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INVESTIGATIVE STUDY ON GENDER-BASED VIOLENCE AGAINST WOMEN WORKERS IN COMMERCIAL INVESTMENT SCHEMES IN THE EAST AFRICAN COMMUNITY (EAC).

AUGUST, 2026

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TABLE OF CONTENTS

1.0. EXECUTIVE SUMMARY 5
1.1. INTRODUCTION AND BACKGROUND 7
1.2. Problem Statement 9
1.3. Purpose and Objectives 10
1.4. Research Questions 11
1.5. Methodology 11
1.6. Data collection 12
1.7. Ethical Considerations 12
1.8. Key Findings. 14
2.0. CONCEPTUAL AND ANALYTICAL FRAMEWORK 15
2.1. Key Concepts 16
2.1.1. Gender-Based Violence and Harassment 16
2.1.2. Sexual Harassment 16
2.1.3. Violence Against Women 17
2.1.4. Commercial Investment Schemes 17
2.2. Integrated Analytical Framework 17
3.0. QUALITATIVE EVIDENCE ON GENDER- BASED VIOLENCE AGAINST WOMEN WORKER IN COMMERCIAL INVESTMENT SCHEMES IN THE EAST AFRICAN COMMUNITY 19
4.0. Employment Context and Structural Vulnerability 20
5.0. Nature, Forms and Prevalence of Workplace GBVH 25
6.0. Drivers and Risk Factors 30
7.0. Legal and Policy Environment 35
7.1. International Framework 36
7.2. Regional Framework 42
7.2.4. East African Community Framework 43
3. National Framework 44
8.0. Employer Prevention Systems and Workplace Governance 49
9.0. Reporting, Grievance Handling and Access to Justice 52
11.0 Investment Governance and Corporate Accountability 56
12.0. Trade Unions, Worker Representation and Collective Action 59
13.0. Community and Local Governance Dimensions 61
14.0 Recommendations and Reforms 62
15.0. Conclusion 66
16.0. References 68

TABLES

TABLE 1 ..... Pg 13
TABLE 2 ..... Pg 48-49
TABLE 3 ..... Pg 65-66

LIST OF ACRONYMS AND ABBREVIATIONS

AU	African Union
BHR	Business and Human Rights
BITs	Bilateral Investment Treaties
C81	ILO Labour Inspection Convention, 1947 (No. 81)
C100	ILO Equal Remuneration Convention, 1951 (No. 100)
C111	ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
C155	ILO Occupational Safety and Health Convention, 1981 (No. 155)
C187	ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)
C190	ILO Violence and Harassment Convention, 2019 (No. 190)
CBA	Collective Bargaining Agreement
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEDOVIP	Center for Domestic Violence Prevention
CHRAGG	Commission for Human Rights and Good Governance
COVID-19	Coronavirus Disease 2019
CSO	Civil Society Organisation
EAC	East African Community
EBRD	European Bank for Reconstruction and Development
EGM-GBV	Expert Group Meeting on Gender-Based Violence
ELRA	Employment and Labour Relations Act
ESG	Environmental, Social and Governance
FDI	Foreign Direct Investment
FPE	Feminist Political Economy
GBV	Gender-Based Violence
GBVH	Gender-Based Violence and Harassment
GEWE	Gender Equality and Women's Empowerment
HIV	Human Immunodeficiency Virus
HR	Human Resources
HRBA	Human Rights-Based Approach
HRDD	Human Rights Due Diligence
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFC	International Finance Corporation
ILO	International Labour Organization
KII	Key Informant Interview

LC1	Local Council I
MNE	Multinational Enterprise
NAP	National Action Plan
OECD	Organisation for Economic Co-operation and Development
OSH	Occupational Safety and Health
PS1	IFC Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts
PS2	IFC Performance Standard 2: Labour and Working Conditions
SEAH	Sexual Exploitation, Abuse and Harassment
SEATINI	Southern and Eastern Africa Trade Information and Negotiations Institute
SOSPA	Sexual Offences Special Provisions Act
UDHR	Universal Declaration of Human Rights
UFEA	Uganda Flower Exporters Association
UHAWU	Uganda Horticultural and Allied Workers Union
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNGPs	United Nations Guiding Principles on Business and Human Rights
UWEA	Uganda Workers' Education Association
USD	United States Dollar
WHO	World Health Organization

Acknowledgements

This Investigative Study on Gender-Based Violence Against Women Workers in Commercial Investment Schemes in the East African Community (EAC) was developed and published by the Southern and Eastern African Trade Information and Negotiations Institute (SEATINI) as part of its efforts towards Curbing Gender Based Violence Against Women in EAC Agricultural Commercial Investment Schemes, with support from DIAKONIA.

SEATINI acknowledges the leadership and substantive contributions of its staff throughout the research and drafting process. Special appreciation is extended to Ms. Jane Nalunga, Executive Director, for her strategic guidance and intellectual oversight, Mr. Herbert Kafeero, Deputy Executive Director, for his technical leadership and coordination and Mr. Mugambwa Owen Paul Dogoto, Program Associate Trade and Investment for Sustainable Development for his diligent work in research coordination and institutional liaison throughout the study process. SEATINI also thanks Ms. Robina Kagoye for her invaluable research design, qualitative field coordination and analytical contributions that shaped the depth and rigor of this investigation.

The views expressed in this publication are those of SEATINI and do not necessarily reflect the positions of partner institutions or funders.

1.0. EXECUTIVE SUMMARY

Gender-based violence and harassment (GBVH) remains a critical labour rights and human rights issue in East Africa's commercial investment schemes, particularly in tea estates, horticulture, floriculture, and oil-palm plantations. The study highlights that GBVH is not merely individual misconduct but is rooted in unequal power relations, insecure employment, economic dependence, weak accountability, and poor workplace organisation.

Using a qualitative approach, the study combined 36 key informant interviews with documentary analysis of laws, policies, labour inspection reports, trade union and civil society publications, academic literature, and corporate ESG documents. Respondents included women workers, employers'representatives, labour officials, union leaders, civil society actors, and community representatives, offering a multi-stakeholder perspective.

Findings reveal that women's vulnerability is closely tied to precarious employment. Most respondents were casual or seasonal workers, often without written contracts, leaving them dependent on supervisors and employers. Labour outsourcing further fragmented accountability, limiting access to grievance systems and union representation. Economic insecurity-low wages, delayed payments, and gender pay gaps-was described by some as "financial violence," deterring women from reporting abuse.

GBVH manifested in multiple forms: sexual harassment, verbal abuse, intimidation, economic exploitation, and discriminatory treatment. Risks were heightened in secluded work areas, labour camps, and unsupervised settings. While some employers had policies and committees, these were often ineffective, male-dominated, or seen as symbolic measures for certification. Certification and ESG systems provided some safeguards but frequently failed to detect hidden or normalised abuse.

Weak worker voice compounded the problem, with many respondents citing barriers to unionisation and collective bargaining. Labour inspection systems lacked gender-disaggregated data, meaning official records understated the prevalence of GBVH. However, occupational safety and health institutions were perceived as more responsive, suggesting potential for integrating GBVH into OSH frameworks. External accountability, such as donor or investor conditionality, also proved more effective in some cases than routine domestic enforcement.

Despite these challenges, positive practices emerged. Trade unions, collective agreements, and women-focused workplace committees provided meaningful support, grievance procedures, and safer reporting channels. These examples show that stronger worker voice and gender-responsive structures can make a tangible difference.

Overall, the study concludes that the central challenge lies not in the absence of laws but in the gap between formal commitments and actual protection. Addressing GBVH requires governments to strengthen enforcement and data systems, employers to establish independent grievance mechanisms, investors to enforce gender requirements, certification bodies to adopt gender-sensitive auditing, unions to expand representation, and civil society to support awareness, documentation, and access to justice.

1.1. INTRODUCTION AND BACKGROUND

Gender-based violence (GBV) against women in the world of work has emerged as a significant labour rights, human rights, public health and development challenge. Far from being isolated incidents of interpersonal misconduct, workplace GBV reflects structural inequalities that shape access to employment, workplace power relations and the distribution of economic opportunities (UN Women,2019,Nkya, 2020). Women continue to experience sexual harassment, psychological abuse, intimidation, economic violence, discrimination and other forms of workplace violence that undermine their dignity, health, safety and equal participation in employment(UN Women,2019) These violations not only affect individual workers but also reduce productivity, increase labour turnover, weaken organisational performance and constrain broader economic and social development.(Cox & Ederer, 2021,ILO, 2022)

International recognition of workplace violence has evolved considerably over the past decade. The adoption of the International Labour Organization (ILO) Violence and Harassment Convention, 2019 (No. 190) and Recommendation No. 206[1] marked a significant shift in international labour law by recognising the right of every person to a world of work free from violence and harassment[2]. Unlike earlier approaches that largely focused on sexual harassment, Convention No. 190 adopts a broader understanding of violence encompassing physical, psychological, sexual and economic harm occurring during, arising from or connected with work[3]. It further recognises that workplace violence extends beyond the physical workplace to include employer-provided accommodation, work-related travel, commuting, digital communications and other work-related settings[4].

Within the East African Community (EAC), commercial investment has become a central pillar of national development strategies, with Uganda, Kenya and Tanzania increasingly relying on foreign direct investment (FDI) and large-scale commercial agriculture to accelerate industrialisation, expand

exports, modernise agriculture and create employment (SEATINI , 2016). To attract foreign capital and leverage their abundant natural resources, including fertile agricultural land and rich mineral reserves, these countries have adopted investment-friendly legal and policy frameworks, entered into numerous international investment agreements and offered a range of fiscal and regulatory incentives to investors. According to the United Nations Conference on Trade and Development (UNCTAD), the three countries are collectively parties to 85 international investment agreements, comprising 53 Bilateral Investment Treaties (BITs) and 32 Treaties with Investment Provisions (TIPs), reflecting their commitment to promoting investment-led economic growth[5].

These policy reforms have contributed to a steady increase in foreign investment, particularly in land-based commercial ventures. UNCTAD's World Investment Report 2025 indicates that FDI inflows into East Africa increased by approximately 65.4 percent between 2019 and 2024, rising from USD 7.69 billion to USD 12.72 billion[6]. This sustained growth underscores the region's increasing attractiveness as an investment destination and the growing role of commercial investment in driving economic transformation. Much of this investment has been concentrated in labour-intensive sectors such as tea, horticulture, floriculture, sugar production and oil palm cultivation, which employ large numbers of women across the production chain[7].

1 *https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810*
2 *See Article 1(a)&(b)*
3 *Ibid note 2*
4 *See Article 3*
5 *https://investmentpolicy.unctad.org/international-investment-agreements/by-economy*
6 *https://unctad.org/publication/world-investment-report-2025*
7 *Jacobs, S., Brahic, B., & Olaiya, M. M. (2015). Sexual harassment in an east African agribusiness supply chain. The Econom-*

While these investments have contributed to economic growth and employment, emerging evidence suggests that they also create workplace environments in which women may face heightened risks of gender-based violence and harassment[8](Jacobs et al., 2015; Reyes Rocha & Sexsmith, 2024). Commercial investment schemes are frequently characterised by labour casualisation, seasonal employment, labour subcontracting, hierarchical management structures, productivity-based remuneration systems, employer-controlled accommodation and remote workplaces with limited regulatory oversight[9](Jacobs et al., 2015; Reyes Rocha & Sexsmith, 2024). These characteristics may reinforce unequal power relations between employers and workers, creating conditions in which abuse, exploitation and impunity flourish where effective legal protections, institutional oversight and corporate accountability mechanisms are absent.

Although Uganda, Kenya and Tanzania have adopted laws intended to protect workers including women workers from gender based violence and harassment, significant questions remain regarding their adequacy and implementation within commercial investment schemes. Existing literature provides only limited understanding of how investment governance, labour regulation and institutional accountability interact to prevent and respond to GBV in these settings. Consequently, important evidence gaps remain regarding the lived experiences of women workers, the effectiveness of workplace grievance mechanisms, labour inspection systems and corporate accountability practices.

Recognising these gaps, the Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI Uganda) commissioned this investigative research to examine gender-based violence against women workers in selected commercial investment schemes in Uganda, Kenya and Tanzania. The study focuses on commercial tea estates, horticultural and agricultural enterprises with the objective of generating evidence to inform policy reform, institutional strengthening, corporate accountability and advocacy across the EAC.

1.2. Problem Statement

Commercial investment schemes have become central to economic transformation and employment creation across the East African Community,with women constituting approximately over 70% of the workforce in sectors such as tea, horticulture and oil palm production[10]. However, despite their critical contribution to regional economies, women working in these sectors continue to experience multiple forms of gender-based violence and harassment, including sexual harassment, coercion, discrimination, psychological abuse, unsafe working conditions and economic violence[11]. (UN Women,2019). These abuses undermine women's dignity, health, economic security and access to decent work.

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ic and Labour Relations Review, 26(3), 393–410. https://doi.org/10.1177/1035304615595604, Reyes Rocha, F. A., & Sexsmith, K. (2024). Workplace sexual harassment in waged agricultural employment: A literature review. Journal of Agromedicine, 29(4), 516–530. https://doi.org/10.1080/1059924x.2024.2338857

8 Ibid note 7

9 Ibid note 7

10 Across the EAC, Women's participation in the workforce within commercial investment schemes has increased significantly *over the years, with women now constituting between 60 and 75 percent of the labour force in many labour-intensive sectors. See; https://au.int/en/pressreleases/20251120/uganda-marks-major-milestone-au-advocates-women-led-industrial-parks, also see;*

11 Kiio, G. M. (2025). Tea leaves a mark: The voice of survivors of sexual and gender-based violence in Kenya's tea estates, Oxfam GB. https://policy-practice.oxfam.org/resources/tea-leaves-a-mark-the-voice-of-survivors-of-sexual-and-gender-based-violence-in-621689/ see also; Uganda Workers' Education Association (UWEA) (2013). Study on Sexual Harassment and Working Conditions on Ugandan Flower Farms, Siakilo, E. (2025). An analysis of women workers' experiences of rights violations in Kenya's tea sector (Study Report). Coalition Against Sexual Violence & Wangu Kanja Foundation. https://wangukanjafoundation.org/wp-content/uploads/2025/06/Study-Report-Women-Workers-Experiences-of-SEAH-in-Kenyas-Tea-Industry-FINAL_2025-06-23_01.pdf

Despite growing recognition of workplace GBV, existing research has largely focused on urban workplaces, manufacturing, the public sector and general labour market conditions, with comparatively limited attention given to commercial investment schemes.

