



Gender-based violence in global supply chains

Information Sheets

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Gender-based violence in global supply chains
Resource Kit

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Information Sheet 1:

Definitions of gender-based violence

The terms **gender-based violence (GBV)**, **violence against women (VAW)** and **violence against women and girls (VAWG)** are sometimes used interchangeably. However, **GBV** is gender neutral, so encompasses violence against a man or a woman that is violence based on their gender or sexual orientation.

VAW and VAWG are terms that recognize that the most prevalent form of GBV is violence against women. The ILO uses the terms GBV, ensuring that measures against violence at work include both men and women and encompasses sexual orientation.

Gender-based violence, the term used by the ILO, is violence that is directed against an individual or group of individuals based on their gender identity. GBV encompasses violence against women and girls as well as against men and boys, people who are lesbian, gay, bisexual, transgender and intersex (LGBTI), and other individuals who do not conform to dominant gender roles.

Intimate partner violence refers to behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviour. This is sometimes also referred to as domestic violence.

Sexual violence is any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.

Sexual harassment is a form of GBV particularly found in the world of work. It is sex-based behaviour that is unwelcome and offensive to its recipient.

Violence against women (VAW)

Violence against women and girls (VAWG) is one of the most systematic and widespread human rights violations. It is rooted in gendered social structures rather than individual and random acts; it cuts across age, socio-economic, educational and geographic boundaries; affects all societies; and is a major obstacle to ending gender inequality and discrimination globally. (UN General Assembly, 2006)

The United Nations defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (General Assembly Resolution 48/104 *Declaration on the Elimination of Violence against Women*, 1993).

The term violence against women and girls (VAWG) ensures that the concept covers violence against girls. VAWG includes a broad range of different forms of violence, grounded in particular settings or situations, including (but not limited to) intimate partner violence (“domestic violence”), sexual violence, acid throwing, honour killings, sexual trafficking of women, female genital cutting/mutilation (FGC/M) and child, early and forced marriage (CEFM). (DfID, 2015)

A brief chronology of international instruments on gender-based violence

United Nations

Gender-based violence violates fundamental human rights as established in the 1948 UN Universal Declaration of Human Rights. These fundamental rights further elaborated by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, adopted by the UN General Assembly on 16 December 1966. The latter, in particular, expressly requires States parties to the Covenant to recognize the right of everyone to the enjoyment of “safe and healthy working conditions.”

The 1993 World Conference on Human Rights recognized violence against women as a human rights violation and called for the appointment of a Special Rapporteur on violence against women in the Vienna Declaration and Programme of Action. It contributed to the 1993 Declaration on the Elimination of Violence against Women. The 1993 Declaration on the Elimination of Violence against Women became the first international instrument explicitly addressing violence against women, providing a framework for national and international action. It defines violence against women as any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The 1994 International Conference on Population and Development drew links between violence against women and reproductive health and rights. Its Programme of Action calls on governments to take legal and policy measures to respond to and prevent violence against women and girls.

The UN General Assembly adopts bi-annual resolutions on the issue of violence against women. The most recent resolutions adopted in 2012 include the intensification of efforts to eliminate all forms of violence against women and trafficking in women and girls.

The UN Human Rights Council adopts resolutions on accelerating efforts to eliminate all forms of violence against women, the most recent being in 2012. In 2013, the Commission on the Status of Women (CSW) adopted, by consensus, Agreed Conclusions on the elimination and prevention of all forms of violence against women and girls. This represents an important outcome as there had been no agreed conclusions on this issue when it was last considered by CSW in 2003.

The UN Conventions on the Protection of the Rights of all Migrant Workers and Members of Their Families and on the Elimination of All Forms of Racial Discrimination also address non-discrimination in employment.

CEDAW

Gender-based violence was first addressed in detail at a global level in the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Article 11 requires that ratifying States: “take all appropriate measures to eliminate discrimination against women in the field of employment”. The Committee on the Elimination of Discrimination against Women, the treaty body that interprets and monitors compliance with CEDAW, has affirmed that violence against women is a form of discrimination against women and that States parties should have effective legal, preventive, and protective measures in place to provide justice for victims, hold offenders accountable, and protect society from future acts of sexual violence.

CEDAW requires States parties to take into account the particular problems faced by rural women, and the Committee has made specific recommendations for provision of legal aid, training for police and others working with victims of violence, and counselling services in rural areas. Article 11 of CEDAW specifically protects the “right to protection of health and to safety in working conditions”. The Committee has issued two statements specifically on sexual harassment: Recommendation No. 12 identifies the prevention of sexual harassment as an obligation undertaken by States parties, and Recommendation No. 19 notes that sexual harassment seriously impairs equality in the workplace.

In 1992 CEDAW adopted General Recommendation No. 19 on violence against women and addressed the problem of sexual harassment providing, for the first time, a clear definition of this behaviour and listing actions to be taken against this form of violence by States: “Equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace.” (para. 17)

Definitions of sexual harassment are also given: “Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.” (para. 18)

In light of these comments, the Committee on the Elimination of Discrimination against Women recommended that: (para. 19)

- (i) States parties should include in their reports information on sexual harassment, and on measures to protect women from sexual harassment in the workplace;
- (ii) States parties should take all legal and other measures that are necessary to provide effective protection of women against gender-based violence, including, inter alia:
- (iii) Effective legal measures, including penal sanctions, civil remedies and compensatory provisions to protect women against all kinds of violence, including ... sexual harassment in the workplace;
- (iv) Preventive measures, including public information and education programmes to change attitudes concerning the roles and status of men and women.

In June 1993, the World Conference on Human Rights held in Vienna, Austria, stressed the importance of working towards the elimination of violence against women in public and private life. This led to the appointment of a UN Special Rapporteur on Violence against Women, who reports on an annual basis to the UN Commission on Human Rights.

In December 1993, the UN General Assembly adopted the Declaration on the Elimination of Violence against Women. It defines what constitutes an act of violence against women, and calls on governments and the international community to take specific measures to prevent violence against women. Violence against women is defined as:

“any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

The Declaration also lists abuses that are encompassed by the term “violence against women”:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;
- (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

In September 1995, the Fourth World Conference on Women, held in Beijing, confirmed action to be undertaken to combat violence against women.

International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) declares, “Everyone has the right to liberty and security of person.” The ICCPR further prohibits discrimination on “any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” The ICCPR also requires states parties to “ensure ... an effective remedy” when these rights are violated.

The Human Rights Committee’s General Comment 31 to the ICCPR notes that states parties must “take appropriate measures ... or exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”

International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (and article 7 of the ICCPR) guarantee the right to be free from torture and cruel, inhuman, or degrading treatment. International tribunals and other bodies have established that rape is covered by these prohibitions on torture.

Migrant women and girls

The international legal framework to prevent and address violence against migrant women and girls includes the Convention on the Elimination of All Forms of Discrimination against Women (1979); the Convention on the Rights of the Child (1989); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); and the ILO Convention 189 concerning Decent Work for Domestic Workers (2011). In addition, the Committee on the Elimination of All Forms of Discrimination against Women adopted General Recommendation No. 26 on Women Migrant Workers (2008), and the Committee on Migrant Workers adopted General Comment No. 1 on Migrant Domestic Workers (2011).

International Labour Organization

The ILO has the goal to “promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity.”

There is currently no international standard dealing specifically with the issue of gender-based violence in the world of work. However, the need to address gender-based violence is addressed in the following international labour standards.

ILO’s policy framework on gender-based violence can be found in the 1998 Declaration on Fundamental Rights and Principles at Work. The 2008 Declaration on Social Justice for a Fair Globalization further embedded gender equality and non-discrimination as cross-cutting issues in the four strategic objectives of the fundamental principles and rights at work: employment, social protection and social dialogue. The Conventions relevant to gender equality are:

- Forced Labour Convention, 1930 (No. 29)
- Migration for Employment (Revised) Convention, 1949 (No. 97)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)
- Workers with Family Responsibilities Convention, 1981 (No. 156)
- Indigenous and Tribal Peoples Convention, 1989 (No. 169)
- Worst Forms of Child Labour Convention, 1999 (No. 182)
- Maternity Protection Convention, 2000 (No. 183)
- Decent Work for Domestic Workers 2011 (No. 189)

In particular, the 2011 Convention on Decent Work for Domestic Workers covers these highly-vulnerable and predominantly female workers. It requires ratifying States, employers’ and workers’ organizations to take action against any form of violence, abuse and harassment at work.

