sick leave. The amount of money requested varies from one doctor to another in the estate dispensary.

The other area where sexual abuse predominantly takes place in this sector is in the tealeaves weighing area. Supervisors frequently touch women inappropriately as they go to weigh their leaves, claiming that it is their right to do so to their own employees. This abuse is done in collaboration with the tea inspector. The women who refuse to be touched are penalized when the supervisor instructs the tea inspector not to weigh their leaves. Consequently, those women are then accused of having harvested poor quality tea. Their leaves are therefore rejected and those women earn nothing for that day. Again, this situation illustrates the dilemma that many women face as to whether to lose a day's pay or to give in to sexual demands. In times of great poverty, women are often forced to choose to yield to sexual demands rather than risk losing a day's pay.



Sexual abuse is also prevalent for single women or new employees in the tea estates. The argument is that single, divorced and widowed women have no husband and so they should be freely available for the men who desire sex from them. The women who refuse to give in to sexual demands risk losing their jobs. This is well illustrated in the case of Justina (whose name has been changed).

***CASE 2.5: JUSTINA, A NEW EMPLOYEE AND SINGLE MOTHER, WAS FIRED FOR REFUSING TO YIELD TO HER SUPERVISOR'S SEXUAL ADVANCES***

*Justina was harassed when she was a new employee in the estate where she worked. One day the supervisor asked her to consider having a sexual relationship with him while she was plucking the tealeaves. The supervisor also knew that Justina arrives several minutes late most days because she has to breast-feed her baby before coming to work. He used this to his advantage, arguing that she should seriously consider being his sexual partner in order to keep from being fired. Justina told him that she could not be his sexual partner because she was married. Further, the supervisor's own wife and son worked under his supervision in her team.*

*Frustrated with Justina's rejections, the supervisor got revenge by refusing to let her weigh her tealeaves on the basis that they were poor quality. As a result, Justina was only able to weigh her tea on the days the leaf inspector was there. She did not report this problem to anyone because she was new and did not know who to talk to about it. Justina's female coworkers explained to her that that particular supervisor had a history of harassing new employees until they agreed to have sex with him. They also warned her that if she did not give in to his sexual demands, that he would have her fired.*

*One afternoon, the supervisor instructed Justina to leave the door of her house open at night so that he could come to have sex with her that night. Justina did not comply. The next day the supervisor ordered her to pour all the tea she had plucked in the trash tray, arguing that she had picked poor quality leaves. He also ordered her to go home, meaning she would not receive her pay for the day. Five days later, the supervisor instructed her again to leave the door of her house open, so that he could come to visit her at night. Justina did not comply again, and even went to spend the night at a friend's house.*

*The next day, the supervisor ordered Justina not to weigh her tealeaves. Instead he put some rejected tealeaves in a paper bag and instructed her to go home for the day. When Justina reported to work the next morning, the supervisor ordered her to report to the assistant manager's office, where he accompanied her. She noted that the assistant manager was in custody of the paper bag that her supervisor had put the rejected tealeaves in the previous evening. The assistant manager asked her whether she is the one who had plucked those tealeaves. She answered yes simply because she thought that he would demand an explanation and she would simply apologize. However, the manager told her “Kazi yako imekwishia hapo,” meaning she was fired.*

*Afterwards, she explained her case to a different manager, who promised that he would transfer her to another estate. She also reported her case to the union, but they did nothing to help her. Further, nothing ever happened to the supervisor who harassed her.*

This case study indicates the power that tea plantation supervisors have over their employees, as well as the real consequences of rejecting their advances. It might be extremely difficult for a woman to work in the tea estates without ever giving in to sexual demands.

### 3. Export Processing Zones (EPZ)

The focus group discussions indicate that young women in the EPZs, especially those who have only completed secondary (fourth form) education, and those between 17-30 years of age are most commonly abused, although harassment is not limited to this age group. Further, some supervisors prefer young married women because they think they are not as likely to have the HIV/AIDS virus.