Consequently, there is insufficient evidence on the prevalence, drivers and institutional responses to GBV within large-scale agricultural investments. There is also limited understanding of how investment governance frameworks, labour administration systems and corporate accountability mechanisms shape women's vulnerability to violence or influence access to justice.

Similarly, although Uganda, Kenya and Tanzania have enacted numerous legal and policy measures intended to protect workers, little comparative analysis exists regarding the implementation and effectiveness of these frameworks within commercial investment schemes. Addressing these knowledge gaps is essential for strengthening legal and institutional responses, promoting responsible investment and informing evidence-based advocacy and policy reform across the region.

1.3. Purpose and Objectives

i. Document cases of lived experiences of women workers in commercial investment sectors (e.g. tea, oil palm, floriculture, horticulture).
ii. Identify and analyze the forms, drivers and patterns of GBV, including sexual harassment, sextortion, forced labor conditions and economic exploitation.
iii. Analyse international, regional and national legal and policy frameworks governing workplace GBV
iv. Assess the extent to which labour administration systems, investment governance frameworks and corporate accountability mechanisms prevent and respond to workplace GBV
v. Assess access to justice and remedy mechanisms available for the affected women workers.
vi. Generate practical recommendations to strengthen access to remedy and mitigation of GBV in commercial investment schemes.

1.4. Research Questions

i. How do women workers in commercial investment sectors (tea, oil palm, floriculture, horticulture) describe their lived experiences of work, power, and vulnerability?
ii. What forms, drivers, and patterns of gender-based violence (GBV)-including sexual harassment, sextortion, forced labour conditions, and economic exploitation-emerge in these sectors, according to key informants and existing reports?
iii. How do international, regional, and national legal and policy frameworks address workplace GBV in these sectors, and where are the key gaps or contradictions?
iv. How do labour administration systems, investment governance frameworks, and corporate accountability mechanisms prevent and respond to workplace GBV in practice?
v. What justice and remedy mechanisms are available to women workers who experience GBV, and how accessible, effective, and survivor-centred are they?
vi. What practical, context-specific recommendations can be drawn to strengthen prevention, access to remedy, and mitigation of GBV in commercial investment schemes?

1.5. Methodology

This study employed a qualitative research design combining primary data collection with secondary documentary analysis. The approach involved systematic review and thematic analysis of both primary and secondary sources to examine gender-based violence and harassment (GBVH) affecting women workers in commercial investment sectors. Primary sources comprised of key informant interviews (KIIs) with 36 respondents; and legal and policy documents, including

constitutions, legislation, regulations, national policies, and international and regional legal instruments. While secondary sources included peer-reviewed journal articles and books; reports by civil society organisations (CSOs), government publications,Labour inspection reports and trade union reports; and corporate guidance documents, codes of conduct, and sustainability or ESG reports among others.

A comparative analytical approach was adopted to examine similarities and differences across Uganda, Kenya, and Tanzania, while situating national experiences within broader international labour and human rights standards. Evidence was synthesised thematically around drivers of GBVH and women workers' experiences; legal protection frameworks;investment governance; institutional accountability; corporate responsibility; access to justice; and workplace prevention of GBVH.

The study focused on tea estates, oil-palm plantations, horticultural enterprises, and other large-scale agricultural investments in Uganda, Kenya, and Tanzania.

1.6. Data collection

Evidence was collected through in-depth interviews with 36 respondents, purposively selected to capture diverse perspectives on GBVH in these sectors. The sample comprised:15 women workers; 4 company representatives and managers; 2 labour officers and 2 labour inspectors; 7 trade union leaders;3 representatives of civil society organisations; 2 workers' district councillors; and 1 local community chairperson (LC1). Respondents were purposively selected to include; those who directly experience GBVH (women workers); those responsible for preventing and responding to GBVH within workplaces (company representatives and managers); and those mandated to regulate, monitor, and provide remedies at institutional, community, and national levels (labour officials, union leaders, CSOs, councillors, and community leaders).

This multi-stakeholder design enabled triangulation of evidence across different accounts, identification of areas of convergence and divergence, and analysis of gaps between formal legal and policy requirements, institutional practice, and women workers' lived experiences.

1.7. Ethical Considerations

Consistent with the ethical requirements of this study, no respondent is identified by name, position, title, employer, or precise location anywhere in this chapter. Direct-experience testimony is anonymised and presented as illustrative composite evidence rather than as individually attributable quotations. Key informant evidence from women workers was drawn from 15 respondents: 8 from Uganda, working across flower farms, tea estates, and oil-palm plantations, anonymised as RWU1–RWU8; 4 from Tanzania, all from tea estates, anonymised as RWT1–RWT4; and 3 from Kenya, all from tea estates, anonymised as RWK1–RWK3. Other key informants were anonymised as: trade union officials: TU1–TU7, labour inspectors: LI1–LI2, labour officers: LO1–LO2, civil society organisation representatives: CSO1–CSO3, workers' district councillors: WC1–WC2, local community chairperson: LC1and company representatives as CR1- CR4.

Table 1: Description of the Respondents

Key Informant Category	Country/Sector	Number of Respondents	Anonymised Codes
Women workers	Uganda-flower farms, tea estates and oil-palm plantations	8	RWU1–RWU8
Women workers	Tanzania-tea estates	4	RWT1–RWT4
Women workers	Kenya-tea estates	3	RWK1–RWK3
Subtotal – Women workers	Uganda, Tanzania and Kenya	15	RWU1–RWU8; RWT1–RWT4; RWK1–RWK3
Trade union officials	horticulture, plantation and agriculture, agro-processing	7	TU1–TU7
Labour inspectors	Uganda	2	LI1–LI2
Labour officers	Uganda	2	LO1–LO2
Civil society Organisation representatives	Uganda and Kenya	3	CSO1–CSO3
Workers' district councillors	Uganda	2	WC1–WC2
Local community chairperson	Uganda	1	LC1
Company representatives	Horticulture and tea	4	CR1–CR4
Total		36	

Interview data were securely stored and used only for the purposes of this research. Findings are presented in a way that minimises the risk of identifying individual participants, particularly women workers whose testimony concerns sensitive experiences of GBVH. Direct quotations are therefore attributed only to anonymised respondent codes. This approach was intended to create a safe environment in which respondents could share their experiences freely while protecting their privacy and reducing the risk of retaliation or other harm arising from their participation.

1.8. Key Findings.

The evidence shows GBVH in commercial investment schemes is closely connected to power, employment insecurity and weak accountability, with a recurring gap between formal protection and lived protection. The key findings are sumarised below;

I. Precarious employment increases vulnerability. Women are disproportionately in casual, seasonal or temporary work - only four of the women interviewed were permanent, eleven were casual or seasonal, and many lacked written employment terms. This insecurity discourages workers from challenging supervisors or reporting abuse for fear of job loss, reducing bargaining power and access to formal protection.

II. Labour brokerage creates an accountability gap. Brokers, contractors and outsourcing arrangements leave women unsure whether to report to the broker, host company or another actor, while limiting access to unions and grievance systems - fragmenting accountability across actors.

III. Economic insecurity is both driver and form of GBVH. Low wages, delayed payments and unequal treatment led eight respondents to describe

this as "financial violence". Economic dependence increases exposure to abuse while making it harder to report or escape.

IV. GBVH takes many normalised forms beyond sexual harassment - including verbal abuse, intimidation, discriminatory treatment, physical violence and economic exploitation - meaning prevention must challenge normalised workplace attitudes, not just respond to formal complaints.

V. Workplace organisation creates risk unevenly, with secluded areas, greenhouses, labour camps, accommodation, breaks and periods of limited supervision identified as higher-risk, supporting environmental/organisational assessment alongside focus on individual perpetrators.

VI. Policies exist, but implementation is weak. Some employers had harassment policies and committees, but workers didn't always trust them; committees were sometimes male-dominated, and escalation routes led back to HR even where HR was implicated - weakening confidence in internal systems.

VII. Certification is not proof of safety. Certification and ESG systems encourage better practices but don't automatically detect GBVH; audits may miss hidden abuse where workers aren't interviewed confidentially or auditors lack gender-sensitive skills. This supports shifting focus from certification status to certification effectiveness at identifying and preventing GBVH.

VIII. Fear and weak worker voice limit reporting. Significant barriers to freedom of association exist - 80% of respondents said joining unions was very difficult. Weak collective structures reduce individual women's power to challenge abuse, making worker voice part of GBVH prevention itself.

IX. Labour inspection and data systems inadequately capture GBVH. National systems don't consistently record GBVH as distinct cases, so absence of recorded cases doesn't mean absence of GBVH - cases can disappear at reporting, investigation, documentation, resolution or follow-up stages.

X. OSH offers a prevention opportunity, as respondents found OSH institutions more responsive than general labour inspectorates, supporting integration of GBVH into workplace safety systems alongside physical and chemical hazards.

XI. External accountability strengthens compliance. Donor/investor requirements linked to project financing produced stronger gender attention and more frequent inspections, showing economic leverage can complement weak domestic enforcement.

XII. Positive practices exist. Women-focused committees, union interventions, collective bargaining, rights education and OSH structures have improved reporting and protection in some cases-showing effective protection requires independent structures, meaningful participation and real enforcement.

2.0. CONCEPTUAL AND ANALYTICAL FRAMEWORK

Understanding gender-based violence (GBV) against women workers in commercial investment schemes requires an approach that goes beyond individual acts of misconduct. Workplace GBV is shaped by the interaction of gender inequality, labour-market dynamics, workplace organisation, investment governance and institutional accountability (Barrientos, 2019). It is therefore both an individual violation and a manifestation of structural conditions that create or reinforce unequal power relations (Hearn & Parkin, 2001).

Commercial investment schemes are not merely sites of economic production. They are workplaces governed by employment relationships, organisational hierarchies and management systems that affect workers' rights, conditions of work and access to justice. Although such investments create employment and promote economic growth, insecure employment, subcontracting, concentrated supervisory authority and weak regulatory oversight may increase women's vulnerability to violence and harassment. This framework provides the basis for analysing the legal, institutional and empirical evidence concerning GBV in commercial investment schemes.

2.1. Key Concepts

2.1.1. Gender-Based Violence and Harassment

Article 1 of the ILO Violence and Harassment Convention, 2019 (No. 190), defines violence and harassment in the world of work as a range of unacceptable behaviours, practices or threats, whether occurring once or repeatedly, that cause or are likely to cause physical, psychological, sexual or economic harm. Gender-based violence and harassment includes conduct directed at persons because of their sex or gender, or conduct that disproportionately affects a particular sex or gender, including sexual harassment (ILO, 2019).

Workplace GBV therefore includes more than sexual harassment. It may involve discrimination, intimidation, coercion, verbal abuse, economic violence, retaliation against complainants and reproductive discrimination. These forms of violence often overlap and are rooted in unequal workplace power relations.

2.1.2. Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive working environment. It includes unwanted physical contact, sexual advances, sexually suggestive comments or jokes, demands for sexual favours, pornographic material and other verbal, non-verbal or physical conduct of a sexual nature.

CEDAW General Recommendation No. 19 recognises sexual harassment as a form of gender-based discrimination and violence against women. It includes unwelcome sexual conduct that creates a hostile environment or where rejecting such conduct may negatively affect recruitment, employment, promotion or other working conditions (CEDAW, 1992, para. 18).

2.1.3. Violence Against Women

The United Nations Declaration on the Elimination of Violence against Women (1993) defines violence against women as gender-based violence causing, or likely to cause, physical, sexual or psychological harm or suffering, including threats, coercion and arbitrary deprivation of liberty. The definition

covers violence in both public and private life, including the workplace. Violence against women is rooted in structural inequality, discriminatory social norms and unequal power relations. It limits women's autonomy, dignity and participation in society and the labour market. It should therefore be understood as a systemic human rights, labour rights and gender-equality issue rather than merely individual misconduct.

2.1.4. Commercial Investment Schemes

Commercial investment schemes are large-scale public, private or public-private projects established for commercial production, export promotion or industrial development. In East Africa, they include tea estates, horticultural enterprises, floriculture farms, oil-palm plantations and other large agricultural investments.

These schemes are often characterised by hierarchical management, seasonal or insecure employment, subcontracting, productivity targets and significant employer control. They must therefore be examined not only as economic enterprises, but also as governance systems that shape workers' rights, accountability and exposure to GBV.

2.2. Integrated Analytical Framework

The study adopts an integrated analytical framework combining five complementary perspectives: the Human Rights-Based Approach (HRBA), Feminist Political Economy (FPE), Decent Work, Occupational Safety and Health (OSH), and Business and Human Rights (BHR). Together, these frameworks explain both the structural causes of GBVH and the responsibilities of governments, employers, investors and other actors in preventing and responding to it.

The Human Rights-Based Approach views women workers as rights-holders entitled to dignity, equality, non-discrimination, safe and healthy working conditions and effective remedies. It is grounded in international and regional human rights instruments, including CEDAW, the African Charter, the Maputo Protocol and ILO Convention No. 190, and is guided by the principles of equality, participation, non-discrimination and accountability. It places corresponding obligations on States and other duty-bearers to prevent violations, protect workers, investigate abuse and ensure access to justice.

The Feminist Political Economy framework explains why women may be disproportionately exposed to GBVH by examining the relationship between gender, labour markets, economic systems and power (Cantillon, Mackett & Stevano, 2023). Labour markets are not gender-neutral; they are shaped by social, political and economic processes that influence the distribution of work, resources, remuneration, job security and decision-making power (Cantillon, Mackett & Stevano, 2023; Rao & Akram-Lodhi, 2021; Rodríguez Enríquez, 2025). This framework highlights how women's concentration in low-paid, insecure and subordinate employment may reduce their bargaining power and ability to challenge violence or report abuse where doing so could threaten their income or employment (Folbre, 2020). It also recognises that these inequalities are socially and institutionally constructed and can therefore be changed through reforms to laws, workplace practices, investment arrangements and governance structures (Federici, 2012).

The Decent Work Framework provides a labour-centred lens based on four interconnected pillars: employment creation, rights at work, social protection and social dialogue. GBVH undermines each of these pillars by violating workers' dignity, equality and safety; exposing them to health and economic risks; discouraging reporting and participation in trade unions or workplace structures; and negatively affecting productivity and labour market participation. The framework therefore enables the study to assess whether commercial investments provide not only formal legal compliance but genuinely safe, equitable and dignified working environments.