Under a recently adopted ILO Protocol on Forced Labour, 2014, States should take measures to support due diligence by the private and public sectors to respond to the risk of forced labour and to protect workers, in particular migrant workers, from fraudulent recruitment practices.

Gender-based violence at work is also addressed in two recent ILO Recommendations.

- Recommendation 200 concerning HIV and AIDS and the World of Work (2010) sets out steps and “ensuring actions to prevent and prohibit violence and harassment in the workplace”.
- Recommendation 204 concerning the Transition from the Informal to the Formal Economy (2015) requires member States to ensure that an integrated policy framework is included in national development strategies or plans. “This framework should address [...] the promotion of equality and the elimination of all forms of discrimination and violence, including gender-based violence, at the workplace.”

In examining ILO member States’ reports on Convention No. 111, the ILO Committee of Experts on the Application of Conventions and Recommendations has expressed its view that sexual harassment is a form of sex discrimination and should be addressed within the requirements of the Convention. The Committee noted that sexual harassment undermines equality at work by calling into question integrity, dignity and the well-being of workers. Sexual harassment also damages an enterprise by weakening the bases upon which work relationships are built and impairs productivity.

In its ILO's 2002 general observation on sexual harassment urged governments to take appropriate measures to prohibit sexual harassment in employment and occupation. It highlighted the most commonly used definition as:

1. (quid pro quo): any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job;
2. (hostile work environment): conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

The 2009 report of the ILO Committee of Experts on the Application of Conventions and Recommendations noted:

"...[an] important implementation gap concerns sexual harassment, which is a serious form of sex discrimination and a violation of human rights at work. The Committee therefore recalls its 2002 general observation highlighting the importance of taking effective measures to prevent and prohibit both quid pro quo and hostile environment sexual harassment at work. Laws on sexual harassment often lack clear definitions and appropriate responses in terms of remedies and complaints mechanisms. Confining sexual harassment to criminal procedures has generally proven inadequate, as they may deal with the most serious cases, but not with the range of conduct in the context of work that should be addressed as sexual harassment, the burden of proof is higher and there is limited access to redress".

In 2015 the ILO agreed to discuss the introduction of a new international labour standard on **gender-based violence in the workplace** in response to the need for a specific instrument to address this growing problem. A standard-setting item on "Violence against women and men in the world of work" has been placed on the agenda of the 107th Session of the ILO Conference (June 2018). This will be the first of a two-year process of agreeing a (possible) new international standard to cover gender-based violence in the world of work. The ILO Conference 2018 decision may lead to a new standard (e.g. a Recommendation or a Convention) being set at the 2019 ILO (centenary) conference. For further information see: http://www.ilo.org/gb/decisions/GB325-decision/WCMS_425655/lang--en/index.htm

Other relevant ILO instruments:

- Resolution concerning Gender Equality at the Heart of Decent Work, adopted in June 2009.
- Resolution concerning the Promotion of Gender Equality, Pay Equity and Maternity Protection, adopted in June 2004.
- Governing Body's March 2005 Decision on Gender Mainstreaming in Technical Cooperation which mandates attention to gender equality in all aspects of the ILO's technical cooperation.
- The ILO's gender equality mandate is also set in the context of a number of international instruments advancing equality between women and men. These include the UN Charter itself, numerous resolutions of the General Assembly, the 1997 UN Economic and Social Council's Agreed Conclusions on gender mainstreaming, the Convention on the Elimination of Discrimination against Women (CEDAW), the 1995 Beijing Platform for Action and its follow-up, and the Millennium Development Goals.

Specific codes of practice and conventions on violence against women and girls at work (including sexual harassment) include:

- The ILO's Governing Body code of practice on workplace violence in services sectors and measures to combat this phenomenon (adopted in 2003) is a non-binding instrument which offers guidance in addressing workplace violence in these sectors and which makes specific reference to sexual harassment.
- ILO's decent work mandate compels it to act against violence at work and to foster workplace environments founded on gender equality and respect.

Towards a new ILO instrument on violence against women and men in the world of work?

Over the last decade, the pervasiveness and the cost of sexual harassment and GBV, a manifestation of sex-based discrimination, has become a growing concern at the national and international level.

There is no single international human rights treaty prohibiting violence against women in the workplace. The adoption of a new ILO standard on gender-based violence at work would provide, for the first time, a broad definition of gender-based violence at work and the diverse forms of violence endured by workers at their workplace; provisions to prevent gender-based violence at work; measures to protect and support workers affected by gender-based violence; and a description of the groups most affected by gender-based violence. It would contribute to the realization of women's rights by reducing women's vulnerability and increasing economic independence and productivity at work.

If introduced a new ILO instrument would mark an important milestone in preventing violence against women and men in the workplace, improving women's working conditions, saving significant costs in health care, lower productivity and sick leave resulting from sexual harassment and violence in the workplace.

Source: ILO http://www.ilo.org/gb/decisions/GB325-decision/WCMS_425655/lang--en/index.htm

Examples of forms of violence against women

The following list provides a detailed but not exhaustive list of the numerous forms that violence against women can take.

Physical Violence:

Physical violence occurs when someone uses a part of their body or an object to control your actions. Physical violence includes, but is not limited to, the following:

- pushing;
- pinning or holding a person down;
- confinement;
- pinching;
- hair-pulling;
- slapping;
- punching;
- arm twisting;
- kicking;
- biting;

- choking;
- burning;
- overmedication;
- assault or threats with an object or weapon;
- stabbing; and
- murder.

Sexual Violence:

Sexual violence occurs when someone forces you against your will to take part in sexual activity. Sexual violence includes, but is not limited to, the following:

- touching you in a sexual manner against your will (i.e. kissing, grabbing, fondling); forced sexual intercourse;
- forcing you to perform sexual acts you find degrading or painful;
- use of a weapon to make you comply with a sexual act;
- beating sexual parts of your body;
- exhibitionism (need to expose body parts to others);
- denial of a woman's sexuality;
- humiliating, criticizing or trying to control a woman's sexuality;
- denial of sexual information and education (i.e. birth control);
- withholding sexual affection;
- exposure to HIV or other sexually transmitted infections;
- forced abortion or sterilization;
- forced prostitution; and
- unfounded allegations of promiscuity and/or infidelity.

Emotional Violence:

Emotional violence occurs when someone says or does something to make you feel stupid or worthless. Emotional violence includes, but is not limited to, the following:

- name calling;
- destruction of your personal property;
- constant criticism;
- blaming all relationship problems on you;
- humiliating or belittling you in front of others;
- confinement to the home;
- using silent treatment;
- jealousy; and
- intimidation.

Psychological Violence:

Psychological violence occurs when someone uses threats and causes fear in you to gain control. Psychological violence includes, but is not limited to, the following:

- threatening to harm you, your children or your family if you leave;
- threats of violence;
- threats of abandonment;
- social isolation from your family and friends;
- threatening to take the children;

- stalking;
- verbal aggression and
- threatening to harm themselves.

Spiritual Violence:

Spiritual violence occurs when someone uses your religious or spiritual beliefs to manipulate, dominate, or control you. Spiritual violence includes, but is not limited to, the following:

- trying to prevent you from practicing your religious or spiritual beliefs;
- making fun of your religious or spiritual beliefs;
- forcing you to raise your children in another religion or spiritual choice; and
- using your religious or spiritual beliefs to manipulate, dominate or control you.

