



TOOL SUITE 4

UNLOCKING OPPORTUNITIES FOR WOMEN AND BUSINESS
A Toolkit of Actions and Strategies for Oil, Gas, and Mining Companies

ADDRESSING GENDER-BASED VIOLENCE IN THE WORKFORCE



UMBRELLA FACILITY
FOR GENDER EQUALITY



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UNLOCKING OPPORTUNITIES FOR WOMEN AND BUSINESS
A Toolkit of Actions and Strategies for Oil, Gas, and Mining Companies

ADDRESSING GENDER-BASED VIOLENCE IN THE WORKFORCE

Tools to help companies address and reduce sexual harassment, sexual abuse and exploitation, and intimate partner violence in the workforce and community



Creating Markets, Creating Opportunities



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ABBREVIATIONS AND ACRONYMS

ARPEL Regional Association of Oil, Gas, and Biofuels Sector Companies in Latin America and the Caribbean

ASM Artisanal and Small-Scale Mining

(PNG) BCFW Papua New Guinea Business Coalition for Women

BIAC Business and Industry Advisory Committee to the OECD

CEO Chief Executive Officer

EI Extractive Industries

FIFO Fly-In, Fly-Out

FSV Family and Sexual Violence

GBV Gender-Based Violence

GDP Gross Domestic Product

GRM Grievance Redress Mechanism

HIV Human Immunodeficiency Virus

HR Human Resources

HREOC Australian Human Rights and Equal Opportunity Commission

HQ Headquarters

IFC International Finance Corporation

IPV Intimate Partner Violence

KDP Kecamatan Development Project

KPIs Key Performance Indicators

MOB Men-Owned Business

NGOs Non-Governmental Organizations

OECD Organization for Economic Cooperation and Development

OGM Oil, Gas, and Mining

PNG Papua New Guinea

RFX Summary acronym that includes Request for Information (RFI), Request for Proposal (RFP), Request for Quote (RFQ), and Request for Bid (RFB)

ROI Return on Investment

RTMP Rio Tinto Management Peru

SEC US Securities and Exchange Commission

SH Sexual Harassment

STEM Science Technology Engineering and Mathematics

TOR Terms of Reference

UNGC United Nations Global Compact

WGEA Australia's Workplace Gender Equality Agency

WEP Women's Empowerment Principles

WOB Women-Owned Business

APPLICABLE IFC PERFORMANCE STANDARD

Performance Standard 2. Labor and Working Conditions

Covers working conditions, protection of the workforce, operational health and safety, third party workers and workers involved in the supply chain. With regards to sexual harassment and gender-based violence, it requires compliance with national employment and labor laws (which may outlaw sexual harassment and gender-based violence); and it addresses the health and safety of the workforce, and protection of potentially vulnerable workers. A Guidance Note on Performance Standard 2 specifies that IFC clients should “take measures to prevent... sexual harassment... within the workplace.” It applies to workers directly engaged by the client (direct workers), workers engaged through third parties to perform work related to core business processes of the project for a substantial duration (contracted workers), as well as workers engaged by the client’s primary suppliers (supply chain workers).¹

¹ IFC Performance Standards on Environmental and Social Sustainability, January 1, 2012; IFC Guidance Note 2: Labor and Working Conditions, January 1, 2012.

OVERVIEW: Gender-Based Violence in the OGM Industries Workforce

Sexual harassment is an issue that cuts across all of the tool suites in this toolkit because of the impacts on women in the workforce, supply chain, and in the community. Research has shown a correlation between oil, gas, and mining projects and rising rates of gender-based violence, including on-site sexual harassment, as well as intimate partner violence (IPV) and sexual exploitation and abuse (SEA), within project-affected communities.² In situations where these issues are not addressed, the OGM sector can create, and/or exacerbate dynamics leading to sexual harassment, IPV, and SEA. Many OGM companies are recognizing opportunities to change on-site behavior, and address issues in the broader community. This chapter provides guidance and tools to help companies understand these issues, take measures to address “inside-the-fence” behavior and set expectations of behavior and support services for “outside-the-fence” issues.

On the worksite, the central elements of OGM industries, such as a male-dominated work force, and often remote working conditions, can contribute to creating an environment that is threatening or uncomfortable for women or men. A 2015 study by the Australian National University found that 93 percent of women working in rural industries in Australia had experienced sexual harassment, ranging from direct actions such as unwanted comments about women’s bodies or their sexual behavior to more indirect harassment such as male colleagues watching pornography around female employees.³

Outside the fence—in the broader community—there is strong anecdotal evidence of a correlation between the rise of OGM activities and gender-based violence in host communities. The reasons for this are complicated and interrelated; but one key connection seem to be that in many OGM communities where men are the primary beneficiaries of employment, rising cash flows primarily benefit men. As many OGM projects arrive in areas that are remote and/or have previously seen little in the way of economic development, a rapid injection of cash and outside labor can trigger social dislocation, leading to increased access to alcohol, prostitution and drugs. In some cultures, increased cash flows mean that men can afford and may choose to take multiple wives (which can lead to violence between women); some men may leave their families for jobs in the industry, taking on new wives; and some women leave families for new partners with greater wealth from OGM, leading to increased conflict both between husbands and wives, as well as among co-wives.⁴

² Isabel Cane et al, “Mapping Gender Based Violence and Mining Infrastructure in Mongolian Mining Communities,” Brisbane: International Mining for Development Centre, May 2017, 2.

³ Tim Brunero, “ANU Study Finds Most Women Working in Remote Areas Subject to Sexual Harassment,” ABC News, May 8, 2015, <http://www.abc.net.au/news/2015-05-08/remote-sexual-harrasment/6454760>.

⁴ Catherine Wilson, “Gas Extraction Fuels Abuse in Papua New Guinea,” IPS News Agency, April 16, 2012, <http://www.ipsnews.net/2012/04/gas-extraction-fuels-abuse-in-papua-new-guinea/>.

While the specific factors vary significantly depending on context, the social and economic changes that are connected to OGM activity such as family abandonment, land loss, the changing status of women based on changes to traditional land-based roles, and frustration related to lack of economic opportunity can all increase the risk of GBV.

Sexual harassment, SEA, and IPV are violations of women’s fundamental human rights,⁵ and many companies are recognizing that what happens in the workplace is connected to what happens off-site. Companies recognize that they have an opportunity not only to create standards for behavior at work, but also provide support for employees who may experience violence at home, while also making a statement against both sexual harassment and GBV inside and outside the fence. Furthermore, companies are recognizing that doing so can also help to address major business costs ranging from productivity loss to increased turnover, major reputational issues with shareholders and governments, threats to social license nationally and within the community, and challenges in attracting and retaining female employees.

Tool Suite 4 highlights the potential business costs of GBV, including sexual harassment, SEA, and IPV. It provides practical guidance for companies so they can better understand and address the drivers of each of these different forms of aggression. It also details reporting obligations and options—as well as the consequences for not addressing the problems.

Definition of Terms

There are several key terms used to describe aggression based on sex and gender, within and outside of the context of employment. These terms may come with different legal and regulatory requirements for action, so it is important to understand the differences, which will also help to differentiate the issues within the workforce and community.

Gender-Based Violence (GBV)

The World Bank defines gender-based violence as: “Violence that is directed against a person on the basis of gender. It constitutes a breach of the fundamental right to life, liberty, security, dignity, equality between women and men, non-discrimination and physical and mental integrity.”⁶

GBV does not only refer to violence against women and girls. It also can impact men and boys, particularly men who challenge or do not adhere to traditional male stereotypes.⁷ GBV can include a range of different forms of violence, including intimate partner violence, female genital mutilation, child marriage, and child exploitation.

⁵ As defined in the UN Convention on the Elimination of all forms of Discrimination against Women.

⁶ “Violence Against Women Resource Guide,” World Bank, <http://www.vawgresourceguide.org/terminology>.

⁷ WAVE and UNFPA, “Strengthening Health System Responses to Gender-Based Violence in Eastern Europe and Central Asia, a resource package,” <http://www.health-genderviolence.org/training-programme-for-health-care-providers/facts-on-gbv/defining-gender-based-violence/21>.

GBV is a global crisis: the UN estimates that on average, 35 percent of women around the world have experienced physical or sexual violence, but some countries estimate this rate to be as high as 70 percent.⁸ As noted above, GBV is an internationally recognized violation of women’s human rights. 189 countries are currently party to the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), which recognizes violence against women as a form of discrimination.⁹ According to the World Bank publication, *Women, Business and the Law*, 140 out of 189 surveyed countries currently have laws against domestic violence.¹⁰

In terms of non-workplace GBV that can have a significant impact on women in the community, this tool suite specifically focuses on intimate partner violence (IPV).

Intimate Partner Violence (IPV)

Intimate partner violence is behavior that takes place between current or former intimate partners and can include physical, sexual, or psychological harm, such as physical aggression, sexual coercion, psychological abuse, and controlling behaviors.¹¹ IPV is also known as domestic violence. While this is certainly not the only type of GBV that can arise in OGM contexts, it is among the most prevalent, with significant impacts on the health, safety, and effectiveness of OGM workers. Although IPV typically happens within the home, OGM companies may be able to exert some degree of influence on prevention, via initiatives to change the culture around acceptable behavior towards women and through resetting norms for gender equality.

Sexual Exploitation and Abuse (SEA)

The United Nations defines SEA as: “Any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another.”¹² While sexual harassment can take on specific dimensions in workplace situations, for example between employees/personnel or between workers and supervisors, SEA also occurs outside of the employment context—for instance, abuses perpetrated against community members by the OGM workforce.

Sexual Harassment

As noted above, sexual harassment often manifests itself in an employment situation. It can include unwelcome verbal advances, requests for sexual favors, inappropriate sexual comments and

⁸ UN Women, “Ending Violence against Women Facts and Figures,” <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.

⁹ United Nations, “Convention on the Elimination of all Forms of Discrimination against Women,” United Nations Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&cmdsg_no=IV-8&chapter=4&lang=en.

¹⁰ World Bank, “Protecting Women from Violence,” <http://wbl.worldbank.org/data/exploretopics/protecting-women-from-violence>.

¹¹ World Bank et al. “Violence Against Women Resource Guide,” <http://www.vawgresourceguide.org/terminolgy>.

¹² United Nations Secretariat, “Secretary-General’s Bulletin: Special measures for protection from sexual exploitation and sexual abuse,” New York: United Nations, October 9, 2003, 1.

objectification, or unwanted verbal or physical conduct of a sexual nature. Unwelcome invitations or requests for dates—particularly when employees feel that their employment depends on either complying with requests or tolerating the behavior—and creating a hostile office environment, such as displaying sexually explicit or suggestive posters, websites, videos, or screen savers—also are forms of sexual harassment. There could also be a quid pro quo aspect to the behavior, in which employees or persons in a position of power request sexual favors in exchange for professional opportunities.¹³

Sexual harassment is a global issue, affecting particularly women, and at all levels of employment. According to SheWorks, an IFC report, 30–50 percent of women in Latin America, Japan, Malaysia, Philippines, and South Korea reported experiencing some form of workplace sexual harassment. A South African study of working women placed the figure at 77 percent. The report cites a survey of women in the European Union, which found that 75 percent of female respondents in top management and 74 percent of female respondents in professional occupations had experienced sexual harassment, compared to 44 percent of female respondents who self-reported as skilled manual workers.¹⁴

“The annual productivity loss of sexual harassment in a typical Fortune 500 company is estimated at US\$6.7 million.”

Source: IFC, *SheWorks: Putting Gender Smart Commitments into Practice at the Workplace*.

Sexual harassment is an issue that affects both men and women. In the United States, sexual harassment claims by men doubled between 1990 and 2009, although in other contexts, men may feel embarrassed or less willing to report harassment.¹⁵ Reflecting a growing consensus, an increasing number of countries are making workplace sexual harassment illegal.¹⁶

Whether intentional—such as comments directed at employees—or unintentional—such as an atmosphere that employees find aggressive, or threatening—sexual harassment creates an unsafe and degrading work environment. Either implicitly or explicitly, employees—particularly subordinate employees—may feel that non-compliance or complaints could threaten their employment, performance rating, or have a subtler but similarly negative impact on their professional relationships.

Although it varies from context to context, particularly depending on the legal prohibitions and degree to which these prohibitions are enforced, men and women may have different attitudes

¹³ See: World Bank, “Violence Against Women Resource Guide,” <http://www.vawgresourceguide.org/terminology>; UN Women, “What is Sexual Harassment?,” <http://www.un.org/womenwatch/osagi/pdf/whatish.pdf>; Amy Luinstra, *Sexual Harassment in the Workplace*, Washington, DC: IFC, 2015, 3; Civility Partners, *White Paper: The Cost of Bad Behavior in the Work Place*, San Diego: StopIt Solutions, January 2012, 3.

¹⁴ IFC, *SheWorks: Putting Gender Smart Commitments into Practice*, Washington, DC: IFC, 2016, 50.

¹⁵ IFC, *SheWorks: Putting Gender Smart Commitments into Practice*, 51.

