

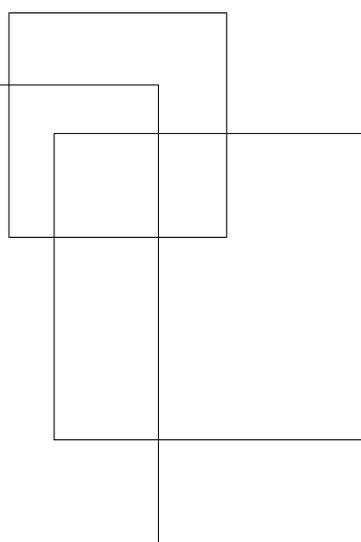


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Spotlight on sexual violence and harassment in commercial agriculture: Lower and middle income countries

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Abstract

Sexual violence and harassment among commercial agricultural workers is widespread, perhaps even pervasive, throughout the world. This paper summarizes information from a synthesis of research conducted on sexual violence and harassment in four commercial agriculture contexts; one in Africa, one in Asia, and two in Latin America.

The studies indicate that non-standard forms of work, including temporary work and informal work, are key factors in creating power differentials for perpetrators to carry out sexual violence and harassment against women workers. Sexual violence and harassment occurs in commercial agriculture when also combined with cultural norms that tend to tolerate such activities, and structural environments that distance perpetrators from accountability. Supervisors and more senior workers are most often the perpetrators in part because they have the power to (1) offer, deny or discontinue work; (2) lower the income that workers receive; (3) make the workers' conditions very difficult; (4) undermine the workers' social standing; and/or (4) offer advantages to the workers. These forms of power also threaten workers into silence so that they do not report. Agricultural workers' vulnerability to sexual harassment is compounded by limited labour law coverage and poor labour inspection services extending to agricultural workers. Employers of agricultural workers are also found to lack effective preventative policies and practices.

The results of this review point to much needed actions in commercial agriculture to end entrenched sexual violence and harassment:

- Conduct additional studies that credibly quantify the incidence and document the circumstances enabling the sexual violence and harassment in commercial agricultural work, particularly in lower and middle income countries.
- Upgrade women's terms of employment and work arrangements to match those of men, and advance women into supervisory positions within commercial agricultural work forces.
- Expand the scope of collective bargaining to extend negotiations to represent temporary and casual workers;
- Extend legal protections to non-standard workers and workers in agriculture and tighten legislation and enforcement of working conditions within commercial agriculture, including for contracted workers.
- Promote women into leadership roles within unions and NGOs and support women-organized means for monitoring and reporting incidents in commercial agricultural work.
- Expand workplace training and awareness raising to change attitudes and behaviour. Extend this awareness outreach to rural communities.

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1. Introduction

1.1 Purpose and scope of the study

Sexual violence and harassment among commercial agricultural workers is widespread, perhaps even pervasive, throughout the world. Millions of women and girl workers in particular are likely confronted with such incidences on a regular basis. However, apart from studies focused on higher income countries or within the context of migrant agricultural work, little research has been conducted to document sexual violence and harassment in agricultural work. What research has been done suggests that women working in commercial agriculture are exposed to systemic sexual violence and harassment. These occurrences are associated with workplace risk factors as well as the employment practices of the employer agro-enterprises.

The purpose of this study is to answer the questions of whether and why sexual violence and harassment occur in commercial agriculture in the less researched context of lower and middle income countries. Hence, the paper synthesizes research studies already available on sexual violence and harassment in agriculture, focusing on workers in lower and middle income countries. A second aim of the study is to take note of the research methods used to identify innovative means for capturing the incidence and context in which sexual violence and harassment against agricultural workers occurs.

The paper summarizes information drawn primarily from a synthesis of research conducted on four farm contexts, one in Africa, one in Asia, and two in Latin America. The first is East Africa, where the focus is on the export horticultural industry in Kenya, with additional discussion of the export horticultural sector in Tanzania, Uganda, and Ethiopia. The second is the cut flower industry north of Quito, Ecuador, where 60 per cent of this industry was concentrated at the time of study. The third is the grape and vegetable export industry in north-western Mexico. The fourth is the export tea and rubber plantations of Sri Lanka. These settings were chosen because the studies that exist on them provide qualitative and quantitative information on experiences with sexual violence and harassment at work. The paper also draws from additional studies on sexual violence in agriculture more generally.

1.2 The challenges specific to agricultural work

Sexual violence and harassment of women agricultural workers occurs in the fields, plantations, greenhouses, and packing areas of agribusinesses. In many cases these form part of international food supply chains, but can configure in local market systems or on subsistence farms. Incidences of sexual violence and harassment occur in high-income countries, just as they do in low and middle-income countries.

Much agricultural work is done in fields, where workers are sometimes isolated from others. Work arrangements are frequently short-term, may be without formal contract, or handled through labour contractors. The majority of permanent and supervisory jobs are held by men, who can exert coercive power over those with lower rank or status (FAO, 2010). Certain entrenched cultural and social norms can also increase the likelihood of violence and harassment through secrecy and shame, stigmatization, and inappropriate senses of entitlement. Finally, the pervasive poverty and conditions of vulnerability among those working in agriculture have been well documented; these tend to disempower those directly experiencing sexual violence and harassment and tend to prevent witnesses from coming

forward.

The incidence of sexual violence and harassment in agriculture remains largely unknown, including in countries where research on the topic has been more extensive. Oxfam's recent literature review of sexual violence against women agricultural workers in the United States (Kominars, 2014) concluded that:

'...sexual violence is a longstanding and pervasive norm in the agricultural industry. The social and cultural dynamics of the farmworker population create unique obstacles for women farmworkers to report and seek support and remedies for sexual violence in the workplace. Researchers must develop alternatives to traditional data collection methods in order to gather accurate data about workplace sexual violence of women farmworkers...The lack of adequate data hides farmworkers from public attention and hampers efforts to raise awareness about the serious problems these women face.'(Kominars, p. 7).

Establishing standardized statistical measurement of sexual violence and harassment remains work in progress, despite the urgency in understanding its incidence and context.

1.2.1 Sexual violence and harassment in the world of work

Violence and harassment in the world of work are realities for millions of workers not just in agriculture. Violence and harassment can cause physical, psychological, sexual or economic harm¹. Their occurrences foment fear and insecurity, contributes to gender gaps and occupational segregation, negatively impacts on the health and wellbeing of workers and leads to the loss of productivity and reputation of enterprises.

Sexual harassment, specifically, is often linked to power imbalances and encompasses both "quid pro quo" harassment and the presence of hostile working environments.² The perpetrators and victims of sexual violence and harassment can be, potentially, anyone, including "employers, workers and third parties, including clients, customers, service providers, users, patients and the public in the world of work." Moreover, victims can be targeted based on such factors as gender, gender identity, class, race, sexual orientation, disability, or a combination or intersection of them factors. Nevertheless, sexual violence and harassment affect women disproportionately, and men tend to be the perpetrators (ILO, 2018).

Sexual violence and harassment can be associated with risk factors linked to circumstances surrounding the work situation, such as physical, structural, or management culture. Work arrangements without formal terms, temporary work and work with limited short term contracts can add risk, as can migrant status or third party contracts. Sexual violence and harassment occur with such frequency in some contexts that they can become "normalized" – that is, considered a normal part of day-to-day work.

The lack of adequate legal and regulatory environments also pose risk factors. Laws and regulations

¹ The term violence and harassment should be understood as a continuum of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, having the aim or effect of causing physical, psychological, sexual or economic harm, and includes gender-based violence (ILO, 2018, vol. 2, p.97).

² (ILO, 2018, vol. 1, p.11).

calling on employers to provide safe and healthy work situations may not specifically address violence, or more specifically sexual violence. Employers' duty of care may not explicitly extend to violence or may lack effective means of enforcement. Employers do, however, have a duty of care to provide a working environment that is free from violence. Complaint mechanisms, protection of victims against retaliation, and punitive consequences for perpetrators may not be called for in regulations or incorporated in corporate policies. Laws and regulations also may not extend to casual or informal workers.

1.2.2 Women in commercial agricultural work³

Of the estimated one billion people working in agriculture worldwide, approximately 40 per cent are waged agricultural workers and of these, the share that are women vary by country but average roughly to one in four (FAO, 2010). Employment in agriculture includes contributing family workers, subsistence farmers, who make up the brunt of workers in lower and middle income countries. Commercial agricultural workers are not usually counted within these numbers and instead are employed by small-scale commercial farmers, or as waged workers in larger farms, plantations and industries engaged in the supply, processing and distribution of farm products. Their agricultural work may be full-time, but is most often temporary and partly influenced by growing seasons. Work is found in the formal and informal economy, taking place around rural communities where access to services, protection and rights is frequently limited.

In commercial agriculture, women tend to be concentrated in unskilled, labour-intensive tasks, with limited opportunities for skills upgrading. Women account for a large share of waged and contract workers in commercial agriculture, where they are hired to carry out any number of tasks surrounding the production (eg. planting, cultivation, and harvesting) of various agricultural products and crops. Based on their non-standard employment status, which may involve third-party labour contractors, agricultural workers are frequently excluded from national labour laws, regulations and protections (ILO, 2008). When covered, many are poorly served due to the high costs and difficulty of monitoring agricultural work (eg. contracted production, temporary work forces, remote locations, spread-out workplaces). In part because of this failure in effective governance, violence and harassment in all forms are some of many decent work deficits plaguing agricultural workers. As noted by the International Labour Conference in 2008, rural workers, especially in agriculture, face difficulties and gaps in protection with regard to their basic rights. Women are likely to experience these problems in more severe ways than men, but unfortunately statistics on coverage and enforcement remain sparse (ILC, 2008). A report of the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) the same year highlighted the problem of the exclusion of agricultural workers from relevant national laws and non-application of these in practice. Issues of violence, harassment, weak labour inspection mechanisms and non-recognition of trade unions concerning agricultural workers were also reported as quite common (ILC, 2008).

³ Commercial agriculture refers to agricultural production operations where output is intended to be sold for money or profit. The workers in commercial agricultural operations, particularly for larger operations, are mostly wage workers as opposed to unpaid contributing family members.

1.2.3 Methodologies for researching sexual violence and harassment among agricultural workers

Of the research examining sexual violence in agriculture reviewed for this analysis, most have been exploratory, qualitative in design and using mixed methods for data collection, with focus groups and face-to-face interviews constituting the predominant techniques. A summary of techniques is included in Table 1 and discussed below.

Table 1: Research methods used in reviewed studies

Country	Purpose/focus	Data collection method	Sampling
Sri Lanka	Assess situation of sexual harassment in plantation sector	Focus group discussions, individual interviews with key informants and women workers	Purposive sample of 100 women, from 36 estates in seven districts
Northwest Mexico		Focus group discussions with workers, Key informant exchanges with community members including indigenous women's rights organization and doctor.	Purposive sample, organized by communities, based on at least one year work experience. Three villages in three provinces, all situated near farms
Ecuador		Off-site interviews of agricultural workers	Purposive sample of 101 workers in seven communities, associated with 47 companies
Kenya		Off-site semi-structured interviews, focus group discussions, role play	Sample of five farms applying codes of conduct for cut flowers plus one without code, stratified random sampling of 100 workers; purposive sampling for 13 focus group discussions; farm management consent influenced sampling population

In their research on the plantation sector in Sri Lanka, analysts Wijayatilake and Zackaria (2001) used focus group discussions and individual interviews. The focus group discussions were with women workers and employers. The interviews were with women workers, employers or managers, representatives of unions, key personnel in the plantation sector and the relevant Ministries or departments, and other key informants. These interviews included in-depth interviews and interactive dialogues with women workers who had experienced sexual harassment, and with NGO personnel involved with the sector.

They employed a purposive sample that comprised “one hundred women with work experience ranging from a minimum of seven months to forty years drawn from 36 estates in the districts of Kandy, Natale, Nuwara Eliya, Hatton, Kegalle, Ratnapura, and Galle”. The women worked primarily in tea plucking and rubber tapping; but also as factory workers, creche attendants, welfare officers, assistant field officers, estate clerical staff, and estate medical assistants. This range of workers provided researchers with responses from each level of the ‘worker hierarchy’ on the estates. Different locations were selected to provide a fair geographical as well as work condition representation of the sector. The estates were both private and state managed companies. Information was also sought from fifty persons, comprising employers from selected plantation companies operating in the areas. In addition, information was obtained from key personnel of employers and workers organizations, government

ministries, activists, development workers, researchers, academics, and persons from the legal fraternity (Wijayatileke and Zackaria (2001: p. 2).

In the research on the export flower industry in Ecuador, the researchers interviewed 101 farmworkers working in 47 companies (Mena and Proaño, 2005: p. 1) in seven communities across three districts. They focused on the area north of Quito, which is home to 60 per cent of Ecuador's export flower farms. The companies sampled were small, medium-sized, and large, and evidenced varying levels of technological development. As it was impossible to conduct the interviews on the farms or surroundings, they conducted them at places where there were many people, such as bus stops, in parks, and at other places for recreation, at the moment when the women were leaving work. They found that the women who had experienced sexual violence and harassment were afraid of talking about these experiences, and did not mention them in the interviews.

The research on sexual violence and harassment on the farms of north-western Mexico was based on focus group discussions with women workers, including both local workers and workers from other regions of the country. The data collection was conducted in three villages in the vicinity of farms where grapes and vegetables are cultivated for export. These communities were in three provinces (Baja California, Sonora, and Sinaloa). Contacts in these communities invited the workers to the interviews and handled the logistics; they included a grassroots indigenous women's rights organization and a doctor. Criteria for selecting the workers included having at least a year's experience in agricultural work and having the ability to speak Spanish (Arellano, 2014).

Certain methods used in research that does not focus on sexual violence and harassment have proved successful for the collection of data on it, and so deserve mention here. Dolan, Opondo, and Smith (2004) conducted research in which they explored the advantages and disadvantages of methods used in Participatory Social Auditing in the cut flower industry in Kenya. They found that when they conducted semi-structured interviews, women respondents were more likely than men to share their feelings and perceptions of sensitive issues. Focus group discussions, of which the authors conducted 13 on four farms, resulted in workers becoming more open to sharing emotionally sensitive information, and workers did discuss sexual harassment and sexual favours during these focus group discussions. In mixed-sex focus groups, the men dominated. A third method that elicited good data on sensitive topics was role play. Six role-play exercises were carried out in the focus group discussions, each addressing an area of work-related concern. The researchers found role play to be particularly useful for the acquisition of a deeper understanding of issues including harassment by supervisors. For example, the abusive language used by supervisors was imitated during the role-play. Role play was especially effective at eliciting the perspectives of women, who expressed themselves most fully in this format. It also encouraged greater participation of reticent group members (Dolan, Opondo, and Smith, 2004: pp. 60-63).

