

Model policy on sexual harassment at work¹

Purpose

This model policy has the aim to prevent and address violence against women workers. It is based on best practice approaches and takes into account the specific work situations that expose women to risks of violence, such as working in a male-dominated industry that is sometimes hostile to women, and the risks associated with working in public spaces, providing services in isolated work situations and in customer facing services.

Central to the policy is that everyone plays a role in ending violence against women workers.

It deals with the two many types of violence against women at work:

- Violence perpetrated by managers, supervisors and co-workers in the workplace
- Violence perpetrated by customers, clients and other third-parties in the workplace

Definition

The model policy is embedded in a gender-equality approach. It sets out the procedures for making and handling complaints, the role played by workplace representatives, and training and awareness raising about the policy, including its implementation. It is based on best practice approaches and encourages the active involvement of everyone in the workplace.

Violence against women workers can take many forms. The most prominent form of violence against women is sexual harassment – it includes physical, psychological, verbal and non-verbal conduct and includes, for example, jokes of a sexual nature, or comments and unwanted deliberate touching which disturbs a women’s ability to work. This conduct can include sexual violence and assault, including rape, unwanted pressure for sexual favors and dates, stalking, making sexually lewd comments or unwanted pressure for communications of a sexual nature. It can also include cyber-harassment, including sexually explicit emails and posts on social networking sites.

Sexual harassment is unwelcome conduct of a sexual nature that the victim perceives has the purpose to offend or humiliate her, that interferes with her work and/or creates an intimidating, offensive or hostile workplace. Sexual harassment is also defined as ‘quid pro quo’, whereby approval or rejection of sexual harassment is the basis for a decision in making appointments, career progression, salary increases and bonuses, the allocation of work tasks or extending a contract.

¹ Note : *this model policy was developed by Dr. Jane Pillinger as a training tool for the ITCILO course on “Preventing and Addressing Gender-Based Violence in the World of Work” (Nov. 2018).*

Definitions of 'quid pro quo' and 'hostile work environment' sexual harassment²

Quid pro quo involves:

- (1) "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"
- (2) "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."

Hostile work environment involves "conduct that creates an intimidating, hostile or humiliating working environment for the recipient."

Violence against women, including sexual harassment, arises because of discrimination and unequal gender roles and relations. It exists because of the unequal power that women hold in the workplace and in the wider society. For many women workers the risks of sexual harassment are much higher because their workplace is often a public space and where there is regular contact with customers – and risks are heightened when women work in the evenings, at night and alone.

Sexual harassment against women may also occur outside of working hours, for example, when travelling to and from work. Examples include a woman who is harassed by a colleague outside of working hours by email or social media; an intern whose supervisor calls at her house after work with an expectation that she will go on a date and have sex with him in return for a paid job; and a woman worker who is stalked by a colleague or customer who follows her home after work late at night.

Women in less powerful positions in the workplace, for example, women working on zero-hours contracts, in temporary positions or as trainees may be particularly at risk from a superior as they may fear loss of the potential for the renewal of a contract or a job in the company in the future. Further risks are faced when changes occur in work organisation that lead, for example, to more isolated or lone working.

² ILO (2003) Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), ILC, 91st Session, p. 463.

Model policy

The following model policy sets out headings of the main features of a policy relevant to sectors, with checklists of what to include in the policy to prevent and end sexual harassment.

The model policy can also be used to check that existing policies are comprehensive and 'fit for purpose'.

1. Statement of commitment to ending violence against women

Checklist of what to include:

- ✓ Description of the role and purpose of the policy, including the role in preventing and prohibiting sexual harassment and contributing to a working environment based on respect and dignity of all workers.
- ✓ Data and a brief explanation of why sexual harassment is the focus on the policy [sources can be European e.g. based on the ETF survey, or draw on data at the national level and if available within the relevant sector or company].
- ✓ A clear and comprehensive definition of sexual harassment (which includes physical, verbal, non-verbal and sexual forms of violence and harassment, as well as sexual abuse, threats of violence and harassment, stalking and cyber-violence) and the different dimensions of this.
- ✓ A statement showing a strong commitment from senior managers that the policy is of vital importance in creating a working environment that is free from violence and harassment against women, with the aim to contribute to the wellbeing, safety and health of the workforce, based on the dignity and equal value of women and men.
- ✓ The statement should also put an emphasis on prevention, early detection of problems, early resolution of complaints and early intervention to prevent reoccurrence of violence against women;
- ✓ Under the policy, the employer, with union representatives and in consultation with women workers, has the responsibility to draw up a comprehensive strategy to end violence against women;
- ✓ Strong encouragement is given in the policy for everyone – women and men – in unions, as employers and as workers to be proactive and to play their active part in ending violence against women. By working together it is possible to end violence against women.