The Occupational Safety and Health framework treats GBVH as a foreseeable and preventable workplace hazard rather than merely an interpersonal dispute addressed after an incident occurs. Consistent with ILO Convention No. 190 and Recommendation No. 206, this approach requires attention to the conditions that create or increase risks, including recruitment practices, supervisory authority, workplace organisation, accommodation, transport, reporting mechanisms, gender inequality and unequal power relations. It shifts the focus from reactive complaint-based responses towards prevention through risk assessment, preventive measures, worker consultation, monitoring and continuous improvement. Labour inspectorates also have an important role in assessing whether workplaces have effective prevention systems rather than only investigating reported incidents.

Finally, the Business and Human Rights framework, grounded in the 2011 UN Guiding Principles on Business and Human Rights, recognises the State duty to protect, the corporate responsibility to respect human rights and the right to an effective remedy. It emphasises that companies operating through complex supply chains and labour arrangements must identify, prevent and address adverse human rights impacts connected to their operations and value chains. In commercial agriculture, this means that investors and companies cannot avoid responsibility simply by relying on contractors, labour brokers or temporary agencies, but should undertake ongoing human rights due diligence. The OECD Guidelines and IFC Performance Standards further reinforce these expectations.

Taken together, these five frameworks provide an integrated basis for analysing GBVH as a structural, preventable and accountability-related workplace issue. They enable the study to examine how gender inequality, labour arrangements, workplace practices, investment governance, legal and institutional systems and corporate accountability shape women's exposure to Gender based violence and influence prevention, reporting, protection and access to remedies in commercial investment schemes in Uganda, Kenya and Tanzania.

3.0. QUALITATIVE EVIDENCE ON GENDER- BASED VIOLENCE AGAINST WOMEN WORKER IN COMMERCIAL INVESTMENT SCHEMES IN THE EAST AFRICAN COMMUNITY

This chapter presents qualitative evidence generated through key informant interviews in Uganda, Kenya and Tanzania on gender-based violence and harassment (GBVH) against women workers in commercial investment schemes. The analysis is organised into ten interconnected thematic clusters, developed across Sections 4.0 to 14.0. The structure follows a deliberate analytical progression. It begins with women's everyday employment conditions and the factors that shape their exposure to risk of gender based violence and harassment at work;examines the forms, drivers and prevalence of GBVH; assesses the legal, policy, workplace and institutional systems intended to prevent and address it; analyses the governance and accountability of commercial investment; and concludes by examining worker, trade-union and community voices, together with the proposed reforms

4.0. Employment Context and Structural Vulnerability

Women's exposure to GBVH in commercial investment schemes cannot be separated from the structural conditions under which they are employed. Across all three countries, respondents and documentary evidence converge to reveal that women workers in tea, horticulture, agricultural commercial investments are concentrated in the most precarious, lowest-paid and least protected tiers of the workforce, and this precarity is itself a primary vulnerability-enabling condition for violence and harassment.

4.1 Women workers structurally tilted toward informality

Qualitative evidence reveals that many women workers in the selected commercial investments were on casual and seasonal employment. Of the 15 women workers who were interviewed only 4 of them were permanent workers. 11 were casual and seasonal employees with 10 having been employed without any written appointment or employment terms and only one who had a casual employment contract but explicitly describing her as a casual employee. National statistical evidence situates these qualitative findings within a wider structural pattern. Uganda's 2021 National Labour Force Survey found that 91.2% of women's non-agricultural employment was informal, compared with 85.6% for men, rising to 94.0% of employed women once agriculture is included, against 90.3% of employed men[12]. The 2025 Labour Market Survey reinforces this picture where 56.7% of employees in nominally formal establishments are themselves informally employed[13]. In Kenya, over 77% of the workforce is engaged in the informal economy with women constituting 50% revealing that a significant proportion of women workers operate outside stable and highly regulated employment arrangements[14]. Tanzania's 2020/21 Integrated Labour Force Survey shows that informal employment is much more common among women than men. In non-agricultural work, 93.8% of employed women are in informal employment, compared with 86.6% of men[15]. A similar pattern is found in both Mainland Tanzania and Zanzibar. This suggests that informality is not an isolated problem affecting a small group of women, but a widespread feature of women's employment.

This has important implications for gender-based violence and harassment (GBVH) at work. Women working informally are less likely to have access to formal employment protections such as written contracts, labour officers, trade unions, collective bargaining agreements, workplace grievance procedures, or functioning complaints mechanisms. These protections are important because they provide workers with recognised channels through which they can report harassment, seek support, and obtain redress.

High informality leaves many women without effective institutional protection from GBVH, forcing reliance on individual negotiation with employers. Unequal power, fear of job or income loss, and limited formal

12 Uganda National Labour Force Survey 2021

13 National Labour markey survey 2025 https://www.ubos.org/wpcontent/uploads/publications/04_2026Presentation_on_the_Labour_Market_Survey_2025_Report_Findings_16th_April_2026.pdf

14 James Murunga, Moses Kinyanjui Muriithi & Nelson Were Wawire | (2021) Estimating the size of the informal sector in Kenya, Cogent Economics & Finance, 9:1, 2003000, DOI: 10.1080/23322039.2021.2003000

15 https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40africa/%40ro-abidjan/%40ilo-dar_es_salaam/documents/publication/wcms_840874.pdf

mechanisms discourage reporting, creating structural vulnerability and restricting access to prevention, redress and remedy.

4.2 Labour brokerage and outsourced employment as a more vulnerable category

Across all key informant interviews, labour brokerage and outsourced employment emerged as the most consistently identified structural vulnerability affecting women workers in commercial investment schemes. Respondent TU1 observed that labour-brokered, temporary agency and outsourced workers are more vulnerable to GBVH compared with directly employed workers because of their precarious contractual arrangements and weaker employment security. This vulnerability appears to be compounded by an institutional and accountability gap. TU3 explained that workers recruited through labour brokers or recruitment agencies may have no clear or accessible party to whom they can report GBVH, particularly where the broker controls recruitment and contractual arrangements but has limited control over the actual workplace. At the same time, these workers may be excluded from trade union representation despite attempts by unions to organise them, leaving them with limited access to both employer and collective protection. TU3 further reported cases in which employers allegedly transferred workers onto new contracts of uncertain status through labour brokers, effectively threatening to erase their accrued years of service, with women reportedly making up the majority of those affected. From an enforcement perspective, LI1 similarly noted that subcontracting and fragmented administrative structures often make responsibility for preventing and responding to GBVH unclear. Taken together, these accounts suggest that outsourcing does not merely create contractual insecurity; it can fragment responsibility, weaken collective representation, undermine access to remedies and increase women workers' dependence on employers. The findings therefore indicate that labour brokerage and outsourcing constitute a significant structural pathway through which women's vulnerability to GBVH is reproduced.

4.3. Economic precarity, wages and food insecurity

Financial vulnerability emerged across the interviews not only as a driver of women's vulnerability to GBVH but, in the accounts of eight respondents, as a form of violence in itself. Respondents described persistent gender disparities in wages, with women workers reportedly earning less than their male counterparts, while wages for both women and men were frequently below a living wage and, in some cases, below the statutory minimum wage. This was characterised by respondents as "financial violence", reflecting the ways in which inadequate and insecure incomes can undermine women's ability to meet basic needs and exercise agency in the workplace. RWU5 identified a gendered pattern in wage payment, reporting that women casual workers were disproportionately affected by delayed or non-payment of wages, even where male casual workers engaged by the same employers were paid on time. This suggests that economic insecurity may operate not only through low wages but also through gendered control over the timing and reliability of income.

The interviews further revealed how financial vulnerability intersects with other dimensions of women's wellbeing. One respondent highlighted inadequate food provision in flower farms, particularly affecting breastfeeding mothers whose nutritional needs are greater but whose low and frequently delayed wages make it difficult to compensate for inadequate workplace meals. RWU3 explained;

"The meals we get are so small to cater for extra feeding and even then sometimes, our salaries are delayed for months before they are paid so breastfeeding mothers find themselves very helpless."

This account illustrates how low and insecure wages can compound gender-specific vulnerabilities and create conditions in which women may become increasingly dependent on employers or supervisors for basic needs. The qualitative findings are consistent with the broader labour market context reflected in Uganda's 2021 Labour Force Survey, which found that only 27% of employees received at least one workplace benefit, while 73% received none. The survey also recorded non-payment of wages, salaries or benefits among workers, demonstrating the wider prevalence of economic insecurity within the workplace.

4.5 Occupational safety, chemical exposure and reproductive health

Several respondents identified occupational exposure to hazardous chemicals as a gendered workplace risk, with potentially disproportionate consequences for women's reproductive health, particularly in precarious agricultural work. This concern is also reflected in Uganda's labour inspection data where the Ministry of Gender, Labour and Social Development's 2016/17 Annual Labour Report documented a chemical-exposure incident at a "Cut Flower Green House" involving 18 workers, the majority of whom were women. This provides an important institutional indication that the risks associated with chemical exposure in agricultural workplaces are not merely perceived risks but have been recorded through labour inspection mechanisms.

The qualitative accounts further suggest that women's exposure is compounded by inadequate occupational safety and health protections. RWK1 reported that many women working on the tea estate performed their duties without protective equipment, while the equipment available to some workers was reportedly in poor condition and insufficient to adequately protect them from occupational hazards and accidents. These findings point to a broader structural vulnerability in which women workers may be exposed to hazardous working conditions while lacking adequate protective measures. From a gender perspective, the concern extends beyond immediate occupational injuries to the gender-specific health consequences of workplace exposure, particularly where reproductive health may be affected. The findings therefore suggest that occupational health and safety protections should be analysed as an integral component of the prevention of GBVH, rather than as a separate workplace issue, especially in agricultural and other labour-intensive commercial investment schemes where women constitute a significant proportion of the workforce.

4.6 High-risk sites and settings

Respondents[16] consistently identified particular physical and temporal "risk windows" in which gender-based violence and harassment (GBVH) was more likely to occur, rather than portraying it as an evenly distributed feature of the working day. Their accounts suggest that risk increased during periods of reduced supervision and increased interaction between male and female workers, particularly during lunch breaks, rest periods and other moments when workers moved beyond the structured routines of their assigned tasks. These periods appear to create opportunities for inappropriate behaviour that may be less visible to supervisors and other workers.

The accounts also point to the importance of specific workplace spaces in shaping exposure to GBVH. One respondent specifically identified greenhouses as a primary site where incidents occurred[17]. This does not contradict the broader finding regarding breaks and reduced supervision; rather, it suggests that certain physical spaces may become particularly risky when they coincide with periods of limited oversight. In this sense, the risk appears to arise from the interaction between place and time-spaces that may already be relatively secluded can become more vulnerable when workers are present without close supervision.

16 RWU1, RWU4, RWU5, RWK2, TU1,
17 RWU3

Labour and accommodation camps were similarly identified by LI1 as high-risk settings. Their relative isolation was considered to reduce external scrutiny and limit opportunities for intervention by persons outside the immediate workplace environment. Taken together, these accounts indicate that GBVH risks are shaped not only by individual behaviour but also by the organisation and physical configuration of work. Limited supervision, secluded workspaces, shared accommodation and breaks from structured work routines can create conditions in which harassment is more difficult to observe, report or challenge. The findings therefore point to the need to understand GBVH as partly embedded in the spatial and organisational arrangements of commercial workplaces, rather than solely as isolated interpersonal incidents.

5.0. Nature, Forms and Prevalence of Workplace GBVH

Respondents' own understandings of gender-based violence and harassment (GBVH) differed in ways that are analytically significant. TU1 articulated a more explicitly structural and feminist understanding, describing GBVH as conduct directed at women that violates their rights and is rooted in social norms that construct women as the "weaker sex" while positioning men as holders of power. TU1 also recognised that such violence can take verbal, physical and non-verbal forms, indicating an understanding that extends beyond sexual conduct alone.

In contrast, survivor RWU8 offered a more lay and rights-based distinction between "abuse" and "violence." She associated abuse with the violation of a person's rights arising from ignorance of the law, while describing violence as conduct in which the perpetrator knowingly does wrong. Her explanation is important when considered alongside her observation that many workers are unaware of their legal rights. It suggests that workers' ability to identify and name GBVH may be influenced by their level of legal awareness and by how they understand the boundary between unacceptable behaviour and conduct that constitutes a violation of their rights.

The divergence in these accounts is itself a significant finding. It suggests that GBVH is not understood uniformly by workers and other workplace actors, and that conduct may go unrecognised when it does not conform to a narrow or explicitly sexualised understanding of violence and harassment. This may therefore be problematic for verbal, psychological, discriminatory or other non-physical forms of abuse, which workers may normalise or interpret as ordinary workplace behaviour rather than as forms of violence or harassment. The findings therefore point to a broader recognition and conceptualisation gap, in which limited awareness of rights, gendered social norms and narrow understandings of GBVH may collectively contribute to its under-recognition and under-reporting within commercial workplaces.

5.1 Verbal and psychological forms

RWU2 described a workplace practice in which men use vulgar and derogatory language directed at women while undertaking physically demanding tasks, such as erecting poles or constructing greenhouses. According to the Respondent, perpetrators perceive this language as a way of generating "strength and energy" during strenuous work. Although the practice has become normalised within the workplace, women experience it as offensive and degrading. This illustrates how gendered verbal harassment can become embedded in everyday workplace practices and justified as part of workplace culture, making it less likely to be recognised or challenged as GBVH.

Other Respondents pointed to public humiliation and verbal abuse as additional forms of violence and harassment. Importantly, women who attempted to challenge such behaviour or assert personal boundaries were reportedly subjected to further stigma, including responses effectively questioning their entitlement to object-"who do you think you are?" Such reactions shift attention away from the inappropriate conduct itself and place the burden on women who resist it. The findings therefore suggest that harassment is sustained not only through the behaviour of individual perpetrators but also through a workplace culture that normalises abusive conduct, discourages resistance, and portrays women who object as the problem. This dynamic can reinforce women's vulnerability to GBVH by making speaking out socially

costly and allowing harmful behaviour to continue under the guise of ordinary workplace interaction.

5.2 Sexual harrassment and unwanted sexual advances.

Respondents described unwanted sexual advances as a normalised feature of workplace interactions, particularly where male perpetrators continued to pursue women after they had clearly refused[18]. A woman's "no" was therefore not always treated as a final decision; instead, continued pursuit was described as occurring despite her refusal[19]. This suggests that consent and women's right to set boundaries may be undermined by gendered expectations that women should tolerate or eventually accept unwanted advances.

