

# SEXUAL HARASSMENT IN THE WORKPLACE

A Report from Field Research  
in Thailand - June 2002



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Rights for Working Women Campaign  
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## EXECUTIVE SUMMARY

A research study conducted by the International Labor Rights Fund (ILRF) and project partners in Thailand has revealed that women workers in export industries in Thailand suffer from sexual harassment, including violent abuse and rampant discrimination, by their employers and supervisors. These women are not adequately protected from such abuse and discriminatory practices by law or by workplace codes of conduct. A survey of 100 factory workers from ten export industries reveals the following shocking statistics.

- 90% of the respondents admitted that their employment conditions do not protect female workers from sexual harassment
- 75% of respondents said they had no knowledge about laws that forbid sexual harassment
- Over 90% of the respondents are unfamiliar with the concept of a workplace code of conduct
- Less than half (47.6%) of respondents would take action against their aggressors only in cases of the worst form of harassment, such as rape
- Women who report sexual abuse in the workplace are often fired or demoted
- Most women do not have a common understanding of what constitutes sexual harassment, and thereby ignore some behaviors that are damaging to them
- While 70% of the workers employed by the factories chosen are female, male workers hold 63% of supervisory positions in the workplace
- Men are promoted far more frequently than women

The study concludes that except for extreme instances of violent abuse, the factories do not penalize harassers. They have no regulations or rules to deal with the issue and do little or nothing protect female workers. Moreover, with men in the majority of supervisory positions, female workers are more vulnerable to them.

Researchers recommend that there needs to be better accountability and retribution for those who commit acts of sexual abuse and gender discrimination in the workplace, both in Thai law and through workplace codes of conduct. Laws need to be reformed to provide legal protections for women workers. Additionally, women need to be educated about their rights in order to protect themselves from such abuse. Progress will also be achieved if women workers are promoted to management positions more frequently, thereby better representing females in the workplace and advocating for their rights. Furthermore, sexual harassment should be a public issue that is effectively addressed by unions.

## I. BACKGROUND AND JUSTIFICATION

The International Labor Rights Fund (ILRF) is an advocacy organization dedicated to achieving just and humane treatment for workers worldwide. ILRF initiated this study, as well as similar studies in Kenya and Indonesia, as part of its Rights for Working Women Campaign, which seeks to alleviate labor conditions that negatively impact working women.

Sexual harassment is increasingly viewed as one of the most egregious forms of violence against women in the workplace, and is particularly a problem in the new global economy where the work force is comprised largely of young women with little formal education or previous work experience. Subcontracting and other forms of flexible work, particularly in agriculture, also make it very difficult for women to organize against such abuse. Further, these young women may be doubly affected by an industrial hierarchy that reinforces culturally based discrimination.

Harassment can involve sexual advances or requests for sexual favors whereby submission to such conduct is made explicitly or implicitly a term or condition of employment; or whereby such conduct has the effect of substantially creating an intimidating or hostile working environment.<sup>1</sup> Indeed, in many countries, it may also extend to bodily searches or pregnancy testing for refusing sexual advances. Understanding of the term sexual harassment varies widely between countries and indeed between individuals, and there is not yet a widely acknowledged international definition. For the purposes of this report, the term sexual abuse and sexual harassment are used interchangeably, to highlight the fact that the nature of the violations often extends to violent abuse and even rape.

Currently, there are virtually no international instruments that deal with violence against women in the workplace. The United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is, to date, the most comprehensive international instrument specifically prohibiting sexual harassment in Article 11 of General Recommendation 19.

Sexual harassment, however, is not defined as a “core” labor right by the International Labor Organization (ILO), the international body with foremost responsibility for defining workplace rights. Currently, the ILO has only a convention prohibiting discrimination based on gender (Convention No. 111 (1998), concerning the Discrimination in Employment and Occupation), but Convention 111 does not specifically prohibit sexual harassment. Nor does Recommendation 111 clarify that its prohibition of sex discrimination incorporates sexual harassment, although the ILO Committee of Experts has alluded to a prohibition of harassment by virtue of Convention 111. The only express

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<sup>1</sup>Definition used by the Special Rapporteur on Violence Against Women for the Commission on Human Rights. The International Confederation of Free Trade Unions (ICFTU) further defines sexual harassment as “[a]ny repeated and unwanted verbal, physical and gestural sexual advance, sexually explicit derogatory statement, or sexually discriminatory remark made by someone in the workplace or trade union environment, which is offensive to the trade union member or worker involved, which causes the person to feel threatened, humiliated, patronized or harassed, or which interferes with the persons’ job performance and undermines job security, or creates a threatening or intimidating environment.”

prohibition against harassment is mentioned in a more limited and recent convention, ILO Convention No. 169 on the Rights of Minority or Indigenous Persons, Article 20(3)(d), which states that indigenous workers must "enjoy ... protection from sexual harassment." The ILO has also made a general condemnation of sexual harassment in a 1985 Resolution of the International Labor Conference, stating that "sexual harassment in the workplace is detrimental to employee's working conditions and to employment and promotion prospects."

A comprehensive list of International conventions regarding the protection of women in the workplace is as follows:

1. Convention on the Elimination of all Forms of Discrimination against Women (CEDAW);
2. ILO Convention No. 41: concerning the Employment of Women during the Night (1934);
3. ILO Convention No. 89: Concerning Night Work of Women Employed in Industry (1948);
4. ILO Recommendation No. 95: Concerning Maternity Protection (1952);
5. ILO Recommendation No. 191: Concerning the Revision of the Maternity Protection Recommendation, (Revised, 2000);
6. ILO Convention No. 183: Concerning the Revision of the Maternity Protection Convention (Revised, 2000);
7. ILO Convention No. 3: Concerning the Employment of Women Before and After Childbirth (1919);
8. ILO Convention No. 100 Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1951);
9. ILO Convention No. 111: Concerning Discrimination in Respect of Employment and Occupation (1958);
10. ILO Convention No. 169: Concerning Indigenous and Tribal Peoples in Independent Countries (1989), Art. 20-(3) (d).<sup>22</sup>

The failure to recognize harassment as a core labor rights violation has widespread implications. For example, in recent years a number of multinational corporations have adopted voluntary codes of labor practice, governing their operations and their suppliers worldwide. These codes draw heavily on ILO-defined core labor rights, as do any existing "labor" or "social" clauses in various trade agreements. Further, failure by the ILO to recognize sexual harassment as a widespread labor rights violation has translated into a lack of attention to this critical issue at the level of national governments and multinational corporations.

The objective of this study is therefore to provide data on the extent and scope of sexual violence experienced by a representative sample of women workers in Thailand, which can serve as the basis for remedial action, and ultimately the development of an international standard prohibiting workplace sexual harassment at the ILO. The study is

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<sup>2</sup> Sexual Harassment, Discrimination and Abuse against Women in the Workplace: A Report of Field Research in Indonesia, International Labor Rights Fund, November, 2001-January, 2002.

part of a series of studies that are being conducted in the Caribbean, Latin America and Southeast Asia to further a global campaign against workplace sexual violence.

## II. BACKGROUND ON THAILAND

According to the US Department of State's 2001 Human Rights Country Reports, Thailand is considered a "newly democratizing" country with a market-based economy, where more than half of the nation's workers receive less than the minimum wage (\$3.01-3.71, or 133 to 165 baht per day). Roughly 62% of Thailand's illiterate population are women, according to a 1999 press release by the Women's Anti-Discrimination Committee.

More than 90% of workers in the garment, textile, electronic, and food processing industries are women. However, the supervisors and managers in these industries are predominantly men. It is quite easy for men to harass women without fear of retribution when they hold the positions of power.

Sexual harassment has been occurring in Thailand for many decades, but little attention has been paid to it until recently. Thai culture reinforces societal and workplace gender discrimination. In Thai society, women are compared to the hind legs of the elephant, meaning that they have to follow their husbands, and should not make any important decision without their husbands' approval. Essentially, women are considered the property of their husbands (and fathers, before they are married). In general, women in Thai society are considered to be passive, sensitive, emotional, indecisive, and unable to handle difficult work. These stereotypes have undeniably compromised women's positions in the workplace.

