

Sri Lankan Women and Sexual Harassments at Workplaces: In Search of Law Reforms

P.M.A.S. Pathiraja ¹

Greater participation of women in employment is a common practice in 21st century and it is important for their economic maintenance and sustainability. In the era of rights based approach, the right to work is an essential right of every person and it was noticed that the women are the most vulnerable group of victims under sexual harassment at workplaces. Sexual Harassment generally refers to any act (physical, verbal, gestural, visual, tacit or written) that inflicts physical, mental or other harm or annoyance based on another person's gender and/or sexuality and it can be recognized as a violation of human rights and human dignity, which undermines the equal opportunities and treatment between men and women. In the domestic scenario, workplace sexual Harassment often goes unreported and women employees who experience the sexual harassment has failed to report the harassing behavior or to file a complaint because of the social or professional retaliation. According to the reported statistics, throughout the last two decades Sri Lanka has been experiencing high rate of increasing incidents regarding the sexual harassments towards the women at workplaces regardless of their social, economic or educational position. The problems at workplace, discourage women to continue working and it has become a significant threat to the working women in Sri Lanka. Accordingly, this paper aims to discuss the problem of protecting women from sexual harassments at workplaces by exploring the inadequacy of laws available in Sri Lanka in terms of both domestic and international obligations and set a policy framework for establishing a legal, institutional and social infrastructure by analyzing the effectiveness of existing laws and regulations. This research will mainly follow a qualitative research method based on a literature review and carried out by the reference of primary and secondary sources. Furthermore, the research was enhanced with the data collected through the interviews with State Department and relevant stakeholders in relation to protect women from sexual harassment at workplace. Amending the provisions of some existing legislations, making the employer vicariously liable for sexual harassment occur in workplaces, adopting relevant International Labour Organization (ILO) standards to domestic laws and public awareness are some recommendations on this matter. Moreover, this research examines successful lessons from India for the purpose of analysing the inadequacy of existing laws in Sri Lanka and offers suggestions to enhance prevailing legal framework to protect women from sexual harassments at workplaces in Sri Lanka.

Keywords: Sexual Harassments, Workplace, Women, Sri Lanka, India

¹ Faculty of Graduate Studies, University of Colombo, Sri Lanka