Violence and Harassment in the World of Work in Namibia

Rapid Assessment - Final Report

2019

Rapid assessment conducted between June and September 2019

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Prepared for: **International Labour Organization**
                 Ministry of Labour, Industrial Relations and Employment
                 Creation - Republic of Namibia

Executive Summary

This report is the result of a 3 month rapid assessment on violence and harassment in the world of work in Namibia. The study was commissioned by the International Labour Organisation (ILO) through the Ministry of Labour, Industrial Relations, and Employment Creation (MLIREC) of the Republic of Namibia. The overall objective of the study was to contribute to the formulation of policies and programs aimed at preventing and/or eliminating violence and harassment against women and men in the world of work in Namibia. The specific objectives of the study, as per Terms of Reference were:

- To determine the prevalence of violence and harassment in selected industries in Namibia.
- To determine which groups of people are most vulnerable to violence and harassment in the world of work in Namibia.
- To determine the level of understanding of violence and harassment in the world of work in Namibia.

Additional tasks within the study included:

- a review of existing National, Regional and International legal/regulatory frameworks to identify possible loopholes in addressing violence and harassment against women and men in the world of work, and
- a comprehensive stakeholder analysis to determine key players in the area of violence and harassment in the world of work in Namibia

The methodology used consisted of a literature review, key informant interviews and a survey amongst 3 economic sectors in Windhoek, namely domestic workers, security, and the retail industry. The study had limitations because of its duration, geographical limits, relatively small sample size, and the particularly sensitive nature of the topic.

Nevertheless, the study generated sufficient indications that the prevalence of violence and harassment in the world of work is high, negatively affects a large part of Namibia's workforce, and needs to be addressed as a matter of urgency. Cases of violence and harassment in the world of work remain largely unreported, unresolved and unpunished because of a number of reasons, amongst which:

- The Namibian Labour Act is not explicit and comprehensive with regard to violence and harassment in the world of work.
- Unclear and inefficient reporting structures and procedures.
- Absence of comprehensive workplace policies and reporting structures preventing violence and harassment. Workplace policies not enforced or encouraged.
- With different cultures meeting at the workplace, it is not always clear to people what is and what is not acceptable.
- There seems to be a general attitude of shifting blame to the female victims in cases of sexual harassment, and victims may experience a misplaced sense of shame.
- Victims fear of losing their job if they report violence and/or harassment.
- Victims fear of not being believed and being unable to prove cases of harassment.
- Victims fear of retaliation or victimization.
- Laws and policies offering limited protection for whistleblowers and witnesses.

• General acceptance of power inequalities and belief that things cannot be changed or challenged within this context.

It is not within the scope of this study to provide a strategy to prevent violence and harassment in the world of work in Namibia. A dedicated working group will develop and adopt a comprehensive and gender-responsive strategy and plan of action to work towards creating a culture of respect in the world of work, improving the working environment, and preventing and ultimately eliminating all forms of violence and/or harassment. The strategy should include actions focused on protection, prevention, enforcement, remedies, guidance, and training, and could specifically include the following:

• Namibia to ratify ILO Convention No.190 and follow its recommendations.

• Develop better and easier structures for reporting, complaint investigation or assessment, and timely and efficient processing and follow up. Follow up should also incorporate psychosocial support, logistical assistance as well as protection for the victims, and a functional database.

• Access to justice has to become more attainable. Easy access to appropriate and effective remedies and safe, fair and effective dispute resolution mechanisms and procedures. Courts should have expertise in cases of work-related and gender-based violence and harassment, and provide appropriate and accessible information.

• Perpetrators of violence and/or harassment in the world of work should be held accountable, either by the company that employs them and/or the national justice system. Where needed counseling services could be provided to them with the aim to prevent reoccurrence.

• Provide input in revision of Labour Act, make violence and harassment in the world of work more explicit and better defined. The Labour Act should include punitive measures, enforcement, prosecution and compensation, as well as measures to protect complainants, victims, witnesses and whistleblowers against stigmatization, victimization and retaliation.

• Enforce and/or provide guidance to employers to develop or strengthen internal policies to prevent and control violence and harassment in the world of work. Employers to be provided with appropriate and accessible assistance, resources, training or other tools.

• Launch a National awareness campaign on violence and harassment in the world of work, including practical information on reporting structures and procedures, focus on underlying causes, and training of targeted media.

• Training and capacity building of labour inspectors, and strengthening monitoring mechanisms.

• Recognize and utilize the international experience and potential role of the International Labour Organisation (ILO) and other UN agencies in assisting the country to develop, adapt and implement a strategy.

• Further research including monitoring and evaluation of the practical implementation of the recommendations above, to what extent they are having a positive effect on eliminating violence and harassment in the world of work, and how the measures could be improved.

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Glossary of Terms and Definitions

CEACR	Committee of Experts on the Application of Conventions and Recommendations
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CSO	Civil Society Organisation
GBV	Gender Based Violence
ILC	International Labour Conference
ILO	International Labour Organization
LGBTI	Lesbian, Gay, Bisexual, Transsexual and Intersex
MGECW	Ministry of Gender Equality and Child Welfare
MITSMED	Ministry of Industrialization, Trade, and SME Development
MLIREC	Ministry of Labour, Industrial Relations and Employment Creation
NANASO	Namibia Network of AIDS Service Organizations
NEF	Namibian Employers' Federation
NSA	Namibia Statistics Agency
NUNW	National Union of Namibian Workers
OSH	Occupational Health and Safety
LAC	Legal Assistance Center
PLHIV	People Living with HIV
SPSS	Statistical Package for the Social Sciences
TFT	Task Force Team
TUCNA	Trade Union Congress of Namibia
TWG	Technical Working Group
WHO	World Health Organisation

Violence and harassment refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm.

Sex refers to the classification of male or female on the basis of the reproductive organs or functions. *Gender* refers to the state of being male or female typically used with reference to social and cultural differences rather than biological ones. *Gender-based violence and harassment* refers to violence and harassment directed at persons because of their sex *and/or* gender, or affecting persons of a particular sex *and/or* gender disproportionately.

The *world of work* is used as a broader term than *workplace,* as the violence and harassment addressed refers to any incidences occurring in the course of, linked with or arising out of work.

The term *worker* covers persons in all sectors, both in the formal and informal economy, and whether in urban or rural areas, irrespective of their contractual status.

1. Background to the Study

The International Labour Organization (ILO) Meeting of Experts on Violence against Women and Men in the world of Work observed that violence and harassment in the world of work is unacceptable and incompatible with decent work and that it must be addressed. The experts concluded that violence and harassment is a human rights issue and affects workplace relations, worker engagement, health, productivity, quality of public and private services, and enterprise reputation. It also affects labour market participation and in particular may prevent women from entering the labour market, especially in male–dominated sectors. Violence may furthermore undermine democratic decision–making and the rule of law.

There is mounting pressure and calls for urgent action to address violence and harassment in the world of work. The issue has been expressed at global level in the 2030 agenda for sustainable development goals which calls for the achievement of full and productive employment and decent work for all women and men. At the 107th Session of the International Labour Conference (ILC), the agenda item "Ending Violence and Harassment against Women and Men in the World of Work" was discussed as agenda item number V. During the meeting, there was extensive discussion on the nature of violence and harassment, its causes, effects and action needed. The meeting agreed that a significant body of evidence demonstrates that violence and harassment in the world of work persists against workers and others, however there was a recognition of the need for more data.

The Namibian delegation observed that in Namibia no study was done on violence and harassment against women and men in the world of work, and that there is a need to conduct a 3 month case study, and consider a broader study to fill the gap in the future.

This report is the result of a rapid assessment that was contracted by the International Labour Organization, under the direct supervision of the Ministry of Labour, Industrial Relations and Employment Creation of the Republic of Namibia, its Technical Working Group (TWG), and the multi-stakeholder Task Force Team (TFT).

During the period of the study, the 108th Session of the International Labour Conference was held on 10-21 June 2019, and Convention no. 190 on Violence and Harassment in the World of Work was adopted by the Delegates of the Conference.

2. Scope of the Study

2.1 Definitions

As per definition used by the International Labour Organisation, the term *violence and harassment in the world of work* refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.

The term *gender-based violence and harassment* refers to violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment. The Namibian National gender Policy (2010-2020) defines gender based violence as a general term that captures all forms of violence perpetrated against an individual on the basis of their sex and is therefore understood to be violence caused by unequal power relations between men and women. GBV includes all acts which causes physical, sexual, psychological, emotional, or economic harm, including the threat to take such acts.

In our definition of violence and harassment we have excluded stress-causing behavior or conditions such as overwork, long hours, and other forms of extreme exploitation, unless people were shouted at, physically attacked, bullied, or threatened to be fired if they refused unreasonable demands in the world of work.

The *world of work* is used as a broader term than *workplace,* as the violence and harassment addressed refers to any incidences occurring in the course of, linked with or arising out of work. It includes:
- the workplace, including public and private spaces
- places where the worker is paid, takes breaks, or uses sanitary, washing and/or changing facilities
- work-related trips, travel, training, events or social activities
- work-related communications, including those enabled by information and communication technologies
- employer-provided accommodation
- commuting to and from work

The term *worker* covers persons in all sectors, both in the formal and informal economy, and whether in urban or rural areas, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants.

2.2 Objectives

According to the Terms of reference (Annex 1), the overall objective of the study was to contribute to the formulation of policies and programs aimed at preventing and/or eliminating violence and harassment against women and men in the world of work in Namibia.

The specific objectives of the study were:
- To determine the prevalence of violence and harassment in selected industries in Namibia.
- To determine which groups of people are most vulnerable to violence and harassment in the world of work in Namibia.
- To determine the level of understanding of violence and harassment in the world of work in Namibia.

Additional tasks within the study included:
- A review of existing National, Regional and International legal/regulatory frameworks to identify possible loopholes in addressing violence and harassment against women and men in the world of work, and
- A comprehensive stakeholder analysis to determine key players in the area of violence and harassment in the world of work in Namibia.

2.3 Time frame

The study was supposed to be carried out in anticipation of the 108th session of the International Labour Conference (ILC) taking place from 10 to 21 June 2019, but funding was delayed. A contract for the study was signed for the period from 1 June 2019 to 30 August 2019. This gave a total time of 3 months for the study, but effectively the time for the study was only 2 months, as the 1st draft report was due in week 9, and the 2nd draft of the report was to be presented at a high level validation meeting in week 11. The contract was extended to the end of September as a result of a delay of the validation workshop. The workplan and timeline as was submitted to the Technical Working Group is attached as Annex 2.

2.4 Selected industries

The study was carried out in Windhoek, and focussed on three selected sectors in particular as per the Terms of Reference, namely domestic work, security, and the retail industry.

Domestic workers are defined as people employed by households. The services they provide to the household can vary. Domestic workers include house helps, cleaners, cooks, nannies, drivers, gardeners, and people taking care of the sick, elderly or disabled members of a household. They may work part-time, full-time or on an hourly basis, and in some cases live in the home of the employer. In Namibia the domestic work sector is female dominated and largely unregulated, despite recent efforts of the Government to enforce a minimum wage, and stimulate the use of contracts.

In contrast to the domestic work sector, the security sector is more male-dominated. It is a large industry in Namibia with relatively low pay and potential high risk. Security guards are generally employed through security companies, but in some cases directly through the company where they are stationed. In our survey we have excluded car guards, which are generally self-employed, and are therefore not subject to structural violence and harassment, other than from strangers.

The retail sector can be defined as the part of the business world involved with serving the final buyer, user, or consumer. In our survey we focused on shops and included in our sample Namibian shops, South African chain stores, and smaller foreign owned shops, in particular Chinese and Indian businesses. The retail industry is generally seen as a mixed industry, more or less equally employing both men and women.

In our survey we focused on violence and harassment towards employees at this stage, assuming that because of the power relations, violence and harassment towards employers is much less common, and therefore not easy to capture in the limited sample size. We to some extent included violence and harassment from third parties like clients and customers towards employees, but did not include violence and harassment from employees towards clients, customers, learners and other third parties arising from the world of work, as this would have necessitated an additional larger scale survey amongst third parties.

3. Methodology

3.1 Literature review

The literature review included general documents and articles on violence and harassment in the world of work that were needed to familiarize ourselves with the subject matter, applicable Namibian Acts and Policies, relevant information that is made available to the Namibian public through booklets and leaflets, and media articles and social media responses on the topic. A list of literature and other relevant sources of information that were consulted can be found in the bibliography of this report.

An important part of the literature review focused on the existing National, Regional and International legal/regulatory frameworks, and the identification of possible loopholes in addressing violence and harassment against women and men in the world of work. The result of this can be found in section 4.9

3.2 Key Informant Interviews

Key informants are people that are particularly knowledgeable on the topic of the study or a certain part thereof. Interviews with key informants are useful to collect relevant qualitative data, and the information they provide can also help towards the design of the questionnaires. We therefore started of with key informant interviews, but they were conducted throughout the research period, also depending on the availability of the key informants.