Cultural Violence:

Cultural violence occurs when you are harmed as a result of practices condoned by your culture, religion or tradition. Cultural violence includes, but is not limited to, the following:

- female circumcision;
- early marriage (under the age of 18);
- marital rape;
- dowry murder;
- sexual slavery; and
- honour crimes.

Financial Abuse:

Financial abuse occurs when someone controls your financial resources without your consent. Financial abuse includes, but is not limited to, the following:

- destruction of your personal property;
- not allowing you to attend school;
- refusing to let you work outside the home;
- controlling your choice of occupation;
- forbidding you to have access to the family income and bank accounts;
- giving you an allowance and requiring justification for all money spent;
- taking money needed for the care of the family;
- refusal to contribute financially to family; and
- denying access to basic needs such as food and health care.

Neglect:

Neglect occurs when someone has the responsibility to provide care or assistance for you but does not. Neglect includes, but is not limited to, the following:

- not paying your bills; and
- not providing needed medication, food, shelter or clean clothing.

Source: ITF: http://www.itfglobal.org/media/1169/womens_violence_guide_english.pdf

Information Sheet 2:

Global Framework Agreements addressing gender-based violence

a) IUF - IndustriAll-Unilever Joint Commitment to prevent sexual harassment (2016)

In 2016 Global Union federations, the IUF and IndustriAll, signed a joint commitment with the food and home/consumer products manufacturer Unilever on preventing sexual harassment at the workplace. This is the second international union agreement on sexual harassment signed by the IUF, following the 2013 agreement with banana producer Chiquita. The agreement gives a clear, comprehensive definition of sexual harassment to ensure that Unilever management at every level and all employees, including employees provided by third party labour suppliers, are fully aware of what constitutes sexual harassment; sets out procedures through which employees know how to raise a potential issue and can feel confident to report any abuses; specifies the concrete measures the company must follow in the event of a complaint; and gives detailed guidelines for jointly implementing the commitment at every Unilever workplace and for evaluating progress.

Unilever, the IUF and IndustriAll affirm their joint commitment to promoting diversity and inclusion within Unilever's non-management workforce. Preventing sexual harassment in the workplace is an essential foundation for promoting a culture of inclusion and diversity. Our common commitment builds on efforts by Unilever, the IUF, IndustriAll and their respective regional organizations, affiliates and European members working through the Unilever European Works Council (UEWC).

This joint statement outlines the standards, principles and practices on which Unilever, the IUF and IndustriAll commit to work together to ensure this goal is achieved.

Statement of Intent

Sexual harassment is a serious offence which is unlawful in many countries around the world. Sexual harassment is considered a form of discrimination under one of the Core Conventions of the ILO, C111 on Discrimination in Respect of Employment and Occupation.

Sexual harassment can cause severe distress and ill health and can lead to the victim giving up her/his job. Sexual harassment is a universal problem. Women workers, particularly those in plantations, export processing zones, contingent, temporary and/or migrant workers can be particularly vulnerable.

Most sexual harassment is carried out by men against women. Sexual harassment can also take place on the basis of sexual orientation. It can be perpetrated by colleagues, supervisors, managers or clients.

Sexual harassment undermines equality, damages working relationships and impairs productivity. It can take many forms and may include:

- Any insult or inappropriate remark, joke, insinuation and comment on a person's dress, physique, age, family situation, etc.;

- A condescending or paternalistic attitude with sexual implications undermining dignity;
- Any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats;
- Any lascivious look or other gesture associated with sexuality;
- And any unnecessary physical contact such as touching, caresses, pinching or assault.

Employees are particularly vulnerable to sexual harassment if it occurs in a situation where exposure to harassment is perceived as a condition of employment or a precondition for employment or may influence employment conditions and/or career development.

Unilever, the IUF and IndustriAll wish to ensure that all employees, including employees provided by third party labour suppliers, are aware of what constitutes sexual harassment and that they understand fully what is expected of them, know how to raise a potential issue, and feel confident to report any alleged abuses.

We have jointly identified actions and best practices to be communicated to Unilever Companies and affiliated Unions, to enable concrete action and further follow up.

Principles, Procedures and Processes for stopping sexual harassment in the workplace

The procedures agreed to between the IUF, IndustriAll and Unilever are based on the following principles:

- Sexual harassment is a disciplinary offence
- Cases of sexual harassment will be investigated confidentially and handled in a manner that ensures the confidentiality of the persons involved and within strict timescales
- In cases of sexual harassment it is the perpetrator and not the person making the complaint who will, where necessary, be redeployed
- The Company will train all staff and managers on the policy and their responsibilities under it
- The Company will monitor cases of sexual harassment to identify where further action might be appropriate

The IUF and IndustriAll have developed policies based on international standards against sexual harassment and will work with their affiliates to promote and implement them through awareness-raising and training programs and collective bargaining.

Unilever will not tolerate retaliation or victimization against employees who identify and raise issues relating to any form of sexual harassment or who lodge complaints and/or participate in any proceedings relating to alleged sexual harassment either directly with management or through the individual or collective grievance procedures in place. Unilever will work with legitimate trade unions to ensure that the existing processes can be fully used and that additional channels can also be opened where existing processes prove inadequate.

Trade Union representatives play a key role:

- With management, on advising their members of what constitutes Sexual Harassment in the workplace
- Working on awareness-raising and training
- Assisting employees/members to raise complaints and issues either through the Unilever Code process or via the established individual or collective grievance procedures and/or national legislation

Next steps

Unilever, the IUF and IndustriAll believe that concrete actions are required to prevent sexual harassment in the workplace. Unilever sees these steps as fundamental to ensuring its diversity and inclusion goals. Unilever welcomes the involvement of the IUF and IndustriALL in identifying areas of higher risk, identifying best practice, raising awareness and monitoring progress.

To ensure effective action to prevent sexual harassment in the workplace based on the above principles, local management and trade unions shall:

- Where a document with comparable standards and procedures does not already exist, agree and document a clear and precise local policy on sexual harassment, complaints procedures and mechanisms for dispute resolution/grievance handling based on international standards and national legal and collective bargaining law and practice. The procedure shall ensure that:
 - a. sexual harassment cases are handled by persons of confidence with specific training in this area
 - b. all complaints concerning sexual harassment are to be investigated securely, expeditiously and confidentially
 - c. investigation of complaints is to be carried out by independent persons/structures as defined by the Code of Business principles procedure and/ or other mutually agreed arrangements
 - d. complainants in all cases must be informed of their legal rights
 - e. the outcome of the complaint investigation is formally recorded and communicated to and reviewed by the complainant
 - f. sanctions on those found to have engaged in sexual harassment are clearly stipulated
 - g. full protection and support is given to the victims of sexual harassment throughout the process and its outcome
- Take adequate measures to ensure that local management and trade union members and representatives are fully aware of the relevant international standards with regard to sexual harassment and the procedures outlined in Unilever's Code of Business principles.
- Where there are areas of higher risk, e.g. plantations, where high levels of temporary labour have been employed and where there are high numbers of females supervised by a majority of males, specific awareness and training measures should be agreed and deployed by management and the trade union. The Unilever- IUF – IndustriALL Joint Working Party will assist with this process where required and will monitor and share experiences and best practice
- Agree on regular review procedures to monitor progress
- Local union/management discussions on implementing the above procedures shall commence following the signing of this joint commitment, with completion in 2016.

The Joint Working Party may also identify areas where they feel risks are higher and propose and follow up on such actions as appropriate.

London, Geneva, 26.01.2016

Source: <http://www.iuf.org>

b) Global Framework Agreement (GFA) between H&M Hennes & Mauritz GBC AB and IndustriALL Global Union and Industrifacket Metall

IndustriALL Global Union, representing 50 million workers, and one of the world's leading garment retailers H&M have together with the Swedish trade union IF Metall signed a Global Framework Agreement, protecting the interests of 1.6 million garment workers.

The innovative global framework agreement (GFA) marks a new level of commitment to fundamental rights of workers across H&M's supply chain. The 1.6 million garment workers that are protected in the agreement are employed at around 1,900 factories run by the manufacturers where H&M buys their products.

