



TACKLING SEXUAL HARASSMENT IN THE WORLD OF WORK

Guidance Note | **Principle 3**

THE ISSUE

The private sector plays a key role in tackling gender-based violence in the world of work. Within this context, this guidance note focuses on preventing and addressing harassment in the workplace.

Despite global recognition of the scale and impact of the problem and a widespread commitment to tackle it, sexual harassment at work is a persistent and pervasive problem that disproportionately affects women in all jobs, occupations and sectors of the economy in all countries across the world.¹ Taking into account the varying definitions, estimates suggest that globally as many as 75 per cent of women over 18 – at least two billion women – have experienced sexual harassment.²

Sexual harassment can be more prevalent in certain sectors, occupations and work arrangements, especially where individuals are exposed to particular risks that increase the likelihood of violence and harassment. These include working in contact with the public, working in environments where alcohol is served, working non-standard hours, working with people in distress, working in intimate spaces and private homes, or working alone in relative isolation or in remote locations.³ The care sector, for instance, has a predominantly female workforce and is one of the worst affected. Health-care workers also report some of the highest levels of violence compared to other industries and sectors, and violence in the

domestic work sector is ubiquitous.⁴ The number of women experiencing sexual harassment is higher in sectors which primarily pay piece-rates compared to those where women are paid by the hour.⁵

Box. 1 WEPs Tool Kit

This guidance note forms part of a toolkit to guide gender-responsive business conduct in the private sector in line with the Women's Empowerment Principles (WEPs) and ILO international labour standards. It highlights the high costs of sexual harassment in the workplace for workers, companies and economies alike. It also shows how creating a culture of safety, respect and equality and tackling sexual harassment at work makes business sense and benefits both employers and employees. It specifically aims to support WEPs signatories in prioritizing, establishing and implementing robust sexual harassment policies and practices which promote the physical and emotional health, safety and wellbeing of all employees (Principle 3).

Box. 2 Global action through global frameworks

There has been growing recognition of the need to recognize, address and eliminate gender-based violence in the world of work for more than 40 years and in more recent years, this has begun to shine a light on the issue of sexual harassment in the workplace.

Along similar lines and with a specific focus on the world of work, in 1985 the International Labour Conference adopted a resolution on equal opportunities and equal treatment for men and women in employment which called for “policies for the advancement of equality [that] include measures to combat and prevent sexual harassment.” In 1988, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) moved the issue forward by including sexual harassment under the forms of discrimination addressed in the ILO Discrimination (Employment and Occupation) Convention No. 111, which had been adopted almost 30 years before and addressed discrimination based on sex. The inclusion of sexual harassment under the Convention has been reiterated and further elaborated by the CEACR in its General Observation of 2003, the General Survey of 2012, and in its numerous observations and direct requests made to Member States. ILO Convention No. 111 is a fundamental convention and has been ratified by 175 countries. ILO Member States who have not ratified it still have the obligation because ILO membership is in itself an obligation to respect, promote and realize the principle of elimination of discrimination in respect of employment and occupation.

Most recently, the global community has made a historic step towards eliminating violence and harassment in the world of work: it has adopted the ILO Violence and Harassment Convention 2019 (No. 190) and its supplementary recommendation (No.206). The convention and recommendation state that all workers have a right to a world of work free from harassment and violence.

These instruments provide the first international framework to prevent and address violence and harassment in the world of work through an inclusive, integrated and gender-responsive approach, with a view to shaping a future of work based on dignity and respect and free from violence and harassment. In this context, Goals 5 and 8 of the Sustainable Development Goals (2015) are a reflection of the ambition of the international community to move forward in addressing sexual harassment. Goal 5 aims to achieve gender equality and empower women and girls, including through the elimination of all forms of violence against all women and girls in the public and private spheres. Goal 8 aims to achieve full and productive employment and decent work for all women and men, including for young people and those with disabilities, and equal pay for work of equal value.

The Group of 7 (G7) and the Group of 20 (G20) have also made commitments to tackle this agenda. In 2017 under the Italian G7 Presidency, the G7 Leaders adopted the first G7 Roadmap for a Gender-Responsive Economic Environment and committed to deliver gender equality by enabling women’s labour force participation, entrepreneurship and economic empowerment, and therefore their full and equal participation in society. In 2019 under the French G7 Presidency, G7 gender ministers condemned sexual harassment in digital contexts, such as online and on social media, and expressed their concerns about this alarming phenomenon. Similarly, the G20 Osaka Leaders’ Declaration in 2019 reaffirmed the importance of taking measures to eradicate gender-based harassment, including in digital contexts.

The evidence paints a consistent, and bleak, picture: sexual harassment is far from uncommon and is often compounded by intersecting forms of discrimination such as age, race, sexual orientation and employment type, among others.