We used semi-structured open interviews, which were adapted according to the field of expertise of the informants. Questions were lumped around the following topics:

- Informants knowledge and understanding of violence and harassment in the world of work
- Prevalence of violence and harassment in the world of work in Namibia
    - forms of violence and harassment
    - variation between industries
    - vulnerable groups
- Level of understanding of employees and employers
    - cultural differences
- Whether Namibian laws and policies offer sufficient protection
    - which Laws and policies
    - how could they be improved
- Company policies on violence and harassment
- Existing channels to report violence and harassment in the world of work. Either within companies or at other institutions
    - Do most cases get reported? Are people aware where they can report and do they feel free to do so?
    - Any records or data available on reported cases
- Enforcement / penalties / prosecution / compensation

- available channels, duration, records or data available
- What could be done to create more of a culture of respect in the world of work in Namibia
- Recommendations and what could be the role of institution of key informant
- Referral to other stakeholders / key informants / relevant information
- Availability of lists of domestic workers / security guards / retail industry workers that we could use in our sampling

In total we interviewed 21 key informants from the following institutions:

Table 1. List of key informants			
Institution	**Person interviewed**	**Position**	**contact details**
Namibia Transport and Allied Workers Union (NATAU)	John Kwedhi	General Secretary	info@natau.org.na 0812602252
Union for Institutional and Household Employees of Namibia (UIHENI)	Delphia Suxus	Secretary General	uiheni@gmmail.com 0816172744
Ombudsman Namibia	Timothy Shangadi	Deputy director: investigations	shangadi@ombudsman.org.na 0811470612
Namibian Employers' Federation (NEF)	Tim Parkhouse	General Secretary	nefsecgen@nef.com.na 081270126
Namibian Domestic and Allied Workers Union (NDAWU)	Nellie Dina Kahua Frieda	General Secretary National Organiser	818169808
Namibia Network of AIDS Service Organizations (NANASO)	Sandie Tjaronda	Director	nanaso@nanaso.com 061261122
Women @ Work	Samantha Silungwe	Coordinator	admin@womenatwork-namibia.org 0818252034
Namibia Food and Allied Wokers Union (NAFAU)	Penda Jacob	General Secretary	nafau@iway.na / pendajacobiway.na 061271244
Gender Based Violence (GBV) Protection Unit	Elizabeth Vial	Social Worker	812291024
Office of the Labour Commissioner	Henri Kaasen	Labour Commissioner	
Office of the Labour Commissioner	Kyllikki Sihlahla	Deputy director	
Office of the Labour Commisioner	Magano	Clerk	816435377
Legal Assistance Centre (LAC)	Yolande Engelbrecht	Gender Research Advocay	yengelbrecht@lac.org.na 061234953
United Nations Populations Fund (UNFPA)	Loide Amkongo and Womba Mayandi	Assistant Representative and Gender Specialist	amkongo@unfpa.org 061 2046282 mayondi@unfpa.org
Office of the Resident Coordinator (ORC)	Elizabeth Kakukuru	Gender specialist	elizabeth.kakukuru@one.un.org
UNICEF / ORC	Rachel Odede	Head of UNICEF and acting Resident Coordinator	rodede@unicef.org 061 2046251
Ministry of Labour - Inspection Unit	Martha Nghipundjua and Mr Simon	Chief labour inspector	martha.Nghipundjwa@mol.gov.na 0812599715
victim of workplace harassment	anonymous	victim - female security guard	anonymous

3.3 Questionnaires

Questionnaires were used to source quantitative and qualitative information from the selected respondents. As per Terms of Reference a total number of 300 respondents was targeted for this exercise with 100 respondents in each sector.

The questionnaires were developed by the consultant, circulated for comments to the Technical Working Group, tested by the consultant and the 2 primary research assistants, and adapted to its final form. Similar, but slightly different questionnaires were developed for each of the 3 sectors, because what is relevant to ask a a person employed in the retail industry is not necessarily relevant to ask a domestic worker. For example, a shop assistant could potentially become a victim of violence or harassment of clients, while domestic workers do not deal with clients, which makes it pointless to ask questions regarding this matter. Where possible, the questionnaires were kept the same for purposes of comparison, while collecting the necessary data for each sector.

An effort was made to keep the questionnaires as short and succinct as possible, to counteract survey or respondent fatigue, which negatively affects the quality of the data. The resulting 4 page questionnaire took about 20-40 minutes to conduct, depending on the experiences of the respondent, and respondents were given N$50 as an incentive to participate in the study. There are some conflicting studies on the effect of compensating survey respondents for their time, but in our case we felt it would improve participation, and have little to no effect on the quality of the data, although 2 of the respondents refused to accept the incentive.

The developed questionnaires are divided into 5 parts:

- **personal**: as short as possible and trying to capture personal factors that may affect peoples' attitudes towards violence and harassment in the world of work, might make people more vulnerable to it, and/or may influence their ability to stand up against it. This includes gender, age group, number of dependents and whether they are the main breadwinner in their household, where they grew up, and their ethnicity (home language).

- **Work**: trying to capture the work-related factors that may influence peoples' vulnerability to violence and/or harassment, their knowledge about it, and/or their level of empowerment and ability to stand up against it. This includes whether they are part of a workers union, type of company, work hours, the gender of their immediate boss or supervisor, length of stay at company, and current position.

- **Knowledge**: intending to assess the level of understanding of violence and harassment in the world of work (which is one of the objectives as per ToRs), what constitutes violence and/or harassment, where it can be reported, and whether they know what can be done about it within existing laws and policies.

- **Attitudes**: intending to assess how people feel about violence and harassment in the world of work, do they know what is right or wrong, do they feel helpless or protected, or do they feel it's just part of life and they will just have to accept it. Most of this section was in the form of statements and asking the respondents whether they agreed or disagreed.

- **Experiences**: trying to capture what the respondents have experienced with regard to violence and/or harassment in the world of work (in their current or previous job). People were asked if they had encountered certain issues, situations and scenarios, and if so, how they had responded to it. The data collectors were encouraged to take additional qualitative notes, and collect stories and quotes on violence and harassment experienced by the respondents.

The questionnaire templates are attached in annexes 3, 4 and 5. It could be observed that there is a bias in the questionnaire towards sexual harassment. This is resulting from the fact that during the key informant interviews sexual harassment was identified as the main and most problematic form of violence and/or harassment in the world of work in Namibia, even after the interviewers made a conscious effort to include other forms of violence and harassment in the discussions.

The questionnaires were conducted by a team of 6 data collectors, with the 2 main research assistants functioning as team mentors and supervisors. The data collectors were all female, all with some experience in sociological research, and with a collective proficiency in 7 languages (Oshiwambo, Otjiherero, Khoekhoegowab, Subia, Rukwangali, Afrikaans and English). The data collectors were trained on how to administer the interviews. The training included:

- the background to the study
- target populations, sampling strategy, and quota
- sensitivity of the topic, privacy and confidentiality
- approach and personal demeanor of the data collectors
- understanding the questionnaires and the importance of translation in local languages
- the importance of taking additional qualitative notes
- supervision, spot checks and the building of a team
- logistics, and working as a team
- questions, comments and closing

Before the commencement of the survey, we presented the study at the monthly meeting of Khomas Region Constituency Councillors which took place at the Khomas Regional Council, so that the councillors were aware and approved of our movements in their communities. We also provided all the data collectors with a badge, and a certified copy of the letter of the Ministry of Labour, Industrial Relations, and Employment Creation, indicating that we were mandated to carry out the survey.

A WhatsApp group was set up for continuous communication between the data collectors, the mentors, and the consultant, and after the first 2 days of the survey, a collective meeting was held with all the data collectors to check their questionnaires, and to discuss the challenges experienced. The 300 questionnaires were completed in close to 3 weeks.

3.4 Sampling strategy

Before embarking on the survey, the proposed sampling strategy was discussed with 3 statisticians[1] of the Namibia Statistics Agency (NSA). It was agreed that due to the limited sampling size of 100 questionnaires conducted per sector, and the absence of sampling frames, the research can be seen as a study of the phenomena and trends, rather than a representative quantitative research of the whole sampling population[2]. Therefore, any sampling strategy would be acceptable, and non-probability sampling techniques would be more suitable for our purpose.

Non-probability sampling techniques refer to the subjective judgement of the researcher when selecting units from the population to be included in the sample. Non-probability sampling can be particularly useful in exploratory research where the aim is to find out if a problem or issue exists in a quick and inexpensive way, especially when there is limited or no research that currently supports such a theory. The most common types of non-probability sampling techniques include quota sampling, purposive sampling, convenience sampling, snowball sampling and self-selection sampling. Of these, we used purposive sampling, combined with convenience and to some extent snowball sampling.

Purposive sampling represents a group of different non-probability sampling techniques also known as judgmental, selective or subjective sampling. Purposive sampling relies on the judgement of the researcher when it comes to selecting the units that are to be studied. Usually, the sample being investigated is relatively small, especially when compared with probability sampling techniques. The main goal of purposive sampling is to focus on particular characteristics of a population that are of interest, which will best enable you to answer your research questions. The sample being studied is not representative of the population, but for researchers pursuing qualitative or mixed methods research designs, this is not considered to be a weakness. Rather, it is a choice, the purpose of which varies depending on the type of purposing sampling technique that is used. In our sample we decided to include a disproportionate amount of women, since we learned through our key informant interviews that sexual harassment constitutes the main form of harassment in the world of work in Namibia, and women are more likely to be affected. In order to get more relevant data on the topic of sexual harassment, we therefore decided to have a sample with 60% female respondents and 40% male respondents. the mixed retail sector, we chose to have a majority of 70% of women in the sample, in the male dominated security sector, we made an effort to include 30% women order to get access to their experiences, and in the female dominated domestic workers industry, we chose to include 20% of men in the sample. In addition, we made a conscious decision to include employees, rather than employers in our sample, assuming that as a result of existing power relations it is more common for employees to become victims of violence and harassment in the world of work.

Ensuring we were capturing a variety of different attitudes and experiences, we focused on maximum variation sampling. For example, we gave our data collectors quota to include a

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[1] a meeting was held with Linda Idhogela (Senior Statistician: Labour statistics), Maria Nanyemba (Statistician: Sampling), and Frieda Theofelus (Statistician: Sampling) at NSA on 18 June 2019

[2] Sampling population consists of all people employed in the domestic, security and retail sector in Windhoek

maximum of 2 people per shop in the retail industry sample, preferably 2 people that did not have exactly the same background, i.e with different positions, gender, and/or age groups. Furthermore, we made sure that respondents were identified in different suburbs, and either in their area of employment or residence. In the domestic workers survey, where we asked about the respondents place of work and residence, we had people residing in 28, and working in 27 different suburbs in Windhoek. More information about the respondents that were part of the research population can be found in section 4.2

Convenience sampling simply refers to a form of sampling whereby the units that are selected for inclusion in the sample are the easiest to access. In our case, the research team made a conscious decision not to go through the employers, because employers who are guilty of violence and harassment at the workplace would not want their employees to participate in the survey, leading to a clear bias. We did intend to select a random sample from lists of members of workers unions, also to ensure that members of workers unions would be a significant part of the sample, and their attitudes and knowledge could be compared to the workers that are not part of a union, but the workers unions failed to provide us with member lists in time. So instead we found respondents at taxi ranks and bus stops, security guards posted outside various shops and companies, and retail workers during lunch breaks or after closing of shops in different areas. In some cases we used snowball sampling techniques, asking respondents if they knew other domestic workers, security guards, or retail employees in their neighborhoods.

For our Key Informant Interviews, we used a purposive sampling technique that is known as expert sampling. This sampling technique is used when your research needs to glean knowledge from individuals that have particular expertise. This expertise may be required during the exploratory phase of qualitative research, highlighting potential new areas of interest or opening doors to other participants. Expert sampling is particularly useful where there is a lack of empirical evidence in an area and high levels of uncertainty, as well as situations where it may take a long period of time before the findings from research can be uncovered. Therefore, expert sampling is a cornerstone of a research design known as expert elicitation.

3.5 Data capturing and analysis

For the capturing and analysis of the data collected through the questionnaires, the team decided to use SPSS (Statistical Package for the Social Sciences). SPSS is a widely used program, and there are many types of Statistical analysis included in the base software, but due to the limited size of our data sets, we only focussed on descriptive statistics.

A descriptive statistic is a summary statistic that quantitatively describes or summarizes features of a collection of information, while descriptive statistics in the mass noun sense is the process of using and analyzing those statistics. Descriptive statistics is distinguished or inductive statistics, in that descriptive statistics aims to summarize a sample, rather than use the data to learn about the population that the sample of data is thought to represent. This generally means that descriptive statistics, unlike inferential statistics, is not developed on the basis of probability theory, and are frequently nonparametric statistics. Even when a data analysis draws its main conclusions using

inferential statistics, descriptive statistics are generally also presented. Our analyses focused on frequencies, disaggregated by gender, combined with some selected cross-tabulations. Because of the 3 different questionnaires we worked with 3 separate data sets, but in cases where this was useful and data referred to the same items on the questionnaires, we merged the data from the 3 datasets to make one larger set of data.

3.6 Research assistants

An conscious effort was made to build a team for this study and potential further studies, using young professionals as research assistants, for them to gain both valuable working experience and an additional income. A total of 11 assistants were part of the research team:

Primary assistants:

    Sarah Mwatilifange   PhD student Sociology / Gender and Development
    Imelda /Hoebes   PhD student Sociology

Literature review - legal:

    Wayne Rukero   3rd year Law student

Data collectors:

    Mandy Mapenzi   Masters student Gender and Development
    April Jermine   Masters student Gender and Development
    Rebekka Nangolo   Masters student Gender and Development
    Beatrix Akuake   Training consultant company health and wellness
    Julia nekwaya   Masters student Media Studies
    Hainuschka Kashona   Chairperson Sociology Society

Data analysis:

    Abner Nambahu   Statistician
    Minardo Thomas   Statistician

4. Findings

4.1 Interpretation of results

Before interpreting the results, it must be understood that the study had certain limitations. Violence and harassment, and in particular sexual harassment, are sensitive topics, and not everybody would feel at ease to talk openly about personal topics or traumatic events to a complete stranger. In our case there could have been an additional fear of respondents that their disclosure on the topic could lead to them loosing their source of income, or them being victimized at their workplace. Furthermore, we have experienced a certain amount of victim-shaming in the Namibian society, generally blaming women for any inappropriate sexual encounter, which could be a reason for female victims of sexual violence and harassment not to open up about their experiences. Similarly, male victims of sexual violence and harassment could experience an even stronger sense of shame or stigma, preventing them from talking about it. Lastly, the study was relatively short, giving no time for more in-depth or follow-up consultations with identified victims and/or perpetrators.

One of our main research instruments was a survey. Although the data collectors were trained to be sensitive and make people feel comfortable enough to openly speak about their experiences, a typical meeting between a data collector and a respondent lasted between 25 and 40 minutes, which is not quite long enough to build a intimate personal bond. In one case, we had pre-existing information of a domestic worker that was raped by her previous employer, but yet during the survey, she did not mention having experienced *any* violence or harassment of a sexual nature in her career. In another case we had an open interview with a female security guard that had fought a case of sexual harassment at her workplace, but it took time for us to gain her trust and for her to open up about what had really happened to her.

