



WORKERS RIGHTS WATCH, with support from HIVOS

Tackling Sexual Harassment in the Horticulture Industry: End of Project Report

JULY 2018

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1. Background

In autumn 2013, Workers Rights Watch (WRW) undertook research across 20 horticulture farms, documenting incidence of sexual harassment on the farms and the effectiveness of companies' policies and procedures to prevent and to respond to complaints of SH. The findings were shared with Kenyan growers and certification bodies. As a result, some growers made verbal commitment to work collaboratively to address the issues identified.

WRW was requested to draft a model sexual harassment policy that incorporated WRW's key research findings, legal requirements as established by Kenyan Law(s) and by international conventions. The policy was drafted and validated by workers and Human Resource (HR) managers from over 40 farms.

WRW piloted the initiative to build on the commitment made by seven Growers to implement the Model policy and to assess its effectiveness in reducing sexual harassment.

Between April and November 2015, WRW :

- 1) Developed training material and provided training on sexual harassment and on the Model policy and procedures to general workers as well as complaint-handling officials, (viz. gender committee members, supervisors and HR managers);
- 2) Provided training and capacity-building support to gender committee members across the farms;
- 3) Conducted baseline and end-line surveys to assess the impact of the project activities in improving prevention and remediation of sexual harassment across the seven farms

Produced and disseminated Farm-specific research findings reports as well as minutes of training sessions and workers' key recommendations to Management to support the Pilot Farms in their effort to improve of prevention and handling of sexual harassment.

Between July 2018 and July 2019 under phase two of *"Tackling Sexual Harassment in the horticultural sector"*

Workers Rights Watch (WRW) undertook a baseline survey across 10 horticulture farms and explored the areas of intervention for Phase 2 of the project, the survey guided in establishing platforms for advocacy and designing tools to promote the inclusion of gender committees and other users of the policy, establish relevant areas of capacity strengthening for workers, Gender committees, trade union representatives (specifically shop stewards and branch officials), managers, independent evaluators and certification bodies towards effective implementation of the Sexual Harassment policy in the sector, documenting incidence of sexual harassment on the farms and the effectiveness of companies' policies and procedures to prevent and to respond to complaints of SH. The findings were shared with Kenyan growers and certification bodies.

2. Purpose of the End of Project Report

The purpose of this report is to document the following: under *"Tackling Sexual Harassment in the horticultural sector"* with a focus on advancing mechanisms of handling SH in the Flower Industry.

- 1- The progress made across the 4 Pilot Farms out of the 10 farm that agreed to participate in the implementation of the phase 2 of the project.
- 2- The current status in Non-piloted farms in regards to SH and mechanisms put in place to address SH
- 3- Outstanding challenges/gaps, after completion of project activities;
- 4- Lessons learned from implementation of the project.

3. Methodology

The findings presented in this report draw on the information generated through the following methods and tools:

- i.) Administration of survey questionnaires to general workers, gender committee members, supervisors, managers¹
- ii.) Focus group discussions held with general workers and gender committee members:
- iii.) Findings validation by workers and gender committee members
- iv.) Question and answers at the on-farm refresher training to the piloted farms and first hand training to the non piloted farms
- v.) Pre and post training tests
- vi.) Discussions during on-the-farms training.
- vii.) Case studies of the SH incidents reported and resolved in the last 12 months.

Need to consider the training part in pam report

4. Limitation of this study

Sample size: A small sample took part in both the survey questionnaire and in the focus group discussions.

Sample selection bias: The employees, who completed the survey questionnaires, had been selected by the Farm (i.e. the Farm selected the employees to take part in WRW's training).

Even though WRW had clarified that all information would be treated confidentially and the respondents' identity would not be disclosed, employees might have felt hesitant to share information that would put the Company under a negative light.

In addition to this, the overwhelming majority of the sample had permanent employment contracts. This may affect the generalizability of the responses, as permanent workers are more likely to have received training and/or be more informed on the Company's workplace policies, including the sexual harassment (SH) policy.

5. Summary of findings:

5.1. To what extent has the Model policy be implemented?

This section outlines the progress observed on the pilot farms in implementing the sexual harassment Policy.

Table 1 (annexed) summarises the progress made in each Farm against the Policy's main clauses.