The EPZ workers most frequently abused are those located in the sewing departments of garment factories. Also, new employees in this sector are frequent victims. The study also showed that even female supervisors are abused by their managers or male colleagues. Further, some of the women employed as supervisors did in fact previously submit to sexual harassment in order to be promoted.

The most common means of harassment in the EPZ is when a supervisor retains the check-in card of the female worker they wish to sexually exploit. By retaining the card, the female worker is compelled to go to the supervisor to retrieve it by the end of the day. It is at this point that the supervisor expresses that he would like a sexual relationship with the victim.

A second method of making sexual advances in the EPZs is when supervisors request women workers to remain behind after work, either to perform extra work or because they claim there is something wrong with their work. Once the woman remains after work in this situation, the supervisor will tell her that he loves her, or simply that he wants to have a sexual affair with her. This situation is illustrated in the case of Adero (whose name has been changed).

#### *CASE 2.2: THE SUPERVISOR HARASSED ADERO AFTER WORK HOURS*

*I was asked by the supervisor to remain after work because there was a job that needed to be finished. I declined to remain but was forced to do so. After work when everyone had left, the boss came to me and told me that he loved me. He sat next to me as he told me this. I told him that I had children and I would not agree to have a relationship with him.*

*The next day the same boss asked me to remain after work, but I declined and went home. On the third day when I reported to work, the boss who had asked me to remain began to reprimand me for performing poor work. He sent me to his office and told me that if I did not comply with his suggestion of the previous two days, that I would regret it. The boss then took me to the office of the manager and reported that my work was "shoddy." I took the opportunity to explain to the manager what was really going on between my boss and myself. However, the manager scolded me and denied what I had said. At this point, I told the manager that I was not interested in the work anymore, and I left.(continued next page)*

**CASE 2.2: THE SUPERVISOR HARASSED ADERO AFTER WORK HOURS**

*(continued from previous page) After sometime I went back to the company and sought re-employment. The company took me back. Although I had very low self-esteem, I desperately needed the job so that I could take care of my children. I was left with no choice but to go back to work. Unfortunately, nothing happened to the supervisor who abused me. His work continued as normal.*

Supervisors are also known to hold back overtime pay of the women they wish to abuse. Thus when the worker goes to ask for this pay at the end of the day, the male supervisor tell the female worker that he would like to have a sexual affair with her. Once the woman goes to the supervisor's office to check what happened to her pay, then the supervisor expresses his sexual intent to the woman. Should the woman deliberately refuse, then the pay is retained. Women have thus learned to play games and pretend that they will consider the offer so that they can receive their pay in the short-term. Given the extreme poverty situation, it is better to receive the pay for that particular time than to refuse the overture outright.

Supervisors also use the excuse of poor work of women workers they intend to abuse. In this case, a woman would be asked to remain after work. It is during this time that the supervisor tells her that he has a sexual interest in her. Those women who comply with the sexual advances are taken to the house of the supervisor or to the lodging in an agreed upon place. Those women who do not comply are constantly accused of "shoddy work," for which they are forced to work extra hours to compensate.

Sexual abuse also takes place in instances when women apply for promotions. The manager will ask the female employee applying for a promotion to meet him at a hotel where they can engage in sexual activity. In instances where women have refused these advances, they are denied promotions even when they qualify.

## **V. CONCLUSIONS**

### **A. Effects of Suffering from Sexual Harassment and Abuse**

The effects of sexual abuse on women in the different sectors had some similarities. They are therefore discussed together, and impacts unique to one sector are highlighted. The women acknowledge that the suffering of those who decline to yield to sexual demands is immense, although even giving in to the abuse does not help because one who yields is then committed to yield to sexual demands every time the abuser demands.

Sexual abuse causes the following effects on individuals, families, and work relations. The study findings regarding advantages and disadvantages to submitting to sexual abuse are also mentioned here.