The Thai Labor Protection Law classifies sexual harassment as illegal, but it only covers those working in the private sector. Moreover, the vagueness and ambiguity of the existing law makes the prosecution of cases of harassment even more difficult. De facto discrimination against women in all sectors of the workplace continues, largely because traditional values limit women's opportunities.

According to reports from the Thailand National Commission on Women's Affairs, 67% of women actively participate in the workforce (the highest ration in the Asia-Pacific region), making up 47% of the national workforce. These women are concentrated in the informal sector, where they are paid less and lack labor protections such as sick leave, maternity leave, and overtime compensation. Women typically receive lower pay for equal work in all sectors of the Thai economy. In urban areas, female manufacturing workers receive 77% of the wages of the wages males receive, those in the service industry receive 60% of the average male wages, and women working in agriculture typically receive 84% of average male wages.<sup>2</sup>

The Promotion of Gender Research and Development Institute stated that in the past 20 years it has dealt with over 40,000 cases of violence against women. This includes physical and mental violence and sexual harassment. A March 2002 survey by Assumption University (Thailand), which claims that the problem of sexual harassment

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<sup>2</sup> Thailand National Commission on Women's Affairs reports. "Perspectives and Programmes on Women's Development (1995-2015)", "Areas of Concern and Plan of Action (1995-2000)", "The Hind Legs of the Elephant.", 1990's.

today is more prevalent than before, estimates that 7.3% of instances of workplace harassment are caused by supervisors and employers.

As in other regions of the world, all types of physical and verbal sexual harassment make women workers feel extremely uncomfortable. Most women try to avoid those who harass them, whether it comes from their supervisors or fellow co-workers. Often, victims are afraid to consult with others or to complain to superiors for fear that they may lose their jobs or a potential promotion. New workers who are on probation are particularly vulnerable to harassment, and therefore less inclined to complain of abuse.

In terms of the international conventions recognized in Section I, Thailand did accede to CEDAW in 1985. At that time it made seven reservations, five of which had been withdrawn by 1995. The country has also ratified ILO Convention No. 100, Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value 1957 (ratified on February 8, 1998).

In terms of national law, sexual harassment is only recognized in the Labor Protection Act (1998) in Article 16. However, it does not offer an appropriate definition or include punishment provisions, although several other national laws can be interpreted to incorporate this type of behavior and stipulate punishment for aggressors. The following sections of the Constitution of the Kingdom of Thailand of 1997 (the highest law of the country), Chapter III, Rights and Liberties of the Thai Citizen, indirectly address the rights of women and children:

Section 30. All persons are equal before the law and shall enjoy equal protection under the law. Men and women shall enjoy equal rights. Unjust discrimination against a person on the grounds of the difference in origin, race, language, sex, age physical or health condition, personal status, economic or social standing, religious belief, education or constitutionally political view, shall not be permitted. Measures determined by the State in order to eliminate obstacles to or to promote persons' ability to exercise their rights and liberties as other persons are so capable shall not be deemed as unjust discrimination under paragraph three.

Section 31. A person shall enjoy the right and liberty in his or her life and person. Torture, brutal acts, or punishment by cruel or inhumane means shall not be permitted; provided, however, that punishment by death penalty as provided by law shall not be deemed punishment by cruel inhumane means under this paragraph.<sup>33</sup>

Section 278. Whoever commits an indecent act on a person over fifteen years of age by threatening by any means whatever, by doing any act of violence, by taking advantage of such person being in the condition of inability to resist, or by causing such person to mistake him for another person, shall be punished with imprisonment not exceeding ten years or fine not exceeding twenty thousand baht, or both.

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<sup>33</sup> Constitution of The Kingdom of Thailand, 1997. Related provisions in the Penal Code of Thailand are under Title IX on Offences relating to sexuality.

Section 279. Whoever commits an indecent act on a child not yet over fifteen years of age, whether such child shall consent or not, shall be punished with imprisonment not exceeding ten years or fine not exceeding twenty thousand bath, or both.<sup>44</sup>

The 1998 Labor Protection Act also provides some protections for women in Chapter 1, Section 16 in the general provisions, and Chapter 3, Employment of Female Labour, Sections 38, 39, 40, 41, 42 and 43. This language is provided below.

Section 16. It is forbidden for an employer or a person who is in overall charge of staff, a supervisor, or an inspector to sexually harass employees who are women or children.

Section 38. An employer is prohibited from requiring a female employee to perform any of the following work:

(1) Mining or construction work which must be performed underground, underwater, in a cavern, in a tunnel or in a crater of a mountain, except where the conditions of work are not hazardous to the employee's health or body.

Section 39. An employer is prohibited from causing a pregnant female employee to work between 22:00 hours and 06:00 hours, or to work overtime, or work on holidays.

Section 40. Where an employer employs a female employee to work between 24:00 hours and 06:00 hours, and a labour inspector considers that the employment may be harmful to the health and safety of the female employee, the labour inspector shall submit a report to the Director-General or his designate for consideration and the issuance of a direction to the employer to change or reduce the working hours as deemed appropriate, and the employer shall be required to comply with this direction.

Section 41. A pregnant female employee is entitled to maternity leave of not more than 90 days for each pregnancy.

Section 43. An employer is prohibited from terminating a female employee because of her pregnancy.

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<sup>4</sup> The Penal Code of Thailand B.E. 2499 (1956).

### III. CASE STUDIES OF HARASSMENT AND DISCRIMINATION

The following are five case studies of workplace sexual harassment and discrimination-related abuse in Thailand. Names have been changed.

1. Su is a 20-year-old graduate of a vocational high school from Bangkok, where she studied to work as a secretary. Su applied to work as a secretary in a company after she finished vocational school. She was hired on probation, which is normal procedure. In this company, Su was the only female worker among eight in the sales department. Her manager, a 45-year-old man, flirted with her often. Su usually tried to avoid him and ignore him when he flirted with her. She was new and tried to be as polite as she could. However, the manager continued to bother her by asking her out for lunch and offering to take her home after work. She tried to tell him politely that she would prefer to have lunch with her co-workers.

The manager became angry at Su's rejection. As a result, she received a negative evaluation on her performance review at the end of her probationary period by the manager, with no explanation. All her friends who worked as secretaries in other sections received positive evaluations. Su then took her case up with the personnel manager, who sympathized with her but did not do anything to help her. Instead, he advised Su to take the case to the Deputy Managing Director of the company, who was her direct boss. Although he was unsympathetic to her concerns, his secretary advised Su to take the case up with the secretary of the Managing Director, which she did. Finally, her issue was raised with the Managing Director, who transferred her to a new section, where Su is currently still working. She regrets, however, that she was forced to leave her initial job because of the abuse by her manager.

2. Pim is a 23-year-old worker from Nakorn Prathom province (approximately 1.5 hours west of Bangkok). She holds a bachelor's degree and works at a garment factory in Siam Center, Bangkok. She was paid 12,000 baht per month after having worked at the factory for one year. The factory where she worked consisted of 300 workers, 95% of which are women. Pim's supervisor, a 28-year old single man, flirted with her often. Anytime she brought documents to his room for him to study or to sign, he would try to come near her and touch or stare at her inappropriately. This made Pim very uncomfortable, and she finally talked to her co-workers about it. Most of them told her that they experienced the same thing. They advised her to stay away from him and try to avoid him as much as possible. Pim could not complain to the company supervisor, because he was the one who was harassing her.

When the time came for yearly performance evaluations of the staff, Pim was directly evaluated by the supervisor, which was not the normal procedure. Usually workers evaluated themselves and submitted a form to their supervisor. However, Pim's supervisor took her document and downgraded her by 2 points. Pim felt she had been treated unfairly, as she was the only one who had been evaluated in this manner. Pim's supervisor even tried to fire her, and constantly pressured her to leave the job. He continued to make inappropriate remarks to her. Ultimately, Pim was forced to resign from her job as a result of this pressure and humiliation.