- Across 28 European Union States, 75 per cent of women in senior management have experienced sexual harassment at work. Women aged 18 to 39 were most at risk.⁶
- A UK study revealed more than half of female respondents had experienced some form of sexual harassment in the workplace.⁷
- Similar numbers are found in France (55 per cent) and Italy (56 per cent), and the problem is even worse in Spain (66 per cent) and Germany (68 per cent).⁸
- Studies show that women file 80 per cent of sexual harassment charges to the US Equal Employment Opportunity Commission,⁹ with black women most likely to do so.¹⁰
- In Canada, 19 per cent of women and 13 per cent of men experienced harassment in the workplace in 2016, with four per cent of women reporting that the harassment was sexual.¹¹

- In Japan, a recent survey found that 50 per cent of women university students had experienced sexual harassment during recruitment processes. Three quarters indicated they had never told anyone.¹²

Despite the frequency with which it occurs and costly consequences, sexual harassment remains under-reported. Reasons include lack of awareness about what constitutes sexual harassment, fear of retaliation, lack of effective redress or reporting mechanisms, and stereotypes which blame the victim instead of the perpetrator.¹³ In the EU, only four per cent of people (both women and men) who experience sexual harassment report it.¹⁴ In G20 countries, a 2015 study found that of the 29 per cent of women who faced harassment at work, 61 per cent never or rarely reported it.¹⁵ A US survey revealed that two thirds of women who had reported sexual harassment were subsequently assaulted, taunted, demoted or fired by their harassers or friends of their harassers.¹⁶

SEXUAL HARASSMENT

Sexual harassment is a human rights violation. It is a form of gender-based discrimination rooted in unequal power dynamics, gender stereotypes and systemic inequalities between women and men, including in the world of work.¹⁷ Sexual harassment can be verbal, nonverbal, psychological or physical and may include written and electronic communications, cyberbullying and cyberstalking.¹⁸ Sexual harassment undermines equality at work by calling into question the integrity, dignity and wellbeing of workers¹⁹ and is incompatible

with decent work.²⁰ It may be further exacerbated when gender intersects with other dimensions of inequality such as race and ethnicity, age, disability, sexual orientation and migration status, among others.²¹

Sexual harassment at work generally refers to a pattern of behaviour but can also arise from a single incident. It can take many forms which can include both *quid pro quo* and *hostile environment*.

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.²²
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.²³

HOSTILE WORK ENVIRONMENT INVOLVES:

Conduct that creates an intimidating, hostile or humiliating working environment for the recipient.”²⁴

Sexual harassment can occur outside the workplace and outside regular working hours, including during official travel or social functions related to work, as well as through work-related communication.²⁵ It can be perpetrated by anyone, including supervisors, colleagues, subordinates or third parties such as clients, customers, service providers, users, patients and members of the public.²⁶

The vast majority of perpetrators of sexual harassment are men. While anyone can be subject to sexual harassment, the overwhelming majority of reported victims* – irrespective of job, contractual status or sector whether private or public, both in the formal and informal economy, and whether in urban or rural areas – are women, including leaders, managers, trainees, apprentices, interns, volunteers, job seekers and job applicants.²⁷

The adoption of an inclusive, integrated and gender-responsive approach is crucial to eliminating violence and harassment in the world of work. Tackling sexual harassment relies on prevention measures which avoid the risk that gender, cultural or social norms tacitly condone, support or perpetuate inappropriate behaviour. There must also be a trustworthy, confidential and independent system that delivers swift, complete and fair investigations leading to just resolutions and appropriate remedies. This should be developed jointly with workers even in the absence of collective agreements. Everyone in the workplace needs to be confident that action will be taken and that survivors, complainants, witnesses and whistle-blowers will be protected from retaliation and career damage.

A victim- and survivor-centred approach which places the rights, needs and wishes of victims at the centre of the employer’s response is essential. It is critical to ensure their safety and security to avoid further harm and to “protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused.”²⁸

Box. 3 Forms of sexual harassment**

Sexual harassment can be perpetrated in various ways, ranging from looks and words to physical contact of a sexual nature. It can include, but is not limited to:

- Attempted or actual sexual assault, including rape.
- Sharing or displaying sexually inappropriate images or videos in any format.
- Sending sexually suggestive communications in any format.
- Sharing sexual or lewd anecdotes or jokes.
- Making inappropriate sexual gestures, such as pelvic thrusts.
- Unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against another person.
- Staring in a sexually suggestive manner.
- Repeatedly asking a person for dates or asking for sex.
- Rating a person’s sexuality.
- Making sexual comments about appearance, clothing or body parts.
- Name-calling or using slurs with a gender/sexual connotation.
- Making derogatory or demeaning comments about someone’s sexual orientation or gender expression.

* The terms ‘victims’ and ‘survivors’ are often used interchangeably, including in this brief. Sometimes, individuals do not feel like victims and prefer to not be referred to in this way. Others prefer to highlight that they have been affected and have not gotten support or redress.

**Amended from: UN System Chief Executive Board for Coordination Model Policy on Sexual Harassment, available at: www.unsystem.org/CEBPublicFiles/UN%20System%20Model%20Policy%20on%20Sexual%20Harassment_FINAL.pdf

THE BUSINESS CASE

The costs of sexual harassment in the world of work are extremely high – for the individuals affected and for the companies where it occurs.

