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REDEFINING WORKPLACE SEXUAL HARASSMENT IN GHANA

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ABSTRACT

Sexual harassment became topical in Ghana and Nigeria when BBC Africa Eye released the *Sex for Grades* documentary in the last quarter of 2019. The documentary implicated some lecturers in public universities. Nigeria's Parliament promptly passed an anti-sexual harassment law. However, Ghana's Parliament deliberated on the subject and has yet to pass an anti-sexual harassment law. The current legal regime on sexual harassment in the workplace in Ghana is limited. Accordingly, I advocate for a comprehensive law prohibiting all forms of sexual harassment in the workplace. I use doctrinal analysis to examine the existing laws on sexual harassment in Ghana and recommend redefining them expansively drawing comparative insights from Nigeria and South Africa.

Keywords: Discrimination, Gender, Ghana, Law, Sexual Harassment

INTRODUCTION

Following the 2019 *Sex for Grades* exposé by BBC Africa Eye, which implicated some lecturers in top universities in Ghana and Nigeria,[2] there were calls for comprehensive anti-sexual harassment legislation in both countries. While the Nigerian Senate promptly re-introduced its anti-sexual harassment bill passed in 2020,[3] the Ghanaian Parliament has not been as proactive. In this paper, I argue for comprehensive anti-sexual harassment legislation in Ghana with a focus on the

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[2] Kiki Mordi, '"Sex for grades" Undercover in West African Universities' (*BBC News*, 7 October 2019) <https://www.bbc.com/news/av/world-africa-49907376/sex-for-grades-undercover-in-west-african-universities> accessed 10 December 2019.

[3] Bukalo Adebayo, 'Nigerian senate passes sexual harassment bill' (*CNN*, 8 July 2020) <https://edition.cnn.com/2020/07/08/africa/nigeria-sexual-harassment-bill/index.html> accessed 23 February 2023.

workplace, which most legal frameworks on sexual harassment cover. I use doctrinal analysis of primary and secondary sources to interrogate the current legal regime on sexual harassment and identify gaps to be addressed when developing a comprehensive sexual harassment law, policy, or both. I advocate for a single, all-inclusive sexual harassment enactment as a necessary first step toward eliminating sexual harassment in Ghana by drawing comparative insights from the legal frameworks on sexual harassment in Nigeria and South Africa.

A person is said to be harassed if treated in a humiliating or degrading manner because of their legally protected characteristics. Where the protected characteristic being degraded or humiliated is a person's sex, gender or both, or the harassment is sexual, it may be said to be sexual harassment.[4] The term *sexual harassment* was coined in the 1970s in the United States by Lin Farley[5] and popularised in its connection with discrimination in legal theory by Catharine MacKinnon.[6]

Most countries have only recently interpreted their laws to prohibit sexual harassment or made laws that specifically mention sexual harassment.[7] Until the emergence of anti-sexual harassment laws, most countries condoned sexual harassment.[8] According to Dwasi, in parts of Africa such as Kenya, initial resistance to legislate against sexual harassment or recognise it as a form of

[4] Constantine Ntsanyu Nana, 'Sexual Harassment in the Workplace in South Africa: The Unlimited Vicarious Liability of Employers' (2008) 52(2) Journal of African Law 245.
[5] Enid Nemy, 'Women Begin to Speak Out Against Sexual Harassment at Work' (*New York Times*, 19 August 1975) < https://www.nytimes.com/1975/08/19/archives/women-begin-to-speak-out-against-sexual-harassment-at-work.html> accessed 23 February 2023.
[6] Kyle Swenson, 'Who Coined the Term "Sexual Harassment"' (*New York Times*, 26 November 2017) <https://www.theday.com/op-ed/20171126/who-coined-the-term-sexual-harassment/> accessed 23 February 2023.
[7] Only seven countries had enacted specific legislation against sexual harassment by 1992. Kyle Swenson, 'Who Coined the Term "Sexual Harassment"' (*New York Times*, 26 November 2017) <https://www.theday.com/op-ed/20171126/who-coined-the-term-sexual-harassment/> accessed 23 February 2023.
[7] Deborah Zalesne, 'Sexual Harassment Law in The United States and South Africa: Facilitating the Transition from legal Standards to Social Norms' (2002) 25 Harvard Women's Law Journal 143 (Only seven countries had enacted specific legislation against sexual harassment by 1992). D Smit and V du Plessis, 'Sexual Harassment in the Education Sector' (2011) 14(6) PER 173.
[8] Zalesne (n 6).

discrimination was because there is no word for it in 'the African languages.'[9] Therefore, sexual harassment was considered alien in the African context.[10] This language argument demonstrates how dialect impacts prevailing social norms that condone sexual harassment on the continent. Still, the reality is that sexual harassment is 'a new term for an old phenomenon' that has always existed and pervades modern society.[11]

Today, sexual harassment generally means unwanted or unwelcome conduct of a sexual nature, often in the context of a relationship of unequal power.[12] Unwanted or unwelcome conduct that amounts to sexual harassment includes physical contact that is sexual in nature; verbal forms of sexual harassment, such as innuendos and sexual advances; non-verbal forms of sexual harassment, such as indecent exposure; and quid pro quo harassment, which involves requests or demands for sexual favours by a person in authority over another.[13]

Sexual harassment can occur anywhere - workplace, schools, home, cyberspace and other public or private places and events. In this paper, I focus on the workplace context because most existing legal frameworks and conversations surrounding sexual harassment focus on the workplace. Workplace sexual harassment is also the most prevalent. In Ghana, research has revealed that 74 % of women and 42% of men experience sexual harassment in the workplace.[14] Only

[9] Jane Dwasi, 'Kenya: A Study in International Labour Standards and Their Effect on Working Women in Developing Countries: The Case for Integration of Enforcement Issues in the World Bank's Policies' (1999) 17 Wisconsin International Law Journal 347 at 357.
[10] Ibid.
[11] Ibid.
[12] Sakkie Prinsloo, 'Sexual harassment and Violence in South African Schools' (2006) 26(2) South African Journal of Education 305 citing J V Du Plessis, M A Fouchè and M W Van Wyk, *A Practical Guide to Labour Law* (3rd edn, Durban: Butterworths 1998). Deborah Adetutu Aina-Pelemo, M C Mehanathan and Pradeep Kulshrestha, 'Sexual Harassment at Workplace: Judicial Impact in Nigeria and India' (2018) 4(2) Indian Journal of Law and Human Behavior 208 <http://dx.doi.org/10.21088/ijlhb.2454.7107.4218.8> accessed 25 August 2020.
[13] Cynthia Grant Bowman and Akua Kuenyehia, *Women and Law in Sub-Saharan Africa* (Sedco Publishing Ltd, 2003).
[14] Augustine Kobina Andoh Sexual Harassment in the Workplace: The Ghanaian Experience (2001) Policy Brief No. 9 presented at Centre for Social Policy Studies (CSPS), University of Ghana, Legon < https://www.oocities.org/cspslibrary/sexualharassment.html > accessed 18 January 2025