The agreement is based on a shared conviction that collaboration between the parties on the labour market is crucial for lasting improvements for the garment workers and the creation of well-functioning industrial relations.

"This agreement opens an exciting new chapter in the relationship between IndustriALL Global Union and H&M. It cements the path towards a sustainable garment industry with unionized workforce, constructive labour-management relations, living wages through industry level collective agreements, and safe workplaces," said IndustriALL general secretary Jyrki Raina

The GFA covers compliance and implementation of international labour standards of the suppliers of H&M Hennes & Mauritz GBC AB.

The agreement lists the main international labour standards that suppliers are required to implement. Under the agreement H&M confirms its commitment to and respect for human and trade union rights in the workplace, including the right to organize and to negotiate collective agreements. H&M will actively use all its possible leverage to ensure that its direct suppliers and their subcontractors producing merchandise/ready made goods sold throughout H&M group's retail operations respect human and trade union rights in the workplace. The following is an extract from the agreement that covers respect and dignity at work, including sexual harassment and discrimination:

"Every employee is treated with respect and dignity at all times. No employee shall be subject to humiliating or corporal punishment or subject to physical, sexual, psychological or verbal harassment or abuse. There is no discrimination in hiring, compensation, access to training, promotion, termination of contract or retirement on the grounds of gender or sexual orientation, race, colour, age, pregnancy, religion, political opinion, nationality, ethnic origin, migratory status, disease or disability. There is a grievance mechanism in place enabling employees to put forward complaints without risk of retaliation."

Source: GFA between H&M Hennes & Mauritz GBC AB and IndustriALL Global Union and Industrifacket Metall: <http://www.industrial-union.org>

See also: Fibre2Fashion, 5 November 2015 <http://www.fibre2fashion.com>

c) Global Framework Agreement between Inditex and IndustriALL global union on the ‘implementation of international labour standards throughout the supply chain of Inditex’

The global framework agreement (GFA) between IndustriALL Global Union and the large fashion retailer, Inditex, was the first GFA to be agreed in the garment sector. The GFA was originally signed in 2007 and renewed in 2014. It has helped to reinstate workers dismissed for their union activities, raise salaries and promote freedom of association in countries where unionization has traditionally been weak.

The GFA, which addresses decent work and observance of international labour standards, covers over a million workers in over 6,000 supplier factories worldwide. It underlines the importance of freedom of association and the central role of collective bargaining in a sustainable supply chain. It provides for the payment of a living wage for a standard workweek, limitations on working hours, safe and healthy workplaces, regular employment and environmental protection. The terms of the agreement apply to direct suppliers, contractors and sub-contractors including homeworkers. No subcontracting is allowed without the prior written consent of Inditex. Suppliers who subcontract will be responsible for subcontractor compliance. The GFA puts in place mechanisms to monitor and review compliance and aims to collaborate on training programmes for management and workers.

The annex to the GFA includes provisions on “No harsh or inhumane treatment” on the basis that “Manufacturers and suppliers shall treat their employees with dignity and respect. Under no circumstances shall physical punishment, sexual or racial harassment, verbal or power abuse or any other form of harassment or intimidation be permitted.”

Source: GFA between Inditex and IndustriALL <http://www.industrial-union.org>

d) Global Framework Agreement on sexual harassment with banana producers in Latin America

COLSIBA (The Regional Coordinating Body of Latin American Banana & Agro industrial Product Unions) has campaigned to end a culture where sexual harassment, which is commonplace and justified by some male banana and pineapple producers as 'part of their culture'. In 2013, following a union campaign, the company Chiquita introduced the first sexual harassment policy in the Latin American banana sector as part of IUF/COLSIBA/Chiquita Regional Framework Agreement.

Text of the Joint Understanding on Sexual Harassment: Appendix to the IUF/COLSIBA/Chiquita framework agreement

"Chiquita operations will continue fostering a safe environment for women workers so that they can carry on their work in a safe space free from all forms of harassment, bullying or discrimination due to their condition or gender.

Chiquita, IUF and COLSIBA agree to work on developing a joint understanding on sexual harassment, so that this kind of harassment will not be tolerated in the workplace. This joint work includes the creation by mutual agreement of training strategies and sharing examples of good practice aimed at personnel, for the prevention of sexual harassment situations.

To that purpose, every workplace must take necessary measures to ensure men and women workers have access to information about their rights in the workplace. The measures must take into consideration the laws (and relevant particularities of each country where Chiquita operates). Laws usually constitute minimum and not maximum standards. Where the provisions of law and this agreement address the same subject, the standard that provides the best protection to workers should be applied."

The agreement references the ILO Code of Practice on safety and health in agriculture as a source for language on prevention of sexual harassment that could be included in collective bargaining agreements. The appendix was negotiated in the gender sub-committee of the Framework's Review Committee and agreed in 2013.

For further information: Chiquita: <http://csrblog.chiquita.com> and IUF: <http://www.iuf.org>

Information Sheet 3:

