



WORKERS RIGHTS WATCH TRAINING MANUAL

Workers Rights Watch (WRW) is a non-governmental organization founded in 2012 to:

- Promote, protect and enhance the enjoyment of workers' labour rights.
- to challenge discriminatory attitudes and practices at the workplace
- And to advance important policy and legislative reforms aimed at enhancing labour rights protection and fulfillment.

Over the past 8 years, it has provided training to over 8000 workers and trade union representatives on labour rights, including the right to a workplace free from sexual harassment.

The feedback received from participants/trainees and WRW's own reflections have guided the compilation of this toolkit.

Why this Manual?

The purpose of this manual is to assist the workers trained by WRW to design, plan and deliver training on sexual harassment to peer-employees.

It outlines a two-day workshop which aims at providing workers, complaint-handling officials, managers and supervisors with the necessary tools for planning, designing, and conducting effective training-of-peer employees. Facilitators can use the manual to prepare and conduct training within the farms.

Contents of the Manual

The manual is composed of 3 sections. Section 1 provides "tips" and general information for first-time trainers; section 2 outlines the four training modules that WRW believe should be taught to ensure that.

This section includes: a sample workshop schedule, instructions for facilitating each activity, training materials (e.g., worksheets, reference sheets)

Proposed in this manual; in section 3, trainers will find samples of pre and post training tests, sample evaluation forms/questionnaires.

The content of each module is briefly described below.

Section 1: Training tips

Conducting the Workshop

The opening page of each module lists all the module activities and their times. A short description of the overall aim and content of the module is also provided. This should be reviewed with participants before beginning each new module.

Clear procedural instructions are provided for each of the activities to help you structure your work with the participants. Remember: Be flexible! If you believe it is necessary to make changes to activities in order to accommodate your particular training context or participant group, and then feel free to do so.

Engaging participants in the training process is an effective way to further build their skills during the workshop. You are encouraged therefore to provide opportunities for participants to take part in different aspects of the workshop delivery.

Some of these include:

- Carrying out energizers and recaps
- Facilitating some of the activities and discussions during the workshop
- Preparing flipcharts and assisting in other aspects of the training
- Conducting different parts of the evaluation process (e.g., distributing and collecting written questionnaires and analyzing data and presenting preliminary finding to the group)
- Participating in the daily briefing/debriefing of facilitators
- Organizing evening events

Opening a training session: using icebreakers and energizers in training.

It is recommended that training sessions begin with warm-up activities and icebreakers. Icebreakers or energizers help participants relax, be more responsive, and participate more positively. Icebreakers also help participants get to know each other.

Examples of icebreakers:

Measuring participant understands of training contents: pre and post-tests, what it is and why you should administer them?

Pre- and Post-Testing

What is it? A measurement of the learning received during the class as a result of comparing what the student knew before in a pre-test and after the class experience in a post-test.

Why? To quantify the knowledge attained in the class from a group of students with diverse learning styles and educational backgrounds. More specifically, the tests indicate how the students are learning in the course. The data will target students requiring extra help and will identify teaching and learning methods that need to be changed or developed.

Reasons for using a pre-test:

- To measure a starting point or the amount of pre-existing knowledge on the course topic
- To compare with the starting point of a post-test
- To allow students to test out of course with a 100% correct score
- To inform the instructor about topics that are/ are not needed to cover in the course based on student's previous knowledge.
- To indicate to the student the learning level of the course topic

Reasons for using a post-test:

- To measure the learning as a result of the course experience
- To analyze the appropriateness of the learning objectives
- To recognize students who need additional help
- To target any instructional needs to improve the course

Training session evaluation: examples of possible techniques

Evaluation and Follow Up

The purpose of evaluation is to gather feedback on the content and process of the TOT workshop and also to help participants reflect on their learning. Evaluation data should be collected after each module and in a general evaluation questionnaire at the end of the training as well as informally through discussions with participants, facilitators and resource persons throughout the workshop.

A sample end-of- module questionnaire and a general evaluation questionnaire are provided in Appendix 4 of this manual. You may however choose to develop other instruments that may be more suitable for your particular target audience.

The information gathered from the evaluations should be used to produce a report on the training that should be shared with all relevant stakeholders (i.e., organizers, participants, facilitators and funders).

Section 2: The Curriculum

The training curriculum presented below is designed for approximately 25 participants. Each module may require between three to five hours, depending on participants' level of knowledge and understanding of the topics deal with. Trainees are encouraged to adapt the modules to the needs and awareness levels of the participants.