We tried to counteract the fact that not all respondents would fully open up about their personal and/or traumatic experiences by asking them about their ideas about violence and harassment in the world of work in general, or the experiences of friends or colleagues, but it is very likely that the experiences and incidences remained largely under-reported during the questionnaires.
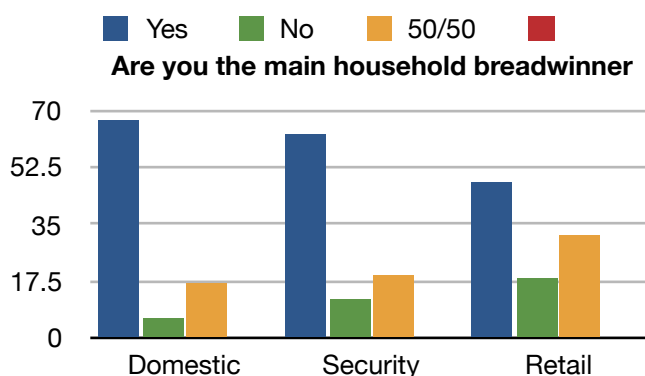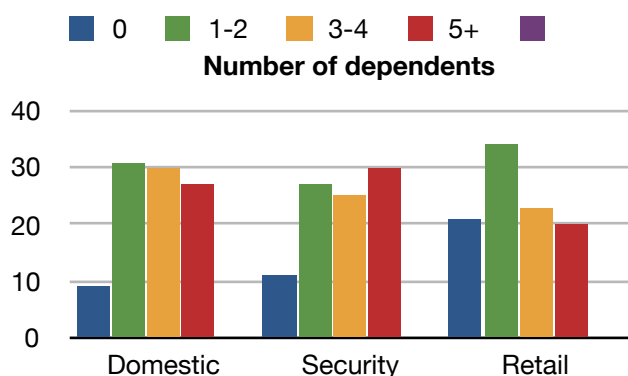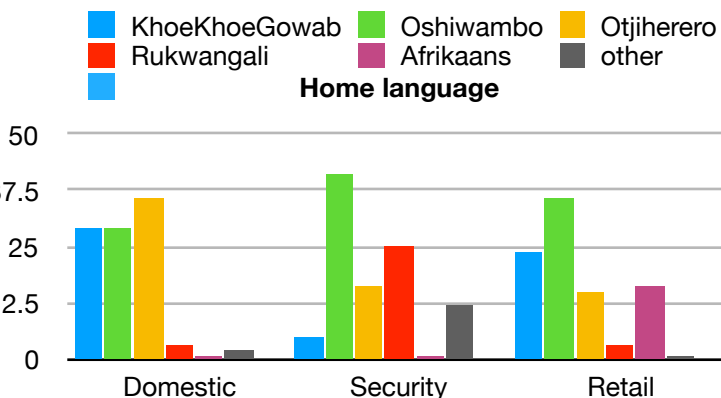
It is also within these limitations that the knowledge and opinions solicited from experts through key informant interviews became of particular importance. The qualitative data gathered through this research method was imperative both to interpret the quantitative data, and as part of the research findings in itself.

More academic terms used to assess whether the information gathered in a research or study is accurate or factual are reliability and validity. Reliability refers to whether the research tools lead to consistent results, while validity refers to whether a concept is accurately measured, or the extent to which a tool is measuring what it is supposed to measure. Validity can refer to the content, concept, construct, or criteria used, and can be either internal or external. In our case one could say that the study is partly flawed both with regard to the reliability and validity of data, because of the sensitive nature of the subject, the short duration of the study, and the absence of proper records on violence and harassment in the world of work.

Once measures have been put in place to counteract violence and harassment in the world of work (i.e training, awareness raising, development and implementation of workplace policies, improved channels for reporting, etc), we would be able to gather more reliable and valid data on the subject. Nonetheless, we do believe that the qualitative and quantitative information we did manage to gather in a relatively short amount of time, combined with the assumption that the data forms an under-representation of the reality, is a strong enough basis for the conclusions and recommendations as set out in sections 5 of this report.

4.2 Personal and work-related data of the sample population

As explained in the section on the sampling strategy, our sample size was much too small to be representative of the research population, so we tried to focus on capturing a variety of attitudes and experiences in our sample. Below are a few of the statistics on the personal and work-related data of our 3 sample populations - the domestic workers, security sector and retail industry.

Legend (left chart): < 6 months | 6 m - 3 y | > 3 years
How long at current employer

Legend (right chart): Yes | No
Member of workers union?
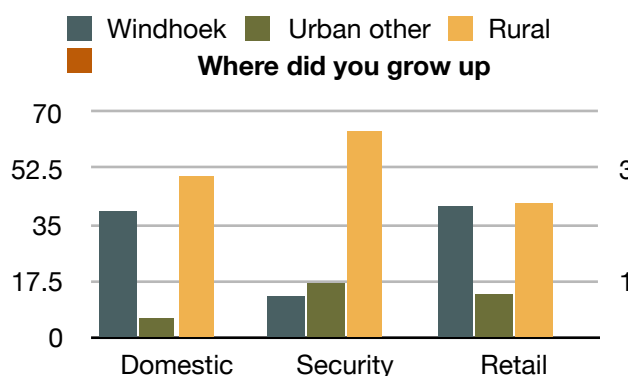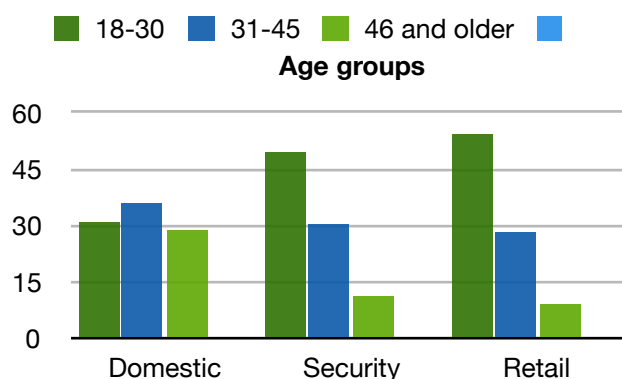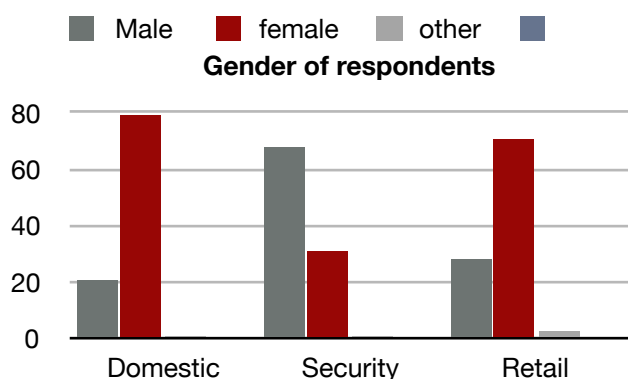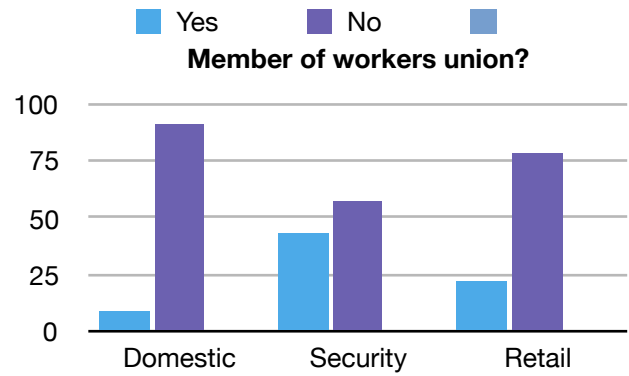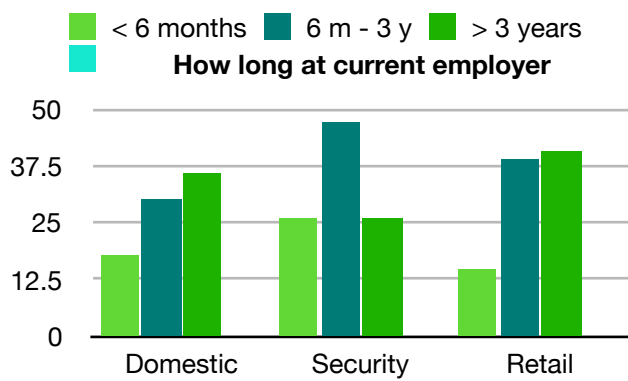
4.3 Types of violence and harassment in the world of work

The definition we used to identify violence and harassment is *a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm.* Practically, violence and harassment in the world of work can take various shapes and forms, there are differences in the nature of the violence and/or harassment, the consequences, the severity of the offense, where the act takes place, and in the category of the offender or perpetrator.

There are various approaches to classifying types of violence. Using the ILO definition as a basis, violence and harassment in the world of work can broadly be divided into four, partly overlapping categories:

- **SEXUAL -** Sexual harassment can vary from unwanted and inappropriate looks, remarks, questions, gestures or jokes of a sexual nature, to unwanted text messages or sharing of pornographic pictures and videos, to inappropriate touching, to denying and/or providing of favors and/or opportunities depending on whether sexual acts are accepted or denied, to sexual assault and rape. The keywords in assessing whether or not something constitutes sexual harassment are "unwanted" or "unwelcome". If 2 colleagues enjoy making jokes of a sexual nature to each other or sending each other flirtatious messages, that is not a problem. It only becomes a problem when one of the persons involved does not appreciate these actions, and feels he or she is not in a position to stop them, either because of unequal power relations, fear of repercussions, or because the other person does not change his or her behavior upon request. In our survey, we focused more on sexual harassment than other forms of violence and harassment because the key informants that were consulted agreed that this was the main form of violence and harassment in the world of work in Namibia.

> *"A guy from my company came with some documents for me to sign. As I was signing, he began to touch my thighs. I told him to stop. He didn't like my reaction and lied to my supervisor saying he found me sleeping on duty"*
>
> - survey respondent

- **VERBAL/PSYCHOLOGICAL** - Verbal or psychological abuse refers to the act of forcefully criticizing, shaming, insulting, threatening, shouting at, swearing at, or humiliating another person. It is a destructive form of communication intended to harm the self-concept of the

other person and to produce negative emotions. In some cases, it is a pattern of behaviors used intentionally to control or manipulate others, and it can also be the result of a racist or tribalistic mindset or agenda. Giving a person constructive criticism, or shouting at a colleague or employee to prevent that person or someone else from immediate danger or harm does not constitute verbal abuse, and even if a person shouts at another person once or twice as a result of stress and they apologize for their behavior that could still be acceptable. In most cases however, verbal abuse is unacceptable and as real and harmful as other types of abuse. Workplace bullying would also mostly fit within this category, although in some cases it can include physical abuse. Workplace bullying refers to a persistent pattern of mistreatment and can include verbal, non-verbal, psychological, physical abuse and humiliation, and can cause either emotional and/or physical harm. Bullying is characterized by repetition, duration, escalation, power disparity and attributed intent.

- **ECONOMIC** - Economic abuse refers to causing or attempting to cause an individual to loose their financial independence by obstructing her or his access to, or control over, resources and/or independent economic activity. In the literature is it often discussed as part of domestic violence, but it is also very prevalent in the world of work, and can be linked to both verbal or sexual abuse or harassment. It often takes the form of threats; people can be threatened to be fired, demoted, or prevented from any type of promotion if they do not respond positively to sexual advances, or exercise their right to annual, sick, compassionate or maternity leave. The fear of loosing your job or opportunity for advancement is more severe in countries like Namibia, where unemployment rates are high, and unemployment benefits non-existent.

- **PHYSICAL** - Physical abuse refers to any intentional (non-accidental) act causing physical harm, injury or trauma to another person by way of bodily contact. Physical abuse may involve more than one abuser, and more than one victim. Physical abuse can vary from a single slap in the face, to the pulling of a person by the hair, to forcing a person to do physical work that they are unable to do because of illness or a handicap, to the chaining of a person to a desk, to a full physical assault or rape. Physical violence or harassment in the world of work is always unacceptable.

As per the ILO instrument, violence and harassment in the world of work can occur in the course of, linked with or arising out of work:

- in the workplace, including public and private spaces where they are a place of work

- in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities

- during work-related trips, travel, training, events or social activities

- through work-related communications, including those enabled by information and communication technologies

- in employer-provided accommodation, and

- when commuting to and from work.

Finally, the type of violence and/or harassment in the world of work is also defined by the relationship between the perpetrator and the victim:

- Violence or harassment from a person in a superior position (employer, manager, supervisor) towards a person in a lower rank, often perpetuated because of the unequal power relation and dependency position of the victim.

- Violence or harassment from an employee towards an employer. In most cases as a result of emotional stress, work-related or otherwise.

- Violence or harassment between employees with similar positions. In this case power relationships may be or perceived to be unequal because of other factors like gender, age, or time employed in the company, but violence or harassment between colleagues in a similar position is generally seen as a disciplinary issue, not a labour dispute.

- Violence or harassment from 3rd parties (clients, customers, patients) towards employees, in some cases initiated or perpetuated by the economic dependence of a company by the client, or the generally accepted code that the customer is always right.

- Violence or harassment from employees or employers to 3rd parties (clients, customers, patients, learners)

- Violence or harassment from outsiders, especially in the case of security guards.

4.4 Prevalence in Namibia

Violence and harassment is a societal issue in Namibia, and not a problem that is typical in the world of work only. According to various research and media reports, Gender Based Violence (GBV) in Namibia is widespread, with at least one third of women in the country becoming a victim of domestic violence. Since both domestic violence and violence and harassment in the world of work are influenced by similar factors, including socio-cultural norms, it can be expected that violence and harassment in the world of work is widespread in Namibia as well. Furthermore, not unlike domestic environments, most work-settings are to a large extent characterized by unequal power relations, which often form the basis for many types of violence and/or harassment.

Some of our key informants also pointed out that there is a direct relationship between domestic violence and violence and harassment at the workplace; if a person gets bullied or treated with little respect at the workplace he or she is likely to take out his or her frustrations at home, and vice versa, being a victim of domestic violence is likely to influence your behavior towards others at the workplace. There are also reports of women in particular becoming a victim of domestic

violence because it is suspected by their partners that they entertain relationships of a sexual nature at their workplace on a voluntary basis.