5% of such cases ever get reported.[15] In a 2021 study on nurses in the Central Region of Ghana showed a 43.6 % prevalence of workplace sexual harassment among nurses.[16]

In international law, the workplace in relation to sexual harassment is broadly defined, yet many national laws provide a narrow definition and interpretation. Article 2 of the International Labour Organization (ILO) Convention No.190 (C190) on Eliminating Violence and Harassment in the World of Work provides:

1. This Convention protects workers and other persons in the world of work, including employees as defined by national law and practice, as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, job seekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer.
2. This Convention applies to all sectors, whether private or public, both in the formal and informal economy and urban or rural areas.

C190 shows a broad scope of the workplace (formal and informal) and expands the types of workers protected (active workers, former and potential employees, volunteers and interns). However, many sexual harassment laws do not reflect this expansion in the workplace context – Ghana's sexual harassment laws are a typical example. The existing sexual harassment provisions demonstrate a narrow scope of the workplace and workers. Although Ghana has not ratified C190, it is instructive to ensure international compliance with labour laws. In this paper, I examine three enactments that address sexual harassment in the workplace: the Labour Act of 2003, the Domestic Violence Act of 2007, and the Legal Profession Rules of 2020 to show the need to redefine sexual harassment with a broader approach to the workplace and worker contexts. The three selected legislations are among the most popular legislation containing express sexual harassment

[15] Ibid.
[16] Aliu Mohammed, Edward Wilson Ansah and Daniel Apaak, 'Prevalence and Predictors of Workplace Sexual Harassment of Nurses in the Central Region of Ghana: A Cross-sectional Online Survey' (2024) (14) BMJ Open 1.

provisions in Ghana. In addition, I review the relevant constitutional and criminal law provisions from which inferences of actionable sexual harassment claims can be made. This law review is critical to showing how other provisions in Ghanaian law could be applied to conduct that constitutes sexual harassment and the possible criminal dimensions that could be attached to this wrongful act.

The second section of this paper focuses on the current legal regime on sexual harassment in the workplace in Ghana, identifies the gaps and outlines its implications. In the third section, I recommend ways to redefine workplace sexual harassment that are definite and comprehensive, with some comparative inputs from Nigeria and South Africa. The fourth section concludes the analysis.

1. The Legal Regime on Sexual Harassment in Ghana and its Implications

In this section, I give an overview of the current legal regime on sexual harassment in Ghana and its present and future implications. I start with labour law, domestic violence law, and then the legal profession rules. I then discuss the constitutional and criminal laws as they relate to sexual harassment. I conclude with the overall implications of the frameworks examined.

(a) Labour Law

In the 1990s, the pioneering regulatory conduit for sexual harassment in the Ghanaian workplace environment was case law. The *Norvor* case[17] was the first-ever workplace sexual harassment case officially arbitrated in Ghana in 1999.[18]

The brief facts of the case are as follows: Ms. Augustina Salome Tettey, an employee of Fan Airways Ltd, filed a sexual harassment complaint with the Commission on Human Rights and Administrative Justice (CHRAJ), against Prof. Frank Awuku Norvor, owner and managing director of Fan Airways Ltd. Ms. Tettey's claim was that Prof. Norvor dismissed her after she rejected his sexual advances on several occasions including making complimentary remarks about her body and appearance, fondling her, and making forceful attempts to kiss and hug her, hold her hands or hold her from behind. Ms. Tettey also complained of an occasion where Prof. Norvor, in an angry outburst, threatened a reprisal upon

[17] *Commission on Human Rights and Administrative Justice v. Norvor* [2001-2002] 1 GLR 78.
[18] Bowman and Kuenyehia (n 12).

seeing her in another man's car. On his part, Prof. Norvor denied the allegations, stating that Ms. Tettey was dismissed because of her unsatisfactory work performance. CHRAJ conducted investigations into the matter and found that Prof. Norvor's conduct constituted sexual harassment. CHRAJ ordered Norvor, among other things, to pay ¢5 million to Ms. Tettey 'as compensation for injury to her feelings, dignity and self-respect and for the humiliation she suffered because of the sexual harassment and retaliation visited upon her'.[19] However, Prof. Norvor refused to comply with the order, so CHRAJ applied for a High Court order to enforce its decision. Prof. Norvor challenged CHRAJ's application on several grounds, including that CHRAJ lacked jurisdiction to hear the matter since the complaint was a tort or invasion of Ms. Tettey's privacy but did not violate her human rights or discrimination under Article 17 of the 1992 Constitution.

The High Court dismissed Norvor's defence and granted CHRAJ's application to enforce its decision against Norvor. In providing its reasoning, the court referred to several definitions of sexual harassment in foreign textbooks and case law since there was no legal definition locally. Based on the borrowed definitions, the *Norvor* court explained that 'to constitute sexual harassment, a given conduct must be unwelcome and of a sexual nature detrimentally affecting the work environment.' The court further explained that conduct must be sexual in nature and does not mean it has to be overtly sexual so long as it is gender related. This view of the *Norvor* court expanded the meaning of sexual harassment by not confining it only to conduct that is sexual in nature but also those based on sex and/or gender. The court also held that the conduct 'must be shown to be sufficiently severe and persistent to create a hostile environment.' The *Norvor* court referred to psychological sexual harassment, which it also found Ms. Tettey to have suffered. The court listed examples of psychological sexual harassment, including 'relentless proposal of physical intimacy beginning with subtle hints which may lead to overt requests for dates and/or sexual intercourse; sexual favours and propositioning.' Within a year of the *Norvor* case, the Labour Act of Ghana was assented to in October 2003 and entered into force in March 2004.[20]

[19] *Norvor* case at 572.
[20] See the Labour Act (Commencement) Instrument, 2004 (E.I. 3 of 2004).

