

Briefing 7.1 – Creating inclusive and dignified workplaces, including safe spaces for reporting and effective mechanisms for seeking redress

1. Introduction



Summary of key points

- Governments, employers' and workers' organizations and NGOs increasingly recognize that sexual harassment needs to be addressed through workplace policies and complaints procedures, including the establishment of collective bargaining and sexual harassment complaints committees.
- Workplace policies have a key role to play in preventing sexual harassment from occurring but also in providing effective remedies when a worker is victimized. Social dialogue is important.

Module 5 looked at the role of managers and supervisors in preventing and responding to sexual harassment in the workplace. This briefing looks further into the specific tools that can be used to embed policies and practices for workplaces free from sexual harassment, including:

1. Human resources procedures and policies
2. Sexual harassment policies covering complaints and redress
3. Sexual harassment committees
4. Setting up and running hotlines

2. Human resources policies and procedures

Suppliers need to have human resources policies and procedures if they are to create a positive working environment for their employees, retain and value workers and prevent sexual harassment.

Human resource policies and procedures are important to ensure that:

- ✓ Managers and supervisors have a responsibility to create a working environment free of sexual harassment – for the dignity and protection of workers as well as for productivity.
- ✓ National laws on gender-based violence and sexual harassment at work are implemented.
- ✓ Managers, supervisors and workers are trained, informed and understand the types of behaviour that constitute sexual harassment and have clear responsibilities about how to prevent it.
- ✓ There is understanding of why certain workers are particularly vulnerable to sexual harassment, including casual workers, migrant workers and young workers.
- ✓ Workers understand their rights and how to complain and find support, if necessary.
- ✓ Workplaces have confidential complaints systems, designed to deal with sensitive issues of sexual harassment.
- ✓ Freedom of association, the right for workers to be represented by trade unions and bargain collectively are embedded in company policies.
- ✓ Workplace policies cover transportation and accommodation provided by the employer.

While large companies usually have human resources policies and procedures in place, often led by a human resources manager, many suppliers producing goods in global supply chains are small factories and farms where the owner may be the manager. In some cases the supplier factory or farm has been subcontracted by a larger company to complete an order.

Suppliers can gain a better understanding of their labour force through a simple gender audit. This could be a valuable foundation for preventing and eliminating sexual harassment. A gender audit is a management and planning tool to evaluate how the organization integrates a gender perspective into its

work. The aim is to identify what needs to be done, for example, to make progress in implementing legislation on sexual harassment in the workplace.

Some sample questions to include in a gender audit on sexual harassment can be found below.

	Existing measure	Areas to work on
What measures are already in place for protection from sexual harassment and violence at work?		
How is sexual harassment defined?		
What preventive measures are in place?		
What is the complaints procedure and is there a complaints officer?		
What protection and support is given to victims?		
What sanctions exist for perpetrators?		
What supportive initiatives such as training programmes exist to raise awareness about sexual harassment?		

A starting point is to examine where women and men work and their pay and conditions:

- Gender composition of the workforce: the different jobs held by women and men (e.g. managers, supervisors, different categories of production workers).
- Skills and training: the skill levels (and training) required for each job, by gender, including skills training offered to workers, supervisors and managers to upgrade their skills.
- Contracts of employment: what is covered in contracts of employment and who (by grade and gender) holds a permanent or temporary contract.
- Sub-contracting: what policies or codes of conduct exist for sub-contracting, how are they maintained and monitored? Gender of workers who are employed on a sub-contract.
- Potential ways to work in partnership with local trade unions and women's organizations to identify and detect sexual harassment in the workplace.

3. Sexual harassment policies

Dealing with sexual harassment and violence is more complex and sensitive than most workplace issues. Sexual harassment and violence needs to be handled with the upmost sensitivity and in strict confidentiality. Complaints that become public may have life-changing consequences for the complainant – in some countries this could damage victims' marriage prospects and cause lasting reputational damage for the victim's family.

