

**Sexual Harassment
ZERO TOLERANCE**

NO EXCUSES.



**A union guide to prevent and
tackle sexual harassment in
the workplace.**



UNI
global
union
equal
opportunities

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Introduction:

Experiencing sexual harassment is one of the most difficult situations that a person can face in the workplace. No workplace is immune from sexual harassment and the lack of reported cases does not necessarily mean that they have not occurred.

What really happens is that most of the victims do not report the incidents because they are often in a situation of vulnerability, they fear damaging their careers or even losing their jobs; and even when victims find the courage to speak, the problem is often minimized and normalized.

For this reason, the most important thing is to make it clear that sexual harassment is an unacceptable behavior and should not be tolerated because it is a direct violation to the rights of a person and to their dignity.

Sexual harassment is also contrary to the law and in many countries, this type of conduct is typified by law and entails penalties outside the workplace.

This guide is part of our NO EXCUSES campaign and it aims to lay down the basic notions of sexual harassment so our affiliated unions can prevent and address sexual harassment in the workplace and help eradicate it.

NO EXCUSES is part of Breaking the Circle! a comprehensive awareness and training campaign against gender based violence, which has been carried out by the UNI Equal Opportunities for more than 10 years haims at addressing the different aspects of violence, from where it stems, to its consequences, to ways of combating it.

This particular guide is part of a series of training material that includes visual aids, digital and printed material, as well as an orientation booklet to conduct face-to-face workshops.

Throughout these pages we will define what sexual harassment is, where it can happen, who is a perpetrator and who is a victim and what myths and stereotypes surround it. We will also provide tools to create policies aimed at preventing this kind of situations; as well as complaint procedures that will help guide our affiliated unions in the face of harassment situations.

Information and education are resources that empower us. They allowins to combat inequality which generates violence, and sexual harassment is one of the faces of violence.

Wherever sexual harassment occurs, it must be stopped.

Zero tolerance: no excuses.

WHAT IS SEXUAL HARASSMENT AT WORK?

A clear and detailed definition is key to addressing all forms of sexual harassment in the workplace. Therefore, let's look at the components of that definition.

► **Sexual harassment is a type of violence.**

Violence occurs when there is an abuse of power by of one person over another, and is based on the unequal relationships that exist between people at work, in the family and in society.

In this asymmetric situation, a subject has more resources (material or immaterial, such as: money, education, hierarchy, information, physical strength, etc.) than the other and uses these resources to harm or threaten the other physically or psychologically.

Some groups of workers, and in particular women, are disproportionately affected by violence and harassment at work where unequal power relations, low wages and precarious working conditions expose them to violence.

► **Sexual harassment is a form of GENDER VIOLENCE and discrimination.**

Gender-based violence results from the inequalities that exist between women and men in society and at work, and consists of a serious violation of human rights.

This type of violence has its roots in social structures based on gender rather than individual action or chance. It is not limited by age, socioeconomic group, educational level or geography, it affects all societies and prevents the elimination of gender inequality and discrimination throughout the world. That is why although women are the most

affected by sexual harassment at work, those who do not fit in with gender stereotypes or do not adapt to the gender roles imposed in each society are also vulnerable. This is the case of lesbian, gay, bisexual, transgender and intersex workers (LGBTI).

Workplace cultures can promote or challenge this inequality of power and the gender norms that produce it. That is why within certain cultural and social frameworks, violence and harassment can become "normal", or be "normalized".

To prevent violence and sexual harassment we must address negative social and work cultures.



1. Definition of sexual harassment

We will use the definition given by the ILO which defines **sexual harassment as a sex-based behavior that is unwelcome and offensive to its recipient.**

According to this definition sexual harassment has 3 elements:

- ▶ **it is a sex – based behavior,**
- ▶ **it is unwelcome and**
- ▶ **it is offensive to its recipient.**

1. Sex – based behavior implies any kind of conduct of a sexual nature or content.

2. Unwelcome, is the critical word. Unwelcome does not mean “involuntary.”

Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. His something that we don’t want or did not ask for. **No matter the intentions behind it.**

3. Offensive, because it upsets the recipient upset, while creating a hostile, intimidating, and humiliating work environment.

It is not occasional compliments and has nothing to do with the mutual attractions of friendship, which are consensual and acceptable to both parties.

It means that the advance or conduct was not requested or invited by the other person and that they regard this conduct as undesirable or offensive.

▶ So what does “unwelcome” mean?

As a guide, unwelcome could be defined in the following way:

That the advance, request or conduct was not requested or invited by the person and the person regarded the conduct as undesirable or offensive.

Whether the behaviour is unwelcome is a subjective test: it looks at how the conduct in question was perceived and experienced by the recipient, rather than the intentions behind it.

It is irrelevant that the behaviour may not offend others or has been an accepted feature of the work environment in the past.

What may be acceptable socially or in private life could well be inappropriate in a work context.

