

Case Study 8.3





Challenging sexual harassment in horticulture through social dialogue in Uganda

This case study is an example of a collective bargaining agreement in the cut-flower sector in Uganda. It concerns union organizing from the bottom up and shows how this required the support of national trade unions, women's organizations and an employer's organization, as well as support from the government.

Sexual harassment in the cut-flower sector has been challenged through successful trade union organization and negotiation of CBAs. The CBAs set out the negotiated policy and procedure for dealing with sexual harassment on the farms. This was achieved despite marked hostility to trade unions from farm employers. An extensive academic research programme identified the importance of civil society and consumer campaigns in building clear farm policies on sexual harassment.

Kenya and Uganda

In both the Kenyan and Ugandan cut flower industries, there has been a notable reduction in sexual harassment of workers. The factors contributing to this were:

-  **Civil society campaigns leading to appointment of gender committees.**
-  **Greater awareness on flower farms.**
-  **Unionization of workers.**
-  **Increase in permanent contracts, reducing the ability of supervisors to demand sexual favours, which often occurred when hiring casual workers.**

Role of Collective Bargaining

In Uganda the 2010 *Collective Bargaining Agreement* and wider advocacy by trade unions and national and international NGOs focused on the priorities of women workers in the Ugandan cut-flower industry. The CBA was negotiated between the Uganda Flower Exporters Association (UFEA) and the two national trade unions representing floriculture workers (UHAWU and NUPAWU). The CBA covers all workers, including non-union members. It consists of two separate agreements. Phase I covers conditions of service, which is negotiated every two years. Phase II is on salaries and wages, negotiated annually (UFEA and UHAWU, 2011). The Ministry of Gender, Labour and Social Development was engaged in the CBA discussions. The government supplies farms with condoms for HIV/AIDS prevention.

The CBA includes provisions to put in place a sector-wide sexual harassment policy to take steps to eliminate and prevent sexual harassment in the workplace. (UWEA, 2011) Workers on permanent contracts are entitled to paid annual leave of 21 days, maternity leave of 60 days, paternity leave of four days, and sick leave approved by the farm clinic.

Freedom of association and workers' rights

Both flower and cuttings workers consider freedom of association and knowledge of their rights have improved since 2007. The union was well regarded by workers, particularly those on flower farms, where conditions have improved more dramatically as a result of the CBA. Farms have implemented a mixture of management-led and worker/union-led grievance mechanisms.



Most cuttings farms and two flower farms implemented grievance procedures for workers through human resources, where the union representative is present along with the complainant and their supervisor/manager and project-level administrators. All farms claim workers are free to join the union but workers raised the issue of victimization of union members, particularly union leaders on both cuttings and flowers farms. According to workers, antagonism towards the union (from all farm management, especially human resources) remains an issue on all farms. Although workers' awareness of their rights seems to have increased over the past five years, many workers report that union membership has declined.

Sexual harassment

Workers and managers acknowledged that sexual harassment of women at work and travelling to and from work are common. Farm management, local and international NGOs (UWEA and Women Working Worldwide) and the trade unions have established mechanisms for reducing sexual harassment, including the implementation of a sexual harassment policy. This was in place or in progress on eight of the nine farms where researchers interviewed.

Workers brought to the management's attention that the structure of farm management, which gave supervisors excessive power over production workers, contributed to sexual harassment in the workplace. This led to changes in management structures and reducing the discretionary power of supervisors. "Before, supervisors determined workers' job, salary, their entire being...but now we have made them understand that they are here because of their performance."

The trade unions as well as the companies are educated on the conditions facing women workers, and the costs of failing to meet the needs of women workers – both to the companies and to the women themselves. Testimonies from workers emphasized the importance of both UWEA and Women Working Worldwide. Although supportive, the union was not always sensitive to the needs of women workers. "Male leaders can't know the problems women have. The union was there, but UWEA helped us to develop the Women's Committee." Women workers can raise problems with the Women's Committee that they could not with the union representative or with company human resource managers.

Sources: Evers, B., Amoding, F., and Krishnan, A. (2014); Evers, B., Opondo, M., Barrientos, S., Krishnan, A., Amoding, F., and Ndlovu, L. (2014); Uganda Workers Education Association. (2011) and Women Working Worldwide. (2013).