Impact on individuals affected

Sexual harassment at work affects a person's psychological, physical and sexual health, dignity and family and social life,²⁹ and can result in emotional distress such as depression, post-traumatic stress disorder, sleeplessness, anxiety and physical damage. Colleagues who see and witness sexual harassment are also affected by it, creating an atmosphere of fear and intimidation resulting in lower productivity and increased absenteeism. Evidence also shows that in the absence of violence and harassment at work, the productivity of survivors and perpetrators, as well as bystanders, improves.³⁰

As sexual harassment primarily affects women, it may exacerbate other workplace gender inequalities which hold women back or lead them to leave the labour market altogether.³¹ It can result in lower job satisfaction, lower organizational commitment and lower productivity. It is one of the largest barriers to professional advancement³² with women who refuse sexual engagement often finding that opportunities for on-the-job learning, advancement and mentorship are hampered.³³ A study revealed that 80 per cent of women who experienced sexual harassment started a new job within two years of the harassment taking place, in comparison with just over half of other working women. The study also found significant financial stress as a result of job changes – sometimes without another job to go to – and that sexual harassment can have long-term consequences for earnings and career attainment.³⁴

Costs for businesses

Sexual harassment in the world of work comes at a high cost to businesses and their bottom line, including lower profitability, harm to workplace relations and workers' engagement, and damage to reputation.³⁵ One recent study indicates just

how detrimental sexual harassment is to a firm's value: from 2011 to 2017, annual shareholder value loss reached between \$0.9 to \$2.2 billion for harassment-prone firms, mainly as a result sharp declines in operating profitability and increases in labour costs.³⁶

Another study found that US companies with the highest incidences of sexual harassment underperformed on the US stock market by almost 20 per cent the subsequent year. Return on assets and return on equity declined by 4.2 per cent and 10.9 per cent respectively over the following two years, and labour costs increased by an average of seven per cent.³⁷

Both productivity and overall performance are negatively affected by sexual harassment. Increased absences, reduced motivation and commitment, and team disruption all lead to lost productivity, while the impact of exposure to sexual harassment of colleagues can cause 'bystander stress' and team conflict, damaging team performance.

A recent study in Australia estimated that workplace sexual harassment cost the economy AUS\$2.62 billion in lost productivity in 2018. A US study showed that sexual harassment causes an average damage of US\$22,500 per employee in terms of lost productivity and employee turnover.³⁸ The private sector has larger overall productivity losses than the public sector, reflecting the larger share of the labour force in the private sector.³⁹ Occupational stress for team members witnessing harassment also leads to poorer financial performance, with one study finding that the US federal government lost \$193.8 million between 1992 and 1994 from decreased team-wide productivity as a result of sexual harassment.⁴⁰

With sexual harassment so damaging to the value of a company, all leaders, though particularly the CEO, must ensure that measures to address it, including sanctions for perpetrators, are applied consistently, and must cultivate a company-wide approach to prevent and respond where it does happen. Although this would reduce the costs of compensating survivors, it should be noted that these are significantly lower than the costs associated with the impact on profitability.⁴¹

Litigation arising from formal charges of harassment is costly both in terms of legal fees and enterprise reputation. For example, the US Equal Employment Opportunity Commission received more than 7,600 charges of sexual harassment in 2018 (representing a 13.6 per cent increase from 2017) and recovered \$56.6 million in compensation for survivors.⁴² These cases attract damaging negative publicity which has been shown to cause reputational damage and deter customers, investors and potential talent.⁴³ More recent research in the US found that a single sexual harassment claim could be sufficient to dramatically shape public perception of a company and elicit perceptions of structural unfairness and inequality.⁴⁴

Sexual harassment also leads to higher employee turnover, which is costly as well as disruptive to organizations. Employees affected by sexual harassment are more likely to change jobs,⁴⁵ with US research finding that up to one third of women who experience sexual harassment intend to leave their jobs, depending on their industry, position and security without a job.⁴⁶ The cost of replacing an employee in cases of sexual harassment is significantly higher than litigation costs.⁴⁷ In fact, estimates suggest that employee turnover costs 16 to 20 per cent of an employee's annual salary, rising to up to 213 per cent of salary for experienced managerial and professional staff.⁴⁸

Perhaps not surprisingly, sexual harassment also leads to increased absenteeism. A 2016 study revealed that approximately one in six employees who experienced sexual harassment took sick or annual leave after they were harassed.⁴⁹

Sexual harassment cases can also result in lost investments as investors increasingly opt for companies that align with their values,⁵⁰ and portfolio managers take steps to avoid companies linked to sexual misconduct.⁵¹ A survey by the Investment Management Due Diligence Association found that 26 per cent of professional investment allocators inquired about sexual harassment in 2019, up from 11 per cent in 2018, and led the association to make recommendations ensuring that due diligence around sexual harassment is more robust. The US Council of Institutional Investors also advises that specific questions are put to boards, including how they are informed of and handle allegations of sexual harassment.⁵²

Companies that invest in building inclusive culture based on safety, respect and dignity are better positioned to attract and retain talent, with both customers and employees increasingly picking brands they perceive to “do the right thing.” Customers want more information from companies about their commitment to diversity, inclusion and gender equality, and recent research in the US found that a single sexual harassment claim can dramatically reduce the public perception of an organization and elicit perceptions of structural unfairness and inequality.⁵³



WHAT CAN COMPANIES DO?

Tackling sexual harassment head on needs companies to develop and enforce comprehensive policies, procedures and training which address all forms of gender-based violence and harassment. These must promote respect and equality and be built on corporate cultures which also respect diversity, inclusivity and gender equality. Workplace health and safety management processes must consider all the risks associated with violence and harassment, including identifying hazards or risk-factors, and ensuring adequate information and training is in place in collaboration with unions and workers' representatives.⁵⁴

CULTURE

Reducing the incidence and costs of sexual harassment should not be seen as standalone or separate from the overall corporate culture. Effectively tackling harassment in the workplace starts with a culture based on respect and dignity; where work can be seen as a place of trust, support and protection; where all forms of violence and harassment are actively rejected; and where gender equality is the norm. Companies who have fostered genuinely inclusive and gender-equal cultures built on the Women's Empowerment Principles (WEPs) are likely to find that taking active steps to prevent and address sexual harassment is a natural progression.