The interviews also revealed indications of sexual coercion linked to employment opportunities and workplace benefits. When asked directly, one respondent[20] acknowledged awareness of cases resembling "sex-for-promotion" arrangements, while another respondent[21] independently corroborated the existence of similar practices without being prompted. A survivor respondent[22] provided a particularly revealing account from her experience as a supervisor, describing an incident in which a farm owner attempted to sexually harass her. After she resisted, rather than receiving support from fellow women workers, she was reportedly mocked and accused of being arrogant. She interpreted this response as a consequence of the collective normalisation of harassment, explaining that many of her colleagues had themselves experienced similar treatment and had consequently come to regard it as an ordinary part of working life.

This finding is important because it demonstrates that normalisation can operate horizontally among workers as well as vertically between workers and those in positions of authority. Women may not necessarily support harassment because they accept it; rather, repeated exposure to similar experiences can make harmful conduct appear inevitable or ordinary. In such contexts, women who resist may be viewed as violating established workplace expectations, leaving them socially isolated and potentially discouraging others from reporting or challenging abuse.

The qualitative findings are further reinforced by documented evidence from Kenya's cut-flower sector, where reported practices illustrate how sexual coercion can become intertwined with women's economic vulnerability. Women who failed to meet daily picking targets were reportedly required either to make up the shortfall without additional pay or, in some cases, to provide a bribe or sexual favour to a supervisor to retain their employment. Workers reportedly perceived their ability to refuse as severely constrained by their dependence on the income. Such accounts illustrate how economic insecurity and unequal workplace power can transform sexual harassment from an interpersonal violation into a mechanism of labour control.

A similar pattern was documented in a 2023 investigative broadcast concerning tea estates in Kericho County, Kenya, which reported allegations that women were coerced into providing sexual favours to male supervisors and colleagues in order to obtain or retain plantation work. The company implicated in the allegations subsequently suspended staff identified in connection with the reported conduct and commissioned an independent inquiry. Taken together, the interview evidence and these external accounts suggest that sexual harassment in commercial agricultural workplaces cannot be understood solely as isolated misconduct by individual perpetrators. It may also be enabled by hierarchical power relations, economic dependence, gendered workplace norms and weak mechanisms for refusing or reporting abuse, particularly where employment itself is precarious

18 RWT2, RWU1,RWU5, RWU6, RWU7,RWK1
19 RWU1
20 RWU3
21 RWU7
22 RWU6

5.3 Economic and Wage Violence

Economic violence emerged as a dominant theme, broadening GBVH beyond physical/ sexual harm to include financial harm. Respondent TU1 explicitly framed unequal pay and sub-living wages as forms of financial violence, highlighting how economic disadvantage itself constitutes gendered harm by undermining women's access to, control over, and security of income. Another respondent noted that delayed or non-payment of wages disproportionately affected women casual workers, while male workers under the same employers were paid on time[23] - suggesting economic vulnerability stems not just from lower wages but unequal access to timely, predictable income. Such delays increase workers' dependence on employers and weaken their capacity to resist other abuses.

RWU5 described a more severe pattern involving women recruited through a labour brokerage: high-interest salary advances created cycles of indebtedness tying women to brokers and workplaces. This compelled some to work longer hours to service debt, and in some cases exposed them to sexual pressure from supervisors as a means of reducing financial obligations - illustrating the intersection of economic exploitation and sexual coercion.

Collectively,findings show economic violence operates through interlocking mechanisms thay may include; unequal pay, wage delays, indebtedness, and salary-advance dependency with interests - which create conditions enabling sexual coercion, excessive hours, and further abuse, rather than occurring in isolation.

5.4. Institutional and Leadership violence

Women in supervisory and leadership positions faced gendered challenges to their authority, with male subordinates reportedly questioning instructions, disregarding their voices and undermining their authority[24]. Women were more likely to command respect when perceived as personally "strong," suggesting they may need greater assertiveness than men to exercise authority effectively[25]. This indicates that women's formal representation does not necessarily translate into substantive power or influence. The findings also show that weak institutional support can leave women leaders reliant on personal resilience, limiting their capacity to address discrimination and GBVH. In Tanzania, some women leaders were reported to dismiss, discourage or suppress complaints by other women, demonstrating how patriarchal workplace norms can be reproduced by both men and women. Overall, representation alone is insufficient. Effective change requires institutional mandates, accountability mechanisms, gender-transformative leadership and protection for women exercising authority or raising complaints; otherwise, representation may remain symbolic while gendered power relations persist.

5.5 Physical violence

The qualitative data also reveal instances of physical violence against women workers by recruiters of casual labour, including reports of beating[26]. Importantly, evidence reveals that most of the affected women workers choose to remain silent because they need the job. Respondents further reported that recruiters expressed resentment towards women who spoke out about mistreatment. This suggests that violence may be reinforced by a workplace environment in which complaining or asserting one's rights is itself treated as unacceptable behaviour. The combination of physical abuse, insecure employment and the perceived risk of retaliation can therefore create conditions in which women remain silent even when they experience serious mistreatment.

These findings therefore highlight the intersection between physical violence and precarious employment. The vulnerability

23 RWU1
24 RWU1,RWU4
25 ibid note 24
26 CSO1

of women workers does not arise solely from the violent conduct of individual recruiters, but is intensified by the unequal power relationship between recruiters and economically dependent casual workers. In this context, the need to retain employment can significantly constrain women's ability to challenge abuse, report violations or seek redress.

6.0. Drivers and Risk Factors

Power asymmetry between workers and employers, supervisors and labour brokers emerged as a fundamental driver of GBVH. Greater control over employment, wages, accommodation and future work increases the risks of resisting or reporting abuse[27]. This vulnerability is heightened in commercial agriculture through plantations, dispersed worksites, employer-linked accommodation, and seasonal or casual labour, which increase workers' dependence while limiting access to external support. Where employment, income, accommodation and continued work depend on particular employers or intermediaries, and external oversight is weak, the cost of resistance rises. These conditions can enable abusive practices to become normalised, concealed and sustained.

6.2. Weak Workplace polices and paper compliance

The qualitative evidence repeatedly points to a significant gap between the formal existence of workplace policies and their practical effectiveness in protecting workers from gender-based violence and harassment (GBVH). In some workplaces, respondents reported that no dedicated sexual-harassment policy existed at all, leaving workers uncertain about what conduct was prohibited, where to report it, or what procedures would follow if they made a complaint. In other workplaces, policies reportedly existed but were not meaningfully implemented.

Several respondents described policies as largely paper-based instruments developed to satisfy external certification or responsible-investment requirements rather than to protect workers in practice. According to these accounts, policies were sometimes kept for purposes of demonstrating compliance during labour inspections or certification processes, but were neither provided to workers nor explained to them. Some respondents characterised them as documents that employers could produce when a labour inspector visited, while workers themselves had little or no knowledge of their contents. This creates a situation that can be described as "compliance without protection"-where the formal appearance of compliance exists, but the mechanisms through which workers can understand, invoke and enforce their rights remain weak.

The problem is therefore not simply the absence of workplace policies, but the failure to translate formal commitments (in workplaces where these policies exist) into worker awareness, institutional practice and accessible remedies. Policies are ineffective where workers do not know they exist, understand their protections, know reporting procedures, or trust that complaints will be acted upon. Their effectiveness should therefore be assessed through communication, training, implementation, monitoring and credible complaint mechanisms.

6.3. Low awareness/Low GBVH literacy and definitional ambiguity

Limited awareness of what constitutes GBVH emerged as a significant factor in its under-recognition and under-reporting. This gap was not limited to younger or less experienced workers. One woman worker aged over 50 initially attributed harassment of younger women to their clothing or lack of modesty, but changed her view after experiencing an attempted sexual assault herself despite

27 TU1,RWK3

being "decently" dressed[28]. This demonstrates how victim-blaming can become internalised across age and experience and reflects wider gender norms that shift responsibility from perpetrators to women. Interviews also revealed that some workers understood GBVH narrowly as sexual harassment, overlooking verbal abuse, intimidation, humiliation, discrimination and economic violence, particularly where such conduct had become normalised. Awareness programmes should therefore broaden understanding of GBVH, challenge victim-blaming and explain workers' rights, reporting mechanisms and the principle that responsibility for abusive conduct rests with perpetrators, regardless of a woman's clothing, behaviour, age or character.

6.4. Economic drivers

Poverty and food insecurity, pressure associated with seeking promotion, and gendered differences in the timing of wage payments were each identified by respondents as independent factors increasing women's vulnerability to GBVH. A significant finding, however, concerned the intersection between workplace and domestic violence through wage and employment relationships. A Respondent[29] described situations in which co-workers meet and form intimate relationships or marriages within the same workplace or labour camp. Because both partners work for the same employer or within the same labour arrangement, they may become aware of each other's earnings. According to her revelation, knowledge of a woman's salary could subsequently become a basis for economic control and domination by male partners, including attempts to control how the woman's income is used. In this way, the workplace becomes connected to patterns of violence and control within the household.

The finding shows that workplace and domestic violence are interconnected: employment relationships, shared accommodation and labour camps can create power dynamics enabling abuse to cross between work and home. Wage transparency and unequal economic power may increase women's vulnerability where male partners control earnings. Addressing GBVH therefore requires attention to workplace conduct and wider employment-linked social and economic relationships.

6.5. Structural and employment-status drivers

As highlighted in earlier sections, casual and seasonal employment, labour brokerage arrangements, and pervasive informality emerged as important factors that compound women workers' vulnerability to GBVH. Workers engaged on casual or seasonal terms may have limited job security and may therefore be less willing to challenge abusive conduct for fear of losing their employment. Similarly, labour brokerage arrangements can create uncertainty about who bears responsibility for workers' protection, particularly where workers are effectively separated from the principal employer and excluded from trade union representation or collective bargaining structures. Importantly, respondents indicated that informality is not confined to enterprises that are formally informal; informal employment practices can also exist within nominally formal companies, creating significant gaps between formal legal protections and workers' actual conditions[30]. The gender composition of workplace leadership and oversight structures was identified as another important dimension of vulnerability. One respondent described situations of extreme gender imbalance, including instances where there was approximately one woman for every ten men in leadership or oversight positions. Such disparities can limit women's representation in workplace decision-making and reduce the likelihood that women's concerns and experiences will be adequately reflected in organisational responses to GBVH.

The findings suggest that these factors are

28 Narrated by TU1
29 RWU2
30 TU1,TU7,WC1

mutually reinforcing. Precarious employment reduces workers' bargaining power; labour intermediation can weaken accountability; informality can undermine access to formal protections; and male-dominated leadership structures can limit women's voice in challenging these conditions. Together, they create an institutional environment in which women may have fewer avenues to report abuse, seek collective support or influence workplace policies and decisions. The issue is therefore not simply the under-representation of women in leadership, but the broader distribution of power and accountability within commercial agricultural workplaces.

6.6. Weak institutional deterrence

An unsafe, ineffective grievance environment emerged as a distinct driver of GBVH, separate from mere policy absence. Respondents reported fear of retaliation when reporting abuse, and cases where formal mechanisms exist but complaints are ignored, poorly investigated, or handled without protecting complainants - showing that having a reporting channel does not guarantee meaningful access to remedy.

Findings also revealed broader institutional weaknesses enabling impunity: gaps in legal protection, and labour inspection systems that are largely reactive, complaint-dependent, and under-resourced, leaving unreported violations invisible. One account raised concerns about corruption linked to inadequate transport and logistical support for district labour officers covering large areas, limiting inspection frequency and employer oversight.

Together, these findings show GBVH is sustained not only by workplace practices but by gaps across the wider accountability system. Fear of retaliation, weak grievance procedures, limited inspection capacity, and alleged corruption interact to leave violations unreported, unresolved, and normalised - meaning protection requires strengthening the entire chain, from trusted workplace reporting to resourced, proactive labour inspection and enforcement.

6.7 Institutional Patriarchy within the protective system itself

One of the most striking and less anticipated findings concerns the possibility that institutions intended to protect workers from GBVH may themselves reproduce the gendered power relations that enable it. An apex-level trade union official[31] described the governance structures within the labour movement as patriarchal, arguing that this can constitute a structural barrier to effective protection. In her account, some institutions that survivors would ordinarily turn to for support may themselves operate through toxic or patriarchal practices, thereby weakening their capacity to respond effectively to women's experiences of violence and harassment.

The respondent further observed that women who advance into positions of authority within such structures may, in some circumstances, become reproducers or enablers of toxic masculinity, rather than advocates for other women. This does not suggest that women leaders inherently reinforce patriarchal systems; rather, it highlights how individuals operating within deeply gendered institutions may themselves adopt, reproduce or become constrained by the norms and power relations of those institutions.

This finding is particularly significant because it complicates the assumption that protective institutions are inherently protective. Trade unions are important actors in defending workers' rights, yet their ability to challenge GBVH may be undermined if their own internal governance, leadership cultures and accountability mechanisms reproduce gender inequality. The problem is therefore not limited to the absence of external protection; it may also exist within the very institutions expected to provide representation, solidarity and remedy.

The finding points to the need for a more critical understanding of institutional protection-one that examines not only whether unions and other worker-protection institutions exist, but also how power is distributed within them,

31 TU3

whose voices are heard, how complaints are handled, and whether women can safely exercise leadership and seek support.

6.8. Weak Worker Voice and Union Busting/Denial of Freedom of Association

Quantitative evidence further points to weak worker voice and persistent barriers to freedom of association within commercial investment workplaces. Among the 36 respondents interviewed, 80% reported that it was very difficult for workers in these investments to join trade unions and exercise the right to representation and collective bargaining. Respondents further indicated that, even where unions were present, many women workers who exercised their right to organise faced dismissals, which was described as a form of union busting and retaliation against collective worker action.

This finding is significant for understanding GBVH because collective worker power is an important component of workplace protection. Where workers are unable to organise, bargain collectively or raise concerns through representative structures, individual workers especially women in precarious employment may be left to confront employers and supervisors from a position of significantly weaker bargaining power. This can make it more difficult to challenge harassment, negotiate safer working conditions, report violations collectively or demand accountability.