3. See is a 27-year-old resident of Bangkok who graduated from a vocational school. In her first job, she worked for a company for 6 years, earning 20,000 baht per month. She worked in the Art section with 10 other staff members, all of whom were male, and her supervisor was a married man of about 48 years old. See's situation began when her supervisor ordered her department to go to Pattaya, a tourist city two hours drive from Bangkok, notorious for its sex industry, to work on a project there. The team rented only two rooms to stay in because they wanted to save their per diem. See stayed in a room with two male friends and the supervisor.

One night while See was sleeping, she woke up to someone forcing himself on her. It was her supervisor. Once she realized what was happening, she pushed him off and ran out of the room and stayed in the main lobby until late in the morning. Afterwards, her co-workers gave her strange looks since they saw her supervisor sleeping in her bed.

When the project finished and everyone returned to Bangkok, her co-workers continued to give her strange looks, and there were rumors about her. See felt very uncomfortable, and confessed to a friend who had been on the trip about the situation. In turn, her friend promised he would be her eye-witness if See brought the case to management. However, when the time came, he changed his mind for fear that he might get in trouble. When her case reached management, nobody was interested in it. The management treated the matter as trivial and even questioned the validity of her claim. Further, See received a very poor performance evaluation from her supervisor, although in fact she had done a very good job. She continued to be treated unfairly by her supervisor by being denied requests for leave and not offered new assignments. Finally, See could not stand the situation any longer, so she requested a transfer to another section.

4. Pensi is a 25-year-old from Bangkok, who completed 12th grade from a commercial school. She worked as a saleswoman for an entertainment company that produces television programs, earning 12,000 baht per month plus commission. There were six workers in her section, four women and two men. Her supervisor was a woman. One day, all of the staff members, plus some outside friends of the staff decided to go on vacation in Pattaya, a tourist area about 2 hours drive from Bangkok. After the trip, there was a rumor that Pensi and a male coworker, who was a friend, had slept together during the trip. This made Pensi felt very embarrassed and uncomfortable. Later, she found out that it was her male friend himself who had spread the news around. Finally, Pensi decided to take the case to her manager and asked her to take action against her former friend. The manager finally fired the man, but Pensi questioned whether he was fired for those specific actions or for unrelated reasons.

5. [The following case occurred in the year 2000. Information was collected from Matichon Daily Newspaper on February 11, 2000.]

A Kuwaiti Ambassador to Thailand was accused of harassing his maid, Ms. Pimpa. Ms. Pimpa, who was 36 years old, filed a complaint at the Don Muang Police Station in hopes that the police could do something to help her. However, her case was withdrawn from the police station because the Kuwaiti ambassador was protected by diplomatic immunity. The police couldn't even call him in for questioning. The ambassador also used political pressure on the Thai government to keep quiet about the case. After this occurred, several women's organizations raised the issue with Mrs. Nane Annan, the wife of the United Nations General Secretary, at a seminar, pleading with her to find ways to protect women from such forms of violence.

## **IV. RESEARCH METHODOLOGY**

### **A. Objectives**

Researchers for this study operated under the following five objectives:

1. To search for knowledge based on personal experience, opinions, related experience, and attitudes towards sexual harassment among Thailand's factory workers, especially in export-oriented factories.
2. To examine the forms, patterns and levels of sexual harassment in the workplace.
3. To find out factors that allow for the problem to persist.
4. To find out how victims of sexual harassment handle their abuse.
5. To study and evaluate what can be done to prevent sexual harassment in the workplace.

### **B. Data Collection Techniques**

The data collection techniques used in this survey include the following: a survey questionnaire; in-depth interviews with NGO officials, union leaders, politicians, academics, and government employees; and a literature review. The survey was conducted in March, April, and May, with a comprehensive report completed in June, 2002. The primary researcher selected labor leaders and workers to be the research assistants, who assisted in collecting data. The questionnaire and topics for the in-depth interview for this survey are included as Attachment A at the end of this report.

### **C. Respondents and Resources**

In order to obtain the broadest possible perspective on the situation of workplace sexual harassment in Thailand, researchers conducted two different types of assessments: one of average women workers in export-processing factories, and another of professionals, those who work on this and related issues.

#### **1. Worker Assessment**

##### **a. Sample Selection**

Self-administered questionnaires were used to collect relevant data from a sample of respondents from workplaces in export-oriented factories. The great majority of workers in these factories are women. The respondents in the factories were selected randomly. Ten questionnaires were administered in each of ten factories, so in total there were 100 respondents. The ten factories chosen for this study are located in Bangkok (Thailand's capital), Samutprakarn province (about one hour east of Bangkok), Rangsit Industrial Park

(about an hour and a half north of Bangkok), and Saraburi province (about two hours northeast of Bangkok).

The individual surveys on sexual harassment in the workplace were conducted through 100 questionnaires. Researchers note that the subject itself was difficult for many respondents because many did not have a common understanding of the term. Respondents included 100 individuals from factories in the following 10 industries.

1. Ceramics
2. Computer parts
3. Electronics
4. Food processing
5. Garment
6. Jewelry
7. Plastics
8. Paper
9. State Enterprise agency
10. Textiles

The ten industries in this study employ between 120-2,800 workers in their factories. Seventy percent of workers in these factories are female, except in the state enterprise organization where they comprise only 30%. Forty percent of the owners of these factories are Thai, and the remaining are Japanese, Pakistani, Swedish, Taiwanese or American. They export their products to the Middle East, the United States, Europe, Japan, and other countries in Asia.

#### b. Background Characteristics of the Respondents

The number of years that respondents have worked in their respective industries is between 1 to 25 years, as shown below.

**Table 1: Number of Years Employed**

<b>Number of years</b>	<b>Percentage</b>
1-6	60
7-12	20
13-18	10
19-25	10

Table 2 illustrates that the majority of the workers who work in these ten factories are from different parts of Thailand, and moved to Bangkok to work.

**Table 2: Home Province of Worker**

<b>Region</b>	<b>Percentage</b>
Northeast	45
North	20
Central	18
South	10
Bangkok	7

Most of the workers interviewed work between 48–60 hours per week, including overtime. Seventy percent of workers said that they worked 48 hours per week. The 1998 Labor Protection Act stipulates that workers are to work 48 hours per week. However, thirty percent of the respondents stated that they worked between 56-60 hours per week. Overtime work of the respondents is shown in Table 3.

**Table 3: Types of Overtime**

<b>Overtime</b>	<b>Percentage</b>
Volunteer to work	90
Forced to work	7
Need to work	3

In terms of wages, most workers who work on the production line are on daily wages, and only those who work in an office are on monthly wages, as shown in Table 4 below. The workers who work for daily wages earn an average of 219 baht per day. The minimum wage for workers in Bangkok and the surrounding provinces is 165 baht per day. Workers on monthly wages receive between 5,200-25,000 baht per month.

**Table 4: Wages**

<b>Workers</b>	<b>Percentage</b>
Daily wage	72
Monthly wage	28

## 2. Professional Assessment

### a. Sample Selection

Twelve people from different respectable professions were selected for in-depth interviews to act as resource persons. The fields selected include NGO officials, labor union leaders, politicians, academics, and government workers. The individuals interviewed include: Ms. Rakawin Leechanavanichpan, coordinator of Homenet Thailand; Ms. Wanee B. Thitiprasert, programme officer of the Committee for Asian Women (CAW); Ms. Sukamta Sookpaita, Rangsit Labor Unions Group president; Ms. Yuwadee Wattanathong, Crystal Textile Labor Union president; Ms. Ubol Rompoothong, Thai Durable Labor Union president; Ms. Kanongporn Turakit, Motorcycle Tires Producer, IRC labor union executive board member; Ms. Supensri Puegkaoksung, Friends of Women Foundation official; Ms. Laddawan Wongsiwong, Labor Ministry deputy minister; Ms. Jiraporn Uaifai, Foundation for Women official; Dr. Sutira Thomson, the Promotion of Gender Research and Development Institute director; Dr. Vikita Vichienchom, Law Department at Thammasat University; and Mr. Theerapong Buala, Prajadhipok's Institution Training Officer.