Creating the right culture must begin with and involve the highest level of management, including the board of directors. Senior colleagues should play a key role in setting a strong tone at the top and providing leadership in tackling violence and sexual harassment, empowering workers to raise concerns and treating everyone fairly.⁵⁵ Companies must also recognize and tackle any aspects of their corporate culture which supports and perpetuates sexual harassment and harmful gender stereotypes, making sure that putting an end to them becomes a fundamental part of the company's functioning.

All boards should have an ongoing discussion about preventing and addressing violence and harassment and should assess their company's policies on it. According to the US Council of Institutional Investors, boards should take the following steps to tackle sexual harassment:⁵⁶

1. Include sexual harassment in their regular risk assessments.
2. Discuss company culture systematically and on a regular schedule.
3. Request regular sexual harassment reports from HR on an ongoing basis without breaching confidentiality around personal information and data.
4. Require anonymous employee surveys that include questions about workplace environment, with meaningful data on employee views flowing to the board.
5. Assess organizational tolerance for behaviour by high performers and other high-value employees that is inconsistent with the company's stated values and code of conduct.
6. Assess key factors that may make harassment more likely, including male-dominated power dynamics, ineffective resolution mechanisms and decentralised and isolated workspaces.

As the #MeToo movement magnified public rejection of sexual harassment in the world of work, senior leaders in companies around the world recognized how harmful violence and sexual harassment can be to a business's brand and bottom line. #MeToo encouraged men to become allies and speak publicly against sexual harassment and encouraged companies to support victims in their actions.

While senior leadership buy-in is key, all staff members must actively participate in eliminating sexual harassment with clear lines of accountability and transparency put in place. The focus should be on preventing sexual harassment rather than just responding to it. This involves cultivating a safe, respectful and equitable corporate culture by fostering collaboration, teamwork and respect, and promoting gender equality and diversity.⁵⁷

Research shows that organizations with the lowest prevalence of sexual harassment are those with the greatest gender balance.⁵⁸ Diversity and inclusion need to apply right up to leadership because workplaces with higher numbers of women and representatives from minority groups in management appear to have lower reports of sexual harassment. Companies with more diverse leadership also tend to have higher financial returns than competitors in their industry, a phenomenon called the diversity dividend.⁵⁹

POLICY

Workplace policies to address sexual harassment should:

1. Define sexual harassment and make clear that it will not be tolerated. They should also acknowledge that it is a human rights violation and gender-based discrimination, regardless of sex, and may intersect with other dimensions of inequality, such as race, ethnicity, age, disability, nationality, religion, sexual orientation and other social vulnerabilities such as poverty.⁶⁰
2. Recognize sexual harassment as unwelcome sexual conduct in the workplace, with unwelcomeness –rather than consent– assumed as standard.
3. Be developed in consultation with workers' representatives and having explored the views of employees, managers and diverse groups of workers, including women.
4. Clearly state everyone's rights, responsibilities, duties and role to prevent and address sexual harassment.
5. Encourage, train and support bystander interventions so that those who witness an incident of sexual harassment can take steps to protect or remove the target from the situation, address the harasser or help to defuse a situation.⁶¹ Bystanders can also provide support to victims, can report perpetrators via a third-party complaint mechanism or, if necessary, keep a record of what they observe to help victims once they are ready to report.
6. Provide information on complaint and investigation procedures that are easily accessible to all, including people with disabilities. These should set out how workers can make complaints using both formal and informal channels. Informal complaints processes,

such as ombudsperson systems, are important as not all victims want to pursue a formal complaint. All complaints must be promptly and thoroughly investigated and/or resolved, whether raised formally or informally.

7. Include robust measures and tools to monitor and evaluate the effectiveness and efficiency of the policy and any related action to address sexual harassment.⁶²
8. Be disseminated and available to all workers. The role of the employer and of employees needs to be clearly established in the policy. Managers, supervisors and workers responsible for implementation need training to fully understand their roles and responsibilities to create a harassment-free environment. The employer should also ensure that workers understand the policy and procedures for preventing and responding to harassment, and that there is no risk or fear of retribution if they intervene as a bystander.
9. Prevent retaliation and reprisals for reporting and ways to review and assess their effectiveness.

TRAINING

Information and training provided by employers, including on prevention and protection measures, should be available in accessible formats as appropriate.⁶³ Companies should aim to make ending sexual harassment everyone's responsibility, with all employees able to contribute to positive, respectful and gender-responsive workplaces built on a culture of confidentiality and trust.

Training, guidance and awareness-raising for managers, supervisors, and workers and their representatives must be in place to ensure everyone understands the risks of violence and harassment and how to tackle it. Making everyone feel safe and giving them a role in reporting sexual harassment means that the responsibility for speaking up is shared, rather than relying on victims to come forward.⁶⁴

Emerging evidence suggests that the most effective initiatives include training for managers on recognizing early signs of harassment and intervening swiftly, and bystander intervention programmes which teach bystanders to step in when someone is behaving inappropriately.⁶⁵

Bystander training can empower workers to intervene and help prevent violence and harassment from occurring.⁶⁶ It gives employees the skills to become “active” bystanders and fosters a culture of safety, respect and equality. Intervention training which teaches employees how to step in to protect or remove the target of sexual harassment from a situation, address the harasser or help to defuse a situation are also known to be effective. However, particularly in cases where the perpetrator is in a position of power, a bystander may need to weigh the risks involved. It is therefore important to establish third-party complaint mechanisms for individuals who may not be a direct recipient of the sexual harassment but feel that the behaviour has created an intimidating or offensive environment, and recourse if a worker feels they are being retaliated against.