The evidence therefore suggests that restrictions on freedom of association should not be treated as a separate labour-rights concern. They can also indirectly create conditions that enable GBVH to persist. Weak worker representation reduces the collective capacity to challenge abusive practices, while retaliation against workers who attempt to organise may further reinforce a culture of silence and fear. In this sense, the suppression of worker voice can function as an enabling condition for GBVH in commercial investments characterised by precarious employment and significant power imbalances between workers and management.

While the 80% finding should not be interpreted as a prevalence estimate for all commercial investments, the consistency of this response across the 36 respondents provides an important indication of the perceived difficulty of exercising collective voice and freedom of association within the workplaces covered by the study.

7.0. Legal and Policy Environment

This section examines the extent to which international, regional and national legal frameworks applicable to Uganda, Kenya and Tanzania protect women workers in commercial investment schemes from gender-based violence and harassment (GBVH). International law has shifted over the past decade from treating workplace violence as a matter of discrimination or criminal justice toward recognizing it as a governance challenge spanning human rights, labour rights, occupational safety, gender equality and responsible investment as earlier explained in our analytical framework.

Commercial investment schemes operate within global value chains increasingly governed by ESG standards and human-rights due diligence, so that international buyers and financiers now require compliance with international labour standards, not only national law. The analysis below distinguishes throughout between formal legal recognition and operational, survivor-centred protection - the central finding running through all three national frameworks.

7.1. International Framework

A comprehensive international framework of the ILO standards and UN human-rights treaties establishes obligations on prevention, protection, remedies and safe workplaces. The key instruments are examined below.

7.1.1. ILO Convention No. 190 (C190), Violence and Harassment Convention, 2019

C190 is the first treaty to expressly recognise everyone's right to a world of work free from violence and harassment, including GBVH[32]. Article 1 defines violence and harassment broadly - single or repeated acts or threats causing physical, psychological, sexual or economic harm, including GBVH.

Article 2 protects all persons in the world of work irrespective of contractual status that is to say; employees, trainees, job-seekers, volunteers and those whose employment has ended across the formal and informal economy. This matters because many women in East African schemes work as casual, seasonal or brokered labour rather than under stable contracts[33].

Article 3 extends protection beyond the physical workplace to commuting, work-related travel, employer-provided accommodation and work-related communications -relevant where women depend on employers for transport and housing. Article 4 requires ratifying states to adopt an inclusive, gender-responsive approach covering legislation, prevention, enforcement, remedies and training. Articles 5-6 link prevention to freedom of association and non-discrimination, an aspect relevant for workplaces where weak worker representation leaves individual women with little bargaining power.

Article 9 requires employers to prevent violence and address psycho-social risks through OSH systems which includes; identifying hazards such as isolated workplaces, unsafe transport and insecure employment, not merely reacting after a complaint. Article 10 requires accessible, safe complaint and remedy mechanisms, protection from retaliation, confidentiality and gender-responsive support; Article 11 calls for GBVH to be mainstreamed into national policy, guidance and training.

32 https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:3999810

33 Respondents described normalised abuse: verbal abuse in flower-farm greenhouses justified as building "strength and energy" for demanding work; delayed or withheld wages for women casual workers; and physical violence by casual-labour recruiters against women who stayed silent for fear of losing work.

C190's strength is that it does not limit protection to only permanent employees in a conventional workplace,it extends to all workers irrespective of contractual status. However, its effectiveness depends on national implementation. Uganda ratified C190 on 7 August 2023 and it is in force though not fully domesticated[34], while Kenya[35] and Tanzania[36] have not yet ratified it.

7.1.2. ILO Convention No. 100, Equal Remuneration Convention, 1951

C100 defines remuneration broadly (Art.1(a)) and requires equal pay for work of equal value, not only identical work (Art.1(b)) which is very relevant because the study found women concentrated in more precarious and lower-paid work than their male counter parts. Article 2 requires equal-pay wage-setting mechanisms, but many casual, seasonal and brokered women workers lack written wage agreements or access to such mechanisms[37], an enforcement gap (though about five reviewed collective agreements did contain equal-pay clauses). Articles 3-4 require objective job evaluation and government-union-employer cooperation, though weaknesses in union governance, including patriarchal practices, limit unions' ability to advance pay equality. All three countries accept the principle of equal remuneration through ratification; the remaining challenge is enforcement of the same.

7.1.3. ILO Convention No. 111, Discrimination (Employment and Occupation) Convention, 1958

C111 defines discrimination as any sex-based distinction undermining equality of opportunity in employment, including access to training and terms of employment[38]. Article 2 requires a national policy eliminating discrimination; Article 3 requires cooperation with employers'/workers' organisations; Article 5 permits protective measures for groups needing extra protection. C111 complements C190 by addressing the discriminatory structures which include;occupational segregation, unequal treatment, barriers to advancement - that enable GBVH, though the study found a persistent gap between this obligation and workplace practice[39].

7.1.4. Occupational Safety and Health: ILOConventions Nos. 155 and 187

C155 (1981) and C187 (2006) form the principal international OSH framework. Neither expressly names GBVH, but C155 under Article 3(e) defines health to include mental as well as physical elements, Article 5(b) requires OSH policy to consider how work organisation affects workers' capacities, and Articles 13 and 19–20 protect workers who face imminent danger and require worker participation -all relevant to normalised verbal abuse and psychosocial harm which was identified in the study. C187 requires a preventive safety culture (Art.1(d)) and OSH support for micro-enterprises, SMEs and the informal economy (Art.4(2)(h)), where GBVH protection is weakest.

Although Uganda, Kenya and Tanzania have not ratified C155 or C187, both were designated fundamental Conventions by the International Labour Conference in June 2022, so all ILO member states - ratified or not -must now respect, promote and realise the right to a safe and healthy working environment they embody[40]. The study's findings suggest that OSH systems in the sectors reviewed still

34 https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11200:0::NO::P11200_COUNTRY_ID:103324
35 https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103315
36 https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103476
37 Qualitative data reveals that many casual, seasonal and brokered workers also lack written wage agreements, union representation or access to formal wage-setting mechanisms. The problem is therefore not that C100 excludes informal workers. Rather, its implementation mechanisms do not adequately reach many of the women in precarious employment relationships. This creates a significant enforcement gap.
38 Article 1(3)
39 The study suggests that stronger implementation of Articles 1–3, particularly through non-discriminatory employment practices, effective grievance systems, worker education, collective bargaining and stronger enforcement, is essential for preventing GBVH and promoting substantive equality for women workers
40 https://www.ilo.org/resource/news/international-labour-conference-adds-safety-and-health-fundamental

focus more on physical/chemical hazards than on violence and psycho-social risk.

7.1.5. ILO Convention No. 81, Labour Inspection Convention, 1947

Even strong legislation is ineffective without enforcement. C81 Articles 1-3 require a labour-inspection system covering conditions of work and worker protection, and Article 3(1)(c) lets inspectors flag abuses not addressed by existing law. Article 12 gives inspectors investigative powers to enter workplaces and question workers -useful where women lack resources to gather evidence themselves. Article 15(c) requires inspectors to keep complainants' identity confidential, and Article 8 provides for both women and men inspectors, enabling gender-sensitive investigation of GBVH complaints. Articles 17-21 provide for penalties and inspection statistics that could support sex-disaggregated data collection.

7.1.6. United Nations Core Human Rights Treaties

The Universal Declaration of Human Rights (UDHR, 1948), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)and International Covenant on Civil and Political Rights (ICCPR, 1966) together provide a strong normative foundation. The UDHR (Arts.1, 7, 23, 25) guarantees equality, dignity, just working conditions and equal pay. CEDAW is the strongest gender-specific instrument where Article 11(1)(a)–(d) guarantees equal employment opportunity and remuneration, and Article 11(1)(f) - most important here - guarantees women's right to protection of health and safety at work, meaning a workplace exposing women to harassment cannot be considered safe. Article 11(2) protects against pregnancy-related dismissal; Article 2(e) extends state obligations to private employers; Article 6 addresses trafficking relevant to recruitment pathways; and General Recommendations 19 and 35 confirm gender-based violence as a form of discrimination requiring prevention, investigation and remedy.

ICESCR Article 7 guarantees just, safe and healthy working conditions and equal pay (Arts.2(2), 3 add non-discrimination). ICCPR Article 7 prohibits cruel, inhuman or degrading treatment and Article 9 protects personal security. These treaties bind states rather than providing direct remedies against private investors, so effectiveness depends on domestic law and inspection, complementing C190's more specific protections.

7.1.7. UN Guiding Principles on Business and Human Rights (UNGPs) and National Action Plans.

Though non-binding, the UNGPs clarify state and business responsibilities. Principles 1, 3 and 3(c) require states to protect workers through effective regulation and to guide businesses on gender and vulnerability. Principle 7 addresses gender-based violence in conflict-affected areas and Principle 18 requires businesses to assess differing risks to women and men. Principles 11-13 make businesses independently responsible for avoiding harm, including through business relationships - relevant where GBVH occurs through labour brokers or contractors. Principles 15 and 17-20 require human-rights due diligence using gender-dis-aggregated data, and Principles 25–31 require accessible, legitimate operational-level grievance mechanisms.

Uganda and Kenya have adopted National Action Plans translating the UNGPs into policy; Tanzania's remains in development[41]. Uganda's NAP (2021-2026) prioritises eight thematic areas including Labour Rights and Women, Vulnerable and Marginalized Groups, coordinated by the Ministry of Gender, Labour and Social Development. Kenya's NAP (2020) covers five thematic areas structured around the UNGPs' three pillars - state duty

41 https://www.ohchr.org/sites/default/files/Documents/Issues/Business/NationalPlans/2019_FINAL_BHR_NAP.PDF ; https://globalnaps.org/wp-content/uploads/2025/03/uganda_approved-national-action-plan-on-business-and-human-rights_august-2021.pdf

to protect, corporate responsibility to respect, and access to remedy[42]. Tanzania's draft NAP was at an advanced stage of formulation as of mid-2024, with trade-union and civil-society input, but had not yet been formally adopted[43].

7.1.8. OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (2023)

The OECD Guidelines provide a broad framework that includes the Human Rights Chapter requiring enterprises to prevent or mitigate adverse human-rights impacts, allowing GBVH to be understood as a structural risk rather than individual misconduct[44]. Chapter V requires equal opportunity, non-discrimination and a safe, healthy working environment - covering the physical, psychological and gender-specific risks (including chemical exposure affecting reproductive health) that the study identified.

The Guidelines require risk-based due diligence across all business relationships -important because many women are recruited through labour brokers rather than directly by the investor - and require accessible, confidential grievance mechanisms and remediation (investigation, protection from retaliation, compensation, psycho-social support). Their principal limitation is that they are not directly binding; effectiveness depends on national law, contracts and National Contact Points.

7.1.9. IFC Performance Standards on Environmental and Social Sustainability

Unlike most soft-law instruments, the IFC Standards can become binding conditions of project financing, making them especially relevant to large-scale agriculture, plantations and infrastructure[45]. Performance Standard 2 (PS2) requires equal opportunity and fair treatment in recruitment, pay and promotion, and specifically requires measures against harassment, intimidation and exploitation of women, extending to workers engaged through contractors and labour brokers, not only permanent employees[46].

PS2 requires confidential grievance mechanisms independent of the perpetrator's chain of command, including anonymous complaints. PS1 requires enterprises to identify groups facing disproportionate gender-related impacts and assess how recruitment, accommodation and working hours may increase GBVH risk. Compliance can be tied to financing and lender supervision, though reach is limited to IFC- or Equator-Principles-financed projects.

7.1.10. ILO Tripartite Declaration on Multinational Enterprises and Social Policy (2022)

The voluntary MNE Declaration brings together principles on non-discrimination, safe and healthy work, employment security, freedom of association and access to remedy. Paragraphs 43-46 expressly link OSH with workplace violence against women and men, directly challenging the normalisation of abusive language as part of "workplace culture"[47]. It also expects enterprises to address decent-work deficits in the informal economy and use their leverage over business partners to secure remediation - relevant given evidence of violence and withheld wages linked to labour recruiters. As with the OECD Guidelines, its main limitation is that it is voluntary.

7.2. Regional Framework

African regional instruments reinforce international standards while responding to the continent's specific socio-economic

42 Ibid note 11

43 https://globalnaps.org/country/tanzania/

44 https://www.oecd.org/en/publications/2023/06/oecd-guidelines-for-multinational-enterprises-on-responsible-business-conduct_a0b49990.html

45 https://www.ifc.org/content/dam/ifc/doc/mgrt/ifc-performance-standards.pdf

46 This directly responds to several findings of this study. Women workers reported verbal abuse, intimidation, physical violence, discriminatory treatment and economic vulnerability

47 Paragraphs 64–66 further provide that workers should be able to submit grievances without prejudice, with government responsibility for ensuring access to effective remedy for business-related human-rights abuses

and institutional context. They are briefly examined below;

7.2.1. Maputo Protocol to the African Charter on the Rights of Women in Africa (2003/2005)

Ratified by Uganda, Kenya and Tanzania, the Maputo Protocol defines violence against women broadly - physical, sexual, psychological and economic harm. Article 13(c), the most directly relevant provision, requires transparency in recruitment, promotion and dismissal and requires states to combat and punish workplace sexual harassment, addressing the unequal employment structures (supervisors, recruiters, brokers) that enable coercion.

Article 13(e)-(f) requires support for women's informal-sector activities and social protection, extending equality protections to casual and seasonal workers. The Protocol also requires legal, judicial, counselling and reparation support for survivors, but leaves detailed employer-level prevention and reporting procedures to national systems, creating an implementation gap despite strong substantive rights.

7.2.2. AU Agenda 2063

Agenda 2063 calls for the removal of barriers to women's economic participation and links economic transformation, decent jobs and gender equality, including women's access to land, inputs and financing in agriculture. It explicitly recognizes gender-based violence as a threat to human security and development, providing a basis for framing workplace GBVH as a human-development issue rather than only an employment problem - though its focus remains stronger on women's economic participation than on the conditions under which they participate.

7.2.3. AU Strategy for Gender Equality and Women's Empowerment (GEWE), 2018–2028

GEWE addresses GBVH more explicitly, particularly under Pillar 2 (Dignity, Security and Resilience) where outcome 2.2 commits to reducing, criminalising and socially condemning violence against women and girls, citing evidence that at least 46% of African women have experienced some form of GBV, and that survivors in Tanzania earned 43% less income than women who had not experienced violence[48].