### b. Background of Professional Organizations and Respective Views on the Issue

#### i. NGOs

#### **Committee for Asian Women (CAW)**

CAW is a regional women workers' organization with four main objectives: awareness-raising among women workers in both the formal and informal sectors, support for existing organizing efforts, facilitating networking and linkages among women workers and related groups, and serving as a regional platform for women workers in Asia. CAW has organized several international seminars on workers' rights, women's rights, occupation health and safety and building awareness, in hopes that conducting these activities will improve the conditions for workers and protect them from abuse.

Ms. Wanee B. Thitiprasert has been a Program Officer for the Committee for Asian Women since November 2001. When asked about the issue of sexual harassment, she noted that the term is not yet clearly defined in Thai society. In the workplace, female workers are 80-90% of the victims of sexual harassment, although many are unsure of what actions to classify as harassment. Even when they do recognize harassing behavior, they often do not know how to deal with it. Further, harassment is a complicated issue to talk about. Most female workers do not want to talk about it for fear that they would lose their reputation and their jobs.

Researchers asked Ms. Wannee whether a code of conduct concerning sexual harassment would be good to implement in the workplace to protect against such instances of abuse and discrimination. Although she was initially unfamiliar with this concept, she thoroughly agreed with the idea in order for female workers to have some protection

against this type of behavior. Ms. Wannee also mentioned that another negative effect of sexual harassment is that it can affect the productivity of a factory. Female workers who are worried and emotionally disturbed will not be able to perform their duties well, undoubtedly creating a negative impact on their performance.

### **Homenet Thailand**

Established in 1998, Homenet Thailand works with informal workers, specifically with groups consisting of home-workers and home producers, and also works with other organizations and networks. Ms. Rakawin Leechanavanichpan, a Coordinator for Homenet Thailand, has been working on women's issues for many years. She claims that the problem of sexual harassment seems to be increasing as more women have to enter the workforce and many have to work late at night, especially as many families can no longer depend on a single income. In the informal sector, it is very easy for employers to harass female workers because there is no law or protection against doing so. Moreover, female workers are more vulnerable to harassment because they are more hesitant to complain for fear that their families will be embarrassed and their reputation will be tarnished.

Ms. Rakawin suggested that there must be outside organizations to assist female workers who can not easily help themselves, and communities must work together. In one case, a female worker was returning from work after 10 o'clock at night when the taxi driver whom she hired to take her home tried to rape her. Luckily, she was able to run away and ask for help from people nearby. She filed a case at the police station, but there is no further information about her case and it likely did not go far in the legal system.

Ms. Rakawin noted that in Thailand, most female workers do not know or understand their rights. She suggests that there should be training sessions to raise awareness about the issue of sexual harassment so female workers will understand and know better how to protect themselves. In addition, they should learn where to get help if they have problems. Workers should also learn about and understand the need for a workplace code of conduct. Ms. Rakawin recommended that it would be very beneficial to female workers if companies and labor unions could incorporate sexual harassment into their collective bargaining agreements as well.

### **The Promotion of Gender Research Development Institute**

Dr. Sutira Thomson, the Promotion of Gender Research Development Institute director, was interviewed to find out what her Institute had been doing about the problem of sexual harassment in the workplace. She replied that her Institute does not work directly with this issue, but has been assisting women who have been raped, suffered domestic abuse, or faced an unwanted pregnancy. However, Dr. Sutira suggested that women might not recognize that certain behaviors are considered harassment, and could have in fact been assisting many women who did not consider themselves victims of such abuse.

Dr. Sutira mentioned that Thai culture is a large part of the problem. Women are not born to be leaders, but are raised to follow men. Further, women often don't know what to

do when they are harassed. However, Dr. Sutira felt that generally speaking, the situation regarding sexual harassment in the workplace has improved since the 1998 Labour Protection Act has been in effect. For example, when she visits workplaces now, she does not see as many managers/supervisors displaying pornographic pictures, which was not uncommon in the past.

### **Friends of Women Foundation**

The Friends of Women Foundation was established in 1980 to address a broad spectrum of issues faced by women in different professions. Initially, the organization only handled immediate problems. However, with the establishment of other women's groups, the Foundation began to focus on particular women's issues. It now concentrates on sexual crimes and harassment, which affect all women regardless of age, social position, or occupation. The Foundation also runs a women's rights protection center, a health center, a women workers campaign section, a women's publishing house, a documentation library, gender analysis training, and income generating projects for women. In addition, the Foundation assists in activities in coordination with several other women's organizations.

Ms. Supensri Puegkaoksung is an official in the Friends of Women Foundation and advisor to the Women Workers Unity Group. Ms. Supensri was a union labor leader for many years before she joined with the Friends of Women Foundation several years ago. Like Dr. Sutira Thomson (see 3, above), she claims that before the Labour Protection Act became law, the problem of sexual harassment at work was worse. Yet she also said that under the Labour Protection Act, there is no provision to punish an employer or a person in charge of staff, such as a supervisor or an inspector, who harasses his/her workers. The issue is very complicated, because if a female worker needs to bring a case to the criminal court, it can sometimes take up to 2-3 years to resolve. Unfortunately, instances of sexual harassment at the level of unwanted physical contact are not taken seriously by judges in the criminal court unless it rises to the level of rape. Further, women who seek justice often lose their cases anyway for lack of physical evidence to prove their case.

On a positive note, Ms. Supensri added that some unions had already incorporated sexual harassment into their collective bargaining agreements. Some union leaders have already learned and have seen the importance of a code of conduct and have tried to use that as a tool to protect their members. However, many labor leaders still do not understand what a code of conduct is and how it will help in the workplace. Labor leaders and their members need to be educated on this issue so they know and understand that it will be beneficial to them.

The following are examples of typical cases of sexual harassment that the Friends of Women Foundation has dealt with.

An 18-year-old woman worker who had been harassed by her supervisor came to ask for help from the Foundation after the Labour Protection Act became law. The supervisor frequently touched her inappropriately. In fact, many female workers in her section experienced this type of behavior, but did

not know what to do. They only tried to avoid their perpetrator. As a result of this abuse, they advised the girl to take her case to the police. The girl finally filed a case at the Bangna Police Station and also came to ask for help from the Foundation. The Foundation then coordinated with the Bangna Police Station and the Women and Youth Department of the Ministry of Labor to help the girl. In the end, the case could not proceed because no one in her section would act as her witness for fear of losing their jobs. In turn, the girl was ultimately forced to resign her position.

In a second case, an employer and supervisor in a company in Petchaburi province used a small camera to watch the female workers when they used the toilet. In retaliation, the workers filed a case at the police station and also asked another organization to help. Later the case was sent to the Friends of Women Foundation. Unfortunately, the police could not assist the female workers because there is no law to punish an employer or supervisor for that specific behavior. Again, the case was dropped.

In yet another case, the employer was a foreigner and the workers who were harassed were Thai women. The factory where they worked subcontracted to produce ballpoint pens. The employer was quite mean when the workers could not produce products to satisfy him. He would tie them up with an iron chain with their hands behind them. In one incident during the Chinese New Year, he forced his female workers to drink whiskey until they were drunk. The workers locked the door and went to sleep, but the employer had a key to the room they were in. While the workers were in a drunken sleep, the employer came to the room and sexually assaulted three of them. The women sought legal remedy against their perpetrator, and the case now is in process in criminal court.

### **The Foundation for Women**

The Foundation for Women was established in 1974 to assist Thai and migrant (mostly Burmese) women suffering domestic violence and sexual harassment. The organization provides lectures and educates workers and the public to build awareness about their rights and how to protect themselves from violence. The Foundation also maintains involvement with government policy with issues concerning women's rights and activities. The Foundation, consisting of six staff members, has three divisions: social services, community services, and information and campaigning services. It conducts its activities in Bangkok and upcountry. The Foundation also works closely with social partners, especially women's groups, in trying to coordinate and assist the work of each other. Women, especially those who are poor, need help more than others as they are powerless and often have no one to turn to when they are in trouble.

Ms. Jiraporn Ueafai, an officer of the Foundation for Women, was interviewed for this survey. Ms. Jiraporn indicated that most of the work of the Foundation is allocated for women suffering from violence, especially domestic abuse and rape cases. The Foundation usually only goes to the workplace when a staff member is invited to present a lecture on women's rights or other issues concerning women.