These authors' sampling technique is instructive and may be useful in future research on sexual violence and harassment on farms. The goals of their research were to analyse how ethical trade can enhance the economic and social rights of women and men workers in the Kenyan cut flower industry, and to identify best practice in implementing gender-sensitive ethical trade based on worker and stakeholder participation. There are over 500 flower farms and/or packhouses in Kenya. Only farms applying code(s) of conduct formed the population of the study. The core fieldwork sample consisted of five flower production companies from the Lake Naivasha, Nairobi and Ruiru areas selected according to the type(s) of codes in application; this was an attempt to ensure a representative coverage of the codes.

The inclusion in the survey of one company that does not apply any codes was included as a control factor. Two additional companies were included in the 'Company Interviews', but 'Worker Interviews' were not conducted on their farms. However, the sample was not large enough to allow generalisations across the population, especially since another important criterion for the selection of the farm was the willingness of the management to participate in the research project. These 5 farms/packhouses have a total workforce of 1997. A sample of 100 workers was selected using a stratified random sampling technique according to gender, employment status (permanent, seasonal, or casual) and nature of work (packhouse, greenhouse and crop development unit). In each case the sample of workers was drawn from a roster of employees provided by the management. The sample of workers from each farm/packhouse was in proportion to the total population. Following completion of the semi-structured interviews, a preliminary analysis was conducted in order to ascertain the key workplace issues that were raised, and which were to be probed in greater depth through focus group discussions and other participatory methods.

Purposive sampling was undertaken for the focus group discussions, in order to ensure participation of the different types of workers. This classification was made on the basis of gender, nature of work (i.e. packhouse, greenhouse and crop development unit – concerned with spraying, irrigation and fertilizer application) and employment status (permanent and seasonal). A total of 13 focus group discussions were conducted among the four firms applying codes. The number of participants in these ranged from five to eight, for the most part drawn from the sample of semi-structured interviews conducted previously. The composition of the groups varied. Nine were comprised of mixed categories of workers across gender, nature of work and employment status categories, while four were homogenous. During several focus group discussions, group exercises comprised of mapping, role-play and ranking tools were facilitated, and transect walks through the farms were also carried out. Four focus groups were facilitated by women, three by men, and the remaining five by both men and women (Dolan, Opondo, and Smith, 2004: pp. 72-73).

Standardizing statistical measurement of sexual violence and harassment

The data collection and analysis methods used in the surveyed studies contrast with those used to capture statistical measures on broader occupational safety and health conditions. The International Conference of Labour Statisticians (ICLS) have taken initial steps to develop effective measurement of work-related violence, including sexual violence (ILO, 2013), which are more quantitative and could support nationally representative statistical measures. A first step is to agree on definitions for work-related violence and how different forms of such violence can be delineated, particularly in terms of differences between acceptable and unacceptable behaviours. In addition to the characteristics surrounding the work-related violence, the nature of the relationship with the perpetrator is to be captured. Likewise important, is the number of persons affected by the work-related violence during a specified reference period.

Additional factors configure into appropriate measurement. Much of the sexual violence documented in the reviewed studies is internal, meaning that it takes place between workers, including supervisors and managers. Most victims of violence report having precarious employment situations, are low paid and have low status, which is statistically considered by ICLS as a factor placing them at higher risk. Many of their workplaces are poorly regulated for working conditions. Reporting policies, structures and protections are often missing. The consequences of violence are statistically important, considering effects on victims and their employers.

Data can be collected from administrative sources, or household or establishment-based surveys. However, what is not yet well developed through these methods, is consideration of the sensitive nature of the subject matter, the need to source information from workers themselves, the vulnerability of respondents in being forthcoming, and the uneven understanding and attitudes of respondents towards sexual violence and harassment.

2. Understanding the incidence and environment

2.1 Incidence

Because of the conditions in which they work, agricultural workers can be more exposed to sexual violence and harassment. However, as evidenced through methodologies, capturing their incidence is difficult given the sensitive nature of both to employers and workers. Of the few studies that have attempted to measure the incidence, findings are alarming.

Sexual violence occurs in agribusinesses of different kinds, in different countries. It is rife on the farms and in the packhouses of African horticulture (Arend, 2011; Blowfield and Dolan, 2008; Brahic et al., 2011; Jacobs et al., 2015), just as it is on the tea and rubber plantations of Sri Lanka (Wijayatilleke and Zackaria, 2001), on grape and vegetable export farms in northwestern Mexico (Arellano, 2014; Arellano and Aranda, 2017), and in the cut flower industry in Ecuador (Mena and Proaño, 2005).

Not only does sexual violence and harassment occur in many different agricultural settings, its incidence is high. The literature search for this document did not uncover global figures, but case studies are suggestive. In Ecuador, in the area north of Quito, where 60 per cent of the export flower industry was concentrated at the time of the study, 55.45 per cent of women agricultural workers interviewed in a comprehensive study by Mena and Proaño (2005) had experienced sexual violence and harassment by supervisors and other workers. For workers between the ages of 20 and 24, the figure was 70.97 per cent; for those between the ages of 25 and 30 it was 54 per cent; and for those between the ages of 30 and 34 it was 66.67 per cent. In other words, well over half the women between the ages of 20 and 35 had experienced sexual violence and harassment (Mena and Proaño, 2005: p. 19). Some 18.81 per cent of workers interviewed had been forced to have sex with a co-worker or hierarchical superior, and 9.9 per cent had experienced sexual assault (Mena and Proaño, 2005, p. 1).

The incidence of sexual violence and harassment is also high in East Africa. In a study of the cut flower industry in which 62 farms were sampled in Kenya, Tanzania, Uganda, and Ethiopia, very high percentages of women workers had experienced harassment on farms or knew someone else who had (Jacobs et al., 2015). The authors of the study find that, “in Ethiopia, of the 160 women sampled, 137 said they had experienced some form of sexual violence and harassment themselves (GHOWERN, 2013: 14). In Tanzania, 89% of women workers across the 20 farms had personally witnessed one or more incidents, mainly perpetrated by managers (GHOWERN, 2013). In Kenya, 90% of those interviewed rated sexual violence and harassment as the most difficult problems experienced by women in the cut-flower sector. A total of 40% of Kenyan respondents had experienced offensive sexual jokes and comments, 24% experienced unwanted touching and 18% had had threats of reprisal for not responding to sexual advances. Another 2% reported sexual assaults. Harassment occurred both at work and outside – on transport, in towns and in the countryside – and this varied little between countries” (Jacobs et al., 2015: pp. 401-402). In a comprehensive study of the Kenyan cut flower industry (Dolan,

Opondo, and Smith, 2004), sexual violence and harassment was reported on all the farms sampled, particularly by women who were subject to sexual harassment from male supervisors (pp. 8, 38-39). A separate study of 400 women employed in commercial agriculture in Kenya, found that 90 per cent had experienced or observed sexual abuse at their workplace (International Labour Rights Forum, 2002).

Sexual violence and harassment is also experienced by men in agriculture, but the literature focused on lower and middle income countries contains very little information on the subject. One study mentions that a male farmworker in Kenya's cut flower industry reported that he was sexually abused (Leipold and Morgante, 2013: p. 13), and a study of cut flower farms in Kenya, Tanzania, Uganda, and Ethiopia mentions that there have been instances of men being harassed, in nearly all cases, by female managers (Women Working Worldwide, 2013, cited in Jacobs et al., 2015: p. 401).

2.2 Forms of sexual violence and harassment in agriculture

2.2.1 Case study reporting on forms of sexual violence and harassment

The sexual violence and harassment that agricultural workers experience takes many forms. On the agribusiness farms of north-western Mexico, for example, these includes inappropriate staring or gazing, speech containing sexual content, denigration, or insinuation; and requests and demands for sexual favours (Arellano, 2014: p. 169). On the tea and rubber plantations of Sri Lanka, these are manifested in many ways that demean or threaten (see Table 2). Perpetrators in this study retaliate if their sexual passes are rejected and give rewards if they are accepted, and they sometimes send the woman to an isolated place if they want to sexually harass her.

Table 2: Forms of sexual violence and harassment identified, Sri Lanka

- molestation;
- sexual advances;
- attempted rape;
- watching women while they bathe;
- references to the farmworker's bed;
- threats that sexual violence will be forthcoming;
- calling women by referring to their bodies;
- jokes making reference to past sexual activity;
- not giving women privacy;
- veiled threats of rape or unwanted touching; unwanted touching;
- forcing women to move a certain way and commenting on their bodies;
- standing so close that women's breasts brush against the perpetrator;
- comments about the woman having sex with her husband;
- holding the woman's hands tight; putting tea dust into women's blouses;
- jokes about women going to the toilet all the time;
- holding women's hips;
- spreading stories about women having relationships with male workers, especially when they work night shifts;
- sexist jokes; and
- derogatory remarks about the women's menstruation

Source: (Wijayatilleke and Zackaria, 2001, iv)

Sexual violence and harassment take many forms in the cut flower industry in Ecuador. The most common forms of sexual harassment aimed at women are:

- whistling (experienced by 88.12 per cent of workers);
- invitations to go out together (experienced by 79.28 per cent of workers);
- insinuations expressed through a form of gaze (experienced by 71.29 per cent of workers); and
- sexual jokes (experienced by 64.36 per cent of agricultural workers).

More explicit and serious forms of sexual harassment occur as well, such as:

- unwanted touching (experienced by 28.71 per cent of agricultural workers);
- unwanted hugging (experienced by 47.52 per cent of workers);
- unwanted kissing (experienced by 29.70 per cent of workers);
- invitations with the offer of an advantage at work (experienced by 24.75 per cent of workers);
- invitations by a hierarchical superior with the offer of work or of an advantage at work (experienced by 17.82 per cent of workers); and
- invitations by men who earn more (experienced by 15.84 per cent of workers) (Mena and Proaño, 2005: pp. 19-20).

Additional forms of sexual violence and harassment include being forced to have sex with a superior or co-worker (experienced by 18.81 per cent of women workers); being attacked with sexual intent (experienced by 9.9 per cent of workers); obscene gestures; verbal insults such as “whore”; blocking of the woman’s path, or standing very close to her; purposeful bumping or brushing; patting and pinching; pulling on clothes or hair; and spreading rumours or stories with sexual content (Mena and Proaño, 2005: pp. 15-16, 19-20).

Women agricultural workers are often sexually harassed in a context in which the woman’s non-compliance has negative consequences for her ability to continue working at the farm, for her pay, or for the unpleasantness of the work assigned to her. The perpetrators tend to have power over one or all of these things. Women are sexually harassed with the knowledge that if they do not comply with the perpetrator’s wishes, or if they report the harassment, the perpetrator can dismiss them (Dolan, Opondo, and Smith, 2004), not offer them more work (Mena and Proaño, 2005; Arellano, 2014), not allow them to get on the farm’s bus to go to work in the morning (Arellano, 2014), not calculate their productivity and payment correctly (Wijayatileke and Zackaria, 2001), not appraise their performance fairly so that they do not receive a merit increase (Ollong, 2016, in research on Cameroon’s banana supply chain); or cut their hours of pay (Ollong, 2016).

Supervisors who sexually harass agricultural workers use carrot and stick tactics to force them to comply with their advances. They retaliate if the farm worker does not respond to their sexual demands or advances, and give privileges if they do. On the plantations of Sri Lanka, for example, “When women don’t comply with the sexual advances or begin to protest, the offender takes revenge by resorting to various tactics ranging from deleting her name from the register, isolating her and sending her to a lonely block, giving extra unwanted work, making her hold the sack at the weighing point, reducing on the weight plucked, to not granting leave” (Wijayatileke and Zackaria, 2001: p. 17).

In many contexts, the threat of losing their jobs hangs over workers who do not respond positively to sexual violence and harassment. In the cut flower export industry in Kenya, where women are subject to sexual violence and harassment by male supervisors, and sexual harassment was reported on all the farms studied, where workers claimed that supervisors request sexual favours in exchange for employment, time off, promotion, and bonuses. Workers feel that they cannot complain because there is no suitable channel through which to communicate such incidents to management. In some focus group discussions male workers claimed that women would offer sexual favours to reap benefits such as promotion or lighter work, particularly in the grading shed. However, the same group noted that supervisors can sack female workers who refuse their advances in order to employ women that will provide them with sexual favours. Alternatively, supervisors can deploy their power as supervisor to compel a woman to comply. One respondent reflected, ‘When a male supervisor seduces a female worker and this doesn’t bear fruit, he can use “thorax” [i.e. job power] to win that female worker’” (Dolan, Opondo, and Smith, 2004: pp. 38-39).

Rejected supervisors retaliate. This practice is damaging not only to the victim, but also to all the other women workers, because they work in the knowledge that there will be retaliation if they, too, do not comply when they are harassed. On the farms of north-western Mexico, agricultural workers see patterns in the harassment they experience. A worker in Baja California says, “Here, sexual harassment takes many forms, and starts from the moment you get on the bus. Even the driver behaves towards you according to how you look; he looks at you and thinks about whether it is worthwhile for him to let you on, or not. Then you get there [to the fields], if the foreman decides that he like you, that’s good, he won’t bother you, but if you reject him the first time he talks to you, he will keep you on a short leash, telling you off. You don’t give in, you do your work, but your nerves are always on edge, or tomorrow he will not want to give you work [...] here women do endure a lot of violence” (Arellano, 2014: p. 169). The bus drivers (usually men) to whom this worker refers is responsible for taking the workers from the village to the farm. He can make it impossible for them to work by not allowing them to get onto the bus. Hence the sexual harassment occurs in a context in which workers are under great pressure to accommodate a series of potential perpetrators. In the banana export industry of Cameroon, if women refuse their supervisors’ sexual favours, they fear that their hours of pay will be cut or their continued employment threatened (Ollong, 2016: p. 17).

Perpetrators retaliate not only in response to rejection, but also when agricultural workers speak out about the harassment. In north-western Mexican farms, there exist “...multiple forms of violence, which are silenced with punishment (such as not being hired again) and the abuse of power by people in dominant positions in the workplace hierarchy” (Arellano, 2014: p. 170). In Ecuador’s cut flower farms, supervisors who harass women have been known to threaten them so that they do not talk, and workers fear retaliation if they do (Mena and Proaño, 2005: pp. 16, 19).

While perpetrators punish workers who reject their advances, they reward those who do, by giving them privileges at work. In Ecuador’s cut flower farms, workers report that co-workers who receive privileges such as days off are having sexual relations with their supervisor (Mena and Proaño, 2005: p. 14). Meanwhile, workers over the age of 18 who have unwanted pregnancies think that by agreeing to give sexual favours, they can keep their job or enjoy certain privileges (Mena and Proaño, 2005: p. 19-20). In a study of Kenyan cut flower farms, the victims of sexual harassment were mostly temporary workers, and 63 per cent of the perpetrators were their supervisors (the remainder were male co-workers). The women who complied with supervisors’ demands for sex were promised that they would keep their job

and receive better benefits (KEWWO, 2008, cited in Merhof, 2010: p. 476). In the banana export industry of Cameroon, “the appraisals of female workers’ performances for purposes of merit increments by their Sectional Heads is a tool for sexual harassment while Line Headmen use pro-rata payments as a tool for sexual harassment as well” (Ollong, 2016: pp. 14-15).