¹⁶ Ellen Pinkos Cobb, “Sexual Harassment Law Evolving Globally,” Society for Human Resource Management, December 3, 2014, <https://www.shrm.org/resourcesandtools/hr-topics/global-hr/pages/sexual-harassment-law-global.aspx>.

towards reporting sexual harassment behavior. The evidence shows that in nearly 50 percent of cases, harassment stops after it is reported, and yet victims may still hesitate to report. Among the common reasons for failure to report sexual harassment are:

- Limited legal protections or corporate policies
- Lack of knowledge that the behavior is illegal or against the rules
- Belief that the behavior does not merit reporting
- Concern about repercussions if it is reported
- Lack of proof that the harassment occurred

Companies are under different legal obligations with regard to sexual harassment and GBV. Sexual harassment in the workplace is an employment issue and directly implicates the employer and requires their intervention. In many countries, GBV in the community is a criminal issue and may not directly implicate the employer. Still, companies can take significant steps to support employees and help them cope with such events. OGM companies also can take a strong, zero-tolerance stand on GBV perpetrated by employees.

ADDRESSING SEXUAL HARASSMENT AND GBV: THE BUSINESS CASE FOR OGM OPERATORS TO TAKE A STAND

Sexual harassment at the worksite, as well as what employees do or experience at home can have serious consequences for OGM companies. Addressing the issues head on can have significant benefits. Reducing onsite sexual harassment, providing services to support GBV survivors in the community, and developing activities to address and reduce GBV in host communities can help strengthen community relationships, improve productivity, reduce turnover, and help companies lead a change in attitudes towards sexual harassment and GBV. While addressing what happens outside the worksite can be a more complex issue for OGM companies, in many countries addressing and preventing sexual harassment is solidly within companies' legal obligations. Furthermore, the cost of training and prevention can be minimal compared to the potential costs to companies, should sexual harassment allegations be brought. The SheWorks study estimates that employee training programs can cost as little as \$50 per employee. By comparison, in 2011 alone, the cost of settling 1,400 sexual harassment claims brought against U.S. companies (out of approximately 11,300 complaints) totaled \$52million.¹⁷

In addition to the risk of litigation, failure to address sexual harassment and GBV can come with other significant business costs, which are briefly described below.

¹⁷ IFC, *SheWorks: Putting Gender Smart Commitments into Practice*, 54.

Reduced Productivity and Increased Turnover

Harassment happening on the job site can create a work environment that feels unsafe, un-supportive, dismissive, or even threatening. This can cause employees stress, anxiety, fear, and disrupt concentration, which can lower productivity, and/or increase turnover.¹⁸ While methodologies used to quantify the costs of sexual harassment can vary, the figures are sobering. A study of Fortune 500 companies estimated the costs of sexual harassment at around \$6.7 million a year in absenteeism, low productivity, and employee turnover. In addition to the business costs, sexual harassment can have serious costs for the community as well. In the U.S., federal employees who faced sexual harassment lost \$4.4 million in wages and 973,000 hours in unpaid leave per year, not only impacting job productivity, but the family and communities of those impacted as well.¹⁹

What employees experience at home also can directly affect productivity at work. According to an Overseas Development Institute study in Papua New Guinea, violence experienced at home led to “absenteeism, lower efficiency at work, resignation, and difficulties in recruiting and promoting women.”²⁰ According to the PNG Business Coalition for Women, intimate partner violence causes employees to miss 11 days of work per year on average, either to take care of themselves or others. This can mean lost work time totaling up to 10 percent of a company’s annual wages.²¹ In the U.S, gender-based violence is responsible for approximately \$8 million in lost paid workdays per year. In Australia, for each woman who experiences violence, there is an estimated \$1,500 in lost production-related activity.²²

Even when employees do not technically miss work, “presenteeism” (in which employees are present but distracted or unfocused, due to trauma or family concerns) can threaten not only productivity, but pose a safety risk as well. “[Gender-based violence] prevents victims from performing to the best of their abilities at work, hinders career progression, and costs employers dearly in terms of lost staff time and lost productivity.”²³

In countries with strong social services, the company may not bear as much of the cost associated with intimate partner violence, but in developing countries where social services are not as strong, and families are often a key part of the system of care, companies may bear a much heavier cost from intimate partner violence.²⁴

¹⁸ Business Coalition for Women, *Black Eyes Cost Business*, Port Moresby: BCFW, 2014, 2.

¹⁹ IFC, *SheWorks: Putting Gender Smart Commitments into Practice*, 53, 54.

²⁰ Carolin Williams, *How to Calculate the Cost to Business of Gender-Based Violence in Papua New Guinea: Review of Existing Approaches and Methodologies*, London: ODI, 2014, 3.

²¹ Amy Luinstra, “In Papua New Guinea, Empowering Women is Smart Business,” World Bank Blog, August 2016, <https://blogs.worldbank.org/voices/papua-new-guinea-empowering-women-smart-business>.

²² Business Coalition for Women, *Black Eyes Cost Business*, 2.

²³ Business Coalition for Women, *Addressing Violence is Smart Business*, Port Moresby: 2014, 4.

²⁴ Carolin Williams, *How to Calculate the Cost to Business of Gender-Based Violence in Papua New Guinea*, 4-5.

Liability

In many countries, workplace sexual harassment is against the law. Companies must be aware of their legal responsibilities, and the extent to which the company is responsible for the behavior of employees and contractors, and/or responsible for providing employees with training on topics like workplace sexual harassment. Sexual harassment policies and programs should take local context into consideration; however, policies also should be consistent across headquarters and all country offices, even if this consistency means going beyond local legal requirements.

Companies that fail to take adequate measures to address and protect employees can be liable for damages to employees. For example, in 2012, a former hospital employee in California was awarded \$168 million in a case that involved repeated complaints about verbal harassment and unwanted touching.²⁵ In addition to implicating the perpetrator, managers are at risk of liability as well, under certain circumstances. Under some legal systems, if it is determined that managers were aware of the issue or should have been aware, or if there was an expectation of high risk of sexual harassment that was not addressed, they can be held liable as accessories to sexual harassment.²⁶



²⁵ eLeap, “Understanding the Employers’ Role and the Cost of Sexual Harassment,” 2016, <http://www.eleapsoftware.com/understanding-the-employers-role-and-the-cost-of-sexual-harassment/>.

²⁶ IFC, *SheWorks: Putting Gender Smart Commitments into Practice*, 54.

Addressing Sexual Harassment and IPV with Sensitivity

Changing corporate culture, and/or supporting employees who may be experiencing violence at home can be highly sensitive, and even where it is illegal and/or violates company policy, cultural sensitivities and acceptance of the issue may vary. Employers should have policies in place for determining when to involve law enforcement and when issues need to be addressed internally. At a minimum, such policies should be guided by local legal codes.

Companies also should put in place protocols for reporting, accountability, and fair conflict resolution, which creates a trusting workplace. It is important to note that employees themselves might be concerned about discussing experiences with sexual harassment on the job for fear of retaliation, not being believed, or losing their jobs. In situations where there is a significant degree of violence within the local culture or community, employees may feel uncomfortable reporting it, or seeking help from an employer.

“Women appointed in core positions work side by side with men, often in isolation, and are frequently at risk of sexual abuse and/or harassment.”

— Doret Botha, ‘Women in Mining Still Exploited and Sexually Harassed’

Source: South African Journal of Human Resource Management, Vol. 14, No 1, 2016.

This tool suite is designed to raise awareness and help companies understand more about how to prevent workplace sexual harassment, provide support to employees experiencing IPV, and address ways in which their presence in a community may contribute to GBV. It includes tools for assessment, action, and monitoring. The tools rely on existing data. It is also recommended that companies consider partnering with experts in the ethical aspects and methodology of working with survivors of GBV, given the sensitivity of the topic.

Sexual harassment at the worksite may be closely related to gender norms in the host community. As a result, companies should consider comprehensive strategies to bring about broader culture change to combat GBV—affecting not just what happens at the worksite, but in the broader community as well.

Tool Suite 4 provides guidance on addressing workplace and community issues separately, even in situations they are interconnected. This will help you capture a range of information, in a variety of contexts, to work with different audiences and sensitivities.



TOOL SUITE 4: Tools to Address Gender-Based Violence, Including Sexual Harassment, SEA, and IPV

What steps can your company take to address sexual harassment in the workplace, as well as gender-based violence—particularly sexual exploitation and abuse and intimate partner violence—in the community?

Tool Suite 4 features 7 tools designed to help you assess the climate around sexual harassment and gender-based violence in the workplace and host community; implement appropriate policies, codes of conduct and trainings to address and prevent these issues from occurring; and monitor progress. It is by no means an exhaustive approach, especially with regard to dealing with SEA and IPV. Also of note: the actions and efforts suggested here should be undertaken by and in consultation with experts who have specific experience in gender-based violence. This will ensure a sensitive and context-appropriate approach, as well as coordination with the relevant local resources to support and protect survivors of gender-based violence.

The tools will help you to:

- **Assess and prepare:** Assess your company’s ability to understand and take action on gender gaps in your workforce, and put in place staff, structures, and plans to address these issues.
- **Address:** Take specific practical actions to increase gender diversity, inclusion, and gender-equitable opportunities through recruitment, retention, and promotion.
- **Monitor and sustain:** Monitor progress and institutionalize mechanisms to ensure continued improvement and sustained progress.

Table 4-A below provides a breakdown of the tool suite, based on topic area and key players within the company who will care about and be responsible for actions and interventions.

TABLE 4-A Overview of Tool Suite 4

TOOL	TARGET UNIT	GOAL
ASSESS and PREPARE		
TOOL 4.1: Terms of Reference for Sexual Harassment Assessment and Gender-Based Violence Baseline Study	Human Resources	Understand and identify incidents and climate for sexual harassment and gender-based violence
TOOL 4.2: Assessing Gender-Based Violence in the Community	Community Engagement	Understand how OGM operations may be impacting GBV in the community
ADDRESS		
TOOL 4.3: Model Policy: Sexual Harassment	Human Resources	Develop a model policy on sexual harassment
TOOL 4.4: Model Policy on Intimate Partner Violence and Gender-Based Violence	Human Resources	Develop comprehensive employee policies addressing intimate partner violence and gender-based violence
TOOL 4.5: Terms of Reference for Sexual Harassment Training and Design of Gender-Based Violence Grievance Process	Human Resources, Training	Recruit an expert consultant to conduct sexual harassment training
TOOL 4.6: Model Codes of Conduct for Companies, Contractors, and Employees on Gender-Based Violence	Human Resources	Develop a company-level and individual commitment to prevent, report, and address gender-based violence
MONITOR and SUSTAIN		
TOOL 4.7: Develop Approaches Monitor and Sustain Progress on Reducing Sexual Harassment and Gender-Based Violence	Human Resources, Training	Develop an approach to monitor and sustain progress in reducing sexual harassment and gender-based violence

TOOLS 4.1-4.2: Assess and Prepare

This section includes two tools aimed at helping you assess the current situation as it relates to sexual harassment both within your company and in the broader community.

To address sexual harassment and abuse that may be happening in the workplace, you first need to understand the extent of the problem, the institutional or structural issues that may be contributing to it, and the ways in which sexual harassment may reflect broader issues within your company's culture. An understanding of gender norms within the community can add to this knowledge base, especially when such gender norms could be playing a key role in the extent of sexual harassment in the workplace. Tool 4.1 lays out a framework for developing a Terms of Reference to hire an expert who can help you conduct a workplace assessment on these issues.

GBV is not only a workplace issue; it also occurs in communities around the world. The prevalence, acceptability, and response to domestic and GBV can have cultural dimensions, which can be exacerbated by the social and economic changes happening in conjunction with OGM projects. In many countries, even where GBV has been criminalized, it can still be a pervasive problem. This is due to tradition, attitudes, and a lack of awareness and coordination among police, judiciary, and health care systems, leading to inadequate documentation and prosecution of perpetrators. Thus, GBV education, awareness, and capacity building for local municipalities, government officials, and community members alike are all critical aspects of the effort to chip away at the kinds of embedded cultural beliefs and expectations that allow GBV to occur and persist. Tool 4.2 provides guidance for carrying out an assessment of GBV in host communities.

TOOL 4.1:**Terms of Reference for Sexual Harassment Assessment and Gender-Based Violence Baseline Study**

▶ **GOAL:** Understand the sexual harassment climate

▶ **TARGET UNIT:** Human Resources

Here are some key questions to explore:

- Do staff know what constitutes sexual harassment?
- Have incidents of sexual harassment been reported within the company?
- Is there a formal or informal grievance/complaints mechanism, and are staff aware of it?
- How have complaints been handled in the past?
- What has happened to perpetrators?
- Are there specific situations or areas of the worksite, or certain jobs, where women feel less safe—such as onsite accommodations, transportation, or underground?
- Do employees feel that management is aware of and responsive to these situations?
- If employees are experiencing sexual harassment, do they feel that the company is aware and providing sufficient support services?
- To what extent does sexual harassment seem to stem from corporate culture and to what extent is it connected to attitudes towards GBV in the broader community?
- To what extent do employees make use of company-provided IPV support services?

Conducting Research on Sexual Harassment and GBV

Note that the model terms of reference that follows does NOT advocate for asking employees about their own experiences with sexual harassment or IPV. Instead, it seeks to assess the extent to which sexual harassment is reported, how it is handled, the extent to which employer-supported support services for IPV are used, and the status of the corporate complaints and redress system. Data collection is focused primarily around workplace sexual harassment; global and national prevalence surveys should be used to understand prevalence of IPV.

