

HOW TO SUPPORT YOUR COMPANY TO...

Write and implement a workplace policy for prevention of sexual harassment

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Photo:
A dam under construction in Sri Lanka.
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4-step process for writing and implementing a workplace policy for prevention of **sexual harassment**

1

PLANNING



Understand legal context



Decide on policy model



Arrange partnerships

4

IMPLEMENTING



Communicate and train



Review and measure impacts

The International Labour Organization defines **sexual harassment** as sex-based behavior that is **unwelcome** and **offensive** to its recipient. For sexual harassment to exist these two conditions must be present.

Sexual harassment may take two forms:

Quid pro quo sexual harassment

When submission to sexual advances or requests for sexual favors are made a condition of employment or used as the basis for employment decisions, including decisions related to recruitment or promotion.

Intimidating, hostile, or offensive sexual harassment

When sexual conduct or other actions interfere with a person's work and/or create an intimidating or offensive work environment.

2

CREATING CONTENT



State purpose of policy



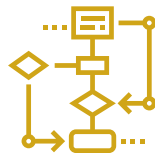
Define company's position



Give clear definitions and behaviors

3

INTEGRATING INTO BUSINESS SYSTEMS



Revise internal grievance mechanism



Clarify roles and responsibilities



Decide on disciplinary measures

1 PLANNING



Understand legal context

Your company should understand the law on sexual harassment in the country of operations. Their policy should meet – and sometimes exceed – legal requirements.

Different countries have different laws on sexual harassment offences and punishment. These laws sometimes explain the responsibilities of state actors and employers to manage risks. The World Bank offers a [Compendium of International and National Legal Frameworks on Sexual Harassment in the Workplace](#).

The law may not provide full protection for everybody. Your company may be reluctant to cover certain groups in their policy for cultural or religious reasons, or because of personal bias or prejudice.



Examples of groups at risk of being excluded from protection are gender non-binary persons, transwomen and transmen, gay men, lesbians, bisexuals, and ethnic and racial minorities. Encourage your company to adopt a policy that is fully inclusive.

The International Labour Organization's [Convention of Violence and Harassment in the World of Work](#) (C-190) will come into force in June 2021. C-190 urges countries to *adopt laws, regulations and policies that ensure the right to equality and non-discrimination in employment and occupation for women and for other persons belonging to vulnerable that are disproportionately affected by violence and harassment in the world of work and that are especially vulnerable to sexual harassment*. A [supplementary recommendation](#) calls for particular attention to the be paid to risks that 'arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment'.



Decide on the policy model

There are three basic options for this kind of policy.

Model 1: Standalone policy based on template

- ✓ Emphasizes commitment to addressing the specific issue of sexual harassment.
- ✓ Easy to copy an existing policy.
- ✗ Unless contextualized, content may not reflect the real risks the workers face.
- ✗ Unless contextualized, content – including descriptions of behaviors – may not be culturally relevant.
- ✗ If a direct copy of an existing policy, may indicate tokenistic effort, with little thought given to how to tackle causes of sexual harassment.

Model 2: A broader policy on respectful behaviors

- ✓ Commitment to address wider set of behaviors and practices that negatively impact workers and business performance.
- ✓ Can cover bullying, which is also commonly experienced in workplaces.
- ✓ Can inform a larger communications campaign to promote a respectful workplace, and help create consistency in messaging.
- ✗ Some behaviors that constitute sexual harassment, especially those viewed as acceptable or normal in the local context, may not get enough attention to bring about change.
- ✗ Risk of understating real risks of sexual harassment for female workers.

Model 3: Update existing policies to reference sexual harassment

- ✓ The issue is recognized as important for the whole of business.
- ✓ Addressing sexual harassment becomes integral to the company's management of worker health and safety.
- ✓ Increased opportunities for aligning sexual harassment prevention with efforts to promote equal opportunities and gender equality.
- ✗ May take a while to complete policy updates and approvals.
- ✗ Requires a higher level of expertise to identify relevant entry points for policy updates and to action the broader links between addressing sexual harassment and workplace safety, gender equality etc.