Another way in which perpetrators put pressure on workers to comply with their desire for sex is by asking them repeatedly. In the study of Kenyan cut flower farms mentioned immediately above (KEWWO, 2008, cited in Merhof, 2010: p. 476), of the women workers who were sexually harassed, 45 per cent said that they were asked for sexual services on average 14 times. In most cases, the women refused the requests; of those who said that had sexual relations with their perpetrator, 42 per cent were raped (KEWWO, 2008, cited in Merhof, 2010: p. 476).

In sum, many of the perpetrators of sexual violence and harassment have the power to deny their victims work, appropriate payment, benefits, or fair treatment at work, and to reward them if they respond favourably to their advances. The violence and harassment occur in many parts of the farms and at many times of day, but are especially likely to occur in areas in which the least qualified workers are employed, when workers are alone or at night, or where perpetrators come into contact with workers outside of where crops are grown or packed.

2.2.2 Other forms of violence and harassment experienced by women agricultural workers

In agriculture, women workers not only experience sexual violence and harassment; they often also experience other forms of physical and psychological violence. Supervisors can be abusive in multiple ways. In the cut flower industry in Ecuador, for example, the workers endure several forms of supervisor abuse: verbal insults such as being called “crazy,” “stupid,” or “whore;” mocking and criticism; and under-reporting the amount of work performed (Mena and Proaño, 2005: pp. 15-16). On plantations in Sri Lanka, a worker reports, “They keep calling us to do this and that and when we say wait or refuse, he starts to scold us in bad language and when we talk back, he makes a complaint saying that we women used bad words. So far there has not been an inquiry but we are waiting” (Wijayatilleke and Zackaria, 2001: pp. 11-12).

In the cut flower export industry in Kenya, where women workers are subject to sexual harassment by male supervisors, they also experience verbal and physical abuse, corruption, and wages being docked as a disciplinary measure (Arend, 2011). Another study conducted by Dolon, Opondo and Smith finds that they experience work-related harassment and verbal abuse, corruption and favouritism, and dismissal without just cause. In this study, supervisor abuse was ranked as one of the most significant problems facing both male and female workers, and it was reported on all farms sampled. It existed despite the fact that many social codes prohibit harsh or inhumane treatment or intimidation in the workplace (including verbal, psychological, and physical abuse). Non-permanent workers were particularly vulnerable to this abuse, as supervisors were often responsible for hiring them, and workers feared not being rehired, or being fired, if they complained or resisted. As one worker reflected, “the supervisor may simply lose his temper and get very angry and dismiss a worker”. Workers said that supervisors were merely transferring the pressures from management onto workers such that the supervisor is “pushed” by the management who then “pushes the worker to do more work” (Dolan, Opondo, and Smith, 2004: p. 38).

Women agricultural workers experience psychological violence in the form of blame, berating, negative

judgments, gossip, and rumours. Some of it comes from perpetrators, and some from co-workers. The perpetrators of sexual violence and harassment sometimes claim that the woman whom they sexually harassed or assaulted wanted a sexual relationship, and this may be conceived as a form of psychological violence.

Women workers who experience sexual violence and harassment can be subject to negative judgments by men co-workers. A male worker in Sinaloa, in north-western Mexico, says, for example,

“In the fields, there are engineers who go with women [...] [They] don’t work [...] while the other women are killing themselves working, and the women who have it very easy, getting chummy with the engineer, earn the same or more than the ones who are working” (Arellano, 2014: p. 170).

2.3 The perpetrators

The perpetrators of sexual violence and harassment are often supervisors. Supervisors, in agriculture, “control decisions concerning work performance and hence remuneration for the ‘task’” (Flora, 2014). In many cases, they have the power to dismiss or not rehire the workers working under them. In the horticultural industry in Kenya and Uganda, where flowers and cuttings (respectively) are produced for export, supervisors sexually harass women workers, most of whom work in the greenhouses and packhouses (Barrientos, 2014: p. 10). Supervisors are also reported to sexually harass women workers in the export horticultural sector in Ethiopia and Tanzania (Brahic et al., 2011). In another study of the cut flower export industry in Kenya, male supervisors sexually harassed women on all the farms sampled, in both packhouses and greenhouses. The workers claimed that supervisors request sexual favours in exchange for employment, time off, promotion, and bonuses (Dolan, Opondo, and Smith, 2004: pp. 38-39).

Supervisors also make sexual advances on the plantations of Sri Lanka (Wijayatilleke and Zackaria, 2001: pp. 16-17), and on plantations in general, according to a compilation of research by The World Bank and partners (World Bank et al., 2009), where “Women are frequently concentrated in menial tasks, such as tea leaf picking, with men supervisors who abuse their positions by requesting sexual favors in exchange for job security, bonuses, or lighter workloads” (World Bank et al., 2009: p. 346).

However, those in authority over the women are not the only perpetrators. In the plantation sector in Sri Lanka, co-workers and even subordinates sexually harass workers. Even family members working on plantations have been reported as perpetrators (Wijayatilleke and Zackaria, 2001: p. iv). Similarly, in Ecuador, women workers are harassed by co-workers: “In the cut flower industry, the work is solitary. Usually, there are only one or two people working in each part of the greenhouse, so it is easy for co-workers and supervisors to sexually harass workers” (Mena and Proaño, 2005: p. 1).

On the export grape and vegetable farms of Sinaloa, Sonora, and Baja California, in north-western Mexico, workers are sexually harassed by anyone with power over them at work. This includes their supervisors, overseers, head foremen, foremen who select the women workers and are responsible for their team’s carrying out certain tasks and fulfilling production goals, engineers intermediaries between the workers and the company, and drivers who take the women from the communities in which they live to the fields. In some cases, one person occupies a number of these roles (Arellano, 2014: pp. 166, 169-171). All such perpetrators have the power to give or deny the women work. According to Zúñiga

(2008a, 2008b, cited in Arellano, 2014) the hierarchical structure of the company reproduces the power inequities between men and women, and this makes the violence and harassment possible.

The men who choose which women workers will work and which will not, do so in some cases based on physical appearance or the likelihood of receiving some sexual favor in exchange for the work (Arellano, 2014: p. 166). The perpetrators who are supervisors or foremen sometimes ask for sexual favours in exchange for work or for work privileges. They punish the women workers if they refuse, by not offering them further work. A worker in Sonora relates,

“Once they kicked me out because I didn’t pay any attention to the foreman. You shouldn’t have to go with anyone in order to be able to work, if you come to work, simply because you need to earn the income [...] I thought I was better off leaving [...] There is no way, I prefer a hundred times over that they sack me. There are many fields. But yes, this is what we experience, and single mothers all the more so” (Arellano, 2014: p. 170).

In north-western Mexico, co-workers have been reported to be perpetrators as well. Men who work alongside them in the furrows sexually harass women farmworkers (Arellano, 2014: pp. 169-171). “Co-workers treat them as sex objects, sexually harass them with their gaze, with denigrating sentences containing sexual content, with insinuations, and even with direct and indirect requests for sex” (Arellano, 2014: p. 169).

Some perpetrators exercise sexual violence and harassment against a series of women. In Baja California, in north-western Mexico, a farmworker describes,

“I have seen two, three girls who are already pregnant by the head foreman, the foreman in charge of the team, or the bus driver. Sometimes the man is a harassment veteran and goes with girls of 15, 14, and 13 years of age...”

3. Response and actions taken after sexual violence and harassment

3.1 The aftermath of sexual violence and harassment

3.1.1 Barriers to reporting

Agricultural workers who experience sexual violence and harassment tend not to report it. In Ecuador's cut flower industry, for example, only 5 per cent of the instances of sexual violence were reported to superiors (Mena and Proaño, 2005: pp. 1, 21). There are many reasons why workers tend not to report. Already mentioned, is the fear of losing the opportunity to work, coupled with the fact that the workers tend to be poor and to need the work badly. Agricultural workers also fear retaliation by the perpetrator. As mentioned above, the perpetrators of sexual harassment tend to retaliate if their sexual advances are rejected (Wijayatilleke and Zackaria, 2001: pp. 16-17; Mena and Proaño, 2005).

There are several additional reasons why workers do not report sexual violence and harassment. In the cut flower industry of Ecuador, workers do not report because they do not know how to deal with the situation.

“Women workers who are victims of sexual harassment feel bothered and offended, but they do not know how to deal with such situations. They do not acknowledge that sexual harassment is a problem, or a violation of their rights. They do not speak about these instances because they sometimes do not understand them or are confused about what is happening; because the perpetrator has made threats so that they do not talk; because they feel shame or guilt; or because they think that they will not be believed” (Mena and Proaño, 2005: p. 16).

In addition, workers do not know where to seek help or how to make a complaint (p. 22); they avoid telling managers about the harassment because they think that the managers tend to believe supervisors more than they believe workers (p. 21); and they are concerned about their husbands finding out, and so they do not mention the harassment, and this leads to family and marital difficulties (p. 22). As a consequence, complaints are not made and sexual harassment is not normally talked about.

In some cases, feelings such as guilt, shame, and fear of a scandal prevent workers in Ecuador from reporting the sexual violence and harassment that they endure. The women respond to the aggression with silence.

“They do not speak up to the perpetrator, or to others, from whom they hide the experience, or to the administrators of justice (judges or work inspectors). They feel guilty about the harassment, and think that they are responsible for what happened because they might have said or done something to provoke it. They remain silent because they are afraid or ashamed. They fear a scandal, or are afraid that they will lose their job. Their anger and pain, which are internalized, can cause physical, spiritual, and psychological illness” (Mena and Proaño, 2005: p. 22).

One worker states: “Women don't like being assaulted. The fact that these acts are not reported does not mean that we like being assaulted” (2005: p. 22).

Meanwhile, according to Mena and Proaño (2005: p. 22), companies in the cut flower industry in Ecuador place little importance on sexual violence and harassment. There is scant acknowledgement that such occurrences are criminal offences. These ways of thinking reproduce the prejudices and stereotypes that exist in the culture. One of the reasons why harassment and abuse are not made visible as problems is that women face similar aggressions in the home.

In many cases, agricultural companies and the authorities do not take measures to punish the perpetrators or protect victims when victims report sexual harassment. This is the case in the Ecuadorean cut flower industry, where in only 14 per cent of reported cases was the perpetrator punished. Some 59 per cent of the perpetrators were not punished in any way, and in 26 per cent of cases it was not known whether or not the company punished the perpetrator (Mena and Proaño, 2005: pp. 1, 21).

In some contexts, however, there are female higher-ups who have taken action upon hearing complaints of sexual harassment. In this same industry, according to one worker, the few cases in which action was taken were reported to female supervisors or female members of the authorities. This worker describes the case of a supervisor who was rejected by a worker and subsequently made her work life difficult, and then adds:

“He would give her difficult or heavy work; he would say that if she didn’t finish the task she was working on, she could not go home. Until she complained to the woman engineer. She hired a psychologist. He asked each of us, “How is the supervisor behaving? Two more co-workers complained, the engineer took some disciplinary measures with the supervisor, until he got foomore and left” (Mena and Proaño, 2005: p. 21).

In many farm contexts, unfortunately, there are no female higher-ups to report to. In the cut flower export industry in Kenya, for example, where women are afraid to report sexual violence and harassment that they experience, aspects of the workplace that contribute to this fear include the hierarchical structure within companies coupled with the lack of female senior staff. A consequence is the persistence of sexual harassment (Dolan, Opondo, and Smith, 2004: p. 8).

There are sometimes government offices to which workers can in theory turn for assistance. Farmworkers in north-western Mexico, however tend not to turn to government offices to report the sexual violence that they experience. Reasons for this, according to Arellano (2014, p. 174), are the few options for denouncing the violence and harassment in the three communities in which the study was conducted as well as the time and cost of traveling up to three hours to the seat of their municipal government office. The civil servants to whom they report the sexual violence also tend to take the attitude that the workers provoked it. Agricultural workers who are members of indigenous groups from the south of Mexico face the additional problem of a language barrier. Many do not speak Spanish, and civil servants in the northeast do not speak their dialect.

Fortunately, in response to varied experiences of violence against women at work, indigenous women workers who moved to the area from other provinces have formed an association with the goal of creating awareness about the violence and demanding care. They conduct activities with the goal of informing people about their rights as workers, and accompany women when they place complaints.

Rather than report, the agricultural workers of north-western Mexico deal with the various forms of workplace violence that they face with diverse strategies that enable them to continue working. They

form silent alliances with other co-workers so as to protect themselves in risky situations. For example, they accompany each other on the daily trip from their communities to the fields, since they are more vulnerable to sexual assault on the paths, if there is no-one else around. Unfortunately, these strategies are personal in nature and bring only temporary solutions (Arellano, 2014: p. 173).

On the cut flower farms of Ecuador, approximately 40 per cent of workers interviewed sought support from their female and male co-workers, within their family, and/or from friends (Mena and Proaño, 2005: pp. 1, 21). In some instances, however, instead of receiving support, the victims of sexual violence and harassment are berated and blamed by family members, as happens in the plantation sector in Sri Lanka (Wijayatilleke and Zackaria, 2001: pp. 16-17).

Women workers who witness sexual violence and harassment do not necessarily come forward. On the cut flower farms of Ecuador, some women remain silent after seeing other women be sexually harassed or abused (Mena and Proaño, 2005: p. 19). They refer to “the machismo of men who sexually harass young girls, who deceive and lie to them; but we keep quiet so as to avoid problems”. Moreover, the employment context may place them in competition with each other to keep their jobs. In some cases, they remain silent so as to try to win the good will of their hierarchical superiors and avoid having problems with the company.

3.1.2 Short and long-term consequences for victims

Women workers experience a multitude of negative emotions when they are sexually harassed. One common response to the sexual harassment is guilt. Referring to the cut flower industry in Ecuador, Mena and Proaño (2005: pp. 22-23) state, “The women feel guilty in response to the aggression: they think that they are responsible for what happened because perhaps they did or said something that provoked it.” Another emotion that workers experience after they are sexually violated or harassed is shame or embarrassment. In the same industry, 20 per cent of women who experienced sexual harassment or sexual violence said that they felt ashamed, bothered, and/or guilty. Some 16 per cent did not answer questions on this issue because they preferred not to discuss the subject because they felt ashamed, nervous, and offended (Mena and Proaño, 2005).

Sexually violated or harassed workers also experience fear and anger. “They are afraid that there will be a scandal, or that they will lose their jobs. The internalized anger and pain can cause physical, spiritual, and psychological illnesses” (Mena and Proaño, 2005: pp. 22-23). As well as fearing a scandal, they experience fear related to losing the opportunity to work, as described above, where, in an excerpt, a worker from Baja California mentions that if a farmworker rejects the foreman, she works with her “nerves on edge” (Arellano, 2014: p. 169).