Developing and fully implementing a sexual harassment policy can help prevent sexual harassment and violence. Lead companies may have existing sexual harassment policies and these can be referred to as a basis when contracting services to suppliers. For example, suppliers' contracts might require that a sexual harassment policy has been drawn up in consultation with workers and their unions, and that workers have been trained and provided with accessible information about the procedures.

Tool 3: Tips for employers and workers' representatives on drawing up a sexual harassment policy

Consultations

- ✓ Consult with workers, the labour management committee, local trade unions and local women's organizations prior to drawing up a policy.
- ✓ Set up a task team to develop an action plan for a workplace sexual harassment committee, including training for members of the committee.
- ✓ If an existing labour management committee exists, establish a task team on sexual harassment.

Establish a sexual harassment committee

- ✓ Clarify membership, function and role of a workplace sexual harassment committee.
- ✓ Committees should include a trade union representative, where there is a trade union.
- ✓ Advice and support for committees can be sought from a local business association, trade union or women's organization. (See Section 4 below for further information on setting up a sexual harassment committee).

Training

- ✓ Provide regular training for all members of the sexual harassment committees and specialist training to the members who investigate complaints.

Drafting a sexual harassment policy

- ✓ Refer to model sexual harassment policies and procedures and consider what is appropriate for the particular workplace. (See link to sample sexual harassment policies below).
- ✓ Draft a clear statement that the company does not tolerate violence, abuse or sexual harassment – and that it could be a disciplinary matter.
- ✓ Provide a clear definition of sexual harassment and other forms of violence in the workplace.

✓ Ensure the policy covers all employment situations related to the world of work, including transportation and accommodation provided by the employer, social events organized by the employer, training events and work-related phone calls, emails and social media.

- ✓ Set out the procedures and disciplinary measures for dealing with sexual harassment complaints, emphasizing the importance of confidentiality and impartiality.
- ✓ Make sure all employees are covered, including casual and part-time employees.

Make sure the policy is accessible and available to everyone

- ✓ Provide all employees with clear information about what constitutes unacceptable workplace behaviour and the potential consequences for perpetrators of abusive behaviour or sexual harassment.
- ✓ Ensure that everyone in the workplace knows about the policy. It should be distributed in the languages that workers read and provided in an accessible format with pictures. The policy should be displayed with help-line numbers in a prominent place and set out on cards/flyers that can be read away from the workplace.
- ✓ Workers, including contractors and subcontracted workers, should be asked to sign a copy of the policy and confirm that they have seen and understood the contents.

Government agencies and employers have a key role to play in raising awareness about the implementation of legislation to prevent and address sexual harassment. For example, in Pakistan, the 2010 Protection against Harassment of Women at the Workplace Act places a responsibility on employers to create a safe working environment for women workers, including a workplace policy and complaints system.

 **Refer to Case Study 7.1: Employers in Pakistan committed to implement Protection against Harassment of Women at Workplace Act 2010, as an example of awareness-raising with employers organizations in Pakistan.**

Five sample sexual harassment policies can be found in Information Sheet 6 (see below). They illustrate examples of model clauses and procedures that can be included in workplace policies on sexual harassment. The sample policies follow a similar format: a) in defining sexual harassment, b) in setting out the company's commitment to end sexual harassment, and c) listing the responsibilities of employers and workers in implementing the policy. The four sample policies are:

- 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)
- Sample sexual harassment policy and procedure (International Trade Union Confederation)
- Sample sexual harassment policy (Klosters Brothers, South Africa -Ethical Trading Initiative / WIETA)
- Sample sexual harassment policy: ILO Pacific Region

For the text of the four sample sexual harassment policies refer to Information Sheet 6: Sample Sexual Harassment Policies

4. Sexual harassment committees

Setting up an internal sexual harassment committee can be one way to ensure that there is a confidential procedure for complaints to be made and handled. In unionized workplaces sexual harassment committees and their membership can be specified in collective bargaining agreements. In non-unionized workplaces it is more difficult to ensure the principles of independence, impartiality and fairness. These are issues that should be carefully considered when developing workplace procedures.

