

# Protecting against Sexual Harassment at Work

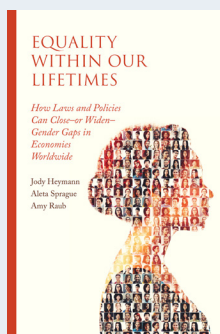
## Key Findings

- 1 in 4 countries lack explicit prohibitions of sexual harassment at work.
- Meanwhile, 63% fail to address at least one of the following types of harassment: sex-based harassment, quid pro quo, and hostile work environment.
- 80% have yet to prohibit same-sex sexual harassment or sexual harassment based on sexual orientation, while 88% lack explicit prohibitions of sexual harassment based on gender identity.
- Despite persisting gaps in coverage, protections have increased as awareness of workplace sexual harassment has grown. For example, between 2016 and 2021, 11 countries without any prohibitions adopted new laws explicitly prohibiting sexual harassment for workers regardless of gender.

## About Equality within Our Lifetimes

For more information and a full list of studies summarized in this brief, see [Chapter 4](#) of the open-access book [Equality within Our Lifetimes: How Laws and Policies Can Close—or Widen—Gender Gaps in Economies Worldwide](#) (Jody Heymann, Aleta Sprague, and Amy Raub; University of California Press, 2023).

Building and analyzing a law and policy database that covers 193 countries, *Equality within Our Lifetimes* systematically examines how far we've come and how far we have to go in adopting evidence-based solutions to close gender gaps in employment, income, leadership opportunities, and more.



This brief examines the global prevalence of laws prohibiting sexual harassment at work, as well as key details of these laws that shape their reach and impact.

## Prevalence of Sexual Harassment at Work

Sexual harassment is pervasive and cuts across countries, industries, and career stages.

- A survey of 7,000 lawyers in 135 countries found that 1 in 3 women had experienced sexual harassment at work.
- A study across 38 countries found that 33% of interviewed female parliamentarians had experienced workplace harassment; 22% had experienced sexual violence.
- A survey of domestic workers in Brazil found that 26% had experienced sexual harassment in the preceding year. Similarly, a survey in India reported that over 29% of domestic workers had been sexually harassed.

Sexual harassment's discriminatory functions are especially evident when looking at the high levels of harassment that women face in male-dominated fields.

- In the U.S., nearly 8,000 women left the military between April 2014 and September 2016 alone due to sexual harassment, alongside another 2,000 who resigned after a sexual assault.
- In Kolkata, India, 74% of women working in the construction industry report facing sexual harassment at work, including being "offered" to contractors in exchange for jobs.
- In South Africa's platinum mines, women report regular sexual assaults by their coworkers and threats of further violence to "remind" them that they are women.

Sexual harassment can take a range of forms, including:

- Quid pro quo, where employment or promotions are conditioned on sexual acts
- Hostile work environment, where ongoing offensive conduct in the workplace negatively affects employees
- Sex-based harassment, which may involve severe harassment or denigration that is not necessarily sexual in nature but targets workers because of their sex

## Impacts of Sexual Harassment at Work

Research has demonstrated the consequences of sexual harassment for women's employment outcomes and overall well-being.

### Lower Access to Opportunities for Advancement, Trainings, and Promotions

- Sexual harassment frequently hinders workers' access to opportunities for advancement, including through retaliation against those who report it.
- For example, the Australian Human Rights Commission found that 11% of workers who lodged a formal complaint of sexual harassment were denied access to a training or promotion, while 6% were demoted.

## Loss of Employment

- Experiences of sexual harassment are associated with markedly higher rates of job loss, including cases of firing after workers report harassment or reject advances from supervisors.
- For example, a study in one U.S. city found that women who had experienced sexual harassment were 6.5 times as likely as women who had not been harassed to change jobs.
- In Brazil, Argentina, and Chile, a study found that those who had been sexually harassed were not only more likely to take leave from work but also 1.6 times as likely as women who hadn't faced harassment to report intending to leave their jobs permanently.

## Lower Long-Term Wages and Consequences for Career Trajectories

- Women who leave a job due to harassment may encounter challenges securing new employment or employment that pays an equivalent wage, particularly if job-seeking without the benefit of references or good relationships with their previous employer.
- Experiences or observations of sexual harassment can also deter women from pursuing their chosen occupation, even if that means settling for a less desirable position or industry.