5.1.1 Progress against clause 4: Communication of the Policy

While the baseline survey revealed limited preventative action across the non-pilot farms (i.e. policies were in place, but were not trained nor communicated to both managers, supervisors and employees), the FGDs/role plays reveal that in 6 non piloted farms only affixed the policy on the notice board as a communication channels that are used to make employees aware of the SH policy. These include:

- ✓ A clause on sexual harassment incorporated in the employment contracts (Farms A and B) **Tambuzi and tropiflora**
- ✓ Scheduling of cascade training by trained GCMs: between 30 to 40 minutes per week, on what constitute sexual harassment and on the Model policy, within each farm blocks (all farms except did not time for training except for Farms A, and C), **TANBUZI AND VD BERG**
- ✓ Using the GC members to take new employees through the Company's sexual harassment policy during new employees' orientation sessions (all piloted farms A,B,C except farm D). **TROPILORA, TAMBUZI VD BERG BUT MASAI NO**
- ✓ Affixing of the Model policy on notice and department boards (All the 10 farms have affixed the policy on the notice board) but most workers/supervisors do not get time to read the notice board
- ✓ A clause on sexual harassment in the Employee's Handbook (A); **TAMBUZI**

Limitations of the action undertaken to date

While action has been taken to make workers aware of the Companies' Policy and Procedures, the FGDs and questions during the on-the-farm training revealed that in most farms, limited action has been taken to

¹Survey questionnaires were administered to 219 general workers, 43 gender committee members, 155 supervisors, 43 managers.

ensure that **Managing Directors, Heads of Department, HR and non-HR Managers, supervisors** are aware of their responsibilities as spelt out in of the Model Policy (section 5), and are able to fulfil these.

For instance:

- ✓ In none of the piloted farms, the Management has requested managers and supervisors, who were trained by WRW, to cascade training to their colleagues.
- ✓ In non-piloted farms supervisors, managers, directors and CEO'S have never seen, nor been trained on the SH policy.
- ✓ In only farms(A,B,C,D,H) where gender committees had been trained in the last 12 months - Isinya,masai,tambuzi,tropiflora
- ✓ In only one farm (A), a clause on sexual harassment is included in HRM Manual/Rules and Regulations. tambuzi
- ✓ In all the 10 farms the supervisors and managers did not know any labour laws including the Employments Acts 2007 that addresses about conducive working conditions of workers.

This is a major concern considering the key role, which supervisors and HRMs play in receiving and in adjudicating complaints.

5.1.2 Progress against clause 6: Procedure to report and to resolve allegations of SH

At focus group discussions, general workers and the GCMs in the piloted farms reported that improvements had been observed in the way in which complaints are now received and dealt with by the GCMs and by HRD. They raised the following points:

Promptness of investigations

- GCMs are now aware of their responsibility to respond to SH complaints and to ensure that the GC Chair institutes investigations. And in 3 out of the 10 farms, they have reportedly acted on this responsibility (i.e. at farm A,B,C, but in farm D gender committees were not aware).
- The GCMs, reported that communication and collaboration between the GC and managers has greatly improved. The surveyed GCMs stressed that there is now greater understanding amongst managers of the mandate of the GC and greater respect towards its members (i.e. at farm A ,B,C,)(only in farm D gender committees stated less collaboration is in place).
- According to both the GW and the GCMs, on 3 out of the 4 piloted farms (i.e. at A,B,C), Tabuzi,tropiflora,v.d berg the GC Chair has been prompt at requesting permission from HRM to investigate reported complaints and HRM has been prompt at giving authorisation. The GCs are given time to investigate the complaints/meet with the parties involved and when required, HRD on these farms have provided support to the GC.
- The process whereby complaints are investigated has become more transparent/ accountable. For instance on most farms, complainants and witnesses are now asked by the GCMs to read and to sign their statements; before being trained by WRW, complainants were not able to verify the accuracy of the information gathered by the complaint-handling officials.
- Greater awareness of the different behaviour that constitute SH has allowed the GCMs to now accept and investigate complaints that involve hostile environment forms of SH – such as sexually explicit text messages (text messages accepted as evidence).
- Communication between the GC and the general workers has also improved: the surveyed general workers stated that complainants and observers/witnesses seem content with the way the GC is handling arising matters and that their trust in the committee has been “fully won”.

NON-PILOTED FARMS

- In the Non- piloted farms the situation is different, since GCMs are not aware of their responsibility to respond to SH complaints and to ensure that the GC Chair institutes investigations in all the 10 farms, they have not reportedly acted on this responsibility (i.e. at farm E,F,G,H,I ,J).
- The GCMs, of the Non -piloted farms reported that communication and collaboration between the GC and managers was not accommodative and needed to be improved. The surveyed GCMs stressed that there is now greater
- According to both the GW and the GCMs, in the six Non- piloted farms (i.e. at E,F,G,H,I,J), the GC Chair has NOT been prompt at requesting permission from HRM to investigate reported complaints and HRM has NOT been prompt at giving authorisation.