To develop an understanding of sexual harassment and violence within the company, as well as among employees, consolidate any existing data on incidents, reporting, and treatment of sexual harassment—such as by reviewing records of reports and how they were handled, meeting with ombudsperson or exploring grievance mechanisms to better understand how they are used—as well as statistics on the uptake of employer-supported IPV support services.

If your company is planning a comprehensive gender audit, such an assessment can be incorporated into it. (See Tool 1.1 for a gender audit terms of reference).

If you are not conducting a gender audit, review the consolidated information in conjunction with available corporate/human resources data. For instance: are there higher incidents of sexual harassment in teams with fewer women? Are there correlations between teams with women in management positions and the rate of sexual harassment, and/or the degree to which staff feel they can report issues or have confidence in the reporting system? Do incidents of sexual harassment reflect perceptions by staff with regards to the value of women in the company?

As with the gender audit, attention to sexual harassment should be consistent across all company sites, including headquarters, country offices and local worksites, as well as across all levels of the workforce.

What follows is a model terms of reference for a sexual harassment assessment, which can be used in tandem with the ToR for sexual harassment training (Tool 4.6). It will help you assess employee perceptions of employees on- and off-site. It is not intended to identify sexual harassment or GBV experienced by non-employee members of surrounding communities, such as incidents perpetrated by contractors.

BOX 4-A Handle with Care: Sensitive and Comprehensive GBV and Sexual Harassment Research

Given the highly sensitive nature of the issues, your research must be conducted carefully and responsibly. Here are some guidelines:

- Be aware that during the research process information may come out about employees' personal experiences with sexual harassment.
- Make it clear that information shared in the context of the assessment will be kept confidential.
- Hire trained and qualified professionals to conduct assessments: These professionals should know how to spot trauma and have information available to refer individuals for treatment services as needed
- Include referral services as part of their support to employees.

Note that these recommendations are not intended to dissuade companies from conducting assessments around sexual harassment and gender-based violence, but rather to help ensure that the results of such surveys contribute constructively both to understanding the issues and to make a start at addressing them.²⁷

²⁷ For further reading on the safety and ethical guidelines for conducting research on gender-based violence, the following are useful resources: World Health Organization, "Putting women first: Ethical and safety recommendations for research on domestic violence against women," Geneva: World Health Organization, 2001; M. Ellsberg, and L. Heise, *Researching Violence Against Women: A Practical Guide for Researchers and Activists*, Washington DC: World Health Organization and PATH, 2005; R. Jewkes, E. Dartnall, and Y. Sikweyiya, "Ethical and Safety Recommendations for Research on Perpetration of Sexual Violence," Paper for the Sexual Violence Research Initiative, Pretoria, South Africa: Medical Research Council, 2012.

TERMS OF REFERENCE FOR SEXUAL HARASSMENT KNOWLEDGE AND ATTITUDES ASSESSMENT

Introduction

[*Company name*] is committed to a workplace free from sexual harassment, and is supportive of our employees and community members who may have experienced intimate partner violence or other forms of gender-based violence. Towards this end, [*Company*] is conducting an assessment to understand several key issues regarding knowledge and attitudes towards sexual harassment in the workplace, and which employees may experience outside of the workplace, so that we can develop necessary training, support or referral services for staff.

This ToR is for conducting the baseline assessment [*and to conduct related follow-up training and advisory activities*].

Objective

The objective of this assessment will be to develop an understanding of key topics related to sexual harassment and gender-based violence and intimate partner violence affecting [*Company*]'s employees on and off of the worksite. Key topics to be covered will include, but are not limited to:

- Sexual harassment:
 - » Sexual harassment in the workplace: What type of information does [*Company*] have available about incidents of sexual harassment in the company?
 - » How is information currently collected to monitor incidents and follow-up, on a general basis?
 - » What is the record of corporate response to allegations of sexual harassment between employees, and between supervisors and supervisees, including how complainants and perpetrators are treated?
 - » Does [*Company*] you have a sexual harassment policy?
 - » If so, how do you implement it, for example during new employees' induction or other training opportunities?
 - » What is the level of awareness about the fundamentals of sexual harassment?
 - » Have staff received sexual harassment training? If so, to what extent?
- IPV and SEA:
 - » Is there nationally available data on IPV and SEA that can be used to understand prevalence of IPV and SEA in the community?

- » What support services does [*Company*] currently make available to victims of IPV and family members/caregivers?
- » To what extent are the services being used?

This assessment will lead to recommendations on sexual harassment and GBV/IPV training; development of complaint, ombudsperson, and support services for victims; development of a code of conduct for staff; and a policy pertaining to sexual harassment and/or gender-based violence.

Scope of Work

The consultant will be responsible for conducting a comprehensive assessment exploring (but not limited to) the topics below.²⁸ All findings should be kept strictly anonymous, unless staff wish to publicly report their experience:

- Would staff report sexual harassment experienced in the workplace, why or why not?
 - » Examining existing data, determine which teams have the highest reported incidence of sexual harassment: consider factors that may lead to higher incidence and also what might account for higher rates of reporting than other teams
- Have staff received sexual harassment training?
- Have staff received training on the company's code of conduct and sexual harassment policies, if they exist?
- Is there a set protocol in place for reporting workplace incidents?
 - » Do staff know about reporting protocols if they exist?
 - » Do staff feel comfortable using the system?
- What is the level of staff confidence in confidential reporting?
 - » Do staff have confidence that:
 - › Grievances will be taken seriously
 - › Action will be taken to support them/punish perpetrators
 - › The company will work to ensure reporting does not negatively impact the complainant's career?
- What has been corporate response to allegations of sexual harassment between employees, including how complainants and perpetrators are treated?
 - » Have actions been taken to change work arrangements or address problematic situations in ways that do not negatively impact complainants?

²⁸ Depending on the size of the company and resources available, specify the assessment range. Decide whether to survey all employees or just a sample, and define a sampling methodology.

- Does the company have a policy or services in place to support employees who are dealing with IPV or SEA—either themselves, or through a family members? Such support might include counseling, leave, low-interest loans, or other services.
- Do policies apply equally across all country and local site offices or are they HQ-only?
- Are there policies in place on workplace sexual harassment?
- Does the company have a code of conduct outlining employee behavior expectations?
 - » Do policies apply equally across all country and local site offices or are they HQ-only?
- What is the extent of lost profit and productivity attributable to sexual harassment, SEA, and IPV experienced by staff?²⁹ Key considerations should include:
 - » Rates of absenteeism due to sexual harassment or IPV (through available existing data), and associated costs
 - » Rates of presenteeism: where staff have compromised productivity, due to sexual harassment or IPV (through available existing data)
 - » Costs of turnover associated with sexual harassment and IPV, where possible³⁰

Consultants will be expected to undertake this assessment through surveys, focus groups, and key informant interviews, as appropriate, and at all times sensitive to confidentiality and sensitivity. While staff confidentiality is critical, and consultants should not be inquiring about the personal experiences of staff, consultants should also endeavor to provide specific and detailed information on the extent to which staff recognize sexual harassment as a workplace issue; their confidence (or lack thereof) in current means of handling grievances; whether they feel the company provides adequate services for survivors of SEA and IPV; ways that current protocols and services may be improved; and training and services required.

Consultants will use the results of this assessment to prepare a detailed report answering the following key questions:

- Does [*Company*] have appropriate and comprehensive policies and programs in place for workplace sexual harassment, and for supporting survivors of SEA and IPV?
- Are there recommendations for modifying or updating these policies in any way?
- Does [*Company*] have an appropriate grievances and response process?
- Do employees feel comfortable using the processes currently in place and if not, why not?

²⁹ For more information on determining the financial costs of sexual harassment and gender-based violence, see: Ashe et al. “Methodological Approaches for Estimating the Economic Costs of Violence against Women and Girls,” What Works and UK Aid, <https://www.whatworks.co.za/documents/publications/90-methodological-approaches-for-estimating-the-economic-costs-of-vawg/file>.

³⁰ IFC, “Case Study: Assessing Gender-Based Violence with Companies in PNG,” Washington, DC: IFC, 2.

- Do employees feel confident that this system will lead to a fair and confidential investigation, appropriate sanction, and mitigation of any potential consequences for complainants?
- Have staff received adequate training on sexual harassment, how to identify it, company expectations about on- and offsite behavior?
- If data is available, what is the amount of work time/profit lost due to IPV?
- In what ways can [Company] improve their support for employees who are dealing with IPV?
- Do employees feel that their employer provides adequate support for IPV survivors and caregivers?

[Where a gender audit has been conducted: compare the results of this assessment with the results of the gender audit, to identify trends or correlations between the position of women in the company and prevalence of women in teams, and/or in leadership positions. Are there correlations between how women are represented throughout the company and incidence and reporting of sexual harassment?]

Deliverables

- Study methodology, including safety and ethical considerations that will be applied
- Draft report
- Final report



TOOL 4.2:

Assessing Gender-Based Violence in the Community

- ▶ **GOAL:** Ensure that the community engagement team understands and is equipped to address GBV as exacerbated by project operations
- ▶ **TARGET UNITS:** Community Engagement Team or Independent Gender Expert

While Tool 4.1 examines instances of sexual harassment in the workplace and workplace responses to IPV and SEA that may be impacting employees, this tool examines drivers of GBV in the community related to oil, gas, and mining projects, and suggests ways to address these issues.

THE BUSINESS CASE FOR ADDRESSING THE RISE OF GBV OUTSIDE THE FENCE IN PROJECT-AFFECTED COMMUNITIES

As noted in the introduction to this tool suite, GBV is a human rights issue. As also noted in the introduction, GBV that impacts community members who are also company employees can represent a significant cause of lost productivity and employee absence.

GBV between contractors and community members can lead to lawsuits, loss of social license, lack of investor confidence, and damage to a company's reputation. If violence occurs in the community, attribution to OGM companies is less direct. However, companies interested in being good corporate citizens and good-faith actors—as well as in maintaining social license to operate must assess, recognize, and address the issue when it arises either as a direct or indirect result of industry operations. Allowing the problem to continue or to escalate further can negatively affect community welfare as well as the sustainability of the project.

HOW TO ASSESS, ADDRESS AND MONITOR GBV THROUGH COMMUNITY ENGAGEMENT ACTIVITIES

Many people may find GBV too sensitive a topic for discussion. Still, understanding whether and how operations are contributing to violence, as well as GBV prevalence and trends in the local community is key to identifying ways to respond. Because of the sensitivities associated with collection of GBV data, focusing on finding and aggregating existing data—rather than trying to gather original new information by asking individuals about their personal experiences with GBV—will make for a less complex and more straightforward approach.

Assessing GBV through Baseline and Impact Assessments

All steps of a company's assessment phase should include appropriate techniques and questions intended to acquire information about GBV prevalence and risk. These techniques should include gathering data about trends and reporting of GBV, as well as social structure and power dynamics

within the community and its households. Understanding such attitudes and dynamics—including degree of confidence in reporting, enforcement, and support services—can help you learn more about how GBV is currently experienced and addressed. Such efforts also should include tracking ways in which a project may exacerbate GBV, due to changing social norms and patterns. For example, if the project or community initiatives give women more financial independence or social standing, do the power dynamics or culture in this particular community signal a risk that men or husbands will feel threatened and/or retaliate with violence?

Here are some research methodologies for assessing and understanding connections between OGM operations and GBV:

- Review records of reported cases of gender based violence, or domestic violence, as reported to health clinics: Talk to health care representatives about any connections they may have noted between GBV and the OGM operations.
- Review records of cases of GBV or domestic violence as reported to police: Speak with police on any connections noted between GBV and the OGM operations.
- Talk to service providers, such as local women’s shelters, community counselors, and clergy, to understand any identified trends in gender-based violence.
- Review local, regional, and national laws and constitution to determine legal status of GBV and domestic violence and whether protections are available for survivors.
- Determine what services are available to survivors of GBV in the community: Assess the practical accessibility and quality of the services in addition to their nominal availability. Identify the organizations and/or government bodies represented locally that specialize in or have responsibility for GBV.
- Identify potential partner organizations for GBV training and awareness raising activities, including non-traditional partners focusing on men: Partners could include churches, NGOs, youth scouts/guides, sports teams, women’s groups, and local businesses.
- Identify gaps in services, and/or capacity gaps that may exist: For example, take a look at the amount of training (if any) received by police and health care workers at hospitals on legal implications and laws relating to GBV, relevant legal instruments such as restraining orders, treatment options, and referral pathways.

Addressing GBV through Design of the Project and Community Initiatives

GBV might not surface during community consultations, given the sensitivities. Community engagement teams will need to sift through the results of assessments, available local data, and information provided by the police, health care providers, school system, relevant NGOs, and other local players to determine the extent of the GBV issue—as well as potential ways to address it within the community.

Consider partnering with local government, NGOs, and community organizations to ensure program sustainability after project closure. Partnering also will help build local capacity to prevent GBV and to provide competent, compassionate care to survivors of GBV.

Monitoring and Evaluation of GBV-Reduction Initiatives

While acknowledging the existence of GBV and taking steps to reduce its prevalence in a community may—in and of itself—represent a change for the better, monitoring and evaluation of these efforts is key to determining effectiveness and identifying potential improvements.

There is another reason that ongoing monitoring and evaluation is important: evidence has shown that with more cash income, men may gain access to alcohol, and access to alcohol is linked to increased rates of GBV. This means that with growth in men's income, the incidence of GBV could rise as well. Thus, the baseline circumstances could shift, meaning that initiatives to reduce GBV may have to be altered as well.