The first express statutory definition of sexual harassment in Ghana was in the Labour Act of 2003.[21] Section 175 of the Act defines sexual harassment as 'an unwelcome, offensive or importunate sexual advance or request made by an employer or superior officer or a co-worker to a worker, whether the worker is a man or woman.' This definition is gender neutral as it applies equally to men and women. It also covers the two types of sexual harassment: quid pro quo harassment and hostile work environment. Although of the grey areas in the statutory definition, such as non-sexual conduct based on sex or gender and the other forms of sexual harassment that may manifest – physical, non-verbal, psychological – are catered to in the *Norvor* case, more gaps remain, which I unpack in this section.

The Labour Act defines a worker as a 'person employed under a contract of employment whether on a continuous, part-time, temporary or casual basis,' and the workplace as including 'a place where a worker needs to be or to go by reason of the work which is under the direct or indirect control of the worker.'[22] While the definition of the workplace is liberal enough to import remote work or online spaces if that is where a worker needs to be to work, the definition of a worker limits the range of possible claimants of sexual harassment in the workplace. The definition of a worker does not include volunteers, interns, potential employees or other persons who interact with the workplace, who a contract of employment of any kind may not necessarily cover. The Labour Act does not also cover workers in the Armed Forces, Police and Prisons Services, and Security and Agency Services.[23]

Under the Labour Act, sexual harassment is a valid ground for a worker to terminate their employment contract with or without notice to the employer where the employer failed to act on repeated sexual harassment complaints at the

[21] Sexual harassment is also prohibited in the Labour (Domestic Workers) Regulations, 2020 (LI 2408). – a supplementary regulation to the Labour Act regulating domestic workers specifically. A domestic worker is defined in section 175 of the Labour Act as a person who is not a member of the family of a person who employs that person as house help. A domestic worker may terminate their employment on the basis of non-responsive employer action towards sexual harassment complaints under the regulation.

[22] Act 651, s. 175.

[23] This exclusion of these types of workers is provided in section 1 of the Labour Act. These services have their specialised regulations which may or may not provide adequately for sexual harassment.

workplace.[24] Such termination is considered unfair under labour law,[25] and the affected worker is to lodge a complaint of unfair termination with the National Labour Commission (NLC) to investigate. Where the NLC finds that the termination was unfair, it may make any of the following orders: (a) reinstate the worker; (b) re-employ the worker for the same position before termination or other suitable work on the same terms and conditions as before; or (c) pay compensation to the worker.[26]

The Labour Act falls short regarding certain aspects of employer-perpetrator liabilities and victims' remedies for sexual harassment. First, the Act anticipates a sexually harassed worker terminating their employment because of the harassment and then seeking a remedy as a result of that unfair termination, but it does not address situations where the harassed worker has a cause of action that warrants a remedy in the workplace without necessarily terminating their employment. Put differently, the Labour Act does not provide alternative in-house remedies for harassed workers except through the unfair termination route involving the NLC as an external actor. Yet there are a host of other viable alternatives to remedying sexual harassment under the employer's control without the harassed worker necessarily quitting their job, such as issuing verbal or written warning to the harasser, demanding an apology from the perpetrator, transferring the perpetrator or harassed worker (whichever is most appropriate), and adverse performance evaluation of the perpetrator.

Second, the Labour Act does not provide for the vicarious liability of employers where they have not taken internal steps to prevent or protect against sexual harassment and develop a workplace sexual harassment policy. Where employers have not appropriately and reasonably responded to sexual harassment incidents in the workplace, there should be a reporting route provided by law that allows the harassed worker to report to the NLC, for example, without fear of reprisal. The fear of sanctions by an authorised external body and its consequent reputational damage will serve as a check on employers' response to sexual harassment claims.

[24] Act 651, ss. 15(b) and 63(3)(b).
[25] Act 651, s. 63(3)(b).
[26] Act 651, s. 64.

It could also be mandated in law that all employers develop and publicise their anti-sexual harassment policy.

Third, the Labour Act imposes only civil sanctions, not criminal ones, as in other African countries like Kenya, Uganda, and Zambia.

To conclude, the labour laws of Ghana are one of the few legislations that define sexual harassment expressly. Yet, its definition and scope are narrow because it excludes specific categories of workers, does not describe the multiple forms sexual harassment could take, creates limited employer liability and lacks criminal sanctions. Hence, the need for comprehensive legislation.

(b) Domestic Violence Law

The home is a domestic workplace. The Labour (Domestic Workers) Regulations, 2020 (LI 2408), a supplementary legislation to the Labour Act, regulates domestic workers who work in the home and prohibits sexual harassment against them. However, the LI 2408 is limited regarding who qualifies as a domestic worker. A domestic worker is a person who is not a member of the family of a person who employs that person as house help.[27] The definition excludes family members, usually extended family members, who work as house helps – a reality of the Ghanaian domestic workspace. This definition gap in LI 2408 is filled by the Domestic Violence Act of 2007 (hereinafter referred to as 'DVA'). Under the DVA, where the perpetrator and victim have *a domestic relationship*,[28] the victim may bring a claim of sexual harassment because of the broad definition of domestic violence under the Act, which includes sexual harassment. The DVA defines a domestic relationship as one that includes house help without restricting the familial status of the help. Thus, domestic workers who are members of the family they work for can have remedies for 'sexual harassment' presented as 'domestic violence' under the DVA.

[27] Act 651, s. 175.

[28] A domestic relationship is defined under s. 2 of the DVA to mean family relationship, a relationship akin to a family relationship such as engaged couples, courting couples, or those intimate, romantic or sexual relationships or a relationship in a domestic situation such as those of co-tenants, roommates or house helps in a household.

Section 1(c) of the DVA provides: '[d]omestic violence means engaging in the following within the context of a previous or existing domestic relationship: … (c) *harassment including sexual harassment* and intimidation by inducing fear in another person; …'. Harassment under section 42 of the DVA means:

> Sexual contact without the consent of the person with whom the contact is made, repeatedly making unwanted sexual advances, repeatedly following, pursuing, or accosting a person or making persistent, unwelcome communication with a person and includes,
>
> > (a) watching, loitering outside or near a building where the harassed person resides, works,
> >
> > carries on business, studies or happens to be;
> >
> > (b) repeatedly making telephone calls or inducing a third person to make telephone calls to the harassed person, whether or not conversation ensues;
> >
> > (c) repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects or messages to the harassed person's residence, school or workplace; or
> >
> > (d) engaging in any other menacing behaviour;

Under the DVA, the definition of sexual harassment is subsumed under the general meaning of harassment. From the definition, sexual harassment in domestic relationships includes unwanted sexual contact as well as verbal and non-verbal forms of sexual harassment, such as unwanted sexual advances. If sexual in nature, one can also garner sexual harassment from 'unwelcome communication' such as phone calls, stalking or sending unwanted messages to the harassed person's residence, school or workplace.