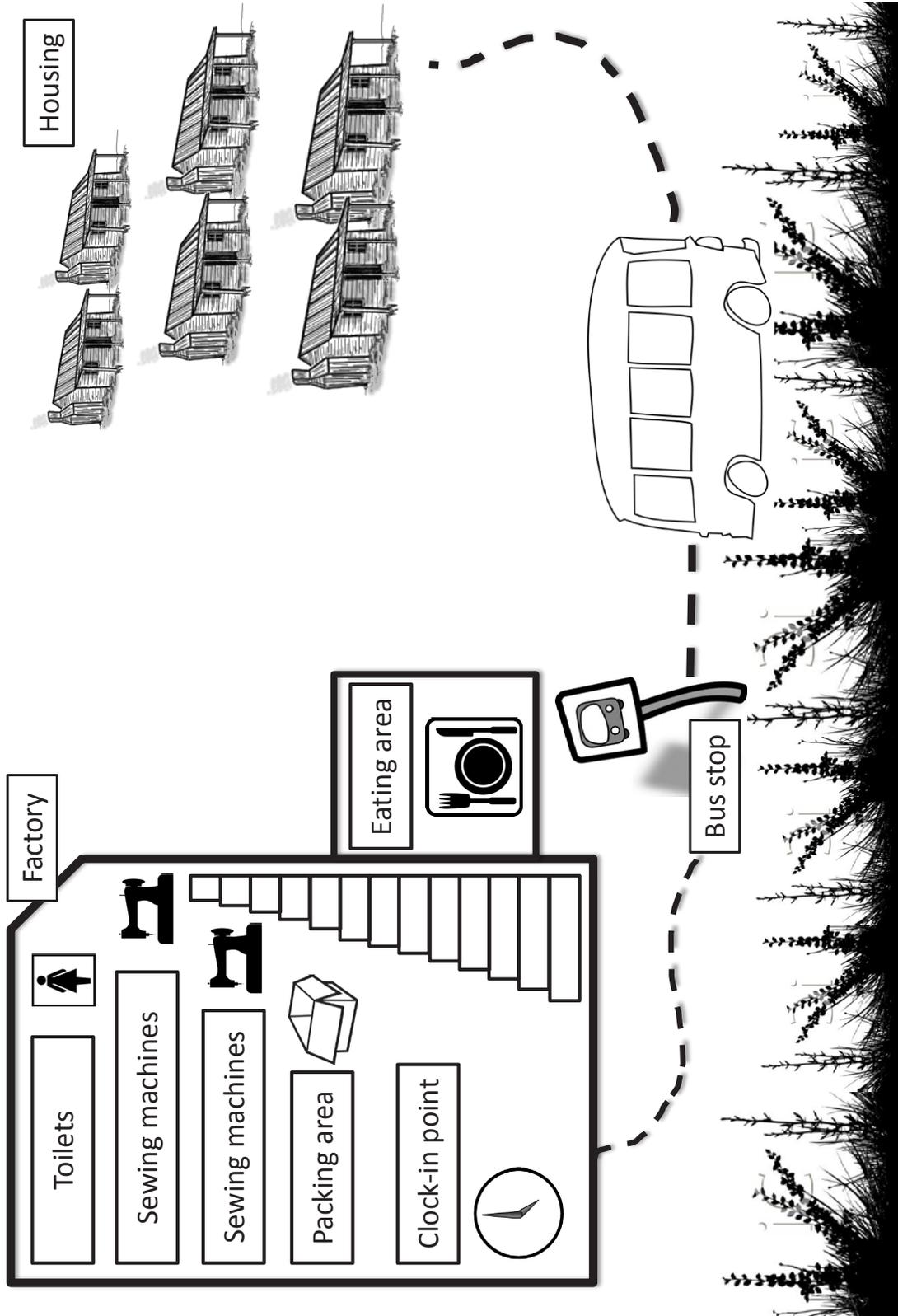
Tips on working with the media

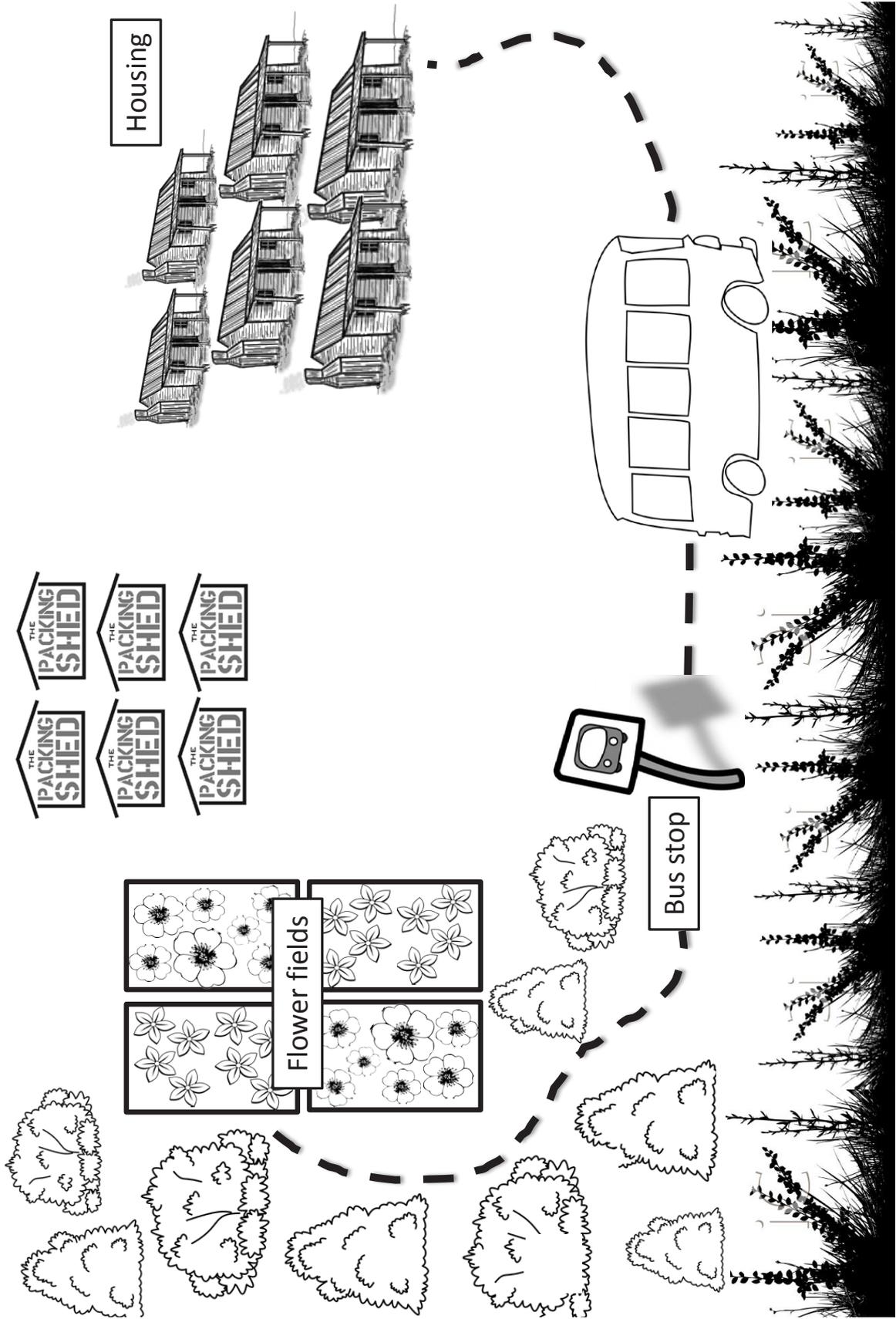
In working with the media it is important to:

- Develop clear messages, starting with one simple core message that leads into more specific, tailored messages for different audiences.
- Use real life stories and short quotes to bring to life the challenges faced by people directly affected and locally relevant.
- Use precise and powerful language - use facts and numbers accurately and creatively.
- Allow the audience to reach their own understanding as too much information may cause you to lose your audience's attention or give the impression that you are preaching.
- Encourage the audience to take action and offer straightforward suggestions such as support the sexual harassment bill in Parliament" or "sign our petition".
- Present a possible solution and keep it simple. For instance, "The local government needs to show its commitment to migrant workers by providing funding for inspecting factories to make sure they are safe and free from harassment."
- Social media (Facebook, Twitter and blogs) are very effective means to quickly disseminate messages. Twitter users can disseminate very similar messages for different audiences and is increasingly influencing media coverage. One example of the successful use of social media is the ITUC 12x12 campaign to increase the number of government ratifications of the new ILO Convention 189 on Decent Work for Domestic Workers. It was very successful in keeping unions and domestic workers' organizations, as well as individuals, informed of progress on achieving the campaign objectives and advertising successes. See <http://www.ituc-csi.org/domestic-workers-12-by-12>
- Compile a media list to identify all relevant media outlets (newspapers, radio stations, TV, on-line blogs).
- Prepare and keep updated a media contacts list so that media releases, research finding or other stories can be quickly and easily sent out. Include organizations that may include the information in their mail outs or websites.
- Draft a media release or a letter to the Editor outlining your 'story'; this can be in response to the release of survey data, an event or a policy decision. Send this out one week before the event and aim to contact sympathetic journalists who will give coverage to your story. Ensure that the media release is no longer than one-page and covers specific and clear messages, includes quotes and gives clear recommendations.

Information Sheet 4:

Printed map of a farm and a factory





Information Sheet 5:

ILO Code of Practice on Safety and Health in Agriculture

An ILO Code of Practice on safety and health in the agriculture sector is an example of a Code that covers sexual harassment and includes a model sexual harassment policy (see extract below). The aim is to raise awareness, prevent sexual harassment and promote positive behaviour in the workplace.

19.5. Workplace violence, harassment and bullying

19.5.1. Every person has the right to be treated with dignity and respect and to be free from all forms of violence, harassment, and bullying, in the workplace.

19.5.2. A safe and healthy working environment, in accordance with the provisions of the Occupational Safety and Health Convention, 1981 (No. 155), facilitates optimal physical and mental health in relation to work and can help to prevent workplace violence and harassment. Promoting gender equality could help to reduce gender-based workplace violence and harassment. Sexual harassment at work is a human rights and sex discrimination issue, and has accordingly been examined in the light of the requirements of Convention No. 111. It is especially encountered by inexperienced younger women and men whose age and work position make them vulnerable. Sexual harassment is a hazard that lowers the quality of working life, jeopardizes the well-being of women and men, undermines gender equality and can have serious cost implications for firms and organizations.

19.5.3. Policy or action against workplace violence and harassment must be directed at promoting decent work and mutual respect, and combating discrimination at the workplace, in accordance with the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

19.5.4. The competent authority, employers, workers and their representatives should, in so far as reasonably practicable, cooperate in developing legislation and developing and implementing appropriate policies, procedures and workplace practices that help to eliminate all forms of workplace violence and harassment.