Remember to involve both men and women in the monitoring and evaluation activities, beginning with the design of the GBV indicators.

BOX 4-B Community Engagement Activities to Reduce GBV

Here is a list of GBV-related project activities and community initiatives that community engagement teams could consider undertaking:

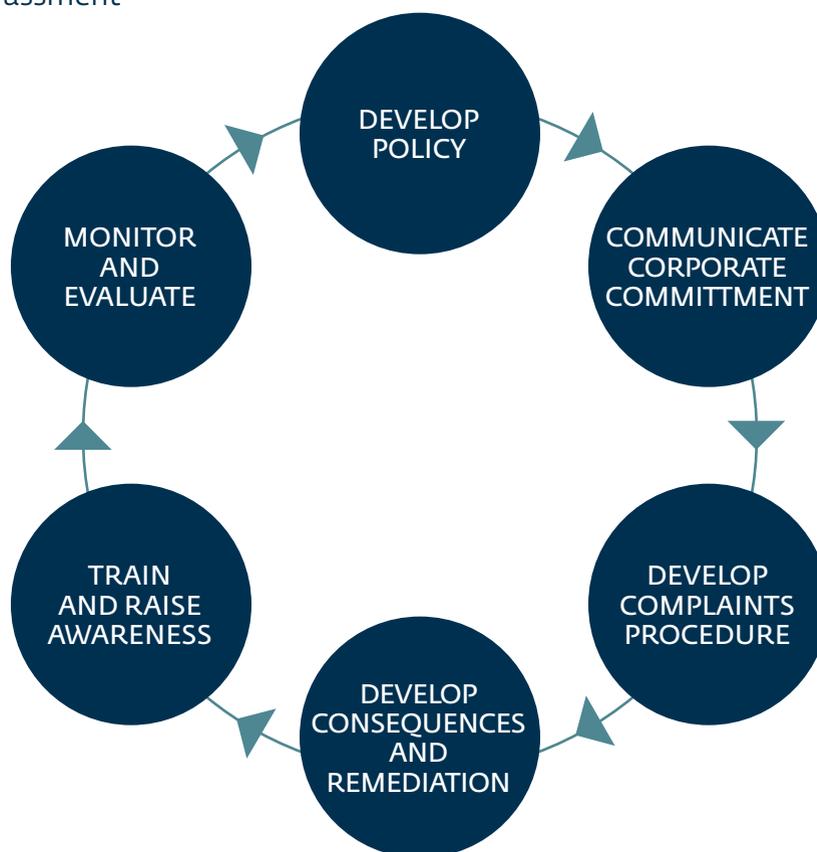
- Education and awareness initiatives about GBV, women's rights, prevalence of GBV in the community, and unintended consequences of GBV in the home, community, and workplace.
- Awareness-raising about local resources (medical or otherwise) or NGO support for those affected by gender-based violence, as such resources may not be commonly known in the community.
- GBV awareness campaigns that get men involved as anti-GBV champions.
- Education for healthcare workers on how to recognize and respond to cases of GBV: Make sure to train female healthcare workers, since some women may feel more comfortable approaching another woman.
- Education for police and judiciary on status of anti-GBV laws, consequences, and means that survivors of GBV, or threats of GBV, can use to protect themselves from future violence, such as with restraining orders.

TOOLS 4.3-4.6: Address

Effectively addressing sexual harassment in the workforce and in the communities requires implementing actions for each of the processes detailed in Figure 4-A and briefly highlighted below. Much of this material is based on the IFC publication *Sexual Harassment in the Workplace*.³¹

Note that some companies may have in-house resources they can put towards developing these approaches. However, many others will need to bring in outside expertise to tackle these sensitive issues.

FIGURE 4-A Steps in Developing an Effective Approach to Addressing Sexual Harassment



³¹ Amy Luinstra, *Sexual Harassment in the Workplace*.

Following the description of the steps involved in addressing sexual harassment in the workplace, five tools are provided to help you implement sexual harassment and GBV policies.

Companies should develop policies addressing sexual harassment in the workplace, as well as positions on IPV and on support for employees who are dealing with IPV.

Sexual Harassment Policy

The sexual harassment policy should clearly outline your commitment to a harassment-free workplace (including employees' behavior outside of the workplace). It should define sexual harassment and provide examples. It should clearly state that such behavior will not be tolerated. It should detail sanctions for violators of the policy, potentially including termination and/or referral to law enforcement if appropriate.

The policy should provide direction on how to lodge sexual harassment complaints and identify the services available for victims. It should state that preventing and addressing sexual harassment is the responsibility of all employees. It also should clarify protections and support for bystander employees who report incidents, as well as a process for action and follow up, including reporting on progress.

In addition, the policy should stipulate that complaints will be treated with utmost confidentiality and discretion. It also should reference applicable laws on sexual harassment, indicating the potential for criminal prosecution for anyone found to have committed sexual harassment or assault.

Intimate Partner Violence Policy

An intimate partner violence policy should clearly outline your commitment to supporting and improving staff health and safety. It should outline available services and support to help employees return to work effectively. Among the services you could provide:

- Paid leave options for employees who need to seek medical care or care for family members
- Safety planning options, such as changing shifts, accommodations, or contact details
- Financial support, including no/low interest loans, salary advances, or support paying medical bills

In addition, the company should be prepared to provide assistance for women as they heal from the violence. Such services might include medical attention, police/security, safe house/shelter, financial support, psycho-social support, and legal services.

For more detail on designing sexual harassment and IPV policies, see Tools 4.3 and 4.4.³²

³² Tools 4.3 and 4.4 were developed by the Papua New Guinea Business Coalition for Women.

DEMONSTRATE CORPORATE COMMITMENT TO A VIOLENCE-FREE WORKPLACE

In addition to making staff aware of your sexual harassment and IPV policies through company-wide communication and publicity, they also need to know that there is a strong corporate commitment behind these policies. This means executive and senior-level staff taking active roles in communicating their support for the policies and their commitment to a violence-free workplace. Here are some ways to show this commitment to a respectful and violence-free workplace:

- Convene events hosted by senior and executive staff and share social media posts and e-blasts signed by leadership to communicate the company position on sexual harassment and GBV.
- Post and publicize your sexual harassment and GBV policies as well as relevant laws.
- Let staff know that complaints will be taken seriously, investigated promptly, and kept confidential, and that staff will not face retaliation for complaints.
- Ensure that the workplace is free from sexually explicit or pornographic materials, or other materials of a sexual nature that could make staff feel humiliated, degraded, or offended.

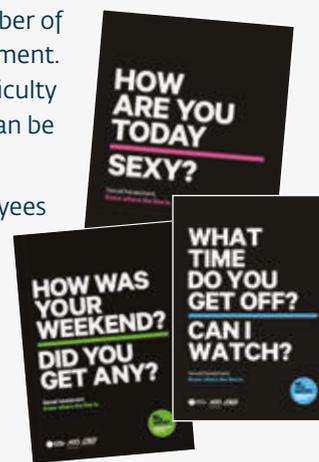
BOX 4-C Resources for Corporate Communications on Respectful and Violence-Free Workplaces

The Communication x-Change, hosted by George Washington University, is a global internet platform for sharing communications materials that aim to end violence against women and girls. Materials are uploaded from partners around the world, so the x-Change includes communications materials that can be helpful towards a range of issues in a myriad of contexts.



The Australian government's Know the Line campaign includes a number of free resources to help companies communicate about sexual harassment. A common concern about sexual harassment in the workplace is difficulty determining the line between friendly conversation and banter that can be construed as sexual harassment.

If a workplace has been primarily single sex for a long time, employees might not be used to considering ways in which their jokes or banter adversely impact or offend co-workers of the opposite sex. The Know the Line campaign helps to identify that line when it comes to differentiating a friendly workplace from a harassing one. Posters available for download from the campaign's website feature examples of "safe" questions that can easily be made uncomfortable. Materials also emphasize that being friendly is perfectly acceptable.



- Make staff aware that the prohibition against sexually explicit, pornographic, or offensive materials extends to websites, and other forms of technology, such as text messages.³³

DEVELOP GRIEVANCE PROCEDURES

Your company's grievance procedures should include several components. Mechanisms should be put in place for various aspects of the grievance process, as described below.

Receiving Complaints

Grievance mechanisms should allow complainants to lodge complaints on their own behalf or to report incidents that they witness. The reporting mechanism should enable confidentiality, so that complainants are not identified publicly. Instruments that enable privacy include a hotline or dedicated email address. These can be more effective than a dedicated office, since people may hesitate to be seen walking in and out of a dedicated office. If designated company staff—such as appointed members of a grievance committee—are those receiving complaints, they should be provided with specific and expert training on how to work with complainants, how to be supportive, neutral, and empathetic, and how to maintain confidentiality.

Investigating Complaints

You will need the capacity to investigate any allegations of sexual harassment with impartiality—as well as knowledge to understand when to bring in the local authorities. The grievance committee could handle these tasks, provided that a neutral party, such as a representative of the human resources department, is involved. Alternately, an external investigator could manage this process—such as specialist NGOs, or HR consultants.³⁴ Investigations should be handled as quickly, discretely, and thoroughly as possible. If it is not possible to keep identities of complainants or alleged perpetrators anonymous, be sure to take steps to protect complainants from discrimination or other adverse impacts. Take similar steps to protect alleged perpetrators, until details of the allegation have been verified and appropriate disciplinary actions have been implemented as warranted.

Evaluating Complaints and Providing Recommendations on Further Action

Following the investigation, a determination is needed—as well as a recommendation on disciplinary actions to take. This can come from the investigator, management, or HR. The consequences should be in keeping with the sexual harassment/GBV policy and applicable national policies. To encourage others to report issues and to demonstrate a functioning grievance mechanism, you should regularly inform staff about resolved cases—being sure to leave out identifying details to preserve confidentiality.

³³ Australian Human Rights Campaign, *Ending Workplace Sexual Harassment: A Resource for Small, Medium, And Large Employers*, Canberra: AHRC, 2014, 32.

³⁴ Stephanie Doria Wiley, *What to Expect from your Employer After You've Made a Sexual Harassment Claim*, San Francisco: Rukin Hyland, 2014.

Supporting Employees Experiencing GBV or IPV Outside the Workplace

This support includes designating staff who will serve as confidential listeners and a resource for employees experiencing GBV or IPV. These staff members can connect victims with a range of corporate benefits and programs—paid leave, low interest loans, assistance in improving security—and with the necessary contacts within the community, such as police, medical help, and psychological counseling.

As you put together the grievance procedures, there are several fundamentals to keep in mind.³⁵ Mechanisms must be:

- **Fair:** Both complainant and respondent must be made aware of the complaint, and be able to present their account of what happened, before any assumptions are made or decisions are reached. Any reported behavior that violates the Sexual harassment/GBV policy should be treated seriously. The complainant and alleged aggressor should never be placed in a room together to share recollection of a particular incident. Be sure to prioritize the survivor's mental health, needs, and desires.
- **Confidential:** Information about the complaint, related to complainant and respondent alike, must be kept strictly confidential. Whether or not incidents ultimately are found to be sexual harassment, allegations can be damaging to either party, so this confidentiality is a must.
- **Clear:** Both complainant and respondent have a right to know the full grievance process, and to track the complaint through the process.
- **Easy to access:** All staff should know how to file a complaint. This includes where to lodge the complaint, next steps, and what to expect from the process. The process should be available in the working language as well as local languages.
- **Adequate:** Sexual harassment incidents can be traumatic and psychologically difficult for staff. The grievance mechanism needs to include a qualified professional—either a staff member or a trained external expert—who will be the point person for complainants. The mechanism also should include follow-up medical, psychological, and other support for complainants as needed.
- **Efficient:** While investigations can require research and investigation, complaints should be handled as quickly as possible to prevent work disruptions and show respect for all parties involved.
- **Safe:** Staff should be reassured that they will not face retaliation for claims reported in good faith. Retaliation should be clearly outlined in the policy.

³⁵ The grievance mechanism steps, as well as the sections that follow on consequences and remediation, training and awareness, and monitoring and evaluation are all based on: Amy Luinstra, *Sexual Harassment in the Workplace*, 12–17.

DEVELOP CONSEQUENCES AND REMEDIATION

The grievance policy should state in simple, up-front language that perpetrators will be sanctioned. Sanctions must be put in place that will unambiguously reflect your company's commitment to a violence-free workplace.

Communicating the sanctions policies is an important aspect as well. This information should be publicized widely throughout the organization. To ensure credibility among staff, use of sanctions should be consistent.

Termination should be one of the sanctions included in the policy, but it should not be the only one. Alternative sanctions should also be part of the policy whenever possible—as a first step that could serve to change behaviors. Such alternatives, even where they do not include immediate termination, should ensure that they prioritize the needs of the accuser—for instance, transferring the aggressor, rather than the accuser—and should be strong enough to be viewed as sanctions, rather than creating the impression of a mere “slap on the wrist.” Examples of alternative sanctions include:

- Counseling or training on sexual harassment
- Demotion, transfer, probation, or suspension of aggressor
- Official warning
- Formal apology to the complainant

Support for complainants should include:

- Restoring leave taken as a result of the incident
- Counseling or other support services as needed
- Change of work environment if needed: Take care to ensure that this change does not constitute a demotion or negatively impact the potential for promotion or a positive performance evaluation.

