

## **Gender-based Violence and the Workplace**

Expert group meeting

Organized by

United Nations Entity for Gender Equality and Empowerment of Women

(UN Women)

13 and 14 December 2011

## TABLE OF CONTENTS

I. Executive Summary.....	3
II. Report on the Workplace and Gender-Based Violence .....	6
A. Introduction .....	6
B. Coordination with Existing UN Policies and Practices .....	7
C. A Note about "Best Practices" .....	8
D. Context: The Incidence of Gender-based Violence and Its Workplace Effects Worldwide.....	9
E. Proposed Policy to Reduce Gender-based Violence Workplace Effects.....	13
F. Conclusion .....	24
III. Annex .....	
Annex A – Background Paper: Gender-Based Violence and the Workplace.....	25
Annex B - Programme Agenda.....	31
Annex C - List of Participants .....	34
Annex D - Proposed Policy on Gender-based Violence and the Workplace.....	37
Annex E - Other Relevant United Nations Policies - Sexual Harassment and Sexual Exploitation, Code of Conduct .....	48

## I. EXECUTIVE SUMMARY

“Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

General Assembly Resolution 48/104 of 20 December 1993, Article 1

The General Assembly has urged States to end impunity for violence against women, and to continue to develop national strategies and more systematic approaches that prevent gender-based violence and assist victims. Gender-based violence includes physical, psychological, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. The effects of this violence are sustained and remain with victims even as they enter the workplace.

A comprehensive policy that addresses the workplace effects of gender-based violence may form a core component of an effective national strategy to oppose gender-based violence. Addressing the workplace effects of gender-based violence reduces gender discrimination and can help advance human rights in the workplace and beyond.

Whether violence occurs within the workplace or outside of it, the financial effects of gender-based violence on the workplace are substantial. Experts worldwide increasingly acknowledge the costs to victims and employers alike. Along with this awareness has come recognition of the need for proactive strategies to facilitate employees’ safety at work as well as to reduce financial losses to employers from employees’ experience with gender-based violence.

Aware of the human rights and economic consequences of gender-based violence, UN Women convened an Expert Group Meeting (EGM) in December 2010 to address the workplace effects of gender-based violence. The objective of the meeting was to assist the United Nations in exploring the most current and reliable research and analysis on this topic, to identify best practices and reliable employer strategies and policies for minimizing the workplace effects of gender-based violence and to determine effective guidelines for assisting victims coping with abuse. The EGM’s findings concerning the workplace costs of gender-based violence are discussed at length in this report. In conjunction with the report, the proposed policy developed through the EGM offers

concrete solutions for minimizing the social and economic costs of gender-based violence for the United Nations workforce.

**a. Social and Economic Costs to the Workplace**

Violence can and often does follow victims and perpetrators to the workplace. Threats of violence or actual incidents of violence may occur at work, sometimes with tragic results for victims and their co-workers.

When gender-based violence occurs outside the workplace, it still detracts from workplace productivity by increasing absenteeism, employee turnover and resignations, sometimes without adequate notice. For example, by repeatedly phoning, e-mailing or texting the victim during business hours, or by stalking him or her or deliberately impairing his or her ability to show up at work or to arrive on time, a perpetrator of violence may intentionally sabotage the victim's productivity and diminish his or her work performance. Perpetrators' tactics may include conduct such as taking away a victim's car keys and refusing to provide transportation, or thwarting childcare arrangements. Perpetrators may also threaten the victims' co-workers in an effort to intimidate and isolate the victim. Co-workers close to the victim may experience psychological distress as a secondary survivor, similar to the emotional trauma experienced by the victim.<sup>1</sup>

The perpetrator's productivity as an employee is likewise diminished. Employees who are perpetrators of gender-based violence frequently use work time and resources to conduct abusive actions or to address the legal, medical and other consequences of the abuse.

Gender-based violence significantly increases an employer's health-related costs as abuse may result in a victim requiring more frequent and extensive medical care. Additionally, gender-based violence causes physical and mental harm that may incapacitate a victim and increase absenteeism or decrease workplace productivity. Even a minor physical injury or bruising may cause a victim to skip work in order to avoid the shame or embarrassment of inquiries from co-workers.

The economic costs of the workplace effects of gender-based violence in the United States alone, including medical care, mental health services and lost productivity, are estimated to be in the billions of dollars. In addition to tangible economic costs, gender-

---

<sup>1</sup> <http://www.pandys.org/articles/selfcareforsupporters.html> and <http://savacenter.org/services/direct-services/secondary-survivors/>

based violence also results in greater social inequalities worldwide and perpetuates negative stereotypes about women's ability to participate fully in the workplace.