- The GCs are NOT given time to investigate the complaints/meet with the parties involved and when required, HRD on these farms have NOT provided enough support to the GC.
- The process whereby complaints are investigated not very transparent/ accountable. For instance on most farms, complainants and witnesses are now asked by the GCMs to read and to sign their statements; complainants were not able to verify the accuracy of the information gathered by the complaint-handling officials. This will be verified again after 3 months after the training them.
- Greater awareness of the different behaviour that constitute SH has allowed the GCMs to now accept and investigate complaints that involve hostile environment forms of SH – such as sexually explicit text messages (text messages accepted as evidence).
- Communication between the GC and the general workers has not improved: the surveyed general workers stated that complainants and observers/witnesses seem not contented with the way the GC is handling arising matters and that their trust in the committee is not “fully won”.

Impartiality of investigations of complaints

- On most Non-piloted farms, workers report that cases involving managers and supervisors as the offenders have been not been investigated with impartiality or has been kept pending awaiting the complainant to produce evidence.

Limitations PILOTED FARMS

According to the workers and the GCMs, gaps are still observed in the way complaints are handled across 2 piloted Farms (C and D). On farm C, the workers and GCMs explained that because complaints filed prior to the Farm's involvement after the Pilot Initiative have been left pending/ineffectively handled, workers are now reluctant to report sexual harassment especially when managers and supervisors are involved, for fear of inaction and/or retaliation in this farm.

On farms C and D the workers and the GCMs who took part in the FGDs raised that impartiality is not always observed when supervisors and managers are implicated in a case. The GCMs explained that the HRD interfere with the investigation process, when certain managers and/or supervisors are implicated. The Chair has reportedly approached witnesses and put pressure on them to either decline to cooperate with the investigations or to provide a statement in support of the accused.

On farm C, the GCMs explained that complaints are reported to and handled by the Human Resource Managers. Workers hesitate to file complaints involving managers and supervisors to HR managers, for fear of victimisation.

Workers and the GCMs on all farms raised that the burden of proof is often a great challenge. They shared a number of incidents that were observed and reported to the GCMs, but no action could be taken because of lack of evidence.

Limitations; NON-PILOTED FARMS

According to the workers and the GCMs, gaps are still observed in the way complaints are handled across 6 Non-piloted Farms ((i.e. at E,F,G,H,I,J)). On these farms workers and GCMs explained that because complaints filed prior to the Farm's training by the WRW have been left pending/ineffectively handled, workers are now reluctant to report sexual harassment especially when managers and supervisors are involved, for fear of inaction and/or retaliation in the 6 farms.

On 6 non-piloted farms the workers and the GCMs who took part in the FGDs raised that impartiality is not always observed when supervisors and managers are implicated in a case. The GCMs explained that the HRD interfere with the investigation process, when certain managers and/or supervisors are implicated.

On these farms the GCMs explained that complaints are reported to and handled by the Human Resource Managers. Workers hesitate to file complaints involving managers and supervisors to HR managers, for fear of victimisation.

Workers and the GCMs on all farms raised that the burden of proof is often a great challenge. They shared a number of incidents that were observed and reported to the GCMs, but no action could be taken because of lack of evidence

5.1.3 Progress against clause 10: Confidentiality-Piloted farms

According to both the general workers and the GCMs, observance of confidentiality, which emerged as an issue in the baseline survey, has greatly improved in 3 piloted farms out of 4 farms (A,B,C) but in farm (D) is still an issue. GCMs are now aware of the importance not to share information about a complaint with any other parties than those involved in a case.

However, challenges were still reported across 2 farms (A and B), by both the GCMs and the general workers. Here, individual GCMs were said to breach confidentiality and/or spread malicious rumours for personal reasons. GCMs raised that their behaviour may affect the credibility of the GC as a whole vis-à-vis the workers.

5.1.4 Progress against clause 10: Confidentiality-Non piloted farms

According to both the general workers and the GCMs, observance of confidentiality, which emerged as an issue in the baseline survey, has **remained an issue in these farms**.