## Mental and Physical Health

- Studies have found that women who have experienced sexual harassment suffer higher incidence of depression, anxiety, and posttraumatic stress disorder.
- Many women who have experienced sexual harassment at work report headaches, insomnia, nausea, weight loss, and other physical signs of stress; one study found that even mild sexual harassment triggered increased cardiovascular activity.

## Compounded Vulnerabilities for Marginalized Women

- With fewer economic resources to fall back on, low-wage workers face higher risks if they lose work or income.
- Agricultural workers and women whose work takes place in the most private settings, such as homes or hotel rooms, often face heightened risks of exploitation and fewer avenues for recourse under labor law.
- Migrant workers are often ineligible for social insurance programs guaranteed to citizens, and face significant risks of deportation if they quit or are fired from a job.

## Consequences for Workplaces and Economies

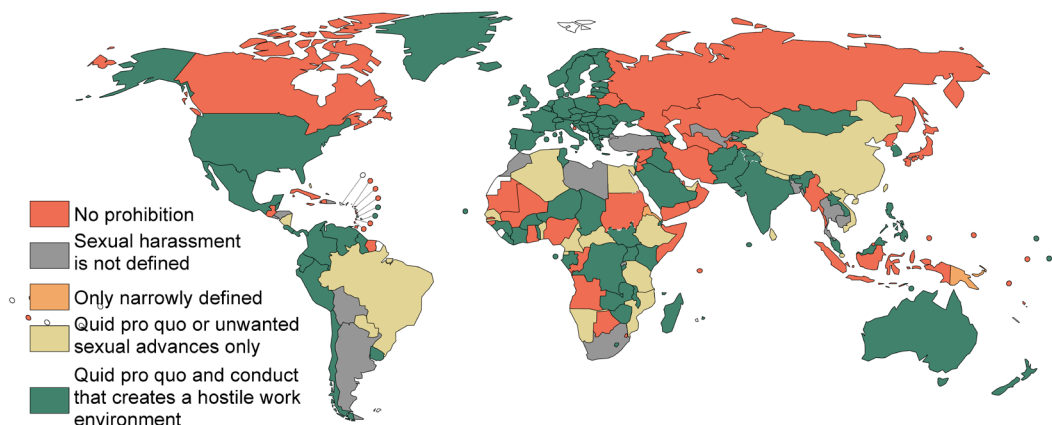
- Sexual harassment contributes to toxic workplaces, harming morale and reducing productivity both by workers directly affected and by bystanders.
- For example, an analysis estimated that in 2018, sexual harassment was responsible for AUD\$2.6 billion in lost productivity in Australia, despite a labor force of only 13 million people, and another AUD\$900 million in other financial costs.

## Do Prohibitions of Sexual Harassment Make a Difference?

Case law demonstrates that workplace sexual harassment laws have had an impact in countries around the world.

- In South Korea, a group of hotel workers won a landmark sexual harassment lawsuit that affirmed employers' responsibility for preventing harassment.
- In the U.S., 15 female mine workers initiated and won the country's first sexual harassment class action lawsuit, highlighting the law's potential to address harassment against women in male-dominated fields.
- In France, the Labor Court ruled in favor of immigrant women who were harassed throughout their employment

## What sexual behaviors are legally defined as sexual harassment at work?



Source: WORLD Policy Analysis Center, *Discrimination at Work Database*, 2021

as cleaners, showing how sexual harassment laws can reach vulnerable workers.

Cases have also shown that adopting more comprehensive and specific sexual harassment laws—rather than relying on general prohibitions of sex discrimination at work—can make a difference.

## Addressing Sexual Harassment in National Laws: Where the World Stands

### Is Sexual Harassment in the Workplace Prohibited?

While the majority of countries in all regions have adopted laws prohibiting workplace sexual harassment, tens of millions of women lack protections:

- More than 1 in 4 countries lack laws specifically prohibiting sexual harassment in the workplace.

### Which Perpetrators Are Covered?

Ensuring safety and equal rights in the workplace requires covering sexual harassment not only by bosses but also by coworkers, clients and customers, and other third parties.

- Only 1/3 of countries prohibit sexual harassment by coworkers either by explicitly prohibiting it (29%) or by using language that would broadly apply to anyone in the workplace (4%).
- Just 13% of countries explicitly prohibit sexual harassment by customers or anyone else in the workplace.
- 15% of countries explicitly address contractors or other third parties or broadly prohibit sexual harassment by anyone in the workplace.