Ms. Jiraporn stated that even though the 1998 Labour Protection Act stipulates that employers/supervisors are forbidden to sexually harass employees who are women or children, there is no provision for punishment. The Central Labor Court does not deal with sexual harassment issues. The only remedy is for a female worker to file a complaint with the police, and the police can bring it to the criminal court. To do that, a female worker will need evidence and witnesses to prove her case, which is very difficult to obtain. Time and financial constraints also limit most women's availability to prosecute. Most female workers are poor and need to work in order to support their families, leaving them with little free time for legal cases. Unfortunately, many men are aware of this constraint, which makes the women even more vulnerable.

Another big concern for the Foundation for Women is female migrant workers, especially Burmese. In Ranong province in the south of Thailand, there are many female Burmese workers who work in food processing companies and sweatshops. They face more serious problems concerning sexual harassment, both at work and outside work. These female migrant workers frequently face not just sexual harassment, but rape as well. One recent case involved a young female migrant worker who did not leave work until 10:00 at night. One night on the way back to her rented room, she was raped by the motorcycle taxi driver. Many female migrant workers face this kind of threat, but they dare not to speak up because some have entered Thailand illegally and they usually are very afraid Thai officials would send them back to their country. They do not want to go home because they want to work to make income to support themselves and their families, which they often cannot do in their home countries.

When asked whether or not a code of conduct could help female workers concerning sexual harassment, Ms. Jiraporn responded that it would help to protect female workers to some extent, but the best way to deal with this problem is to get employers and labor unions to solve the problem, as opposed to trying to get outside organizations involved.

Ms. Jiraporn suggested that labor unions could play a significant role in preventing sexual harassment. Members of a labor union could bring a case to their union, and the union could raise the issue with the employer for them. If unions and employers cooperated, it could significantly reduce the problem of sexual harassment at work.

## ii. Labor Unions

### **Thai Kurabo Workers Union and the Labor Congress of Thailand**

Ms. Sukarnta Sukpaita is the Rangsit Labor Unions Group president and the head of the women's section of the Labor Congress of Thailand (LCT), the first Labor Congress in Thailand. Ms. Sukarnta claims that women are victims in Thai society. Although the majority of workers are women in the textile, garment, and electronic industries, women usually only work on the production lines, while the men are supervisors and managers. Male workers usually do not respect female workers, and as a result, many female workers do not even respect themselves. Women workers are rarely promoted because men think they cannot handle supervisory positions.

Women are often discriminated against in unions as well. Again, men do not want women to hold important positions because they believe that women are not able to perform difficult jobs. Men typically say that women in authoritative positions are emotional and aggressive, which other men do not like. Further, most women also have to take care of their families, leaving them less time to attend to the functions of the union. Since union work is voluntary, union leaders have to perform their duties after work hours. Most female labor leaders find it is hard to balance family responsibilities, full-time work to make money to support the family, educating themselves on the issues, and union leadership activities. In addition, male labor leaders are not interested in women's issues. That is one reason why female workers have less access to education and training in the workplace, because men rarely advocate for their interests. Currently, unions, labor unions groups, labor federations, and the national labor congresses do not have any programs to educate their union members on the issue of sexual harassment at all.

According to Ms. Sukarnta, women's groups in Thai society do not put enough effort into seeking protection for women from sexual harassment. Each year, groups of women in Thailand come together to demonstrate and submit their list of demands to the Thai government on International Women's Day. There have currently been no demands made to the Thai government to pay attention the prevention of and protection from sexual harassment. On March 8, 2002, thousands of women representing workers' groups, trade unions, state enterprise workers' unions, labor NGOs, and women's NGOs from all the industrial parks in Bangkok and surrounding provinces came together to celebrate International Women's Day. The groups submitted a list of four demands to the Thai government, including the following:

- The government must set up the Occupational Health and Safety Institution as an independent body;
- The government must set up child care centers in the industrial parks;
- Representatives of women workers must have a chance to participate in all decision making processes, such as inclusion in the National Committee for Women's Affairs;
- The government must extend coverage of social security and other protections to home workers.

Again, these requests include no demand for action on sexual harassment. Ms. Sukarnta also mentioned that it would be beneficial if companies adopted a code of conduct. Labor unions should incorporate such a code in their collective bargaining agreements. This way, female workers would have at least some protection. In addition, female workers should become educated about the rights of women and forms of sexual harassment. Presently, members of labor unions are only educated on gender equality, labor protection, social security and women's leadership. Labor unions and government agencies concerned must increase their emphasis and activities on women's issues, including sexual harassment.

### **Motorcycle Tire Producers Labor Union, IRC, and the Petroleum and Chemical Labor Federation of Thailand**

Ms. Kanogporn Turakit is an executive board member of the Motorcycle Tire Producers Labor Union, IRC, and the Petroleum and Chemical Labor Federation of Thailand. Ms. Kanogporn explained to researchers that Thai society today seems to have a lot of problems with teenagers, who are more common targets and less inclined to speak out against sexual abuse. However, her union feels that there are more serious violations to be dealt with, such as wages and subcontracting. Therefore, the union puts a lot of its energy and resources into those issues. The issue of sexual harassment does not seem to interest her union.

Ms. Kanogpron, however, had an experience of sexual harassment herself. In her section, there are only three women and a male supervisor. The supervisor tried to get her to be involved with him. At the same time, he told other people that she liked him as well, and people started to believe him. She realized that this was not very fair to her and decided to confront him. When he didn't stop, she finally brought the issue up to her supervisor's superior, who instructed her supervisor to stop. She did not have problems with him after that.

M. Kanogporn said that it is quite easy for male supervisors to harass workers under them because they have power in their hands either to promote or punish their subordinates. Moreover, Ms. Kanogporn said that it would be very useful for the female workers if collective bargaining agreements dealt with sexual harassment. At least the female workers would have some protection against this type of behavior. However, she noted, it would be even better if the employer adopted a code of conduct in the factory.

### **Crystal Textile Labor Union**

Ms. Yuwadee Wattanathong is the president of the Crystal Textile Labor Union in Prapradaeng Industrial Park, and a key labor leader in this area. She has been serving her union and other unions in her area for a long time. She has dealt with women's issues for more than 10 years, especially over the issue of discrimination between men and women.

When asked about her experience with sexual harassment, Ms. Yuwadee similarly indicated that workers are generally afraid to speak out for fear that either they would lose

their jobs, nobody would listen to them, or they would get a bad reputation. Female workers are often looked at as sex objects, for the pleasure of men. Many times, female workers are even blamed for men's actions and accused of encouraging harassing behavior. She regretted that there is no law to protect women from such abuse at work.

Ms. Yuwadee suggested that the labor movement in Thailand should campaign against sexual harassment, specifically to raise awareness and suggest means of protection from such behavior. Unfortunately, local unions, labor federations, and labor congresses do not currently have any policies against sexual harassment.

At present, many organizations promote gender equality and decent work, but there is still no organization at local and national levels that concentrates on the issue of sexual harassment or works to raise awareness among union members in Thailand. Ms. Yuwadee would like labor unions to consider this behavior unacceptable. Female workers and union members should be protected.

### **Thai Durable Labor Union**

Ms. Ubol Rompoothong has been involved with women's issues for her entire union career, and currently serves as president of the Thai Durable Labor Union and works in the public relations section of the Women Workers Unity Group. She is one of the key labor leaders in Thailand who has fought against exploitation, campaigned for three-month maternity leave, and fought for equal opportunity for men and women at work and in society. She has worked with many social groups in Thailand throughout her career. Ms. Ubol was asked about the sexual harassment issue in the workplace and her experience with this issue. In response, she stated that sexual harassment can be seen in the workplace almost every day. Her understanding of harassment includes staring, telling dirty jokes, and making rude gestures. She similarly stated that although most of the time victims are afraid to complain of harassment, when they do, people often do not understand and even accuse them of encouraging the behavior.