Sexual violence and harassment can provoke a range of unpleasant emotions in the plantation sector in Sri Lanka, where workers’ feelings included anger, shame, humiliation, helplessness, guilt, and even confusion. The women expressed that sexist jokes made them feel emotionally harassed, and that derogatory remarks concerning their biological functions (menstruation) made them feel angry. However, they continued to work out of fear of losing their job. In most cases, they were left with a ‘no choice’ situation. The varying degrees of emotional stress that the farmworkers experienced affected their work (Wijayatilleke and Zackaria, 2001: pp. iv, 16). The unpleasant feelings can continue for quite some time. Sri Lankan plantation workers who are victims of sexual harassment feel violated, vulnerable and degraded in the longer-term:

“While some victims have negative feelings in the short term, most of them continue to feel degraded, vulnerable and violated. In some instances they reported that to some extent their effectiveness in terms of output also got affected due to the trauma they faced” (Wijayatileke and Zackaria, 2001: pp. 16). Victims “feel further harassed when news spreads and the victim is blamed, as the usual practice is for customary social pressures mounting against the woman as the guilty party. Very few women were able to confront such issues, make complaints or protest” (Wijayatileke and Zackaria, 2001: p. iv).

Feelings of degradation, vulnerability, and violation may possibly reduce still further any chance that the victim will speak out if she is harassed again in the future. In the plantation sector in Sri Lanka the victims of sexual violence and harassment are known to have rumours spread about them, to become the targets of gossip, and to be berated and blamed by their parents, who put pressure on them to keep working at the same workplace, even if the work environment is ‘unsafe’. For one young girl tea picker, “her parents’ attitude of blaming her for the episode adds to her feelings of guilt and confusion. In another instance of harassment, gossip in the work place caused both her family and the wider community to turn against and blame the victim. She had the support only of a handful of female co-workers. Feeling isolated, the victim attempted to commit suicide by burning herself. Social pressures are heavily weighted against the victim especially when the family finds fault with the woman for the occurrence of sexual harassment” (Wijayatileke and Zackaria, 2001: pp. 16-17).

Another reported longer term effect is abusive treatment linked to retaliation by rejected perpetrators, as mentioned already. One worker from the cut flower industry of Ecuador illustrates this particularly well:

“The co-worker hooked up with a warehouseman, the supervisor found out and wanted to have a relationship with her, but she did not want this. After that, the supervisor did many things to complicate the co-worker’s situation at work; he made her feel bad, so that she would give way to his insistence. He would give her difficult or heavy work; he would say that if she didn’t finish the task she was working on, she could not go home. Until she complained to the woman engineer” (Mena and Proaño, 2005: p. 21).

Lastly, sexual violence can have very serious consequences for health. HIV is prevalent in some farming communities, and in these communities women workers cannot afford the expensive medicines needed to treat it, as Bhatasara and Chiweshe (2015) have shown in their study of Zimbabwean women workers. For these women, living with becomes a severe health problem because they cannot afford the medicines needed to survive. Sexual violence and harassment on farms can also result in higher rates of HIV/AIDS in the community: “The prevalence of HIV and AIDS rises in communities where unequal labor relations leads to increased sexual activity in the workplace” (World Bank et al., 2009: p. 321).

3.2 Risk factors within agricultural work

There are a number of attributes that are associated with sexual violence and harassment of agricultural workers, and these are discussed here.

Work hierarchies and negative gender stereotypes

Research on sexual violence and harassment against agricultural workers in low and middle-income countries refers almost exclusively to women as the victims. While most studies tend to take the fact that women are the victims for granted, there are studies in which the authors analyse the reasons for the women's victimization. In her study of north-western Mexican farms, for example, Arellano (2014) suggests that the hierarchical structure of the farm companies, in which men occupy all the positions of power and women are subordinate, is an important factor in accounting for why women are the targets of sexual harassment. Arellano also explains the sexual harassment of women in terms of cultural beliefs about women, such as the idea, prevalent among men who work on or with the farms, that women workers are sex objects that men can enjoy. Similarly, in their study of Ecuadorean farms, analysts Mena and Proaño (2005: p. 21) conclude that women, unlike men, are the victims of a series of sexual violence because they are women and because of various factors that can be summed up in terms of their physical weakness vis-à-vis men, their submission, and their being positioned as sex objects.

...and/or conditions of poverty

Agricultural workers who experience sexual harassment in low and middle-income countries are nearly all poor. Poverty is associated with sexual harassment because it makes it extremely important for the worker's own and their family's survival that they have work. Workers in this situation do not make complaints about the sexual harassment that they endure because it means putting their job at risk. As a worker in the cut flower industry in Ecuador explains, "There is abuse even by the bosses, there is no law; and because we need the income, we are forced to stay quiet about it" (Mena and Proaño, 2005: pp. 20-21). On farms in Sinaloa, Sonora, and Baja California, in north-western Mexico, workers are also poor and need the work in order to survive, and so are less likely to make a complaint about the sexual harassment. Arellano (2014: p. 174) states, "[Their] poverty makes the decision to report [the harassment] a difficult one, especially the fear of the immediate consequence of doing so, which is a reduction in opportunities for employment and with this, in the family income."

As the fact that they are poor would lead one to expect, the farmworkers tend to have low wages. In the cut flower export industry in Kenya, where women on all the farms studied were subject to sexual harassment by male supervisors, women workers' wages were low, even if they were typically better than the government minimum wage and wages that could be obtained through viable alternatives in the region (Dolan, Opondo, and Smith, 2004: pp. 8-10). Similarly, on farms in the export horticultural sector in Ethiopia, Tanzania and Uganda, where women workers also endure sexual harassment by supervisors, these women have low income levels and are employed in insecure jobs (Brahic et al., 2011).

...and/or living in an area with few or no job opportunities other than in agriculture

Another factor that makes workers vulnerable to sexual harassment is having few or no job opportunities other than in agriculture (Arellano (2014: pp. 170, 171, 177). This is the case in north-western Mexico:

Very pressing economic need and the lack of employment options puts women in a system of power relations in which they are subordinate. The violence is expressed in interactions with co-workers, who treat them like sex objects; sexually harass them by looking at them a certain way; use denigrating sentences with sexual content; insinuations; and even direct requests and demand for sexual favors. [...] For most, farm work is the only way that they can earn an income, which they need because they are poor.” (Arellano, 2014: pp. 169, 177).

Being poor, having to work, and there not being other job opportunities makes the victims of sexual harassment unwilling to risk reporting or rejecting the advances, lest they lose the chance to earn an income.

...and/or being targeted because of coming from another region

In some contexts, being from outside the area and having different linguistic or cultural practices can make a worker more vulnerable when it comes to sexual harassment. On the north-western Mexican farms, some of the workers self-identify as indigenous and 48 per cent speak an indigenous language (Arellano, 2014: p. 159). Some of the indigenous workers have gone to work in north-western Mexico from distant parts of the country, namely Oaxaca, Guerrero and Veracruz, and do not speak Spanish. As mentioned earlier, this makes it very difficult for them to communicate with the staff of any government office to which they might turn for assistance with the problem of sexual harassment. These offices do not have interpreters, according to a related but broader study of farmworker communities in Sinaloa, Sonora, Baja California, and Baja California Sur (Bejerano and Arellano, 2014: p. 111). An activist from Sinaloa explains,

“If they (men and women day workers on farms) go to make a complaint, to report, if they speak a dialect, they can’t be helped, because they [civil servants] do not understand them” (Bejerano and Arellano, 2014: p. 111).

According to these authors, because the workers do not speak the same language as the civil servants, they are put in a subordinate position and experience abuses of power by these civil servants. Not speaking Spanish also results in indigenous workers being unable to read published information about sexual violence, about how to denounce it, and about services offered to help deal with it. This makes it very difficult for them to access justice (Arellano, 2014: p. 179).

The agricultural workers are also vulnerable when they come from another part of the country and do not have identity papers that prove that they are citizens. If they find themselves in this situation, they are unable to receive assistance from relevant government offices if they wish to make a complaint, according to Bejerano and Arellano (2014: pp. 110-111).

...and/or being less skilled

In some contexts, workers with lower skill levels are more likely to be sexually harassed. On the plantations of Sri Lanka, for example, sexual harassment was more pervasive at the lower levels of the worker hierarchy (Wijayatilleke and Zackaria, 2001: p. iv). In the cut flower industry of Ecuador, there is more sexual harassment in the areas of flower cultivation and post-harvesting, where the workers are least skilled. Here, 73.26 per cent of women report that they have been sexually harassed, more than in any other area of work on the farms. The next largest proportion of women reporting experiences of sexual harassment work in cleaning (12.87 per cent of women in cleaning). In areas of work that require

more skills, such as supervision and administrative work, the figure drops to 6.93 per cent (Mena and Proaño, 2005: pp. 19-20).

...and/or being targeted because of one's youth

Youth increases the likelihood of being sexually harassed, for women workers. In the plantation sector in Sri Lanka, younger women were more vulnerable with respect to sexual harassment (Wijayatilleke and Zackaria, 2001: p. iv). In northwestern Mexico, teenaged workers are known to have been raped (Arellano, 2014: p. 171). On Ecuadorean cut flower farms, younger women endure more sexual harassment, but older women come close behind. As mentioned earlier, some 70.97 per cent of women workers between the ages of 20 and 24 had experienced sexual harassment, followed by 66.67 per cent of women between the ages of 30 and 34, and 53 per cent between the ages of 25 and 30. Adolescents between the ages of 13 and 15 also experience high levels of sexual harassment by hierarchical superiors or older co-workers (Mena and Proaño, 2005: p.19). Younger workers are particularly vulnerable because they are less likely to organize, more likely to succumb to the perpetrator's pressure, and more timid, according to Mena and Proaño's (2005). It is important to note that the female worker population as a whole tends to be young, in some contexts. In the cut flower industry in Ecuador, for example, approximately 80 percent of women workers are under the age of 30, and some 20 per cent are younger than 20. The mean age is 24.5 years and the median age is 24 years (Mena and Proaño, 2005: pp. 1, 19).

...and/or being targeted as a single mother

In one study, being a single mother was described as making women vulnerable to sexual violence and harassment. On the farms of north-western Mexico, being a single mother is a risk factor for being at the receiving end of sexual insinuation by men, because in the social imaginary, single mothers are "easy", and men operate according to this idea, and harass them (Arellano, 2014).

...and/or not understanding what constitutes sexual violence and harassment

In some agricultural settings, not understanding what constitutes sexual violence and harassment increases a woman's vulnerability to it. In the plantation sector in Sri Lanka, for example, most women did not understand what exactly sexual harassment was. This was not the case for the minority who were aware that they were being exploited. Moreover, "In most instances, they did not perceive as sexual harassment, those incidents of verbal harassment or even those involving physical contact not as grave as attempted rape or rape. To these women rape or sexual contact close to rape was more in their line of thinking as being typical of sexual violence and harassment. This could be due to the fact that (as articulated by the Trade Union official) they see other 'milder' forms of sexual violence and harassment as 'part of the system' They are socialized into understanding such forms of harassment as being 'something taken for granted' that they did not identify them as sexual harassment per se. Their ignorance about this issue may be due to two reasons - a) their understanding of what constitutes sexual harassment itself and their inability to distinguish this from jokes and plain teasing which is a habitual affair and b) their level of awareness of exploitative employment relations and their own status as women workers. This lack of awareness appears to bind them further in situations where they become either innocent bystanders or victims, and vulnerable to more subtle forms of sexual harassment" (Wijayatilleke and Zackaria, 2001: pp. 14-15). The lack of awareness of what constitutes sexual harassment results in their not recognizing what they experience as sexual harassment.

...and/or not having social support networks

On the farms of northwest Mexico, the absence of social support networks is a contextual factor that affects whether or not women decide to resist workplace violence (including sexual violence) (Arellano, 2014: p. 171). Through networks, workers can create bonds with others for mutual support, so as to avoid the violence; and take protective measures such as forming alliances with other women workers so as to be safe in particularly risky situations. They work together with another woman worker or with a relative (a husband or sons) so as to not have to face talk with sexual content. When they are working in fields with no restroom nearby, and so must climb a nearby hill where sexual assaults are known to occur, they arrange to have another woman accompany them, although the foremen sometimes forbid it. (Arellano and Aranda, 2017: p. 181).

...and/or living on the commercial farm

Where workers live on the farm, they are particularly vulnerable to sexual harassment because their situation gives perpetrators more opportunity to sexually harass them, and because they are dependent on management. Under such circumstances, their work environment is not limited to the fields, nor are their interactions with supervisors and co-workers. On some Sri Lankan plantations, for example, the workers' homes, the day care center, the clinic, and the footpaths to the day care center and fields are all within the same compound on the plantation. When workers both live and work on the plantation, it is more likely that perpetrators from the workplace will find opportunities to commit acts of sexual violence.

Another reason why living on the plantation is conducive to sexual harassment is that it perpetuates a 'dependent-resident' labour situation that goes back to colonial times. Where workers' housing, schooling, and health facilities are provided by the estate management, their dependency ties them to management. Despite changes of estate management over the years, with some estates being managed by private companies and others by the State, there has been little or no change in the hierarchical structures within the estates (Wijayatilleke and Zackaria, 2001: p. 2-3).

...and/or isolation in traveling to work and work places

Workers are also more likely to be harassed when they work alone outside (Mena and Proaño, 2005). Similarly, as mentioned above, on the plantations of Sri Lanka, supervisors have been known to send workers to "the lonely block" when they want to sexually harass them (Wijayatilleke and Zackaria, 2001, pp. 16-17).

Night work also increases workers' vulnerability to sexual violence. In Ecuador's export flower industry, for example, the potential for sexual harassment increases when farmworkers work at night (Mena and Proaño, 2005: pp. 2-4). Another time in which sexual violence is likely to occur is when workers take breaks (Mena and Proaño, 2005: pp. 22-23).

A further source of vulnerability to sexual violence is the need to travel to work along isolated paths or roads. In north-western Mexico, for example, isolated paths provide opportunities for sexual violence. Where there is no-one around, workers risk sexual assault.

In sum, sources of vulnerability to sexual violence include being a woman, being poor, having few or no other job opportunities in the region, being the member of an indigenous group from another region,

being of rural extraction, being less skilled, being young, being a single mother, not understanding what constitutes sexual harassment, not having social support networks, living on the farm, and living somewhere that requires them having to travel along isolated paths to get to work.

4. Governance, employment status and accountability, preventative measures

4.1 The employment relationships between victims of sexual violence and the farms

Security of employment is a very significant concern for many women workers. Non-permanent farmworkers and farmworkers with casual employment are particularly vulnerable to sexual harassment. In north-western Mexico, for example, many of the farmworkers who endure sexual harassment do not have stable jobs, and instead of contracts, they have offers of work that are expressed orally. They are day labourers, typically offered work for the day (Arellano, 2014). In the plantation sector in Sri Lanka, where sexual harassment is widespread, casual employment is very common, and has contributed to the increased vulnerability and related risk of job loss (Wijayatilleke and Zackaria, 2001: p. 3). In Kenya's horticultural industry, women temporary workers face sexual harassment (Arend, 2011), and in a comprehensive study of cut flower export farms that had adopted codes of conduct, where women on all the farms studied were subject to sexual harassment by male supervisors, non-permanent workers were particularly vulnerable. This was because the supervisors were often responsible for hiring them, and workers feared not being rehired, or being fired, if they complained or resisted.