Pillar 3 identifies weak implementation and enforcement, rather than absent legal standards, as the main obstacle to women's rights - consistent with this study's findings. GEWE recognises that many African women work in informal, casual and non-permanent employment facing a significant pay gap, but its agricultural interventions focus on land, climate resilience and market access rather than protection from GBVH, leaving a gap between its economic-empowerment and violence-prevention agendas.

7.2.4. East African Community Framework

The EAC Common Market Protocol (2010) guarantees non-discrimination in employment, freedom of association and collective bargaining (Art.10) and social-policy/gender harmonisation (Art.39), but does not define or prohibit gender-based violence or sexual harassment, leaving cross-border and migrant women workers without protection against risks arising from precarious employment, labour brokers and employer-controlled accommodation. The EAC Gender Policy (2018) more explicitly identifies GBV as a priority area alongside agriculture and trade, but is a coordination and policy-harmonisation instrument rather than an enforceable legal framework, so it provides no individual complaint or remedy mechanism. Read together with the EAC Treaty's Article 6(d) commitment to gender equality and human rights, and the Maputo Protocol's obligation to combat workplace sexual harassment, the two instruments

48 However, the Strategy's understanding of GBV centres mainly on domestic violence, FGM, child marriage and conflict-related violence; workplace sexual harassment is not identified as a distinct form under Pillar 2, so proposed interventions (guidelines on ending violence against women and girls, conflict-related sexual violence frameworks, reparations) are directed mainly at household, community and conflict settings rather than employment. The AU only developed its own Workplace Gender Policy in 2016.

provide a policy basis for harmonised EAC standards on workplace GBVH - not yet realised in practice, particularly for women in informal, casual, migrant and agricultural employment.

7.3. National Framework

Each country regulates workplace discrimination and, to varying degrees, harassment through general labour or employment legislation rather than a dedicated GBVH statute. Uganda, Kenya and Tanzania are reviewed in turn, followed by a comparative assessment.

7.4. Uganda

7.4.1. National Constitution, 1995

The Constitution commits the State to social justice, gender balance and protection of vulnerable groups. Article 20 recognises fundamental rights as inherent; Article 21 guarantees equality and prohibits sex discrimination; Article 24 protects against torture and degrading treatment - relevant where GBVH undermines dignity; Article 33 requires the State to enable women's full potential. Article 40 guarantees the right to work under safe, healthy conditions, equal pay for equal work, and rights to unionise and bargain collectively - and mandates Parliament to legislate to give these rights effect[49].

7.4.2. Employment Act, Cap 226, as amended by the Employment (Amendment) Act, 2026

Uganda's principal employment law was substantially amended in 2026 (commenced 5 June 2026). Key provisions governing gender based violence and harrassment are examined below;;

- Non-discrimination and equal pay (s.5): prohibits discrimination and requires equal pay for equal-value work, though outsourced/brokered workers doing identical tasks often still receive unequal pay - linked by one trade-union respondent to growth in labour recruitment and outsourcing companies.
- Sexual harassment (s.6): covers quid-pro-quo and hostile-environment conduct, with a complaint route to a labour officer; the 2026 amendment newly requires employers to put preventive measures in place and display them conspicuously. However, s.6 protects only "employees", not jobseekers (contrary to C190), and its narrow "employer's representative" definition leaves peer and third-party (client, contractor, recruiter) harassment inadequately covered[50].
- New s.6A - intimidation/non-sexual harassment: prohibits abuse, isolation, humiliation, threatening communications and withholding necessities, closer to C190's integrated concept - but carries no express employer prevention duty, unlike sexual harassment, creating an asymmetrical framework.
- Precarious employment: coverage extended to domestic and casual workers with restrictions on indefinite casualisation (s.34A), though effectiveness depends on inspection to prevent disguised employment.
- New section 56A requires employers to provide breastfeeding and childcare facilities for children aged 3-36 months. This provision strengthens women's economic security, the absence of which, as revealed by the qualitative data, may increase their vulnerability to gender-based violence and harassment (GBVH)
- Overall the 2026 amendments mark significant improvement but remain narrower than C190's integrated approach to sexual, psychological, economic and third-party violence[51].

7.4.3. Employment (Sexual Harassment)

49 Article 40(2)&(3).

50 Which means women workers recruited through labour brokers or employed by recruitment agencies are sufficiently protected.

51 Proposed priority reforms include: widening "employer's representative" to cover third parties and co-workers without formal authority; covering all forms of violence and harassment, not only sexual harassment; extending protection to jobseekers and informal-economy workers; requiring gender-sensitive complaint mechanisms and protection for witnesses/whistle-blowers; and removing mandatory prior committee reporting to improve access to independent justice.

Regulations, 2012

Made under the 2006 Employment Act(Chapter 226) and pre-dating Uganda's 2023 ratification of C190, these Regulations require qualifying employers[52] to adopt written sexual-harassment policies, consult unions, designate a gender-sensitive complaints officer, and establish Sexual Harassment Committees; a Labour Officer procedure provides defined timelines, investigation powers and interim separation of parties, alongside strong anti-retaliation and confidentiality protections.

However, the Regulations address only sexual harassment (not C190's broader concept of GBVH); apply only to employers with 25+ employees - now inconsistent with the Employment Act's universalized prevention duty; inadequately cover co-worker and third-party perpetrators; and lack a risk-based prevention framework covering isolated workplaces, night work or labour camps. The Minister has six months from the amendment's commencement to issue new regulations, which should close these gaps.

7.4.4. Occupational Safety and Health Act, Cap 231, as amended in 2025

The 2006 Act imposed employer duties to safeguard employees, required worker consultation (s.17) and safety committees (s.16), but did not name GBVH[53]. The 2025 amendment strengthens this where s.20 requires monitoring of workers' mental health; s.46 mandates annual safety and health audits; s.72 requires training/certification for machine operators. However gaps remain in that GBVH is not expressly named and gender-sensitive complaints mechanisms are not required, leaving enforcement to broad interpretation of "safe and healthy working environment".

7.4.5. Other Labour Legislation

The Labour Unions Act (ss.3-6, 9(2)) protects freedom of association and requires gender mainstreaming in union activity; the Labour Disputes (Arbitration and Settlement) Act provides for the lodging of labour disputes before the industrial court through referrals and appeals from the labour offices(ss.3-8) but lacks gender-sensitive procedures or interim protection for victims of GBVH; the Workers' Compensation Act (ss.2-7, 11, 24, 27) covers medically established psychological harm but does not expressly recognise GBVH, bullying or trauma as compensable injury. All three offer partial, largely indirect alignment with C190.

7.5. Kenya

Kenya's framework governing GBVH that is; the Constitution (Arts.27, 41), Employment Act 2007, Occupational Safety and Health Act 2007, Labour Institutions and Labour Relations Acts 2007, Work Injury Benefits Act 2007 and Sexual Offences Act 2006 - is comparatively comprehensive but fragmented. Employment Act s.6(1) broadly defines sexual harassment (unwelcome sexual requests, language, visual material or physical conduct affecting employment or performance); ss.6(2)-(4) require employers with 20+ staff to adopt a written policy with complaint procedures. Section 5 prohibits direct/indirect discrimination including pregnancy, requires equal pay for equal value (s.5(5)), and shifts the evidential burden to the employer once discrimination is alleged (s.5(7)) - valuable since employers typically control the relevant records.

The OSH Act 2007 supports recognition of GBVH as a safety concern but remains structured around traditional hazards. Employment Act ss.43, 45-46 require fair reasons/procedure for termination and protect against retaliatory dismissal linked to discrimination, pregnancy or lawful complaints, via Labour Officers and the Employment and Labour Relations Court.

The Sexual Offences Act, 2006 provides an additional criminal-law layer of protection. Section 23 criminalises sexual harassment by a person in authority or a public officer where unwelcome sexual advances or requests are persistent and affect employment, career prospects, work performance or the

52 Those employing 25+employees

53 See section 13 on the duty of employers to protect workers.

working environment.However, section 23 has a narrower threshold than section 6 of the Employment Act because it requires specific elements, including persistence and the involvement of a person in authority or public office. Some conduct may therefore violate employment law without meeting the threshold for criminal prosecution and thus the Sexual offences Act is only complementary. Overall, strong formal protections exist, but full C190 alignment requires an integrated GBVH framework - covering prevention, worker participation, retaliation protection, confidential complaints, psychosocial support and coverage of precarious/non-standard work

7.6. Tanzania

Tanzania's framework is anchored in the 1977 Constitution (Arts.12, 13, 22, 23 - equality, non-discrimination, right to work and fair labour practices) and operationalised through the Employment and Labour Relations Act, 2004 (ELRA), the Penal Code, the Sexual Offences Special Provisions Act 1998 (SOSPA) and OSH legislation.

ELRA s.7 prohibits discrimination including on sex, pregnancy and marital status throughout the employment relationship (recruitment to termination); s.7(5) treats harassment connected to a prohibited ground as a form of discrimination, giving women a route to challenge gender-based harassment, but the Act lacks a comprehensive GBVH regime covering prevention, confidential reporting, investigation or survivor support, and does not address harassment via electronic communication, clients or labour brokers. Section 7(2)-(3) requires employers to register an equal-opportunity plan, but without a mandated GBVH policy, risk assessment or complaints officer. The burden of proof shifts to the employer once a prima facie discrimination case is shown (s.7), subject to s.7(6) exceptions. It further provides for a more stronger pregnancy protection. S.34 grants 84 days paid maternity leave (100 for multiples); ss.7, 37(3) protect against pregnancy-related termination. Post-Labour Laws (Amendments) Act, 2025f further provides for unfair-termination compensation for discrimination/harassment raised to 12-24 months' remuneration.

Penal Code s.138D criminalises sexual harassment including abuse of workplace authority, but a 60-day prosecution limitation period can exclude survivors needing more time to come forward while the OSH legislation is focussed on physical hazards, not psychosocial risks (threats, coercion, intimidation).

A key gap concerns labour-broker-mediated employment: ELRA protections are framed around the employer–employee relationship, so a worker recruited by one entity and supervised by another can fall into a gap where host companies and brokers each deny responsibility. Overall, Tanzania's law is stronger on discrimination generally than on GBVH as a distinct form of workplace violence, addressed mainly through the discrimination model rather than a dedicated framework.

7.7. A Comparative Legal Analysis

All three frameworks share a common limitation: each recognises sex/gender discrimination strongly and treats sexual harassment as a species of discrimination, but none establishes a unified GBVH regime of the kind C190 envisages - covering physical, psychological, sexual and economic harm as one continuum, extending to third parties, with minimum standards for prevention, reporting, investigation, non-retaliation and survivor support. In each country the gap between formal recognition and operational protection is greatest in the same areas: third-party harassment, grievance-procedure independence, and enforcement capacity.

Dimension	Uganda	Kenya	Tanzania
C190 ratification	Ratified 2023; in force; domestication pending	Not ratified	Not ratified
Constitutional anchor	Arts.20,21,24,33,40 - dignity, equality, women's rights, labour rights	Arts.27,41 (also 28, 43) - most detailed labour text	Arts.12,13,22,23 - relies most on implementing legislatio
Sexual harassment provision	s.6, 2006 Act; broadened by 2026 amendment	Detailed definition; covers co-worker harassment	Only as a form of discrimination (s.7(5)); no dedicated definition
Non-sexual/ psychological harassment	New s.6A (2026): isolation, humiliation, digital abuse	Not expressly covered	Not expressly covered
Third-party harassment	Not expressly covered	Not expressly covered	Not expressly covered
Anti-retaliation protection	New s.65C(h) protects complainants	Indirect, via unfair-termination/ discrimination	Indirect, via unfair-termination; none dedicated
Burden of proof	Not addressed as distinct rule	s.5(7) shifts to employer once alleged	s.7 shifts once prima facie shown, subject to s.7(6)
Coverage of jobseekers	Not addressed	Yes	Not addressed
OSH treatment of psychosocial risk	2025 amendment: mental-health monitoring, audits; GBVH not named	Traditional physical-hazard focus	Traditional physical-hazard focus
Overall assessment	Strong, recently strengthened; weak on GBVH-specific prevention/reporting	Substantial discrimination/ harassment framework; weak on prevention & institutional capacity	Strong on formal equality; weak on harassment & institutional response

Table 2: Comparative summary of national legal frameworks relevant to workplace GBVH, Uganda, Kenya and Tanzania.

8.0. Employer Prevention Systems and Workplace Governance

The single most consistent finding across every respondent interviewed for this study is a sharp divergence between policy adoption and policy enforcement. Employers, in several respondents' accounts, "put policies there but don't follow them" - a critique independently echoed by four survivor respondents, who described policies and certifications as existing mainly so that a company can qualify for certification, not because of genuine interest in worker welfare, in a context where the majority of women workers were described as illiterate and unable to read the policies that do exist even where they are displayed[54].

8.1 From policy-free to policy-present, without a corresponding shift in culture

According to several respondents, many commercial investment schemes had no anti-harassment policy at all, and where sexual harrassment policies and committees existed to receive complaints, they were male-dominated, with workers afraid to report sexual harassment to men . However following an intervention by one of the CSO's (Uganda Workers' Education Association), model sexual harassment policies were drafted and adopted by the Employers and further women's committees were formed, composed mostly of women with a small number of men, and were credited with increasing workers' willingness to report[55] . However, the Respondents note that whereas, this was a positive reform, more challenges were still faced when it came to the independence and impartiality of the committee especially where the highest structure for escalating the complaint or recommendations of the committee was the Human resource manager of the company and yet in some cases, the said human resource manager was the perpetrator or the accused party.

8.2 Certification and ESG frameworks: attracting investment more than accountability.

Responsible-investment and labour-standard certifications were assessed as partially helpful in attracting accountability and investment, but practically undermined by corruption, by employers who consider themselves above certification requirements, and by frameworks often designed externally without local trade-union input, risking certification standards that do not reflect on-the-ground conditions[56]. This assessment is corroborated by independently documented evidence from Kenya's flower and tea sectors: a certification body operating in the tea sector has since committed to retraining auditors specifically in gender-sensitive interview techniques for detecting sexual harassment - an implicit acknowledgement that prior certification audits, structurally similar in form to government labour inspection, were not designed to detect it; and a baseline survey of flower farms found that even where "gender committees" existed under certification schemes, they were typically composed of general workers with no authority over senior management, mirroring at the private-certification level the same authority gap found in state labour inspection relative to prosecutorial authorities[57].