Module 1: What is Sexual Harassment?

Learning Objectives	To clarify which behavior constitute sexual harassment
Training methods	Brainstorming, Group discussion, case analysis
Workshop materials	PowerPoint slides, Flip charts, marker pens.
Target audience	Employees, complaint-receiving officials including union officials and gender committee members

Workshop opening: *Introducing the module and its objectives to the participants*

Instructions for the Trainer(s):

1. Introduction of trainer(s) and the participants
2. Participants are asked to fill in the training registration form, indicating their names, sex, company/farm and job position.
3. Participants are asked to fill in pre-test questionnaire
4. Participants are asked what their expectations on the training
5. Agree with participants the 'ground rules' E.g. Listening to what other people say without interrupting them, switching off mobile phones
6. Introduce objectives and the topics that will be discussed
7. If needed, clarify which of the participants' expectations are not relevant to the course and will not be covered in the training session.

Training topic 1: *Identifying Behavior that constitute sexual harassment*

Instructions for the Trainer:

The trainer examines how much participants already know about sexual harassment. Ask: "What types of behavior have you observed in your workplace that you believe constitute sexual harassment?"

The trainer/Facilitator summarizes participants' responses and explains the following:

The 2007 Employment Act, section 6 prohibits sexual harassment in the workplace. The law defines SH to include both "quid pro quo" and "hostile work environment".

Quid pro quo harassment occurs when employment decisions including hiring, promotions, salary increases, shift or work assignments, performance standards, grades, etc. are based on an employee submission to (acceptance of) sexual advances, requests for sexual favors, or other behavior of a sexual nature.

The key element of Quid pro quo is **coercion/threat/intimidation**: if you do not accept a request, you'll be demoted or discriminated against.

Hence an employee who gives in to sexual requests or advances **due to fear of retaliation** can still file a complaint of sexual harassment. She/he will need to demonstrate that his/her submission to advances was not "consensual", but the result of intimidation/threat.

Hostile Work Environment entails:

- A conduct of a sexual nature that has the purpose or effect of creating an intimidating, hostile, humiliating or offensive work environment
- It can involve a repetitive conduct or one severe incident
- Both a line manager and a co-worker can perpetrate it

Examples of hostile work-environment sexual harassment include:

Verbal conduct such as:

- i. Sexual propositions, repeated requests for dates when the person has indicated that s/he is not interested
- ii. derogatory comments or unwarranted criticisms as a result of refusing to go out with another member of staff
- iii. Referring to an adult as doll, babe, or honey
- iv. Comments about a person's anatomy or looks
- v. Sexual innuendos or stories,
- vi. Insults, humor, and jokes about sex
- vii. Spreading rumours about a person's personal sex life

Non-verbal including:

- i. Sexually suggestive or insulting sounds such as howling, smacking, licking lips, kissing noises
- ii. obscene gestures,
- iii. sexually suggestive bodily gestures, such as making gestures with hands or through body movements
- iv. staring at someone repetitively or in a suggestive manner

Visual: keeping nude or suggestive photos, calendars, ads, or cartoons posted in the workplace, viewing/showing pornographic material or websites; sending unwelcome sexually suggestive notes or cards; making sexual gestures or representations of sexual acts through hand or body movements.

Textual/Electronic: Posting sexually demeaning or offensive pictures or phrases, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter.

Physical conduct, such as: unwanted kissing, hugging, patting, deliberate stroking, leaning over, cornering, or pinching; brushing;

Trainer closes the session by emphasizing the following point: sexual harassment does not refer to occasional compliments of a **socially acceptable** nature; it refers to behavior that is **offensive, that lowers morale, and that interferes with the work of its recipients.**

Training topic 2: *Defining workplace*

Trainer(s) to explain that the term 'workplace' means any physical space under the control of the Company/ Employer, to which its employee will go while at work or when off-duty, including: canteens, rest /changing rooms, green houses, company-run buses to and from the farm, grading halls, off-site housing, farm dispensary, training halls.

Training topic 3: *Situations in which sexual harassment can happen*

Trainer to ask: "Can people other than a supervisor or a person with a high position sexually harass an employee?" and "Can men also be sexually harassed?" Trainer to explain that sexual harassment :

- Often involves persons of unequal authority, but it can occur among workers; between employees of equal rank; and among other peers.
- It is possible that a subordinate harasses a supervisor, although this is not very common. It may occur when the offender is particularly intimidating or if the victim is unable to exert the authority of his or her position
- Men can also be victims of SH from women.
- Unwelcome behavior can involve persons of the same sex.