While the scope of sexual harassment under the DVA is broader compared to the Labour Act, it also has its limits. First, only domestic workers, family and non-family members can claim under it because it is a specialised legislation. The second limitation is that sexual harassment claims under the DVA by domestic workers can only be made when the wrongful conduct is 'repeated' or 'persistent'

except where the conduct is an unwanted sexual contact.[29] Thus, where a conduct complained of is an unwanted sexual advance or unwelcome communication of a sexual nature, a one-time occurrence may not be sufficient grounds to make a claim. Nonetheless, the DVA does not rule out the possibility of a single act amounting to domestic violence so that a claim can be made based on a single act of unwanted sexual advances or communication where necessary.[30]

Despite these limitations, sexual harassment claims by domestic workers using the domestic violence path offer multiple remedial recourse. Sexual harassment in the domestic workplace under the DVA is a criminal offence punishable by a fine, imprisonment of not more than two years or both.[31] The criminal sanction is the primary sanction under DVA. In addition, the harassed domestic worker has the right to institute a civil action for damages.[32] There is also the option to settle by alternative dispute resolution methods where the harassed domestic worker so desires, the court so directs, or the nature of the sexual harassment is not aggravated.[33] The illustrative definition of sexual harassment in the DVA and the diverse forms of sanctions are instructive for redefining the generic laws on sexual harassment in the workplace, such as in the Labour Act.

(c) Legal Profession Rules

In October 2020, the Legal Profession (Professional Conduct and Etiquette) Rules (L.I. 2423) was passed. It revoked the previous rules of 1969. The new rules prohibit sexual harassment.[34] It is believed that the events following the BBC Africa Eye exposé and awareness of sexual harassment contributed to this new development.

L.I. 2423 prohibits a lawyer from sexually harassing a colleague, a member of staff, or a client.[35] It defines sexual harassment as:

[29] DVA, s. 5(2).
[30] DVA, s. 5(1).
[31] DVA, s. 3(2).
[32] DVA, s. 27.
[33] DVA, s. 24.
[34] L.I. 2423, S. 75.
[35] L.I. 2423, S. 75(1).

> One incident or series of incidents which involves unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature, where:
>
> (a) The conduct is reasonably expected to cause insecurity, discomfort, offence or humiliation to the recipient of the conduct;
>
> (b) Submission to the conduct is made, implicitly or explicitly, a condition for the provision of a professional service;
>
> (c) Submission to the conduct is made, implicitly or explicitly, a condition of employment;
>
> (d) Submission to or rejection of the conduct is used as a basis for any employment decision, including the allocation of files, matters of promotion, raise in salary, job security, and benefits affecting the employee; or
>
> (e) The conduct has the effect of interfering with the work performance of the person or creation of a work environment which is intimidating, hostile or offensive.[36]

The definition in L.I. 2423 improves on the Labour Act. It specifically allows for a single incident of unwelcome sexual advances to be grounds for a sexual harassment claim. Recalling that the Labour Act is silent on potential employees, L.I. 2423 arguably extends to protect job applicants based on section 75(2)(c), which prohibits submission to a sexual harassment conduct is made an implicit or explicit condition of employment. However, a restraint of L.I. 2423 is that it only applies to lawyers and non-lawyers closely working with or engaging with lawyers. Like the Labour Act, L.I. 2423 imposes no criminal sanctions; any violation of the rules by a lawyer, including those on sexual harassment, is deemed misconduct to be addressed by the Disciplinary Committee.

Aside from L.I. 2423, the Labour Act and its regulation, and the Domestic Violence Act discussed above that expressly mention the term 'sexual harassment,' inferences of sexual harassment can be made as a rights-based claim

[36] L.I. 2423, S. 75 (2).

under the 1992 Constitution and a criminal action under the Criminal Act of Ghana. In the next two sub-sections, I briefly overview how sexual harassment, though not explicitly named in the Constitution and Criminal Act, could be relied on to make actionable claims.

(d) Constitutional law

Article 17 of the 1992 Constitution on equality and freedom from discrimination prohibits gender discrimination against a person. It defines 'discrimination' as 'giving different treatment to different persons attributable only or mainly to their respective descriptions by…*gender*…whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject to or are granted privileges or advantages which are not granted to persons of other description'.[37]

The prohibited grounds of discrimination expressly include *gender* (which the Constitution does not define) but not *sex*. While *gender* and *sex* have different meanings,[38] they are used interchangeably in everyday language and sometimes even in law.

Ghanaian case law has sanctioned the interchangeable use of the term so that *gender* and *sex discrimination* may be construed to mean the same thing. In the *Norvor* case, the High Court affirmed CHRAJ's finding of sexual harassment under Article 17 of the 1992 Constitution on the basis that the sexual conduct complained of was *gender-related sexual discrimination*. The court explained *gender related* to mean that the conduct in question must be such that it would not be directed at the opposite sex. The court said,

> The gravamen of the objection was that even if there was a case of sexual harassment made against the respondent, it did not amount to discrimination as defined in Article 17 of the Constitution, 1992, referred to above. In the said definition, the word 'sex' or its derivatives was not used. Rather the word used was 'gender.' *I do*

[37] 1992 Constitution, art. 17(3).
[38] In the social sciences, *gender* refers to the socio-culturally assigned roles to men and women, while *sex* refers to the 'biological differences between men and women' : Sylvia Tamale, When hens begin to grow: Gender and Parliamentary Politics in Uganda (New York: Routledge 2018).