Casual and temporary employment status

Some 33 per cent of the research sample was employed in in seasonal and casual work (Dolan, Opondo, and Smith, 2004: p. 38-39). As Barrientos (2014: p. 11) explains, "research on flower export farms in 2002 found high levels of job insecurity overall across the flower industry, with approximately 35 percent of workers on permanent contracts, and 65 percent on temporary or casual contracts (Dolan and Sorby, 2003; Smith et al., 2003). However, this ratio varied by farm depending in part on their value chain position. For example, in the same year a study of seven progressive farms at higher tiers of the value chain found a reverse ratio of permanent to casual workers (Dolan, Opondo, and Smith, 2004). The study further noted "Permanent workers are more likely to be in unions which negotiate with management and address problems on their behalf."

Much the same is true in the export horticultural farms in other East African countries. On the 62 Ethiopian, Kenyan, Tanzanian, and Ugandan horticultural export farms studied by Jacobs et al. (2015), female casual and temporary workers are most likely to be targeted. In Tanzania, Ethiopia, and Uganda, casualized workers are disproportionately female (Brahic et al., 2011). These workers tend to be employed in insecure jobs, for example as daily labourers with and without written contracts, in Ethiopia. Casualization makes women workers more vulnerable to sexual harassment by supervisors, and it increases women's vulnerability and has numerous other negative implications for the conditions of work. Brahic et al. (2011, p. 80) explain this in the following way: "In addition to low income levels, casual workers, and women in particular, experienced increased vulnerability. Insecure employment status, coupled with the lack of written contracts, means that casual workers are more vulnerable to exploitation and abuse - including sexual harassment by supervisors - and to unfair dismissal. Tanzanian

and Ugandan partners highlighted how high levels of unemployment, coupled with casual recruitment strategies (such as ‘recruitment at the gate’ whereby jobseekers wait at farm gates to be hired for work), and made it difficult to expose abuse of workers’ rights. Even where women have rights, insecure working conditions meant that they cannot claim them.” When the workers are employed on a casual basis, they depend on the goodwill of recruiters for work. Consequently, if they report or reject a perpetrator’s sexual advances, they risk not being offered work the next day.

No written contracts

Women make up the bulk of the African horticultural workforce, and most have insecure jobs (Brahic et al., 2011). Research on Ugandan farms, for example, indicated that about 60 per cent of the workforce was female, and 45 per cent of workers had no contracts (Uganda Workers' Education Association, 2010: p. 11, in Brahic et al., 2011). As Brahic et al. (2011, pp. 79-80) explain, “The horticultural industry in these three countries [Tanzania, Uganda, and Ethiopia] has been marked by reliance on casual labour, including part-time, temporary and seasonal work, to meet demands of ‘just in time’ production” (Kumar, 1995). Women are mainly employed in insecure and labour-intensive jobs, and form the majority of the African horticultural workforce. For example, research on Ethiopian farms indicated that women represented approximately 71% of employees. At the onset of the programme, a majority were employed either as daily labourers with written contracts (28%) or else had no contractual terms of employment (35%). Only about 27% of the workers had permanent contracts. However, a substantial proportion of temporary workers had been working for more than six months, which indicates that workers are systematically being employed on a de-facto permanent basis without being awarded permanent contracts (National Federation of Farm Plantation Fishery and Unions, 2010; Women Working Worldwide, 2007). In Uganda, about 60% of the workforce was female, and 45% of workers had no contracts (UWEA, 2010: p.11). Non-permanent workers have been identified as the most disadvantaged group amongst African horticultural workers”.

Third party hiring

In the Ecuadorian cut flower industry, there is a tendency towards hiring workers in such a way that the relationship between worker and work site is not made official. The worker commits to performing a particular job in the cut flower business, but the company does not have a direct relationship with her, or obligation toward her. In such cases, according to Mena and Proaño (2005), the company do little or nothing where there are complaints of sexual violence or harassment.

The workers are employed on a casual basis and do not receive formal contracts directly with the company. Instead, there are verbal agreements with intermediaries between the farmworkers and the company, such as with men who select the women workers who will constitute their team, and are responsible for the team’s carrying out certain tasks and fulfilling production goals; or with drivers who are responsible for taking the women from the communities in which they live to the fields. (Arellano, 2014: pp. 166, 168).

There are several reasons why workers with non-permanent status and other forms of casual employment are vulnerable to sexual violence. The main one, as suggested above, is that they are afraid to resist or complain about sexual violence lest they not be offered work the next day or lose their job. In Kenya’s horticultural industry, farmworkers are rarely offered permanent, stable employment (Smith, et al., 2004), and here, as Arend (2011, p. 5) states: “As temporary workers, women are also more

vulnerable to verbal and physical abuse, sexual harassment, corruption and wages being docked as a disciplinary measure. Fear of dismissal often stops women from complaining.”

Two related reasons why insecurity of employment fosters sexual harassment are workers want security of employment and employment benefits, and their higher-ups know this and ask for sex in exchange for these things. The studies have shown that women trade sex for job security, markets, and other employment benefits that should be part of the labour contract. In studies of the cut flower industry in Kenya, women reported that supervisors required sexual favours for job security, and refusal could lead to dismissal (Dolan, Opondo, and Smith, 2004). This harassment occurs in spite of company codes of conduct that prohibit such behaviour. (World Bank et al., 2009: p. 321).

Not protected by national labour laws and voluntary codes

A further reason why agricultural workers with non-permanent status are more vulnerable to sexual violence and harassment is that they are the least likely of all workers to benefit from national labour law or voluntary codes. In the cut-flower export industry in Kenya, women make up the majority of non-permanent workers, and this is a key reason why many are unaware of codes and feel limited benefit from them. Women feel that their concerns in the areas of harassment, job security, working hours, wages, and discrimination are not being addressed or in some cases even recognized by any of the formal channels currently available to them (Dolan, Opondo, and Smith, 2004). Most workers sampled in Dolan, Opondo, and Smith’s (2004) study are unaware of codes despite the fact that the study was conducted on farms that had a comparatively long history with codes. There is poor communication with workers about codes and their importance. Moreover, most workers are unaware of their employment rights and of national legislation that is relevant to them. Non-permanent status is linked to not being aware of company codes, or one’s labour rights.

Excluded from union membership and collective bargaining

An additional reason why workers with non-permanent status are more vulnerable to sexual violence is that having non-permanent work results in exclusion by some trade unions. In the Kenyan cut flower export industry, trade union representation is low on cut flower farms, and unions exclude workers in non-permanent job categories. As a result, there is no forum through which all workers can freely express their opinions and voice their concerns, particularly women (Dolan, Opondo, and Smith, 2004). Another study of the same industry finds that “Fear of dismissal often stops women from complaining [about sexual harassment and other forms of abuse]; since women are under-represented in trade unions and workers committees, avenues for addressing these fears are severely limited” (Arend, 2011: p. 5).

Lastly, precarious employment can foster sexual violence and harassment because it makes it difficult to train the women who work in the cut flower industry and reduces the likelihood that they will organize. Moreover, the instability of the work, together with the conditions of work, produces competition between co-workers, and blocks the development of solidarity between them. This occurs in the cut flower industry in Ecuador, for example, where sexual harassment of workers by supervisors and by other workers is widespread (Mena and Proaño, 2005: pp. 10, 22-23). In these many ways, non-permanent and precarious work makes workers particularly vulnerable to sexual harassment.

4.2 Employers' practices

4.2.1 Management attitudes and status given to women workers

As stated earlier, management on many farms demonstrate limited knowledge and interest in the sexual violence and harassment problems of their workers. Some managers are more aware of the extent of the sexual violence that occurs than others, and some dismiss the problem as a cultural issue. On the plantations of Sri Lanka, for example, management “seemed to be unaware of the daily harassment faced by women workers, although some did express that sexual harassment was a frequent occurrence” (Wijayatilleke and Zackaria, 2001: p. iv). In the cut flower export industry in Kenya, where women on all the farms studied were subject to sexual violence and harassment by male supervisors (Dolan, Opondo, and Smith, 2004: p. 8), most of the management interviewed did not think that sexual harassment occurred on their farms. When they did acknowledge it, they viewed it as a cultural rather than a company issue. One employer claimed, “there is a problem between male supervisors and female workers – women are treated badly. This is largely a socio-cultural phenomenon – women have traditionally been abused by men” (Dolan, Opondo, and Smith, 2004: pp. 38-39).

In the agricultural export companies of north-western Mexico, it has been reported that managers are not interested in the fact that sexual violence occurs on their farms and appear able to ignore them in part due to the limited influence of women workers:

“However, [the strategies that farmworkers adopt to protect themselves from sexual violence] do not free them of the violence, because the dynamics of the workplace favor such interactions, as most of the middle managers are men, who are interested in production and not in relations between male and female workers, and as the women farmworkers are in positions at the bottom of the hierarchy, where they lack power. These conditions are conducive to the existence of all forms of violence” (Arellano, 2014: p. 179).

Perhaps because of these attitudes, managers on the farms studied do not take strict measures to discipline the perpetrators or protect the victims when complaints about sexual violence and harassment are made. In Mena and Proaño's study (2005: p. 1), only 5 per cent of the instances of sexual violence were reported to superiors, and of these, in 59 per cent of cases no disciplinary measures were taken against the perpetrator. In 26 per cent of cases the workers did not know whether or not the company took disciplinary measures; and in only 14 per cent of cases were disciplinary measures taken (Mena and Proaño, 2005: p. 21). While few cases of sexual violence and violence are reported, in far fewer instances has management taken action.

On the farms in which sexual violence and harassment occurs, it is often the case that the farm management violates the rights of workers in numerous additional ways. In Ecuador's cut flower industry, for example, there are on-going and systematic violations of human rights and workers' rights (Mena and Proaño, 2005: p. 2). Workers face on-going issues such as frequent exposure to chemicals and not having the necessary protective equipment or information about how to protect themselves; late payment of wages; extended work hours at times of peak demand, amounting to double the number of daily working hours established by law; non-payment of overtime; non-payment of overtime if the worker does not meet her productivity target; companies not signing workers up for social security or lateness in paying the dues; the exercise of pressure to meet company targets in a way that is stressful for workers; docking the wages of workers who are less productive than the others; paying wages that

are too low to enable workers to meet their personal and family needs; and circulating among companies a “blacklist” of workers who have previously been trade union members, and not hiring them (Mena and Proaño, 2005: pp. 10, 13).

One worker who used to be a trade union leader states: “I had to work under another name because I needed the work. But they realized and I had to leave the new plantation” (Mena and Proaño, 2005: p. 13).

Furthermore, some companies discriminate against women, and in particular women who are married and/or have children, so as to avoid having to provide benefits related to pregnancy and maternity. Some companies do not hire women who are pregnant and do not provide parental leave; some hire women very short term so as to avoid complying with the law regarding workers and parental leave. In addition to these violations, companies cut down the number of workers or give them short-term contracts that effectively eliminate the development of solidarity that could lead to collective action, as mentioned above (Mena and Proano, 2005).

As in Ecuador, farm management tends to be careless about workers’ rights in the export horticultural sector in Ethiopia, Tanzania and Uganda, where women workers endure sexual harassment by supervisors. For example, they do not provide adequate protection for workers exposed to pesticides and other chemicals, and tend to be hostile toward the formation of women workers’ committees because women who are aware of their rights are more likely to struggle for them (Brahic et al., 2011: p. 90). Workers’ rights are also violated in Kenya’s cut flower export industry. Overtime, for example, is often compulsory and frequently exceeds the maximum hours set out in codes and national law. Overtime payments vary, with many workers feeling that they are not properly compensated. Personal safety can be an issue when transport is not provided after dark. Chemical exposure remains an important concern among workers, and in particular with respect to a lack of provision of protective clothing for workers handling chemicals, the non-observance of re-entry periods, and the exposure of pregnant women to chemicals. There are generally few opportunities for upward career progression, and few prospects for women to move into management positions. Promotion is linked to corruption, sexual favours/demands, tribalism, and nepotism (Dolan, Opondo, and Smith, 2004: pp. 8-10).

Because women agricultural workers do not receive maternity leave, this “creates anxiety about income security and can lead women to seek abortions and/or hide their pregnancies, both of which can carry long-term health implications. [...] Only one of the farms studied had childcare facilities” (Dolan, Opondo, and Smith, 2004: pp. 8-10). Employment benefits “are of great importance to workers in hazardous, relatively low-paying sectors such as floriculture where demand for labour often fluctuates. Benefits such as maternity leave, childcare provision and transport may be especially important to women, enabling them to balance unpaid caring work with paid work in the industry” (Barrientos, Dolan and Tallontire, 2003). Permanent workers are more likely receive benefits such sick pay, medical care and maternity leave. Some improvements have been noted in increased access of non-permanent workers to benefits (Dolan, Opondo, and Smith, 2004: p. 48).

Women in Kenya’s horticulture industry are rarely offered permanent, stable employment, despite Kenyan employers’ legal obligation to promote temporary workers to permanent jobs (Arend, 2011: p. 5; Smith et al., 2004). They face the risk of dismissal if they get pregnant, which can lead them to hide or abort their pregnancies, both of which can have long-term negative health consequences (Dolan, Opondo, and Smith, 2004). Many women do not have legally protected benefits such as sick pay,

medical care and childcare. As temporary workers, women are also more vulnerable to verbal and physical abuse, sexual harassment, corruption and wages being docked as a disciplinary measure. As Arend (2011, p. 5) states:

“While women constitute 75 percent of the cut flower industry’s labor, they face multiple forms of gender discrimination. Women’s unequal treatment in the horticulture sector is embedded in social norms that consider women more compliant and better suited to certain types of horticultural work (such as picking and packing), coupled with perceptions that women’s income is supplementary, rather than central, to household well-being” (Smith, et al., 2004).

Hence from gender discrimination to negligence regarding health and safety standards, workers’ rights are violated in agricultural companies.

4.2.2 Workplace norms that support sexual violence and harassment

Cultural norms that support sexual violence and harassment form the backdrop to the sexual harassment that occurs in commercial agricultural work settings. In many cases, ideas that exist in the local community contribute to making it less reprehensible when perpetrators harass women than it might otherwise be. In north-western Mexico, for example, there is the idea that women are sex objects, and as such, they are interchangeable (Arellano, 2014: p. 171). Such ideas arguably make it more likely that men will exercise sexual violence.