A complaint of sexual harassment should not be dismissed just because the complainant did not tell the harasser that their behaviour was unwelcome.

▶ A simple test to apply to assess if a certain behaviour could be considered to be sexual harassment is to ask:



1. Was it unwelcome?

☐

2. Was it of a sexual nature?

☐

3. Would a reasonable person have expected it to be offensive, humiliating or intimidating?

☐

If the answer is ‘yes’ to these three questions then the behaviour may constitute sexual harassment and you should seek advice.

WARNING: If the answer to these questions is anything other than a clear and absolutely certain “No”, then there are grounds for investigation of a sexual harassment complaint.

▶ Types of sexual harassment at work.

Sexual harassment it is frequently categorized in two ways: “quid pro quo” or “hostile working environment”.

“Quid pro quo” sexual harassment occurs when a job benefit – a pay rise, promotion or even continuing employment – depends on participating in some form of undesire conduct of a sexual nature. For example a worker is asked for a sexual favour, and submitting to or rejecting that request is used to make a decision about that worker’s job.

“Hostile working environment” harassment covers conduct that creates an intimidating, hostile or humiliating working environment.

Hostile environment sexual harassment can include conduct that is either directed at an individual or directed at nobody in particular. It involves a range of behaviours, including sex-based comments (which need not be sexual in nature), disparaging remarks about the sex of the victim/s, innuendos and the display of sexually suggestive or explicit material at a workstation.

A single incident is enough to be considered sexual harassment; however, it often involves repeated behaviours. (ILO 2016, p4)

► **Examples of sexual harassment**

VERBAL:

- Refer to someone with nicknames or make comments of a sexual nature.
- Whistle at someone, make kissing sounds, howling and/or smacking of lips.
- Make suggestive comments about a person's physical appearance, the way they dress or their body.
- Make sexual comments or innuendos.
- Transform work discussions into conversations about sexual issues.
- Tell jokes or sexual stories in the presence of someone or in reference to another person.
- Ask about sexual fantasies, sexual preferences or sexual histories.
- Ask personal questions about private or sexual life.
- Make sexual proposals or continuous requests for dates, especially after prior rejection.
- Tell lies or spread rumors about a person's sex life.
- Make vulgar statements and / or use of abusive language.
- Require that suggestive clothing be worn.
- Request sexual favors in exchange for a job, to keep a job, to resume or extend a work contract, to improve or maintain working conditions, or to obtain some other benefit.
- Make sexually explicit comments through: phone calls, faxes, letters, emails, SMS messages, etc.

NON VERBAL:

- Look at someone lasciviously or fixedly.
- Make gestures or body movements of a sexual or intimidating nature.
- Block a person's path intentionally in order to intimidate them.
- Follow the person through the work place in order to intimidate them.
- Display sexually suggestive images.
- Make sexual gestures with your hands or through body movements.
- Make facial expressions such as winking, throwing kisses or licking lips.
- Display of offensive photographs, posters, reading material, t-shirts, graffiti or sexual objects so that others can see it.

PHYSICAL:

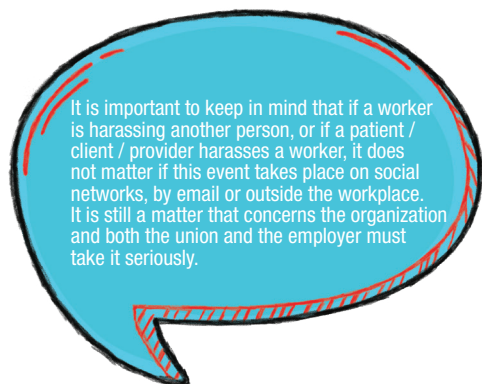
- Give massages around the neck or shoulders.
- Touch other people's clothes, hair or body.
- Hug, kiss, pat or caress others.
- Touching or rubbing sexually with another person.
- Standing very close to or rubbing against another person.
- Indecent exposure.
- Use authority or physical force to place someone in a position where they feel sexually threatened.

*It is important to remember that sexual harassment is not a product of desire, but a **product of power and control**. It is the way the perpetrator can make the victim feel vulnerable.*

2. What do we understand by “in the workplace”?

The meaning of “in the workplace” refers to the space where sexual harassment can occur. It encompasses not only the traditional physical workplace, but also:

work trips, social events related to work, visits to another place for work purposes (for example visit to a client / provider, the home of a patient or the workplace of a patient); conferences, training courses or meetings related to work; home, in particular for homeworkers, domestic workers and teleworkers; social networks, email and telephone communications.



3. Who can be subject to sexual harassment in the workplace?

Potentially, **anyone** can experience or commit sexual harassment at work.

Sexual harassment can be horizontal (the perpetrator is a companion or a peer) and vertical (by a person with a different hierarchical position).