As previously stated, the Labour Protection Act of 1998 does not contain any punishment provisions against sexual harassment, so female workers have little way to protect themselves. If a female worker is harassed by an employer or a supervisor, the best she can receive is a compromise that the wrongdoer pays a very small damage allowance. Ms. Ubol claims that the government is not sincere about solving this problem.

The Women Workers Unity Group focuses its activities on gender equality, women's rights, and women's roles in unions and society, but does nothing on sexual harassment. In fact, this issue should be one of the group's policy issues. Our labor leaders should find a way to look after our young women working in factories. Ms. Ubol regretfully states that the problem of sexual harassment will remain without solution if no one cares to do anything about it.

### iii. Politicians

#### **Labour and Social Welfare Ministry (Ministry of Labor)**

Ms. Laddawan Wongsriwong is a Deputy Minister in the Labour and Social Welfare Ministry of the Thai Rak Thai Party, the current Prime Minister's party. When interviewed by researchers, she said that the Ministry had not received any complaints concerning sexual harassment in the workplace. She claims that the existing Labour Protection Act of 1998 is still sufficient and there is no need to amend it at all. However, Ms. Laddawan mentioned a new concern for workers in the factories today: discrimination against those who are homosexual. She argued that this issue needs to be addressed before sexual harassment.

### iv. Academics

#### **Thammasat University**

One academic was interviewed, Professor Vikita Vichienchon, from the Faculty of Law at Thammasat University. Professor Vikita mentioned that the Labour Protection Act of 1998 prohibited employers and supervisors from harassing workers. However, the law does not define harassment. There is no punishment provision either. If a case occurs, workers will have to take the issue to the criminal court. In real life, it is very difficult for workers to take the issue to the criminal court because sexual harassment is still a hidden topic. Victims feel ashamed, afraid, guilty, conscious of losing their reputation, and confused about what to do. It is very hard to say whether or not sexual harassment is a very serious issue in the workplace. Female workers should be educated on the issue and the forms sexual harassment can take so they understand and know how to protect themselves. Dr. Vikita further recommends that there should be some agencies within the government to assist victims of harassment. There are already some NGOs concerned with the issue, such as the Friends of Women Foundation, but due to limited funds and resources, more organizations need to be active.

### v. Government (State)

#### **The Prajadhipok Institute**

Mr. Theerapong Buala is a trainer at the Prajadhipok Institute. He wrote his Master's thesis on sexual harassment for the Women Studies Section of Thammasat University. His thesis, which focuses on state agencies, is considered to be the best one on this issue. He echoed other sentiments in stating that women who are harassed usually do not have ways to protect themselves since they usually work under those who harass them. If the women are harassed at work and bring the issue up, they need evidence and witnesses, which are commonly very difficult to find. A worker who is harassed can file a complaint at a police station and then proceed to the criminal court, but this procedure is time-consuming and results are uncertain. The female workers who work in the formal sectors in theory are protected under Article 16 in the Labour Protection Act of 1998, but the law is insufficient since there is no provision for penalties.

## V. ASSESSMENT RESULTS

### A. Worker Assessment

The respondents were first asked about their understanding of the term sexual harassment. Their interpretations are shown below in Table 5, in order of the most common responses. Although some (24%) only consider sexual assault or rape to qualify as harassment, the majority of respondents believed that it involves any inappropriate touching.

**Table 5: Interpretation of the Term**

<b>Interpretation</b>	<b># of respondents</b>	<b>Percentage</b>
Forced to have sex	36	36
Forced to embrace	30	30
Sexual assault	24	24
Pornographic jokes	10	10
Total	100	100

Concerning discrimination in job assignments and the amount of work given to workers by gender, respondents of the study believed that there is a discrepancy in the amount and type of work given to women versus men, as shown in Table 6.

**Table 6: Work Assignments by Gender**

<b>Pieces given</b>	<b>Percentage</b>
Equal pieces of work given	52
Not equal pieces of work given	48

When asked about discrepancies in treatment between male and female workers, 52% of those surveyed responded said that male and female workers do receive the same treatment, while 42% did not agree. Explanations for why male and female workers could be treated differently are based on ungrounded stereotypes, such as that female workers possess fewer skills and abilities than male workers, and cannot handle hard work. Additionally, male workers are seen as more reliable in that they do not take maternity leave or other time off to care for their children.

In a related topic, respondents were asked whether or not male and female workers are generally offered the same opportunities for promotion in the workplace. In response, 67% believed that there is equal opportunity, while 29% disagreed, and 4% had no opinion. Those who believe they don't receive equal opportunities assume that employers think that women workers lack leadership qualities that men possess, including emotional stability. And again, they assume that women workers will be distracted by family responsibilities, or "worse," may become pregnant and require maternity leave.

For those women who are promoted to higher positions in the workplace, respondents were asked their opinion on the probable reasoning for their promotions. As Table 6 indicates, the study shows that ability and having a close relationship with supervisors play the most significant roles in obtaining promotions according to those interviewed.

**Table 7: Reasons for Promotion**

<b>Reasons for Promotion</b>	<b>Percentage of Respondents</b>
Possession of greater ability/skills	60
Close relationship with supervisor	22
Some relationship to supervisor	13
More beautiful than other women	2
Other	2

Maternity and sick leave: The study found that 90% of those interviewed claimed that they are able to obtain their maternity and sick leave rights according to the Labor Protection Act of 1998. Eight percent of respondents said that they could take leave only if they provided a medical certificate, and 2% had no opinion.

Codes of Conduct: Respondents were asked how they felt about applying a code of conduct to enforce the Labor Protection Act in their workplace. As is shown in Table 8, the study found that 57% of the respondents did not understand what a code of conduct is, while 33% said there is no such code in the factories they are familiar with. The remaining 10% of the respondents said they knew something about a code of conduct and would like employers to implement one in their factories.

**Table 8: Codes of Conduct**

<b>Impression of Code of Conduct</b>	<b>Percentage of Respondents</b>
Do not understand the term	57%
Codes do not exist	33%
Would like a Code of Conduct	10%

Respondents were asked whether or not they had personally experienced sexual harassment in the workplace. They were told that their experiences could included the following behaviors: being forced by male supervisors/coworkers to look at pornographic pictures, being inappropriately touched or stared at by a supervisor or coworker, or repeatedly being asked on a date by a supervisor or coworker. Table 9 displays the results of this question.

**Table 9: Personal Experience**

<b>Direct experience</b>	<b># of respondents</b>	<b>Percentage</b>
Have not experienced	86	86
Have experienced	14	14
Total	100	100

Respondents were then asked about types of harassment-related abuse. Table 10 displays the direct (personal) and indirect (witness) experiences that respondents in this study have had with the following types of sexual harassment, in order of the most common behaviors.

**Table 10: Types of Harassment**

<b>Type of harassment</b>	<b># of respondents</b>	<b>Percentage</b>
Stared at	35	21
Asked to date	35	21
Told pornographic jokes	28	16
Whistled at	20	12
Touched inappropriately	16	10
Asked to date for job reasons	11	7
Asked to look at pornographic pictures	7	4
Asked to have sexual relations with supervisor with promise of promotion	6	4
Asked to have sex with a supervisor	3	2
Hugged	2	1
Kissed	2	1
Asked to have sex by threat from supervisor	0	0
Sexually assaulted	0	0
Total	165	100

*Note: Some respondents answered more than one type of harassment*

For those who had personally experienced sexual harassment in the workplace, Table 11 records the general reactions they had to their abuse, in order of the most common reactions. Note that some respondents responded to more than one column, and those who had no previous personal experience did not respond at all.

**Table 11: Reactions to Direct Experiences**

<b>Reaction</b>	<b># of Respondents</b>	<b>Percentage</b>
Expressed discontent	30	47
Apathetic	17	27
Concealed anger	7	11
Silence, no reaction	6	9
Unsure of what to do	3	6
Afraid of seeing the perpetrator again	3	4
Other	2	3
Total	68	100

Similarly, Table 12 shows the perceived reactions of those who had witnessed others being harassed, such as friends or co-workers. Again, the responses are in order of the most common. As previously discussed, most victims are angry about their abuse, but afraid to publicly complain about it.