2. Scope and coverage of the policy

Checklist of what this should cover:

- ✓ Violence against women that takes place during work hours (including during work-related travel, business trips and meetings outside of the workplace, and work-related social events).
- ✓ Violence against women that takes place outside of work hours where it involves workplace resources such as email, internet, mobile phones etc.
- ✓ Inclusion of all workers, full and part-time employees, interns, contractors , volunteers, or temporary workers engaged by the company or in any workplace location.

3. Include the full range of risks faced by women workers

Checklist of what to include:

- ✓ Implement a gender-response approach to identifying risks of violence against women, by ensuring that risk assessments and safety and health measures are inclusive of women's concerns;
- ✓ Tackle problems associated women's work if there is a hostile work environment and particularly relating to male dominated workplaces;
- ✓ Address vulnerabilities women may face when working alone, for example, on women bus drivers, social care workers or domestic workers.
- ✓ Address barriers and risks of violence by women working in male dominated sectors, and make these sectors more attractive for women to work in.
- ✓ Tackle risks that may be associated with women's access to sanitary facilities or changing facilities;
- ✓ Link these risks to action to actively promote and implement gender diversity and gender equality across the sector.

4. Establishment of a workplace committee designed to prevent and address violence against women

Checklist of what to include:

- ✓ Each workplace should establish a workplace committee made up of employers' and workers' representatives [this could be a sub-committee of the safety and health committee or a stand-alone committee];
- ✓ The committee will have the role to monitor the implementation of the policy, oversee prevention initiatives, run awareness and training programmes, and have the responsibility to handle complaints and investigations;

- ✓ Prevention activities, including the drawing up of the company's prevention strategy, should be prioritized and these should be informed by a gender-based approach and linked to wider social norms change;
- ✓ The committee members will receive training and draw up guidance to ensure that committee members understand how to detect gender-related risks of violence and implement gender-responsive actions and solutions;
- ✓ Assess and review prevention measures from a gender perspective, for example, through risk assessments; reviewing past incidents to inform new prevention measures and implement organizational change that promotes women's safety.

5. Setting out clear complaints procedures for handling complaints and carrying out investigations

Checklist of what to include:

- ✓ The complaints procedure must be trusted by workers, and that any worker – as well as bystanders and witnesses;
- ✓ A clear formal and informal complaints procedure is established, allowing complaints to be made confidentially to the employer through multiple routes;
- ✓ The employer is responsible for ensuring that there is protection for complainants particularly to avoid further victimisation and retaliation of victims, bystanders, witnesses and whistleblowers.
- ✓ Complaints procedures are accessible, understood and trusted by women workers;
- ✓ Systems in place for making confidential anonymous complaints, including violence against women by customers/third parties;
- ✓ The victim's informed consent is given before information is shared about a complaint or an investigation is held;
- ✓ Informal resolution is promoted before the opening of a formal procedure, and there timely and diligent resolution;
- ✓ Inform women workers about available support from workplace representatives and trade unions during the complaints process;
- ✓ Shift the burden of proof from the woman to the alleged perpetrator;
- ✓ No women should be asked to sign a confidential/non-disclosure agreement as part of the resolution of a complaint; however, a woman's right to confidentiality, where possible, should be respected.

6. Investigation of complaints

Checklist of what to include:

- ✓ Ensure that investigations are gender-responsive, and take account of the situations of vulnerability and risks faced by women workers;
- ✓ Ensure that investigations are not subject to statutes of limitations, so that cases of violence and harassment dating back over many years can be heard and investigated;
- ✓ Ensure that investigators are independent and that investigators with have expertise in handling investigations relating to violence against women.

7. The role of workplace advocates

Checklist of what to include:

- ✓ Each workplace should have a named workplace representative/advocate (or 'person of trust') who has been nominated by the employer and trade union; they will receive training on how to provide confidential advice and support for women victims of violence;
- ✓ In cooperation with the employer provide resources for training of workplace advocates and agreement for them to provide advice and support as part of their regular job.