A survey on sexual harassment undertaken by the United Kingdom Trade Union Congress (TUC) found that 54 per cent of respondents who stated they were subjected to sexual harassment

identified the perpetrators as colleagues, and 3 per cent as junior colleagues. This is in comparison to 17 per cent of respondents who stated that the perpetrator was a “direct manager or someone else with direct authority over them” (TUC, 2016b, page 15).

The sources can be internal and external (including clients, suppliers, and other third parties), in the public sector or in the private sector and in the formal or informal economy.

It can happen to anyone, male or female, whatever their sexual preference or gender identity is.

The perpetrator may be of the same or opposite sex as the victim.

If the behavior creates a hostile work environment or disrupts the professional development of a worker, it can be considered sexual harassment.

All this being said, we must remember that although both women and men experience sexual harassment in the workplace, it is women who tend to be more vulnerable to it because they often have lower-paying jobs, less authority and lower status than men.

On the other hand, some workers are more exposed to harassment because of the type of work they do. This is the case of those who work in contact with the public; who work in precarious and unregulated jobs, night workers, workers in private homes or intimate spaces, etc.

EFFECTS OF SEXUAL HARASSMENT

It is not just a private matter between two people. It has implications for everyone at the workplace

IT CAN:

▶ AFFECT MORALE, for example:

- The person feeling embarrassed, humiliated, intimidated, uncomfortable, annoyed, irritated, angry, anxious,
- Low self esteem.
- Loss of confidence.
- Stress and stress related health problems such as depression, insomnia, headaches, skin disorders, digestive problems etc.
- Self-blame, feelings of guilt.
- A negative impact on family life.

▶ UNDERMINE PRODUCTIVITY such as,

- Reduced job satisfaction.
- Being isolated.
- Poor work performance.
- Career damage.
- Damaged reputation.
- Risks to job security.
- Job loss.
- Financial hardship.

▶ CREATE AN INTIMIDATING, HOSTILE, OFFENSIVE OR DISTRESSING WORK ENVIROMENT

In some cultural situations, victims can suffer loss of face and social isolation, leading to family hardship and even break-up.

If the victim leaves or is sacked, future job opportunities may be jeopardized.

In times of high unemployment, and in a demoralized state, the victim will probably face a significant time of unemployment.



4. MYTHS AND REALITIES ABOUT SEXUAL HARASSMENT IN THE WORKPLACE

Myth 1: Sexual harassment is a rare occurrence.

Truth: Sexual Harassment in the workplace is widely spread.

There is extensive national and global evidence of this fact. Some examples:

- The WHO reports that more than **35 per cent of women worldwide** have experienced physical and/or sexual violence.¹
- Between **40 and 50 per cent of women in the European Union** experience unwanted sexual advances, physical contact or other forms of sexual harassment at and outside of work.²
- Studies in **Japan, Malaysia, the Philippines and South Korea** show that **30 to 40 per cent of women** suffer workplace sexual harassment;³
- The National Institute for Women (INMUJERES) in **Mexico** reports that **46 percent of women** employed in the formal economy (15 million) suffer from some type of sexual harassment.⁴
- In **Uganda**, a survey carried out in over 2,910 organizations indicated that **90 per cent of women** had been sexually harassed at work by their male seniors.⁵
- A survey published on 2016 by the TUC and the Everyday Sexism Project in the **UK** found that, of the 1,533 workers who responded to the survey, **more half of all women** and nearly **two-thirds of women aged 18 to 24** said they have experienced sexual harassment at work.⁶

Myth 2: The gravity of sexual harassment has been exaggerated. Most of the situations considered as sexual harassment are trivial and harmless flirtations.

Truth: Sexual harassment is wide spread and it has grave consequences for both the victim and their families, as well as for employers.

It has nothing to do with “flirtation” or sincere sexual or social interest. Rather, it is offensive, often frightening, and insulting. Victims of sexual harassment suffer from psychological symptoms such as feeling weak, self-blaming, insomnia, anger, tension and depression, as well as biological syndromes such as headache, backache, vomiting, high blood pressure, change in weight and fatigue. (ILO, 2010, p 7)

Myth 3: If there is no intention, it is not sexual harassment.

Truth: As mentioned before, if the person considers that the conduct is of a sexual nature, if it is offensive and unwelcome, it is sexual harassment.

The most important thing to understand is that what matters is how the person perceived the conduct in question and not the intentions of the person who carried it out or how they behaved afterwards (which takes us to the next myth).

Myth 4: If someone does not immediately complain of offensive behavior, it is likely that the behavior is welcome and not harassment.

Truth: Most victims do not share incidents with others because they are often in a situation of vulnerability. Let's repeat: sexual harassment is a matter of power and control. The recipient of these behaviors is in an unequal power situation and by making the situation public, they are afraid of damaging their career / or even losing their job.