GCMs are now aware of the importance not to share information about a complaint with any other parties than those involved in a case after they were trained by WRW but this will be confirmed after three months

5.1.5 Progress against clause 7: Remedial Action towards the proved harasser-piloted farms

- General workers on 2 farms out of 4 farms (A and B) made the point that they are satisfied with the way in which both the GCs and HRD are handling arising matters except in farms (C and D) .
- By contract, workers and GCMs at C and D explained that significant challenges persist. At farm C, *some cases are left pending by HRD after GC's recommendations are received*. The GCMs explains that failure by HRD to remedy these cases reflects personal disagreements and lack of collaboration between the GC Chair and HRD. At farm C and D, complaints involving managers and/or supervisors are not always remedied with impartiality.

5 Progress against clause 7: Remedial Action towards the proved harasser-Non-piloted farms

- General workers on 4 farms (F,G,H,I and J) made the point that they are NOT satisfied with the way in which both the GCs and HRD are handling arising matters except in farms (E and H) .
- By contract, workers and GCMs in the 6 farms explained that significant challenges persist. With *some cases left pending by HRD after receiving*. The GCMs explains that failure by HRD to remedy these cases reflects personal disagreements and lack of collaboration between the GC Chair and GCMs. Especially complaints involving managers and/or supervisors are not always remedied with impartiality

5.1.6 Progress against clause 9: Counselling

The Model policy states that

‘Management may seek appropriate professional advice and arrange for counselling for the complainant, during and after the investigation of the complaint, as required. Leave of absence may also be necessary, and Management will give permission for this, and if the complainant’s compassionate leave entitlement is exhausted, additional compassionate leave may be granted.

WRW was unable to gather information on the scale, quality and accessibility of counselling and other support services for complainants and proved victims of sexual harassment. WRW was not able to establish if leave of absence has been awarded in all the 10 farms

According to the GW, GCM and Managers who attended the trainings and filled the survey questions counselling is not available on any of the 10 farms.

Impact of the Action Undertaken by Management, GCMs and WRW

➤ *Has sexual harassment decreased within the pilot farms?*

According to the respondents in the focus group discussions, the prevalence/frequency of certain forms of sexually harassing behaviour had decreased. They indicated that workers are treating fellow workers with greater respect and sensitiveness, refraining from behavior, which were once widespread, such as making sexually suggestive jokes and touching colleagues and subordinates inappropriately.

Workers attribute the reduction in the frequency of sexual harassment to the following factors:

- ❖ Employees are now wary of the behavior that can be construed as sexual harassment and of the possible consequences of committing sexual harassment in farm (A,B and C) however in (farm D) GCMs were new and had not been trained before.
- ❖ HRDs on most farms are now resolving cases of SH complaints promptly, thus reinforcing the message that SH won’t be condoned;
- ❖ The training, the follow up meeting/FGDs and the refresher meeting have provided an opportunity for workers to discuss their experiences of SH and to establish solidarity and greater mutual support, in the event that incidents of SH occur, including sexual offences from line managers.
- ❖ Employees are now aware and have confidence in gender committee thus attracting an increase in reported SH incidents.

However, **challenges** were also reported to persist, with unequal intensity, on 4 Farms (A, B and C).

Workers on these farms reported that while sexually harassing behaviour by managers has decreased, this has not ceased. The issues raised by the workers and the GCMs were the following:

- Employees are sometimes deliberately assigned excessive workload so that line managers can promise workers to reduce their workload, if they comply with a sexual request;
- Promise of promotion, of allocation of overtime, and threat of non-renewal of contract and of demotion are still used by supervisors and managers to get subordinates to comply with sexual requests.
- Cases of line managers using their authority to request dates to subordinates were still observed;
- Workers reported that SH is often targeted at seasonal and temporary workers.

This section outlines the progress observed on increase of reported cases in the piloted farms in implementing the sexual harassment Policy. Table 3 (annexed).

Workers and GCMs employed at farm stressed a lack of commitment by Management to ensure that managers and supervisors comply with the SH policy. The SH policy is reportedly not taken seriously by a high percentage of managers and supervisors.

5.2 Impact of the Action Undertaken by Management, GCMs and WRW

➤ *Has sexual harassment decreased within the Non-pilot farms? NO*

According to the respondents in the focus group discussions, the prevalence/frequency of certain forms of sexually harassing behaviour was persistence in 4 out of the 6 non piloted farms. Except in farms (E and H) where the behaviour had decreased .They indicated that workers are treating fellow workers with no respect and sensitiveness and not refraining from SH behaviors and are widespread, such as making sexually suggestive jokes and touching colleagues and subordinates inappropriately.