Case scenarios exercise: is or not sexual harassment?

Instructions for the Trainer:

Participants get into small groups. Each group is given a case scenario. Each group reads and discusses it and decides whether it constitutes sexual harassment based on their understanding of the definitions previously discussed.

A rep from each group will report the group's decision (whether the scenario does or does not constitute sexual harassment) to the entire 'class' (after reading their scenario so everyone understands the situation).

Case scenario 1: Lydia and Andrew were dating and often flirted in the green house. But all of this stopped,

when Lydia told Andrew that she did no longer want to be with him. Andrew resented her and started to circulate very unpleasant rumors about her and make loud sexual jokes in her presence, in front of fellow workers. This is not a case of SH because Lydia and Andrew were in a relationship.

True or False? Explain why.

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Case scenario 2: Eunice and Edson, travel together on one-day training trip. In the taxi ride from the farm to the hotel where the training will take place, Edson snuggles up to Eunice and tries to hold her hand. Eunice strongly objects, and Edson backs off.

While Eunice finds Edson's behavior offensive and unwelcome, the regulations regarding sexual harassment in the work place are not relevant, since Edson and Eunice were not at their usual workplace when the incident happened.

True or False? Explain why.

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Case Scenario 3: Samuel frequently tells sexual jokes during team meetings. Lilia is very offended. She doesn't think Samuel's jokes are funny. Samuel's behavior is not sexual harassment because his jokes are all in fun, and he does not intend to sexually harass anyone.

True or False? Explain why.

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Case Scenario 4: Christine and David just recently have started dating. They can't seem to get enough of each other. They are often seen flirting at the greenhouse. Romance has no place at work. This couple's behavior is clearly at risk for sexual harassment.

True or False? Explain why.

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Case Scenario 5: John was used to make unpleasant and suggestive comments about Adia's look in her presence and those of her colleagues. When the gender committee summoned John, he said in his defense that "she was asking for it", because her way of dressing was provocative. John's behavior can be construed as sexual harassment.

True or False? Explain why.

WRW other cases/fine line situations?

Suggested Answers to Case Scenarios 1-5:

Case 1: False.

Andrew's conduct is creating a hostile, humiliating work environment for Lydia.

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Case 2: False.

Courts in Europe, the United States and Canada have ruled that sexual harassment can occur both on regular work premises and at work-related sites, including business trip locations, conventions and holiday office parties.

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Case 3: False.

Sexual harassment may occur even if the harasser does not intend the conduct to be offensive. Sexual harassment occurs when it has an impact on the work environment or employment status of a co-worker. Alexander may not intend to offend or harass any of his co-workers, but the impact of his behavior on his co-workers may nevertheless give rise to a sexual harassment claim.

While one unpleasant joke will probably not result in a sexual harassment claim, if this type of behavior pervades the working environment, chances are some workers will find it offensive and unwelcome.

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Case 4: False.

The international, regional and national laws on sexual harassment refer only to non-consensual behavior of a sexual nature or related to sex. This means that at least one of the parties is not willing, does not consent, and does not find the behavior welcome. Christine and David have a consensual relationship, so their behavior cannot be construed as sexual harassment.

However, romances may go sour and lead to harassment situations. That's why some organizations in the United States, Canada and some EU Member States have made policies regarding office romances.

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Case 5: True.

Whether or not he believes that he's "justified" to make unpleasant comments, his behavior is creating a humiliating work environment for Adia.

Please note that the expectations of the employer in relation to dress code (and the wearing of uniforms) is generally established through a dress code policy, which applies to all staff.

Training topic 3: *Sexual Harassment: Myths and Realities*

(source:<http://counseling.uoregon.edu/TopicsResources/StudentSelf-HelpSexualAssaultAbuseHarassmentSexualHarassmentMyths.aspx>)

Trainers to present/read the information below:

MYTH: Sexual harassment is rare.

FACT: Sexual harassment is extremely widespread. It touches the lives of 40 to 60 percent of working women, and similar proportions of female students in colleges and universities.

MYTH: The seriousness of sexual harassment has been exaggerated; most so-called harassment is really trivial and harmless flirtation.

FACT: Sexual harassment can be devastating. Studies indicate that most harassment has nothing to do with "flirtation: or sincere sexual or social interest. Rather, it is offensive, often frightening and insulting to women.

Research shows that women are often forced to leave school or jobs to avoid harassment; may experience serious psychological and health-related problems.