**Effects on the individual:**

- Depression, lack of self-esteem, psychological instability, feelings of helplessness, humiliation, and shame, particularly since other most times other women are aware of the abuse, yet nobody talks about it.
- Decrease in productivity, which also implies a decrease in earnings.
- Decrease in popularity, as fellow women workers may look down on a woman for giving in to sexual demands, which further depresses the worker being abused

**Effects on the family:**

- In the event that a woman needed a better house and she refuses to give in to sexual harassment, another family may be brought to share the house that she lives in. Further, she may be kicked out of the house and a woman who gave in to sexual advances gets the house.
- The women who refuse to yield to sexual harassment and are given a house to share with young men have their children exposed to immorality at an early age. Further, if the woman has girl children, they risk being raped. The young men will engage in sexual acts with children as young as ten years old and argue that in the plantation estates there is no age limit when it comes to sexual activity because sex is free for all. Such girls risk getting HIV/AIDS and other STDs.
- Since most women, especially in the coffee estates, work together with their children, the children usually see their mother suffer humiliation especially when they do not give in to sexual demands. Consequently, they develop a hatred for the supervisors.
- Those women who do not yield to sexual harassment because they wanted a better house are actually thrown out of the houses they live in and the house is given to women who do give in to sexual intimidation.

**Effects on work relations:**

- The supervisor can send women home at the slightest mistake so that she does not earn any income on that day.
- The supervisor will mark a woman who has refused his sexual advances absent even when she worked as a punishment, and one risks being fired if marked absent.
- The woman is also in constant danger of being fired any time.
- The women who do not give in also risk being demoted.

## **B. Advantages and disadvantages of reactions to sexual harassment**

### **1. Advantages of not Giving in to Sexual Advances**

The women observed that there are several advantages in not giving in to sexual advances, such as:

- They do not run the risk of contracting HIV/AIDS and other STDs.
- They can maintain their dignity and respect in the workplace by other workers.
- They do not risk their marriages or prospects of marriage.

### **5. Advantages of Submitting to Sexual Harassment**

The women also noted that there are some benefits gained when one gives in to sexual harassment. These include:

- They will get a good house.
- They will get lighter duties at work, and will be marked present even when absent to prevent from losing a day's earnings.
- Other workers fear the woman who is a friend to the supervisor, and so they may ask her to speak on their behalf to the supervisor.
- Since one gets promoted or is taken to a better workstation the family income increases.

### **6. Disadvantages of Submitting to Sexual Harassment**

The women made the following observations relating to the disadvantages of submitting to sexual harassment:

- They increase their risk of contracting HIV/AIDS and other sexually transmitted diseases.
- They run the risk of being fired in case they do not continue to submit to their supervisor sexually.
- They risk their marriages in that if their spouse found out, he would likely want to separate.

## **C. The Role of Trade Unions in Protecting Women Workers**

The study established that most women did not report instances of sexual abuse either to the management or to the respective trade union. The women argued that the management comprised of men who equally harassed them whenever the opportunity arose. The trade union staff was also noted to do the same, in that some of the male staff also abused the women. In the EPZs and the tea plantations, the shop stewards were quoted as being common perpetrators. Even those who were not perpetrators rarely took action to stop others from being abused.

In the coffee plantations very few women report sexual abuse and when they do the union officers do go to talk to the managers but nothing happens.

To illustrate this problem, Wanjiku, a shop steward in one of the plantations examined, commented on her experience with harassment.

*I have been a shop steward for thirteen years and nobody has ever told me that she has been sexually harassed. I do not even know what the union says about sexual harassment. All I know is that women who are sexually abused suffer in silence and if they cannot yield to sexual demands, the only safe alternative is to leave the job, before being fired.*

Similarly, the following is an expression from a focus group discussion in the coffee sector.