Another idea shared by men on the farms of north-western Mexico is that single mothers are “easy.” A worker, excerpted above, mentions that single mothers are more often bothered by foremen than other women. Arellano (2014: p. 170) states, “Single mothers risk being the target of insinuations of a sexual nature because, in the social imaginary, they are “easy,” and men use this to sexually harass them.” Further aspects of the local culture that provide an enabling context for the perpetration of sexual violence and harassment include a tendency to blame the individual rather than the circumstances surrounding and promoting violence; cultural beliefs in women’s subordinate position, including in the area of work; and a permissiveness about violence and harassment at the societal level (Arellano, 2014: p. 171). Hence, certain cultural patterns and beliefs make it more likely sexual violence will occur.

The misperception that women are responsible for the sexual violence and harassment they experience is prevalent in a number of the farm contexts studied. In the plantation sector in Sri Lanka, for example, some believe that workers who experience sexual violence and harassment bring it upon themselves. Even parents have been known to blame and berate daughters who fall victim to sexual violence and harassment, as discussed earlier.

In the cut-flower industry in Ecuador, also, misperceptions can make it more likely for sexual violence to occur. Here, sexual harassment of workers by supervisors and by other workers is widespread, but women report only 5 per cent of their workplace experiences of sexual violence and harassment to their supervisors, as we saw above (Mena and Proaño, 2005: p. 1). One reason for this is that both women and men in Ecuador think that sexual harassment is normal, whether it is desirable or not, according to Mena and Proaño (2005): “Sexual harassment and sexual abuse [...] are not seen as rights violations or crimes, but rather they are accepted as normal, and even legitimate, often by women themselves” (p. 22). Third, the electricity generation data does not distinguish between different electricity-generating

technologies, particularly in the renewables sector, which are known to have different employment requirements (see, for example, Wei et al. 2010 or Cameron and van der Zwaan 2015).

Furthermore, sexual violence and harassment “go completely unnoticed to most of society. There is implicit and even explicit reticence towards acknowledging the problem. This attitude possibly provides justification for the sexual abuse and harassment, and stands in the way of the adoption of measures needed to prevent it from happening, in all spheres [...]. This attitude makes it possible for there to be a number of myths about the ill treatment of women, and these myths provide poorly thought out and superficial reasons for why the problem exists, and define the problem as consisting only of particular and isolated cases that concern only certain groups (low-income groups, for example), certain women (women who provoke it, masochists, and irresponsible women), certain men (machista men, alcoholics), and certain circumstances (family crisis, social isolation, workplace strikes)” (Mena and Proaño, 2005: p. 18).

The men interviewed in the Ecuadorean study also blame the women in cases of sexual harassment. They say, “they offered themselves,” “everything depends on the woman,” “men propose, women decide,” and “they should know how to behave.” Very few men defend the victim in situations of sexual harassment or abuse. When they comment on these situations, they joke about them. Most of the male workers, however, are not interested in their female co-workers’ situation (Mena and Proaño, 2005: p. 18).

A final idea that is conducive to sexual harassment, in Mena and Proaño’s (2005) analysis, is widespread acceptance in Ecuador of the fact that women are submissive and obedient and that men are providers and in positions of authority. This is conducive to sexual harassment because it results in men applying their power in a number of situations, including in the context of work relations and sexual relations (Mena and Proaño, 2005: pp. 2-3).

In Kenya’s cut flower export industry, the idea that women are always treated badly in Kenya and have traditionally been abused by men forms a backdrop to the sexual harassment. (Dolan, Opondo, and Smith, 2004: pp. 38-39). Managers justify their inaction by alluding to such ideas and practices. For example, on the farms where women were being sexually harassed and management acknowledged this, they fell back on the argument that it was a cultural rather than a company issue. As mentioned above, one employer claimed, “there is a problem between male supervisors and female workers – women are treated badly. This is largely a socio-cultural phenomenon – women have traditionally been abused by men” (Dolan, Opondo, and Smith, 2004: pp. 38-39).

Ideas that are widely held can, therefore, constitute barriers to eliminating sexual harassment because they result in stricter measures against it not being taken, in men not feeling that to sexually harass is an aberration, and in the persistence of structures of power that are conducive to sexual harassment.

4.3 Employer policies and obstacles to addressing sexual violence

Many agricultural companies have no workplace policies or procedures in place for reporting sexual violence. In the cut flower industry in Ecuador, for example, there are no procedures for receiving and responding to complaints about the sexual violence and harassment that occurs on plantations (Mena and Proaño, 2005). Policies and procedures are also absent on the farms of north-western Mexico studied by Arellano (2014), and the companies take no action to prevent sexual violence. In the plantation sector in Sri Lanka, there was no space for women victims to speak out or for women's grievances to be taken to a woman arbitrator (Wijayatilleke and Zackaria, 2001: p. 5). Many agricultural enterprises do not have policies, procedures, or even a space in which women can speak out about sexual harassment.

Some companies do have ways for workers to place complaints, but these are inadequate. In the cut flower export industry in Kenya, for example, where women on all the farms studied were subject to sexual violence and harassment by male supervisors (Dolan, Opondo, and Smith, 2004: pp. 8-10) companies generally have an informal approach to complaints that does not take into account workers' vulnerable positions, fear about approaching management, and risk of being sacked if they report, as mentioned earlier.

When workers do report, often little is done about it. On Sri Lanka's plantations, "remedies and mechanisms for redress were mild or inadequate. The normal practice was for the perpetrator to be transferred to another estate. Both employers and workers were of the view that only when it concerns rape or attempted rape that it became a serious issue. However, when there was collective mass action it was given some level of attention, though action by the authorities still remains weak" (Wijayatilleke and Zackaria, 2001: p. 5). The lack of workplace policies, procedures, and spaces in which to report the sexual violence, constitute considerable barriers for workers who endure sexual violence and harassment. In the cut flower industry in Ecuador, for example, few cases are reported to the authorities, and 59 per cent of the time, when cases of sexual violence and harassment are reported, no disciplinary measures were taken against the perpetrator. Some 26 per cent of the time, whether or not the company punished the perpetrator was not known. Only 14 per cent of the time were disciplinary measures taken (Mena and Proaño, 2005: pp. 1, 21). When they do act, management does not take strict measures punishing the perpetrators or protecting the victims. It is likely that when it is common knowledge among workers that no or little action will be taken if they complain, it stops them from reporting.

A related obstacle is the rigid hierarchical structure of companies and the fact that complaints from workers must pass through supervisors before reaching management. In Kenya's cut flower industry, for example, "complaints are typically received through line management and committees on most farms, though it varies in terms of whether there is a formal documented procedure or not." Workers "felt that supervisors do not forward their grievances to management as they do not want to be perceived as pro-worker by the management. There are also salient gender implications to this structure as women must communicate their problems to predominantly male managers before reaching management. This decreases the probability that women will share any sensitive information such as sexual harassment, health concerns or childcare problems, and at the same time leaves management unaware that there may be problems among their workforce" (Dolan, Opondo, and Smith, 2004: p. 45). Moreover, according to workers, those who express grievances to the management without the supervisor's consent risk being

sacked (Dolan, Opondo, and Smith, 2004: pp. 38-41).

In the cut flower export industry in Kenya, aspects of the workplace that contribute to the persistence of sexual harassment include the lack of female senior staff, coupled with a hierarchical structure within companies coupled. Both these factors cause women to feel intimidated with respect to reporting the harassment, according to Dolan, Opondo, and Smith (2004):

“The organisational structure of companies is often quite rigid with communication occurring through vertical channels. Supervisors are delegated substantial power for hiring, firing, discipline, and promotion, and serve as a barrier between workers and management. Without training supervisors tend to replicate the gender and social norms mentioned above. This is exacerbated by the fact that there are relatively few female supervisors, and an absence of grievance mechanisms or viable workers’ committees through which workers can articulate their concerns” (p. 65).

Part of the reason why there is no forum through which workers can freely express their opinions and voice their complaints is that there is low union membership in some agricultural industries. On Kenya’s cut flower farms, for example, trade union representation is low, and it excludes workers in non-permanent job categories. Consequently, there is no forum through which all workers can freely express their opinions and voice their concerns, particularly women (Dolan, Opondo, and Smith, 2003: pp. 38-41). Under-representation in a trade union means that the victims of sexual harassment have fewer avenues through which to address the problem (Arend, 2011: p. 5).

Not speaking the same language as the authorities can be a further obstacle when it comes to seeking remedy and protection from sexual violence, as we saw earlier. Indigenous workers from other regions can find themselves in this position. Many workers in northwestern Mexico are from indigenous communities in provinces in the far south of the country, and while some speak Spanish, many only speak their indigenous language. This made it difficult for them to communicate with bureaucrats to whom they could address their complaints, because the offices in question do not tend to have interpreters (Arellano, 2014; Bejerano and Arellano, 2014). Not speaking the Spanish puts the women in a subordinate position in which they are vulnerable to the abuse of power by bureaucrats, according to Arellano (2014).

Agricultural workers who do not have papers that prove that they are citizens also face obstacles when it comes to seeking judicial remedy for sexual violence. Many in north-western Mexico are in this situation, being members of indigenous groups and having migrated from southern Mexico. Lack of proof that they are Mexican citizens makes them unable to access government services or programs if they wish to report the sexual violence that they experience. It also makes them unable to access education and social security (Bejerano and Arellano, 2014: pp. 110-111).

A further reason why workers in north-western Mexico tend not to turn to government offices to report the sexual violence (Arellano, 2014: p. 174) is that there are no government offices dealing with the problem in their village or town, and the trip to the office in another town can take up to three hours, as mentioned earlier. Moreover, they have to spend money to get there, which is difficult for them, as they have very little. Hence their poverty is a barrier to their making a complaint. Moreover, bureaucrats take the attitude that they provoked the sexual assault, and this reduces their opportunities for reporting (Arellano, 2014: p. 174). Workers, then, face a plethora of barriers to accessing justice for the sexual violence that they endure.

Table 3: Summary of employer obstacles to addressing sexual violence

- No official company policy on sexual violence and harassment
- No procedures for receiving and responding to complaints
- Employers take no action to prevent sexual violence
- No space in which women can speak out about sexual violence harassment
- Hierarchical company structures with complaints from workers passing through supervisors before reaching management
- Few women in supervisory or management positions
- Worker difficulties in establishing their status and right to complain to authorities
- Communication and language difficulties

4.4 Legal and industry-supported protections and oversight

4.4.1 National protections and oversight

National protections and oversight are not effective in preventing sexual violence in agriculture. Results from the multiple studies point to this. In Sri Lanka, sexual harassment was recognized as a cognizable offence under the Penal Code in 1995 [Sec 345 Penal Code (Amendment) Act, No. 22 of I 995] (Wijayatilleke and Zackaria, 2001: p. 4), but this has not prevented it from occurring on tea and rubber plantations in the country.

The same is true in Mexico. Here, national legislation aimed at preventing and punishing violence against women, including sexual violence, is comprehensive (Bejerano and Arellano, 2014). There are provisions to this effect in the Mexican Constitution, and in the General Act for Equality between Men and Women, published in 2006. The “General Act Enabling Women to Enjoy Lives free of Violence was passed in 2007. It defines violence against women as “any action or omission, based on gender that causes injury or suffering of a psychological, physical, patrimonial, economic, or sexual nature, or death, in the public or private spheres (Cámara de Diputados, 2013: p. 2).

The General Act Enabling Women to Enjoy Lives Free of Violence includes workplace violence in its description of the types of violence to which it refers, and defined it as that which “is exercised by individuals who are linked to the victim through their work, teaching, or similar context, regardless of the nature of the hierarchical relationship, and consists of an act or omission constituting an abuse of power that injures the self-esteem, health, integrity, freedom, and safety of the victim, and impedes their development and damages equality” (Cámara de Diputados, 2013: p. 4.) It includes sexual harassment (Arellano, 2014: p. 160).

In 1998, Mexico ratified agreements of the Interamerican Convention on the Prevention, Punishment, and Eradication of Violence against Women (the Convention of Belém do Pará), which requires that states “take appropriate measures [...] to modify or abolish existing laws or regulations, or to modify judicial or customary practices that support the continuation of or tolerance towards violence against women” (Bejerano and Arellano, 2014: pp. 103-106). Mexico has also ratified the Convention on the Elimination of All Forms of Discrimination Against Women, and the CEDAW Committee

recommended in 2006 that Mexico take all measures necessary to eradicate violence against women.

Although the national legislation is fairly comprehensive, it does not guarantee women's right to lives free of violence because there are contradictions and gaps, and insufficient mechanisms and means for its implementation (Bejerano and Arellano, 2014: pp. 103-106). Moreover, state-level legislation on violence against women is not entirely in harmony with national legislation and sometimes contradicts it, and there are lacunae. Moreover, there are delays in the publication of laws and regulations and in the creation of systems and mechanisms for the functioning of the legal framework, and this serves to reaffirm the subordinate position of women in the public and private sphere and makes possible multiple forms of violence (Bejerano and Arellano, 2014: pp. 103-106). For example, the General Act enabling Women to Enjoy Lives Free of Violence is not entirely aligned with CEDAW or the Belém do Pará Convention, as it contains lacunae. Moreover, there are obstacles to its proper implementation, due to the lack of financial resources and personnel familiar with the meanings and varied manifestations of Gender-Based Violence, and due to the need to develop the relevant legal statutes. A civil servant in Baja California Sur states, "We need a new law that is harmonized with changes that have occurred at the international level, and above all with federal legislation". Legal advances are not the same in all states, and consequently the rights of women to lives free of violence cannot be exercised to the same degree across states.

On the other hand, academics and activists state that few women go so far as to lodge complaints or applications for action, and when they do, they are doubly victimized because they encounter social actors who reproduce patterns of behaviour and thought that subordinate and discredit their experiences. This is manifested by unfinished or inconclusive investigations, delays and rendering invisible the different kinds of violence, and constant violations of their rights (Bejerano and Arellano, 2014: pp. 114-115). A further problem related to the implementation of all legal documents relevant to Gender Based Violence is the authorities' not taking action when complaints about violence are presented to them (Bejerano and Arellano, 2014: pp. 114-115). Hence there are numerous problems with implementation, not least of all the fact that state laws are not in harmony with the General Act Enabling Women to Enjoy Lives Free of Violence (Bejerano and Arellano, 2014: pp. 103-106).

In Ecuador, there are legal provisions concerning sexual harassment and sexual abuse in the Constitution, the Special Act on Violence against Women and the Family, the Penal Code, the Labour Code, and the Code regarding Childhood and Adolescence (Mena and Proaño, 2005: p. 6). As these authors explain, "At present, the law is not limited to punishing the fact of engaging in a sexual relationship under threat of losing one's job, but it also includes deliberate or repeated behaviour that is not wanted by the female worker, and also other sex-related behaviour that is hostile, offensive or degrading to women. Penalties must be imposed for unwanted sexual advances, requests for sexual favours, and other verbal or physical behaviours of a sexual nature." According to the authors grounds for penalization would be when:

- There is submission to such behaviour and it occurs under an explicit or implicit term or condition set by an individual employee;
- There is submission to or rejection of that behaviour by an individual, and this is used as the basis for work-related decisions affecting the female worker;
- A particular behaviour or effect may interfere with the work performed by a person or create

an intimidating, hostile or offensive atmosphere in the workplace.