8. Promote positive and active bystander approaches in the workplace

Checklist of what to include:

- ✓ Encourage and support workers to take the role of bystanders by challenging practices and cultures in the workplace that they witness that contribute to violence against women;
- ✓ Help colleagues work together to challenge inappropriate behaviour and to empower them to take appropriate action – and in particular encourage men to play an active role;
- ✓ Encourage male and female workers to participate in bystander training so that they can develop skills to identify inappropriate behaviour in the workplace and workplace attitudes that contribute to a culture of gender inequality;
- ✓ Raise awareness by asking managers, unions and workers to 'take a stand against violence against women in the workplace' and by asking them 'what will you do as a bystander to end violence against women';
- ✓ Provide resources and training on how to be a bystander and to engage in non-confrontational behaviour change.

9. Ensure that recruitment and promotion procedures are non-discriminatory

- ✓ Establish transparent and non-discriminatory recruitment and promotion procedures by establishing gender-balanced selection committees, ensuring appropriate and gender-neutral interview questions and ensuring that there are no questions that are perceived to be quid pro quo sexual harassment.

10. Working together: training of managers, supervisors and workers

Checklist of what to include:

- ✓ Training managers, supervisors and workers on complaints procedures, the handling of complaints and how to effectively respond to women's complaints of violence and harassment; complaints handling training is provided at the level at which complaints should be dealt with;
- ✓ Training on techniques to promote respect for women in the workplace, avoid or manage conflicts in order to prevent conflicts escalating to more serious forms of violence against women and sexual harassment.
- ✓ Training to build understanding of the effects of violence against women, how to change social norms and promote gender equality, and how gender diversity at work can be a preventative measure.
- ✓ Training and guidance on for managers and employees on how to provide appropriate support for a woman who discloses violence to them, including immediate steps to put in place;
- ✓ Guidance and training for trade union representatives, managers and workers on how to communicate with empathy and understanding and respond appropriately.

11. Provision of information and support for women workers affected by violence and harassment at work

Checklist of types of support to provide:

- ✓ Information and advice about company policies and complaints procedures, and advice about seeking support from a trade union representative or a workplace advocate;
- ✓ Information about how a woman can access support when making an informal or a formal complaint, including the woman's right to be accompanied by a support person or trade union representative during the informal or formal process;
- ✓ Relevant support for affected workers and witnesses, with access to support inside and outside the workplace for legal, medical and financial support.
- ✓ Access to counselling, paid for by the employer, to enable a victim to recover from the negative impact that violence has had on her;

- ✓ Medical support from within the company or referral to a specialist paid for by the company;
- ✓ Advice and information about specialist organisations working on violence against women;
- ✓ Temporary adjustments in a woman's work schedule or work tasks, and if necessary the provision of shorter/flexible working hours or paid leave, to enable a woman to recover from the effects of violence.

12. Perpetrator accountability

Checklist of what to include:

- ✓ Ensure a consistent approach to perpetrator accountability – there should be no protection or special treatment of 'high value' or senior managers;
- ✓ Implement relevant informal and/or formal disciplinary measures, including sanctions, verbal or written warnings, dismissal, mediation, counselling or ongoing supervision;
- ✓ Measures are put in place to ensure that a perpetrator does not go on to reoffend;
- ✓ Disciplinary action should be proportional to offence and consistent with previous cases;
- ✓ Reassignment of the work location or work tasks of the alleged perpetrator or temporary suspension from work during the handling of a complaint and investigation;
- ✓ Ensure that women victims are consulted with and informed about disciplinary or other measures put in place; in some cases a simple apology may be all that she wants, whereas in serious cases she will need to be reassured that appropriate measures have been put in place and there will be no retaliatory action from the perpetrator.

13. Awareness raising in the workplace

Checklist of what to include:

- ✓ Run regular awareness raising and information campaigns in the workplace on zero-tolerance to violence against women;
- ✓ Raise awareness that violence and harassment against women is prohibited, and display of signs in workplaces and in public places;
- ✓ Implement awareness raising campaign messages and that 'by working together we can all end violence against women'.

14. Implementation and monitoring of the policy

Checklist of what to include:

- ✓ The senior management of the company is responsible for ensuring that the policy is fully implemented;
- ✓ Adequate resources are put in place, including training associated with the implementation of the policy and to ensure that it is gender-responsive;
- ✓ A procedure is agreed to review the policy every three years to ensure that it is fit for purpose, taking into account data collected on complaints and reports of violence against women, how complaints were resolved and learning from complaints and preventative measures introduced;
- ✓ Consult with women workers about the policy and how it has been implemented;
- ✓ Make changes to the policy that reflect best practice developments.

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