*The union is not effective. Issues of salaries are not resolved. How can they tackle sexual harassment? Further, the union officials ask you what is so special about you that you get abused.*

The expressions above indicate that even shop stewards themselves do not know how to deal with instances of sexual harassment. Respondents also expressed that the women also felt that the attitude of the union officers who are male was very silent about sexual harassment, because they too think that it is a man's right to have sex with any woman he chooses.

In all of the three sectors studied, there was no mechanism developed to deal with sexual harassment. Those women who felt brave enough to confront their perpetrators simply walked to the manager's office and verbally reported their supervisor or other person sexually abusing them. These instances are very rare because the managers also frequently abuse the women. One focus group discussion had this observation:

*It is extremely difficult for a woman to go and report sexual harassment to a manager who had lifted up your skirt three days ago or sometime back.*  
\*Source: Interviews at the Coffee Plantations

A further analysis indicated that the sectors had no code of conduct in relation to sexual harassment or other worker rights abuses (Table 2.11)

**Table 2.11 Presence or Absence of Code of Conduct at the Workplace**

<b>Responses Made</b>	<b>Frequency</b>	<b>Percent</b>
Yes there is a code but never followed	40	10%
No there is no code of conduct	357	89.3%
Do not know	3	0.7%
<b>Total</b>	<b>400</b>	<b>100%</b>

According to the Table 2.11, 89.3% of the women noted that there is no code of conduct in their workplace. At the same time, 10% noted that there is a code of conduct but it is never observed, while several women did not know whether there was any code.

The study further established that sexual abuse is treated as normal behavior and women are not supposed to complain. Fully 95.5% of women fear reporting sexual harassment because they risk losing their jobs, or even being further victimized. They also find it embarrassing to talk about harassment. The research further indicates that of the few who reported instances of harassment (44.5%), no action was taken on their perpetrator. The other dilemma is that most women and men think that sexual harassment is a normal activity at work.

## **VI. RECOMMENDATIONS**

This study concluded that sexual abuse is rampant in the commercial agricultural and textile manufacturing sectors. Virtually all women working in these sectors have experienced sexual harassment, and virtually all women are hurt by it, but given that incomes are very low, they are forced to yield to sexual demands to avoid being overworked, wrongfully dismissed, or demoted since either one of these would affect their incomes and thus the economic security of the family.

Harassment manifests itself differently in each sector, depending on the enabling environment with the set structures of work. It is worst in the coffee plantations, where it is manifested in the most inhumane ways and women experience humiliating abuses in the presence of their own children.

Further, most women are not aware of their rights in the workplace. Unfortunately, trade unions generally have little interest in following sexual harassment issues for several reasons, including not knowing how to handle such issues, bribery by management in workplaces, or because the shop stewards are themselves harassers. The study also concluded that 90% of the women experiencing sexual harassment do not report instances due to fear of further victimization and even loss of job.

### **Domestic remedies:**

- There is need to develop programs that enlighten women in these sectors about their rights in the workplace.
- Sexual abuse at the workplace is a policy issue that needs to be observed in a legal framework, and abusers need to be penalized.
- Those sectors without a policy on sexual harassment need to be made aware that there is need for this policy to be put in place.
- Trade union representatives and shop stewards need to be trained on how to handle sexual harassment.

**International Remedies:**

- Recognition by the ILO of the fundamental right of women to a violence-free workplace, through the development of a new international convention against sexual harassment in the workplace.
- Immediate recognition by the ILO of the problem of sexual harassment in the course of its evaluation of country commitments to implement Convention No. 111 on the elimination of discrimination in the workplace.
- Inclusion in trade legislation by the US and other Kenyan trading partners of language to ensure adequate protections for women workers in export processing industries.
- Inclusion of language prohibiting discrimination in the workplace in corporate codes of conduct.



**REFERENCES QUOTED**

**Republic of Kenya** Children's Act 2002

**Republic of Kenya** 2001

**AIDS in Kenya Background, Projections, Impact Interventions and Policy.** Ministry of Health in Collaboration with NASCOP