PROCEDURE

Procedures for reporting incidents of sexual harassment need to be aligned with international labour standards that comply with or go beyond local employment laws and policies. They must be gender-responsive and make it safe and easy for victims and bystanders to report sexual harassment without fear of retaliation. They should also offer confidential and anonymous reporting systems, including for witnesses, for example, using online mechanisms.⁶⁷ Pathways to report concerns should be clear, accessible and comprehensible, including for workers with disabilities. Various options for reporting should be available through clearly defined formal and informal processes, because it is more likely that victims will find someone they are comfortable speaking to if multiple options are open to them. None of the procedures should be intimidating or complex.

Companies can also set up ombudsperson systems. These should be informal, neutral and confidential, with only the ombud officer aware of the issue. This can empower victims, giving them the information and space they need to think through their options and decide what action to take and whether to make complaints known to the perpetrator. Ombud offices hold no formal hearings and are not guided by rules of evidence, but also do not prevent more formal action being taken subsequently.

Investigation and redress processes should be gender-responsive, victim-focused, independent from institutions of power and separate from the chain of command, promoting the well-being of victims and witnesses. Victims should be supported throughout and provided with relevant information, for example peer support groups and referrals to appropriate services. A victim-centred approach to investigation processes should seek to ensure the victim's informed consent before taking any formal measures although, under certain circumstances, “an employer's duty of care to their employees may require action to be taken without consent of the victim.”⁶⁸

Confidentiality is key to ensure the “protection against victimization of or retaliation against complainants, victims, witnesses and whistle-blowers” and to “protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused.”⁶⁹ Victims should be treated with the utmost respect and be reassured that the responsibility for addressing sexual harassment does not belong with them. Companies should also ensure that there is no retaliation or backlash if victims come forward, and that the job, reputation and opportunities for advancement of survivors are not negatively affected.⁷⁰

The process should be prompt and thorough with clearly defined and enforced time limits. Procedures should be equitable, for example if perpetrators are allowed a lawyer, union representative or advocate, survivors and witnesses should also have one. It is also important to set out what interim measures may be taken, such as relocating the alleged perpetrator's workspace or putting them on administrative leave, implementable at any time during proceedings. Protection, support and remedial measures must also be available for the victim, including counselling and line-manager support, as well as remedies and compensation for material and non-material damages where appropriate.⁷¹

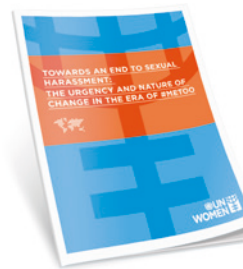
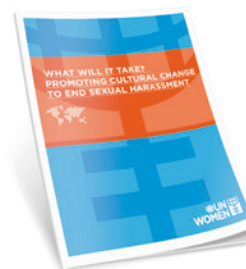
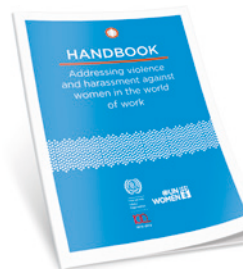
Collecting data on all reports of sexual harassment is vital. This should be disaggregated by sex, age, disability, nationality and other relevant categories for both survivors and perpetrators. Data collection must be built into the normal functioning of the process and transparently made public at regular intervals without disclosing any personal data or details.

Protection against retaliation should be offered to the initiating party, as well as victims, witnesses and whistle-blowers. As per disciplinary action, sanctions should be clearly set out, as well as “proportional to the behaviour in question and consistent with previous cases.”⁷² Depending on the context and the relevant national law, sanctions and other measures directed at the perpetrator can include verbal or written warnings, a direct apology, dismissal, mediation, coaching, counselling or ongoing supervision. Utmost care should be taken to make sure that perpetrators are not simply re-assigned, particularly when such reassignment involves a promotion or a move to a better position.

Nondisclosure agreements should not be permitted in cases of repeated or violent behaviour. If such behaviour is known by the institution but is not disclosed during settlement, or if such behaviour occurs by the perpetrator subsequent to a settlement, nondisclosure agreements should be voided, in order to empower the victim and ensure accountability of perpetrators.⁷³

Addressing sexual harassment needs accountability systems which ensure perpetrators are held responsible in meaningful, appropriate and proportionate ways.⁷⁴ Finally, any efforts to address sexual harassment must be given sufficient time and resources to be effective.

Further reading: (click the image to access the document)