19.5.5. Employers should consult with workers and their representatives to develop and implement appropriate policies and procedures to eliminate or minimize the risk of workplace violence and harassment. These policies and procedures should include risk assessment and control strategies, the inclusion of provisions on the prevention of workplace violence and harassment in national, sectoral, and enterprise agreements, personnel policies to promote mutual respect and dignity at work, and grievance and disciplinary procedures.

19.5.6. Workers and their representatives should take all reasonable care to prevent, reduce and eliminate the risks associated with workplace violence and harassment. They should:

- cooperate with employers in OSH committees in accordance with the Occupational Safety and Health Recommendation, 1981 (No. 164);
- cooperate with employers to develop appropriate risk assessment strategies and prevention policies, paying particular attention to vulnerable workers;
- ensure that factors that increase the risk of workplace violence and harassment at particular worksites or when carrying out specific activities are addressed by workers and their health and safety representatives in consultation with employers; and
- report acts of workplace violence and harassment.

19.5.7. In conducting a risk assessment of workplace violence and harassment, account should be taken of the following signs of possible workplace tensions:

- incidents of physical assault leading to actual harm;
- intense or ongoing verbal abuse, including sexual innuendo, aggressive body language, threatening behaviour or the expression of the intent to cause harm; and
- high levels of absenteeism and personnel turnover, which are indicative of problems in the workplace.

19.5.8. Preventive measures concerning work practices should include consideration of:

- staffing levels and the composition of work teams;
- workload;
- scheduling;
- worksite location; and
- proximity to communications for isolated workers.

19.5.9. Appropriate medical treatment should be available, where required, to workers affected by workplace violence.

19.5.10. The competent authority, employers, workers and their representatives should act in collaboration to develop grievance and disciplinary procedures to deal with complaints of workplace violence and harassment. These procedures should include a fair and equitable process for the investigation and resolution of complaints.

19.5.11. The confidentiality of any information on workers exposed to or suffering from workplace violence or harassment should be ensured, in accordance with national laws and regulations.

Source: ILO (2010)

Information Sheet 6:

Sample Sexual Harassment Policies

1. Viet Nam Code of Conduct on Sexual Harassment in the Workplace (Ministry of Labour, the Viet Nam Chamber of Commerce and Industry and the Viet Nam General Confederation of Labour)
2. Sample sexual harassment policy and procedure (International Trade Union Confederation)
3. Sample sexual harassment policy (Klosters Brothers, South Africa Ethical Trading Initiative /WIETA)
4. Sample sexual harassment policy: ILO Pacific region

1. Viet Nam Code of Conduct on Sexual Harassment in the Workplace (2015)

The Code of Conduct on Sexual Harassment in the Workplace was jointly produced by the Ministry of Labour, the Viet Nam Chamber of Commerce and Industry and the Viet Nam General Confederation of Labour in 2015. It aims to help employers and workers develop their own policy or regulation for preventing and addressing sexual harassment, and to promote healthy, safe, and productive workplaces. To lay the legal groundwork for a safe and healthy work environment, the 2012 Labour Code stipulates that sexual harassment is prohibited in the workplace. In order to implement the law and combat sexual harassment, the Viet Nam Industrial Relations Committee, which is chaired by the Ministry of Labour, Invalids and Social Affairs and includes the Viet Nam General Confederation of Labour and the Viet Nam Chamber of Commerce and Industry, have jointly developed this Code of Conduct on Sexual Harassment in the Workplace.

Sample Company Policy on Sexual Harassment

(NAME OF COMPANY/ORGANIZATION/AGENCY) is committed to providing a healthy, effective work environment where sexual harassment is not accepted because it is against the law, against social ethics and will not be tolerated. (NAME OF COMPANY/ORGANIZATION/AGENCY) will implement this policy in accordance with the Code of Conduct on Sexual Harassment in the Workplace. When (NAME OF COMPANY/ORGANIZATION/AGENCY) determines that an allegation of sexual harassment is credible, it will take prompt and appropriate corrective action.

“Sexual harassment” is defined as any behaviour of a sexual nature that affects the dignity of women and men, which is considered as unwanted, unacceptable, inappropriate and offensive to the recipient, and that creates an intimidating, hostile, unstable or offensive work environment.

Sexual harassment in the workplace can be physical, verbal or non-verbal, and include the major forms as follows:

- a. Physical forms of sexual harassment such as any unwanted contact, ranging from intentionally touching, caressing, pinching, hugging or kissing to sexual assault or rape.
- b. Verbal forms of sexual harassment include socially and culturally inappropriate and unwelcome comments with sexual overtones such as sexually suggestive jokes or comments about a person’s dress or body, made in their presence or directed toward them. They also include persistent proposals and unwelcome requests or persistent personal invitations to go out.

c. Non-verbal forms of sexual harassment include unwelcome gestures, suggestive body language, indecent exposure, lascivious looks, repeated winks, and gestures with fingers. It also includes the unwelcome display of pornographic materials, sexually explicit pictures and objects, screen savers or posters as well as sexually explicit e-mails, notes or SMS messages.

“Quid pro quo” (this for that) sexual harassment is committed when an employer, supervisor, manager or co-worker, undertakes or attempts to influence the process of recruitment, promotion, training, discipline, dismissal, salary increment or other benefit of an existing staff member or job applicant, in exchange for sexual favours.

“Workplace” refers not only to the specific location where work is being performed, such as an office or factory, but also to locations where work-related business may be conducted. These could include:

- Work related social activities, such as a reception organized by the enterprise for staff or clients, etc.;
- Conferences and training sessions;
- Official business travel;
- Business meals;
- Work related telephone conversations; and
- Work related communications through electronic media.

The Company’s responsibilities in preventing and addressing sexual harassment

Any employee or those working for the company who believes that he or she is a victim of sexual harassment must immediately report any incident to (NAME AND CONTACT DETAILS OF PERSON/DEPARTMENT).

(NAME OF COMPANY/ORGANIZATION/AGENCY) will not tolerate retaliation against any person who makes a complaint of sexual harassment. It will take the necessary steps to ensure that the matter is thoroughly investigated and promptly addressed. If the allegation is determined to be credible, (NAME OF COMPANY/ORGANIZATION/AGENCY) will take immediate and effective measures to end the unwelcome behaviour. (NAME OF COMPANY/ORGANIZATION/AGENCY) is committed to taking action if it learns of possible sexual harassment, even without a formal complaint.

(NAME OF PERSON OR DEPARTMENT) is the main contact point for questions or concerns about sexual harassment. (NAME OF PERSON OR DEPARTMENT) has responsibility for investigating or overseeing investigations of alleged sexual harassment. (NAME OF COMPANY/ORGANIZATION/AGENCY) is committed to ensuring that all investigations of sexual harassment are conducted in a prompt, thorough, and impartial manner.

Supervisors and other responsible officials who observe, are informed of, or reasonably suspect incidents of possible sexual harassment must immediately report such incidents to (NAME OF PERSON OR DEPARTMENT), (who/which) will either initiate or oversee a prompt investigation. Failure to report such incidents to (NAME OF PERSON OR DEPARTMENT) will be considered a violation of this policy and may result in disciplinary action. (NAME OF PERSON OR DEPARTMENT) will provide guidance as needed on investigating and handling the alleged harassment. Supervisors should take effective measures to ensure that no further apparent or alleged harassment occurs pending completion of an investigation.

(NAME OF COMPANY/ORGANIZATION/AGENCY) will seek to protect the identities of the alleged victim and harasser, as reasonably necessary (for example, to complete an investigation successfully). (NAME OF COMPANY/ORGANIZATION/AGENCY) will also take the necessary steps to protect from retaliation those employees who in good faith report incidents. It is a violation of this policy and of the law to retaliate against someone who has reported possible sexual harassment, and violators may be subject to discipline.