With the exception of the representatives of the Namibian Employers' Federation and the Office of the Labour Commissioner, the large majority of the key informants that we interviewed were of the opinion that harassment, and in particular sexual harassment is very prevalent in the world of work in Namibia. It was generally agreed that sexual harassment at the workplace results from a combination of power inequalities, culture, and a lack of repercussions, is extremely common and is one of the main problems that is experienced at the workplace, but does hardly get reported, because of various reasons as set out in section 4.8.

The female security guard with whom we had a more in-depth interview about the years she endured sexually harassment stated: *"Towards me the sexual harassment has stopped since I made a case about it with the police and the union, and the management of the company was forced to take action, but I can see it is still happening all around me. All female security guards are suffering in the same way. I talked to some of my colleagues to stand up and make a case, but it seems they just don't care, they are just quiet about it. Maybe they don't mind having sexual relations for money or to keep their jobs. I think people really need training and awareness about it"*

As explained in section 4.1, the survey is likely to show a significant under-representation of the respondents' direct experiences of violence and harassment in the world of work. However, when asked not directly about their own experiences but about their ideas in general, as many as 72% of the female respondents agreed with the statement that sexual harassment at the workplace is a reality for most women in Namibia, with only 11% of the women disagreeing and 17% remaining neutral. The responses from the male respondents were not much different and sentiments seemed the same in all sectors where the survey was conducted, as shown in the chart below:

Statement - Sexual Harassment at the workplace is a reality for most women in Namibia
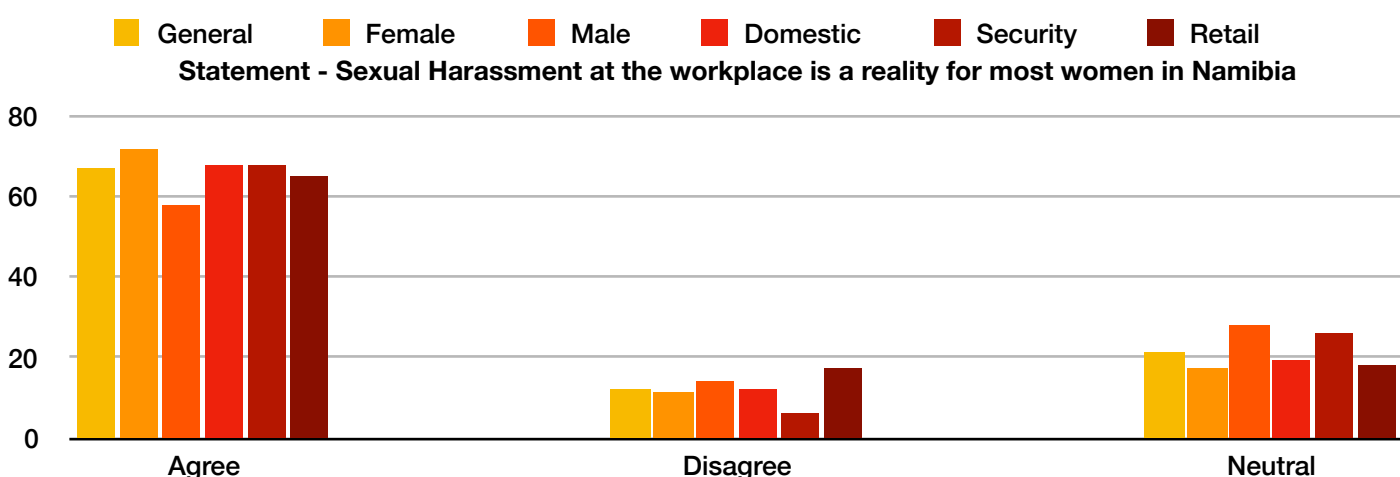
Asked whether the respondents had ever left their job because they were a victim of violence and/or harassment, 62 respondents or 21% indicated that they had. There was some variation in responses between sectors and genders as shown in table 2 below:

Table 2. Responses to: Have you ever left your job because you were a victim of violence and/or harassment?				
Gender / sector	**Yes (n)**	**Yes (%)**	**No (n)**	**Total (n)**
women in security sector	4	13%	27	31
men in security sector	18	26%	50	68
transgender in security sector	0	0%	1	1
women domestic workers	17	22%	62	79
men domestic workers	1	5%	20	21
women in retail sector	14	20%	56	70
men in retail sector	6	21%	22	28
transgender in retail sector	2	100%	0	2
Total	**62**	**21%**	**238**	**300**

In similar questions, 16% of the female respondents and 12% of the male respondents indicated that they had been the victim of violence or harassment on their way to or from work, while 5% of the women, 3% of the men, and two out of the three transgender respondents claimed that they have been denied a job or promotion because they refused to sleep with the boss.

Experiences of other forms of violence and harassment that we asked the respondents about and their frequencies are shown in table 3 below. Please note that only the people on the security and retail industry questionnaire were asked if they had experienced violence and/or abuse at the hand of 3rd parties such as clients, customers or strangers at their workplace, as we assumed that domestic workers are mostly dealing directly with their employers only.

Table 3 - Positive survey responses on experiences (frequencies)					
In your current or previous workplace, have you ever:		**Once**	**few times**	**Often**	**Total**
been insulted, like been told you are stupid or dirty or ugly or smell bad?	by boss / supervisor / co-worker	18	24	5	**47**
	by client / customer / stranger	11	24	3	**38**
been shouted at for no good reason?	by boss / supervisor	38	45	21	**104**
	by client / customer / stranger	16	34	9	**59**
getting unwanted sexual or rude calls/smses/ pictures/videos?	from boss / supervisor / co-worker	7	3	3	**13**
	from client / customer / stranger	5	6	4	**15**
felt that you hate going to work because of the way in which you are treated?		13	49	38	**113**
been threatened you will loose your job because you refuse to work overtime, holidays or do other tasks		21	29	22	**72**
gotten sexual remarks / gestures / jokes that made you feel uneasy or uncomfortable?	from boss / supervisor / co-worker	9	19	4	**32**
	from client / customer / stranger	5	7	6	**18**
been touched in inappropriate or sexual ways, which made you feel uncomfortable?	by boss / supervisor / co-worker	8	9	3	**20**
	by client / customer / stranger	8	6	2	**16**

Table 3 - Positive survey responses on experiences (frequencies)					
In your current or previous workplace, have you ever:		Once	few times	Often	Total
felt you were treated differently because of racism or tribalism?	by boss / supervisor / co-worker	15	21	26	**62**
	by client / customer / stranger	10	12	13	**35**
been slapped in the face or physically pushed?	by boss / supervisor / co-worker	11	5	0	**16**
	by client / customer / stranger	2	4	2	**8**
agreed to have sexual relations with your boss, because of benefits (more money or better treatment)?		3	1	0	**4**
been threatened you will loose your job if you do not sleep with your boss and/or report harassment?		4	4	0	**8**
been raped or had to perform sexual acts against your will / without your consent?	by boss / supervisor / co-worker	4	0	0	**4**
	by client / customer / stranger	2	0	0	**2**
been physically assaulted / kicked / beaten up?	by boss / supervisor / co-worker	10	3	0	**13**
	by client / customer / stranger	4	4	0	**8**

As can expected, female respondents were more likely to be the victim of sexual harassment and violence, but male respondents reported incidences as well, especially in the security sector. Some differences could be observed between the 3 sectors, with generally less violence and harassment being reported by respondents from the domestic industry as compared to the security and retail sectors, but both the sample size and the reported frequencies are too small to deduct statistical significant differences from the data. Some cross-tabulations were done between reported experiences and personal and work-related data, but no clear correlations other than gender with various forms of violence and harassment were found.

In an effort to get more data on prevalence of violence and harassment in the world of work despite peoples' reluctancy to talk about very personal and in some case traumatic experiences to a stranger, we also asked our respondents about the experiences of friends or colleagues that they knew about, either because they had witnessed it, or had been told by the victim. The question was asked after every cluster of experiences, ranging from mild to medium to severe transgressions. The questions did not really gather more data as compared to when people were asked about their own experiences. But again, incidences reported by the domestic respondents was much less as compared to the responses from the security and retail sectors. Of course this can also be the case because domestic workers may be less inclined to report cases and/or are less likely to have colleagues. In table 4 below are percentages of the respondents who answered positively to the question whether a friend or colleague had ever told them they had been experiencing violence and harassment in the world of work:

Table 4 - positive survey responses on the question whether a friend or colleague had told them that they had experienced violence and harassment in the world of work			
Sector	**"mild" transgressions** (i.e shouted at, unwanted smses, sexual comments, etc)	**medium transgressions** (i.e. touched inappropriately, racism, slapped, etc)	**severe transgressions** (i.e. physical assault, non-consensual sexual acts and rape)
Domestic	5%	3%	1%
Security	22%	15%	7%
Retail	26%	14%	8%

4.5 Level of Understanding

There was some disagreement amongst the key informants as to what the level of understanding is with regard to violence and harassment in the world of work in Namibia. Some informants felt that people do not really understand what constitutes violence and harassment and there is a strong need for awareness raising, both amongst employers and employees, while others insisted that people basically know what it entails and what is right and wrong, but that the problem lies in the policies and in peoples' fear of loosing their jobs, or other repercussions from their bosses and/or perpetrators if they report the cases. The representative of the Namibian Employers' Federation claimed that the level of understanding amongst employers is very high.

A problem that was discussed with many of the key informants is that it is not always very clearcut what constitutes harassment or not, in particular with regard to sexual harassment. What one person considers an acceptable joke or comment, might be very insulting or uncomfortable to another person. One particular question in our survey illustrates this. The respondents were asked what they would feel or do if their boss or co-worker would tell them that they look sexy. The responses showed a large degree of variation. While some respondents said they would see that as a compliment, others said that it would make them feel uncomfortable or disrespected. Some of the respondents mentioned that if it happens once it is fine to them, but if the person tells you repeatedly it becomes another story. Below are the responses to that question in pie charts for each of the 3 research populations:
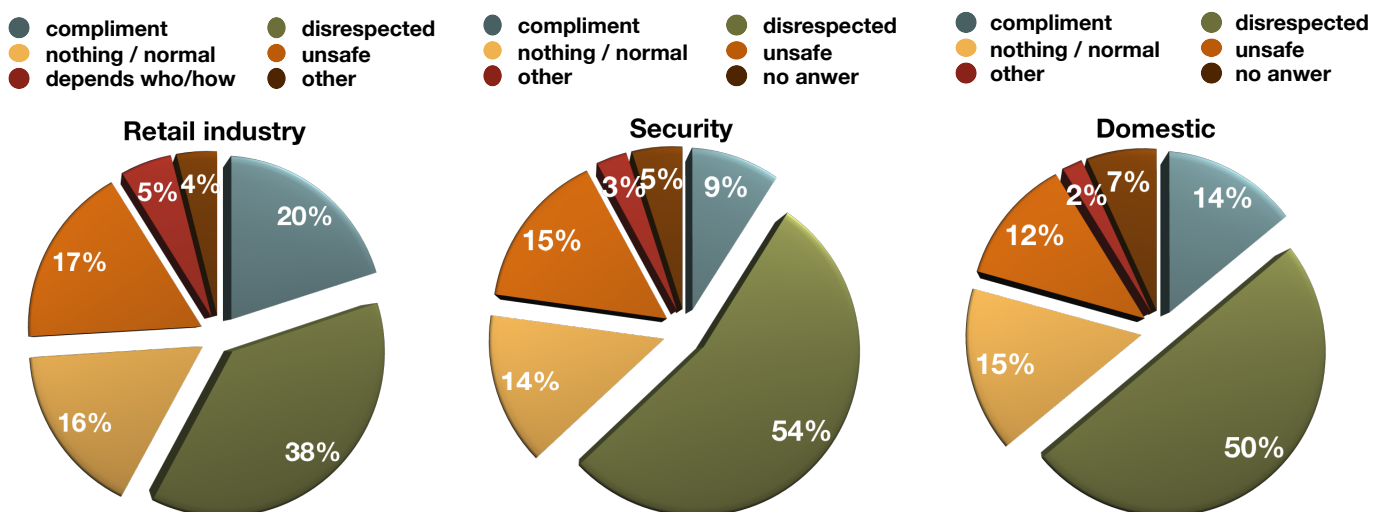
The pie charts show that there are personal differences, and many of the key informants also mentioned cultural differences. In the world of work people from different ethnic and educational backgrounds interact with each other on a daily basis, and what is socially or culturally acceptable for one group or person, might not be acceptable for another group or person, which means that a person sexually harassing his or her colleague might not always be aware of this, unless it is spoken about.

We asked a similar question about how the respondents would feel if their boss and/or client would tell them that they are stupid, ugly, or dirty. This question generated much more homogeneous responses, with 91% of all respondents saying they would feel disrespected, hurt, scared or uncomfortable, and 5% of the respondents indicating they would feel indifferent about it, or that their boss has the right to say these things.

In our survey, we gave the respondents 8 different situations or scenarios, and asked them which of these they thought constituted violence and/or harassment in the world of work. The responses were quite uniform with majority of the respondents agreeing that most of the scenarios presented indicated violence and/or harassment. Table 5 below summarizes the responses.