Penalization would in turn prohibit two main categories of behaviour:

- Any attempt to demand sexual cooperation by means of threats (explicit or implicit) or with work-related consequences;
- Any sex-related conduct that is unwanted or offensive, even if the woman suffers no work-related consequence.

Unfortunately, the fact that laws prohibiting sexual harassment and violence exist does not guarantee that the harassment and violence do not take place. For example, although Ecuadorean law defines sexual harassment and abuse as crimes, in practice, few cases are processed. As discussed above, workers in the cut flower industry reported only 5 per cent of incidences of harassment to their supervisors (Mena and Proaño, 2005: p. 1).

Labour legislation is also relevant to sexual harassment. In Kenya, legislation aimed at protecting workers includes the Employment Act Cap 226, the Workmen's Compensation Act Cap 236, the Regulation Of Wages And Conditions Of Employment Act Cap 229, the Factories Act Cap 514, the National Hospital Insurance Fund Cap 255, the National Social Security Fund Cap 258, the Trade Unions Act Cap 233, and the Trade Disputes Act Cap 234 (Dolan, Opondo, and Smith, 2004: p. 69).

Legislation concerning casual labour is particularly relevant to sexual harassment, since many workers are vulnerable to harassment because they are employed on a casual basis. Analysts conducting research on farms in the export horticultural sector in Ethiopia, Tanzania and Uganda, where women workers endure sexual harassment by supervisors, suggest that government has a crucial role to play in the elimination of casual labour, which is one of the pre-conditions for sexual harassment in the agricultural sector (Brahic et al., 2011: p. 85). These analysts explain, "In regards to addressing the issues of casual employment, the involvement of governments is crucial to ensuring managers' compliance with labour laws. [...] Recent labour laws in both countries [Uganda and Tanzania] (TPAWU, 2010a; UWEA, 2010) [...] state that all workers, regardless of their type of contract, have equal right to employment benefits and can become union members."

While there are obstacles to the enforcement of these laws, positive action has been taken. As Brahic et al. (2011: p. 85) describe, "Labour inspectorates' lack of resources has been a major hurdle to law enforcement in the countries monitored. In Tanzania, enhancing the role of labour inspectorates by promoting adherence to the law through awareness-raising on farms and with management has been a key strategy to tackle casual labour. On the Tanzanian farms monitored, awareness raising and the development of mature industrial relations (through, for example, the organization of multi-stakeholder meetings) has been vital to promoting adherence to the new legislation and contributed to the reduction in the number of casual (women) workers."

A problem with labour legislation in all countries, when it comes to preventing sexual harassment, is the fact that many labour laws do not apply to casual workers. As World Bank et al. (2009: pp. 337-338) explain,

“Most laws and standards apply only to permanent laborers in agricultural and other sectors. Seasonal and temporary laborers, many of them women, are omitted and suffer the worst of labor conditions. Large-scale migration also poses a challenge to the protective capacity of labor law in many countries (Fenwick, Kalula, and Landau, 2007).

Documented migrants, those who enter a country legally, more likely work under favourable conditions and in some migrant programmes, may also qualify for labour protections whereas undocumented migrants are more vulnerable to exploitation and abuse and do not have recourse to the protection afforded by local labour laws.

4.4.2 Private sector governance initiatives

Legislation is not the only macro-level approach used to prevent sexual harassment at workplaces. There are also industry-wide mechanisms. All of the cut-flower farms sampled in Dolan, Opondo, and Smith's (2004) Kenyan research were subject to industry-supported oversight in the form of industry codes and auditing. “Codes” are codes of conduct with which Kenyan flower growing farms and other agricultural and industrial producers have to comply. They are developed by their major market-brokers, international organizations, national industry associations, and multi-stakeholder partnerships. They are a manifestation of the global increase in nongovernmental regulation, but they also make reference to Kenyan labour and health and safety law, and the core conventions of the International Labour Organization. The impetus for making industries comply with codes came from the concerns of consumers, retailers, auctions, European regulators, and civil society organizations. Codes are widespread in the cut flower industry in Kenya because Kenya's success in supplying European markets has brought with it increased attention to the industry's social and environmental impacts (Dolan, Opondo, and Smith, 2004: pp. 38-39).

Unfortunately, industry codes have only limited effectiveness when it comes to improving working conditions (Dolan, Opondo, and Smith (2004: pp. 60-63). In the Kenyan cut flower industry, producers have raised social and environmental standards by developing their own industry codes and adopting overseas buyer codes, and this has resulted in positive changes in employment practices. But even though growers have taken constructive steps to comply with codes and improve working conditions, a number of employment problems persist, as Dolan, Opondo, and Smith (2004: pp. 60-63) explain. These range from gender-related concerns such as sexual harassment and maternity leave, to occupational health issues. The problems that workers identify can be solved partly by implementing existing codes, but some of the challenges are more systemic, and consequently efforts must be made in additional areas as well. The challenges include gendered social relations and a patriarchal employment context reinforced by a legislative context that upholds gender discrimination; rigid organizational structures within companies with communication occurring through vertical channels (from workers to supervisors, for example), and relatively few female supervisors and an absence of grievance mechanisms or viable workers' committees through which workers can articulate their concerns; the existence of intense competition and the fact that buyers in Europe pass risk and insecurity, as well as the costs of code compliance, down the supply chain; the fact that codes in the cut flower industry have been largely driven by developed country consumers and business, rather than by

producer opinions or worker priorities; and the use of a checklist, “compliance” approach in the auditing process, that is not effective when it comes to identifying the kinds of problems that workers face (Dolan, Opondo, and Smith (2004: pp. 60-63).

Codes have not eliminated sexual violence and harassment or other kinds of abuse. Many social codes in this industry prohibit harsh or inhumane treatment or intimidation in the workplace (including verbal, psychological, physical and psychological abuse, and corruption). Yet workers experienced sexual harassment and other forms of abuse by male supervisors, including job harassment and verbal abuse (experienced by both male and female workers), corruption and favouritism, and dismissal without just cause, as we saw above. Supervisor abuse was ranked as one of the most significant problems facing both male and female workers on all farms studied (Dolan, Opondo, and Smith, 2004: pp. 38-39).

Analysts Dolan, Opondo, and Smith (2004: pp. 38-39) unpack the link between codes and working conditions. They say, “The ways in which workers are affected by codes depends to a degree on the employment contract, with permanent workers experiencing significantly more security, opportunity and fringe benefits compared to seasonal and especially casual workers. In the more progressive companies at least there is a shift towards more permanent employment, reflecting the demand for more skilled labour and the pressure brought through codes of conduct. However, significant numbers of workers have only a non-permanent status, and it is these who are least likely to benefit from national labour law or voluntary codes. The fact that women make up the majority of non-permanent workers is a key reason why many are unaware of codes and feel limited benefit from them. However, the gender dimensions of codes are not straightforward, and are also related to age, marital status and place of origin. Nonetheless, in the areas of job security, working hours, wages, discrimination and harassment, women appear to have separate concerns from men, and moreover feel that these are not being addressed (or in some cases even recognized) by any of the formal channels currently available to them.”

Compliance audits of code requirements are not effective when it comes to detecting poor working conditions. Experiences in African horticulture suggest that these audits “are often staged performances, orchestrated by company managers to display compliance and conceal untoward practices [in order to retain access to lucrative Northern markets]. In Kenya, Zambia and South Africa workers reported that they were told to hide, wear protective clothing, or stay away from sprayed greenhouses when auditors came so that everything could be ‘in perfect order’ for the inspection (Smith et al., 2004)” (Blowfield and Dolan, 2008: pp. 14-15). Consequently, the auditors do not detect poor working conditions.

An alternative approach, referred to as “Participatory Social Auditing” produces better results. Participatory social auditing involves “workers and workers’ organizations in the process of code implementation and assessment (Auret and Barrientos, 2006) and aims to extend the coverage of codes by ensuring that the voices of marginalized workers are brought into the process. The draft code of the Horticulture Ethical Business Initiative (HEBI), for example, includes criteria generated by workers themselves, including sexual harassment and worker complaints (Dolan and Opondo, 2005). It is an improvement on the traditional way of conducting audits” (Blowfield and Dolan, 2008: pp. 14-15). In essence, Participatory Social Auditing emphasizes the involvement of workers and workers’ organizations in the process of code implementation and assessment (Auret and Barrientos, 2006). It has the potential to extend the coverage of codes by ensuring that the voices of marginalized workers are brought into the process. The technique of participatory social auditing has been found to be effective in discovering areas of non-compliance that are not detected by other methods, and it may also be a means of fostering better dialogue and change (Dolan, Opondo, and Smith, 2004). However, “the

difficulty and cost of scaling up these auditing procedures across a range of industries and countries renders their long-term viability unclear” (Blowfield and Dolan, 2008: pp. 14-15).

One development in African horticulture and agriculture that has resulted in positive outcomes for workers is the rise of “multi-stakeholder initiatives” (MSIs). These initiatives are developed through coalitions of companies, trade unions, NGOs and other civil society stakeholders. The idea behind these “partnerships”, as Blowfield and Dolan (2008: p. 16) explain, is that bringing diverse and often opposing actors into the process of ethical trade reduces the likelihood that business will “act as judge and jury on social and environmental performance issues”, and better represent the interests of workers and producers, particularly more marginal workers who are typically excluded from the remit of codes (Auret and Barrientos, 2006; Blowfield, 2003: p. 311). One example is the Horticultural Ethical Business Initiative, a steering committee that was formed to guide social accountability in the horticulture sector. “It is a tri-partite body composed of members from government, civil society organisations and trade associations/employers. Unions were invited to participate, although to date they have declined to take part. There are also a number of observers, including the ETI, DFID, the United States Agency for International Development (USAID), the Royal Netherlands Embassy and Africa Now (an international NGO). HEBI has also received a commitment of support from the Kenyan government. HEBI plans to systematise a multi-stakeholder approach to code implementation, and has identified a number of organisational goals to facilitate this” (Dolan, Opondo, and Smith (2004: pp. 38-39; 59). HEBI introduced participatory social auditing into the Kenyan flower industry (Dolan, Opondo, and Smith, 2004: pp. 38-39; 59).

Unfortunately, multi-stakeholder initiatives are not a panacea as far as working conditions are concerned. “Participation in these initiatives is inflected by power relations, and consequently the initiatives are as ideologically driven and potentially exclusionary as conventional “top down” approaches” (Blowfield and Dolan, 2008: pp. 16-17). For example, the Horticultural Ethical Business Initiative incorporated a range of actors from civil society, government and industry, but did not try to include less visible actors such as women’s and other workers’ organizations with a stake in Kenyan horticulture, or even workers themselves. “In fact, workers are the most marginalized group of primary stakeholders in the process of code implementation as NGOs are designated proxies for workers’ interests,” according to Blowfield and Dolan (2008: p. 17). Unfortunately, then, multi-stakeholder initiatives, like industry codes of conduct and national legislation, are not very effective when it comes to eliminating sexual harassment on farms.

4.4.3 Trade Union and NGO actions

In some farm contexts, trade unions have taken action to improve labour conditions, including the tackling of sexual harassment. In the export horticultural industry in Kenya and Uganda (Barrientos, 2014: p. 10-11), “in the 2000s both countries were subject to civil society and trade union campaigns over poor labour conditions (Riisgaard and Gibbon, 2014; Nelson, Tallontire et al., 2014). These campaigns highlighted poor conditions experienced by the largely female labour force, including high levels of job insecurity, poor remuneration, health and safety hazards, and in some cases sexual harassment by male supervisors. Working conditions were therefore at a low level. [...] Trade union and NGO campaigns led to the introduction of volunteer codes on labour practice by supermarket buyers, leading flower companies, international flower industry bodies and actors in Kenya and Uganda (including Kenya Flower Council standard, MPS, Fairtrade and ETI Base Code). Most codes are based

on ILO Core Conventions [...] Campaigns involving women-focused NGOs led to the setting up of gender committees on some flower farms, tasked with addressing issues such as sexual harassment (Oxfam/IPL, 2013; Evers, Opondo et al., 2014). Kenya also saw improvements in labour legislation that benefitted flower workers. Flower companies that had economically upgraded within the value chain subsequently made improvements in the terms and conditions of employment. Workers in both Kenya and Uganda report better health and safety conditions and less on-farm sexual harassment (Oxfam/IPL, 2013; Evers et al., 2014).”

In some contexts, collective bargaining agreements have helped make things better for women agricultural workers. In a study of horticultural farms in Tanzania, Uganda, and Ethiopia, Brahic et al., (2011) find that where collective bargaining agreements have been negotiated, they have led to the introduction of policies addressing casual women workers’ concerns, including sexual harassment. For example, in Uganda, the signing of the sectoral collective bargaining agreement in August 2010 resulted in all farms in the sector being “covered by sexual harassment, harsh treatment, and equal opportunities policies. [...] Collective bargaining agreements have enabled women workers to voice their concerns and have contributed to improving conditions of casual women workers (Dickens, 2000). They have also introduced policies specifically addressing (casual) women workers’ concerns: e.g. maternity rights, discrimination, working hours, health and safety issues and sexual harassment. They have also helped to ensure farm managements’ compliance with national labor laws in various countries. Moreover, unions have successfully negotiated with employers, reducing the use of casual labour and asserting workers’ rights to a written contract” (Brahic et al., 2011: p. 84).

Unfortunately, collective bargaining agreements do not cover the rights of workers who are not union members, and this includes casual workers. However, the trade unions working with a British nonprofit called Women Working Worldwide “have taken an active decision to include casual workers’ needs in negotiations with farm management. Unions have successfully negotiated with employers, reducing the use of casual labour and asserting workers’ rights to a written contract”. As a result, very significant proportions of contracts have been changed from casual to seasonal or permanent, and from oral to written (Brahic et al., 2011: p. 84).

In East Africa, some rural trade unions and allied organizations have concentrated on reducing the amount of casual labour on farms through strategies to convert casual contracts of employment into permanent ones (Brahic et al., 2011: p. 91). These authors state that “attacking casualization of labour in itself promotes greater gender equity as it is women who are most likely to suffer its effects.” Unions “have also attempted to reach out to casual workers in an effort to address their specific needs [...] Unions have sought to understand the gendered impact of casualization” (p. 92).

4.4.4 Women’s leadership and voice

Strong women leaders within unions have been crucial for addressing and raising of gender issues within these same unions. As Brahic et al. (2011: p. 92-93) explain, “the existence of strong women leaders has been crucial to raising and addressing gender issues within unions and workplaces. However, as noted, it has proven easier to build membership among women workers than to increase the number of women leaders within the union. Where women leaders exist, however, and choose to take up feminist issues, they can have a widespread and significant impact. They have helped to ameliorate the predicaments women in the horticulture industry face and more generally, have raised awareness of gender issues.” Women leaders can raise awareness of gender issues and improve

conditions for women.