MYTH: Many women make up and report stories of sexual harassment to get back at their employers or others who have angered them.

FACT: Research shows that less than one percent of complaints are false. Women rarely file complaints that are false. Women rarely file complaints even when they are justified in doing so.

MYTH: Women who are sexually harassed generally provoke harassment by the way they look, dress and behave.

FACT: Harassment does not occur because women dress provocatively or initiate sexual activity in the hope of getting promoted and advancing their careers. Studies have found that victims of sexual harassment vary in physical appearance, type of dress, age, and behavior. The only thing they have in common is that over 99% of them are female.

MYTH: If you ignore harassment, it will go away.

FACT: It will not. Research has shown that simply ignoring the behavior is ineffective; harassers generally will not stop on their own. Ignoring such behavior may even be seen as agreement or encouragement.

Wrap Up

Trainer instructions:

Ask participants to share a brief example of SH that they have witnessed or experienced. Ask them whether they think these were cases of quid pro quo or hostile environment.

Ask them to complete post-training test.

NB: WRW annex copy of the post-training test that you intend to distribute. Use learning from the analysis of last year's tests to improve this year's questionnaire.

Session evaluation:

How does WRW do this? WRW distribute the pre- test to participant before the training to measure the level of the understanding or the knowledge they have on sexual harassment so that we can be guided on which area needs more emphasis.

How do you get participants feedback?
By giving the post test after the training***

PRE-TEST

Module 1: Sexual Harassment

1. What do you understand/Know about sexual Harassment? Rate your level of awareness of the problem by ticking one of the below options.

- Low
- Average
- High

2. What do you understand/Know about the behaviors' that constitute sexual harassment (please Tick the Appropriate Once?)

- Less favorable treatment for rejecting unwanted attention
- Unwanted kissing, hugging, patting, deliberate stroking
- Sexual propositions, repeated requests for dates when the person has indicated that s/he is not interested;
- Sexually suggestive or insulting sounds such as howling, smacking, licking lips, kissing noises
- Posters, signs, pin-ups or slogans of a sexual nature, viewing/showing pornographic material or websites; sexually suggestive notes or cards;
- Posting sexually demeaning or offensive pictures or phrases, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, websites like Facebook and Twitter.

3. When I think of sexual harassment (please tick the statement that best represent your view)

- The definition is confusing and unclear.
- I understand the behavior that it defines
- I think of it as a tool women use against men.
- I don't understand what is SH and what is not SH

4. Most harassers are (tick one)
- Violent men
 - Looking for sexual partners
 - Trying to intimidate and humiliate the other person.
 - Harmless flirts
5. Targets/Victims of sexual harassment take the following actions (Tick those that apply)
- Try to ignore the behavior
 - Tell the harasser to stop
 - Tell others about the harassment
 - Try to avoid the harasser
 - Quit the job
 - File a formal complaint or seek legal assistance
 - Go along with the behavior as if they enjoy

PRE-TEST

Module 3: The Law and Sexual Harassment

1. The law is silent about sexual harassment and there is no specific legal clause on sexual harassment at the workplace.
- True False
2. An employee is required to provide training on sexual harassment to his workers.
- True False
3. The employer must consult with the employees or their representatives if any to formulate the content of the sexual harassment policy.
- True False
4. HR is to inform workers on how complaints of sexual harassment can be brought to the attention of the employer.
- True False

POST TEST

1. Does your employer have an anti-sexual harassment policy? Please tick where appropriate.
- Yes, please go to question 6
 - No
 - I don't know
2. Over the past 12 months, have you received training on the policy?
- Yes
 - No
 - I cannot recall
3. Please indicate when you were trained, ticking the correct box or boxes from the options below.
- Upon recruitment
 - As part of the company's periodical training
 - Never
 - Others, please provide details.
4. Is the company's sexual harassment policy affixed on workers' notice boards?
- Yes
 - No
 - Don't know
5. Over the past 12 months, have you witnessed or personally experienced sexual harassment?
- Yes – Please go to question 12
 - No - End of questions
 - I am not sure

Module 2: Responding to An Incident of SH

Learning Objectives

At the end of this session, participants will be aware of the procedures for reporting and dealing with complaints of SH

Training methods

Discussions, brainstorming, case analysis.

Training material

Opening: *As in module 1*

Training topic 1: *Employer's responsibility*

The trainer explains that the Government of Kenya 2007 Employment Act, Section 6, mandates employers with more than 20 employees to have a specific policy statement in place.