Table 5: Which of the following scenarios do you think constitute violence or harassment in the world of work?				
Scenario	M/F response	Yes	No	Not Sure
1. Being told or made clear that you can only keep the job, or get a promotion if you have sex with the boss	Female	166 (92%)	10 (6%)	4 (2%)
	Male	104 (89%)	10 (9%)	3 (2%)
2. Being assaulted in a taxi, bus, or walking to or from your work	Female	150 (83%)	22 (12%)	8 (5%)
	Male	97 (83%)	19 (16%)	1 (1%)
3. Getting unwanted calls, smses, pictures or videos of a sexual nature from your boss or co-worker	Female	165 (92%)	11 (6%)	4 (2%)
	Male	94 (80%)	17 (15%)	6 (5%)
4. Your boss or co-worker being very rude to you or shouting at you for no good reason	Female	152 (84%)	21 (12%)	7 (4%)
	Male	96 (82%)	13 (11%)	8 (7%)
5. Your boss or co-worker making sexist jokes, remarks or gestures which make you feel uneasy	Female	158 (88%)	12 (7%)	10 (5%)
	Male	90 (77%)	15 (13%)	12 (10%)
6. Your boss or co-worker telling you that you are stupid or dirty or ugly or humiliating you in other ways	Female	160 (89%)	13 (7%)	7 (4%)
	Male	100 (85%)	9 (8%)	8 (7%)
7. Your boss threatening to fire you if you don't work overtime, or do tasks that are not in your contract	Female	149 (83%)	16 (9%)	15 (8%)
	Male	98 (84%)	14 (12%)	5 (4%)
8. Being attacked or assaulted by a client, customer or visitor while on duty	Female	154 (86%)	14 (8%)	12 (6%)
	Male	104 (89%)	9 (8%)	4 (3%)

As shown in the table above, around 80% to 90% of the respondents agreed that all of the scenarios proposed constituted violence and/or harassment. The responses between male and

female respondents is very similar except in the statements with regard to sexual harassment. Compared to women, a smaller percentage of men thinks that getting unwanted calls, smses, pictures or videos of a sexual nature from your boss or co-worker, or your boss or co-worker making sexist jokes, remarks or gestures which make you feel uneasy, constitute violence or harassment in the world of work. Given the relatively small difference and the limited size of the sample, the observed variance should be called a tendency, rather than a statistical significant fact.

Asked whether violence and harassment in the world of work is legal or illegal in Namibia, 88% of the respondents were of the opinion that it is illegal, 2% that it is legal, 7% of the respondents answered that it depends, and 3% said that they did not know.

4.6 Attitudes

In order to get a better idea on peoples attitudes around violence and/or harassment in the world of work, we asked the respondents whether they agreed or disagreed with 10 different statements on various aspects of the topic. The survey however resulted in

> *"It seems as if victims regard it (violence and/or harassment in the world of work) as part and parcel of the system"*
>
> - representative Ombudsman's Office

many "neutral" responses. This could be either because of the general tendency of respondents to stick to the middle ground, or because the questions were not clear and well understood, even though data collectors were explicitly trained to translate and explain the statements in different ways if they realized the respondents did not understand the statements well enough.

Taking the large number of neutral responses into consideration, it is nevertheless quite shocking to see that:

- Only 3% of the respondents *disagreed* with the statement that their boss has the right to insult them, be rude, or shout at them, because their boss is paying their salary

- Only 10% of the respondents *disagreed* with the statement that they would be scared to loose their job if they would report workplace harassment

On the other hand, 70% of the respondents claimed that they understand their human rights and know what their rights are as employees.

Responses to all attitude statements in the survey, and the differences between the attitudes of male and female respondents are summarized in table 6 below:

Table 6: Attitudes - all respondents (all sectors combined)				
Do you agree or disagree with the statements below:	**Agree**	**Disagree**	**Neutral**	**Total**
1. My boss has the right to insult me, be rude, or shout at me, because at the end of the day (s)he pays my salary	**25 (8%)** F 6% M 12%	**8 (3%)** F 2% M 4%	**267 (89%)** F 92% M 84%	300
2. I would be scared to loose my job if I would report any harassment at the workplace	**71 (24%)** F 23% M 26%	**31 (10%)** F14% M 4%	**197 (66%)** F 63% M 70%	299

Table 6: Attitudes - all respondents (all sectors combined)				
Do you agree or disagree with the statements below:	Agree	Disagree	Neutral	Total
3. I feel harassment is part of the workplace, there's no need to report it or make a big deal out of it	**41 (14%)** F 10% M 21%	**29 (10%)** F12% M 7%	**228 (76%)** F 78% M 72%	298
4. I feel protected from violence and harassment at the workplace by the Namibian Law and policies	**135 (45%)** F 36% M 60%	**70 (23%)** F 29% M 13%	**95 (32%)** F 35% M 27%	300
5. Sexual harassment at the workplace is a reality for most women in Namibia	**201 (67%)** F 72% M 58%	**35 (12%)** F 11% M 14%	**64 (21%)** F 17% M 28%	300
6. I know my rights as an employee, and understand what are my basic human rights	**209 (70%)** F 71% M 68%	**46 (15%)** F 16% M 14%	**45 (15%)** F 13% M 18%	300
7. I would be worried that no one would believe me or I might be blamed if I report violence or harassment by my boss	**114 (38%)** F 38% M 38%	**43 (14%)** F 16% M 11%	**143 (48%)** F 46% M 51%	300
8. I might consider having sexual relations with my boss if it means I get a raise and better treatment	**29 (10%)** F 11% M 9%	**22 (7%)** F 8% M 5%	**249 (83%)** F 81% M 86%	300
9. If a friend tells me they are being harassed at work, I would advise them to keep quiet about it	**30 (10%)** F 11% M 9%	**27 (9%)** F 9% M 8%	**241 (81%)** F 79% M 83%	298
10. Reporting violence or harassment at the workplace to the authorities is not going to stop it	**89 (30%)** F 31% M 27%	**44 (15%)** F 16% M 13%	**167 (55%)** F53% M 60%	300

Various cross-tabulations were done to see whether personal and work-related factors had an effect on the attitudes of people, but partly due to low numbers of responses, no significant correlations were found.

In an effort to trigger more information on prevalence and attitudes towards violence and harassment in their industries, respondents were asked if they would like their son or daughter to work as a domestic worker, as a security guard, or in the retail industry respectively. 75% of all respondents replied negatively. Reasons for them not wanting their children following them in their footsteps were mostly related to the general conditions of the job such as low pay, but lack of respect and safety were mentioned as well, as can be seen in the pie charts below:
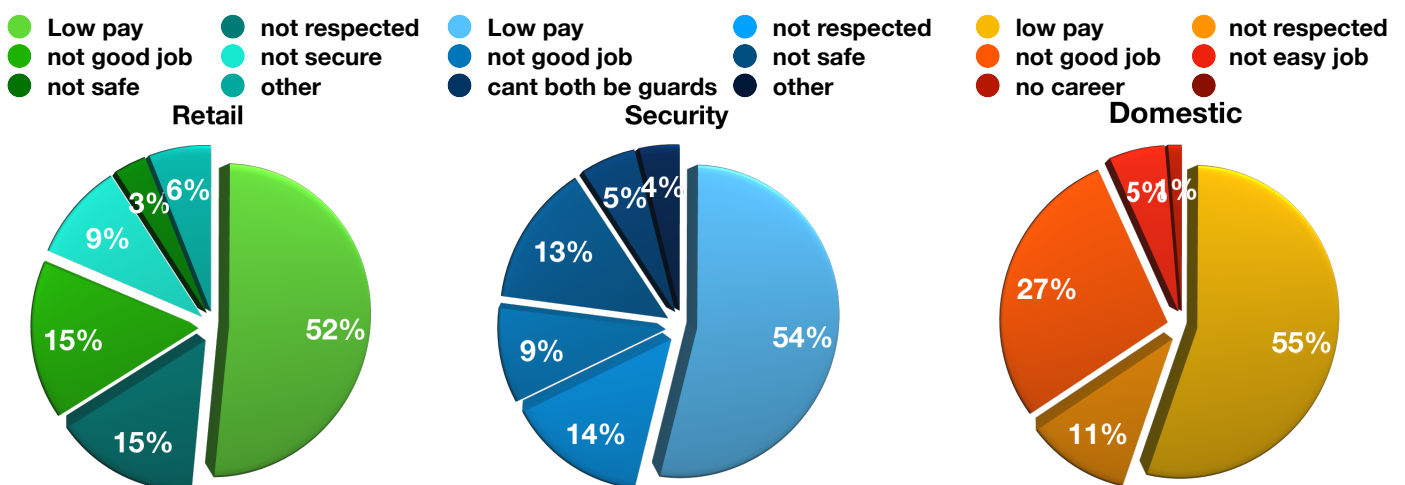
During the period of our study, a story hit the media that the CEO of one of Namibia's largest companies was being suspended, while numerous cases of his alleged misconduct relating to sexual harassment were being investigated. An article posted on the Informante Facebook site wrote that the alleged sexual harassment cases might have been known by the Board of the company since last year, but that complaints had been swept under the carpet. Now numerous of his subordinate female employees had come forward formally reporting the misconduct that included sexual relations, inappropriate text messages and other forms or sexual harassment. The article on the Facebook site solicited comments from Facebook users, which provided us with a great opportunity to assess attitudes of the Namibian population on sexual harassment in the world of work in general. Within 24 hours, the article had generated 727 comments. Of these, we randomly selected 200 comments from the beginning, middle and the end, clustered them, and calculated the frequencies. Some of the comments were multifaceted and were counted in different categories. The results of this exercise are shown in table 7 below. Specific comments that were made can be read on page 2 of this report.

Table 7 - Comments on Facebook article of alleged sexual harassment of CEO	
Type of comments	**Frequency**
Joking about the situation / name / appearance of the CEO	86
It takes 2 to tango / women were willing / sounds like consensual sex / man is innocent	79
Women only complain now because of jealousy / they didn't get what they wanted	14
Blaming / shaming the women. They are seducing men / should keep legs closed / say no	26
Innocent till proven guilty / I know him / he is a good man	12
Feel bad for his wife / family	7
This is abuse of power, women were not willing	11
Well done to women for speaking out / comments in support of women	7
We need to pray for the nation / need to read the bible	5
Other or unclear comments	39

Maybe it is the fact that the article did not clearly indicate what the sexual harassment allegations entailed, but the vast majority of the comments either treated the story a a joking matter, believed the women were willing and the man therefore innocent, or blamed and/or shamed the women. The jokes were mostly made by the male commentators, while the female commentators focused on the perceived guilty behavior of the women that were involved. Very few comments actually expressed that the incidents show abuse of power, and the allegations are a serious issue that need to be dealt with. With attitudes like these, it is very understandable that victims of sexual abuse or harassment are unwilling to speak out or report their cases to the authorities, which may result in perpetration of the behavior over long periods of time.

4.7 Vulnerable Groups

Although violence and harassment can happen to anyone and at any workplace, various (partly inter-related) demographics that are likely to make people more susceptible to violence and harassment in the world of work were identified and discussed during the key informant interviews:

- **Women.** Most key informants agreed that women are more likely to become victims of sexual harassment at the workplace. In particular younger women that are new at a company tend to be "tested" or taken advantage of.

- **Employees in junior positions.** Because of unequal power relations and the fact that they can be more easily "replaced".

- **People with less educational qualifications.** It was generally agreed that people with lower educational qualifications could be seen as a vulnerable group, assuming they are less aware of their rights, and tend to have more junior positions.

- **People from the rural areas.** Likely to be less knowledgeable about their rights and places where they can report abuse and harassment, less empowered, less organised, and possibly less educated, we were informed that especially in the domestic work sector, it is common for employers to get workers from the rural areas, because they are perceived as "less problematic", and can be expected to work longer hours for lower salaries. If this is the case, chances are they are also treated with less respect when it comes to violence and harassment.

- **More vulnerable socio-economic status.** It can be assumed that people with more domestic responsibilities (having many dependents and/or being the sole breadwinner) and less opportunities (because of limited education and/or working experience) would be more likely to be taken advantage of, because they would have a greater fear of loosing their jobs. In Namibia ethnicity can also play a role in how people are treated, and how they deal with being mistreated.

- **Certain professions.** Apart from domestic workers and the security sector, key informants in particular mentioned farm workers and sex workers. Farm workers tend to be less than average educated, have less access to information, in many cases live in areas where racist views are the norm, and media reports of farmworkers being expelled from the only home they have known add to the general belief that farmworkers are prone to violence and harassment. Due to the nature of their job, the hours that they are active, and the fact that practicing sex work is illegal, sex workers are typically more than average likely to become a victim of violence and/or harassment in the world of work.

- **Non-organised workers**. It is assumed that members of worker unions are both more knowledgeable (about their rights) and more empowered. It could also be that workers that are more vocal and passionate about exercising their rights as workers are more likely to join

a union in the first place. It can therefore be expected that workers that are not attached to unions may be more easily be taken advantage of and become a victim of violence and/or harassment.

- **Immigrant workers.** Immigrant workers, and in particular the ones working without a valid work permit, are obvious victims of exploitation, violence and/or harassment because they are afraid to be deported if they report a case. There are also no Civil Society Organizations in Namibia specifically working with migrant workers. Depending on their country of origin and reasons for emigration, they may or may not have a social network in the country, but in many cases they will stick to the employment that they have no matter the circumstances because they do not have many options. In our sample we did not have any migrant workers, and if we would like to understand better what their challenges are with regard to violence and harassment in the world of work, it would be advisable to use focus group discussions for this purpose in future research.

- **LGBTI Community.** According to a 2015 research report[3] published by the Legal Assistance Center, "General discrimination against LGBT persons in society is linked to discrimination and harassment in the workplace, worldwide and in Namibia. The problems are often related to gender stereotyping, with discrimination, harassment and exclusion from the labour market occurring when there is non-conformity with preconceptions of how women and men are expected to look and behave. Many LGBT employees conceal their sexual orientation or their true gender identity at work, which can be very stressful. Workplace discrimination is particularly severe for trans persons". Because of the difficulties experienced especially by transgender people to enter the formal job market, many may end up in the sex work industry, which is typically characterized by a disproportionate amount of violence and harassment. In our sample, we had 3 transgender people. If future research is done it would be useful to discuss and document experiences with regard to workplace violence and harassment through targeted focus group discussions.

> *"Sexual assaults are real. Especially for us from the communities that are not so accepted. We are always ridiculed because of our sexual preference"*
>
> - trans survey respondent

- **People Living with HIV (PLHIV).** Although the Director of the Namibia Network of AIDS Service Organizations (NANASO) was of the opinion that discrimination and harassment of PLHIV in the world of work is a thing of the past, we did hear of 2 cases whereby domestic workers were taken for an HIV test without their consent, and were subsequently fired from their jobs once their boss found out that they were HIV positive.

In our survey, we used the statistical method of cross-tabulation to check if we could find correlations between socio-economic and work-related variables that we felt could influence the knowledge, attitudes, experiences, and behavior with regard to violence and/or harassment in the world of work, but apart from gender, no clear or significant correlations could be deducted from the available data.