> *not think this should present any difficulty at all. This is because the two words are synonymous with each other and may therefore be used interchangeably*.[39]

While this judicial opinion may be challenged, the nuances of such controversy are beyond this paper's scope. Consequently, the *Norvor* definition is prevailing and will be relied on. Discrimination, in general, is against the law, irrespective of whether it is based on gender, sex or both. Thus, as a fundamental human right, it is more likely than not that a harassed person who frames their sexual harassment experience as a breach of their constitutional right will be compensated under Article 17 of the 1992 Constitution. Additionally, the importation clause under article 33(5) of the Constitution allows all other fundamental human rights not expressly mentioned in the Constitution (in this case, freedom from discrimination based on sex) to be incorporated into the constitutionally guaranteed bill of rights so far as they are 'considered to be inherent in a democracy and intended to secure the freedom or dignity of man.' Yet, the *Norvor* court still felt specific legislation on sexual harassment was necessary:

> In other words, that sex discrimination is equal to sexual harassment or vice versa has not been put in a legislative form as yet. At this stage, one can only express the hope that sooner than later, the necessary law will be passed so as to bring the state of our human rights laws in step with what obtains in other jurisdictions.[40]

The constraint with pursuing a sexual harassment claim under Article 17 is that because of the dearth of case law, an aggrieved person risks receiving an unfavourable decision if the High Court[41] departs from the *Norvor* decision. The *Norvor* case is a High Court decision that is not a binding precedent for other High Court decisions. Therefore, a High Court judge dealing with a sexual harassment case may depart from the *Norvor* decision when it appears right in law to do so. Furthermore, should the issue of constitutional interpretation of the term *gender* in

[39] *Norvor* case at 89.
[40] *Norvor* case at 90.
[41] In Ghana the High Court has original jurisdiction to enforce fundamental human rights except where an issue of interpretation arises, when the issue will be referred to the Supreme Court.: 1992 Constitution, arts. 130 and 140(2).

Article 17 emerge, the interpretation of the Supreme Court, which has exclusive jurisdiction in constitutional interpretation, may trump or affirm the *Norvor* decision depending on the facts of the case. Consequently, the success of pursuing a sexual harassment case under the 1992 Constitution is not guaranteed and can only be determined on a case-by-case basis. Another limitation of pursuing a constitutional claim of sexual harassment is the exclusion of criminal sanctions, which may be disappointing for a complainant who desires to see the perpetrator behind bars.

The drafters of the Constitution, contemplating that not all matters could be expressly or impliedly addressed, inserted a residual legislative powers clause for Parliament to deal with unaddressed matters.[42] In summary, article 17 of the 1992 Constitution prohibits discrimination based on gender. While the *Norvor* decision suggests this constitutional prohibition would cover sexual harassment, the decision is not binding on superior courts, and the uncertainty of a subsequent court's decision makes litigating under constitutional law risky for a victim. Clarification in a specialised legislation is therefore needed.

(e) Criminal Law

Under Ghana's Criminal Offences Act, indecent assault occurs when a person, without the consent of the other person, (a) forcibly makes sexual bodily contact with the other person or (b) sexually violates the body of the other person in a manner that does not rise to the level of carnal or unnatural carnal knowledge.[43] The offence of indecent assault, therefore, carries elements of sexual harassment; however, verbal forms of sexual harassment, such as unwelcome sexual innuendos, jokes and comments, and quid pro quo harassment, are not covered. Similarly, other non-verbal forms of sexual harassment, such as indecent exposure and unwelcome display of graphic sexual pictures, are not covered. Nonetheless,

[42] 1992 Constitution, art. 298.
[43] Act 29, s. 103(2). Carnal or unnatural carnal knowledge is proved by the least degree of penetration: Act 29, s. 99.

depending on the nature and location of the behaviour, there may be a claim under offences relating to gross indecency[44] or obscenity.[45]

The definition of indecent assault also puts a ceiling on the scope of unwanted physical contact; that is, only physical contact described as sexual harassment that does not rise to the level of penetrative sex is covered. Thus, where unwanted physical contact leads to sex, the victim can only bring an action for rape (if the victim is above 16 years) or defilement (if the victim is below 16 years). While the rape or defilement alternative should ordinarily not be a problem, the limitation with charges for either offence is that in Ghana, rape is a gendered crime - only women can be raped or defiled.[46] Consequently, a man who, for example, encounters unwanted physical contact from a woman that leads to penetrative sex will have no remedy under the criminal laws of Ghana, whether under the law on indecent assault, rape or defilement. Undoubtedly, an inclusive sexual harassment law is necessary to fix this gap.[47]

Finally, the law on indecent assault does not also include sexual harassment conduct based on the sex or gender of a person. A person who faces any non-physical wrongful conduct that affects their dignity because of their sex or gender has no redress under the criminal laws of Ghana.

Despite the limited criminal sanctions for sexual harassment, they are essential because they inflict tougher and more stringent sanctions and deter perpetrators in a way that civil remedies do not. Apart from the stern nature of criminal sanctions, crimes differ from civil wrongs in terms of their impact on society. A crime is often seen as a wrong against society, while a civil offence is viewed as a wrong to an individual. Consequently, compared to civil sanctions, criminal penalties arguably serve a communal deterrence function because criminal sentences communicate to the perpetrator the society's disapproval of their actions. Additionally, civil

[44] Gross indecency is where a person publicly or wilfully does a grossly indecent act. It is a misdemeanour: Act 29, s. 278.
[45] Obscenity involves possessing, publishing or circulating obscene materials. This is also a misdemeanour: Act 29, s. 280 and 281.
[46] This limitation is because carnal knowledge is narrowly defined to require penetration by the offender in establishing a case for rape or defilement. Penetration as understood and required to be proven can only be done by men and not women.
[47] Alternatively, a fundamental reform of the rape and defilement law will be helpful.

proceedings are victim-oriented while criminal trials are offender-oriented – both orientations are necessary to create a balance in addressing sexual harassment within the justice system.

Having discussed the nature and limitations of the various existing laws on sexual harassment in Ghana, I will focus on their implications.

(f) Implications of Current Legal Regime on Sexual Harassment in Ghana

As demonstrated, the current legal regime on workplace sexual harassment in Ghana is inadequate. The labour laws do not provide descriptive enough definitions, do not apply to security services personnel, limit employer liability, limit the scope of domestic workers who can bring sexual harassment claims, and do not impose criminal sanctions. The DVA, though expansive in its definition of sexual harassment and offering multiple remedial actions, is restricted to only domestic workers. L.I. 2423 is also broad in its definition of sexual harassment but applies only within the legal profession. The constitutional rights-based claims do not cover all types of sexual harassment and provide no criminal penalties. Under the criminal laws, only limited forms of sexual harassment are covered, leaving a large group of sexual harassment victims without criminal law remedies.