TRAIN AND RAISE AWARENESS

Standardized sexual harassment and GBV training should be part of on-boarding procedures for all employees. Staff should also be required to take periodic refresher courses, for example, on a yearly basis, to remind them of company policies. Here is some guidance on implementing effective training and awareness-raising efforts:

- Publicize company policies with ongoing education and communication campaigns, using posters and other media, as well as incorporating sexual harassment and GBV awareness into worksite safety moments.

- Create engaging, thorough and detailed training materials: There is legal precedent for judgement against companies that did not do enough to prevent sexual harassment and that did not provide sufficient staff training.
- Reference applicable laws and regulations in training materials.
- Provide clear and specific guidance for staff on how to report incidents and to whom they should lodge complaints: This also includes educating staff on the various steps in the complaint, investigation, and resolution processes.
- Train resource personnel who will serve as contact points for complainants: They should have additional training on how to handle the process.
- Translate all policy documents and related information into all local languages to ensure universal understanding.
- Ask staff to sign off on the policy following their training: This signifies that they have received training, fully understand the policy, and agree to be held accountable for upholding it.

“Stigma within [mining] communities is high and options are few for accessing well-resourced, dedicated sexual violence health services.”

Source: MSF, "Untreated Violence: The Need for Patient-Centered Care for Survivors of Sexual Violence in the Platinum Mining Belt."

MONITOR AND EVALUATE

As with other initiatives and actions recommended throughout this toolkit, on-going monitoring and evaluation of your company’s processes and policies on sexual harassment and GBV are critical to ensuring effectiveness. Steps here include:

- Maintain records of all complaints and whether or not they are fully investigated.
- Monitor trends in complaints: Break down the statistics by department, position in the company, and job family to get a better understanding of where the majority of complaints are coming from.
- Review, discuss, and update the policy on a regular basis.

TOOLS 4.3-4.4:

Sexual Harassment and Intimate Partner Violence Policies

- ▶ **GOAL:** Develop comprehensive employee policies addressing sexual harassment and intimate partner violence
- ▶ **TARGET UNIT:** Human Resources

Policies on sexual harassment have several functions. They outline the employer's commitment to an atmosphere of zero tolerance and what the employer will do to ensure that all employees understand this policy; they outline the support services that the company will develop to support employees who have been victims of sexual harassment or sexual/IPV; and they explain how and when employees can or must report instances of sexual harassment.

Tools 4.3 and 4.4 provide examples of sexual harassment and IPV policies that were developed by the IFC-supported PNG Business Coalition for Women (BCFW), as part of a broad range of activities to support and advance the role of women in PNG businesses. The policies were developed with additional support from the Australian Department of Foreign Affairs and Trade, and the New Zealand Ministry of Foreign Affairs and Trade.

Although these policies were developed for the PNG business context, where rates of sexual harassment, IPV, and other forms of GBV are some of the highest in the world, they contain material that can be adapted for other country contexts.

BOX 4-D White Ribbon Campaign: International Initiative Against Gender-Based Violence



The White Ribbon Campaign is an international prevention, advocacy, and accreditation program, originally initiated by a group of men who wanted to demonstrate commitment to fighting violence against women.

Established in Canada in 1991, it has since become an international movement with a presence in 60 countries, providing training and resources to help companies end violence against women.

OGM companies and contractors around the world can join the White Ribbon Campaign to demonstrate their commitment to ending violence, receive training and advocacy materials, and explore accreditation under the White Ribbon banner. Find out more at whiteribbon.ca.

It is also important to note that the PNG policies were rolled out along with a range of training and support activities. So, they were not an isolated effort to address sexual harassment and GBV. In customizing these policies to suit your own company needs, be sure to complement the effort with an exploration of the root causes of sexual harassment within the company and in host communities. As noted in the preceding section of the tool suite, the policies should be supported by commitments to training staff, identifying support systems for staff that needed them, and developing complaints mechanisms and investigation protocols. Also key are trained and empowered managers who will take action to sanction perpetrators.

BOX 4-E Driving Change Through the Mining Supply Chain in PNG: Contractor Anitua Leads the Way for Violence-Free Workplaces

The Anitua Group is wholly owned by the PNG landowners around the Lihir gold mine. As a major supplier of catering, construction, camp management, and a variety of mine-related services, Anitua is an important employer on and off the Lihir site. The company also has emerged as a key player in the fight against gender-based violence on the island and nationwide, demonstrating the significant role contractors play in taking effective action against GBV in mining communities—in addition to the role of mining companies themselves.

Anitua's gender-based violence program includes a mix of home-grown activities, and collaborations with several national and international movements. For instance, Anitua has developed internal GBV programs for all of its businesses, which span multiple industries throughout the country. The company also is lobbying local operator Newcrest and other PNG OGM companies to commit to ending violence against women and girls.

In addition, as part of Haus Krai, a national day of mourning to remember PNG women and girls who have lost their lives to GBV, Anitua Lihir helps to organize and sponsor local commemorative events.

Anitua also is a key contributor to the IFC-sponsored Business Coalition for Women—an organization that provides a range of resources to help the PNG business community address GBV. NCS, Anitua's largest and oldest business, with about 1500 employees nationwide, is an early adopter of the coalition's Workplace Policy on Family and Sexual Violence, which the company has put in place across all operations.

Anitua is demonstrating its leadership on the international front as well, as a signatory to the White Ribbon Campaign.

TOOL 4.3: Model Policy: Sexual Harassment

- ▶ **GOAL:** Development of a model policy on sexual harassment
- ▶ **TARGET UNIT:** Human Resources

This draft model policy was developed by the PNG BCFW, to help companies address sexual harassment. It defines sexual harassment, outlines company commitments to creating a respectful workplace, and details expectations for employee behavior. It also provides guidance to employees on how to lodge a complaint and information on complaint investigation and follow-up actions. Use the example here as a base case that you can customize depending on your company's unique circumstances and the country context.

PNG BUSINESS COALITION FOR WOMEN MODEL POLICY ON SEXUAL HARASSMENT³⁶

1. Purpose

[*Company*] is committed to maintaining a work environment that demands respect for the dignity of each individual. Sexual harassment is considered unacceptable and will not be tolerated under any circumstances.

2. Principles

This sexual harassment policy covers all employees including:

- a. Full time, part time, casual, permanent or temporary
- b. Executives and management
- c. Contract or consultant workers
- d. Volunteers, vocational and work experience placements and apprentices

[*Company*] will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, managers, clients or other non-employees who conduct business with this company.

[*Company*] encourages reporting of all incidents of sexual harassment, regardless of who the offender may be or the position held in in the company.

³⁶ This model policy was developed in 2016.

3. Definition

3.1 *What is sexual harassment?*

Sexual harassment is unwelcome conduct of a sexual nature, which makes a person feel offended, humiliated and/or intimidated. Sexual harassment can take various forms. It can involve conduct such as:

- a. Suggestive comments or jokes
- b. Insults or taunts of a sexual nature
- c. Inappropriate advances on social networking sites
- d. Sexually explicit pictures, posters, screen savers, emails, tweets, social networking posts, SMS/texts
- e. Instant messages

It also can involve intrusive contact or conduct of a suggestive nature via phone, text, email, social media, or in person outside of working hours, including:

- a. Unwelcome touching, hugging or kissing
- b. Staring or leering
- c. Unwanted invitations for sex or persistent requests to go out on dates
- d. Intrusive questions about another person's private life or body
- e. Unnecessary familiarity, such as deliberately brushing up against someone
- f. Accessing sexually explicit internet sites
- g. Behavior that would also be an offense under criminal law, such as physical assault, indecent exposure, sexual assault, stalking or obscene communication

Both men and women can experience sexual harassment at work; however, it is most commonly experienced by women.

3.2 *Sexual harassment in the workplace*

There are two types of sexual harassment in the workplace:

- a. **Quid pro quo sexual harassment:** Quid pro quo sexual harassment reflects inappropriate use of power and occurs when some type of employment benefit is made or perceived to be contingent on sexual favors in some capacity. It includes requests for sexual favors, unwelcome advances, or other verbal or physical conduct of a sexual nature when either of the following conditions is met:

- i. Agreeing to such request or conduct is made or perceived to be a term or condition of an individual's employment; OR
- ii. The request or conduct is explicitly or implicitly used as the basis for employment decisions affecting that individual.

Usually this type of sexual harassment occurs between someone in a position of power and a subordinate.

- b. “Intimidating, hostile or offensive environment” sexual harassment: Intimidating, hostile or offensive environment sexual harassment occurs when there are frequent or pervasive unwanted sexual comments, advances, requests for sexual favors or other verbal or physical conduct of a sexual nature that have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. It is not usually deemed an intimidating, hostile, or offensive environment if the activity in question was an isolated occurrence or a single attempt at initiating a sexual or romantic relationship that was neither reciprocated nor repeated.

3.2.1. *Determining whether an environment is “intimidating, hostile or offensive”*

The following factors can help determine whether the conduct unreasonably interfered with an individual's work performance or created an intimidating, hostile or offensive working environment:

- a. Whether the conduct included any of the actions listed in Section 3.1
- b. Whether the conduct would have breached the dignity or respect of a reasonable person in the circumstances
- c. Whether the conduct was verbal or physical or both
- d. Frequency of the conduct
- e. Whether the conduct was patently offensive
- f. Whether the alleged harasser was a co-worker, client, third party, or supervisor
- g. Whether others joined in perpetrating the harassment
- h. Whether the harassment was directed at more than one individual

The issue of whether a given behavior qualifies as unwelcome, frequent, or pervasive and has resulted in an intimidating, hostile, or offensive environment will be a case-by-case determination. In addition to the impact on the harassed individual, consideration also should be given to the impact on co-workers of the victim—for example, if the conduct has resulted in creating an intimidating, hostile or offensive environment for them as well.

For legal purposes the intent of the harasser is not relevant. Statements like “I didn't mean to harass” are not considered by a court of law. It is the impact of the harasser's behavior that is to be considered.

3.2.2. *Determining whether conduct is unwelcome*

When confronting conflicting evidence as to whether conduct was welcome or unwelcome, employers should look at the record as a whole and at the totality of the circumstances, evaluating each situation on a case-by-case basis.

4. Grievance Procedure

Employees who believe that they or someone else may be experiencing sexual harassment should contact the appropriate supervisor or a designated company contact [for instance, a grievance committee].

If an employee does not feel comfortable approaching his/her supervisor with a complaint of sexual harassment, for example, because the supervisor is the alleged harasser or is related to or has a familial/community connection to the alleged harasser, the employee should report the harassment to a company-designated contact [such as grievance committee personnel] who have the training and resources to respond appropriately.

The supervisor or designated contact is obligated to act upon the information in accordance with the procedures laid out in this policy.

4.1 *Informal resolution*

After reporting the behavior to a supervisor or designated contact the complainant should be given the opportunity to tell the person responsible that they find his/her behavior offensive and ask him/her to stop. The complainant may wish to ask a colleague or designated contact person to be present.

If the complainant does not feel comfortable confronting the harasser, or if the matter cannot be resolved informally, a formal investigation should be undertaken in accordance with Sections 4.2 and 4.3.

4.2 *Formal investigation*

Any complaint brought to the attention of the company's designees (contact person, supervisor, manager, owner) will be promptly investigated in a confidential manner so as to protect the privacy of persons involved. This should include the following:

- a. Interview with the complainant about the alleged event(s)
- b. Information from the complainant about preferences on desired outcomes from the grievance process, with the understanding that an alternative outcome may be deemed more suitable by the investigative team
- c. Interview with the alleged harasser about the alleged event(s)
- d. Interviews with witnesses or anyone else who may have any information regarding the complaint

Confidentiality must be maintained throughout the investigatory process to the fullest extent practical and no information regarding the complaint or the parties involved shall be provided to anyone outside of the investigatory process without the approval of all parties involved in so far as possible.

4.3 Determine outcome

Upon completing the investigation of a sexual harassment complaint, the company will communicate its findings and intended actions to the complainant and alleged harasser.

4.3.1. Harassment is found to have occurred

In situations where the determination is that harassment has occurred, the appropriate outcome should be focused on getting the harasser to cease the harassing behavior and providing support to the complainant. Outcomes include:

- a. Reprimand of the complainant
- b. Written record of the incident stored in accordance with the procedures outlined in 4.3.3
- c. Disciplinary procedures as deemed appropriate given the severity of the harassing behavior, which may include: referral to counselling or training, withholding of a promotion, reassignment, temporary suspension without pay, financial penalties, probation, termination, or others
- d. Automatic sanctions against the harasser in the event of a finding of quid pro quo sexual harassment: termination, suspension without pay, probation, or financial penalties

In all cases where the determination is that harassment occurred, support services or counselling should be made available to the complainant.

4.3.2 No harassment found

If the investigation determines that no sexual harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

4.3.3 Record keeping

In all cases and whatever the determined outcome following a formal investigation, a record of the complaint and the outcome should be recorded and stored in a centralized locked filing system. These files should be kept separate from personnel files; however, a notation should be made in the personnel file of any employee found to have committed sexual harassment and breached this policy.

5. Protection against Reprisals

Employees must be made aware that the reporting of any alleged sexual harassment will not have any impact on their current job or on any future job or promotion prospects with the company and that they will be protected against any retaliation by the alleged harasser or any other representative of the company.