¹ WHO data available at: <http://www.who.int/mediacentre/factsheets/fs239/en/>

² EU Fundamental Rights Agency. (2014). Violence against women: an EU-wide survey. Main results. Available at: <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>

³ UN Women <http://www.endvawnow.org/en/articles/299-fast-factsstatistics-on-violence-against-women-and-girls-.html>

⁴ https://www.verite.org/sites/default/files/images/Verite%20Works_Capacity%20Building%20for%20Women%20in%20Mexico.pdf

⁵ ITUC. https://www.ituc-csi.org/IMG/pdf/iwd_2014_final.pdf

⁶ TUC and Everyday Sexism Report (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016. London, TUC.

That is why unions have a key role in raising awareness about sexual harassment among its members and in negotiating policies and agreements that establish procedures to receive and process complaints.

Myth 5: Women who are sexually harassed often provoke these conducts because of the way they dress and behave. They are “looking for” it.

Truth: Sexual harassment is never the fault of the victim. This myth is based on the stereotyped view that everything a woman does is to draw the (sexual) attention of men and it is an excuse harassers often use. Reality shows that victims of sexual harassment vary in physical appearance, type of dress, age and behavior. The only thing they have in common is that most of them are women.

Myth 6: Sexual harassment only affects women.

Truth: Women are disproportionately affected by sexual harassment at work, but men can also suffer from sexual harassment, especially those who do not conform to prevailing male stereotypes.

Myth 7: Sexual harassment only occurs between people of opposite sexes.

Truth: Sexual harassment also occurs between people of the same sex.

Myth 8: The best way to stop sexual harassment is to ignore it and it will disappear.

Truth: The fact that some people choose to ignore this type of situation as a means to cope with it, does not necessarily mean it will disappear.

Since sexual harassment is not about sex but about power, the silence of the victim will only promote and accelerate the behavior of the harasser. The only way to stop it is by doing something about it.



5. HOW TO ACT WHEN SEXUAL HARASSMENT OCCURS

► If you are suffering from sexual harassment at work:

► Don't feel guilty

The most effective way to end with sexual harassment is to inform the perpetrator that their actions are offensive. It is also the hardest thing to do, why? Because victims feel guilty about the situation and they feel responsible.

It is necessary to understand that the **perpetrator** is completely **responsible for his/her actions** and remaining silent gives them more power. This will also allow for this type of behaviour to continue.

► Speak out, let them know that their behaviour is NOT ACCEPTABLE

Face the situation immediately, do not ignore it. If you feel uncomfortable to face the perpetrator, write them a short letter or send them an email and let them know that their behaviour is unacceptable and that you want it to stop.

For example, tell them “ I feel uncomfortable when you talk /touch / or look at me that way. I am not questioning your reasons, but I prefer if you didn't do it again”

By leaving a written trail of your actions you are preventing the perpetrator to deny in the future that they were unaware of what was happening.

► Don't remain silent

Do not underestimate the value of your own story. By exercising our rights, we are not only protecting ourselves, but we are helping others to come out of similar situations.

Talk to someone you trust, talk to your union.

► Keep a record of everything that happens

Document each case in detail (include time, date, place, as well as what happened, what was said or done) and keep all proof you have.

Do not erase the emails, the text messages or any other documents that may contain evidence of the harassment.

If the perpetrator is a supervisor or a general manager, keep a record of all your work evaluations, feedback; as well as assigned tasks and promotions.

► Present a formal complaint

You should present a formal complaint to your organization as well as to those people in charge of your work unit. If your employer does not have a procedure in place for this kind of situations, present the complaint to your union.

How to receive a complaint

When we receive a complaint as union representatives, we should help the complainant refer it to the person in charge of receiving this kind of grievance, and if the complainant so wishes, we can accompany them through the process.

It is very important to remember that all actions must be carried out under the principle of confidentiality. There can be no disseminating or sharing of information during the investigation procedure, and its conclusion.

● The complaint procedure usually contains the following stages:

► Reception of the complaint

► Analysis

► Investigation

► Interviews with the people involved

► Conclusions

► Communication of the conclusions to the parties

► Taking the necessary disciplinary measures

FUNCTIONS OF THOSE RESPONSABLE FOR RECEIVING COMPLAINTS.

- ▶ Receive and respond to the complaint and accompany the person throughout the process.
- ▶ Explain the process to the person who has been affected by this behavior so that they can make an informed decision about what they will do and what steps will be taken in the immediate future.
- ▶ Listen carefully and impartially.
- ▶ Analyze the possible actions that the affected person can carry out to resolve the situation.
- ▶ Inform the affected person about their rights under current legislation.
- ▶ Guide and advise the affected person should they need to write a written summary of the case.
- ▶ Do not provide legal advice if you do not have the faculties, preparation or attributes of a lawyer.
- ▶ Provide support to the affected person until the case is closed.
- ▶ Explain to the affected person that the support provided is not legal assistance, and that they are free to consult a lawyer or specialized agency of their choice at any time during the process.