54 TU6
55 RWU3,TU1,TU6
56 TU1 & 4,RWUI, RWU3,
57 Ethical Trading Initiative. (2020, January 15). The dark side of the flower sector: The growing exploitation of women in Kenya https://www.ethicaltrade.org/resources/blog/dark-side-flower-sector-growing-exploitation-women-kenya

8.3 The illiteracy and awareness barrier

A workplace policy that exists on paper but is inaccessible in practice functions, for most of the affected workforce, as though it did not exist at all. With the majority of women workers in agricultural, tea estates and flower farms described as illiterate in one sector studied by several respondents and low awareness of what legally constitutes harassment identified independently as a driver (Section 6.2), written policy documents alone cannot be treated as an adequate prevention measure. Employers ought to put in place prevention measures that specify accessible, non-written communication and training obligations, not merely the existence of a document.

8.4 . Labour inspection check-list

A review of Uganda's operational labour inspection checklist (the L.D Form 1) against this study's qualitative findings shows that the instrument is not entirely blind to GBVH -relevant employer conduct. It asks whether a sexual harassment policy exists, whether it clearly defines harassment, provides a safe and confidential reporting mechanism, and whether employees are trained and designated contact officers or committees exist; it asks whether a workplace's Code of Conduct is gender-responsive; it includes welfare-amenity questions on sanitary provision and breastfeeding/expressing rooms directly responsive to the nutrition and breastfeeding barriers identified in Section 4.4; and it asks whether women are represented in union leadership and negotiation teams. However, the checklist relies primarily on employer self-reporting, with verification conducted through a single management-nominated "Workplace Representative" interview. It therefore has no built-in mechanism for systematically cross-checking management accounts against workers' own experiences. This is a significant design limitation, particularly where workers may be reluctant to speak openly during inspections. Indeed, one respondent described inspections as sometimes being staged or curated. At the same time, an interview with a Labour Inspector suggests that inspectors are aware of this limitation and sometimes seek alternative ways of hearing directly from workers. Where workers fear retaliation, inspectors may leave their contact details with workers and invite them to make contact privately after the inspection to share concerns they were unable to raise during the visit. This practice provides an important informal safeguard, but it remains dependent on individual inspectors and is not embedded as a standard feature of the inspection process.

9.0. Reporting, Grievance Handling and Access to Justice

Every respondent interviewed for this study, independently and without prompting, identified fear of retaliation as the central reason reporting rates remain low, and several distinguished this explicitly from the separate, low baseline of formal case counts: low reporting numbers, in one respondent's account, reflect fear, not the absence of cases.

9.1 Retaliation: visible, concealed and socially enforced

Retaliation took several distinct forms. One survivor, after reporting via her trade union, described management as unwilling to "accept shame," protecting the accused senior individual, and demoting her - contributing to her eventual resignation. As a former branch secretary, she noted that retaliation against even a senior reporter erodes wider member morale and deters others from pursuing complaints. A second, more concealed form affected casual and temporary agency workers employed through labour brokers: reporting GBVH reportedly led to dismissal without explanation, or non-renewal of fixed-term contracts without GBVH being cited as the reason making this retaliation difficult to identify since it can be presented as an ordinary employment decision. A third form involved social and reputational harm: two workers who reported a manager experienced victim-blaming, social media attacks, reputational damage, and community isolation, ultimately forcing them out of the workplace.

Together, these accounts show retaliation operates through formal dismissal, economic insecurity, and social exclusion alike -discouraging reporting altogether.

9.2 Structural and procedural barriers

Beyond fear of retaliation itself, respondents identified a cluster of structural barriers. Reporting channels are frequently complicated and fragmented even for someone knowledgeable of her rights, with no single clear pathway of where to clearly report when violated[58]. Internal investigations were described as vulnerable to corruption where complaints may be shelved rather than escalated to senior executives out of fear of backlash, and women who report are sometimes sidelined by the investigation process itself[59]. Fear of reporting a senior figure was corroborated separately, given that such individuals were described as facing no consequence, such as arrest, even when a case is pursued[60]. Judicial case backlogs were cited as a further deterrent, making formal justice-seeking feel, in one respondent's words, like "a very big situation"[61]. In Ugandan, the burden of proof for GBV cases was described as falling entirely on the person reporting, compounded by patriarchal social norms and economic constraints, with job loss a common consequence of reporting - leading most affected workers to remain silent.[62]

9.3 Settlement, mediation and the absence of consequence

One respondent resolved case in which a young woman sexually harassed by her employer accepted a private financial

58 RWU-RWU8, RWT1-RWT4, RWK1-RWK3
59 TU1,TU4
60 RWU3
61 TU3
62 CSO1&CSO3

settlement, after which the organization's claim on her behalf could not proceed further. She reveals that more generally, most GBV claims - even those reaching labour officers or court - end at mediation rather than adjudication, because perpetrators generally prefer out-of-court settlement, after which they face no further consequence[63]. This pattern was directly connected by the same respondent to a further legal-institutional gap, that there is not yet any severe punitive sanction for perpetrators of gender-based violence even within the law itself. A labour inspector independently recommended stronger punitive and criminal sanctions, explicitly linking the current absence of strong consequence to why these issues keep recurring - offenders are, in the respondent's words, "in, they are out" with no lasting consequence[64].

9.4 Where reporting does work: unions as a channel of last resort

With no internal HR or safety reporting framework available in several accounts, the trade union functioned as the only available reporting channel - in one case taking a survivor's complaint forward, though the outcome for the respondent herself was still retaliation.

9.5 What respondents recommended

Respondents converged on a consistent set of concrete, low-cost reforms where they proposed transparent, non-management-controlled grievance procedure, explicitly warning against management "hiding the backlash"; a confidential complaint or suggestion box, paired with external referral to police and a tripartite approach - jointly developed by government, employers and workers - to eliminating workplace GBV consistent with the ILO C190.

63 CSO1
64 LI1

10.0. Institutional Response, Enforcement and Capacity

This section examines the capacity of state institutions - principally labour inspectorates - to detect, prevent and respond to GBVH, drawing on direct respondent testimony, a document analysis of Uganda's national labour inspection checklist and guidelines, two Ugandan national labour inspection reports spanning 2016/17–2022/23, and an ILO institutional-capacity assessment of Kenya's labour inspectorate.

10.1 Inspection as prevention, and its practical limits

A labour inspector[65] described inspection as more than an administrative compliance exercise - an opportunity to identify hidden abuse through direct observation, worker and management interviews, review of policies and records, contact with unions or associations, and independent verification. He revealed that in principle, inspection is expected to be continuous however in practice, it was described as occurring on a quarterly basis and dependent on available resources and sector priority, with inspectors concentrating on highly visible or politically urgent sectors.

10.2 Staged inspections and confidentiality gaps.

One of the respondents described a specific and consequential enforcement gap where she revealed that labour inspections did take place at her worksite, but were curated in that inspectors were shown only "the good places", the good things" - such that resulting reports did not reflect actual conditions; she suggested that directly requesting inspectors' underlying reports would reveal this gap. A related, separate account described human-resources departments determining which workers were made available for interview during a social audit process and labour inspection; a selection-bias dynamic that would systematically under-represent workers most likely to disclose negative experience. Uganda's current draft national labour inspection guidelines explicitly permit inspectors to interview workers alone and in private and require inspectors to treat the source of any complaint as absolutely confidential but the same guidelines also specify that the inspector should indicate the intention to interview workers privately at the opening meeting, meaning management retains advance notice and continues to organise which workers are made available, even where the private-interview format itself is protected.

10.3 A weak, gendered and under-resourced enforcement chain

Government responses to workplace GBV were described as slow and bureaucratic. In Uganda, one district labour officer reportedly covers a large district with inadequate transport and facilitation, conditions that may encourage corruption. Although workers' councillors-male and female-are legally mandated to support labour officers in enforcing workplace standards, respondents reported that they are inadequately facilitated and equipped. Gender imbalance further affects enforcement where most labour inspectors are male, potentially discouraging workers from reporting sensitive GBV cases. Uganda's 2022/2023 National Labour Inspection Report confirms this imbalance, recording 119 male and 58 female labour officers (67% and 33%, respectively), and acknowledges that male inspectors may be less comfortable addressing female-dominated workplaces while women workers may feel uncomfortable or distrustful when

65 Ibid note 66

reporting sexual harassment.

In Kenya, an ILO rapid assessment[66] identified related enforcement weaknesses. Inspections are often unstructured and unplanned, limiting detection of GBV, which requires confidential, planned and trust-building engagement. Prosecutorial authority rests with the Office of the Director of Public Prosecutions rather than labour inspectors, potentially hindering progression of GBV complaints beyond informal or civil processes. Kenya's largely manual, non-digitised inspection system also makes it difficult to identify repeated violations by enterprises, leaving complaints addressed individually rather than building evidence of systematic or repeat offending.

10.4 GBV as an invisible outcome in national administrative data

Through analysis of government national statistics from the three countries, this study finds that gender-based violence (GBV) and sexual harassment are not systematically recorded as gender-disaggregated outcomes. In Uganda, two national labour inspection reports covering roughly six years (2016/17-2017/18 and 2022/2023) show that GBV and sexual harassment are treated mainly as indicators of whether workplace policies exist, rather than as reported or resolved cases. For example, complaints, workplace accidents and collective terminations are disaggregated by sex in both reports, but GBV and sexual harassment are not. In the most recent report, HIV and sexual-harassment policies are combined into a single compliance indicator, showing that 89% of inspected workplaces had such policies. This means that a workplace with only an HIV policy, but no sexual-harassment policy-or vice versa-could still be counted as compliant. As a result, the national labour inspection system cannot answer basic questions such as how many GBV or sexual-harassment cases are formally reported, investigated, or resolved, and what outcomes result from these cases.

This finding is consistent with the qualitative evidence presented throughout this chapter, which suggests that the low number of formal cases does not necessarily mean that incidents are rare. Rather, cases can be lost at different stages of the enforcement chain-from reporting and investigation to documentation and tracking of outcomes.

10.6 Comparative institutional effectiveness.

Respondents perceived significant differences in the effectiveness of government institutions. Occupational safety and health (OSH) institutions were generally viewed as more responsive than labour inspectorates. One respondent explained that, "even if you call them once... they respond so quickly and take action." This suggests that workers may view OSH institutions as more credible and accessible channels for addressing workplace violations.

66 International Labour Organization. (2023a, June 19). Enhancing decent employment in Kenya through effective labour inspection.

11.0 Investment Governance and Corporate Accountability

This section examines how investors, employers, contractors, labour brokers, certification bodies and donors influence the prevention and response to gender-based violence and harassment (GBVH) in commercial investment schemes. The findings show that accountability is often fragmented, with several actors involved but no single actor clearly responsible when abuse occurs. At the same time, the evidence points to donor and investor requirements as potentially strong drivers of better workplace practices.

11.1 Fragmented Accountability Across the Investment Chain

Commercial investment schemes often involve many different actors, including investors, host companies, subsidiaries, contractors, labour brokers, security companies, transport providers, supervisors, certification bodies and government authorities. This makes accountability difficult to establish when GBVH occurs.The problem is particularly clear for workers employed through labour brokers, subcontractors or other temporary arrangements. As discussed earlier, these workers may not know whether to report a problem to the host company, the labour broker or another actor. This creates gaps in responsibility and can leave workers without an effective avenue for redress. The findings therefore suggest that GBVH cannot be addressed only through the traditional employer-employee relationship. Accountability must extend across the wider investment and supply chain.

11.2 Investor Power and Corporate Accountability

The research also shows that investors can influence workplace practices through the conditions they attach to their investments. Investors and development-finance institutions have greater economic leverage than individual workers and, in some cases, greater influence over companies than ordinary regulatory mechanisms. This makes business and human rights due diligence an important potential avenue for preventing and addressing GBVH. One company representative[67] corroborated this when she revealed that the company where she is employed is more compliant with labour standards when it comes to projects funded by world bank and European Union. However, some respondents noted that existing mechanisms are not always accessible to workers. For example, online reporting systems can be difficult to use for workers with limited literacy, internet access or digital skills. Similarly, national business and human rights frameworks may exist but have limited practical impact at workplace level. The key issue is therefore not only whether due-diligence mechanisms exist, but whether women workers can actually access and use them.

11.3 Certification Does Not Guarantee Accountability

The findings show that certification should not be treated as proof that a workplace is free from GBVH. Certification may encourage better workplace practices, but it can fail to detect forms of violence that are hidden or difficult for workers to report. The Kenyan evidence is particularly relevant. Following documented cases of abuse, certification bodies have moved towards more gender-sensitive auditing and interviewing methods[68]. This suggests that earlier auditing approaches

67 CR2

68 Rainforest Alliance. (n.d.). The Rainforest Alliance to address pervasive sexual discrimination and gender-based violence in Kenyan tea sector

were not always sufficiently designed to identify GBVH. Certification systems should therefore be assessed not only on whether a workplace has been certified, but also on how effectively the certification process identifies hidden violence, protects workers who speak out, and follows up on complaints.

11.4 Donor and Investor Conditionality as an Accountability Lever

One of the more positive findings is that external funding requirements can encourage stronger gender accountability. Respondents gave the example of a World Bank-funded road construction project where gender considerations were incorporated and women workers were actively engaged because compliance with these requirements was linked to funding. A labour inspector also corroborated this finding, noting that labour inspections tend to be more frequent in projects funded or financed by international institutions. This suggests that donor and investor requirements can sometimes produce stronger compliance than routine domestic enforcement or voluntary certification. There is therefore an important policy opportunity for development-finance institutions, donors and investors to make GBVH prevention, worker protection and effective grievance mechanisms explicit conditions of financing and investment, and to monitor compliance throughout the life of the project.

Taken together, the evidence shows that accountability for GBVH in commercial investment schemes remains fragmented and uneven. Certification alone is insufficient, domestic enforcement does not always reach workers effectively, and workers in outsourced or brokered employment may fall between different systems of responsibility. At the same time, the findings show that actors with economic leverage-particularly investors, donors and development-finance institutions-can play a stronger role in driving compliance. The most effective approach is therefore likely to combine domestic regulation with clear investor responsibility, gender-responsive due diligence, stronger certification requirements, and financing conditions that require companies to prevent, report and address GBVH.

12.0. Trade Unions, Worker Representation and Collective Action

Trade unions emerge from this evidence base as simultaneously the most consistently available channel of protection and support for women workers experiencing GBVH, and - in one of this study's most significant and least anticipated findings - a source of structural risk in their own right, given patriarchal dynamics documented within union governance itself.