Sexual harassment committees can play an important role in raising awareness of sexual harassment, helping to change workplace culture and promote a more positive working environment. They can have a role in suggesting solutions to factory-wide problems and give workers and employers an opportunity to see the benefits of constructive social dialogue at local level.

However, there are many challenges to be overcome in setting up and making committees visible and effective. Multi-stakeholder initiatives such as FWF, ETP and ETI have found that most suppliers do not have internal complaints committees that deal with sexual harassment, and where they do exist workers are often not aware of them. High turnover of workers presents challenges to training committee members. A further problem is that some factories and farms employ workers through sub-contractors, particularly when there is a peak in orders. These workers often do not have contracts of employment and are not covered by internal complaints procedures.

Workplace Internal Complaints Committees (ICC) on sexual harassment are required in India by the Sexual Harassment of Women at Workplace Act, 2013 and a Bangladeshi High Court ruling recommends factories establish Anti-Harassment Committees (AHC). In India, the legislation requires that ICCs include a senior woman manager and a member from an NGO or association "committed to the cause of women or a person familiar with the issues relating to sexual harassment." At least half the members have to be female.

In some workplaces, ICCs have begun to play an important role in enabling new groups of workers to be trained and know their rights, and for managers to see that preventing violence and sexual harassment can bring benefits to the factory. The establishment of a committee can also be a first step for trade unions to play a role in the workplace and an important early step towards giving workers some voice and suggesting solutions to organizational issues. However, it is important that the committees are open to scrutiny if they are to function effectively and not lead to further problems for complainants.

There is some evidence that internal committees can have a positive impact in reducing sexual harassment and in changing the way that women are perceived in factories. FWF training under the programme resulted in more harassment cases reported to the anti-harassment committees and via the FWF telephone helpline. The project piloted new workplace procedures in Indian and Bangladeshi factories where there were no unions, as a first step towards social dialogue. In an environment where few workers are aware of their rights, FWF worker training provided a first exposure to labour rights,

such as reasonable working hours, a safe and healthy working environment, and freedom of association and the right to collective bargaining. Practical strategies to implement sexual harassment legislation included the establishment of worker-elected anti-harassment committees and formal policies and grievance procedures, in more than 50 garment factories. Thirtyfour anti-harassment committees, composed of workers' representatives, factory management and representatives of non-governmental organizations, were operational in Bangladesh and India in 2014. Since taking on the additional responsibility of participating in anti-harassment committees, some women have become a more vocal presence on the factory floor and an increasing number of women have been promoted to supervisory roles since the start of the project.

However, it is important to be aware of the challenges in setting up and running sexual harassment committees. A survey carried out by the business organization ELEVATE in Indian garment factories found a number of challenges in implementing legislation on sexual harassment in the workplace. Female workers said it was the management's responsibility to ensure a harassment-free workplace, but they had less confidence in managers' capacities to handle sexual harassment incidents than male workers. Most workers reported that there was a general Internal Complaints Committee in their factory but only a small number had heard of the local complaints committee for sexual harassment. The survey found limited evidence of training and contract workers and workers with lower levels of education were most vulnerable.

Source: Webinar sexual harassment in Indian workplace:
<http://www.elevatelimited.com/webinars/33-blog/past-webinars/202-sexual-harassment-awareness-in-indian-factories-survey-results>

Tool 4: Tips on setting up and running sexual harassment committees

Consultations and expert advice

- ✓ Consult with workers, trade unions and local women's organizations prior to setting up the committee.
- ✓ Draw on expert advice about how to deal with the sensitive issues of sexual harassment and sexual violence in the workplace – this may be available from a local organization, business association or trade union. The ITUC and several global trade unions have practical resources.

Membership

- ✓ The membership of the committee should be in accordance with any national law (for example, as exists in India, Bangladesh or Pakistan). Where there are no national guidelines it is suggested that the membership of committees is predominantly – at least a majority – female. The committee should include both (senior female) managers and workers and the trade union representative, if there is one.
- ✓ If no trade union is recognized it is recommended that a local trade union or women's organization is invited to join the committee membership to provide expertise.