The company will take all appropriate measures to minimize the risk of any victimization or reprisals against the complainant or the alleged harasser. It shall ensure that all staff, including management and supervisory staff, are informed that the company will not tolerate victimization or reprisals. If management becomes aware of victimization or reprisal or threats of such in the workplace as a result of a complaint lodged, appropriate support services shall be made available to the complainant. Disciplinary action shall be taken in accordance with the company's usual procedures for breach of a company policy.

If management becomes aware of victimization or reprisal or threats of such outside the workplace, appropriate support services shall be made available to the complainant and, where appropriate, the act or threat may be reported to the police.

6. False Accusations

[*Company*] recognizes that false accusations of sexual harassment can have serious effects on innocent persons. If, after the investigation, it is found that the complainant has maliciously or recklessly made a false accusation, the complainant will be subject to appropriate sanctions. In such a case, the company will also take appropriate action to restore the reputation of the accused.

[*Company name, address*]

Sexual Harassment Policy Acknowledgment Form

This Sexual Harassment Policy has been prepared for your information and understanding of the policies and procedures related to sexual harassment. Please read it carefully. Upon completion of your review sign the statement below, and return it to your supervisor by the due date.

I have familiarized myself with the contents of this Sexual Harassment Policy. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Sexual Harassment Policy provided to me. I understand this Sexual Harassment Policy is not intended to cover every situation which may arise, but is simply a general guide to the goals, policies, practices, benefits and expectations of a Sexual Harassment Policy.

I understand that the Sexual Harassment Policy is not a contract of employment and should not be deemed as such.

I hereby confirm I have read and understand the Sexual Harassment Policy.

Name (Employee) _____

Signature _____

Date _____

TOOL 4.4: Model Policy on Intimate Partner Violence and Gender-Based Violence³⁷

- ▶ **GOAL:** Develop comprehensive employee policies addressing intimate partner violence and gender-based violence
- ▶ **TARGET UNIT:** Human Resources

This draft model policy was developed by the Papua New Guinea Business Coalition for Women, to help companies develop models for supporting employees who are survivors of GBV or IPV. The policy outlines a range of mechanisms companies can use to support employees, help mitigate domestic situations, and ensure that workplaces are safe environments. Such efforts can help you become an employer of choice and attract and retain qualified candidates, as well as also mitigate the negative business effects of domestic and GBV.

In Papua New Guinea, intimate partner violence is referred to as “Family and Sexual Violence” (FSV). As with the model policy provided in Tool 4.4, this policy is specific to Papua New Guinea’s laws and customs. However, it is a useful template for companies that want to develop similar policies.

In developing your own model policies on IPV, consider the types of support services to offer staff. In-house support services can vary widely, but the goal is to help staff to cope with disruption and trauma in the home, minimize absenteeism and presenteeism, and manage the unexpected costs, concerns, and burdens related to IPV. Among the support programs companies can offer:

- **Special leave:** For instance, paid family leave for IPV survivors, or for family members who are caring for IPV survivors. This gives them time to seek treatment, appear in court, or care for family members or their children, so that survivors can seek treatment or attend court, among other tasks.
- **Safety planning:** Particularly in situations where there are concerns about ongoing threats, companies can help employees mitigate the risks by:
 - » Changing the employee’s schedule, so hours, shifts, and roles are less predictable
 - » Helping the employee set up a new email address and cell phone number, to be less accessible
 - » Moving the employee’s work station, and providing safe transport to/from work to reduce the risk of recurrent or threatened violence
 - » Helping the employee apply for a restraining order (or other locally appropriate legal instrument) or referring them to appropriate support

³⁷ This is a reprint of: Business Coalition for Women, *Model Policy on Family and Sexual Violence*, Port Moresby: BCFW, 2014, This project was supported by IFC.

- **Financial support:** Companies may choose to offer additional financial support to employees, to help offset costs such as medical care, legal representation, and moving. This financial support can take several forms, including:
 - » No/low interest loans or salary advances
 - » Direct payment of medical bills
 - » Upfront payments of medical bills, to be reimbursed by insurance
 - » Provision of childcare or facilitating access to childcare
 - » Security upgrades to the employee's home
 - » Provision of safe transportation to access support services, or to and from accommodations

These options should be developed before or during the elaboration of the policy.

PNG BUSINESS COALITION FOR WOMEN MODEL POLICY ON FAMILY AND SEXUAL VIOLENCE³⁸

This model policy on family and sexual violence (FSV) provides a comprehensive set of workplace strategies that can be used by businesses to address the impact of FSV on the workplace.

1. Overview

This policy will help businesses to:

- a. Reduce the cost of FSV to business
- b. Fulfill the employer's duty of care
- c. Improve staff health and safety
- d. Demonstrate corporate social responsibility commitments
- e. Position the business as an employer of choice

Note: This policy should be customized to ensure that the workplace strategies suit the size and needs of each business.

Implementation Guidelines

This policy should complement and be implemented in conjunction with existing workplace policies such as those addressing occupational health, safety and environment, anti-sexual harassment and anti-bullying, and anti-discrimination policies.

³⁸ Note that Family and Sexual Violence (FSV) is the preferred terminology to refer to domestic violence and sexual violence at the hands of a stranger in PNG; this model policy was developed in 2014.

2. Purpose

The purpose of this policy is to:

- a. Develop a supportive and non-judgmental workplace in which victims of FSV feel safe to come forward and seek support
- b. Guide employer responses to employees whose work life is affected by FSV
- c. Facilitate a safe workplace for all employees

3. Definitions

Here are definitions of terms used in this policy document.

3.1. *Family members*

Family members are defined as including:³⁹

- a. Spouse of the person
- b. Child of the person or child of the person's spouse
- c. Parent of the person or parent of the person's spouse
- d. Grandparent
- e. Brother or sister of the person or brother or sister of the person's spouse
- f. Any other person who is treated by the spouses as a family member

To avoid doubt, the definition of family members includes extended family members, and extends to polygamous relationships.

3.2 *Family violence*

Family violence is defined as any violence between family members including current or former partners in an intimate relationship. Family violence may include physical, sexual, emotional, and financial abuse, stalking, damage to property, and control through socially isolating the victim, or threats to do any of the aforementioned acts.

3.3 *Sexual violence*

Sexual violence is an act against a person's sexuality using coercion, including any attempt to obtain a sexual act and any unwanted sexual comments or advances. This includes acts by any person regardless of their relationship to the victim and in any setting, including but not limited to home and work.

³⁹ In this policy example from PNG, family members are defined to be consistent with the definition in the PNG Family Protection Act 2013 (FPA 2013). When customizing this policy for your company, it will be important to reference the relevant legal framework and definitions here.

3.4 *Family and sexual violence (FSV)*

FSV is defined as family violence and sexual violence as described in sections 3.2 and 3.3. It should be noted that while family violence may be perpetrated by family members, sexual violence may be perpetrated by any person regardless of their relationship to the victim.

3.5 *The victim*

The victim is defined as the person or persons adversely affected by family and sexual violence. Women, men and children can be victims of FSV.

3.6. *The perpetrator*

The perpetrator is defined as the person or persons who commit or threaten to commit an act or acts of FSV.

4. **Essentials**

4.1. *Information provision and education of employees*

The employer will provide information to employees in languages that they understand. This includes explanations of:

- a. FSV and its impacts on the workplace, including acknowledging that FSV can adversely affect women, men and children
- b. Support and protective services available in the community for victims and perpetrators of FSV including:
 - i. Medical and psychosocial support
 - ii. Counselling
 - iii. Emergency accommodation
 - iv. Police and legal protection
 - v. Welfare services
- c. Company FSV policy and practices, including the names and contact details for the FSV workplace contact teams
- d. Mandatory reporting requirements: Employees will receive this information at the start of their employment or during induction. They will have—at a minimum—an annual refresher on these requirements, to occur during professional development, staff training, or on any other suitable occasion.

The employer should provide both written materials and verbal explanations. The employer will also provide and/or facilitate education on FSV to both female and male employees, and will provide gender-specific education as appropriate.

4.2. FSV workplace contact teams

The employer will establish FSV workplace contact teams to coordinate the employer's response to the impacts of FSV on the workplace, including:

- a. Appropriately responding to the victim's disclosure by respecting the victim's choices
- b. Supporting and coordinating the victim's access to available workplace and community support
- c. Managing perpetrators

The FSV workplace contact teams will include representatives from relevant departments, including human resources, health, safety, and environment, security, employee assistance, medical, legal, internal communications, community outreach, and unions—as appropriate to the specific company.

The employer will provide and/or facilitate training for members of the FSV workplace contact teams so that they feel confident in performing their duties.

The FSV workplace contact team will be responsible for developing a written response protocol which specifies:

- a. Roles of team members
- b. Responsibilities of the team
- c. Process to ensure a competent and confidential response to disclosure
- d. Mechanisms to notify and respond to perpetrators in the workplace
- e. Appropriate protocol for written recording of issues raised in case the notes are subpoenaed
- f. Processes for record keeping including activities undertaken by the FSV workplace contact team, uptake of FSV workplace strategies, and notification/investigation of perpetrators in the workplace.

The FSV workplace contact teams will be the first point of contact for employees experiencing FSV. An employee who discloses FSV to another member of the workplace shall be referred to the FSV workplace contact team. The FSV workplace contact team will assist victims in accessing available workplace and community support from the point of first contact to the point when the victim no longer requires assistance.

The FSV workplace contact team will encourage and accept notification from employees about perpetrators in the workplace and will oversee the investigation of these complaints.

Through monitoring and evaluation, the FSV workplace contact team will be responsible for identifying any barriers to access that employees may face in accessing this policy and for addressing the barriers identified.

In small businesses, the functions of the FSV workplace contact team may be performed by a single FSV workplace contact representative.

4.3. Reporting measures

The employer will inform employees of the names and contact details of the FSV workplace contact team and ways of reporting FSV, including:

- a. Contact details for victims seeking information and assistance
- b. Contact details for line managers who want education about FSV and the workplace
- c. Contact details for line managers who need support for dealing with the impacts of FSV on the workplace, for themselves and their team
- d. Process for reporting acts of violence or threats of violence

The employer also will advise employees how to escalate a request for support or notification of violence if the process for reporting is ineffective due to unavailability or non-responsiveness, or if the employee's concern is not resolved.

4.4. Accountability measures

To ensure that employees feel comfortable in disclosing their FSV experience and accessing workplace support, the employer will:

- a. Maintain confidentiality by:
 - i. Informing all employees that confidentiality of victims' personal information in regard to FSV is of the utmost importance
 - ii. Training the FSV workplace contact team on maintaining confidentiality
 - iii. Taking disciplinary action, including and up to dismissal, against those who breach victim's confidentiality—that is, unless a breach of confidentiality is necessary to protect the victim or another person from serious harm, or where required by law
- b. Establish transparent and effective complaint/grievance/dispute processes so that employees' concerns can be escalated to the level required for resolution
- c. Prohibit discrimination or adverse action against an employee on the basis of the victim's FSV disclosure, experience or perceived experience

5. Key Support Measures

5.1. Leave

An employee experiencing FSV can request paid special leave to attend medical or counselling appointments, legal proceedings, relocation to safe accommodation and other activities related to FSV.

An employee who supports a person experiencing FSV may take caregiver’s leave, including but not limited to accompanying them to court or the hospital, or to care for children.

Employees who are employed in a casual capacity may request unpaid special leave or unpaid caregiver’s leave to undertake the activities described above.

The amount of leave provided will be determined by the individual’s situation through consultation with the employee and the FSV workplace contact team and with management where appropriate.

5.2. Safety planning

To ensure the safety of the victim and the workplace in general, the employer, in consultation with the victim, will assess the level of FSV risk for the victim and the workplace. The employer will make reasonable adjustments to the work schedule and work environment as deemed necessary. In consultation with the victim, the employer may undertake safety measures, including but not limited to:

- a. Changing the employee’s span of hours or pattern of hours and/or shift patterns
- b. Redesigning or changing the employee’s duties
- c. Changing the employee’s telephone number or email address to avoid harassing contact
- d. Relocating the employee to another worksite/alternative premises
- e. Providing safe transportation to and from work for a specified period
- f. Supporting the employee in applying for a restraining order⁴⁰ or referring him/her for appropriate additional support
- g. Taking any other appropriate measure including those available under existing provisions for family-friendly and flexible work arrangements

5.3. Referral to support services

The employer will assist the employee in accessing available and appropriate support and protective services in the community, including medical and psychosocial support, counselling, emergency accommodation, police protection and welfare services, by facilitating contact and coordination with these services.

When feasible, the employer may provide directly medical and psychosocial support—including psychological first aid, counselling, emergency accommodation, security, and welfare—and help the victim obtain longer-term accommodation.

⁴⁰ In PNG, this is known as an Interim Protection Order.

5.4. *Financial and other support*

When feasible, the employer may provide financial and other support to victims of FSV so they can access medical and psychosocial assistance, counselling, emergency accommodation, security, and welfare. Such support includes but is not limited to:

- a. No/low interest loans
- b. Salary advances
- c. Direct payment of medical costs
- d. Upfront payments for medical costs to be recouped from the employee's health insurance
- e. Provision of or facilitating access to childcare
- f. Security upgrades to the employee's home
- g. Provision of safe transportation to access support services or to and from accommodation

5.5. *Perpetrator policy*

The employer will prohibit the use of violence or threats of violence in the workplace including acts of FSV, sexual harassment, discrimination or bullying.