**Table 12: Indirect Perceived Reactions**

<b>Type of reaction</b>	<b># of respondents</b>	<b>Percentage</b>
Concealed anger	27	36
Expressed discontent	19	26
Apathy	14	19
Silence, no reaction	6	8
Other	8	11
Total	74	100

The majority of respondents revealed that perpetrators usually do not receive any kind of punishment for their abusive behavior. In the factory setting, they usually only receive verbal warnings. Only in rare cases, such as if the person persisted and the situation became very serious, would the aggressor be asked to leave his position. Table 13 indicates responses of those interviewed regarding the reaction of factory managers to reported instances of workplace harassment. As is indicated, in most cases the victim is actually accused of encouraging her own abuse.

**Table 13: Factory Reaction**

<b>Factory reaction</b>	<b># of respondents</b>	<b>Percentage</b>
Accused the victim	16	48
Compensated the victim	13	39
No reaction	4	13
Total	33	100

Similarly, when asked about the perceived sentiment of the perpetrator after committing the abuse, most indicated that actors themselves often even blame their victims for encouraging their abuse, and many do not feel remorse for their actions. Table 14 displays these statistics.

**Table 14: Actor's Reaction**

<b>Reaction of actor</b>	<b># of respondents</b>	<b>Percentage</b>
Blamed victim	25	42
Felt remorse	18	30
Do not care	17	28
Total	60	100

Alternatively, most families of victims often do not blame the victims, and instead seek punishment for those who commit abuse, as illustrated by Table 15.

**Table 15: Reaction of Victims' Families**

<b>Reaction of family</b>	<b># of respondents</b>	<b>Percentage</b>
Prosecute the actor	39	72
Accused the victim	12	23
Keep quiet	5	5
Total	56	100

When asked if any of those interviewed knew of any laws to protect women from sexual harassment in the workplace, most responded that were not aware of any such protections, as indicated by Table 16. (Note: as previously stated, existing laws only indirectly protect workers from harassment).

**Table 16: Knowledge of Laws**

<b>Know About the Law</b>	<b># of Respondents</b>	<b>Percentage</b>
Unfamiliar with laws	45	45
Assume no such laws	30	30
Believe there are such laws	25	25
Total	100	100

Respondents were next asked that if they were to directly experience sexual harassment in the future, how would they react? Fortunately, the study shows that many respondents would be willing to file complaints against their perpetrators to a supervisor or other authoritative figure. Fewer respondents admitted that they would resign to escape the problem. However, in reality, it is more likely that victims would not be able to take such an idealist approach, and would instead be too intimidated to speak out.

**Table 17: Potential Personal Reactions**

<b>Victim's Reaction</b>	<b># of Respondents</b>	<b>Percentage</b>
Verbally express anger	13	35
File a case against the perpetrator	12	30
File a complaint to the supervisor	5	22
Apathy	4	10
Forced resignation	2	3
Total	36	100

Researchers also asked if those they surveyed were concerned of contracting HIV/AIDS? As Table 18 illustrates, most are concerned and would like to help prevent the spread of the disease.

**Table 18: HIV/AIDS**

<b>Worry about HIV/AIDS</b>	<b># of Respondents</b>	<b>Percentage</b>
Would like to help prevent	75	68
Yes, afraid of contracting	32	29
No, not concerned	4	3
Total	111	100

## **B. Professional Assessment**

Researchers can conclude from the twelve interviews with representatives from NGOs and labor unions, one politician, one academic, and one government employee that all agree that sexual harassment does occur in the workplace and in society as a whole. The Labour Protection Act of 1998 under Article 16 states that an employer or a person who is in charge of staff, a supervisor, or an inspector shall not harass female workers. However, with no provision for penalties, the act offers little beyond a pious statement. When sexual harassment occurs and a worker wants to report it, she would have to file a case at a police station and wait for the police to decide whether or not to proceed to criminal court. Yet to take a case to criminal court is difficult, time-consuming, and uncertain.

It is not just female workers in the formal sector who need protection from sexual harassment. According to Ms. Rakawin, a coordinator of Homenet Thailand, workers in the informal sector face even more difficulties, as they are not protected by any laws at all. Their work is very insecure, and they are forced to work long hours, usually on piece rates. Most work at home or in small commercial buildings. They are very afraid to lose their jobs it would mean great suffering for their families.

Generally speaking, migrant workers are in the worst position of all female workers in Thailand. They are powerless, in that they cannot bargain for any rights because they are

not protected by any laws. They need jobs to send money to their families, and they are willing to do any job at any time. According to Ms. Jiraporn of the Foundation for Women, many migrant workers, particularly Burmese in Ranong province in the South of Thailand, suffer the most. Some have been harassed and raped, but they cannot complain because many have entered Thailand illegally and they need to work to support their families. Further, they cannot tell Thai officials because they are afraid they will be deported.

It can be concluded that sexual harassment at work should be an important issue for labor unions. However, there are many other problems facing labor unions, such as wages, benefits, occupational safety and health, and day to day problems in the factory that they must handle first, meaning sexual harassment is not a priority. Many labor union leaders think it is a problem, but other concerns that need to be solved and dealt with are considered more pressing.

## VI. CONCLUSIONS AND RECOMMENDATIONS FOR ACTION

### A. Conclusions

Sexual harassment and discrimination have existed in the workplace, in public society, and in the family for centuries. Unfortunately, this long-standing problem has been ignored in Thailand. Sexual harassment can happen to women, men, or children, and victims should be protected from such abuse as a basic human right. This study is important to find out how widespread the problem is, and to raise awareness among women. The following are deductions researchers made from conducting the study, as well as specific recommendations for action, divided among category.

One hundred respondents from ten export industries who have worked in factories between 1 to 25 years were interviewed for this study. Most of the respondents were workers who had migrated to Central Thailand from upcountry. Most work on daily wages, receiving an average of 219 baht per day. Seventy percent of those factories are unionized.

Of the respondents, 37% admitted that some women do receive some special privileges that men do not, especially those who are close to supervisors. However, when it comes to promoting workers to higher positions, the study found that men still have far better chances of being promoted than women. Some reasons given were because it was perceived that men can do more work, and harder work, and they do not require maternity leave. Women could be promoted to higher positions too, but they have to prove that they are able to do the job and have other people accept them.

Concerning legal rights, the study found that all employers *claim to* follow the Labour Protection Act of 1998. However, over 90% of the respondents are unfamiliar with the concept of a code of conduct.

The study focused on 100 women workers in 10 export industries. Seventy percent of the workers employed by the factories chosen are female workers. To some extent, since there are more women than men, it is easier for the female workers to be able to protect themselves from sexual harassment, especially in those factories that are unionized.

When researchers inquired about respondents' general understanding of the term sexual harassment before they answered the questionnaire, they discovered that most felt it referred to direct body contact, such as inappropriate touching, all the way to rape. However, the study found that many respondents are victims of behaviors that they did not consider as sexual harassment, including leering stares and pornography at the workplace. Further, less than half (about 47.6%) of respondents will fight back only in case of the worst form of harassment, such as sexual assault. From this study, it can be concluded that most respondents lack knowledge about types and levels of sexual harassment, and they need to be educated about their rights in order to protect themselves from abuse.

The study found that male workers hold 63% of supervisory positions in the workplace. It is easy to assume that since males are in the majority of leadership roles,

females are more vulnerable to them. Moreover, 90% of the respondents admitted that their employment conditions do not protect female workers from sexual harassment. About 75% of respondents said they had no knowledge about laws that forbid sexual harassment, which is another reason why they rarely complain of such abuse, because they feel they are not protected under the law.

The study can conclude that except for extreme instances harassment (such as sexual assault), the factories do not penalize harassers. They have no regulations or rules to deal with the issue and do little or nothing to protect female workers.

## **B. Recommendations for Action**

Many professionals who were interviewed for this study believed that sexual harassment could be prevented in the following ways.