Workers attribute the frequency of sexual harassment to the following factors:

- ❖ Employees are not wary of the behavior that can be construed as sexual harassment and of the possible consequences of committing sexual harassment;
- ❖ HRDs on most farms are not resolving cases of SH complaints promptly, thus not reinforcing the message that SH won't be condoned;
- ❖ The training, needs the follow up meeting/FGDs and the refresher meeting will provide an opportunity for workers to discuss their experiences of SH and to establish solidarity and greater mutual support, in the event that incidents of SH occur, including sexual offences from line managers.
- ❖ Employees are not reporting incidents of sexual harassment to the gender committees in the farms except in (E and H)
- ❖ Employees not aware of the mechanism put in place by the farms to report the SH incidents
- ❖ Employees lack of confidants with the GCM in the farms
- ❖ Cases not solved by the HRD in these farms.

However, **challenges** were also reported to persist, with unequal intensity, on 2 Non piloted Farms (E and H). Workers on these farms reported that while sexually harassing behaviour by managers has decreased, this has not ceased. The issues raised by the workers and the GCMs were the following:

- Employees are sometimes deliberately assigned excessive workload so that line managers can promise workers to reduce their workload, if they comply with a sexual request;
- Promise of promotion, of allocation of overtime, and threat of non-renewal of contract and of demotion are still used by supervisors and managers to get subordinates to comply with sexual requests.
- Cases of line managers using their authority to request dates to subordinates were still observed;
- Workers reported that SH is often targeted at seasonal and temporary workers.

➤ *Has workers' confidence in Farms' reporting mechanisms increased? piloted farms*

At the time of the training the focus group discussion, general workers were asked if they would report an incident of SH that they observed or experienced. Workers on most farms indicated that they would: they expressed that they had confidence in the new procedures being used by the GC to handle SH issues. By contrast, workers from farm D stated that it would depend on the position of the alleged harasser: fear of victimisation would still deter them from reporting.

➤ *Has workers' confidence in Farms' reporting mechanisms increased? Non -piloted farms*

At the time of the training the focus group discussion, general workers were asked if they would report an incident of SH that they observed or experienced. Workers on most farms indicated that they would not: they expressed that they had no confidence in the procedures being used by the GC to handle SH issues. By contrast, workers from farm E stated that it would depend on the position of the alleged harasser: fear of victimisation would still deter them from reporting.

6: Sustainability of the progress made

➤ Have trained employees cascaded policy training to fellow workers? PILOTED FARMS

Except in (farms C) GCMs have cascaded training to a high number of workers: approximately 1,500 workers for they have a training calendar that the management has approved.

Have trained employees cascaded policy training to fellow workers? NON-PILOTED FARMS NO

- In all the 6 farms, GCMs have not cascaded training as Management has not allocated time for the GCM to conduct regular employees' training.

Which are the gaps in knowledge/skills/competencies, which Management need to address?

- On all the 10 farms, the GCMs have requested periodical refresher training to be scheduled by the Management
- A degree of uncertainty and confusion appears to exist on issues such as how to establish the boundary between sexual harassment and consensual relationship, in cases in which acceptance of sexual requests is made a condition for preferential treatment in employment. While they are more confident in their abilities,
- Some GCMs made the point that they need additional and more focused/ specific training.
- A need for a code of practice mechanism is required to address pertinent issues not captured in the policy to allow such workers to declare to the HRD and assurance of protection. For example (what would happen to a supervisor who enters into a mutual relationship with an employee and could result to other workers seeing it like preferences?) It was proposed that there is serious need to come up with a frame work document that protects such practices without victimization and retaliation.

What additional supports will GCMs need from Farms Management after the project ends? PILOTED FARMS

- ❖ In farms A and D, the GCMs explained that time is needed In the farm to cascade trainings to the workers and a training work plan calendar be discussed by both HRD and GCM .
- ❖ In farm B and C where the GCMs are given time to cascade, explained that 30 minutes per week to cascade training to other workers is not enough.– as the issues to explain are complex.
- ❖ On 4 farms(A,B,C and D), GCMs raised a need for Management to hold regular meetings of GCMs- Management- trade union representatives, to review the work undertaken and discuss issues/concerns that arise in performing their duties.

What additional supports will GCMs need from Farms Management after the project ends? Non-PILOTED FARMS

- In farms all the 6 non piloted E,F,G,H,I and J, the GCMs explained that time is needed In the farm to cascade trainings to the workers and a training work plan calendar be discussed by both HRD and GCM .
- On 6 farms(E,F,G,H,I and J), GCMs raised a need for Management to hold regular meetings of GCMs-Management- trade union representatives, to review the work undertaken and discuss issues/concerns that arise in performing their duties.