Your company should seek to understand where there may be gaps between what has been legislated and how the law is applied in practice. For example, certain forms of sexual harassment may be technically illegal in a given country but still widely practiced and rarely prosecuted. Does your company understand areas where there are gaps between legislation and implementation, and how these gaps increase the risk of sexual harassment occurring?



Arrange partnerships

Your company should ensure workers who experience sexual harassment can voluntarily access support services they need and request. Your company should consult with staff about the support services they think are needed; and explore options for support services they can realistically offer.

COUNSELING

In-house counseling is only recommended if your company employs an accredited counselor on staff. Alternatives are partnerships with local counseling services or, in cases where this is not possible, access to remote counseling services via phone or the internet. Where possible, counseling services should be offered in the same cultural context as the business and in the same languages as workers. Key staff – such as Human Resources personnel or the business' Welfare Team – should also be trained to offer [basic psychosocial first aid](#) as an immediate response.

LEGAL ASSISTANCE

In addition to any internal action taken against the perpetrator by your company, the worker may want to pursue the matter through the justice system. Your company can assist by providing information about organizations that can offer legal advice and support.

SICK LEAVE

Your company can consider offering additional sick leave days to workers who have submitted a formal allegation. A worker should not be forced to take sick leave while their allegation is being investigated.

JOB REASSIGNMENT

Your company may be able to arrange for a worker to move to a new location or role after they have submitted a formal complaint, to prevent any further risk of harm, including retaliation. This should only happen voluntarily at the request of the worker.

EMPLOYMENT ASSISTANCE

Despite the best efforts of your company, the worker may feel they are unable to continue to work with the company. The worker may still feel unsafe or dissatisfied with the outcome of the investigation. Your company can support the worker to access information about alternative employment opportunities.

FINANCIAL ASSISTANCE

If the worker needs to take time off after an incident has occurred or if they need to pay for extended counseling services, your company can consider offering financial support.

MEDICAL ASSISTANCE

The worker may need to see a doctor, especially if the harassment has resulted in physical harm. Your company can provide transportation to the clinic and/or offer to cover immediate or long-term medical expenses, including for mental health services.



Even when services are available locally, they may not be suitable. Service providers and professionals, such as doctors and counselors, may hold biases and prejudices against persons of specific gender identities, sexual orientations, races, religions etc. Counseling rooms may not adequately protect the privacy of people who attend. Your company could therefore consider offering support to improve the capacities of service providers. Has your company engaged a Gender Based Violence (GBV) Specialist to undertake a quality assessment of support services?

2

CREATING CONTENT



State purpose of policy

The policy should include a concise statement that describes why your company is introducing this particular policy. This statement might also cover the scope of the policy – clarifying who is covered by the policy.

“ Our sexual harassment policy aims to protect all employees and contractors from unwanted sexual advances. It explains how to report incidents, how we handle allegations, the disciplinary measures we can apply, and the support our people can access if they have suffered sexual harassment in our workplace.

“ Our company maintains a strict policy of prohibiting harassment of any kind, including harassment based on race, color, religion, national origin, sexual orientation, gender identity or expression, sex, age, disability, or any other characteristic. This policy applies to all employees regardless of their employment status. An employee who violates this policy is subject to discipline.

“ In accordance with national law, we have adopted this Prevention of Sexual Harassment Policy which will be implemented across all operations globally. The policy promotes a workplace free from sexual harassment and provides information about our complaint mechanism. This policy aims to:

- create a secure and stress-free environment in which all individuals are respected;
- ensure no gender-based harassment occurs that prevents equal opportunities in all aspects of employment; and,
- promote a respectful work environment in which all employees can develop their full potential.



The policy is part of your company's efforts to prevent sexual harassment in its workplaces, alongside awareness-raising and training. But the purpose of such a policy should also be to empower workers to call out and report harmful and disrespectful behaviors. Does the policy empower workers to act?



Define company's position

The policy should describe the position your company intends to take on sexual harassment. This can be a short statement that explains a commitment to address harmful and disrespectful behaviors. It may also include a description of how your company understands sexual harassment.

“ This company is committed to providing a safe environment for all employees. All complaints of sexual harassment will be taken seriously, and treated with respect and in confidence. No one will be victimized for making a complaint. Any person found to have sexually harassed another will face disciplinary action.