INVESTIGATION. INTERVIEWS

The parties involved should be interviewed and the necessary additional investigations carried out in order to have all the information and evidence available during the complaint process.

It is important that those in charge of interviewing the parties possess the knowledge and skills required to take care of this type of case: comprehensive knowledge and of cases of sexual harassment at work, conflict resolution, control of emotions and personal perceptions.

Interviews should be conducted in a quiet, comfortable and neutral place, avoiding the interviewee's place of work.

The confidentiality of the information provided must be preserved and it must be duly recorded so that informed decisions can be made and problematic areas where specific prevention strategies are required, can be identified.

► **Examples of questions that can be used to carry out a proper investigation:**

- *Who is the accused person?*
- *What did the accused do?*
- *What did the accused person say? Do you remember the exact phrase?*
- *When did it happen?*
- *Where did it happen? Can you specify?*
- *Were there any witnesses?*
- *Has it happened before?*
- *Have other people been affected?*
- *Who else told you about the case?*
- *How has it affected you? How do you feel right now?*
- *What have you done about it so far?*
- *What do you want me to do?*
- *Do you feel that you can return to your workplace?*
- *How do you think the problem you are facing will be solved?*
- *How would you describe the witnesses' relationship to the accused person?*

The person who carries out the interview must not play the role of psychologist, but should the victim wish to seek professional help, the interviewer must help them to do so.

SANCTIONS AND PREVENTIVE MEASURES

Effective sexual harassment policies require that appropriate sanctions be implemented, and that an incident of sexual harassment not be treated as a trivial offense or dismissed as the exercise of poor judgment by the perpetrator.

► **Sanctions can include:**

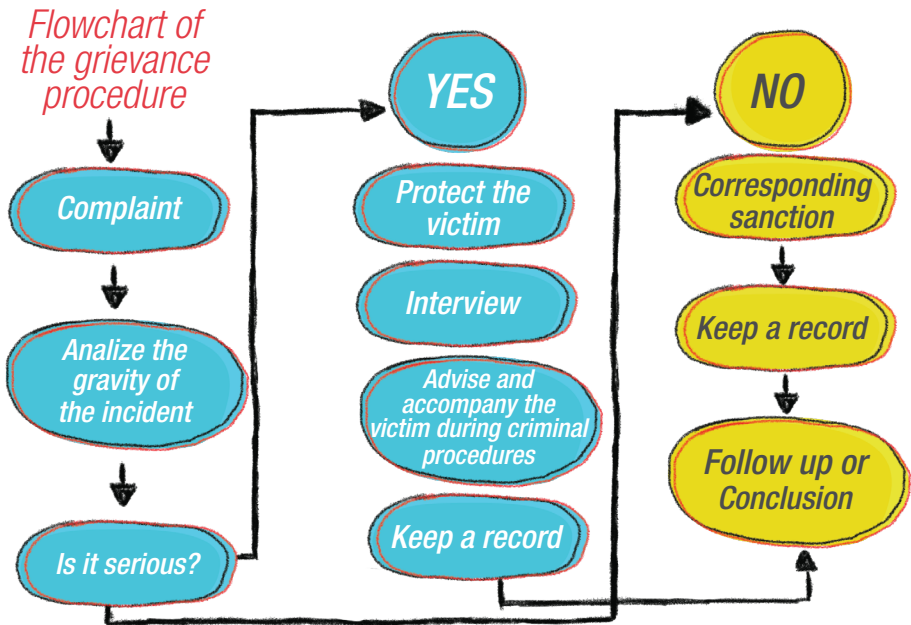
Warnings, suspension, job change, inability for promotion, dismissal.

These measures do not impede the complainant to pursue criminal action in accordance to the law.

PERSECUTION / VICTIMIZATION

On occasion, the person accused of harassment retaliates by harassing or intimidating the person who has filed a complaint; or in some cases, an employer may unfairly treat a victim of sexual harassment because he or she perceives it as “difficult” or causes problems in a team.

If a worker is victimized for filing a complaint, or if a colleague or union representative is victimized for helping someone file a complaint; this may constitute an illegal victimization and action should be taken through the competent authorities



6. PREVENTING SEXUAL HARASSMENT AT WORK

The prevention of sexual harassment is as important as the correct process of investigation and resolution of the cases that arise.

Prevention actions must be carried out by unions, employers and governments. As defenders of workers' rights, unions play a fundamental role.

► *The role of unions and governments*

► ***Support the efforts to achieve an ILO convention alongside a recommendation against violence against women and men in the workplace.***

The proposed ILO standard on violence in the world of work is an opportunity to provide an agreed international definition of violence, including sexual harassment, and to establish a framework within which governments, employers, businesses and trade unions can take action to address the problem.⁷

► ***Work with governments to implement national laws, government programs, strategies and action plans against sexual harassment at work.***

The existence of legislation regulates and defines the rights and obligations of all actors in society when a case of sexual harassment at work arises.

