



**The Women Parliamentarians' Caucus  
and  
The Sectoral Oversight Committee on Children,  
Women and Gender**

**KNOW  
YOUR  
RIGHTS**







# **Know Your Rights**

## **Preventing Sexual Harassment at the Workplace**

**An initiative by the Women Parliamentarians' Caucus  
and  
the Sectoral Oversight Committee on Children,  
Women and Gender of Sri Lanka**

**Supported by the National Democratic Institute  
and  
Sponsored by USAID**



**Message by the  
Chairperson of the Women Parliamentarians' Caucus:**

**Hon. Dr Sudarshini Fernandopulle**

This year, on the occasion of the “16 Days of Activism against Gender-Based Violence (GBV)” commencing on 25th November, the International Day for the Elimination of Violence against Women (VAW), and ending on 10th December, Human Rights Day, this booklet is launched as a call for a safe and healthy work environment for all, specifically, for women in Sri Lanka. This is an initiative by the Women Parliamentarians' Caucus (WPC) in collaboration with the Sectoral Oversight Committee on Children, Women and Gender (SOCCWG) of the 9th Parliament of Sri Lanka, supported by the National Democratic Institute and sponsored by USAID.

With the aim of raising awareness about sexual harassment in the workplace for the benefit of workers, employees, employers, and entrepreneurs, and the public in general, the primary objective of this booklet is to educate the reader and foster an understanding of their rights and obligations against violence and sexual harassment at work. Furthermore, it emphasises that upholding the dignity of all individuals within a workplace is the responsibility of employers.

Sri Lanka has committed itself, in the Open Government Partnership (OGP) Sri Lanka National Action Plan, to implementing the recommendations of the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) on non-

discrimination and protecting and promoting the rights of women in formal and informal employment. While reiterating this commitment, we believe that the awareness created through this booklet would take us one step closer towards the prospect of a future where women in Sri Lanka can enjoy equality in a secure working environment.

**"Equality does not merely entail equal opportunities; it aims to empower every individual to flourish, regardless of gender. So, let's work together in tackling workplace sexual harassment to champion substantive equality!"**



**Message by the  
Chairperson of the Sectoral Oversight Committee on Children,  
Women and Gender:**

**Hon. Thalatha Athukorale**

As the Chairperson of the Sectoral Oversight Committee on Children, Women, and Gender (SOCCWG) of the 9th Parliament of Sri Lanka, and in keeping with its mandate, it is my pleasure to present this booklet which is a collaborative effort of the SOCCWG and the Sri Lanka Women Parliamentarians' Caucus (WPC). This is a collective effort towards combatting the pervasive problem that continues to plague our workplaces, hindering the progress we strive for, in achieving gender equality: sexual harassment.

We believe that our workplaces should be spaces where everyone feels safe, respected, and valued for their contributions, irrespective of their gender. To achieve this, we must foster a culture that does not tolerate harassment in any form. Sexual harassment is not merely an infringement on personal boundaries and does not merely affect women; it is an affront to the principles of equality and respect that form the bedrock of our society. Thus, it is our duty to create an environment where victims are supported, perpetrators are held accountable, and preventive measures are in place to curb the roots of such behavior.

To fulfill the aforementioned responsibility, the SOCCWG is dedicated to advocating for essential reforms, particularly within the legal sector. Recent activity in the judicial sphere has showcased that, despite the lack of specific domestic laws addressing workplace sexual harassment, international instruments can serve as guidance for interpreting existing provisions to effectively deal with these issues. Sri Lanka, as a signatory to the Convention 190 of the International Labour Organization - the first international treaty to recognize the right of everyone to a workplace free from violence and harassment - is on the verge of ratifying it, marking a crucial step toward much needed transformation. Thus, we stand ready to lead the charge towards a workplace where equality is not just a concept but a lived reality.

**“The foundation of a just society lies in laws which commit to securing justice for all, ensuring that every individual, irrespective of gender, is treated equally and fairly within its embrace.”**



## **Message by the Secretary General of Parliament:**

### **Ms. Kushani Rohanadeera**

Sexual harassment is unacceptable in any form. It thrives in the shadows of silence, fear, and complicity. It undermines the fundamental rights of individuals, especially women, who often find themselves disproportionately affected. In the workplace, it is a dark stain on our professional environments, one that we cannot afford to ignore any longer. Therefore, we believe that it is our responsibility to ensure the safety, dignity, and equality of all individuals within our society.