- GCM explained that they needed the managements to come up with the training calendar of 45 minutes for cascading

7. Lessons learned from running this pilot project

- ***Have the training methods workers, GCMS been effective tools to imp Have the Have the training methods, Model policy and the Detailed Guidelines for Complaint-Handling and the managers been effective tools to improve prevention and remediation of SH? How?***

WRW compiled a guide for Gender Committee members to plan and conduct investigations into complaints, and to evaluate the evidence they gathered (*The Detailed Guidelines for Complaint-handling Officials*). GCMs from most farms explained that they found this useful.

They also reported that the Model Policy provides a clear framework and clear standards on how reported incidents should be handled by them and by Management.

The broad objective of the training was to develop the knowledge, abilities, attitudes and professional qualities that Management and complaint handling officials require to prevent and deal with incidences of sexual harassment at the workplace.

Specific Objectives: At the completion of training, all trainees including managers, supervisors, gender committee members, and union and workers representatives should be competent to independently perform/display the following objectives:

- Lead in cascading training to all other employees, as trainers of trainers
- Lead in the implementation of the policy by applying the skills developed throughout the training and leading by example
- Improve work climate by enhancing interactions between workers, complaint handling officials and management to strengthen performance
- Lead in ensuring accountability throughout the implementation process
- Lead in monitoring and evaluation processes

The training adhered to the curriculum which is elaborated in the Table below;

Table 1: The course curriculum

Lesson	Topic	Learning Outcome	Student Activity	Resources
1	The Kenyan law on Sexual harassment.	Trainees will understand the source of the policy and the national legal requirements on the policy	Students discuss the relevance of the Subject and what is to be achieved in the training	Power point presentation
2	Introduction to the workplace anti-sexual harassment policy (Purpose and scope of the policy)	Trainees understand the ideal structure of an anti-sexual harassment policy and the relevance of signatories, definitions and roles as compared to having just a policy statement	Students discuss the difference between the model policy and their company policy and how it may affect the implementation process	The model SH policy
3	Definition and behaviours that constitute sexual harassment	Trainees are able to better understand the specific behaviours that constitute SH	Brainstorming examples relevant to their experiences and the work environment	The model SH policy
4	Communication of the policy	Trainees are able to use different avenues to communicate learning and	Offering Recommendations/ suggestions	The model SH policy

		information regarding the policy to their peers.		
5	Roles and responsibilities of various actors in eliminating sexual harassment	Trainees understand and are committed to fulfilling their respective roles and responsibilities towards implementing the policy	Working on examples relevant to their work position and experience	The model SH policy
6	Procedures to report and to resolve allegations of SH	Trainees have the knowhow to report and direct other complainants on the proper procedures for filing SH complaints. Complaint handling officials and management are able to effectively handle reported complaints	Brain storming Group discussion Questions and answers	Guidelines tool for dealing with reported incidents of SH

Training Techniques

In order to provide training on knowledge and skills in preventing and dealing with sexual harassment at the workplace, the following techniques were used during training;

- Lecture discussions
- Group exercise and assignments
- SH Videos
- Individual exercises
- Pair exercises and assignment (through demonstrations)
- Power Point Presentations
- Plenary sessions
- Role Play

What have been some of the noticeable changes that have been brought about through the interventions of Workers Rights watch in the farms?

- Workers in the farms that have been trained by WRW have increased their awareness on what is sexual harassment and how to report whenever it occurs and how to prevent it in future.
- This has also led to women representing workers in committees and trade unions to be able to speak out and lead boldly and without fear.
- The management has also been sensitized and challenged to be bold in having comprehensive workplace policies that identifies, addresses and prevents sexual harassment in the workplace.

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- The management has also been sensitized and challenged to be bold in having comprehensive workplace policies that identifies, addresses and prevents sexual harassment in the workplace.

What were the challenges encountered during implementation of the policy? And how did they affect project implementation and what were the coping mechanisms?

- A key challenge has been the individual and collective understanding and meaning of sexual harassment in the workplace by workers and the management that is in line with existing policies such as Article 2 Section 6 of the Employment Act in Kenya.
- In other words, what differentiates casual employee relationships and sexual harassment incidences in the workplace? Sexual harassment is exacerbated by the unequal power relations at work, driven by a deep-seated belief that a woman is not equal to a man.
- The work that WRW is leading in the selected farms has been critical in galvanizing collective efforts and calling for strong intentional leadership that is much needed in rooting out sexual harassment in the workplace through regular sensitization dialogues,
- Establishing clear reporting and complaints mechanisms and urging the farm management to take decisive political commitment and actions that refuses to normalize sexual harassment

➤ ***Has the involvement of certification bodies contributed to achieving project objectives? How?***

Certification bodies have played a key role in convincing the 10 farms to take part in the 2 phase of the project, and in allowing Workers Rights Watch to access the farms and to train their workforce. They helped the organisation to build a relationship with the management on those farms, and to raise awareness of the problems being faced by workers.