This should include the following:

1. A definition of SH and behaviours that constitute SH
2. Detailed procedures for reporting and for dealing with complaints of SH,
3. Disciplinary action against an offender
4. A requirement that company ensures that employees are aware of the policy
5. Employers must consult with employees or their representatives in formulating the SH policy.

According to the sector-wide policy on sexual harassment that has been endorsed by a number of Kenyan growers,

Responsibility of CEOs / Directors

Managing Directors are responsible for ensuring the safety, respect and welfare of all employees and of others who may be affected by the Company's operations.

The Managing Director is responsible for:

1. Ensuring that all Directors and Managers understand and fulfil their responsibilities with regard to prevention and handling of allegations of SH
2. Ensuring that the company's responsibilities as Employer are met, in compliance with the legislation cited above;
3. Arranging for funds and facilities to meet the requirements of this policy;
4. Setting a personal example at all times of appropriate behaviour

Responsibility of Heads of Department

Each Manager/Department Head is responsible for the safety and respect for the dignity of all personnel under his or her authority.

The Heads of Department will:

1. Ensure that the staff under their authority understand and fulfil their responsibilities with regard to prevention and handling of allegations of SH
2. Ensure that the staff under their authority are provided training and support to be able to fulfil

- their role in preventing and dealing with SH
3. Reprimand any employee, including managers, supervisors and complaint-receiving officials where there is evidence of failure to discharge their responsibilities
4. Set a personal example of appropriate behaviour

Responsibility of HR Managers

It is the responsibility of the HR managers to promote a workplace free of sexual harassment. This entails a responsibility to:

- a. Educate general workers and supervisors on the Company's policy and procedures to prevent and respond to SH
- b. Ensure that all new employees in the company are provided with a copy of the policy statement and receive induction training on the policy;
- c. Ensure that reported incidents of SH are dealt with promptly and transparently, respecting parties' right to confidentiality;
- d. Ensure that reported incidents are handled sensitively and with respect for the dignity of the persons involved
- e. Receive and enact the recommendations presented by the Gender committee after investigation of a reported incident of SH
- f. Ensure that retaliation for the filing of a sexual harassment complaint does not occur,
- g. Report any sexual harassment that they observe both within and outside of their immediate units to the gender committee or to designated members of the HRD
- h. Periodically review the effectiveness of the policy in deterring SH and plan corrective action as required, in consultation with workers.
- i. Set a personal example of appropriate behaviour

Responsibility of Supervisors

It is the responsibility of supervisors to:

- a. Educate and sensitize workers and fellow-supervisors in their units, on the Company's policy and procedures to report and to deal with reported allegations of sexual harassment
- b. Assist complainants in contacting the appropriate complaint-receiving officials
- c. Report to complaint-receiving officials or HRD any incident of SH, which s/he has personally observed, or which has been reported to her/him by an employee.
- d. Set a personal example of appropriate behaviour

Training topic 2: *Reporting options*

Instructions for the Trainer:

Trainer(s) asks participants to think of an incident of SH that they have witnessed or experienced and to describe what theirs and the victims' reactions were. Facilitator writes key words for participants' reactions on a flipchart.

Trainer to make the following points:

- If a victim &/or a witness is able to confront the harasser, s/he should **inform the offender that the conduct is unwelcome and should cease**. The message should be clear, leaving no doubt that you mean what you say
- If s/he is not able to confront him/her, the victim may want to discuss the matter with the union &/or the women's/gender committee and seek their advice. It is **their responsibility** – after being informed of the issue – **to intervene** and to ensure that the unwelcome conduct is brought to an end.
- Victim &/or a witness should **keep note** of the events surrounding the offence, including the offender's conduct/what was said or done, date(s), times, location/places, names of any witnesses, complainant's response to the offending behaviour. (Having a record of events is not a condition for filing a complaint).

Facilitator to explain that an employing seeking redress to an incident of SH can do so by using the procedures set out in the Farm's policy, or by using non-farm avenues.

Farm-level mechanisms to deal with SH include informal and formal resolution of complaints of SH.

Informal: Where an employee does not relish the prospect of a formal enquiry and is merely seeking assurance that the offensive conduct will not be repeated, s/he can discuss the matter with any of the following complaint-receiving officials:

- a. Section representative of the gender committee
- b. A counselor, if present
- c. Any member of the HRD

Accompanied by a union representative or colleague. The complaint-receiving officials will endeavor to resolve the matter by means of informal meetings. The complaint-receiving official may take whatever steps short of formal sanctions that he or she deems appropriate to affect an informal resolution acceptable to both parties.