1. Educate workers in the workplace about their rights, specifically against sexual harassment. Include clear definitions and examples. Workers should also be educated on Thai laws designed to protect them. Women must be educated about their rights in order to be free from abuse and discrimination.
2. Employers must pay attention to women's rights and not use their authority and opportunity to harass women. Further, there needs to be equality in opportunity between men and women. The collective society also must view the importance of equality and provide equal opportunity and protection for men and women.
3. Penalty provision should be included in the Labour Protection Act so that those who are harassed do not need to bring their claims to the criminal court, which is a very difficult and time-consuming process.
4. The Labor Protection Act of 1998 needs to be reformed to specifically address sexual harassment in the workplace, including penalty provisions. In addition, at least one government agency needs to be set up to specifically address this matter.
5. Women workers need protection in the workplace to address perpetrators rather than having to seek help from outsiders once an incident occurs. Many women are unwilling or unable to take cases to court today for several reasons, including not wanting to publicize a very private matter. Even if a woman would want to take her case to the court, she has to go through many channels. First, she would have to file a complaint at the police station, then go see a doctor for evidence in case of rape or beatings. Thirdly, she would have to get the prosecutor involved before the court will take any action. Further, according to the Penal Code, victims must have at least one witness when they file a complaint, which is very difficult to obtain. Oftentimes, potential witnesses do not have time, do not want to be involved, are afraid they might lose their jobs, and have other priorities. This is a long, draining process, and even more difficult for women who have no experience with legal procedures. Therefore, Filing a case with the police, the prosecutor, and the criminal court needs to be made easier for those who are harassed.

6. In any factory that already has a union, the union should add sexual harassment and discrimination on their list of demands to bargain with the employer to incorporate the issue into the collective agreement. For industries that already have a code of conduct, the union should try to talk management into adding in their collective agreement the Model Code of Conduct developed by the World Federation of Sporting Goods Industry, WFSGI, in 1997. This Model Code is very meaningful to female workers as it addresses harassment and abuse. It states that every worker should be treated with respect and dignity and have the right to a workplace free from physical, sexual, psychological or verbal harassment or abuse.
7. There should be greater awareness-raising among the public and in the workplace about abuse and sexual harassment. Both men and women need to learn about this issue and understand it so they can treat each other with respect. Awareness-building can be done by organizing training sessions, group study, seminars, and distributing informative materials about the issue.

## **APPENDIX A**

### **Definitions of Terminology Used in this Survey**

1. Ministry of Labor means Labour and Social Welfare Ministry
2. Labor Protection Law means Labour Protection Act of 1998
3. Criminal law means Penal Code of Thailand B.E. 2499, 1956)
4. Labor Union means trade union
5. Industrial Area means industrial park
6. NGO means non-governmental organization
7. Baht means the Thai currency unit. Currently, 43 baht =\$1 U.S.

## APPENDIX B

### Questionnaire Administered to Female Worker Respondents

- 1) What types of goods are produced in your factory? In what countries are they sold?
- 2) How many people work in your factory?
  - a) men
  - b) women
  - c) children
- 3) How many supervisors are there in your section?
  - a) men
  - b) women
- 4) Are the owners of the factory where you work Thai or foreign? If foreign, please indicate what country they are from.
- 5) How long have you worked in this factory?
- 6) Are you from a different part of the country? If so, where?
- 7) What is your position in the factory, and what are your job responsibilities?
- 8) How many hours do you work each week (including overtime)?
- 9) If you do perform overtime, is it compulsory by your factory supervisor(s), or is it voluntary?
- 10) Do you receive monthly wages, or daily wages? Indicate the amount that you receive per pay period.
- 11) In your section, do all workers at the same level receive equal pay?
- 12) Have you noticed if some female workers receive more pay than other workers? If yes, please explain why.
- 13) Do men and women receive the same wages for work of equal value? If no, please explain why.
- 14) In your factory, as well as in your previous work experience, are men and women offered promotions on an equal basis? If not, please explain why.
- 15) In your section, is your supervisor male or female?
- 16) Do women have to overcome more obstacles in order to be offered promotions? For example, do they have to be:

- a) More beautiful
  - b) Related to the owners/managers of the factory
  - c) Have a close relationship with the owner/manager
  - d) Possess the necessary abilities required for the promotion
  - e) Other?
- 17) Do you have a trade union in your factory? If so, do you know who the trade union representatives are? How many men and how many women included?
- 18) Does your factory have a code of conduct that protects women workers?
- a) Yes
  - b) No
  - c) Do not know what code of conduct is
- 19) Have you or your friends in the factory ever directly experienced sexual harassment in the workplace?
- a) Yes
  - b) No
  - c) Not sure if behavior could be considered harassment
- 20) If you have witnessed or experienced harassment at the workplace, what form did it take?
- a) Stared at
  - b) Whistled at
  - c) Exposed to pornographic pictures
  - d) Exposed to pornographic jokes
  - e) Touched inappropriately
  - f) Embraced
  - g) Kissed
  - h) Invited to date on the job
  - i) Invited to date with promise of hiring or promotion
  - j) Asked to have sex with a supervisor
  - k) Asked to have sex with a supervisor with promise of compensation
  - l) Asked to have sex with a supervisor upon threat
  - m) Sexually attacked
- 21) If you have witnessed or experienced any of the above behaviors while working, what was your reaction?
- a) Contentment
  - b) Concealed anger
  - c) Verbally expressed anger
  - d) Apathy
  - e) Other
- 22) Of your co-workers or others who have experienced sexual harassment in the workplace, what was their reaction?
- a) Contentment

- b) Concealed anger
  - c) Verbally expressed anger
  - d) Apathy
  - e) Other
- 23) Do you know if there was there any type of punishment for any of the above-listed behaviors?
- a) Yes, there is
  - b) There are only minimal penalties
  - c) No, there are not
  - d) Do not know
- 24) If so, what kinds of punishment? Did the type of punishment correlate to different behaviors (such as pornographic jokes vs. sexual assault)?
- 25) Do you know of any victims of sexual harassment who became so depressed by their abuse that they required treatment by a doctor?
- 26) If your answer to question 24 is yes, what was the factory's reaction?
- a) Compensate the victim
  - b) No reaction/compensation
  - c) Blamed the victim
- 27) If the victim had to be given medical treatment, what was the reaction of the man who abused her?
- a) Guilty feeling
  - b) Apathy
  - c) Blamed the victim
- 28) What was the victim's family's reaction to her abuse?
- a) Desire to prosecute the actor
  - b) Ignored the incident
  - c) Blamed the victim
- 29) Please explain your understanding of the term sexual harassment.
- 30) Do you know of any laws designed to protect women from sexual harassment?
- 31) Have you ever personally experienced sexual harassment?
- 32) If your answer is yes, exactly what type of behavior was it?
- 33) If you have directly experienced harassment, what was your reaction?
- a) Verbally expressed anger
  - b) Issued a complaint to your supervisor
  - c) Resigned from the job to escape the problem
  - d) Filed a legal case

- e) Did not do anything
- 34) Are you worried about contracting HIV/AIDS? Would you like to be active in working to solve the problem?
- 35) This survey will be beneficial to the women who face sexual harassment in the workplace. In addition, do you think it will be useful for the society as the whole as well?
  - a) for men
  - b) for women
- 36) Are you allowed to come and go from the factory freely when you are not on duty?
  - a) Yes
  - b) No, must to have permission
  - c) Not allowed to enter the factory at all when not on duty
- 37) Can you take sick leave and maternity leave when you want?
- 38) Do some women have an easier time getting permission for leave than others? If yes, please explain why.

## **APPENDIX C**

### **Information Requested from Professional Assessment by Way of In-depth Interviews**

1. Obtain professional background
2. How serious is problem in Thailand today, since Thailand has been campaigning on gender equality?
3. Have you ever experienced or learned about sexual harassment in the workplace?
4. Do you know of any laws designed to punish those who commit this behavior?
5. Do you know of any laws that will help to reduce instances of sexual harassment in the workplace?
6. How should a workplace act to eliminate sexual harassment?
7. Is there any group or association that organizes activities to receive grievances from the workers who face sexual harassment from their employers and co-workers?
8. Should a union or a Worker Welfare Committee request that the issue of sexual harassment be included in the collective agreement?
9. Should sexual harassment be included in a workplace Code of Conduct?
10. Shall the penalty for abuses be included in the Labour Protection Act of 1998?

## APPENDIX D

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