It can also provide a framework for social dialogue and collective bargaining to prevent and address violence and harassment in the workplace.

Work, creating an effective partnership between government, employers, unions and civil society.

► ***Request governments to collect systematic information and comparable data on different types of violence and harassment at work, in order to monitor trends over time.***

► *The role of unions in relation to employers*

► Include specific articles against sexual harassment in collective bargaining and global agreements.

► Coordinate a procedure with employers in cases of sexual harassment, which may be included as part of the complaint procedure.

► Promote the drafting of zero tolerance policies against violence and sexual harassment in the workplace

► Ensure that employers conduct thorough and timely investigations.

► Guarantee that any action resulting from the investigation is carried out without delay and without reprisals against the victims.

► Ensure that employers carry out training programs for their employees on the subject or include it in their training programs.

► Ensure that the employer collects systematic information about cases of harassment

► Encourage employers to comply with national agreements and prepare complaints when appropriate measures are not taken.

⁷ For more information on this topic see: **ENDING VIOLENCE AND HARASSMENT AGAINST WOMEN AND MEN IN THE WORLD OF WORK. TOWARDS AN ILO CONVENTION.** Support and lobbying toolkit. UNI Global Union, 2017. http://en.breakingthecircle.org/descargas/en/posters/booklet_btc_web_EN.pdf

The role of the unions

- ▶ Review policies and make sure they are met.
- ▶ Train all union representatives on sexual harassment and gender violence in the workplace.
- ▶ Negotiate effective policies with national employers and work with international unions to negotiate global policies.
- ▶ Ensure that these policies are reviewed and monitored regularly.
- ▶ Monitor workplaces to assess the work climate
- ▶ Work with other unions and civil society organizations in the implementation of awareness campaigns.

The role of employers

- ▶ Adopt a policy of zero tolerance towards violence and sexual harassment.
- ▶ Review existing policies, including the use of social networks, to include online harassment.
- ▶ Conduct training on gender violence and sexual harassment for all staff.
- ▶ Ensure that there are clear complaints and grievance procedures and that staff understand how to use them.
- ▶ Review the reporting mechanisms.
- ▶ Perform work environment diagnostics to detect possible cases of harassment.
- ▶ Work together with the unions.



7. POLICIES AGAINST SEXUAL HARASSMENT AT WORK

Sexual harassment can be prevented by having a clear and comprehensive anti-sexual harassment policy.

This policy should reflect zero tolerance from the organization towards sexual harassment and it should be known to all its members (directors, managers, workers) and available in writing at all times.

It has been demonstrated that the existence of policies effectively communicated and implemented encourages victims of harassment to report their experience to their employers (ILO, 2005).

► What elements should a policy on sexual harassment at work have?

It should state that sexual harassment will not be tolerated under any circumstances (zero tolerance policy).

It should describe what are considered as acceptable and unacceptable behaviors.

It should define sexual harassment.

It should define the scope of action of the policy (since sexual harassment in the workplace can occur outside the employer's premises - at conferences, business trips, or company-sponsored social events - organizations often indicate where policies will be applicable.)

It provides examples of harassment behaviors (although they are only to illustrate and harassment cases should not be restricted to them).

It identifies who can be a victim (at this point it has been made clear that anyone can be a victim of harassment).

It identifies risk groups or those who are more vulnerable (such as women who are more likely to suffer sexual harassment in the workplace).

It identifies who can be the perpetrator (it recognizes that harassment is perpetrated not only by employees, but also by third parties such as customers, contractors and affiliates).

It tells employees what to do if they are facing a case of sexual harassment;

It explains how to make a complaint and how to respond to those complaints,

It assures employees that all complaints will be confidential.

It assures employees that retaliation will not be taken against someone who makes a complaint.

It defines who is responsible within the organization for handling such complaints, and what disciplinary actions will be taken against the harassers.

To see policy models and procedures refer to the annexes contained at the end of this booklet.

8. TRAINING AND AWARENESS

Raising awareness, education and training to ensure that employers, workers and their representatives understand the causes, consequences and ways to address sexual harassment at work is essential to address this scourge.

Training and awareness-raising actions should be designed and implemented according to the different focus groups that exist in an organization: workers in general, middle managers, high ranking authorities in the organization, etc.

Media has great influence on society, so awareness campaigns on sexual harassment should include the creation and use of own image in different formats and media.

► **For example:**

- *as printed material (brochures, posters, etc.),*
- *audiovisual material (photos and videos)*
- *websites*
- *press releases for web, e-mail and social networks, etc.*

These materials can be used as support for other awareness tools such as workshops and courses.

The dissemination of educational material and the experiences gained by each organization in the planning and carrying out of awareness and training campaigns are another tool for the empowerment of workers because they provide us with a better understanding of the situation.

Information is a resource that gives us power. When we make information available to all, we are fighting inequality.

Alongside this guide, we will publish a booklet with guidance material to conduct training workshops on sexual harassment in unions.