Creating a safe, respectful, and inclusive work environment is a top priority to ensure that every member of our society feels secure and valued at work. Thus, it is imperative that Sri Lanka takes into consideration international instruments, standards and best practices to prohibit violence and sexual harassment in the workplace unequivocally. It is also our belief that it is of utmost importance that every workplace embraces a strict policy of zero tolerance towards sexual harassment of any kind.

As the Secretary General of Parliament, I am determined to ensure that the Parliament of Sri Lanka is a safe space where everyone feels safe, respected, and valued for their contributions, irrespective of their gender. To achieve this, it is imperative to foster a culture that does not tolerate harassment in any form, and leave no stone unturned if any kind of incident does occur.



We believe that it is essential to be aware of one's rights and understand how to fight for them before taking a stand. Hence, we are confident that this booklet will elevate public awareness regarding sexual harassment, providing insights on prevention and guidance on steps to take in the unfortunate event of its occurrence. This resource encourages not only victims but the entire society to reject sexual harassment unequivocally, emphasizing the importance of acknowledging its existence rather than silently tolerating it.

**“In a democratic society, the Parliament should serve as a model institution where everyone is treated on an equal basis, fostering an environment of mutual respect and dignity. I urge everyone to unite in this shared endeavour to send a loud and clear message that sexual harassment will not be tolerated here, and elsewhere.”**

## OBJECTIVES:

To make the public aware of

their rights and duties in relation to a safe and fair workplace;

the protocol to follow if they or someone they know face sexual harassment at the workplace; and

the duties and obligations binding employers, including under the ILO Convention 190, which is a global benchmark recognizing the right of everyone to a workplace free from violence and harassment, including sexual and gender-based violence (SGBV).

## Recognize Sexual Harassment

### What constitutes Sexual Harassment?

The ILO defines Sexual Harassment as sex-based behaviour that is unwelcome and offensive to its recipient.

It may take two forms:

1. Quid Pro Quo: when a job benefit - such as a pay rise, a promotion, or even continued employment - is made conditional on the victim acceding to demands to engage in some form of sexual behaviour; or
2. A hostile working environment in which the conduct creates conditions that are intimidating or humiliating for the victim.

**PHYSICAL** - Physical violence, touching, unnecessary close proximity and similar behaviour



**VERBAL** - Comments and questions about appearance, lifestyle, sexual orientation, and offensive phone calls etc.



**NON-VERBAL** - Whistling, sexually suggestive gestures, display of sexual material, stalking and similar behaviour that makes one uncomfortable



## Voices of Survivors

*"There is a young Office-Aid at my workplace. He keeps complimenting me. He also gave me sweets a few times. I did not think much of it until he gave me a bouquet of flowers for his birthday. He gave everyone else cake and singled me out by sending me flowers through someone else. It was weird and I returned it to the person he sent it through. I have been avoiding him since then and not even looking at him. But he still makes me very uncomfortable because he sits in a corner and stares at me. I can't really avoid him all the time. I don't even take the elevator alone with him. I tried to talk about it with a girl in my team, and she said that he was just being friendly. I can't even make a complaint because a bouquet of flowers and remarks about my face/body are typically deemed as being "nice", rather than harassment. So I just stay silent, hoping he would not do anything else. I feel so stuck between not rocking the boat, being nice and cordial, and making a complaint."*

*"One of my close colleagues suddenly expressed interest in me, and I said I was not interested. I stayed friends with him because we were close friends and our team was small, so we had to work closely with each other. One day, after a late-night shift, he accompanied me to the railway station because it was "dangerous" to go alone (which was true). I trusted him. On the way, at a secluded spot, he attempted to kiss me. I was shocked. I pushed him away and said no. I went home and told him that it shouldn't have happened.*

*He kept insisting on starting a relationship with me and I kept rejecting it. Then he got moody and grumpy at the office, and others started to notice. It made me not want to go to work and the thought of interacting with him and him telling everyone what had happened made me sick. I took more days off when I was rarely absent. I blocked him on WhatsApp because I was anxious and scared. He had spoken to some of my co-workers about the incident and said that he loved me. Some of our friends took sides and stopped eating with me. But I didn't complain because I knew it would get him in trouble and I knew he needed the job to support his family. But later, when he started to threaten me, I told his superior about it and asked him not to make a harsh decision against him. The guy, knowing that I spoke to his superior, kind of stopped harassing me. He accused me of leading him on. I changed my friends' group. But he used to randomly stalk me (at the office)."*