“ We are committed to creating a work environment in which all individuals are treated with respect. Each individual has the right to work in an atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment. We expect all relationships in the workplace will be business-like and free of prejudice, discrimination, and harassment.

“ This company is committed to creating and ensuring an enabling, dignified, and equitable work environment for every employee. All employees should be able to work in an environment free of harassment and violence. We believe that sexual harassment is a violation of human rights. It is an act of power and a violation of a person's dignity. It poses a risk to the rights of women, in particular, to carry out their workplace duties safely and to the fullest. It is contrary to our nation's anti-discrimination law. We accept the responsibility to prevent acts of sexual harassment and to provide a safe procedure for the resolution and prosecution of any such behavior.



A commitment to 'zero tolerance' makes it clear that all acts of sexual harassment are unacceptable. It can – and should – ensure all reports are taken seriously. However, this term is often misunderstood or misinterpreted. Your company may think it means they need to take strong disciplinary action against everybody who commits any type of sexual harassment. This can actually discourage workers from reporting incidents, if they believe the mandatory discipline is disproportionate to the severity of the behavior. An affected worker may simply want somebody to ask the harasser to stop their behavior, rather than for the incident to be investigated fully and for the harasser to be automatically terminated. How does your company understand and practice 'zero tolerance'?



Give clear definitions and behaviors

Your company should assume there is no shared understanding among workers about what sexual harassment is, including what specific behaviors constitute sexual harassment. Their policy should therefore offer clear definitions and examples.

EXAMPLE DEFINITIONS FOR SEXUAL HARASSMENT

“ 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.

“ Any form of unwanted verbal, non-verbal, or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating, or offensive environment.

EXAMPLE BEHAVIORS THAT CONSTITUTE SEXUAL HARASSMENT

| VERBAL | NON-VERBAL | PHYSICAL |
|---|---|--|
| <ul style="list-style-type: none"> • Comments or questions about a person’s appearance or body. • Body-shaming. • Comments and questions about a person’s sexual orientation or sexual behaviors. • Offensive phone calls. • Sexually suggestive comments or jokes. • Insults or taunts of a sexual nature. • Unwanted and persistent invitations for a date or for sex. | <ul style="list-style-type: none"> • Whistling. • Staring or leering. • Sexually-suggestive gestures. • Displaying or sharing sexual material on walls, lockers, phones, computers, or social media. • Unsolicited and unwanted sexual advances or requests via social networking sites. • Sending or making a person view sexually explicit pictures, posters, screen savers, emails, internet sites, Facebook posts, or instant messages. • Intrusive contact or conduct of a sexually suggestive nature outside of working hours, either in-person or via messages. | <ul style="list-style-type: none"> • Unwelcome touching, hugging, patting, or kissing. • Unnecessary close proximity or unnecessary familiarity, such as deliberately brushing up against someone. • Massaging. |

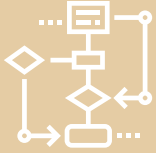
Some behaviors that can cause harm to people may not be viewed as sexual harassment. Social and gender norms in a culture might mean that many people – regardless of gender – view certain behaviors as acceptable or normal. Examples include:



- Older female relatives touch a young girl’s breast as a ‘sign of affection’. This behavior carries over into female-dominated workplaces.
- Men believe women and girls like it when they whistle at them or make a comment about their body. ‘She feels good when this happens.’
- Managers massage the shoulders of workers ‘just to help you relax’.
- Heterosexual co-workers ask a gay man about his sex life. They want to know what it involves because ‘we are interested to learn’.
- Similarly, cis-gender co-workers ask a transwoman if she has had ‘the snip’. They make fun of her social and medical transition, and gender expression.
- Men hang pornographic pictures on the walls of changing rooms and toilets. They think all men are fine with this because ‘it’s normal for men to want to look at naked women’.

3

INTEGRATING INTO BUSINESS



Revise internal grievance mechanism

The internal grievance mechanism needs to be suitable for receiving and managing reports of sexual harassment. Your company may need to adjust their existing workers' grievance mechanism – or create a new one specifically for reporting sexual harassment.

