SEXUAL HARASSMENT IN THE INFORMAL ECONOMY: Farmworkers and domestic workers

UN WOMEN

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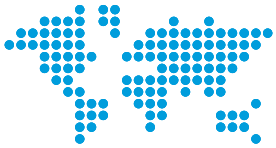

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1.INTRODUCTION

1.1 WHY THIS PAPER?

Sexual harassment in the world of work is pervasive and widespread: it takes place in the formal and informal economies, the public and the private sectors and in urban and rural areas. From the media and entertainment industry, to academia, politics, the aid sector, care and domestic work, manufacturing and agriculture, no sector has proved immune to this form of gender-based discrimination.

The "Me Too" movement[1] was started in 2006 by Tarana Burke[2], and found global resonance in 2017 when actress Alyssa Milano used the hashtag "#MeToo" in a tweet to encourage women to share their experiences of sexual harassment. Hollywood actors as well as millions of others across the world shared their experiences, pressured legal and administrative systems to hold perpetrators accountable and prompted some governments to adopt policies aimed at eradication and prevention of sexual harassment. But while the world's attention has at times focused on cases involving famous and influential perpetrators, unknown numbers of workers continue to suffer in silence, abused by harassers known to few. Connections between these areas of work were made in an open letter[3] from 700,000 farmworkers to the Hollywood actors who spoke out about their experiences. This letter expressed support and solidarity, describing how widespread sexual harassment defines reality in the fields.

> "Complaining about anything — even sexual harassment — seems unthinkable because too much is at risk, including the ability to feed our families and preserve our reputations."
>
> – Letter from Alianza Nacional de Campesinas on behalf of women farmworkers in the United States[4]

A variety of conditions shape inequality of power at work and constrain the possibilities for protection and credibility in the informal sector. Precarious terms of employment are not unique to informal work but are widespread and acute there. Informal work commonly involves lack of recognition as workers, denies labour market visibility and absence of protection by the legal and social provisions that apply to formally engaged workers. Engagement in such work is often established through verbal agreements which are often unenforceable; such conditions benefit perpetrators of sexual harassment.

The informal economy is significant in scale and includes domestic workers, farmworkers, garment workers, waste-pickers, street vendors, home-based workers and undocumented migrant workers in informal employment and self-employment. Not all of these workers are engaged informally: many millions across the world are however, and it is their reality that is highlighted and the focus of attention herein. This paper addresses the experiences of the "unrecognized, unrecorded and unprotected"[5], with a focus on those domestic workers and farmworkers who endure sexual harassment while they care for their perpetrators' children and homes, or harvest and pick the food that fills the shelves of supermarkets.

1.2 CONTENT AND STRUCTURE

This paper is organised as follows: chapter two provides a gender analysis, an overview of the informal economy and of the prevalence of sexual harassment. Chapter three provides a summary of international standards on sexual discrimination and fundamental labour rights, which are described in Annex I. Chapter four discusses the lack of social and legal protection for workers in the informal economy. Chapters five and six focus on sexual harassment in informal domestic work and farm work. The last chapter offers suggestions for action by governments and civil society organisations.

Research on sexual harassment of workers in the informal sector has three main limitations. First, studies show that a high percentage of sexual harassment against informal sector workers is underreported[6] [7] [8] and that differing understandings of what constitutes sexual harassment causes variation in reports[9]. Second, immigration status concerns and risks of being reported to authorities[10] understandably hinder the engagement of undocumented migrant workers in surveys or interviews that seek to capture their numbers and experiences. Finally, there is variety across countries in definitions of what is meant by, and thus counted as, "informal" work[11]. These challenges complicate understanding of the scale of the problem and inhibit the building of effective interventions.

2.SEXUAL HARASSMENT OF WORKERS IN THE INFORMAL ECONOMY

2.1 WOMEN IN THE INFORMAL ECONOMY

The informal economy is defined by the International Labour Organisation (ILO) as "all economic activities by workers and economic units that are, in law or in practice, not covered or insufficiently covered by formal arrangements"[12]. The informal economy engages 61% of the world employed population, that is 2 billion people, most of them in emerging and developing countries[13].

The first international standard on the informal sector[14] defined it in 1993 as employment and production taking place in unincorporated small or unregistered enterprises[15]. In 2003, informal employment[16] was defined to include all employment arrangements that do not provide individuals with legal or social protection through their work, irrespective of whether the economic units for which they work are formal enterprises, informal enterprises or households[17]. Formality and informality are positioned on a continuum[18], possibly coexisting throughout an individual's working life or even working day[19] [20]. Recognising that informality is detrimental to worker's rights and a challenge to sustainable development, the International Labour Organization adopted in 2005 the "Transition from the

Women occupy the lowest ranks of the informal economy: there are three times more women contributing family workers than men and women employers number less than half male employers[23]. Contributing family workers are family members who work for a market-oriented establishment of a relative living in the same household[24]. They are generally unpaid workers, although they may receive compensation in the form of family income[25]. Women are concentrated in feminised jobs such as domestic, home-based-, garment and textile work[26] and street vending[27]. The vast majority of home-based workers are women (62 % in South Africa, 70 % in Brazil and 88 % in Ghana) and are informally employed (60% in Buenos Aires, and 75% in South Africa)[28].

Informality in any sector poses a number of common challenges to men and women: reliance on verbal and precarious agreements, income lower than minimum wages, unsafe working environments, excessively long hours, lack of overtime pay, job security and social benefits such as unemployment pay, sick leave, access to health coverage, exclusion from labour laws and from many trade unions. Women make up the majority of low wage workers in the world, including informal workers, because of systemic, intersecting forms of discrimination based on gender and sex,