The official receiving the complaint will keep records of the complaint and its resolution. If the informal procedure does not resolve the behaviour, the complainant may use the formal grievance procedure to obtain resolution.

Formal resolution of an allegation

In order to initiate a formal grievance procedure, the individual needs to file a complaint in writing with:

- i. Section representative of the Gender Committee
- ii. Shop steward representative
- iii. Company nurse or counselor

A complaint can also be filed with a Line manager or designated member of the HRD.

Responsibility of **the Committees or Person(s) designated to handle complaints of SH** - i.e. the Gender committee or shop steward or designated members of the HRD.

The individuals designated to receive complaints of sexual harassment on behalf of the employer will:

- a. Document the receipt of any complaints
- b. Conduct prompt, neutral investigation into the allegations, keeping the complaint confidential to the extent practicable under the circumstances
- c. Ensure that retaliation against the complainant does not occur
- d. Recommend appropriate remedial action to HRMs
- e. Follow up and ensure that there is no reoccurrence of inappropriate behaviour
- f. Produce quarterly reports for HRD on: the number and nature of the complaints received; steps taken upon receipt of complaint; outcome/resolution of the complaint; action taken by HRD; duration of the investigation.

Responsibility of the Gender Committee Chairperson

To respond to any incident or complaint promptly and sensitively. This entails a responsibility to:

1. Call a meeting with the GC and institute an investigation as soon as a complaint is received
2. If a case is proved, recommend the appropriate corrective action to management in consultation with the gender committee
3. Ensure that the agreed corrective action is implemented
4. Ensure that complainants do not receive any form

of victimization and/or retaliation for the failing of a SH complaint

5. Ensure that the complainant and the alleged offender's right to confidentiality is observed
6. Set a personal example of appropriate behavior

Training topic 3: *What happens after a complaint is filed to a workers' committee*

The complainant is encouraged to file a complaint within three (3) weeks of the occurrence of the behavior that gave rise to the grievance.

If a complaint is made through the union as a grievance, a meeting will be held with the union representative before and after the investigation.

Within two (2) weeks from receiving the complaint, the Gender Committee will investigate the matter and recommend the appropriate remedial action to take to the management.

Within one (1) week from agreeing on the corrective action, HRD will notify the complainant and the accused of the measures it intends to apply and implement the corrective action immediately.

In the event that HRD and the GC disagree on the corrective action to take, the management will call a meeting with the gender committee within 5 days from receiving the GC's recommendations, to review and discuss the evidence gathered.

The complainant has the right to appeal, using the procedures outlined under "Right of Appeal" in this document.

Non-Farm-level mechanisms to report and deal with SH

1. Filing an administrative charge to your trade union.

If you are unable to resolve your harassment complaint by using your employer's internal procedures, and if you wish to pursue the matter, you will need to file an administrative charge with the union at the branch level, if you're a member. The union will investigate your claim, and will attempt to resolve it by negotiating with your employer.

If the Union is unable to resolve your complaint, but it determines that your claim is a valid one, it will issue a "right to sue" letter. This letter means that you may bring your case to the Industrial court.

2. Consider litigating the case in Court

If the appropriate governmental agency issues a "right to sue" letter, you may bring a civil lawsuit for any injuries you suffered due to the sexual harassment. You do not need to show physical injuries. The most common injuries in a sexual harassment case are the emotional injuries suffered by the victim.

If your sexual harassment suit is successful, your remedies may include:

- Reinstatement, if you lost your job;
- Fringe benefits lost;
- Damages for emotional distress;
- A requirement that your employer initiate policies or training to stop harassment; and
- Your attorney's fees and court costs.

NB: There are currently 12 judges of the industrial court in Kenya distributed by regions: Nairobi, Mombasa, Kisumu, Eldoret, Nakuru and Nyeri.

Why it is important not to just put up with SH, but to report it to the gender committee or to the Union Stats

Session wrap-up:

The facilitator closes the session by emphasizing the following points :

- Sexual harassment perpetuates the subordination of women and is an affront to the dignity of employees. Underreporting contributes to the persistence of the problem;
- Employers have an obligation to prevent and remedy SH. The union and workers' committee have a responsibility to ensure that this obligation is complied with and reported complaints investigated and resolved fairly and transparently.

Facilitator ask participants to think back of the story/ case shared at the beginning of the session and to indicate what they would do differently now.

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