For a workers' grievance mechanism to be considered suitable for managing reports of sexual harassment, it needs to include the following:

- Ability to make report anonymously.
- Ability to make report using different communication channels (verbal, face-to-face, written etc.).
- Guarantee of confidentiality.
- Secure management of information relating to a report, with information only shared on a need-to-know basis.
- Involvement of any workers affected by sexual harassment in making decisions about the response.
- Access for the complainant to support services.
- Guarantee the complainant and the accused will never be required to discuss the complaint in the same room at the same time.
- A transparent investigation and decision-making process.



Often, senior managers want to show their commitment to tackling sexual harassment by being responsible for managing allegations. If this is the case with your company, are the managers trained to take on this responsibility? And how might this arrangement make it difficult for workers to report incidents?



Clarify responsibilities

There are likely to be some internal staff who have specific responsibilities for managing the sexual harassment policy – especially Human Resources personnel and managers. These responsibilities should be described in the policy.

Your company will need to decide who is responsible for different components of the policy. This decision will, to some extent, depend on the organizational chart of the company. It should factor in the skills and interests of individual personnel to manage this particular issue. And it should factor in the demographics of the workforce, so there is adequate representation of the workforce among those with assigned responsibilities.

Responsibilities to be assigned are:

- Communicating the policy.
- Delivering training to workers on the policy and the broader topic of sexual harassment.
- Managing information relating to reports of sexual harassment.
- Reviewing the effectiveness and measuring the impacts of the policy and associated training.
- Maintaining relationships with external partners.

The policy could also assign some additional responsibilities to managers:

- Requirement to act on all allegations.
- Requirement to call out all incidents.



It is often assumed that people who work in Human Resources already know how to respond to the issue of sexual harassment in the workplace. It therefore becomes the default to assign all responsibilities to this department. This may, however, still be a new topic for staff in this department. Some staff may not feel comfortable taking on responsibility for the issue. Others may not have adequate knowledge about specific matters that make responding to sexual harassment different from responding to other labor issues – survivor-centered approach, the need for confidentiality etc. Do your company's training commitments adequately cover the skills required by staff who now have new responsibilities relating to the sexual harassment policy?

SS SYSTEMS



Decide on disciplinary measures

Your company is likely to want to include references to disciplinary measures in the policy. This functions as a preventative measure by warning workers about the kinds of punishment they can expect to receive if they engage in sexual harassment.

Examples of suitable disciplinary measures

- Request to cease the behavior.
- Give a verbal warning.
- Give a written warning.
- Seek a mutual agreement between the parties.
- Require attendance at sexual harassment training courses.
- Require a formal apology.
- Reassign to another department or work space.
- Reduction in salary.
- Forfeiture of bonuses or pay rise.
- Demotion.
- Place on probation for a determined period.
- Suspend employment (with or without pay).
- Terminate employment.
- Criminal prosecution.

Disciplinary measures should be presented to workers who have experienced sexual harassment so they can contribute to the decision about how the harasser is punished.

What amount of discipline is enough?

A number of factors can be used to determine what disciplinary action is appropriate:

- The harasser's work record, including any previous incidents or discipline.
- The impact the harassment has had on normal operations at the individual, team, department, and business levels.
- The potential impact the harassment might have had on normal operations had it not been reported.
- The harasser's status in the company – if they have management responsibilities, for example.
- What kinds of disciplinary actions were taken in response to similar incidents previously.
- The wishes of the worker who has been harassed.

A disciplinary matrix can help manage the disciplinary process fairly and consistently. This tool can be used to assign punishment to a particular incident based on the level of severity of the incident. The level of severity should be assigned based on the level of risk the incident poses to the business (reputation, productivity etc.), and not on an assumed level of impact the incident has had on the affected worker.



Discipline sends an important message – that sexual harassment will not be tolerated and the behavior comes with consequences. But there are other important elements to the prevention of sexual harassment in workplaces – such as empowering workers to speak out, and ensuring company commitment to address the issue as a social problem and not a problem of a select few 'bad' people. Is your company adequately or overly focused on discipline?

4

IMPLEMENTING



Communicate and train

All workers should be made aware of the policy. This is the minimum requirement.