Employees who have been found by (NAME OF COMPANY/ORGANIZATION/AGENCY) to have subjected another employee to unwelcome conduct of a sexual nature, and such behaviour meets the definition of sexual harassment, including “quid pro quo” sexual harassment identified in the Code of Conduct on Sexual Harassment in the Workplace, will be subject to discipline or other appropriate management measures. Discipline will be appropriate to the nature and the extent of the behaviour, and penalties ranging from a letter of reprimand to dismissal are allowed to be applied.

Employees’ Rights and Responsibilities Under This Policy

Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the alleged harasser orally or in writing that such conduct is unwelcome and offensive and must stop.

If the employee does not wish to communicate directly with the alleged harasser, or if such communication has been ineffective, the employee is encouraged to report the unwelcome conduct as soon as possible to (NAME OF PERSON OR DEPARTMENT).

In addition to reporting sexual harassment concerns to (NAME OF PERSON OR DEPARTMENT), employees who believe they have been subjected to sexual harassment may elect to pursue resolution either through informal channels including conciliation, mediation, counseling or informal discussions or through a formal investigation.

All (NAME OF COMPANY/ORGANIZATION/AGENCY) employees, including but not limited to staff, supervisors, and senior officials, are required to comply with this policy. Employees are also expected to behave professionally and to exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of official professional duties. Further, all employees are expected to take appropriate measures to prevent sexual harassment. Unwelcome behaviour of a sexual nature will not be tolerated.

Source: Viet Nam Chamber of Commerce and Industry and the Viet Nam General Confederation of Labour (2015) Viet Nam Code of Conduct on Sexual Harassment in the Workplace. Available at: http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-hanoi/documents/publication/wcms_421220.pdf

2. Sample sexual harassment policy and procedure (International Trade Union Confederation)

The sample policy and procedure, produced by the International Trade Union Confederation, provides a model for and guidance of what can be included in a sexual harassment policy and procedure that is agreed between an employer and trade union.

(a) Introduction

The union and the employer recognise that sexual harassment may occur in the workplace and are committed to preventing and ending it. Sexual harassment is also a disciplinary offence.

(b) Definition

Sexual harassment is unwanted, unwelcome and unasked-for behaviour of a sexual nature. It can occur either on a one-time basis or as a series of incidents, however minor. Sexual harassment is coercive and one-sided and both males and females can be victims.

(c) Action

A harassment victim may lodge a harassment complaint with a person of confidence, designated by the union in agreement with the company.

The person(s) of confidence, who will be appropriately trained, shall investigate any harassment complaint, in a timely fashion and on a confidential basis.

An employee alleging harassment in the workplace has the right, after informing the person of confidence, to leave the work area without loss of pay, rights or benefits, and to refuse to return to the work area until there has been an investigation of the complaint.

The redress must reflect the seriousness of the harassment case. It may be an apology, a transfer to another department or a layoff. The harasser, not the victim, must suffer the consequences of his or her actions.

The employers will include compulsory anti-sexual harassment training in its orientation for new employees in company time.

Model Procedure for Dealing with Sexual Harassment**(a) Introduction**

- Any employee who believes s/he has suffered or is suffering sexual harassment has the right to raise it through the following procedure.
- If the victim does not want to make a formal complaint, the employer still has an obligation to consider whether the event should be investigated.

(b) Appointing 'persons of confidence'

- The union and the employer should appoint several persons of confidence designated to deal with complaints of sexual harassment. These should be of both sexes and appropriately trained.

(c) Keeping a log book – respect confidentiality

- The union and/or the employer should keep a book in which to note down complaints. This should be kept in a locked drawer.
- At all times both the victim and the alleged harasser have a right to absolute confidentiality.

(d) Draw up a list of behaviour that constitutes sexual harassment**(e) Dealing with the complaint informally**

There may be occasions when the victim feels able, and prefers, to deal with the complaint informally. However, s/he should not be persuaded against her/his will not to make a formal complaint. Employees who have been harassed can decide to resolve it informally by:

- Approaching the alleged harasser, with the support of a person of confidence, colleague or trade union representative, saying that the behaviour is offensive, unwelcome and should be stopped.
- Asking one of the designated persons of confidence to approach the alleged harasser on his/her behalf.

- The employee may decide not to approach the harasser, but simply to log the complaint with one of the designated persons of confidence, to ensure that any refusal to comply with sexual requests does not later affect job prospects.
- The informal complaint should be noted in the log book.
- The alleged harasser should be informed of the complaint made against him/her and given the opportunity to amend his/her behaviour. Any logged complaints should trigger either informal or formal proceedings.

(f) Dealing with complaints formally

The alleged victim:

- Employees should approach one of the persons of confidence to make a complaint, and the date of this complaint should be logged.
- A person of confidence should invite the employee to a meeting. If required the employee may be accompanied by a trade union representative/shop steward or colleague.
- The detailed complaint should be set out in writing in the log book.
- At the meeting, the victim should be told that the complaint will be investigated and witnesses questioned, and that the alleged harassed person has a right to a fair hearing.
- If the alleged action is serious, then it may be necessary to relocate or temporarily suspend the alleged harasser.

This investigation is part of the official company grievance procedure.

The alleged harasser:

- The alleged harasser, who may be accompanied by a trade union representative/shop steward or colleague, meets with the person of confidence, is informed about the complaint, and given a chance to answer the allegation.
- The harasser is told that the matter will be dealt with formally, that his/her responses are also logged, and that this investigation is part of the official grievance procedure.

Source: ITUC (2008) Stopping Sexual harassment at work: A Trade Union Guide http://www.ituc-csi.org/IMG/pdf/Harcelement_ENG_12pgs_BR.pdf

3. ETI / WIETA Sample sexual harassment policy (Klosters Brothers, South Africa)

The following sample sexual harassment policy has been drawn up by the Ethical Tea Initiative (ETI) and the Wine and Agricultural Ethical Trade Association (WIETA) and is included in the training manual used by training managers and supervisors. Klosters Brothers is a fictitious company.

Company X prohibits sexual harassment of its employees and applicants for employment by any employee, non-employee or applicant. Such conduct may result in disciplinary action up to and including dismissal.

This policy covers all employees. The company will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, or other non-employees who conduct business with the company.

Sexual harassment is any behaviour that includes unwelcome sexual advances and other verbal or physical conduct of a sexual nature when:

- submission to, or rejection of, such conduct is used as the basis for promotions or other employment decisions;
- the conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile or offensive work environment.

Company X employees are entitled to work in an environment free from sexual harassment and a hostile or offensive working environment. We recognize sexual harassment as unlawful discrimination, as is conduct that belittles or demeans any individual on the basis of race, religion, national origin, sexual preference, age, disability, or other similar characteristics or circumstances.

No manager or supervisor shall threaten or imply that an employee's refusal to submit to sexual advances will adversely affect that person's employment, compensation, advancement, assigned duties, or any other term or condition of employment or career development. Sexual joking, lewd pictures and any conduct that tends to make employees of one gender sex objects are prohibited.

Employees who have complaints of sexual harassment should (and are encouraged to) report such complaints to their supervisor. If this person is the cause of the offending conduct, the employee may report this matter directly to [specify various officials (e.g. Director of Human Resources, designated contact manager, etc)]. Your complaint will be promptly and thoroughly investigated. Confidentiality of reports and investigations of sexual harassment will be maintained to the greatest extent possible.

Any manager, supervisor or employee who, after appropriate investigation, is found to have engaged in sexual harassment of another employee will be subject to disciplinary action, up to and including dismissal.

If any party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his or her written comments to [specify official (e.g. Gender Committee, contact manager)].

The Company will not in any way retaliate against any individual who makes a report of sexual harassment nor permit any employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for reporting sexual harassment will be subject to appropriate disciplinary action, up to and including dismissal.

Source: ETI / WIETA Training Programme (provided with kind permission from ETI/WIETA)

4. Sample sexual harassment policy: ILO Pacific region

The sample sexual harassment policy is intended for use by private and public employers in the Pacific to help them develop their own sexual harassment policies. It is based on international good practices and includes all the components which make a sexual harassment policy comprehensive.