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[3] *Namibian Law on LGBT Issues - Gender Research and Advocacy Project - Legal Assistance Centre. 2015*

4.8 Reporting and prosecution

The issue that most key informants agreed upon is that violence and harassment in the world of work largely remains unreported. The representatives of institutions where workplace violence and harassment could potentially be reported, all could only recall a few, if any, incidences, and mostly had referred them to another institute because they felt it was not their mandate to deal with the issue. No database with complaints relating to violence and/or harassment at the world of work could be found at any of the institutes that formed part of our study.

- The **Labour Inspectorate and the Office of the Labour Commissioner** deal with the resolution of labour related disputes, mostly with regard to unfair dismissals and retrenchments. If the labour inspectors cannot resolve the dispute between the employer and the employee, the case is taken to the Office of the Labour Commissioner for arbitration. When filing a complaint with the labour inspector or the Office of the Labour Commissioner, "violence and/or harassment" is not one of the options on the form under "Nature of Dispute".

- **The workers unions** deal with complaints from employees, and try to resolve issues between employer and employees, but most of the union representatives informed us that in cases of violence and/or harassment, they would rather refer the person to the Police and/or the Office of the Labour Commissioner.

- **The GBV Protection Unit**[4] of the police informed us that they have received some complaints of violence and harassment in the world of work over the years, but that labour-related issues are generally referred to the Office of the Labour Commissioner, and that complaints within the Education, Army, and Police sectors are dealt with internally by the respective Ministries

- The **Legal Assistance Centre (LAC)** taught us that labour issues are not their mandate and if they would get complaints they would probably be referred to the labour inspectors or the Office of the Labour Commissioner.

- The representative of the **Ombudsman's Office** also explained that labour issues are not really within their mandate, and were mostly referred to the Office of the Labour Commisioner, but since their mandate is to fight the abuse of human rights, they could potentially assist when complaints are received, either by discussing and explaining options, investigating the case further, and/or assisting with mediation between employer or employee, ensuring the problem does not reoccur.

- We did not manage to speak to a representative of the **Ministry of Gender Equality and Child Welfare (MGECW**), and did not find out at which Directorate or Department cases of violence and harassment in the world of work could be reported, but social workers from the Ministry can assist with assessment, mediation, recommendations and referrals.

- Targeted **Civil Society Organizations (CSO's)** could be assisting with violence and harassment cases towards specific groups of people. I.e. Outright Namibia or Wings to Transcend Namibia for the gay/lesbian or trans communities specifically, and various

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[4] *Previously called Women and Child Protection Unit*

organizations working with people living with HIV/AIDS. The assistance would mainly be focused on emotional support, advice, and referral.

- **Company management.** Cases of violence and/or harassment could be reported to the management or Boards of larger companies, but in cases where the management is involved in the violence and/or harassment of its employees, and no Board exists, this becomes an obvious problem. From talking to key informants it was gathered that very few if any companies have proper policies, reporting structures, and designated people to deal with complaints in place, plus nobody is really checking whether companies are adhering to the Labour Act. Our key informant that had made a case against the security company she worked for, claimed that she had made complaints of sexual harassment of both a client and her supervisor to the company management several times, but was always told that it was a sensitive matter, and nothing was done to follow up.

> *"Government fails to do labour investigations, to see how employees feel and are treated"*
>
> - survey respondent

With cases mostly referred to the labour inspectors and the Office of the Labour Commissioner, it was surprising to find a few incidental stories, but no recent records of reported violence and/or harassment. The Labour Inspectorate complaint report for the 1st quarter of 2019 for the Central Region showed a total of 733 cases that were reported to the labour inspector. Not only did the report not include a case of violence and/or harassment, the reporting template did not have a category for such complaints. 99% of the 733 complaints filed were related to payment remuneration (53%), unfair dismissal (16%), annual, sick or maternity leave (12%), severance pay (9%), termination without notice (4%), certificate of service (3%), and deductions (2%). Complaints about payment of remuneration accounted for 43%, 46% and 60% in the domestic, retail and security sectors respectively. Some of the key informants and respondents also noted a lack of confidence of employees in reporting and resolving cases of violence and/or harassment through the labour inspectors or the Office of the Labour Commissioner, and commented on the lengthy processes.

> *"It often involves powerful people , who are well connected. The system is a mockery of the big boys"* -
>
> Ombudsman representative on lack of convictions of perpetrators.

With regard to repercussions and/or prosecution of the presumed perpetrators of violence and/or harassment in the world of work, none of the key informants we spoke to were aware of any case of violence and/or harassment that had led to a conviction and were of the opinion that most, if not all cases are settled out of court. Victims are either compensated or bribed by the perpetrator to drop the case. In a case where a man was raped by his male supervisor, a criminal case was made but not followed through. In the end the victim was transferred to another town, away from his family, and there were no consequences for the perpetrator. When asked what had happened after our survey respondents had reported a case, most said nothing had happened or they had not received any feedback, while few said they had received compensation, an apology, or the perpetrator had been reprimanded.

With unclear structures for reporting violence and/or harassment in the world of work, back and forth referrals, lengthy procedures, and limited to no repercussions for the presumed perpetrator, it is not strange that many cases remain unreported. Apart from this, reporting of cases could remain incidental because of the unequal power relations that are ruling workplaces in general and violence and harassment cases in particular, which may result in:

- Fear of loosing ones job, especially in the current economic climate
- Fear of not being believed, and the need to provide evidence
- Fear of social or professional retaliation when complaints are not properly handled, with the situation worsening
- Fear of being blamed
- Witnesses or whistleblowers not coming forward because of fear of retaliation from colleagues, managers or supervisors

In our survey 69%, 70% and 77% of the respondents in the retail, domestic and security sectors respectively indicated that they knew where they could report violence and/or harassment in world of work. Asked where, the police was mentioned the most (47% of all the responses), followed by Ministry of Labour (22%), Workers Unions (14%), GBV Protection Unit (8%), Ministry of Gender Equality (6%), and company management (2%).

> *"I just finished my shift and did not have taxi fare. A regular customer offered to give me a lift. He took me to his flat and raped and beat me throughout the night, and then kicked me out of his flat. I informed my boss and her reply was: 'that gentleman will never do that, it is you young girls flirting and throwing yourself at men, don't you ever mention that again'. I am still working for the same boss and at times when I am talking to male customers she brings it up, that I am throwing myself to men, so that I can accuse them of rape"*
>
> - survey respondent

Asked what the respondents had done after experiencing different forms of violence and/or harassment in the world of work, only a few indicated that they had reported the case as shown in table 8 below. The table shows that in by far the most cases the victims did nothing, because of fear of loosing their job or other reasons. Only in a few cases the victims had reported the transgression, either to their boss or company management or to another institution.

Table 8 - Actions taken by respondents after having experienced various forms of violence and/or harassment at the workplace (as reported by survey respondents				
What did you do?	**"Mild" transgressions**	**"Medium" transgressions**	**"severe" transgressions**	**Total**
nothing, I kept quiet, my boss / client has the right to treat me this way	18	14	0	**32**
nothing, because I fear I may loose my job if I say something about it or report it	60	21	2	**83**
nothing, because I was afraid the behaviour would get worse if I say something about it or report it	15	7	1	**23**
Nothing, because I was afraid they would not believe me	2	1	0	**3**
Nothing, the customer is always right	1	2	0	**3**
I told the person that this was wrong and unacceptable	30	22	3	**55**
I left and looked for another job	9	3	2	**14**

Table 8 - Actions taken by respondents after having experienced various forms of violence and/or harassment at the workplace (as reported by survey respondents				
What did you do?	**"Mild" transgressions**	**"Medium" transgressions**	**"severe" transgressions**	**Total**
I reported it to a union / police / labour	3	7	3	**13**
I reported it to my boss / company management	3	5	2	**10**
Other / unspecified	12	2	3	**17**

Cross-tabulations were done to see who was more (or less) likely to report cases of violence and/or harassment in the world of work, but no significant correlations were found between personal and work-related data and reporting behaviour.

4.9 Review of National and International legal instruments and policies

4.9.1 Namibia: Domestic Instruments

The Namibian Constitution in Article 21(1)(j) states that "All persons shall have the right to practice any profession, or carry on any occupation, trade or business". This Article denotes the first Constitutional right given to the employee against unfair labour practices such as unfair dismissal, freedom from harassment or any other situation in the workplace which will hinder the employee' enjoyment of this said right.

Other Constitutional rights which complement the Article 21(1)(j) right include the right to dignity in Article 8 and the right to equality and freedom from discrimination in Article 10. The right to dignity is a residual human right and its effect is that where violence and harassment is perpetrated against a person in the workplace, it ultimately injures their dignity. Moreover, Article 5 of the Constitution states that "the fundamental rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all organs of the Government and its agencies and, where applicable to them, by all natural and legal persons in Namibia, and shall be enforceable by the Courts in the manner hereinafter prescribed."

The Labour Act 11 of 2007 is the primary legislation in Namibia enacted for the protection and prevention of violence against men and women in the workplace. This Act binds all employees across all industries in employment except independent contractors. This means the focused groups of this report such as security officers, retail workers and domestic workers gain legal recognition and protection in Namibia on the basis of the provisions of the Labour Act 11 of 2007.

The Act in terms of Chapter 2 protects the fundamental rights of employees in the workplace.

Accordingly, Section 5 of the Labour Act 11 of 2007 provides for the prohibition of discrimination and sexual harassment in the workplace. Section 5 (7)(b) thereof states that harassment "means any unwarranted conduct of a *sexual nature* towards an employee which constitutes a barrier to equality in employment where: (i) the victim has made it known to the perpetrator that he or she finds the conduct offensive; or (ii) the perpetrator should have reasonably realised that the conduct is regarded as unacceptable, taking into account the respective positions of the parties in the

place of employment, the nature of their employment relationships and the nature of the place of employment."

Section 5(8) of the Labour Act further provides for no person to either directly or indirectly sexually harass an employee. This is inclusive of everyone, including the employer, employees and clients of the business. It is the sole duty of the employer to protect his employees properly.

The scope of the Labour Act and the aforementioned provisions is however in need of much development. It has narrowed the scope of harassment in the workplace to only sexual harassment. Sexual harassment is arguably the most common form of harassment in the workplace, but many other specific forms of harassment in the work place against men and women are escalating globally and in Namibia. These include discriminatory harassment, racial harassment, gender harassment, religious harassment, disability-based harassment, sexual orientation-based harassment, age-based harassment, personal harassment, power harassment, physical harassment, psychological harassment, and retaliation harassment.

The Labour Act also contains no express provision that directly abhors violence against men and women in the workplace. Chapter Two of the Act ensures the protection of workers and children against forced labour and child labour, workplace discrimination and freedom of association, but there is no inclusion of any express provision that criminalizes violence against men and women in the workplace. This has the effect of giving guilty perpetrators an avenue to evade liability if they violate the rights and protected interests of workers.

There are also no domestic Acts or Statutes in terms of Namibian legislation that expressly and solidly protects both domestic workers and retail workers against violence and harassment in the workplace. Violence and harassment against domestic workers and retail workers are intended to be prevented and protected under the auspices of the Labour Act 11 of 2007. However, as apparent in the erstwhile paragraphs the Labour Act is deficient in its quest of protecting workers against the various forms of harassment except sexual harassment. There is thus no express provision in the Labour Act with the objective of protecting domestic workers and retail workers and criminalizing violence perpetrated against them. This renders workers susceptible to violence.

The Defence Act 1 of 2002 is the only Act other than the Labour Act 11 of 2007 which provides for protection against assault and violence in the workplace in Schedule 1 of the code of conduct. Section 15 thereof provides for assault against a superior officer. Section 16 and 17 thereof provides for assaulting a subordinate and threatening or insulting language to a subordinate respectively. The Defence Act also falls short of protecting employees widely as its ambit of application is limited to relations between the members of the defence force.

The Security Enterprises & Security Officers Act 19 of 1998 sets out the objects of the Security Enterprises & Security Officers Regulation Board in terms of section 3 of the Act as:

(a) To exercise control over security enterprises & the occupation of security officer; and

(b) Maintain, promote and protect the status of security enterprises & security officers.

The aforesaid provision is phrased too vaguely and it does not show express protection to security officers against violence and harassment as an obviously necessary objective of an Act enacted to

regulate the affairs of securities officers. There is no clear indication of how 'the maintenance, promotion and protection of security officers' as phrased in section 3 has regards to their protection against violence and harassment in the workplace.

Unlike South Africa, Namibia has to date also not ratified the Domestic Workers Convention No. 189 of 2011. Article 5 of the Domestic Workers Convention states that Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence. Domestic workers in Namibia therefore don't enjoy the strong protection against all forms of harassment and violence as provided for in the Domestic Workers Convention.

Namibia has not enacted a Gender-Based Violence Act yet either. The protective framework of wrongs committed as a result of gender-based violence is addressed under the auspices of The Combating of Rape Act, The Combating of Domestic Violence Act 4 of 2003 and the latest Action Plan of the Ministry of Gender Equality and Child Welfare: "A call to Action! A prioritized National Plan of Action on Gender Based Violence 2019-2023" which serves as a temporary remedy to the problem.

The prioritised National Plan of Action treats Gender Based Violence as a National emergency and focusses on four action areas; getting the response basics right *(survivors first)*, primary prevention upgrade *(safety nets and community care)*, adequate data and funding *(counting the costs)*, and transforming gender norms for long term prevention *(youth in the lead).* The action Plan recognises sexual harassment in the workplace, and recommends that the Ministry of Labour, Industrial relations and Employment Creation and other relevant institutions becomes part of the National GBV-watch movement and engages willing institutions to show leadership around GBV, including policies to prevent sexual harassment in the workplace, and offer basic services which include empathetic listening, initial support and assisted referral.

The Combatting of Domestic Violence Act specifically defines domestic violence as including sexual abuse, harassment and physical abuse in section 2. Section 21 read with Schedule 1 provide for the offences which constitute domestic violence. These include common assault, assault with intention to do grievous bodily harm, *crimen injuria* etc. It can be said that the Act has impressive policies in place, but can not be said to be applicable in the workplace, because it requires a domestic relationship. As per section 2, only individuals who are married, have a child together, and/or are partners of different sexes, including cohabiting partners are allowed the protection of the Combating of Domestic Violence Act 4 of 2003.