Certification bodies have played a key role in partnering with WRW in bringing to the Campaign a historical knowledge of the context of sexual harassment in the sector. It brings legitimacy, owing to its long nurtured relationship with workers, It also brings to the campaign crucial knowledge and knowhow on sexual harassment and on protection .

Certification bodies have ensured that the Campaign gained access to flower farms in order to advance SH objectives. The relationships that have been built by WRW with both flower farms and growers' associations have helped nurture a commitment to cooperation. While these commitments have, from time to time, been tested with mixed results, the relationship with the flower sector has marked a new phase of acknowledging gaps in protection systems in the farms, and a common broad ambition to address these gaps.

Certification bodies have played a big role in Entrenching the promulgation of sexual harassment policy statements in the farms and it is imperative initial phase towards establishing a sexual harassment free workplace. However, on its own, it is insufficient to advance the development of systems and a culture of protection and safeguarding in the work-place.

Therefore progressively:

- The certification bodies should keep monitoring the 10 farms, to see what progress is made in addressing outstanding problems presented in this Report;

- They Need to contract an external consultant to review progress on the 10 farms and write another report after 4 months
- They need to ensure a code of practice is formulated to address issues that affect workers and are not covered in the policy.
- To share the findings from the review by an external consultant with a number of growers who are already certified with them.
- Ensure they come up with indicators that seek to know the issues that affect managers and supervisors for they raise very pertinent issues.
- Advice and support the Farms in which significant concerns persist.
- Consider circulating this Report among their auditing teams and encourage their use in monitoring the extent to which progress is sustained and outstanding gaps addressed across the concerned farms.
- Review/Revisit the process whereby Farm clients are audited on the systems that they have in place to deal with sexual harassment.

8. Conclusions and Recommendations

Key actions needs to be taken in the 10 farms towards implementing the Model Policy.

Farms have to use use different channels to inform employees on the SH policy and on the consequences for breaching it. These channels include Employment contracts and using the GCMs to cascade training to existing and new employees.

Limited action was taken to ensure that junior and senior managers are also fully aware of the *Model Policy* and of the *Detailed Guidelines for Handling SH Complaints*. Though action has been taken to educate general workers, this is a major concern, considering the crucial role that managers are expected to play in ensuring that the Policy is implemented and SH eradicated

Great progress has been recorded on piloted farms in the way complaints of SH are now received and resolved: inaction on reported incidents has decreased, observance of confidentiality improved, cases are generally resolved within 4-week timeframe and in most farms (3 out 10 farms)

Complaints involving supervisors and managers as the alleged offenders are reportedly handled with impartiality in some farms

There are still significant gaps in the knowledge/skills/competencies of complaint handling officials, which need to be tackled in all the 10 farms. While they are more confident in their abilities, some GCMs felt that they needed additional and more in-depth/ specific training.

GCMs were not provided with information and guidelines (from HRD) on remedying cases of SH– including the Employer’s accepted standards for disciplinary action.

There are still significant gaps in the knowledge/skills/competencies of Managers and supervisors , which need to be tackled in all the 10 farms.

there is need to advance the project beyond the development of sexual harassment policies to a contrived process of developing and implementing comprehensive, participatory, open systems at the workplace, effectively monitoring the efficacy of said systems and enjoining community dialogue in work-place programming, to influence a culture shift towards legitimate protection and safeguarding

Another key concern is that while medial referral is available on most farms, counselling support is not offered on any of the farms. Information to employees on relevant community services outside the Farms is also not provided.

However, progress is uneven across and within the 10 Farms.

- Lack of impartiality in investigation and remediation of SH complaints continue to be an issue on the most farms.
- Trust in the Farm's mechanisms to report and deal with complaints is still low on six farms (E,F,G,H,I and J)
- Sexual harassment by supervisors and managers, particularly implied or expressed promises of preferential treatment in employment or threat of detrimental treatment are still common across 7 farms (Farm D,E,F G H I and J)
- Confidentiality is still a concern in 6 Non piloted farms (E,F,G,H,I and J).