## 1. Key messages:

**Employers have an obligation to enforce effective measures to address workplace harassment**

### **The right to a safe and fair workplace**

- **Belongs to all of us**
- **Is a human right**
- **Is an obligation of the employer**



**Don't ignore! Don't be a bystander!**



**Say "NO" to violence in workplaces, at home and in public spaces**



**Sexual harassment = discrimination**

**Ensure zero tolerance for sexual harassment**

**Uphold the dignity of women at work**

**Don't be bullied into silence!**

**Stand up for yourself and everyone else!**

**Don't be afraid of your story!**

**Silence = Siding with the perpetrator**

## 2. Protocol: How to respond to violence and sexual harassment

Let the person know you don't like it

Ask them to **'STOP'**



If it continues,  
*talk to a friend*



but also inform the perpetrator and report the matter to your supervisor

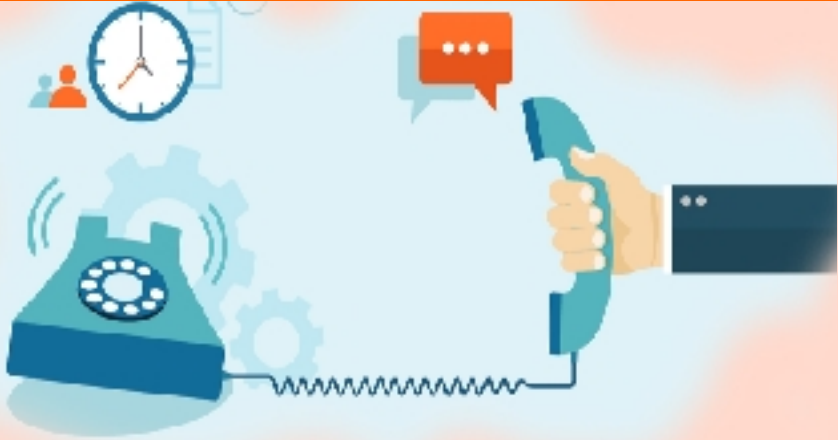




- \* Report in writing
- \* You could report the harassment anonymously
- \* You could take Collective Action
- \* Go to your Union, if any
- \* Request an internal inquiry proactively
- \* If no action is taken in-house, approach Government authorities or seek legal assistance



## 2.1 Where to lodge a complaint:



### 1. **Department of Labour**

Submit a complaint via

<https://cms.labourdept.gov.lk/new-register>

#### **Commissioner General of Labour**

Mr B.K.Prabhath Chandrakeerthi

011-2581998

#### **Women and Children's Affairs Division**

Email: [wca@labourdept.gov.lk](mailto:wca@labourdept.gov.lk)

#### **Commissioner of Labour**

Ms N.M.Y. Thushari

Tel: 011-2587315 / 071-5335962

#### **Deputy Commissioner of Labour**

Ms N.R. Ranawaka

Tel: 011-2369800 / 071-8047510<sup>1</sup>

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<sup>1</sup> Department of Labour website

**2. Police Children & Women Bureau**

Tel: 011-2444444 / email: cwbureau@police.lk

**3. Women Parliamentarians' Caucus (WPC)**

Tel: 011-2777229 / email: info@slwpc.org<sup>2</sup>

Te: 011-2777100 / email: legis\_com@parliament.lk<sup>3</sup>

**4. National Committee on Women**

(NCW - under the Ministry of Women and Child Affairs and Social Empowerment) - 1938

email: [secncwsl@gmail.com](mailto:secncwsl@gmail.com)

**5. Human Rights Commission of Sri Lanka (HRCSL)**

Tel: 011-2505575

**6. Legal AID Commission**

Tel: 011-2433618

**7. Police Women and Children's Desks/Units in your area**

**8. Some Civil Society Organizations (CSOs) you may approach:**

- Women in Need (WIN)  
Counselling hotline: 077-5676555  
Legal hotline: 076-8686555  
Tamil hotline: 077-5646555  
Email: [connect@winsl.net](mailto:connect@winsl.net)
- Shaanthi Maargam - 071-7639898
- iProBono (free legal aid)  
Email: <https://i-probono.com/contact-us/>