In my view, the lack of criminal sanctions for sexual harassment under labour laws is concerning for multiple reasons. Civil law cases are more victim-oriented because they centre the needs of victims as opposed to criminal cases where victims appear as witnesses and the focus is geared more toward the offender. However, civil actions impose high costs on some victims who cannot afford to initiate civil actions on their own while the state prosecutes criminal actions. A crime is different from a civil offence in that a crime is not only harmful to an individual but also against the norms of public behaviour. Thus, adding a criminal dimension to the labour laws on sexual harassment shows that the offence is not just of concern to the affected individual but a wrong against society. Criminal sanctions have a stronger and more communal deterring effect on everyone. Criminal penalties also empower victims to speak up and report sexual harassment incidents because the nature of the penalties makes them recognise the seriousness attached to the offence and provides a sense of justice that is not quite like civil sanctions. For example, in Kenya, where sexual harassment in the workplace is

criminalised and punishable by a minimum of three years imprisonment, a fine or both,[48] it will be unlikely for people to trivialise sexual harassment. Criminalising sexual harassment may not eliminate it, but it will reduce its occurrence in the workplace compared to civil sanctions. Despite these benefits of criminal penalties, there may be challenges with effective enforcement by the police, not forgetting the higher standard of proof beyond reasonable doubt for crimes. Still, these limitations should not hinder criminalising sexual harassment as a critical step toward redefining it.

While I argue for criminalising sexual harassment, I simultaneously argue for adopting a hybrid approach of criminal, civil and settlement avenues so that the strengths of one avenue supplement the weakness of the other to create a holistic response regime. The proposed hybrid approach should be modelled after those in the DVA. Under the domestic violence laws, a sexual harassment claim is principally a crime, with the option of pursuing a civil action at the instance of the victim and a possibility of settlement by alternative dispute methods (where the conduct is not aggravated, the court deems it fit, or the victim requests for it). A hybrid approach is multi-jurisdictional and will require the full force of law enforcement authorities and other administrative bodies.[49] A hybrid approach also means legislating against sexual harassment should not be done by simply amending the existing laws but instead enacting a new law altogether that will create civil and criminal liabilities and alternative dispute resolution mechanisms.

In addition to the DVA model on a multi-jurisdictional approach to sexual harassment, lessons can be learnt from other jurisdictions' laws on sexual harassment in law. Therefore, the following section focuses on the lessons for Ghana from a comparative perspective.

2. Redefining Sexual Harassment in Ghana: A Comparative Analysis

Based on the significant advances by Nigeria and South Africa in legislating against sexual harassment, they offer helpful insights for redefining sexual harassment in Ghana.

[48] See more in Section 23(1) of Kenya's Sexual Offences Act 2006.
[49] Tyrone Kirchengast, 'The Limits of Criminal law and Justice: "Revenge Porn" Criminalisation, Hybrid Responses and the Ideal Victim' (2016) 2 UNISA Law. Review 96.

Nigeria's response to the BBC Africa Eye exposé on 'Sex for Grades' was to reintroduce its Sexual Harassment in Tertiary Educational Institutions Prohibition Bill of 2016 in Parliament. The bill was reintroduced two days after the viral BBC video.[50] Parliament passed it in July 2020. While the prompt response is commendable, the bill is only reactionary and addresses sexual harassment in tertiary institutions to the exclusion of other spaces where the menace is rife. Aside from this anti-sexual harassment bill, there is no other specific legislation on sexual harassment in Nigeria.

Consequently, at the federal level, sexual harassment in Nigeria is addressed by criminal laws[51] on sexual offences as and when applicable.[52] At the state level, the Criminal Laws of Lagos State 2011 and the Violence Against Persons (Prohibition) Act 2015 contain limited provisions on sexual harassment.[53] In the few sexual harassment cases adjudicated by the Nigerian courts, there has been a heavy reliance on international treaties and the rules of the National Industrial Court.[54] The 1996 Nigerian Constitution can also be relied on by sexually harassed persons since it prohibits discrimination based on sex.[55]

In South Africa, there is a plethora of sexual harassment laws, both general and specific, including the 1996 Constitution of South Africa, the Employment Equity Act 55 of 1998 (EEA), the 2022 Code of Good Practice on the Handling of Sexual Harassment (hereinafter the Code of Good Practice), Protection from Harassment Act No.17 of 2011, Employment of Educators Act 76 of 1998 (as amended by the Education Amendment Act 53 of 2000), and Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA). The 1996 South African Constitution prohibits discrimination based on gender or sex and can be relied on to make a sexual harassment claim. The EEA prohibits harassment in the workplace but does not define sexual harassment. Thus, the Code of Good

[50] Queenesther Iroanusi, 'Nigeria: Senate Passes Anti-Sexual Harassment Bill' (*All Africa,* 7 July 2020) <https://allafrica.com/stories/202007080133.html> accessed 25 August 2020.
[51] That is the Criminal code law which applies in the south and the Penal Code law which applies in the north of Nigeria
[52] Paul A. Ejembi and Others, 'The Trajectory of Nigerian Law Regarding Sexual Harassment in the Workplace' (2020) 4(2) African Journal of Law and Human Rights 1.
[53] Ibid.
[54] Aina-Pelemo, Mehanathan and Kulshresth (n 11).
[55] 1996 Constitution of the Federal Republic of Nigeria, s. 15.

Practice, annexed to the EEA, expands on sexual harassment. It defines and lists the types of conduct that constitute sexual harassment, outlines detailed procedures for dealing with and preventing sexual harassment in employment, and prescribes civil sanctions for harassers. Sexual harassment is also prohibited in the Protection from Harassment Act No.17 of 2011. This Act is intended to provide victims of harassment with effective remedies. PEPUDA prohibits sexual harassment as unfair discrimination. It focuses on instances of sexual harassment outside the workplace. The Employment of Educators Act, No.76 of 1998, which applies to educators at schools and other educational centres, prohibits educators from committing sexual or any other form of harassment while on duty.

Despite Nigeria's unilateral anti-sexual harassment law and the plurality of South Africa's sexual harassment laws, there are lessons for Ghana. The comparative analysis in this section will focus on Nigeria's anti-sexual harassment law, South Africa's EEA, its Code of Good Practice and the Protection from Harassment law. These laws are instructive because they specifically address sexual harassment beyond simply prohibiting it.