Learning and future recommendations

- 1) In addition to the farm trainings, more training should be conducted for management and gender committee members as a workshop. This should be conducted 3 months after the on-farm training. Conducting trainings differently as workshops will increase the motivation and involvement of participants. Participants should be from different farms to enable share broad learning experiences.
- 2) Literature on sexual harassment and its legal connotations should be largely available or easily accessible to complaints handling officials and other interested parties.
- 3) Practical case study demonstrations should be presented to trainees to allow them to observe and question some aspects of SH cases within their work setting which would make the training more practical and relevant to them. This could be arranged and implemented during the training workshops.
- 4) There is also a challenge that the training of gender committee members and workers without related training to top cadre management may be less productive. Hence a suggestion on preparing a training curriculum and calendar for directors and senior managers to ease the implementation through their commitment
- 5) There is need to develop a model for Leadership training for gender committee members and supervisors to strengthen their engagement on gender issues

WRW's recommendations to the Management are the following:

- (a) Communication of the Policy:
 - Farms to endeavor to use all the channels indicated in Model policy to inform employees on the policy (please refer to clause 4 of the Policy);
 - Farm to schedule time for the GCMs to cascade training;
 - Supervisors and managers play a key role in preventing and responding to SH complaints. Moreover quid pro quo is still a strong concern across over the 10 farms.
 - It is crucial that senior and junior managers are made aware of their responsibilities as stated in the SH Policy.
 - Farms to organize periodic training for senior and junior managers on their legal duties and specific responsibilities.
 - Farms also to use the supervisors and managers trained by WRW to cascade information to fellow supervisors and managers.
- (b) Training and support to the GCMs:
 - GCMs are appointed every 2- 3 years. It is important that new GCMs are systematically taken through the Model Policy and *Guidelines*.
 - Management should provide information and guidelines on remedying cases of SH– including the Employer's accepted standards for disciplinary action.
- (c) Counselling and medical support and/or referral:
 - Confidential, free counselling and medical support and/or referral should be available on all farms for complainants and proved victims. Where, these services are not available on the farms,

Management should provide information on - as well as transport to/from -local community services, including medical and psychosocial counselling, as required.

(d) Monitoring compliance with the Policy:

- HRD to schedule periodical meetings with the GCMs to review reports on the complaints received and responded to and to ensure that complaints are handled in accordance with the Company's policy and *Detailed Guidelines*;
- Farms to periodically review the effectiveness of the actions undertaken in reducing sexual harassment, through meeting with workers and workers' representatives.

9. Next steps: Actions that Management and Certification bodies who attended the End of Project workshop have committed to take, over the next 12 months (i.e. December 2015 to November 2016).

- To endeavor to reach out and inform all employees – workers and managers alike- on the SH policy.**
Specifically:
 - ❖ To consult with senior managers to add a clause on SH to both the Employee's Handbooks and the Human Resources Manual/Rules and Regulations, in the Farms in which this has not been done yet;
 - ❖ To affix extracts of the Model policy on notice boards and other visible places;
 - ❖ To make arrangements for the GCMs to continue to provide training on SH and on the SH policy (first time training and refresher training);
 - ❖ To ensure managers are given time to cascade information to fellow managers, during meetings;
 - ❖ To request supervisors to attend the training offered by the GCMs;
 - ❖ To take steps towards putting counselling support in place on the farm for victims of SH;
 - ❖ To build and support the capacity of the GCMs to deal with SH
 - ❖ To Ensure that newly appointed GCMs receive adequate training
 - ❖ To Schedule time for the GCMs to meet with workers and review progress and challenges periodically
 - ❖ HRD to schedule periodical meetings with the GCMs to review reports on the complaints received and responded to and to ensure that complaints are handled in accordance with the Company's policy and *Detailed Guidelines*;
 - ❖ To improve workers-management relationships:

Annexes

Table 1: Model Sexual Harassment Policy, recap of main clauses and progress made on the pilot farms according to the workers and the GCMs.

Annex on the training

COMPOSITION OF RESPONDENTS

Category of Respondents		Planned target	Responses received	Female	Male
Questionnaire administration	Farm workers	50	33	22 (67%)	11 (33%)
	Managers & Supervisors	100	102	32 (31%)	70 (69%)
	Compliance officers	10	8	5 (63%)	3 (37%)

	Human Resource Managers (HRMs)	10	10	7	3
	Gender Committee Members (GCMs)	100	88	62 (71%)	26 (29%)

Source: Generated by evaluation team