ANNEX I

POLICY MODEL⁸

[Name of union 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 union 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.

► 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
- Sending sexually explicit messages (by phone or by email)

► Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser.

[Name of union 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.

⁸ Taken from: Sample Sexual Harassment Policy - ILO http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-suva/documents/policy/wcms_407364.pdf

[Name of union 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.

ANNEX II

1. PROCEDURES TO RAISE A COMPLAINT OF SEXUAL HARASSMENT (EMPLOYEE)

► **Use the following sexual harassment grievance procedure:**

1. In the first instance, the complainant should present their allegations to either the Human Resources Manager/Operations Manager or a member of the Management Team and the union representative. The person handling the complaint is referred to as the nominated representative.

An outside arbitrator may also be used to investigate these cases.

The nominated representative must take into account that:

- The complainant will be treated with care and consideration.
- The complaint must be handled with utmost confidentiality. Only those people who need to know, should know about the complaint.
- The complaint will be heard seriously and sympathetically, without interruption.
- The complainant may be accompanied by their union representative throughout this process if they wish.
- Personal counselling and support services should be offered to the complainant if appropriate.
- The complainant needs to be reassured that he/she has protection against victimisation regarding this complaint and that immediate action will be taken to protect them from any further harassment or bullying and from intimidation, victimisation or reprisal at work.

2. The complainant will be asked to outline their allegations in a signed written statement. This will help make it easier for the complainant to express their thoughts. It is beneficial for the complainant to do this away from the office so that they can collect their thoughts with a clear state of mind.

3. The complainant's statement should state the facts:

-Time

-Date

-Location of incident (in an office, the cafeteria etc)

-Witnesses

Any other relevant information pertaining to your complaint.

A copy of the signed statement should be made, with one copy for the complainant and one for the investigators. These statements should be kept in a secure place.

4. The (organization/company/union) will endeavour to respond to the complainant's statement within 48 hours. The response will be held in the form of a meeting in which the (organization/company/union) can discuss with the complainant the allegations made and how they would like to proceed with the allegations.

5. The complainant will be interviewed by the person they reported their allegations to, as listed at point 1. The interviewer may also seek to have an independent legal adviser present as part of the meeting to assist with the investigation.

6. The complainant will be asked to keep all information discussed confidential, and this will also be respected by the interviewer and legal representative. The complainant will be informed of other people who may need to know about the proposed investigation. The (organization/company/union) will always ensure that only those people who need to know about the investigation are informed.

7. At the complainant's written request:

a) An investigation will be conducted by the nominated representative (continue to 8)

b) The complainant may decide to withdraw a complaint of sexual harassment, and the (organization/company/union) will also respect this decision. However, the (organization/company/union) may see it as appropriate to organise a refresher course or statement regarding sexual harassment to its employees. If so, the (organization/company/union) will not identify any individual staff member whether they are the alleged harasser or the complainant.

8. The investigation will be initiated as soon as possible in consultation with the complainant. Depending on the number of employees to be interviewed this may take some time. As a guideline, (organization/company/union) will endeavour to conclude the investigation within 15 working days, unless another mutually agreed time frame is consented to between the complainant and the nominated representative. This will allow time for re-interviewing the alleged harasser and witnesses if the need arises.

9. A separate meeting will also be held with the alleged harasser. The alleged harasser will be asked to respond to each accusation and notes will be taken of each response. Areas of disagreement between the testimonies will be noted.

10. If witnesses have been identified, it may be necessary to speak with them. If the complainant and the alleged harasser have conflicting or a different version of events, then it will be necessary to speak with the witnesses, if they exist. This should be done in an impartial and non-threatening way and in a way so as not to disclose information to the witnesses. Witnesses should be advised regarding confidentiality.

11. The complainant will be monitored as to their well-being and a healthy satisfactory work environment.

12. At the conclusion of the investigation, a meeting will be called to present the findings of the investigation to the complainant. Once the complainant has heard the findings of the investigation, direction will be sought as to how the complainant would like to proceed.

13. If sexual harassment has been found to have occurred, to the satisfaction of the investigators, then the very least the complainant can expect is an apology and an undertaking by the harasser that the behaviour will not occur again.

Depending on the severity of the situation, more severe disciplinary action may be appropriate.

14. The alleged harasser will be informed in writing of the conclusion of the investigation and of any disciplinary action, as appropriate. It may also be appropriate for the harasser to undergo further training regarding sexual harassment awareness and the organisation's policy.

15. If sexual harassment was not found or if the investigation was inconclusive, every effort will be made to resolve the individuals' difficulties to enable a continued co-operative working relationship.

16. All parties will be expected to conduct themselves in a professional, courteous manner, maintaining confidentiality and without victimisation of anybody concerned.

17. At all stages of the investigation, an employee is allowed to have a union representative of their choice accompany them to meetings.