### How Is Sexual Harassment Defined?

It is essential that laws clearly prohibit all 3 aspects of sexual harassment: sex-based harassment, quid pro quo, and hostile work environment.

- This comprehensive approach is found in only 37% of countries.
- In nearly 1/3 of countries, sexual-behavior-based harassment is prohibited, but sex-based harassment is not.
- In 20% of countries, sexual harassment either is not defined, covers quid pro quo only, or is narrowly defined.

Few countries' laws recognize that sexual harassment can occur outside the workplace—including during travel to work sites, during offsite meetings, and over electronic communications.

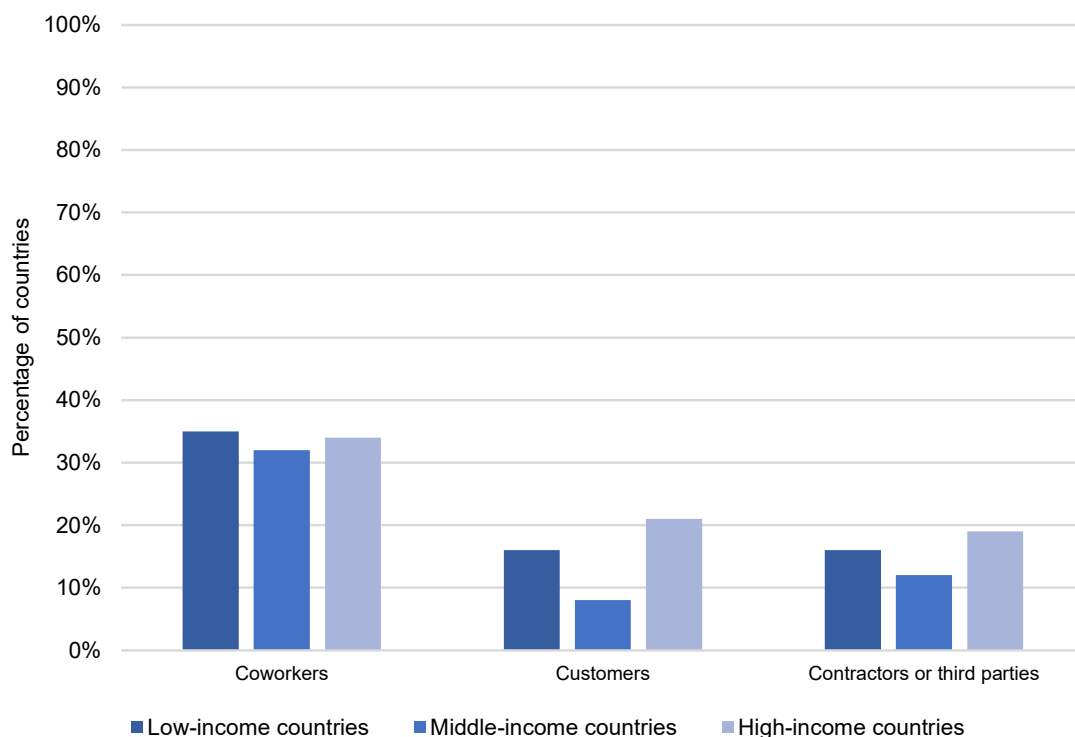
- A mere 10% of countries explicitly cover sexual harassment that occurs offsite.
- In 14% of countries, prohibitions of sexual harassment are explicitly limited to the workplace.

### Are Workers Covered Regardless of Position or Occupation?

It is critical for laws to prohibit sexual harassment against individuals regardless of their position in the workplace.

- Only 20% of countries explicitly extend prohibitions of sexual harassment to cover interns, trainees, and apprentices.
- Only 27% of countries explicitly prohibit sexual harassment against job applicants.
- Some countries have taken steps to affirmatively protect

**Do countries prohibit sexual harassment across a range of relationships in a workplace?**



women in leadership positions as well; for example, Bangladesh’s Labour Law covers “where any female worker is employed in any work of the establishment, irrespective of her rank or status.” However, language in many countries leaves women in leadership positions unprotected.

Likewise, to be comprehensive, laws must cover women in informal and vulnerable occupations; domestic workers in particular are often excluded from sexual harassment protections that extend to other workers:

- Some countries have passed legislation specifically ensuring that sexual harassment laws cover domestic workers; Peru’s Domestic Worker Law provides one example.
- Moreover, some countries have enacted laws prohibiting sexual harassment in the purchase or provision of goods and services as well as harassment by public officials—which can be particularly important for informal workers selling goods in markets and public places.