4.9.2. Africa: Regional Instruments

In the African region, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, commonly known as the Maputo Protocol, was adopted by the African Union in July 2003. Article 13(c) of the Protocol requires States parties to take measures to combat and punish sexual harassment in the workplace.

From the 1997 Declaration on Gender and Development adopted by the Heads of State or Government of the Southern African Development Community came the 2008 Protocol on Gender and Development. Under Article 20 of the Protocol, the States parties agreed to enact and enforce legislation prohibiting all forms of gender-based violence by 2015. More specifically, Article 22

requires States parties to enact laws and implement policies, strategies and programmes prohibiting sexual harassment in all spheres, to provide deterrent sanctions for perpetrators and to ensure the equal representation of women and men in bodies competent to hear sexual harassment cases.

4.9.3. International Legal and Policy Framework

There is little by way of international law specifically addressing violence and harassment in the world of work. An ILO Convention, accompanied with a recommendation, would address this gap and could lead the development of effective national laws and practices. It will also help to direct the responses to violence and harassment at work.[5]

The proposed instruments, through taking an integrated approach, could recognize the interactions between anti-discrimination laws, labor laws, occupational safety and health laws, and other civil laws to provide essential protection for workers, and complement the penalties under criminal provisions, which often focus solely on the most extreme forms of violence and harassment. Civil laws can strengthen prevention and monitoring as well as remedies for a broader range of violence and harassment, offer victims greater participation, and reduce barriers for access to justice.[6]

4.9.3.1. ILO conventions

Against this backdrop, Convention No.190 recently adopted at the "108th Session in Geneva progressively deals with the specific issue of violence and harassment in the workplace across all sectors.

Article 1(a) defines the terms Violence and Harassment as "a range of unacceptable behavior and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment."[7] Article 1(b) thereof defines the term Gender-based Violence and Harassment as meaning "Violence and Harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment."

Article 2(2) states that "This Convention applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas. Article 4 states that "Each Member which ratifies this Convention shall respect, promote and realize the right of everyone to a world of work free from violence and harassment." Articles 7 to 9 indicate express Protection and Prevention against violence and harassment.

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[5] *Ending Violence and Harassment at Work. The Case for Global Standards.*

[6] *Ibid.*

[7] *108th session, Geneva, June 2019. Reports of the Standard-Setting Committee on Violence and Harassment in the World of Work: Instruments Submitted for adoption by the Conference.*

The United Nations and its specialized agencies also have an important role to play within the international legal and policy framework to address violence and harassment against men and women in the world of work, including through the enactment of instruments.[8]

Previous ILO Conventions on the prevention and protection of violence and harassment against men and women in the workplace (including retail workers, domestic workers and security officers) include:

The Declaration of Philadelphia 1944, which affirms that "all human beings, irrespective of race, creed of sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity."[9]

Under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratifying States undertake to declare and pursue a national equality policy with a view to eliminating any discrimination in employment and occupation, including sex discrimination. Sexual harassment is considered a serious manifestation of sex discrimination to be addressed in the context of the Convention[10]. In its general observation from 2003, the Committee of Experts on the Application of Conventions and Recommendations (CEACR)[11] urges governments to take effective measures to prevent and prohibit sexual harassment, including: (1) (quid pro quo): any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job; or (2) (hostile work environment): conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

Harassment based on other grounds enumerated in Article 1(1) (a)[12] could also be addressed within the context of the Convention, namely, race, colour, religion, political opinion, national extraction or social origin, or any additional grounds established pursuant to Article 1(1) (b).

The 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), provides that "State Parties shall take appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights." When interpreting this provision, General Recommendation No.35 states that gender-based violence occurs against in public and private spaces, the workplace, leisure, politics, sport, health services, educational settings and the redefinition of public and private through technology-mediated environments, such as contemporary forms of violence occurring online and in other digital environments."[13]

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[8] *Handbook Addressing violence and harassment against women in the world of work.*

[9] *International Labour Organization 1944, Article 2 (a)*

[10] *ILO 2012*

[11] *ILO, 2003, p.463*

[12] *Discrimination (Employment and Occupation) Convention 1958, N0.111*

[13] *CEDAW, 2017, paragraph 20.*

The Beijing Declaration and Platform for Action 1995, refers to sexual harassment as a form of violence against women and calls for governments, employers, trade unions, community and youth organizations and non-governmental organizations to "develop programmes and procedures to eliminate sexual harassment and other forms of violence against women in all educational institutions, workplaces and elsewhere".[14]

Other ILO Conventions and Recommendations may be considered as covering some forms of violence and harassment at work. The personal scope of application is however limited, as it is restricted to specific groups of people such as indigenous peoples, or occupations or sectors such as domestic work or informal economy workers.[15] Moreover, where violence and harassment is addressed directly in the text of the instrument only certain types of violence and harassment are addressed.[16]

Protections of Specific Groups

The Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) calls for an integrated policy framework that addresses the elimination of all forms of discrimination and violence, including gender-based violence at the workplace. The Recommendation also calls on member States to take "immediate measures to address the unsafe and unhealthy working conditions that often characterize work in the informal economy; and promote and extend occupational safety and health protection to employers and workers in the informal economy."

Occupational Safety and Health

Several ILO occupational safety and health instruments, while not mentioning violence explicitly, provide some elements for addressing violence in the world of work[17]. The Occupational Safety and Health Convention 1981 (No.155), under Articles 4 and 5, requires the adoption of a national OSH policy including training, adaptation of work to the physical and mental capacities of workers, and protection from reprisals against complainants. Under Article 13, a worker may remove him/herself from a work situation which the worker has a reasonable justification to believe presents an imminent and serious danger to his/her life or health. The CEACR has noted on a number of occasions how the implementation of these provisions by stakeholders at the domestic level has included initiatives regarding third-party violence, work-related stress and psychological problems in the workplace.[18]

OSH concerns, which implicitly encompass violence and harassment hazards, are also foreseen in Article 9 of the Night Work Convention 1990 (No.17),[19] which requires the provision of

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[14] *UN 1995, paragraph 126.*

[15] *Report VI, "Ending violence and harassment against women and men in the world of work". International Labour Conference, International Labour Office. 10th Session, 2018.*

[16] *Ibid.*

[17] *Background paper for discussion at the Meeting of Experts on Violence against women and men in the world of work. 3-6 October 2016. International Labour Office, Geneva 2016.*

[18] *Report VI, "Ending violence and harassment against women and men in the world of work". International Labour Conference, International Labour Office. 10th Session, 2018.*

[19] *15 Ratifications*

appropriate social services for night workers. The Night Work Recommendation 1990 (No.178), specifies that such services travel arrangements aimed at improving the safety of workers travelling at night and that the employer should take the necessary measures to maintain at night the same level of protection against occupational hazards as during the day, in particular to avoid , as far as possible, the isolation of workers.[20]

4.9.3.2. UN initiatives

A number of United Nations (UN) initiatives focus on youth, families, domestic violence and protecting women against sexual abuse, although they rarely address the issue of violence from a world of work perspective. One notable exception is the work of the World Health Organisation (WHO), which specifically addresses multiple forms of violence at work including sexual harassment, threats, assault and bullying. In addition, under the Convention on the Elimination of All Forms of Discrimination against Women, violence in the world of work is considered in the context of the provision on the elimination of discrimination.[21]

The mandate of the UN Special Rapporteur on violence against women, its causes and consequences, was created following the adoption in 1993 by the UN General Assembly of the Declaration on the Elimination of Violence against Women. Article 2 of the declaration provides that the concept of violence encompasses "sexual harassment and intimidation at work" as well as "physical, sexual and psychological violence occurring in the family". The Special Rapporteur is mandated to collect information, including individual complaints, on violence against women and to recommend measures to eliminate it. The agreed conclusions of the 2013 UN Commission on the Status of Women on the elimination and prevention of all forms of violence against women and girls refer to the need to respond to, prevent and eliminate all forms of discrimination and violence, including sexual harassment at the workplace.[22]

With a view to raising public awareness and increasing political will to prevent and eliminate all forms of violence against women, the UN Secretary-General launched the campaign UNiTE to End Violence against Women in 2008. UNiTE identifies violence against women as a human rights violation that can take various forms, including intimate partner violence, discrimination and sexual harassment.[23]

The United Nations Secretary General's Bulletin 2003[24] provides for "Special measures for protection from sexual exploitation and sexual abuse".

Section 2 of the Bulletin outlines the scope of application and states that:

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[20] Report VI, "Ending violence and harassment against women and men in the world of work". International Labour Conference, International Labour Office. 10th Session, 2018.

[21] Background paper for discussion at the Meeting of Experts on Violence against women and men in the world of work. 3-6 October 2016. International Labour Office, Geneva 2016.

[22] Ibid.

[23] Ibid.

[24] UN Secretary General's Bulletin 2003 "Special measures for protection from sexual exploitation and sexual abuse."

"2.1 The present bulletin shall apply to all staff of the United Nations, including staff of separately administered organs and programmes of the United Nations.

2.2 United Nations forces conducting operations under United Nations command and control are prohibited from committing acts of sexual exploitation and sexual abuse, and have a particular duty of care towards women and children, pursuant to section 7 of Secretary-General's bulletin ST/SGB/1999/13, entitled "Observance by United Nations forces of international humanitarian law".[25]

The erstwhile section shows that the UN is committed to the prevention of sexual exploitation and sexual abuse.

Section 3 of the Bulletin is pertinent as a result of its solid stance against sexual exploitation and sexual abuse. It states:

"3.1 Sexual exploitation and sexual abuse violate universally recognized international legal norms and standards and have always been unacceptable behaviour and prohibited conduct for United Nations staff. Such conduct is prohibited by the United Nations Staff Regulations and Rules.

3.2 In order to further protect the most vulnerable populations, especially women and children, the following specific standards which reiterate existing general obligations under the United Nations Staff Regulations and Rules, are promulgated: (a) Sexual exploitation and sexual abuse constitute acts of serious misconduct and are therefore grounds for disciplinary measures, including summary dismissal; (b) Sexual activity with children (persons under the age of 18) is prohibited regardless of the age of majority or age of consent locally. Mistaken belief in the age of a child is not a defence; (c) Exchange of money, employment, goods or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour, is prohibited. This includes any exchange of assistance that is due to beneficiaries of assistance; (d) Sexual relationships between United Nations staff and beneficiaries of assistance, since they are based on inherently unequal power dynamics, undermine the credibility and integrity of the work of the United Nations and are strongly discouraged; (e) Where a United Nations staff member develops concerns or suspicions regarding sexual exploitation or sexual abuse by a fellow worker, whether in the same agency or not and whether or not within the United Nations system, he or she must report such concerns via established reporting mechanisms; (f) United Nations staff are obliged to create and maintain an environment that prevents sexual exploitation and sexual abuse. Managers at all levels have a particular responsibility to support and develop systems that maintain this environment.

3.3 The standards set out above are not intended to be an exhaustive list. Other types of sexually exploitive or sexually abusive behaviour may be grounds for administrative action or disciplinary measures, including summary dismissal, pursuant to the United Nations Staff Regulations and Rules."

Over and above the dictates of section 3 of the United Nations Secretary General's Bulletin, as it relates to UN staff and their protection from sexual exploitation and sexual abuse of co-workers

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[25] *Section 2 of the Bulletin 2003*

and beneficiaries of UN assistance, all UN staff has been trained on the matter and as a result are more empowered. All UN agencies also have focal points to support staff who have experienced sexual exploitation and abuse of power at the workplace, and managers are sensitized to deal with these issues promptly and investigate allegations.

4.10 Stakeholder Analysis

In addressing the issue of violence and/or harassment in the world of work in Namibia, the following groups of stakeholders should be playing an important role:

- Government Ministries and Institutes, with the Ministry of Labour, Industrial Relations and Employment creation taking a leading role in the whole process

- National Workers Unions and Labour Organisations, both those affiliated with NUNW, TUCNA, and independent labour unions and organisations

- Employers Associations, including the Namibian Employers' Federation as the main umbrella organization

- Civil Society Organisations, in particular those that provide support and empowerment to identified vulnerable groups

- Other companies and organizations that can either be involved in the training of employers and employees or further research

Relevant stakeholders within these groups are named in tables 9-13 below.