ENDNOTES

1. ILO and UN Women (2019). *Handbook: Addressing violence and harassment against women in the world of work*, pp. III (New York, NY). Available here: www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf?la=en&vs=4050
2. Ibid.
3. ILO (2016). Conclusions of the Meeting of Experts on Violence against Women and Men in the World of Work, Governing Body, 325th session, Geneva, 2-6 October 2016; Available here: https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/gender/documents/meetingdocument/wcms_546303.pdf
4. ILO (2018). *Care work and care jobs for the future of decent work* (Geneva), p. 171. Available here: https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/dcomm/-/publ/documents/publication/wcms_633135.pdf
5. ILO (2019). *A quantum leap for gender equality. For a better future of work for all* (Geneva), p. 68. Available here: https://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/dcomm/-/publ/documents/publication/wcms_674831.pdf
6. European Agency for Safety and Health at Work. *Sexual Harassment at Work*. Infographics available here: <https://osha.europa.eu/en/tools-and-publications/infographics/sexual-harassment-work>
7. Trades Union Congress (2016). *Still just a bit of banter? Sexual harassment report*. Available here: www.tuc.org.uk/research-analysis/reports/still-just-bit-banter
8. Institut d'études opinion et marketing en France et à l'international (2017). *Observatoire européen du sexisme et du harcèlement sexuel au travail*. Available here: https://www.ifop.com/wp-content/uploads/2019/10/Note_analyse.pdf
9. Frye, Jocelyn (2017). *Not Just the Rich and Famous: The Pervasiveness of Sexual Harassment Across Industries Affects All Workers*. Center for American Progress. Available here: www.americanprogress.org/issues/women/news/2017/11/20/443139/notjust-rich-famous/
10. Rossie, Amanda, Tucker, Jasmine and Patrick, Kayla (2018). *Out of the Shadows: An Analysis of Sexual Harassment Charges Filed by Working Women*. National Women's Law Center. Available here: <https://nwl.org/resources/out-of-the-shadows-an-analysis-of-sexual-harassmentcharges-filed-by-working-women/>
11. Hango, D. and Moyser, M. (2018). *Insights on Canadian Society: Harassment in Canadian workplaces*. Available here: www150.statcan.gc.ca/n1/pub/75-006-x/2018001/article/54982-eng.htm
- Women's Action Network, Statement Demanding Implementation and Effective Measures to Prevent Sexual Harassment in Job-hunting , November 2019. Available at: <https://wan.or.jp/article/show/8679>
12. ILO (2020). *Sexual harassment in the world of work, in Series of technical briefs: Violence and harassment in the world of work* (Geneva).
13. European Agency for Safety and Health at Work. *Sexual Harassment at Work*. Infographics available here: <https://osha.europa.eu/en/tools-and-publications/infographics/sexual-harassment-work>
14. Thomson Reuters Foundation. *Nearly one third of G20 women harassed at work but few speak out*. Available at: <https://poll2015.trust.org/i/?id=8a70602c-025e-413f-9336-26947bf755d2>
15. Alexandra Kaley and Frank Dobbin, Harvard Business Review (2020). *Why Sexual Harassment Programs May Backfire – Confronting Sexual Harassment*. Available here: https://hbr.org/2020/05/confronting-sexual-harassment?utm_medium=email&utm_source=newsletter_monthly&utm_campaign=womenatwork_not_activesubs&deliveryName=DM78367
16. A notion of the "world of work" that goes beyond the physical workplace touches on issues such as women's safety in public spaces, transport, night work and when the home or the street is the workplace, as referenced in ILO and UN Women (2019). *Handbook: Addressing violence and harassment against women in the world of work*, pp. III (New York, NY). Available here: www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf?la=en&vs=4050
17. See for example, *Cyber Violence Against Women and Girls: A world-wide wake-up call; The final discussion paper of the Working Group on Broadband and Gender* co-chaired by UNDP and UN Women, 2019, Available here: <https://www.unwomen.org/en/news/stories/2015/9/cyber-violence-report-press-release>
18. ILO (2012). *Giving Globalization a Human Face, Report III* (Part 18), International Labour Conference, 101st session, para 789.
19. ILO Violence and Harassment Convention, 2019 (No. 190). Available here: www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190
20. UN Women (2019). *Towards an end to sexual harassment: the urgency and nature of change in the era of #MeToo*. Available at: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/towards-an-end-to-sexual-harassment-en.pdf?la=en&vs=4236>
21. ILO. 2003. Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), International Labour Conference, 91st Session (Geneva), pp. 463. As found in ILO and UN Women. 2019. *Handbook: Addressing violence and harassment against women in the world of work*, pp. 7 (New York, NY). Available here: www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf?la=en&vs=4050
22. Ibid.
23. Ibid.
24. ILO Violence and Harassment Convention, 2019 (No. 190), Article 3. See also: De Stefano, V., Durri, I., Stylogiannis, C., Wouters, M. 2020. *System needs update: Upgrading protection against cyberbullying and ICT-enabled violence and harassment in the world of work*, ILO Working Paper 1 (Geneva, ILO).
25. ILO Violence and Harassment Convention, 2019 (No. 190), Article 4(2); ILO Violence and Harassment Recommendation, 2019 (No. 206), Paragraph 8 (b).
26. ILO and UN Women. 2019. *Handbook: Addressing violence and harassment against women in the world of work* (New York, NY). Available here: www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf?la=en&vs=4050
27. ILO Violence and Harassment Convention, 2019 (No. 190), Article 10(c).
28. ILO Violence and Harassment Convention, 2019 (No. 190), Preamble.
29. ILO and UN Women. 2019. *Handbook: Addressing violence and harassment against women in the world of work*, pp. III (New York, NY). Available here: www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf?la=en&vs=4050
30. ILO Violence and Harassment Convention, 2019 (No. 190), Preamble.
31. Willness, C. Lee, K. Steel, P. (2007) *A meta-analysis of the antecedents and consequences of workplace sexual harassment*. Available here: www.researchgate.net/publication/229573693_A_meta-analysis_of_the_antecedents_and_consequences_of_workplace_sexual_harassment
32. Sugerman, Lauren (2018). *#MeToo in Traditionally Male-Dominated Occupations: Preventing and Addressing Sexual Harassment*. Chicago: Chicago Women in the Trades. Available here: <http://women.sequitcenter.org/wp-content/uploads/2017/10/CWIT-MeToo-in-Male-Dominated-Jobs-003.pdf>
33. McLaughlin, Heather, Uggen, Christopher and Blackstone, Amy (2017). *The Economic and Career Effects of Sexual Harassment on Working Women*. Gender & Society 31(3): 333–58. Available here: <https://doi.org/10.1177/0891243217704631>
34. ILO Violence and Harassment Convention, 2019 (No. 190), Preamble.
35. Au, Shiu-Yik, Dong, Ming and Tremblay, Andreanne (5 June 2020). *How Much Does Workplace Sexual Harassment Hurt Firm Value?* Available at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3437444
36. Au, Shiu-Yik (2019). *The real cost of workplace sexual harassment to businesses*. Available here: <http://theconversation.com/the-real-cost-of-workplace-sexual-harassment-to-businesses-122107>
37. Willness, C. Lee, K. Steel, P. (2007). *A meta-analysis of the antecedents and consequences of workplace sexual harassment*. Available here: www.researchgate.net/publication/229573693
38. Deloitte (2019). *The economic costs of sexual harassment in the workplace*. Final report. Available here: www2.deloitte.com/content/dam/Deloitte/au/Documents/Economics/deloitte-au-economic-costs-sexual-harassment-workplace-240320.pdf
39. Sierra, Jeremy (2008). *Brand Response-Effects of Perceived Sexual Harassment in the Workplace*. Journal of Business and Management. Available here: www.academia.edu/4963305/Brand_Response-Effects_of_Perceived_Sexual_Harassment_in_the_Workplace
40. Ibid
41. U.S. Equal Employment Opportunity Commission (EEOC) (2019). EEOC Releases Fiscal Year 2018 Enforcement and Litigation Data. Available here: www.eeoc.gov/eeoc/newsroom/release/4-10-19.cfm
42. McDonald, P. (2011). *Workplace Sexual Harassment 30 Years on: A Review of the Literature*. Available here: <https://onlinelibrary.wiley.com/doi/abs/10.1111>