The employer will encourage employees to notify an FSV workplace contact team member of any acts or threats of violence they have witnessed or received, or have heard from others that another person has witnessed or received.

The employer will ensure the confidentiality of employees who report acts or threats of violence, and of employees accused of engaging in any acts or threats of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).

The employer will investigate any reports of violence, while affording the accused procedural fairness. If an employee is found to have perpetrated violence, the employer will take action, which could include any or all of the following:

- a. Providing the perpetrator with counselling and support
- b. Undertaking disciplinary action up to and including dismissal
- c. Reporting the perpetrator to the police

“If you draw lines around behavior that’s just illegal, you’re missing the broader point. Lots of things are not illegal, but they’re not respectful or appropriate.”

— Sindy Warren, Leading US Attorney on Sexual Harassment at Work

Source: Claire Suddath, “Why Can’t We Stop Sexual Harassment at Work,” *Bloomberg Businessweek*.

The employer should assess the risk of the proposed intervention to the victim, regardless of whether the victim is an employee, to minimize the potential for further violence.

If an employee is a perpetrator of FSV who voluntarily comes forward and seeks the employer's assistance, the employer will, if feasible, provide or facilitate counselling for the perpetrator.

The employer may develop a weapons policy to prohibit the presence of non-work-related weapons on work premises or during working hours.

6. General Measures

6.1. Evidentiary requirements

If the employer requires proof of FSV, this may be provided in the form of a document, as agreed by the employer and employee, and issued by the police, court, doctor, district nurse, maternal and child health care nurse, family support center, counselor, clergy member, lawyer—or in the form of a statutory declaration.

6.2. Monitoring and evaluation

The FSV workplace contact team will undertake a baseline survey to establish baseline data on the impacts of FSV on the workplace.

The FSV workplace contact team also will undertake regular monitoring and evaluation—at a minimum on an annual basis—to review outcomes of the policy and identify policy uptake, barriers to access, and positive and negative impacts on individuals and the business.

The FSV workplace contact team will provide results of the baseline survey and monitoring and evaluation activities to senior management. The monitoring and evaluation data should be used as a learning tool that consolidates the strengths of the implementation of this policy and identifies challenges.

7. Optional Measures

The employer may consider undertaking additional measures, including:

- a. Providing by-stander training to encourage colleagues to support victims of FSV
- b. Networking with other employers, FSV service providers, and advocates to share good practices
- c. Donating to FSV service providers and advocates
- d. Using social marketing to change unhelpful FSV norms

TOOL 4-5:**Terms of Reference for Sexual Harassment Training and Design of Gender-Based Violence Grievance Process**

- ▶ **GOAL:** Recruitment of an expert consultant to conduct sexual harassment training and develop an implementation mechanism for GBV policies
- ▶ **TARGET UNITS:** Human Resources, Training

In many countries, companies have a legal requirement to provide employees with sexual harassment training. The sample terms of reference provided here can be used for recruiting external trainers to train staff on the definition and implications of sexual harassment, the company’s policy towards sexual harassment, and how to respond to incidents or allegations of sexual harassment.

Ideally, this training will be delivered following the development of sexual harassment and gender-based violence policies, so that it gives employees an overview of sexual harassment and provides detail on your specific policies. Scheduling the training in this way also helps ensure that all staff understand and accept the policies of the workplace.

The sample ToR provided here includes additional optional language covering situations in which consultants are expected to develop mechanisms to operationalize the GBV policy—such as developing an effective grievance reporting and investigation mechanism.

TERMS OF REFERENCE TO DEVELOP AND IMPLEMENT SEXUAL HARASSMENT TRAINING⁴¹**Background**

[*Company*] is committed to a respectful and diverse work environment, and has a strict policy prohibiting sexual harassment and all forms of gender-based violence. Towards this end, [*Company*] wants to ensure that all employees understand what is meant by sexual harassment and gender-based violence, and understand and accept [*Company*]’s policies against sexual harassment and gender-based violence. Thus, [*Company*] is seeking a consulting firm that can design and deliver a range of trainings to help [*Company*] implement its sexual harassment and GBV policies. This will include training all staff on [*Company*]’s policies, behavioral expectations, and consequences of action contrary to these expectations; [helping [*Company*] develop an effective reporting and investigation mechanism], and helping train managers on how to enforce the sexual harassment and GBV policies.

“72 percent of workers who experience sexual harassment at work do not report it.”

Source: US CareerBuilder Survey 2018

⁴¹ Based on IFC and Lonmin, *Women in Mining: A Guide to Integrating Women in the Workforce*, Washington DC: IFC, March 2010, 67.

[Background on what company has done so far, with regard to sexual harassment and GBV. When were policies developed? Have trainings been conducted? Is there a provisional complaints mechanism?]

Scope of Work

This consultancy will involve developing and delivering several different trainings related to sexual harassment and gender-based violence, including:

- Training all staff on the nature of sexual harassment and gender based violence, [Company]'s policies on respectful and safe workplaces, and the consequences of violating these policies
- Training for the grievance committee [or equivalent team within company, if applicable] that will receive complaints/allegations of sexual harassment and GBV
- Training for sexual harassment/GBV investigators [if applicable, if this function is performed in-house], on how to discretely, thoroughly, and neutrally investigate sexual harassment and GBV
- Training for managers/HR staff [as applicable] who will be responsible for evaluating investigation results and determining consequences of sexual harassment/GBV claims.
- *[Developing a complaints and investigation mechanism, to create a formal system by which staff will be able to register complaints, and by which the company will investigate allegations. This system should be covered in all trainings, so that all staff understand how to report incidents, and how the investigations process will happen.]*

Specific Tasks

- *[Organization-wide: Based on the baseline assessment, and gender audit, develop a grievance reporting and investigation mechanism, by which staff can confidentially report incidents and the company can confidentially and impartially review and investigate complaints. Develop a proposed schedule of consequences, including non-termination options. Include this mechanism in all training activities.]*
- Staff-wide:
 - » Design staff-wide sexual harassment and gender-based violence training. This should be a 2hr training for all staff, at all levels.
 - › Training should cover definitions of sexual harassment and GBV, company policies on sexual harassment and GBV, how to respond, how to file a complaint, and the expected process after a complaint is lodged.
 - › Participation in the training should be mandatory for all male and female employees.
 - › Training should make clear that sexual harassment and GBV can happen to men or women, by men or women.

- » Lead staff-wide sexual harassment and gender-based violence training. [*Training should be in groups of no more than 20, so number of trainings required will depend on the size of the company.*]
- Grievance committee [*or equivalent*]
 - » Design half-day training for staff who will interact directly with staff raising complaints of sexual harassment of GBV.
 - › Training should include a thorough brief on the company’s SH and GBV policies, but should also include a strong focus on how to collect complaints, thoroughly, discretely, and impartially.
 - › It should also review the full grievance reporting process, and the roles of managers, investigators, and the final decision-making committee who will review complaints and decide on follow-up actions.
- Investigators [*Where this function will be performed in-house*]
 - » Design a one-day training for sexual harassment and GBV case investigators.
 - › Training should provide instruction on conducting investigations that are comprehensive, discrete, and neutral, as well as on presenting findings to HR/managers.
 - › Training should cover best practices on investigating sexual harassment and gender-based violence allegations, including identifying witnesses and others to interview, and understanding the investigators’ role as impartial fact-finders, rather than adjudicators.
 - › Lead [*as many as required*] training[s] for sexual harassment investigators. [*The number of investigators required will depend on the size of the company; sessions should include no more than 20 investigator/participants.*]

Deliverables

Consultants are expected to deliver the following:

- Proposed complaints and investigation mechanism summary and implementation guidelines
- Draft versions of training curriculum for:
 - » All staff
 - » Investigators
 - » Grievance committee
- Finalized training materials, incorporating comments from [*Company*], within a week of receiving feedback
- Lead the following trainings [*where X is to be filled in depending on the size of the organization, and the size recommendations provided above*]:

- » [X number of] all-staff trainings
- » [X number of] investigator trainings
- » [X number of] complaints committee trainings
- Overall training report, including all training materials, lists of all employees trained, summaries of key discussion topics, and any action plans or recommendations developed

Timeline

[Provide proposed timeline for training activities.]

Minimum Qualifications

Interested candidates should have a demonstrated background in developing and leading trainings on sexual harassment and GBV, ideally with background in the oil, gas, and mining industries, or similarly male-dominated field. Candidates with a recognized training certificate preferred but not required.



TOOL 4.6:**Model Codes of Conduct for Companies, Contractors, and Employees on Gender-Based Violence**

- ▶ Goal: Development of a multi-level statement and commitment on gender-based violence
- ▶ **TARGET UNITS:** Human Resources, Senior Management

For companies interested in making a clear statement that they do not condone gender-based violence such as IPV, SEA, or child abuse/exploitation(CAE)—and that want to ensure that employees feel accountable for upholding these values—a code of conduct can be an effective tool. You can adopt such a code internally, at the corporate, managerial, and employee levels, as well as require compliance from contractors and all contractor employees.

Model Code of Conduct Based on Vanuatu Project Code

As part the World Bank-supported Vanuatu Aviation Investment Project (VAIP), which is focused on upgrading Vanuatu’s airport and related infrastructure, codes of conduct were developed. The codes are aimed at preventing and/or mitigating the risks of GBV as the government-funded project progresses.

The codes address IPV, SEA, and CAE. One code applies to the project company as a whole, while the second code covers individual behavior, to ensure a GBV-free (and CAE-free) worksite and staff.

The VAIP codes are designed to:

- Create a common awareness of GBV and CAE
- Ensure a shared understanding that GBV and CAE have no place in the projects
- Create a clear system for reporting, company response, and company/legal sanction.

Strong Rationale for Extending Code to Contractors

As noted above, you may want to require that your contractors—including all managers and employees—agree to adopt the code developed for internal company use. There is a strong business case for doing so. In addition to creating a consistent culture that values violence-free workplaces, the extension of the code to cover contractor behavior also helps to reduce liability and facilitate disciplinary procedures if contractors or their employees violate the code.

MODEL COMPANY AND INDIVIDUAL GBV-PREVENTION CODES OF CONDUCT⁴²

Definitions

- **Gender-Based Violence (GBV):** An umbrella term for any harmful act that is perpetrated against a person’s will and that is based on socially ascribed (i.e. gender) differences between males and females. It includes acts that inflict physical, sexual⁴³ or mental harm or suffering, threats of such acts, coercion, and other deprivations of liberty. These acts can occur in public or in private.
- **Survivor/Survivors:** Person(s) adversely affected by GBV. Women, men and children can be survivors of GBV.
- **Perpetrator:** Person(s) who commit(s) or threaten(s) to commit an act or acts of GBV.
- **Worksite:** Area in which the OGM project is taking place.
- **Worksite surroundings:** The project area of influence, which includes any area, urban or rural, directly affected by the project, including all human settlements found on it.
- **Consent:** The informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age.⁴⁴ Mistaken belief regarding the age of the child and consent from the child is not a defense.
- **Contractor:** Any firm, company, organization or other institution that has been awarded a contract by the OGM project and has hired managers and/or employees to conduct this work.
- **Consultant:** Any firm, company, organization or other institution that has been awarded a contract to provide consulting services to the OGM project and has hired managers and/or employees to conduct this work.

⁴² The model codes are based on the Vanuatu Aviation Investment Project’s “Code of Conduct and Action Plan to Prevent Gender-based Violence (GBV) and Child Abuse/Exploitation (CAE).” The codes are reprinted with the permission of the VAIP. They were edited for ease of use in the OGM industries and to focus solely on GBV.

⁴³ Sexual favors or other forms of humiliating, degrading or exploitative behavior are prohibited.

⁴⁴ Consent is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

- **Manager:** Any individual offering labor to the OGM company, its contractor or consultant, on or off the worksite, under a formal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a team, unit, division or similar, and to supervise and manage a pre-defined number of employees.
- **Employee:** Any individual offering labor to the OGM company, its contractor or consultant within country on or off the worksite, under a formal or informal employment contract or arrangement, typically but not necessarily in exchange for a salary (e.g. including unpaid interns and volunteers), with no responsibility to manage or supervise other employees.
- **Grievance Response Mechanism (GRM):** Process to receive and address complaints.
- **GBV Allegation Procedure:** Procedure to be followed when reporting incidents of GBV.
- **Accountability Measures:** Defined as the measures put in place to ensure the confidentiality of survivors and to hold contractors, consultants and the client responsible for instituting a fair system of addressing cases of GBV.
- **Response protocol:** The mechanisms set in place to respond to cases of GBV.
- **GBV Compliance Team:** A team established by the contractor and/or consultant to address GBV issues with the workforce.

Model Company Code of Conduct

This company-level code of conduct should be signed by the CEO, and shared throughout the company. All staff should be aware of the company's commitment and position on GBV. Posting the code in public places and including it—as well as the individual code of conduct—in on-boarding materials, will remind staff of their obligations and keep them informed.