The Nigerian model is reactionary and specific only to educational institutions. Moreover, it presupposes an as-and-when approach. So, it is likely that in Nigeria, subsequent sexual harassment laws in other sectors will be addressed as and when the need arises. The South African model is also specific to industries such as education, employment, and other non-working contexts, but it is spread out through various laws. Currently, Ghana's legal regime on sexual harassment partly reflects the South African model of having terse provisions on sexual harassment in labour laws, domestic violence laws and L.I. 2423, except South Africa's laws are more detailed.

In redefining sexual harassment in Ghana, there are two main options: to comprehensively amend the existing laws, such as labour, domestic violence, and criminal laws or enact a new sexual harassment law of general application. I argue for the latter. A single comprehensive law on sexual harassment stands a better chance of addressing the nuances of the offence and will be more far-reaching in terms of what it covers. My preference, notwithstanding, is that the recommendations made in this paper will be helpful to law and policymakers regardless of the option they adopt.

Effective sexual harassment legislation must be specific and unequivocal. It must safeguard victims' right to privacy and dignity, properly sanction perpetrators, and guarantee that justice will be served without discrimination based on sex or gender. To realise these goals, some essential elements must be considered: defining the offence and related terminologies, determining the burden of proof and providing for caveats and redress. These elements are the focus of this section.

(a) Defining Sexual Harassment

While the definitional challenge of sexual harassment has been acknowledged, a definition is still necessary to establish the framework to delineate which actions amount to sexual harassment and which do not.

The definition of sexual harassment in Nigeria's anti-sexual harassment law is open-ended, stating that 'sexual harassment includes…'.[56] The listed activities are sexual intercourse; unwelcome sexual attention; unwelcome implicit or explicit behaviour, suggestions, messages or remarks of sexual nature that are offensive, intimidating or humiliating; implied or expressed promise of reward in exchange for a sexually oriented request or demand; and implied or expressed threat of reprisal or actual reprisal for refusing to comply with the sexually oriented request or demand.

In South Africa's Protection from Harassment Act, 2011, the definition of sexual harassment is similar to that of Nigeria except that it does not include sexual intercourse as part of the listed conducts and does not use open-ended words making the definition a closed one.[57] However, the Code of Good Practice (CGP) contains an expansive definition containing detailed constituents of sexual harassment, including harassment through electronic means.[58] It also mentions sexual orientation in addition to sex and gender.

Considering the above, I recommend that in defining sexual harassment, the Ghanaian legal definition should be broad and include all the listed activities in Nigerian and South African legislation. It is important that the definition explicitly mentions *sexual intercourse* in the list of conduct to cater to men who may

[56] Sexual Harassment in Tertiary Educational Institutions Prohibitions Bill, 2016, s. 2.
[57] Protection from Harassment Act, 2011, s. 1.
[58] CPG, item 5.

encounter sexual harassment involving sex, as mentioned earlier in this paper. To cater to conduct that may reasonably fall under sexual harassment in the future, the definition should state that 'sexual harassment includes but is not limited to the following…' as in Nigeria's law. Also, the law should detail the meaning and constituents of each essential element as in South Africa's Code of Good Practice.

The definition in Ghanaian law should reflect the public, private, in-person, online and remote locales where sexual harassment can occur. Taking all these into account, sexual harassment broadly defined in Ghana should read:

> Sexual harassment means an unwelcome, offensive or importunate implicit or explicit behaviour, suggestion, message, remark, request and/or demand that is sexual in nature or threat of reprisal or actual reprisal for refusing to comply with a sexually oriented request or other conduct based on sex and/or gender by a person to another person in a private or public place whether physical or electronic.

Additionally, the law should detail the activities that constitute sexual harassment, stating that 'sexual harassment includes but is not limited to the following activities…'. The law should further explain the essential elements of sexual harassment similar to South Africa's Code of Conduct to include conduct that is unwelcome, sexual in nature and based on sex and/or gender.

(b) Defining Other Related Terminologies

Terms like *sexual intercourse* and *unwelcome conduct* should be defined for clarity. In Nigeria's anti-sexual harassment law, *sexual intercourse* is defined as 'penetration of a sexual nature of the vagina or anus or mouth of [a person] by the penis or mouth or finger of [another person] or any instrument or toy by [a person] and for this purpose, a male… can be sexually harassed by a female…'. It is recommended that the Ghanaian sexual harassment law should adopt this definition, which is broad enough to cover all genders.

Apart from the sexual nature of conduct, *unwelcome conduct* is also central to sexual harassment. Therefore, the different contexts of *unwelcome* conduct should be clarified in law. South Africa's Code of Good Practice explains how a person may indicate that sexual conduct is *unwelcome*, including 'non-verbal conduct

such as walking away or not responding to the perpetrator'.[59] The Code also indicates that previous consent to sexual conduct does not mean that conduct is always welcome. It is recommended that the Ghanaian law on sexual harassment clearly define *unwelcome conduct* as South Africa has done.

(c) Burden of Proof

The burden of proof regarding sexual harassment is especially high where it is a crime. In addition, the standard to prove beyond a reasonable doubt is a challenge as most incidents of sexual harassment occur in the absence of other witnesses apart from the persons involved. To lessen the burden, South Africa's EEA, for example, places the burden of proof on the employer against whom an allegation of sexual harassment as unfair discrimination is made. Therefore, the employer must establish that the alleged conduct was fair.[60] This shift in the burden of proof in employment is fair and needed because the employer is likely to have relevant evidence in some sexual harassment allegations and needs to be put in a position to introduce that evidence.

Within the Ghanaian context, a similar burden of proof could be placed on the perpetrator where discrimination based on sex and/or gender is alleged in terms of sexual harassment conduct. The perpetrator against whom a criminal charge for sexual harassment conduct based on sex or gender is laid must establish that the conduct was not based on sex or gender.

(d) Exceptions

Ghanaian law should expressly state that consensual participation in sexual conduct or withdrawal of consent after the sexual conduct has occurred does not amount to sexual harassment.

The number of incidents of unwelcome sexual conduct that constitutes sexual harassment should also be clearly stated. South Africa's Code of Good Practice allows for a single incident to be considered sexual harassment where necessary.[61]

[59] CPG, item 5.2.1.
[60] EEA, s. 11.
[61] CPG, item 5.3.3.

I recommend that Ghanaian law provides for the same as already done in the DVA. Therefore, single instances of sexual harassment should not be excluded.