When a member of the Management Team or the Human Resources/Operations Manager is asked to conduct an investigation into alleged sexual harassment, they will endeavour:

To remain impartial.

To investigate the matter in a professional and confidential manner.

Offer the complainant and the alleged harasser the right to approach their union.

Provide support and advice through counselling services to the complainant.

Provide relevant information to the complainant and alleged harasser or their representative(s) at all stages of the investigation, meetings and resolution.

Ensure fair and correct procedures are followed and appropriate action is taken.

Respect the wishes of the complainant even if that means withdrawing the complaint.

ANNEX III

► 1. PROCEDURE IN THE CASE OF HARASSMENT AND/OR SEXUAL HARASSMENT AT UNI EVENTS

Harassment and sexual harassment are forms of violence that create feelings of unease, humiliation and discomfort.

They are behaviours that are not only threatening or offensive to the person who is receiving them, but create hostile and unsafe workplaces.

UNI Global Union believes that every individual has the right to dignity, respect and fair treatment; and will have a zero-tolerance approach towards any behaviour, comment, observation or circumstance that may be considered as harassment or sexual harassment.

If we want to get rid of the problem of harassment and sexual harassment in our workplaces, meetings and in society at large, we must first set an example right here in our organisation.

► PROCEDURE *Establishment of a Professional and Courteous Behaviour Committee*

● 1. The Professional and Courteous Behaviour Committee is in charge of addressing and investigating those harassment and sexual harassment complaints that may arise during UNI events, whether they are Congresses or Conferences of a global, regional, and/or sectorial nature.

● 2. The Committee for the UNI World Congress, will be made up of four members from each of the UNI regions. The UNI World Women's Committee will nominate the candidates to fill these positions and will submit the nominations to the World Executive Board, previous to the meeting taking place.

► Grievance Procedure

Complaints of harassment will be taken seriously and will be investigated immediately, in accordance to the following procedure.

● 1. The complainant will inform of this situation to the members of the Professional and Courteous Behaviour Committee who will then proceed to initiate and carry out a speedy, thorough and confidential investigation of the incident and will attempt to resolve the issue.

● 2. A UNI representative will also be invited to help and to provide support throughout the process.

● 3. The complainant may be accompanied by a representative of their union throughout this process if they wish.

● 4. The complainant will be asked to outline the allegations in a written statement. This will help make it easier for the complainant to express their thoughts. The statement should include:

- a) Time
- b) Date
- c) Location of the incident
- d) If there were witnesses
- e) Any other relevant information

● 5. The Committee will endeavour to respond to the complainant's statement within the next 24 hours. The response will be held in the form of a meeting in which the Committee, with the support of UNI, can discuss with the complainant the allegations made and how they would like to proceed.

● 6. Both the Committee and UNI representatives withhold the right to request the presence of a legal adviser at the meeting to assist with the investigation.

● 7. If the Committee considers that there is clear and unequivocal evidence of a situation of harassment or sexual harassment, they can proceed to ask for the suspension of the alleged perpetrator for the duration of the meeting/ event, as well as of any other UNI event until the investigation is finalized.

● **8.** All participants to the meeting are asked to maintain the information discussed in strict confidentiality. The complainant will be informed of other people who may need to know about the proposed investigation. The parties will always ensure that only those people who need to know about the investigation are informed.

● **9.** At the complainant's written request:

a) An investigation will be conducted by the nominated Professional and Courteous Behavior Committee with the help and support of UNI.

b) The complainant may decide to withdraw the complaint and the parties in charge of the investigation will also respect this decision.

● **10.** The investigation will be initiated as soon as possible in consultation with the complainant. As a guideline, both UNI and the Committee will endeavour to conclude the investigation within 15 working days, unless another mutually agreed time frame is consented between the parties.

● **11.** At the conclusion of the investigation, a meeting will be called to present the findings of the investigation to the complainant as well as the actions that will be taken. Actions may include, but are not limited to, apologies, reprimands and possible expulsion from UNI events.

● **12.** Once the complainant has heard the findings of the investigation, direction will be sought as to how the complainant would like to proceed.

● **13.** A separate meeting will also be held with the alleged harasser to present the findings of the investigation, as well as the actions that will be taken.

● **14.** The actions taken will not exclude the right of the complainant to legal measures if necessary.

► **ADDENDUM FOR INVITATION**

Professional and courteous behaviour at UNI events

Affiliates are reminded that the UNI World Executive Board has established a behaviour policy for all UNI meetings and activities as well as events, to prevent and address harassment, and sexual harassment situations.

Affiliates are also reminded that UNI has a zero-tolerance policy towards these situations and will proceed in accordance to the procedure herein included as an Annex.

For all UNI Congresses and Conferences, whether they are global, regional or sectorial, a Professional and Courteous Behaviour Committee will be established in order to receive complaints, investigate and follow up on these kinds of situations. The Committee will follow the annexed procedure.

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