12.1 The union mandate and its practical delivery

Respondents[69] (trade union officials) identified three core responsibilities of trade unions: negotiating collective bargaining agreements (CBAs) on terms and conditions across investment entities; regional and national advocacy on labour rights affecting women, including use of business-and-human-rights due-diligence avenues; and policy influence within investment schemes, contingent on how strong the union is at a given site. In practice, delivery against this mandate was described as substantial but resource-constrained where cases are documented, and regional experience-sharing sessions convened through a global union federation bring together women workers from multiple East African countries to share anonymised case studies and build awareness elsewhere; unions negotiate CBA provisions granting paid time/leave off to survivors of domestic or workplace violence, independent grievance channels designed to avoid retaliation, and shop-steward training to sit on occupational safety and health (OSH) committees, with some portfolios specifically tasked with GBV issues

12.2 Support that exists, but at limited scale

Given the unions' own financial constraints, survivor support in practice includes referral partnerships with legal-focused civil-society organisations to pursue cases beyond what the union or an employer's HR function alone can resolve; small amounts of financial support and informal, non-professional counselling intended to help affected women feel less alone and "settle back into society" after facing community stigma; and GBV/sexual-harassment training for workers on documenting and reporting cases, which due to financial constraints is currently run centrally at the union secretariats rather than enterprise by enterprise as originally intended. The unions were also described as having been at the forefront of advocacy for Uganda's ratification of ILO Convention 190, and, with domestication into national law still pending, are pursuing domestication indirectly through collective bargaining, shareholder activism and legal-framework advocacy[70].

12.3 Barriers to seeking and sustaining union support

Several structural barriers limit unions' practical reach. Workers under labour-brokerage arrangements are structurally barred from exercising freedom of association and therefore cannot access union support at all[71]. Financial and capacity constraints limit the volume of women a union can support - aspirations to run shelters for GBV and domestic-violence survivors remains unfunded, a constraint connected to broader post-COVID financial strain across unions

69 TU1-TU7
70 ibid note 56
71 Ibid note 56, RWU1,3 & 6

generally[72]. In Uganda, paralegal training that once existed within the unions has since ceased , meaning staff often do not know how to handle cases or where to channel them, leaving many cases unresolved. Women's disproportionate domestic and care responsibilities were separately cited as limiting their time and ability to participate in union networking, training and events[73]. Fear of economic retaliation and cross-company blacklisting in a competitive job market was described as discouraging reporting even where workers recognise mistreatment. This fear of economic retaliation also influenced some women workers to withdraw from Unions.

12.4 Patriarchy within the labour movement itself

The most significant and least anticipated finding under this theme is structural: three respondents[74] from trade unions described trade-union movement's own governance as patriarchal, identifying this as a barrier in itself, since the institutions meant to help survivors are themselves, in their own account patriarchal, and stating that even some women who rise within this system sometimes become enablers of toxic masculinity rather than allies to other women In Uganda, a related account identified a lack of structured mentorship between senior and junior women within the labour movement, contrasted with more developed mentorship traditions elsewhere, and questioned whether women's committees within national federations are effectively translating leadership knowledge to the grassroots[75]. A further account, offered as a general structural observation rather than a specific attributable allegation, raised the possibility of a transactional or quid pro quo dynamic in advancement within union structures themselves, questioning how workers can expect serious handling of GBV reports from commercial investments if this dynamic exists within the very union system meant to represent them. This claim is presented here as a structural concern requiring further, careful corroboration, not as an established finding attributable to any specific individual or organisation, consistent with the confidentiality and evidentiary standards applied throughout

72 TU3
73 TU1
74 RWK1
75 TU3

13.0. Community and Local Governance Dimensions

GBVH in commercial investment schemes does not occur, or get addressed, in isolation from the surrounding community and local governance structures. This evidence base points to three distinct community-level dynamics: social sanction that discourages reporting and resistance[76]; under-resourced local government structures that could, if strengthened, extend the reach of formal labour administration; and community-based referral pathways that currently exist informally, at best, alongside formal workplace and institutional mechanisms.

13.1 Community and peer-level social sanction

Women who assert boundaries against harassment were described as facing stigmatisation from male colleagues, with harassment reframed by perpetrators as normal workplace behaviour rather than misconduct. This social-sanction mechanism operates independently of, and in addition to, any formal retaliation by management: a survivor respondent described fellow women workers turning against her when she resisted a farm owner.s advances, mocking her and accusing her of arrogance rather than offering support - attributing this to collective normalisation among colleagues who had themselves already experienced similar treatment . At a broader community level, workers who report harassment involving a foreign manager were described as facing reputational damage and social isolation from both colleagues and the wider community, including on social media, ultimately leading them to leave the workplace altogether. One of the survivor respondent[77] recalls facing a backlash and isolation in community when rumours of her sexual harrassment complaint become known among the community members. she was blamed for allegedly ashaming her husband by speaking out.

This evidence indicates that community and peer-level social dynamics function as a distinct barrier to reporting, separate from and additional to the institutional and employer-level barriers examined in Section 9.0, and that any effective prevention strategy must address community-level attitudes and norms, not workplace policy alone.

13.2 Under-resourced local governance structures

A single labour officer was described as covering a very large district with inadequate transport and facilitation to travel between sub-areas, conditions a respondent connected directly to corruption risk.The same respondent argued that workers' councillors - elected local worker representatives - if better resourced and empowered, could meaningfully support labour officers at community level to help keep workplaces free of violence, suggesting an underused local-governance channel that currently receives limited attention in either legal or institutional reform discussions.

76 RWU2, TU2&5,WI-W2
77 RWU3

14.0 Recommendations and Reforms

The recommendations below are drawn directly from proposals respondents themselves offered, from the specific gaps identified in the document analysis of national legal, policy and inspection instruments, and from the cross-cutting findings synthesised across Sections 4.0-13.0. They are organised by the stakeholder best placed to act on them, consistent with the tripartite approach - government, employers and workers, together with investors and civil society.

14.1. Governments: Strengthen enforcement and accountability

- Fully implement ILO Convention No. 190 by ratifying, domesticating, and clearly communicating protections.
- Recognize GBVH as a workplace occupational safety and health risk, requiring inspectors to assess risk identification, worker consultation, safe reporting, protection from retaliation, and corrective action.
- Establish GBVH-specific data systems tracking complaints, violations, complainant demographics, investigations, resolutions, and remedies.
- Close the labour brokerage accountability gap by clarifying responsibility for agency, subcontracted, and brokered workers.
- Introduce stronger, clearly defined punitive sanctions for perpetrators of workplace GBV, addressing the settlement-and-impunity pattern documented in this chapter, and clarify the procedural relationship between any criminal-offence track and the labour officer/court track so complainants are not forced to choose between, or left uncertain about, the appropriate forum.
- Resource and train labor inspectors to conduct gender-sensitive proactive inspections beyond complaint-driven enforcement.
- Bring the Maputo Protocol's general commitments on violence against women into operational use within national labour inspection practice, not solely as a legal-framework citation.

14.2. Employers: Move from paper to practice

- Create independent grievance mechanisms with multiple confidential reporting options, accessible in local languages and without internet reliance.
- Adopt strong anti-retaliation protections, especially for casual and brokered workers.
- Provide practical training to ensure policies are understood and usable, not just displayed.
- Extend protections to all categories of workers-permanent, casual, seasonal, agency, subcontracted, and contractor-employed.

14.3. Investors and Development-Finance Institutions: Use leverage

- Make GBVH prevention and grievance systems explicit conditions of financing.
- Require gender-responsive risk assessments, independent grievance mechanisms, anti-retaliation measures, union access, and regular reporting.

- Ensure compliance is independently monitored throughout projects, not only at entry.

14.4. Certification Bodies: Strengthen standards and audits

- Train auditors in gender-sensitive interviewing and conduct confidential interviews with women workers, including casual and outsourced staff.
- Verify grievance mechanisms' effectiveness, ensure gender committees have authority, and treat unresolved GBVH complaints as certification failures.
- Base certification on actual workplace conditions, not just policy existence.

14.5. Trade Unions: Amplify worker voice

- Integrate GBVH into collective bargaining agreements, complaint systems, and survivor-support measures.
- Train shop stewards, provide paralegal support, and strengthen women's leadership.
- Organize and represent brokered and outsourced workers, while ensuring unions themselves are safe spaces for women.

14.6. Civil Society Organisations: Expand support and advocacy

- Provide rights awareness, reporting tools, legal aid, psychosocial support, and community-level mechanisms.
- Establish formal referral pathways linking workplace complaints to health, labour offices legal, and police services.
- Monitor high-risk workplaces and engage in strategic advocacy with governments, employers, and investors.

14.7. Community-Level Accountability

- Train and resource workers' councillors and community leaders to identify risks, refer cases, and connect workers to formal institutions, especially in remote estates and camps.

Table 3 : Matrix categorizing Short-Term vs Long-Term Recommendations

Short-term items are achievable through administrative, budgetary or institutional action within existing law atleast within 0-2 years. Long-term items require legislative amendment, ratification/domestication, or structural reform of accountability frameworks (2–5+ years). These recommendations are grouped by stakeholder, consistent with Section 14.

Stakeholder	Recommendation	Reform Type	Timeframe
Governments	Ratify, domesticate and communicate ILO Convention No. 190 protections	Legislative / regulatory	Long-term
Governments	Recognise GBVH as an OSH risk, requiring inspectors to assess risk identification, consultation, safe reporting and corrective action	Legislative / regulatory	Long-term
Governments	Establish GBVH-specific data systems (complaints, demographics, investigations, remedies)	Administrative / practice	Short-term
Governments	Close the labour-brokerage accountability gap by clarifying responsibility for agency, subcontracted and brokered workers	Legislative / regulatory	Long-term
Governments	Introduce stronger punitive sanctions for GBV perpetrators and clarify the criminal/labour-track relationship	Legislative / regulatory	Long-term

Stakeholder	Recommendation	Reform Type	Timeframe
Governments	Resource and train labour inspectors for gender-sensitive, proactive (not only complaint-driven) inspection	Administrative / practice	Short-term
Governments	Operationalise the Maputo Protocol's commitments within national labour-inspection practice	Administrative / practice	Short-term
Employers	Create independent, multi-channel confidential grievance mechanisms in local languages, not internet-dependent	Administrative / practice	Short-term
Employers	Adopt strong anti-retaliation protections, especially for casual and brokered workers	Administrative / practice	Short-term
Employers	Provide practical training so policies are understood and usable, not just displayed	Administrative / practice	Short-term
Employers	Extend protections to all worker categories: permanent, casual, seasonal, agency, subcontracted, contractor-employed	Administrative / practice	Short-term
Investors / DFIs	Make GBVH prevention and grievance systems explicit conditions of financing	Administrative / practice	Short-term
Investors / DFIs	Require gender-responsive risk assessments, grievance mechanisms, anti-retaliation measures, union access and reporting	Administrative / practice	Short-term
Investors / DFIs	Ensure compliance is independently monitored throughout the project, not only at entry	Administrative / practice	Long-term
Certification Bodies	Train auditors in gender-sensitive interviewing; conduct confidential interviews with casual and outsourced women workers	Administrative / practice	Short-term
Certification Bodies	Verify grievance-mechanism effectiveness; treat unresolved GBVH complaints as certification failures	Administrative / practice	Short-term
Certification Bodies	Base certification on actual workplace conditions, not policy existence alone	Administrative / practice	Long-term
Trade Unions	Integrate GBVH into collective bargaining agreements, complaint systems and survivor support	Administrative / practice	Short-term
Trade Unions	Train shop stewards, provide paralegal support, strengthen women's leadership	Administrative / practice	Short-term
Trade Unions	Organise and represent brokered/outsourced workers; ensure unions are safe spaces for women	Administrative / practice	Long-term
Civil Society	Provide rights awareness, reporting tools, legal aid and psychosocial support	Administrative / practice	Short-term
Civil Society	Establish formal referral pathways linking workplace complaints to health, labour, legal and police services	Administrative / practice	Short-term
Civil Society	Monitor high-risk workplaces and engage in strategic advocacy with government, employers and investors	Administrative / practice	Long-term
Community-Level	Train and resource workers' councillors and community leaders to identify risks and refer cases, especially in remote estates/camps	Administrative / practice	Short-term

15.0. Conclusion

This study examined GBVH affecting women workers in commercial investment sectors across Uganda, Kenya and Tanzania, focusing on its forms, drivers and consequences, the adequacy of legal and institutional frameworks, and access to protection and remedy. Drawing on qualitative interviews and documentary analysis, it finds a persistent gap between formal legal protection and protection in practice. GBVH is not a series of isolated individual acts but is embedded in workplace structures and unequal power relations. Casualisation, seasonal and temporary employment, labour brokerage, insecure wages, occupational segregation, dependence on supervisors and recruiters, weak worker representation and fear of job loss heighten women's vulnerability while discouraging reporting. GBVH extends beyond sexual harassment to verbal abuse, intimidation, physical violence, discrimination, economic exploitation, coercion and restrictions on worker voice - practices sometimes normalised enough to go unrecognised as GBVH.

While all three countries have important international, regional and national legal protections - including ILO standards, UN treaties and the Maputo Protocol - national frameworks remain uneven and insufficiently aligned with ILO Convention No. 190. Crucially, legal protection has not translated into effective workplace prevention and remedy: policies, grievance committees and certification systems often exist on paper but are poorly implemented, inaccessible to workers with limited literacy, or distrusted where mechanisms lack independence. Properly designed women-focused structures, by contrast, can strengthen reporting confidence.

This implementation gap extends to labour inspection, which often relies on employer-provided information and fails to systematically capture GBVH as a distinct outcome - meaning low reported case numbers reflect under-reporting, not low prevalence. Access to justice is further constrained by precarious and fragmented employment relationships, including uncertainty over whether host employers or labour brokers bear responsibility.

Accountability is distributed among investors, companies, contractors, brokers, certification bodies and government - and certification alone should not be taken as evidence of a GBVH-free workplace. Trade unions, women-focused workplace structures, OSH institutions, and investor/donor conditionality linked to gender and social safeguards all present opportunities to strengthen accountability.

The study concludes that addressing GBVH requires shifting from formal commitment to operational accountability: translating laws into trusted protection systems, ensuring genuinely independent workplace committees, embedding confidential worker engagement and systematic data collection into labour inspection, covering outsourced workers with clear accountability arrangements, and treating GBVH prevention as a measurable responsibility across investment and supply chains.

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