

ABSTRACT

Sexual harassment is described as a range of actions involving the harassment of a person due to his/her sex. Actions may include unwelcome sexual advances, requests for sexual favors, verbal or physical harassment of a sexual nature, or the creation of a hostile working environment. Sexual harassment is a form of illegal employment discrimination in many countries. Sexual harassment in workplace is a matter related to gender based discrimination. Researchers indicate that among the employees, female employees are the majority who are subjected to harassment. Within the frame work of law it is a violation of human rights under right to work and violation of human dignity, which undermines the equal opportunity and treatment, and prevent a right to have a safe and healthy working environment.

Sexual harassment is a violation of fundamental rights under natural *law* and norms. Right to dignity is a universal right. Philosophers' view on sexual harassment is an "injury" and is historically under the theory of "reasonableness" and with the "term of respect" and that we have a right to stand against sexual harassment at workplace with universal recognitions.

There are numerous International Human rights instrument to address the right to work. Right to work is fundamental to human dignity. Similarly working people need decent workplace. Even though there is no specific universal declaration on prevention from sexual harassment at workplace, right to work and other interrelated rights have been protected by the core international human rights instruments such as mainly by the UDHR, ICESCR, ICCPR, CEDAW recognized the right to work.

As the major concern of this study, the author noted law of sexual harassment as a connecting factor of labour law and right to work. Thus, this research will draw its particular focus on the necessity of legislation for preventing sexual harassment at workplace and legal framework in the promotion of right to work.

Sri Lanka has categorized sexual harassment as a criminal offence and the other labour laws and statues indirectly apply to create a civil liability. Meanwhile, the national and international legal regimes related to prevention of sexual harassment and employee's rights have to be taken into consideration for the success of this research.

Other than the comprehensive legislation for protection against sexual harassment of women at workplace, author identified the existence of several national and international initiatives on sexual harassments in workplace in the study. For the promotion of right to work in labour law, author arrived at the proposition that drawing up a national legal frame work on the subject and it will give considerable weight to the promotion of prevention and protection of sexual harassment at workplace.

The recommendations point out those preventive measures is not sufficient to sweep sexual harassment out of Sri Lankan workplaces. Sexual harassment in the workplace has not been subjected to enough discussion, even globally. Thereby it suggest enough awareness programs regarding the employee's rights on right to work and right to dignity.