Sample Sexual Harassment Policy

[Explanatory note: This sample sexual harassment policy is intended for use by private and public employers in the Pacific to help them develop their own sexual harassment policies. It is based on international good practices and includes all the components which make a sexual harassment policy comprehensive. As such, it is not intended to be a collection of clauses from which employers can pick and choose. Instead, any

effective policy must include most if not all of the content of this sample policy. Organisations should of course modify certain clauses to meet specific conditions within their organisations.]

The Policy Statement

[Name of Company] is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. [Name of Company] will operate a zero tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

[Explanatory note: This explains in broad terms what the policy is about and sets out the intention of the organisation in adopting the policy.]

Definition of sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault
- Physical contact, e.g. touching, pinching
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and jokes
- Sexual advances
- Repeated and unwanted social invitations for dates or physical intimacy
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)
- Non-verbal conduct
- Leering
- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling

[Explanatory note: This section defines sexual harassment. If examples are included, it is important to note that they are not exhaustive and that sexual harassment can include any conduct of a sexual nature which is unwanted and unwelcome by the recipient.]

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. [name of company] recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

[Explanatory note: This recognises that men and women can be victims of sexual harassment in the workplace.]

[Name of company] recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee.

Anyone, including employees of [company name], clients, customers, casual workers, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy.

[Explanatory note: This section should be adapted to the needs of the company based on the type of work it does and the people who its employees are likely to come into contact with. Although it can be difficult for a company to deal with sexual harassment when it is perpetrated by third parties, the company is nonetheless responsible for the well-being of its workers if the harassment occurs during work. For example, companies where employees are in contact with third parties, such as hotels or restaurants, should have specific policies to deal with sexual harassment of its workers by customers.]

All sexual harassment is prohibited whether it takes place within [company name] premises or outside, including at social events, business trips, training sessions or conferences sponsored by [company name].

[Explanatory note: This recognises that harassment can take place both at the office, but also at social events where sexual harassment may be more likely to occur. This clause will vary according to the company and the type of work/activity they carry out.]

Complaints procedures

[Explanatory note: Although complaints of sexual harassment can be dealt with through the normal company complaints procedure, companies are increasingly adopting specific complaints procedures to deal with sexual harassment to respond better to the needs of victims and to ensure that investigations are carried out properly. Individuals who deal with sexual harassment complaints should be trained specifically on this issue and on the nature of sexual harassment.

Further, victims of sexual harassment may want to resolve the matter in different ways. Some may be happy with an informal resolution and for the matter to stop, others may want more formal measures. In addition, informal resolution mechanisms may be inappropriate where the allegation is serious or where the harasser is also the victim's supervisor. It is important that the company's complaints procedures reflect these different needs and ways of resolving conflict.]

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. [company name] recognises that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser.

If a victim cannot directly approach an alleged harasser, he/she can approach one of the designated staff members responsible for receiving complaints of sexual harassment. This person could be another supervisor, a member of the human resources department, etc.

When a designated person receives a complaint of sexual harassment, he/she will:

- immediately record the dates, times and facts of the incident(s)
- ascertain the views of the victim as to what outcome he/she wants
- ensure that the victim understands the company's procedures for dealing with the complaint
- discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome
- keep a confidential record of all discussions
- respect the choice of the victim
- ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework

[Explanatory note: It is important to give the victim options for reporting the matter and this will depend on the structure of the company. The need for options for reporting is very important because having one person only to report to limits the ability of the victim to avail themselves of the complaints procedure. If for example, the harasser is also the designated person, the designated person is away on leave, or the victim would rather report it to a woman than a man or to a man than a woman and the designated person is a man, woman etc.]

Throughout the complaints procedure, a victim is entitled to be helped by a counsellor within the company. [company name] will nominate a number of counsellors and provide them with special training to enable them to assist victims of sexual harassment. [company name] recognises that because sexual harassment often occurs in unequal relationships within the workplace, victims often feel that they cannot come forward. [company name] understands the need to support victims in making complaints.

[Explanatory note: In many large companies, certain employees are designated as counsellors to help victims of sexual harassment navigate the complaints procedures.]

Informal complaints mechanism

If the victim wishes to deal with the matter informally, the designated person will:

- give an opportunity to the alleged harasser to respond to the complaint to ensure that the alleged harasser understands the complaints mechanism
- facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the company to resolve the matter
- ensure that a confidential record is kept of what happens
- follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped
- ensure that the above is done speedily and within [...] days of the complaint being made

Formal complaints mechanism

If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.

The designated person who initially received the complaint will refer the matter to a senior human resources manager to instigate a formal investigation. The senior human resources manager may deal with the matter him/herself, refer the matter to an internal or external investigator or refer it to a committee of three others in accordance with this policy [Choose what options are most appropriate for the company].

The person carrying out the investigation will:

- interview the victim and the alleged harasser separately
- interview other relevant third parties separately
- decide whether or not the incident(s) of sexual harassment took place
- produce a report detailing the investigations, findings and any recommendations
- if the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal)
- follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
- if it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace
- keep a record of all actions taken
- ensure that the all records concerning the matter are kept confidential
- ensure that the process is done as quickly as possible and in any event within [...] days of the complaint being made

[Explanatory note: Companies will need to create specific complaints mechanism to meet their needs. For instance a small company may not be able to have a panel of three decide on sexual harassment claims, and it may be more appropriate to have certain individuals trained in the company to investigate the complaints. If a committee is created to carry out the investigation, the committee should be set up bearing in mind gender-balance and could include, a representative of the company, a worker representative, etc. The Committee members, just as HR personnel or investigators dealing with sexual harassment, should be trained on understanding and deciding what constitutes sexual harassment, how to investigate it, etc.

It is also vital that the wishes and needs of the victim are incorporated into the outcome of the complaints mechanism. For example, if it is found that a victim was harassed by a colleague and that they work together on a daily basis, the views of the victim should be ascertained before making a decision on re-organising the office. For example, the victim may not want to be moved to a different department and as the victim, he/she should be entitled to decide this and not be re-victimised by being forced to move within the company.]

Outside complaints mechanisms

A person who has been subject to sexual harassment can also make a complaint outside of the company. They can do so through [insert mechanism depending on country/legal framework – i.e. employment tribunal, ombudsperson, etc].

[Explanatory note: This section is intended to inform employees of their rights to use other national mechanisms that may be available to them. Some employees may not feel comfortable bringing a complaint through the disciplinary measures at work and they should be informed of their right to seek redress elsewhere. The internal policy of a company cannot prevent an employee from also using the national mechanisms available to him or her.]

Sanctions and disciplinary measures

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:

- verbal or written warning
- adverse performance evaluation
- reduction in wages
- transfer
- demotion
- suspension
- dismissal

The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

[Explanatory note: The policy should be applied consistently throughout the company and sanctions should be based on the gravity of the conduct. Suitable deterrent sanctions should be included in workplace policies on sexual harassment to ensure that incidences of sexual harassment are not treated as trivial events. They should become part and parcel of company regulations and/or collective labour agreements].

Implementation of this policy

[Name of company] will ensure that this policy is widely disseminated to all relevant persons. It will be included in the staff handbook. All new employees must be trained on the content of this policy as part of their induction into the company.

Every year, [name of company] will require all employees to attend a refresher training course on the content of this policy.

It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

[Explanatory note: This creates an obligation on the company to ensure that all employees are aware of the policy.]

Monitoring and evaluation

[company name] recognises the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective.

Supervisors, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This will be done on a yearly basis. As a result of this report, the company will evaluate the effectiveness of this policy and make any changes needed.

[Explanatory note: Monitoring and evaluation can be done through different means, including questionnaires completed by employees, feedback from victims or those who work in the complaints procedure. This is important to review the effectiveness of the policy and the complaints procedure.]

For further information: <http://www.ilo.org/suva/>