Communication options include:

- Including a copy of the policy in induction materials.
- Posting copies – or preferably condensed versions to show key content – on noticeboards. These should be available in multiple languages, depending on the languages spoken by workers.
- Regular discussions about different aspects of the policy, or different behaviors, in toolbox talks or lunchbox meetings.
- Making sure the policy is accessible to people with low or no literacy, using images, audio files, or videos.

All these communication techniques present workers with information. But they don't necessarily guarantee that workers will interpret or internalize the information. You should encourage your company to adopt a transformational approach to training workers on sexual harassment, so the training contributes towards changes in attitudes and behaviors. Ideas include:

- Regular training on sexual harassment.
- More than information – it is interactive and reflective.
- Training on sexual harassment is part of broader training on understanding the root causes and impacts of (gender-based) violence and harassment at work.

- Bystander training – techniques for how to call out disrespectful behaviors.
- Training is targeted to meet the specific needs of workers, based on job scope, locations of work, level of employment, and responsibility to manage sexual harassment prevention and response.

Your company should also nominate focal points who are responsible for managing reports of sexual harassment; and commit to providing adequate specialized training to these focal points so they can manage reports safely. Training should cover:

- Investigation skills.
- Data management protocols.
- Survivor-centered ways to respond to workers affected by sexual harassment.

Focal points should reflect the demographics of the workforce, so workers can feel more comfortable reporting to them.

Finally, your company should consider training for managers, who may be assigned additional responsibilities, such as:

- Deeper understanding of sexual harassment as part of a continuum of violence in the world of work.
- Awareness of the impacts sexual harassment has on business performance, and how to measure and reduce these impacts.



Review and measure impacts

You should ensure your company includes a provision for monitoring the effectiveness of the policy. All information should be sex-disaggregated to enable gender analysis.

Key questions to consider when monitoring the impacts of the policy are:

- What percentage of the workforce know about the policy?
- What percentage of the workforce have received training on sexual harassment – and, importantly, have their knowledge, attitudes, and practices improved as a result of this training?
- Have focal points received specialized training – and, importantly, how well are they applying what they have learned in their management of reports?

- How comfortable do workers feel calling out and reporting incidents?
- What changes in the prevalence of behaviors are evident, including a reduction in specific types of sexual harassment?

Your company can undertake this monitoring through periodic staff surveys, training pre- and post-assessments, and confidential reviews of how reports were handled. To ensure safety of workers when conducting surveys, you should advise your company to seek input from a GBV Specialist.



CHECKLIST

Developing and adopting a comprehensive policy on the prevention of sexual harassment are key actions in preventing sexual harassment and promoting a safe working environment. The aim of such a policy should be to change behaviors and attitudes of workers, and to provide a safe workplace environment for all workers.

- The policy was developed through consultation with workers across all levels.
- The policy covers all workers regardless of employment or contract status.
- The policy clearly states a commitment to prevent and respond safely to incidents of sexual harassment.
- The term 'sexual harassment' is unambiguously defined, with specific examples of behaviors that constitute sexual harassment.
- The definition of the 'workplace' includes travelling to and from work, work-related social and professional events, when on a break during work hours, and any place where a worker is paid to undertake work.
- The policy clearly explains to workers the options available for reporting incidents, how to report an incident, and what will happen after a report is made.
- The policy clearly explains who is responsible for implementing the policy and monitoring its effectiveness.
- There is a commitment in the policy to train all workers on sexual harassment and to communicate the policy to all workers, contractors, and partners.
- There is an additional commitment in the policy to ensure all staff who are assigned responsibilities to manage reports have access to adequate specialized training.
- The policy includes information on the support services workers can access if they are affected by sexual harassment.
- Potential disciplinary measures are described.
- The policy promotes empowerment of workers to call out and report incidents, not protectionist practices such as segregating men and women in the workforce or prohibiting relationships.
- If the company has a global policy, this policy has been adapted to reflect the legal and cultural contexts for country and local level operations.



Sample model policies

[Model sexual harassment policy developed by the Business Coalition for Women in Papua New Guinea.](#) (Select Tool 4.3)

[Sample sexual harassment policy from the International Labour Organization](#)

[United Nations model policy on sexual harassment](#)

For further resources, including guidance on *Addressing Gender-Based Violence and Harassment: Emerging Good Practice for the Private Sector*, please visit www.ifc.org/addressinggbvh