### Are Workers Covered Regardless of Sex, Sexual Orientation, and Gender Identity?

Although global evidence shows that women are most likely to face sexual harassment at work, workers of all genders can be targets, and LGBT+ workers experience high rates of harassment.

- Global surveys demonstrate that men also experience sexual harassment at work, albeit at lower frequency. Nevertheless, in 8 countries, laws prohibiting sexual harassment at work may apply to women only.
- 20% of countries explicitly prohibit same-sex sexual harassment or sexual harassment based on sexual orientation, and 12% explicitly prohibit sexual harassment based on gender identity.

### Trends across Income Groups and over Time

Prohibitions of sexual harassment often differ substantially across country income levels.

- 78% of high-income countries, 74% of middle-income countries, and 69% of low-income countries have specifically prohibited sexual harassment in the workplace.
- While nearly 2/3 of high-income countries explicitly address all 3 aspects of sexual harassment (sex-based harassment, quid pro quo, and hostile work environment), 30% of middle-income countries and only 12% of low-income countries do so.
- Protections against same-sex sexual harassment, sexual harassment based on sexual orientation, and sexual harassment based on gender identity are currently far more common in high-income countries.

In just the 5 years between 2016 and 2021, greater awareness resulting from campaigns such as #MeToo has helped to spur the adoption of new laws and efforts to address legal gaps.

- During this time period, 11 countries adopted new laws explicitly prohibiting sexual harassment at work for workers regardless of gender.
- 2 countries that previously prohibited sexual harassment only of women passed new gender-neutral legislation.
- 8 countries newly enacted or amended legislation to specifically prohibit sexual harassment based on sexual orientation, as did 9 countries for gender identity.
- Protections against both sex-based and sexual-behavior-based harassment likewise increased over this period, as did prohibitions of harassment by coworkers and others at work.

### Have countries strengthened laws prohibiting sexual harassment at work?

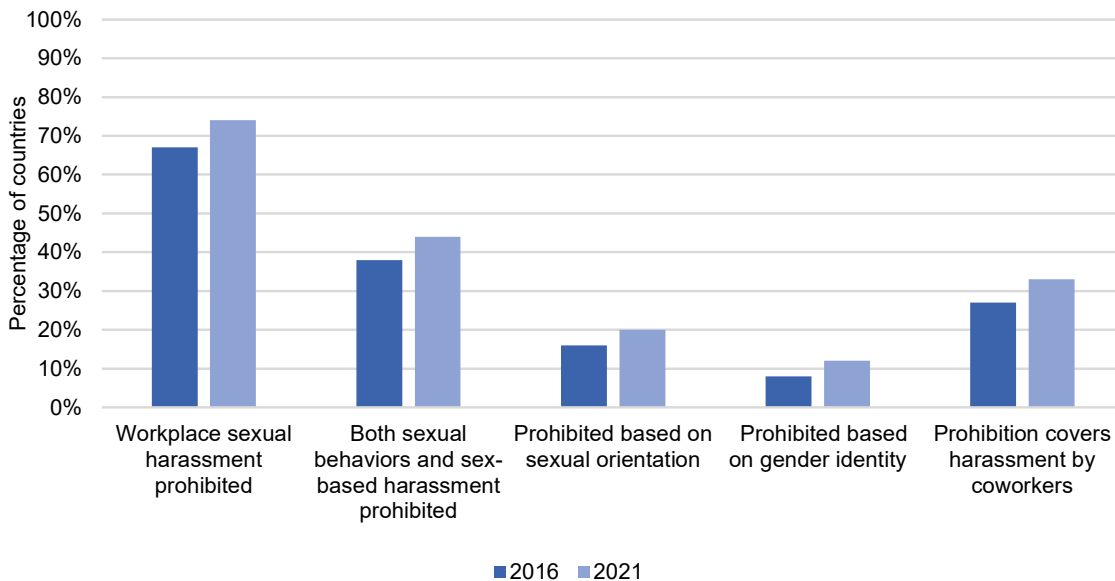


Figure describes coverage of sexual harassment laws at work for women. As noted in text, sexual harassment laws should cover all genders. In the vast majority of countries, legislation uses gender neutral language or is inclusive of genders. However, in some countries legislation explicitly prohibits sexual harassment of women, but not men, or is found in laws or sections of laws specific to women.



### WORLD Policy Analysis Center

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