[/j.1468-2370.2011.00300.x](#)

43. Harvard Business Review. (2018.) *Research: How Sexual Harassment Affects a Company's Public Image*. Available here: <https://hbr.org/2018/06/research-how-sexual-harassment-affects-a-companys-public-image>
44. McLaughlin, Heather, Uggen, Christopher and Blackstone, Amy (2017). *The Economic and Career Effects of Sexual Harassment on Working Women*. Gender & Society 31(3): 333–58. Available here: <https://doi.org/10.1177/0891243217704631> or <https://journals.sagepub.com/doi/10.1177/0891243217704631>
45. Housman, Michael and Minor, Dylan (2015). *Toxic Workers*. Available here: www.hbs.edu/faculty/Publication%20Files/16-057_d45c0b4f-fa19-49de-8f1b-4b12fe054fea.pdf
46. Shaw, Elyse, Hegewisch, Ariane and Hess, Cynthia. (2018). *Sexual Harassment and Assault at Work: Understanding the Costs*. Available here: <https://wpr.org/publications/sexual-harassment-work-cost/>
47. Ibid
48. U.S. Merit Systems Protection Board (2018). *Update on Sexual Harassment in the Federal Workplace*. Washington, DC: U.S. Merits System Protection Board. Available here: www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1500639&version=%201506232&application=ACROBAT
49. Fischer, Michael (2019). *Institutional Investors Ignore Sexual Harassment at Their Peril, Group Warns*. Available here: www.thinkadvisor.com/2019/12/10/institutional-investors-ignore-sexual-harassment-at-their-peril-group-warns/
50. Marketplace (2017). *As women speak out on sexual harassment, investors take note*. Available here: <https://www.marketplace.org/2017/11/10/women-speak-out-sexual-harassment-investors-take-note/>
51. Bertsch, Ken, Whitehill, Brandon and Lally, Rosemary (2019). *Boards, investors and sexual harassment in the workplace*. Available here: <https://ethicalboardroom.com/boards-investors-and-sexual-harassment-in-the-workplace/>
52. Carufel, Richard (2018). *A single sexual harassment claim can tank your brand's public image*. Available here: <https://www.agilitypr.com/pr-news/public-relations/sexual-harassment-public-image/>
53. Based on ILO materials on OSH as well as ILO Convention No.190 article 9 and Recommendation No. 206 paragraph 8, and Convention No. 155
54. Ethical Boardroom. *Boards, investors and sexual harassment in the workplace*. Available here: <https://ethicalboardroom.com/boards-investors-and-sexual-harassment-in-the-workplace/>
55. Ibid
56. Gerdeman, Dina (11 April 2019). *Sexual Harassment: What Employers Should Do Now*. Available at: <https://hbswk.hbs.edu/item/sexual-harassment-what-employers-should-do-next>
57. International Center for Research on Women (ICRW). *The costs of sex-based harassment to businesses: an in-depth look at the workplace*. (2018) Available here: www.icrw.org/wp-content/uploads/2018/08/ICRW_SBHDonorBrief_v4_WebReady.pdf
58. Hunt, Vivian, Layton, Dennis and Prince, Sara (2015). *Why diversity matters*. McKinsey. Available here: www.mckinsey.com/business-functions/organization/our-insights/why-diversity-matters
59. UN Women (2019). *Towards an end to sexual harassment: the urgency and nature of change in the era of #MeToo*. Available here: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/towards-an-end-to-sexual-harassment-en.pdf?la=en&vs=4236>
60. Ibid
61. Hoel, Helge and Vartia, Maarit (2018). *Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU*. Directorate General for Internal Policy – Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, European Union. Available here: [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL_STU\(2018\)604949_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL_STU(2018)604949_EN.pdf)
62. ILO Violence and Harassment Convention, 2019 (No. 190), Article 9(d).
63. Gerdeman, Dina (11 April 2018). *Sexual Harassment: What Employers Should Do Now*. Available at: <https://hbswk.hbs.edu/item/sexual-harassment-what-employers-should-do-next>
64. UN Women. 2019. *What will it take? Promoting cultural change to end sexual harassment*. Available here: www.unwomen.org/en/news/stories/2019/9/press-release-new-publication-addresses-how-to-end-sexual-harassment. See also Dobbin, Frank and Kalev, Alexandra (2020). *Why Sexual Harassment Programs May Backfire – Confronting Sexual Harassment*. Harvard Business Review. Available here: https://hbr.org/2020/05/confronting-sexual-harassment?utm_medium=email&utm_source=newsletter_monthly&utm_campaign=womenatwork_not_activesubs&deliveryName=DM78367
65. ILO and UN Women (2019). *Handbook: Addressing violence and harassment against women in the world of work*, pp. III (New York, NY). Available here: www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf?la=en&vs=4050
66. UN Women (2019). *Towards an end to sexual harassment: the urgency and nature of change in the era of #MeToo*. Available at: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/towards-an-end-to-sexual-harassment-en.pdf?la=en&vs=4236>
67. ILO and UN Women (2019). *Handbook: Addressing violence and harassment against women in the world of work*, pp. 77 (New York, NY). Available here: www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf?la=en&vs=4050
68. ILO Violence and Harassment Convention, 2019 (No. 190), Article 10(b) and 10(c).
69. Gerdeman, Dina (2018). *Sexual Harassment: What Employers Should Do Now*. Harvard Business School. Available here: <https://hbswk.hbs.edu/item/sexual-harassment-what-employers-should-do-next>
70. UN Women (2019). *Towards an end to sexual harassment: the urgency and nature of change in the era of #MeToo*. Available at: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2018/towards-an-end-to-sexual-harassment-en.pdf?la=en&vs=4236>
71. ILO and UN Women (2019). *Handbook: Addressing violence and harassment against women in the world of work*, pp. 77 (New York, NY). Available here: www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/addressing-violence-and-harassment-against-women-in-the-world-of-work-en.pdf?la=en&vs=4050
72. For a detailed list and explanation of core elements of effective sexual harassment policy and procedure policy developed by Professor Catherine MacKinnon, see [Towards an end to sexual harassment: The urgency and nature of change in the era of #MeToo](#)
73. Feldblum, Chai and Lipnic, Victoria (2016). *EEOC Select Task Force on the Study of Harassment in the Workplace, Report of Co-Chairs Chai R. Feldblum and Victoria A. Lipnic*. www.eeoc.gov/eeoc/task_force/harassment/