[Company] is committed to creating and maintaining an environment in which gender-based violence (GBV) has no place, and in which it will not be tolerated by any employee, associate, or representative of the company. Therefore, in order to ensure that all employees, associates, and representatives of [Company] are aware of this commitment, and in order to prevent, identify, and respond to any allegations of GBV, the following core principles and minimum standards of behavior will apply to all company employees, associates, and representatives without exception:

1. [Company]—and therefore all employees, associates, and representatives—commit to treating women, children (persons under the age of 18), and men with respect, regardless of race; color; language; religion; political or other opinion; national, ethnic or social origin; sexual orientation or gender identity; disability; birth or other status. GBV is in violation of this commitment.
2. In the eyes of [Company], GBV constitutes acts of gross misconduct and is therefore grounds for sanction, which may include penalties and/or termination of employment. All forms of GBV are unacceptable, regardless of whether they take place on the worksite, the worksite surroundings, at workers' camps, or off-site (i.e. involving individuals not employed by the

company). In addition to the potential sanctions listed above, legal prosecution will be pursued, if appropriate, for any employees, associates, and representatives alleged to have committed GBV.

3. Demeaning, threatening, harassing, abusive, or sexually provocative language and behavior are prohibited among all company employees, associates, and representatives.
4. Sexual favors—for instance, making promises or favorable treatment dependent on sexual acts—are prohibited.
5. Unless there is the full consent⁴⁵ by all parties involved, sexual interactions between the company’s employees (at any level) and members of the surrounding communities are prohibited. This includes relationships involving the withholding or promise of monetary or non-monetary reward.
6. All employees, including volunteers and sub-contractors are expected to report suspected or actual GBV by a fellow worker, whether in the same company or not. Reports must be made in accordance with GBV allegation procedures.
7. All employees are required to attend an induction training course prior to commencing work on site to ensure they are familiar with the GBV Code of Conduct.
8. All employees must attend a mandatory training course once a month for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the institutional GBV Code of Conduct.
9. All employees will be required to sign an individual code of conduct confirming their agreement to support GBV activities.

I do hereby acknowledge that I have read the foregoing GBV Code of Conduct, and on behalf of the company agree to comply with the standards contained therein. I understand my role and responsibilities to prevent and respond to GBV. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action.

Company Name _____

Signed by _____

Title _____

Date _____

⁴⁵ Consent is defined as the informed choice underlying an individual’s free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

Model Individual Code of Conduct

This individual Code of Conduct should be signed by all employees, from senior managers through the operational staff, and should also be required from any contractors working with the company.

I, _____, acknowledge that preventing gender-based violence (GBV) is important, and that preventing it is my responsibility. At [Company], GBV activities constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. All forms of GBV are unacceptable, be it on the worksite, the worksite surroundings, at workers' camps, or in the community. Prosecution of those who commit GBV may be pursued if appropriate.

I agree that while working on the [Project], I will:

- Consent to a police background check.
- Treat women, children (persons under the age of 18), and men with respect regardless of race; color; language; religion; political or other opinion; national, ethnic or social origin; sexual orientation or gender identity; disability; birth or other status.
- Not use language or behavior towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not request or engage in sexual favors—for instance, making promises or favorable treatment dependent on sexual acts.
- Understand that unless there is the full consent⁴⁶ by all parties involved, sexual interactions between the company's employees (at any level) and members of the surrounding communities are prohibited. This includes relationships involving the withholding or promise of monetary or non-monetary reward.
- Attend and actively partake in training courses related to HIV/AIDS and GBV as requested by my employer.
- Report through the grievance redress mechanism or to my manager any suspected or actual GBV by a fellow worker, whether in my company or not, or any breaches of this Code of Conduct.

⁴⁶ Consent is defined as the informed choice underlying an individual's free and voluntary intention, acceptance or agreement to do something. No consent can be found when such acceptance or agreement is obtained through the use of threats, force or other forms of coercion, abduction, fraud, deception, or misrepresentation. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18, even in the event that national legislation of the country into which the code of conduct is introduced has a lower age. Mistaken belief regarding the age of the child and consent from the child is not a defense.

Sanctions

[*Company*] has established a grievance redress mechanism for receiving, reviewing, and addressing allegations of GBV. If an employee has breached the Code of Conduct, the employer will take disciplinary action which could include:

- Informal warning
- Formal warning
- Additional training
- Loss of up to one week's salary
- Suspension of employment (without payment of salary), for a minimum period of one month up to a maximum of six months
- Termination of employment

In addition to the above, if warranted, [*Company*] will report the employee to the police as per local legal regulations.

I understand that it is my responsibility to use common sense and avoid actions or behaviors that could be construed as GBV or breach this Code of Conduct. I do hereby acknowledge that I have read the foregoing Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to GBV. I understand that any action inconsistent with this Code of Conduct or failure to take action mandated by this Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Company Name _____

Signed by _____

Title _____

Date _____

TOOL 4.7: Monitor and Sustain

TOOL 4.7:

Develop Approaches to Monitor and Sustain Progress on Reducing Sexual Harassment and Gender-Based Violence

- ▶ **GOAL:** Monitor and sustain progress against sexual harassment and GBV
- ▶ **TARGET UNITS:** Human Resources, Training

Monitoring and maintaining a respectful workplace requires an ongoing commitment to training, communication, and an effective complaints and redress mechanism. In order to monitor and maintain progress against sexual harassment and gender-based violence, companies can employ several key strategies. These can include:

- **Maintaining records of all complaints, whether or not they are fully investigated:** Keeping records of all complaints can help you track trends and highlight recurring problems. Complaints that were not investigated or found to be without merit should be stored separately from an individual's personnel files to maintain confidentiality and neutrality on unsubstantiated complaints.
- **Monitor trends in complaints:** Your human resources department should conduct a yearly review to examine trends. Are certain departments more prone to complaints than others? Are certain types of jobs (for instance, women working underground, or women who are assigned to certain shifts) more likely to experience sexual harassment or GBV?
- **Review, discuss, and update:** The human resources department should convene discussions on ways to address observed sexual harassment and GBV trends. This can include identifying problematic work schedules or teams, and conducting focus group discussions, trainings, or key informant interviews to determine how to address the issues.
- **Update the policy as needed:** These updates should be based on the discussions and reviews conducted.



Selected Resources for Further Reading

Addressing Sexual Harassment

- Australian Human Rights Commission, “Effectively preventing and responding to sexual harassment: A Code of Practice for Employers,” 2008, <http://www.humanrights.gov.au/publications/effectively-preventing-and-responding-sexual-harassment-code-practice-employers-2008>.
- Australian Human Rights Commission, “Effectively preventing and responding to sexual harassment: A Quick Guide,” 2008, <http://www.humanrights.gov.au/publications/effectively-preventing-and-responding-sexual-harassment-quick-guide-2008>.
- Ellsberg, M., and Heise, L., *Researching Violence Against Women: A Practical Guide for Researchers and Activists*, Washington DC: World Health Organization and PATH, 2005.
- Jewkes, R., Dartnall, E. , and Sikweyiya, Y., “Ethical and Safety Recommendations for Research on Perpetration of Sexual Violence,” Paper for the Sexual Violence Research Initiative, Pretoria, South Africa: Medical Research Council, 2012.
- Workplaces Respond to Domestic and Sexual Violence: A National Resource Center, “New Workplace Toolkit,” 2016, <http://www.workplacesrespond.org>.
- World Health Organization , “Putting women first: Ethical and safety recommendations for research on domestic violence against women,” Geneva: World Health Organization, 2001.

Costing Sexual Harassment

- Ashe et al. “Methodological Approaches for Estimating the Economic Costs of Violence against Women and Girls,” What Works and UK Aid, <https://www.whatworks.co.za/documents/publications/90-methodological-approaches-for-estimating-the-economic-costs-of-vawg/file>.
- Braverman, Beth, “The High Cost of Sexual Harassment,” Fiscal Times, August 22, 2013.
- IFC, “Case Study: Assessing Gender-Based Violence with Companies in PNG,” Washington, DC: IFC.
- International Labour Organization, “Sexual Harassment at Work Factsheet,” Geneva: ILO, 2016.

Defining Sexual Harassment

- Australian Human Rights Commission, “Recognizing and responding to sexual harassment in the workplace: Information for employees,” Sydney: AHRC, 2014, https://www.humanrights.gov.au/sites/default/files/document/publication/EWSH_Factsheet_2014_Web.pdf.
- Gallagher, B. J. “Sexual Harassment: How to Protect Yourself and Your Organization.” Huffington Post, August 10, 2010, https://www.huffingtonpost.com/bj-gallagher/sexual-harassment-how-to_b_675098.html.
- Barreiro, Sachi, “Preventing Sexual Harassment in the Workplace: Learn what sexual harassment is—and how to prevent it,” NOLO: Law for All, 2015, <http://www.nolo.com/legal-encyclopedia/preventing-sexual-harassment-workplace-29851.html>.

Communications Materials on Sexual Harassment and Gender-Based Violence:

- Communications x-Change, hosted by the Global Women’s Institute at the George Washington University. <http://xchange.gwu.edu/home>.

BIBLIOGRAPHY

- Australian Human Rights Campaign, *Ending Workplace Sexual Harassment: A Resource for Small, Medium, And Large Employers*, Canberra: AHRC, 2014, 32.
- Botha, Doret, “Women in Mining Still Exploited and Sexually Harassed,” *South African Journal of Human Resource Management*, Vol. 14, No 1, 2016.
- Brunero, Tim, “ANU Study Finds Most Women Working in Remote Areas Subject to Sexual Harassment,” ABC News, May 8, 2015, <http://www.abc.net.au/news/2015-05-08/remote-sexual-harrasment/6454760>.
- Business Coalition for Women, *Addressing Violence is Smart Business*, Port Moresby: 2014.
- Business Coalition for Women, *Black Eyes Cost Business*, Port Moresby: BCFW, 2014.
- Business Coalition for Women, *Model Policy on Family and Sexual Violence*, Port Moresby: BCFW, 2014, This project was supported by IFC.
- Cane, Isabel et al, “Mapping Gender Based Violence and Mining Infrastructure in Mongolian Mining Communities,” Brisbane: International Mining for Development Centre, May 2017.
- Civility Partners, *White Paper: The Cost of Bad Behavior in the Work Place*, San Diego: StopIt Solutions, January 2012.

- Cobb, Ellen Pinkos, “Sexual Harassment Law Evolving Globally,” Society for Human Resource Management, December 3, 2014, <https://www.shrm.org/resourcesandtools/hr-topics/global-hr/pages/sexual-harassment-law-global.aspx>.
- eLeap, “Understanding the Employers’ Role and the Cost of Sexual Harassment,” 2016, <http://www.eleapsoftware.com/understanding-the-employers-role-and-the-cost-of-sexual-harassment/>.
- IFC, Guidance Note 2: Labor and Working Conditions, January 1, 2012.
- IFC, IFC Performance Standards on Environmental and Social Sustainability, January 1, 2012.
- IFC, *SheWorks: Putting Gender Smart Commitments into Practice*, Washington, DC: IFC, 2016.
- IFC and Lonmin, *Women in Mining: A Guide to Integrating Women in the Workforce*, Washington DC: IFC, March 2010.
- Luinstra, Amy, “In Papua New Guinea, Empowering Women is Smart Business,” World Bank Blog, August 2016, <https://blogs.worldbank.org/voices/papua-new-guinea-empowering-women-smart-business>.
- Luinstra, Amy, *Sexual Harassment in the Workplace*, Washington, DC: IFC, 2015.
- MSF, “Untreated Violence: The Need for Patient-Centered Care for Survivors of Sexual Violence in the Platinum Mining Belt,” Cape Town: MSF, 2016.
- Suddath, Claire, “Why Can’t We Stop Sexual Harassment at Work,” Bloomberg Businessweek, November 28, 2016, <https://www.bloomberg.com/features/2016-sexual-harassment-policy/#/>.
- UN Women, “Ending Violence against Women Facts and Figures,” <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures>.
- UN Women, “What is Sexual Harassment?,” <http://www.un.org/womenwatch/osagi/pdf/whatissh.pdf>
- United Nations, “Convention on the Elimination of all Forms of Discrimination against Women,” United Nations Treaty Collection, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en.
- United Nations Secretariat, “Secretary-General’s Bulletin: Special measures for protection from sexual exploitation and sexual abuse,” New York: United Nations, October 9, 2003.
- Vanuatu Aviation Investment Project’s “Code of Conduct and Action Plan to Prevent Gender-based Violence (GBV) and Child Abuse/Exploitation (CAE).”

- WAVE and UNFPA, “Strengthening Health System Responses to Gender-Based Violence in Eastern Europe and Central Asia, a resource package,” <http://www.health-genderviolence.org/training-programme-for-health-care-providers/facts-on-gbv/defining-gender-based-violence/21>.
- Wiley, Stephanie Doria, *What to Expect from your Employer After You’ve Made a Sexual Harassment Claim*, San Francisco: Rukin Hyland, 2014.
- Williams, Carolin, *How to Calculate the Cost to Business of Gender-Based Violence in Papua New Guinea: Review of Existing Approaches and Methodologies*, London: ODI, 2014.
- Wilson, Catherine, “Gas Extraction Fuels Abuse in Papua New Guinea,” IPS News Agency, April 16, 2012, <http://www.ipsnews.net/2012/04/gas-extraction-fuels-abuse-in-papua-new-guinea/>.
- World Bank, “Protecting Women from Violence,” <http://wbl.worldbank.org/data/exploretopics/protecting-women-from-violence>.
- World Bank, “Violence Against Women Resource Guide,” World Bank, <http://www.vawgresourceguide.org/terminolgy>.
- World Bank et al. “Violence Against Women Resource Guide,” <http://www.vawgresourceguide.org/terminolgy>.



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