(e) Redress/Remedies

In seeking redress for sexual harassment, the Ghanaian law should replicate the multiple platforms for redress in the DVA:

i. Criminal Law Actions

Ghanaian law should criminalise sexual harassment and prescribe a term of imprisonment and/or fine. As mentioned earlier, criminalising sexual harassment has more impact as a deterrent in society.

ii. Civil Law Actions

The law should allow for civil actions to be initiated in addition to criminal actions. Victims should be able to choose whether to pursue civil or criminal action.

iii. Alternative Dispute Resolution

Sexual harassment cases that are less grievous should also be resolved through alternative dispute resolution mechanisms such as negotiation, mediation and arbitration.

iv. Administrative Bodies

An administrative body, new or existing, should be responsible for receiving, investigating and resolving complaints reported to it. In addition, the administrative body should be given special powers to issue subpoenas.

CONCLUSION

In this paper, I have made a case for redefining workplace sexual harassment more broadly in Ghana. I have questioned why the current laws in Ghana only deal with sexual harassment from a civil perspective and have advocated for including a criminal aspect. I have established, among other things, that crime carries sterner sanctions than a civil offence. For this reason, a criminal dimension to workplace sexual harassment should be introduced. In making recommendations for future

legislation on sexual harassment, I have drawn lessons from Nigeria and South Africa. Enacting a law signifies progress towards prohibiting sexual harassment in Ghana. Though enacting laws in itself will not automatically reform society, they are necessary to ensure that perpetrators of sexual harassment, including institutions, would be less likely to engage in and condone sexual harassment or at least not so brazenly if they know of the possible legal actions that could be taken against them under the law. Measures to address implementation barriers such as training programs, public awareness campaigns, and institutional policy reforms, could be explored once the expansive law is enacted. In the meantime, the judiciary has a significant role in using the existing laws to interpret and decide on workplace sexual harassment, as was done in the *Norvor* case. Additionally, in the absence of comprehensive sexual harassment legislation in Ghana, a national sexual harassment policy that deals with the offence in all contexts is necessary. A comprehensive policy framework on sexual harassment is an excellent start toward future legislation and a sign of the nation's anti-sexual harassment commitment that will trigger positive social reforms and attitudes.

REFERENCES

Adebayo B 'Nigerian senate passes sexual harassment bill' (CNN, 8 July 2020) <https://edition.cnn.com/2020/07/08/africa/nigeria-sexual-harassment-bill/index.html> accessed 23 February 2023.

Aina-Pelemo D A, Mehanathan M C and Kulshrestha P, 'Sexual Harassment at Workplace: Judicial Impact in Nigeria and India' (2018) 4(2) Indian Journal of Law and Human Behavior 208 <http://dx.doi.org/10.21088/ijlhb.2454.7107.4218.8> accessed 25 August 2020.

Bowman C G and Kuenyehia A, Women and Law in Sub-Saharan Africa (Sedco Publishing Ltd, 2003).

Dwasi J, 'Kenya: A Study in International Labour Standards and Their Effect on Working Women in Developing Countries: The Case for Integration of Enforcement Issues in the World Bank's Policies' (1999) 17 Wisconsin International Law Journal 347.

Ejembi P A and Others, 'The Trajectory of Nigerian Law Regarding Sexual Harassment in the Workplace' (2020) 4(2) African Journal of Law and Human Rights 1.

Iroanusi Q, 'Nigeria: Senate Passes Anti-Sexual Harassment Bill' (All Africa, 7 July 2020) <https://allafrica.com/stories/202007080133.html> accessed 25 August 2020.

Kirchengast T, 'The Limits of Criminal law and Justice: "Revenge Porn" Criminalisation, Hybrid Responses and the Ideal Victim' (2016) 2 UNISA Law. Review 96.

Mordi K, '"Sex for grades" Undercover in West African Universities' (BBC News, 7 October 2019) <https://www.bbc.com/news/av/world-africa-49907376/sex-for-grades-undercover-in-west-african-universities> accessed 10 December 2019.

Nana C N, 'Sexual Harassment in the Workplace in South Africa: The Unlimited Vicarious Liability of Employers' (2008) 52(2) Journal of African Law 245.

Nemy E, 'Women Begin to Speak Out Against Sexual Harassment at Work' (New York Times, 19 August 1975) < https://www.nytimes.com/1975/08/19/archives/women-begin-to-speak-out-against-sexual-harassment-at-work.html> accessed 23 February 2023.

Prinsloo S, 'Sexual harassment and Violence in South African Schools' (2006) 26(2) South African Journal of Education 305 citing J V Du Plessis, M A Fouchè and M W Van Wyk, A Practical Guide to Labour Law (3rd edn, Durban: Butterworths 1998).

Smit D and Plessis V, 'Sexual Harassment in the Education Sector' (2011) 14(6) PER 173.

Swenson K,'Who Coined the Term "Sexual Harassment"' (New York Times, 26 November 2017) <https://www.theday.com/op-ed/20171126/who-coined-the-term-sexual-harassment/> accessed 23 February 2023.

Tamale S, When hens begin to grow: Gender and Parliamentary Politics in Uganda (New York: Routledge 2018).

Zalesne D, 'Sexual Harassment Law in The United States and South Africa: Facilitating the Transition from legal Standards to Social Norms' (2002) 25 Harvard Women's Law Journal 143.

STATUTES

1992 Constitution of the Republic of Ghana.

1996 Constitution of the Federal Republic of Nigeria.

Code of Good Practice on the Handling of Sexual Harassment.

Criminal and Other Offence (Procedure) Act of Ghana, 1960 (Act 30).

Criminal Offences Act, 1960 (Act 29).

Domestic Violence Act 2007 (Act 732).

Employment Equity Act 55 of 1998.

Employment of Educators Act, No. 76 of 1998 (as amended by the Education Amendment Act 53 of 2000).

International Labour Organization (ILO) Convention No.190 (C190) on Eliminating Violence and Harassment in the World of Work

Labour Act (Commencement) Instrument,2004 (E.I. 3 of 2004).

Labour Act 2003 (Act 651).

Legal Profession (Professional Conduct and Etiquette) Rules 2020 (L.I. 2423)

Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.

Protection from Harassment Act No. 17 of 2011.

Sexual Harassment in Tertiary Educational Institutions Prohibitions Bill, 2016

Supplementary Act Relating to Equality of Rights Between Women and Men for Sustainable Development in The ECOWAS Region.

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CASE LAW

Commission on Human Rights and Administrative Justice v. Norvor [2001-2002] 1 GLR 78.