Training

- ✓ Ensure that all members of the committee have received specialist and informed training in sexual harassment and procedures for dealing with complaints.
- ✓ Regular training from an external expert for all committee members is likely to be necessary.
- ✓ Those designated to investigate and hear complaints should receive specialist training.

Responsibilities, procedures and remedies

- ✓ Designate a responsible senior manager and at least two workers to investigate and resolve complaints. Ensure that there are at least two women and one man on a panel and that they receive training in how to conduct confidential and impartial investigations.

- ✓ Ensure there are clear procedures in place to file complaints on behalf of harassed workers and to work with managers to resolve complaints.
- ✓ Include the right for workers to be represented by a union representative at all stages of the grievance complaint handling process, or someone else if there is no union.
- ✓ Provide effective remedies for victims of sexual harassment and violence (e.g. public apology, counselling and/or financial compensation).
- ✓ Sexual harassment should be treated as a misconduct, with appropriate disciplinary procedures in place for dealing with this (e.g. a warning, suspension or termination of employment).
- ✓ Have an agreed confidential process for documenting complaints of sexual harassment.
- ✓ Have interim measures in place to deal with complaints if a worker requests this. For example, temporarily moving a respondent or an aggrieved worker from their current work location. Lasting solutions should not involve the complainant having to move but rather the perpetrator.
- ✓ Put in place preventive measures, including training for managers, supervisors and workers and promote a culture of a safe working environment.
- ✓ The sexual harassment committee might map the 'hotspots' where there is frequent harassment in particular areas in the workplace and suggest remedial action.
- ✓ Be prepared to deal with and give assistance to workers affected by sexual harassment outside of the workplace, for example, on public transport or name calling at the factory gates.

Monitoring

- ✓ Enable trade unions and women's organizations with a knowledge of gender-based violence to play a role in monitoring the process and to ensure that cases are handled effectively.
- ✓ Provide confidential minutes of all meetings.

Information about the committee and its role

- ✓ Information about the role of the committee and how to make confidential complaints should be displayed in a prominent place so that employees are aware of their rights. Include names and contact numbers of members of the committee.
- ✓ Ensure that information is accessible to young workers and workers with low literacy levels. Consider writing a small information booklet for workers using pictures and simple illustrations.

5. Setting up and running hotlines and helplines

Hotlines provide an important confidential service for workers experiencing sexual harassment and violence. Hotlines should be confidential and available to support women who need advice. Callers are likely to be vulnerable and emotional, and call handlers should have the necessary training to deal with gender-based violence and employment issues.

Tool 5: Tips on providing hotline services:

- ✓ Give reassurance that the hotline is a confidential service for women and men.
- ✓ Be professional, patient, listening and give compassionate responses to the caller, particularly because the caller is likely to be upset or in distress.
- ✓ Responses should be dealt with in a calm way and advisers should not make judgments or ask inappropriate questions.
- ✓ Give reassurance and information about how the caller can get support, deal with or refer a complaint and/or how to access an appropriate service, for example, from a local trade union or women's organization.
- ✓ Follow up the call with relevant information about complaints procedures that exist.

Hotline handlers should be trained to deal sensitively with issues concerning sexual harassment and abuse and help workers and other parties to file complaints. It can provide a safety net but is not a substitute for formal workplace complaints handling mechanisms. It may take some time for a hotline to win the confidence of workers. Building trust in the hotline is important. FWF found that many of the early calls to the FWF Hotline concerned sex discrimination – on issues such as pregnancy dismissal. Over time hotlines have become trusted to deal with sexual harassment and abuse issues.

**Additional resources and information on
setting up and running hotlines**

John Hopkins Bloomberg School of Public Health Field (2003) Setting up a Hotline. This provides a step-by-step guide for starting a hotline or enhancing an existing hotline. For further information see: http://pdf.usaid.gov/pdf_docs/PNACU541.pdf

IOM (2007) Hotline Management in the context of trafficking in persons: A Basic Guide. The Guide provides guidance on how to assist callers to hotlines and how to monitor and evaluate the hotline. http://publications.iom.int/system/files/pdf/iom_handbook_assistance.pdf

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