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<sup>2</sup> Website of the WPC: <https://slwpc.org/contact-us/>

<sup>3</sup> Website of the Sri Lanka Parliament:  
<https://www.parliament.lk/en/component/committees/committee/showCommittee?id=398>

## 2.2 Other important factors to consider:

Try to document everything WITH EVIDENCE

- Try to write everything down
- Record relevant phone calls
- Save emails
- Keep video footage if possible
- Try to have witnesses

## Talk to a lawyer

Criminal Action -

Actionable under S 345 of the Penal Code <sup>4</sup>

Sexual bribery is a form of quid pro quo harassment

Therefore, Civil servants can be held liable under the Bribery Act <sup>5</sup>

Civil Action -

Actionable under the Industrial Disputes Act <sup>6</sup>

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4 Section 345 of the Penal Code (Amendment) Act No.22 1995:

“Whoever, by assault or use of criminal force, sexually harasses another person, or by the use of words or actions, causes sexual annoyance or harassment to such other person commits the offence of sexual harassment and shall on conviction be punished with imprisonment of either description for a term which may extend to five years or with fine or with both and may also be ordered to pay compensation of an amount determined by court to the person in respect of whom the offence was committed for the injuries caused to such person.”

5 Section 19 b) of the Investigation of Allegations of, and Prosecution for Bribery Act No.22 of 2018:

“Any person who, being a public servant, solicits or accepts any gratification as an inducement or a reward for his performing or abstaining from performing any official act or for such expediting, delaying, hindering, preventing, assisting or favouring...”

6 Industrial Disputes Act No.43 of 1950 (IDA)

Invoke your fundamental right to equality guaranteed by the Constitution <sup>7</sup>



Be mindful of legal time bars (prescription) to institute legal action

## 5Alternatively,

You can choose to do nothing

It is your choice

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<sup>7</sup> Sexual harassment within the public sector can be deemed as a violation of Article 12 (2) of the Constitution of the Democratic Socialist Republic of Sri Lanka:

“No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds.”

## What is the ILO C190?

- It refers to the Convention No. 190 of the International Labour Organization (ILO) which is formally known as the Violence and Harassment Convention of 2019.
- It is an international treaty which became effective on 25th July 2021.
- It recognizes the right of everyone to a world of work free from violence and harassment, including SGBV, and represents a significant step toward creating safer and more inclusive workplaces worldwide.
- It recognizes that violence and harassment at the workplace can constitute a human rights violation and that it is a threat to equal opportunities.
- It sets out a framework for Governments, employers, and workers to prevent and eliminate violence and harassment in all their forms, which can include GBV, bullying, and other forms of harmful behaviour.
- It emphasises the importance of a work culture based on mutual respect and dignity of the human being to prevent violence and harassment for all, with a particular focus on protecting vulnerable and marginalised groups such as gender minorities.
- It speaks about the responsibility to promote an environment of zero tolerance to violence and harassment and states that all actors in the world of work must refrain from, prevent and address violence and harassment.
- It recognizes that violence and harassment affect a person's psychological, physical and sexual health, dignity, and family and social environment.
- It acknowledges that GBV and harassment disproportionately

affects women and girls, and calls for an inclusive, integrated and gender-responsive approach to end violence and harassment in the world of work.

- It encourages member states to take measures to prevent and address workplace violence and harassment, provide support to victims, and promote awareness and education on these issues.
- Employers can be held liable under the ILO C190. Therefore, you can sue employers for non-action or negligence.
- Sri Lanka is currently committed to aligning its labour laws with global standards recognized in the ILO C190.