Table 9 - Relevant Government Ministries and Institutes
Name of institute
Ministry of Labour, Industrial Relations and Employment creation
Office of the Labour Commissioner
Ministry of Health and Social Services
Ministry of Gender Equality and Child Welfare
Ministry of Information, Communication and Technology
Ministry of Industrialization, Trade, and SME Development
Ministry of Justice
Ministry of Safety and Security
Office of the Prime Minister
Office of the Ombudsman
Public Service Commission
GBV Protection Unit (Police)

Table 10 - Workers Unions and Labour Organizations			
Name of Union	**Contact details**	**secretary general**	**target population**
NUNW and affiliates			
National Union of Namibian Workers (NUNW)	061 215 037	Job Muniaro	Federation
Namibia Farm Workers Union (NAFWU)	061 218 653	Rocco Nguvauva	Farm workers
Namibia Domestic Workers Union (NDAWU)	061 215 037	Nellie Dina Kahua	Domestic workers, gardeners, salon workers,, care takers, crèche teachers,
Mineworkers Union of Namibia (MUN)	061 261 723	Ebben Zaronda	Mine workers
Metal and Allied Namibian Workers Union (MANWU)	061 263 100	Justina Jonas-Emvuala	Construction, funiture stores, wood companies,Service stations, fishing
Namibia Food and Allied Workers Union (NAFAU)	061 217 244	Penda Jacob	Retail
Namibia Transport and Allied Workers Union (NATAU)	061 218 152	John Kwedhi	Tansport, , cabin crew
Namibia Music Industry Union (NAMIU)	061 218 428	Joseph Gabriel	Music
Namibia Financial Institution Union NAFINU)	061 239 197	Asnath Zamuee	Banks
Namibia National Teachers Union (NANTU)	061 262 247	Haingura Basilius	Teachers
Namibia Public Workers Union (NAPWU)	061 261 916	Peter Nevonga	Public servants
TUCNA and affliliates			
Trade Union Congress of Namibia (TUCNA)	061 210 754	Mahongora Kavihuha	Federation
Namibia Nurses Union (NANU)	061 220 878	Abner Shopati	Nurses
Namiba Cabin Crew Union (NCCU)	61210754	Rinier Bougard	cabin crew
Public Service Union of Namibia PSUN)	061 213 083/4/5	Manfried Jatamunua	public service
Union of Interational and Household Employees of Namibia (UIHENI)	0816172744	Delphia Suxus	Domestic Workers
other unions / labour organizations			
Namibia Building Workers Union (NBWU)	061 210 475		Construction
Namibia Seamen and Allied Workers Union (NASAWU)	064 204237	Shitana Erkkie	Fishing industry
Namibia Wholesale and Retail Workers Union (NWRWU)	081 385 1261	Iilukena Mabuku	Whole sale, retail
Namibia Security Guards and Allied Workers Union (NASGAWU)	064 246 237	Shitana	Security guards
Namibia Fuel and Allied Workers Union (NAFAWU)	061 246 143		Service stations
Tourism and Allied Workers Union of Namibia (TAWUN)	061 213 083	Ujama Kaahongora	Tourism
Teachers Union of Namibia (TUN)	061 229 115	Jansen G	Teachers
Namibia Security Guards and Watchmen's Union (NSGWU)	064 407 283		Security guards
Namibia Bank Workers Union (NBWU)	061 210457	Moses Mamba	Financial isntitutions
Namibia National Labour Organization (NANLO)	081 301 6116	Evaristus Kaaronda	Federation

Table 11 - Employers Federations and Associations
Name of Federation / Associations
Namibian Employers' Federation - NEF nefsecgen@nef.com.na 081270126 NEF has 280 company members plus 7 associational members
Associational members of NEF:
- Agricultural Employers Association
- Bankers Association
- Construction Industries Federation
- Hospitality Association
- Confederate Nam Fishing Associations
- Security Association
- Chamber of Mines

Table 12 - Relevant Civil Society Organizations		
Name of Organization	**Contact details**	**Comment**
Legal Assistance Center (LAC)	yengelbrecht@lac.org.na 061234953	
Namibia Network of AIDS Service Organizations (NANASO)		Umbrella Organization for CSOs working with people living with HIV (PLHIV)
Positive Vibes Namibia	info@positivevibes.org 061-245556	Advocating for equity and justice for PLHIV, LGBT+ people, sex workers, adolescent girls and young women and other marginalized and oppressed populations.
Outright Namibia (ORN)	Ricardo Mensah director.orn@gmail.com	Advocating for the rights of the LGBTI community
Wings to Transcend Namibia	info@wttnamibia.org 061-237329	Advocating for the rights of transgender people

Table 13 - Other Relevant Companies / Organizations		
Name of Organization	**Contact details**	**Comment**
Akuake Health and Wellness Services cc	akuakehealthwellness@gmail.com 0817324808	Provides training to companies on violence and harassment at the workplace (for managers and employees, on awareness and development and implementation of policies)
Labour Resource and Research Institute (LaRRI)	info@larri-namibia.org 061 212044	Applied research and education institute focusing on labour issues
Namibia Statistics Agency (NSA)	61 431 3200	

5. Conclusions and Recommendations

Recognizing that the study had certain limitations, both with regard to the duration of the study, the limited sample size and the sensitive nature of the topic, it generated sufficient indications that the prevalence of violence and harassment in the world of work is high, negatively affects a large part of Namibia's workforce, disproportionately affects women and girls, and needs to be addressed as a matter of urgency. Even if it can be argued that the scope of the study was too limited to generate statistically significant results for the whole of the Namibian population, any case of violence and/or harassment in the world of work refers to human rights abuse, and should therefore be dealt with.

It is of importance to note that violence and harassment in Namibia is not limited to the world of work. Despite Namibia's praised democratic constitution and its relatively positive ranking on the Social Institutions and Gender Index (SIGI), violence and harassment and in particular Gender-Based Violence is very prevalent in Namibian society in general. The Ministry of Gender Equality and Child Welfare has recently released a prioritized Plan of Action in an effort to address Gender Based Violence in Namibia. This is of great importance, as successfully addressing the underlying causes of Domestic and Gender Based Violence in Namibia is very likely to positively affect the prevention of violence and harassment in the world of work and vice versa.

The results of the study indicated that cases of violence and harassment in the world of work remain largely unreported, unresolved and unpunished because of a number of reasons, amongst which:

- The Namibian Labour Act is not explicit and comprehensive with regard to violence and harassment in the world of work.
- Unclear and inefficient reporting structures and procedures.
- Absence of comprehensive workplace policies and reporting structures preventing violence and harassment. Workplace policies not enforced or encouraged.
- With different cultures meeting at the workplace, it is not always clear what is and what is not acceptable.
- There seems a general attitude of shifting blame to the female victims in cases of sexual harassment, and victims may experience a misplaced sense of shame.
- Victims fear of losing their job if they report violence or harassment, especially in the current economic climate.
- Victims fear of not being believed and being unable to prove cases of harassment.
- Victims fear of retaliation or victimization.
- Laws and policies offering limited protection for whistleblowers and witnesses.
- General acceptance of power inequalities and belief that things cannot be changed or challenged within this context.

It is not within the scope of this study to provide a strategy to prevent violence and harassment in the world of work in Namibia. A carefully selected and dedicated working group or committee should develop and adopt a comprehensive and gender-responsive strategy and plan of action to work towards creating a culture of respect in the world of work, improving the working environment, and preventing and ultimately eliminating all forms of violence and/or harassment in the world of work. The strategy should include actions focused on protection, prevention, enforcement, remedies, guidance, and training, highlight the scope of obligations of government institutes, employers, and workers organisations, and in the view of the research team could specifically include the following:

• Namibia to ratify ILO Convention No.190 (attached to this report as Annex 6.a) and follow its recommendations (Annex 6.b). The Convention recognizes that preventing and eliminating violence and harassment in the world of work requires respecting, promoting, and realizing the fundamental principles and rights at work as well as promoting decent work. Convention No. 190 is very comprehensive with regard to its resolutions and recommendations, and its ratification it will bind the government to make a concerted effort to improve the safety of the Namibian working environment. In addition to this, it is recommended that Namibia also ratifies and implements relevant Conventions on Occupational Safety and Health (OSH).[26]

• The Ministry of Labour, Industrial Relations and Employment Creation to work on better and easier structures for reporting violence and/or harassment in the world of work, complaint assessment and investigation, and timely and efficient processing and follow up. Follow up should also incorporate psycho-social support, logistical assistance, as well as protection for the victims. More accessible reporting structures should focus on the use of local languages and could include a free 24 hour sms or hotline. Handling the hotline and the follow ups could be either outsourced or handled directly by the Ministry. The Worker Unions could possibly play a role in this regard as well. The Labour Inspectorate currently does have as sms reporting line, but it is not well known and under-utilised. The reporting structure should include setting up and maintaining a database of complaints, including forms of violence or harassment, assessments and investigations, support provided, and outcomes. A functional database will be very useful for further adapting future policies. Data should be disaggregated by gender and economic activity.

• Easy access to appropriate and effective remedies and safe, fair and effective dispute resolution mechanisms and procedures in case of violence and harassment in the world of work. Access to justice has to become more attainable, possibly by setting up small, gender-responsive courts, with cheap and simple processes, where lower paid employees can take their grievances in a language that they are comfortable with. The current legal process is either criminal or civil. Not all cases can be regarded as criminal, and civil matters are very expensive, with a large part of the population not being able to even to open a file. Courts should have expertise in cases of work-related and gender-based violence and harassment, provide

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[26] i.e. Occupational Safety and Health Convention No.155, 1981, the Promotional Framework for Occupational Safety and Health Convention No. 187, 2006, and the List of Occupational Diseases Recommendation No.194 of 2002.

appropriate and accessible information, and work on timely and efficient processing. Article 16 of Recommendation 206 also provides for shifting the burden of proof.

• Perpetrators of violence and/or harassment in the world of work should be held accountable, either by the company that employs them and/or the national justice system. Where needed counseling services should be provided to them with the aim to prevent reoccurrence and/or promote reintegration in the world of work.

• Provide input in revision of Labour Act[27], make violence and harassment in the world of work more explicit and better defined. The Labour Act should include punitive measures, enforcement, prosecution and compensation, as well as measures to protect complainants, victims, witnesses and whistleblowers against stigmatization, victimization and retaliation, also with the aim to increase reporting. It should recognize the right to privacy and confidentiality, specify the rights and responsibilities of the employees and the employers, and enforce workplace policies on violence and harassment.

• The Ministry of Labour, Industrial Relations and Employment Creation to enforce and/or provide guidance to employers to step by step develop or strengthen internal policies to prevent and control violence and harassment in the world of work. Employers to be provided with appropriate and accessible assistance, resources, training or other tools. Templates for workplace policies are available (see for example Annex 7) and can be adapted to Namibian standards or needs. Workplace policies should include a code of conduct, reporting structure, designated person providing psycho-social and logistical support and following up on cases, measures to protect complainants, victims, witnesses and whistleblowers against stigmatization, victimization and retaliation, training of upper and middle management, training/ awareness of staff, and open dialogues. Akuake Consultancies is a Namibian company providing training and assistance with regard to violence and harassment in the world of work. More information on the type of training, assistance and awareness raising that can be provided can be found in Annex 8 and 9. The Namibian Employers' Federation could play a major role in involving companies and in adapting packages. Another suggestion was providing a half day training on violence and harassment in the world of work as a compulsory requirement for the registration of SME's, but NEF has expressed strong concerns towards this as it will add more red tape to already cumbersome registration process.

• The Ministry of Information, Communication and Technology teaming up with the Ministry of Labour, Industrial Relations and Employment creation, The Ministry of Gender Equality and Child Welfare, and selected workers unions and consultants to launch a National awareness campaign on violence and harassment in the world of work, including information on reporting structures and procedures. Awareness campaign should be in various local languages and conducted through radio, TV, social media, printed media, and posters and/or brochures. The campaign could include training of targeted media, as journalists can assist in addressing stigma, myths, and attitudes in the wider society. The campaigns should also focus on the underlying causes of violence and harassment in the society in general such as gender

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[27] currently in the process of revision, to be finalized by end of 2019

stereotypes, persisting gender inequalities, unequal power relationships, racism and tribalism, with the view to empower all people and promote dignity, respect, and sustainable change.

• Training and capacity building of labour inspectors, and strengthening monitoring mechanisms. The Ministry of Labour, Industrial Relations and Employment Creation, possibly with the assistance of the Workers Unions to ensure that companies are adhering to the Labour Act and related policies. Labour inspectors capacitated and empowered to inspect workplaces and act as mediators. Incorporation of social workers and/or psychologists and mandatory gender-responsive training for all inspectors.

• Recognize and utilize the international experience and potential role of the International Labour Organisation and other UN agencies in assisting the country to develop, adapt and implement a strategy to prevent and ultimately eliminate violence and harassment in the world of work.

• The research team is of the opinion that the current study findings warrant the implementation of the recommendations as outlined in this section, but the study had a limited scope and time frame and further research would be useful, in particular on the following topics:
  - Monitoring and evaluation of the practical implementation of the developed strategy, to what extent are the actions having a positive effect on eliminating violence and harassment in the world of work, and how could the measures be improved.
  - The underlying causes and risk-factors of violence and harassment in the society in general and the world of work in particular, and measures that have proven effective at preventing and addressing these
  - Case studies and more in-depth assessments of victims and perpetrators of violence and/or harassment in the world of work, including the reporting, assistance and follow up, as part of the monitoring and evaluation of the implemented systems.
  - Prevalence of violence and harassment in the informal sector, including harassment by 3rd parties and local authorities, and how people working in informal economies can be further assisted with regard to the elimination of violence and harassment.
  - Focus group discussions with vulnerable groups and particular economic sectors, like farmworkers, sex workers, and the LGBTI community. Looking into their particular challenges, and how these can be better addressed.
  - If funding allows, larger scale research on violence and harassment in the world of work across the various economic sectors, and in all 14 regions.

Bibliography - Review of Legal Instruments

Articles

108th session, Geneva, June 2019. Reports of the Standard-Setting Committee on

Background paper for discussion at the Meeting of Experts on Violence against women and men in the world of work. 3-6 October 2016. International Labour Office, Geneva 2016

Ending Violence and Harassment at Work. The Case for Global Standards

Human Rights Watch "Gender-Based Violence in the Workplace".

Report VI, "Ending violence and harassment against women and men in the world of work". International Labour Conference, International Labour Office. 10th Session, 2018

Violence and Harassment in the World of Work: Instruments Submitted for adoption by the Conference

Domestic Instruments

Combating of Domestic Violence Act 4 of 2003

Combating of Rape Act 8 of 2000

Defense Act 1 of 2002

Labour Act 11 of 2007

Security Enterprises and Security Officers Act 19 of 1998

International Instruments

CEDAW

Discrimination (Employment and Occupation) Convention 1958

Domestic Workers Convention No.189 of 2011

International Labour Organization 1944

International Labour Organization 2012

International Labour Organization 2012

Protocol on Gender and Development 2008

The National Plan of Action on Gender-Based Violence 2012-2016

Transition from the Informal to the Formal Economy Recommendation 2015

The Beijing Declaration and Platform for Action 1995

The Declaration of Philadelphia 1944

The Occupational Safety and Health Convention 1981

Transition from the Informal to the Formal Economy Recommendation 2015

The United Nations Convention on The Elimination of All Forms Of Discrimination Against Women, 1979

Regional Instruments

Maputo Protocol

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa

Protocol on Gender and Development 2008

List of Annexes

Annex 1: Terms of Reference Study Violence and Harassment in the world of work in Namibia

Annex 2: Proposed work plan

Annex 3: Questionnaire Domestic Workers

Annex 4: Questionnaire Retail Industry

Annex 5: QuestionnaireSecurity Guards

Annex 6: ILO convention 2019

Annex 7: Template for workplace policy

Annex 8: Akuake Consultancy Workplace harassment training for management

Annex 9: Akuake Consultancy Workplace harassment training and awareness for employees