Promoting Economic Empowerment of Women at Work through Responsible Business Conduct in G7 Countries (WE EMPOWER—G7 Programme) is funded by the European Union (EU) and jointly implemented with the International Labour Organization (ILO). The Programme (2018-2020) will convene stakeholder dialogues in the EU, Canada, Japan and the US to exchange knowledge, experiences, good practices and lessons learned in the context of the changing world of work. Under the Women's Empowerment Principles (WEPs), WE EMPOWER is working to equip companies to go beyond making commitments on gender equality and women's empowerment, to strengthening their implementation, data collection and reporting on the WEPs.

ACKNOWLEDGEMENTS:

This guidance note was prepared by the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) under the WE EMPOWER – G7 programme funded by the European Union and jointly implemented with the International Labour Organization. The brief was prepared by Anna Falth, Carla Kraft, Diana Rusu and Inkeri von Hase of UN Women with substantive contributions from Madison Bailey, Dina Deligiorgis, Sara Denby, Magali Gay-Berthomieu, Meral Guzel, Kalliopi Mingeirou, Mariko Saito and Edward Wageni of UN Women; Laura Addati, Valentina Beghini and Irini Proios Torras of the International Labour Organization; and Vicky Smallman and Tara Paterson of the Canada Labour Congress.

DISCLAIMER:

This guidance note was produced with the financial support of the European Union. Its contents are the sole responsibility of the authors and do not necessarily reflect the views of the European Union, the United Nations and their member States.

Edit: ProseWorks

Design: Oliver Gantner

WOMEN'S EMPOWERMENT PRINCIPLES

 weps.org
 [@WEPrinciples](https://twitter.com/WEPrinciples)
 empowerwomen.org
 [@Empower_Women](https://twitter.com/Empower_Women)

Principle 1



Establish high-level corporate leadership for gender equality.

Principle 2



Treat all women and men fairly at work – respect and support human rights and nondiscrimination.

Principle 3



Ensure the health, safety and well-being of all women and men workers.

Principle 4



Promote education, training and professional development for women.

Principle 5



Implement enterprise development, supply chain and marketing practices that empower women.

Principle 6



Promote equality through community initiatives and advocacy.

Principle 7



Measure and publicly report on progress to achieve gender equality.

Funded by:

Produced by:

In support of:



European Union



WOMEN'S EMPOWERMENT PRINCIPLES

Established by UN Women and the
UN Global Compact Office