Link to the ILO C190:

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P1100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P1100_ILO_CODE:C190)

Even in the absence of domestic law, international law could act as a guide

*Vishaka & Others v. State of Rajasthan & Others.*<sup>8</sup> *laid a crucial role in shaping the legal framework on sexual harassment at the workplace in India, where it was held that in the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all workplaces, the contents of International Conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity [...] of the Constitution and the safeguards against sexual harassment implicit therein*<sup>9</sup>. *Subsequent to this Judgement, in 2013, the Government of India enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act.*

8 (1997) 6 SCC 241

## Sri Lanka's Bribery Act recognizes sexual bribery

*In Kathubdeen v. Republic of Sri Lanka<sup>10</sup> the Court acknowledged sexual bribery as a punishable offence under the law. In this case, the Court interpreted the term 'ratification' in Section 90 of the Bribery Act<sup>11</sup> to include sexual intercourse and found that the accused was guilty of soliciting and attempting to accept sexual intercourse as a gratification.*

Fundamental rights guaranteed by the Constitution cannot be limited by the Establishment Code which binds public sector officers

*Manohari Pelaketiya v. H. M. Gunasekera and others<sup>12</sup> is a Sri Lankan case that had a strong impact on the safety of women in the workplace, particularly in the public sector. When the Defendants took up the defence that the Petitioner had acted contrary to the Establishment Code by giving an interview to the media about her grievances, the Court held that the fundamental rights guaranteed by the Constitution "Cannot be restricted or limited by the provisions of [the] Establishment Code..."*

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9 Paragraph 14

10 [1998] 3 Sri LR 107

11 (Amendment) Act No. 20 of 1994

12 SC/FR/No. 76/2012



### 3 Rights & Responsibilities of Employers & Employees:

#### 3.1 Responsibilities of Employers

Set a zero-tolerance policy for sexual and other harassment in the workplace

Introduce a code of conduct

Create a culture of respect

Place importance on the prevention of sexual and other workplace harassment



Educate and raise awareness among all employees at all levels

Set up mandatory courses on preventing sexual and other harassment in the workplace to be completed by all staff

Set up a mechanism to address issues of Sexual Harassment  
Refer to the Code of Conduct and Guidelines to Prevent and Address Sexual Harassment in Workplaces, By ILO and Employers' Federation of Ceylon. Available at:  
[https://www.ilo.org/wcmstp5/groups/public/---asia/---ro-bangkok/--ilo-colombo/documents/publication/wcms\\_525537.pdf](https://www.ilo.org/wcmstp5/groups/public/---asia/---ro-bangkok/--ilo-colombo/documents/publication/wcms_525537.pdf)

Take immediate action to set up a procedure for internal investigations/inquiries

Conduct impartial internal inquiries in line with domestic laws, recognised international standards and procedures set out in internal policies or guidelines

## Take appropriate action against the perpetrator, such as:

- Termination of employment of the perpetrator
- Transfer of the perpetrator
- Denial of promotions, bonuses and/or other incentives and opportunities afforded to employees
- Take note of such behaviour during Performance Appraisals, and report on it
- Impose other sanctions or take alternative action

## Provide appropriate redress to the victim-survivor, such as:

- Compensation for emotional distress and physical pain or suffering
- Compensation for lost wages, if any
- Reinstatement if forced out of work
- Change policies and/or practices to avoid similar situations in the future

## Voices of Survivors

*"I once worked at a Government Ministry where there was a young man who was an Office Assistant assigned to my Division. He would sometimes sing songs if I passed by, wink at me or stick his tongue out when nobody else was looking. He would stare at my body making me very uncomfortable. I put up with this for a while until I was sick of it and the mere sight of him would make me scared and uncomfortable. I told my colleague about it and she said that it was best to be quiet since I was not planning to work there for long. However, I decided that I was going to do something about it. I made a complaint to the Head of our Division. She was very supportive and assured me of my safety. He was reprimanded and transferred to a different Division. I never saw him again."*

## 3.2. Rights of Employees

- Right to a safe and fair workplace
- Right to equality and non-discrimination based on sex or gender at the workplace
- Right to be free from Sexual and Gender-Based Violence at the workplace
- Right to equal opportunities
- Right to be informed of your workplace policies
- Right to appear before a court of law
- Right to an impartial investigation/inquiry
- Right to take collective action
- Right to say "no"



## 3.3. Responsibilities of Employees

- Responsibility to not aid or take part in sexual harassment at the workplace
- Responsibility to report such conduct
- Responsibility to support victims

## Voices of Survivors

*"A private sector company that conducted extensive awareness sessions on sexual harassment at the workplace and provided streamlined reporting mechanisms found that the number of complaints increased dramatically in comparison to the time when employees were only asked to sign an anti-sexual harassment policy as part of their contract. An increased number of reports is not necessarily a bad thing. It most often shows that victim-survivors have greater confidence to report rather than the fact that the actual incidents have increased."*



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