The ability of unions and supporting organizations to draw on international networks with other NGOs is important for the improvement of conditions for casualized women workers. As Brahic et al. (2011: p. 93) describe, “Another central point concerns the importance of networks, including international links. In many cases alliances ‘outside’ organizations or movements themselves have been important in raising the visibility of labour issues.” Trade unions regularly make alliances with government bodies to, for example, promote proper enforcement of labour legislation. Although there exist continuing conflicts over ‘local’ and ‘global’ agendas, international pressure can sometimes be mobilized to support concerns raised at the local level. Feminist movements often cross ‘borders’ as it may be difficult to raise issues of gender discrimination and subordination within communities (Jacobs 2004; Ferree and Tripp 2006). This is true of gendered labour organizing; issues publicized outside local contexts are more likely to be addressed; conversely, raising issues through transnational linkages may prove easier than in local contexts. This stresses the importance of solidarity networks - particularly networks with an understanding of labour and gender issues.” Transnational organizing strengthens unions and nonprofits, and can help improve conditions for women.

In some contexts, however, trade unions are less effective when it comes to eradicating sexual harassment on farms. On the cut flower export farms of Kenya, the help that unions could provide in addressing sexual harassment was limited by the fact that union membership was low and excluded workers in non-permanent job categories, who were among the most badly affected by sexual harassment. Consequently, there was no systematic forum through which all workers can freely express their opinions and voice their concerns, particularly women (Dolan, Opondo, and Smith, 2004: pp. 8-10). Trade union membership was low partly because of management intimidation and because membership is restricted to permanent workers (in the case of the Kenya Plantation and Agriculture Workers Union) (Dolan, Opondo, and Smith (2004: pp. 40-43). Low union membership weakens the ability of unions to solve the problem of sexual harassment.

There are obstacles to organizing casual women workers. According to Brahic et al. (2011: pp. 85-86), “casual labour in the farms is generally characterized by high turnover of workers. Workers tend to move from farm to farm in search of better - or simply available - job opportunities. Additionally, the unstable nature of their contracts, especially when combined with the scarcity of work opportunities, means that workers may be unwilling to participate in organizing activities that may endanger their only opportunity to earn an income. Employers often take advantage of such fears. [...] Partners in Uganda and Tanzania identified casualized recruitment practices which they termed “recruitment at the gate” as an obstacle to the organization of casual workers. Knowing that unemployed workers were outside the farms waiting to be hired was viewed as a threat by workers and contributed to their reluctance to claim their rights. Aware of the damaging impact of such practices in the development of mature industrial relations, trade unions regarded the eradication of casual recruitment techniques as a priority. High turnover and weak contracts present significant challenges from a trade union perspective.”

In some contexts, workers do not have confidence in the trade union’s ability to help them with respect to the sexual violence that they endure. In the plantation sector in Sri Lanka, for example, women workers are losing faith in the trade unions, as their issues tend to be marginalized. There has been an exception where a single trade union had taken action, but in the absence of adequate and fair redress mechanisms, family members were taking the law into their own hands, which had other repercussions (Wijayatilleke and Zackaria, 2001).

In some contexts, workers' committees are arguably more effective in addressing workers' concerns than the trade unions. In the Kenyan research of Dolan, Opondo, and Smith (2004), all but one farm had a Workers' Committee (or Welfare Committee), and these were seen as more effective in addressing worker concerns than the trade unions. As these researchers explain, "Workers' committees are inhouse welfare associations that elect their own leaders with full mandate to negotiate with the employer on their behalf. Their effectiveness is partly due to the vacuum in trade union representation, but also due to the quality of the representation where it does exist. About thirty-three percent of all respondents claimed that worker's committees had succeeded in making several positive changes in working conditions such as a shift from seasonal to more permanent labour; salary and house allowance increments; and provision of PPE.

Workers also believed that the mediating role played by committees had helped to mitigate supervisor harassment and increase dialogue between the management and the workers. However, the majority of workers (66%) still found the committees ineffective in representing their interests, claiming committees to either be inactive and/or lax at presenting workers' grievances to management. They cited cases where workers elected dynamic committee members to represent them but that these committee members were quickly "silenced" by management through promotion to supervisory positions" (2004, pp. 43-44). Moreover, when women workers are under-represented in workers committees, and in trade unions, these entities are less likely to address the sexual violence that they face, and the women have fewer spaces to which they can go in order to seek remedy for this or other problems (Arend, 2011, p.5). Women are under-represented in Workers' Committees in the Kenyan export cut flower industry (Dolan, Opondo, and Smith 2004: pp. 43-44). Hence workers' committees appear to be more effective than unions, but their effectiveness is impeded by a number of factors.

In some contexts, women workers' committees have been particularly effective. For example, women workers' committees created within trade unions in the horticultural industry in Tanzania, Uganda, and Ethiopia, played a key role in the negotiation process leading to the signing of the collective bargaining agreements mentioned above. In Tanzania, for example, they played an instrumental role in influencing negotiations concerning women's issues during collective bargaining agreement negotiations (Mosha, 2011, cited in Brahic et al., 2011, pp. 83, 84).

Women workers' committees are effective in other ways as well. As Brahic et al., (2011, p. 84) state, "Where collective bargaining agreements have not been agreed to or while they are being finalized, women workers' committees within unions have supported casual workers through strategies that address their most urgent needs. These committees "have provided all women workers (both permanent and casual women workers) with a space where they could express their specific concerns; they have helped to voice and to seek redress for the issues and abuses reported by women. As Alice Akello, a Ugandan union organizer puts it: 'Women's Committees are the only major way women can discuss, dissect and articulate their issues without being overshadowed by the men...'" (Women Working Worldwide, 2010). Women Workers' Committees have been a leading conduit through which casual workers' problems have been brought to the attention of farm management. One such instance is sexual harassment in the workplace: campaigning around this issue and support provided by union Women's Committees has made casual workers aware that this is not something they have to endure and that they can seek redress through complaints and grievance procedures. As these examples illustrate, throughout the duration of the project, WWCs have grown in size and have successfully become key stakeholders representing women workers in negotiations" (Brahic et al., 2011: p. 84). Women workers' committees,

then, are places in which women can be heard, have their concerns taken to management, and come to understand that they do not have to put up with sexual harassment.

Women's committees bring numerous closely related benefits to women workers. As Brahic et al. (2011: p. 92) explain, "Open to all (permanent and casual) female workers, women's committees have several benefits. They allow 'spaces' for discussion of gender issues and of discrimination against women and provide a means of raising the visibility of gender subordination and abuses. Women's committees can also educate women about any existing rights and/or can mobilize them to claim rights. The action research carried out by Women Working Worldwide's partners indicates that such committees have been important in fostering and promoting women leaders and have addressed the vulnerabilities of casual workers such as sexual harassment and lack of maternity leave. [...] Hence the committees are forums in which to address such concerns. Over the course of these projects, follow-up surveys have shown improvements in working conditions."

According to Brahic et al. (2011), women workers' committees work best when they are part of the union constitution; when the union and management recognize that they have influence at the negotiating table; when they have the financial wherewithal to do their work; where training and capacity building are provided for participants and representatives with the aim of increasing their influence and negotiating power and safeguarding their autonomy; and where the women workers' committees are semi-autonomous, existing within the union structure but enjoying substantial independence, since, according to Amoding (2011) this avoids the danger of a women's committee being the sole entity which works on women's issues. At the same time, this situation ensures that the WWC is not perceived as 'a union within the union' (Brahic et al., 2011: p. 89).

Unfortunately, there are obstacles to the formation of women workers' committees (Brahic et al, 2011: p. 90). Managers can be hostile to their creation because women who are aware of their rights are more likely to struggle for them. Unions can lack enthusiasm for them and claim that they are under-resourced in terms of time and personnel and cannot provide the support needed to train women to facilitate committee formation (Amoding, 2011). Despite the obstacles, in the East African farms studied by Brahic et al. (2011), women workers' committees have been effective: "Women Workers' Committees have played an instrumental role in raising casual women workers' issues and working towards the betterment of their working conditions. Despite the fact that women remain under-represented in the leadership of unions, the existence of several strong women leaders has helped to shift the focus on gender and the ongoing work of embedding gendered perspectives" (Brahic et al., 2011: p. 90).

Another approach that has proved effective in lessening the prevalence of sexual harassment (and improving working conditions) on East African farms is partnerships between European NGOs and local organizations. In the horticultural industries of Ethiopia, Tanzania and Uganda, trade unions involved in the projects of a British NGO called Women Working Worldwide and its partners have come to play an instrumental role in improving the lives of casual workers. The body of evidence produced through action research by Women Working Worldwide and its partners has been used as leverage in negotiations with farm management, government bodies and international buyers (Brahic et al., 2011, p. 80). The partners of Women Working Worldwide employ a number of strategies in their attempts to organize casual workers and to negotiate improvements in working conditions, including "identifying the scale of problems and specific issues affecting non-permanent workers through research; strengthening awareness of labour rights through training and awareness-raising meetings on the farms (thus enabling women to better represent themselves, to get organized and take up positions

of leadership); representing workers' concerns and negotiating fairer working conditions through collective bargaining, and lobbying government for changes in practice and enforcement of existing labour laws. Training programmes help to bridge gaps in workers' knowledge about their rights. Ugandan and Tanzanian partners observed a rise in the number of cases of sexual harassment and labour rights abuses reported to union branches and Women Worker Committees by women workers after they received labour rights awareness training (UWEA, 2010a, 2010b; TPAWU, 2010b)" (Brahic et al., 2011: pp. 80, 82-83). Transnational partnerships have the potential to bring numerous benefits for workers enduring sexual harassment.

In North-western Mexico, there is at least one organization, mentioned briefly above, that helps women cope with sexual violence and other forms of workplace violence and stand up for their rights. This organization, called Women in Defense of Women, was created by indigenous women who came to north-western Mexico many years ago, in search of agricultural work. It has designed and implemented strategies for making the violence visible and demanding that attention be paid to it, and it has organized activities aimed at raising awareness of workers' rights. Its leaders offer to accompany women who wish to report the violence that they experience. The organization also helps members identify and name the violence that they experience, and this has enabled workers in the group to undertake daily struggles against workplace violence, become aware of their rights as workers, and live free of violence. These developments result from a process of empowerment and from certain activities. In the organization, the women also reflect critically on the gender regime in which women are subordinate, and identify processes of discrimination and violence to which women are subject. When they understand the meanings of violence against women and of violence in the workplace, they discuss the difficulties involved in implementing laws and norms within workplaces (Arellano, 2014: pp. 175-176).

Thanks to their experience within the women's organization, women workers in the organization have been able to use a rights discourse to demand an end to the violence and harassment. Their participation in the group has also enabled them to create bonds based on belonging and solidarity, resulting in a sense of cohesion and group identity. Furthermore, it has placed them in the public sphere as social actors demanding that their employers take action when presented with concrete facts (Arellano, 2014: p. 178; Lévy and Malo, 2010, cited in Arellano 2014; González, 2005, cited in Arellano 2014).

Trade unions, workers' committees, women workers' committees, and an indigenous women's group are just some of the civil society organizations that work to end sexual violence and harassment on farms. Although their effectiveness varies, they do provide, in many cases, a forum in which women can be heard and begin to seek redress. The problem of sexual harassment continues, however, because the conditions that give rise to it persist.

Table 4: Public and private governance constraints and actions to curtail sexual violence and harassment

Constraints	Actions to curtail incidence
-Non-specific legislation that cannot be effectively operationalized; exclusions of vulnerable groups such as casual workers and migrants	-Intensify mechanisms within industry codes for capturing incidences of sexual violence
-Limited expertise to interpret and apply laws; limited worker knowledge of legal rights and protections	-Participatory auditing initiatives promoting shared accountability and voice
-Laws and policies poorly resourced; no accountability for compliance	-Tripartite plus civil society initiatives to change behaviours and company practices
-Backlogs in filed cases; under-reporting by victims	-working conditions codes and inspections explicitly incorporate sexual violence standards and measures
-Superficial industry codes and auditing mechanisms	-Collective bargaining agreements extend coverage to casual workers; negotiate reductions in casual worker numbers
-Employer infiltration/disempowerment of unions and worker committees	-national and international solidarity networks and movements, such as feminist action
-Reliance on labour contractors, which weakens employment relationships,	-Enterprise-level workers' committees, particularly women workers' committees
-Seasonal contracting distances employers from workers and weakens accountability	-Management and union/committee led training
-Weak adherence to workers' rights and conditions	-Worker rights activism for realization of legal protections
-Deficient mechanisms for registering and handling complaints	
-Hierarchical employment structures reduce knowledge flow	

5. Conclusion

According to the ILO, violence and harassment in the world of work is a threat to dignity, equal opportunities, security, and affects the physical, psychological and sexual health and well-being of everyone. It has an impact not only on workers and employers, but also on their families, communities, economies and society as a whole.⁴ Sexual violence and harassment in the world of work is particularly inflicted on victims, based on their gender but also based on other factors contributing to their relative vulnerability in the work situation.

Non-standard forms of work, including temporary work and informal work are key factors in creating the power differentials for perpetrators to carry out sexual violence and harassment against women workers in commercial agriculture as the studies reviewed have found. Sexual violence and harassment occurs in commercial agriculture when also combined with cultural norms that tend to tolerate such activities, and structural environments that distance perpetrators from accountability. In commercial agriculture, as studies indicate, supervisors and more senior workers have the power to (1) offer, deny or discontinue work, either immediately or in the very near future; (2) lower the income that workers receive; (3) make the workers' conditions very difficult; (4) undermine the workers' social standing; and/or (4) offer advantages to the workers. These forms of power also threaten workers into silence so that they do not report, or retaliate.

According to the ILO, agricultural workers' vulnerability to sexual harassment is compounded by limited labour law coverage and poor labour inspection services, where they exist at all (ILO, 2016, page 19). The ILO's Code of Practice on Safety and Health in Agriculture (2011) has an extensive section addressing national and enterprise- level policies and practices to prevent violence in agriculture, however, useful additional approaches to preventing sexual violence and harassment in agriculture are needed.

Base on this review of field studies in lower and middle income countries much needed actions to be taken:

- Conduct additional studies that credibly quantify the incidence and document the circumstances enabling the sexual violence and harassment in commercial agricultural work, particularly in lower and middle income countries.
- Upgrade women's terms of employment and work arrangements to match those of men, and advance women into supervisory positions within commercial agricultural work forces.
- Expand the scope of collective bargaining to extend negotiations to represent temporary and casual workers;
- Extend legal protections to non-standard workers and workers in agriculture and tighten legislation and enforcement of working conditions within commercial agriculture, including for contracted workers.
- Promote women into leadership roles within unions and NGOs and support women-organized means for monitoring and reporting incidents in commercial agricultural work.
- Expand workplace training and awareness raising to change attitudes and behaviour. Extend this awareness outreach to rural communities.

⁴ ILO Report, Meeting of Experts, 2017.

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