## **b. Proposed Workplace Solutions**

The policy and practices proposed here have been designed to minimize the workplace effects of gender-based violence. They focus on assisting victims, holding responsible those employees who are perpetrators, and conducting training and awareness programs for all employees. Leading employers worldwide have implemented policies and practices similar to those discussed in this report and the accompanying proposed policy.

The report makes clear that successful policies to combat the workplace effects of gender-based violence contain the following components to assist victims:

- Elements to disallow retaliation against victims
- Recommendations for flexibility with the provision of leave, benefits and other accommodations
- Encouragement for employers to actively facilitate safety planning for victims

An effective policy strongly urges employers addressing gender-based violence in the workplace to undertake the following at all stages:

- Respect confidentiality to the extent possible.
- Defer to the victim's assessments of safety whenever reasonably possible.
- Actively promote prevention and awareness training, such as a bystander intervention approach, which assumes that "everyone has a role to play in ending gender-based violence." This form of training "uses a community of responsibility model to teach bystanders how to intervene safely and effectively in cases where gender-based violence may be occurring or where there may be risk."<sup>2</sup>

Employers addressing incidents of gender-based violence should defer to the wishes of the victim when possible, and gain the benefit of community resources where available.

When employees are actual or suspected perpetrators of gender-based violence, employers are encouraged to fully investigate the situation and to hold perpetrators accountable. Workers must never be allowed to use workplace resources, such as phones or e-mail, to perpetuate abuse.

---

<sup>2</sup> Information compiled from Prevention Innovations resources and the Facilitator's Guide, *Bringing in the Bystander: A Prevention Workshop for Establishing a Community of Responsibility*© (Plante, Banyard, Moynihan & Eckstein, revised 2008). <http://cola.unh.edu/prevention-innovations/bystander-overview>

These proactive strategies will facilitate the safety of all employees while at work, can assist employees who are coping with abuse to safely retain employment, and should reduce the employers' economic costs associated with employees' experience with gender-based violence.

The UN, as an institution expected to lead by example, has a social responsibility to address the workplace effects of gender-based violence and to demonstrate how an effective, humane institutional policy on gender-based violence and the workplace can operate. In so doing, the UN, like any institution, would benefit from tangible business advantages, reduce the costs and consequences of gender-based violence, and increase productivity. The UN would also advance its humanitarian mission in its sites and locations worldwide.

## II. REPORT ON THE WORKPLACE AND GENDER-BASED VIOLENCE

This report provides valuable information on the ways gender-based violence impacts the workplace. It incorporates lessons learned from policies successfully implemented at other organizations worldwide. Together with the accompanying proposed policy, this report suggests practices and procedures that can help reduce the impact of gender-based violence in the workplace and can assist employees who are victims or survivors of abuse.

### A. Introduction

UN Women Executive Director Michelle Bachelet repeatedly has stated that violence against women constitutes “the most pervasive human rights violation in the world,” noting that up to six in ten women worldwide will suffer physical or sexual violence in their lifetime.<sup>3</sup> Gender-based violence, which includes domestic and sexual violence, impacts the workplace in multiple ways. This type of violence can affect the workplace through acts or series of acts that may occur directly in the workplace and that may threaten workers’ safety. Secondary effects of the violence, such as heightened employee absenteeism due to increased medical or legal needs, decreased productivity, resignations or terminations with inadequate notice, and other disruptions affect the workplace as well. The UN is by no means immune to the workplace effects of gender-based violence.

The workplace ramifications of gender-based violence affect the following four of the six main goals in the UN-Women strategic plan:

1. Increased women’s leadership and participation in all areas that affect their lives;
2. Increased women’s access to economic empowerment and opportunities, especially for those who are most excluded;
3. Prevention of violence against women and girls and expanded access to victim/survivor services; and
4. Support for a set of global norms, policies and standards of gender equality and women’s empowerment that is dynamic, responds to new and emerging issues, challenges and opportunities, and provides a firm basis for action by Governments and other stakeholders at all levels.

---

3. 23 Nov. 2011 speech on International Day for the Elimination of Violence against Women.

In December 2011, UN Women convened a two-day meeting in New York City in which it gathered international experts to discuss the issue of gender-based violence and its impact in the workplace. The experts represented a broad institutional spectrum including businesses, non-governmental organizations (NGOs) and government organizations that have developed policies, programs and initiatives to reduce the negative effects of gender-based violence on the workplace. The participants applied their combined expertise to assist UN Women in developing a proposed policy for UN management and staff that would recognize the problem and help promote workplace safety and productivity. This report reflects recommendations for a comprehensive policy that would support a United Nations strategy to reduce gender-based violence and its negative impacts on the workplace.

“Violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

General Assembly Resolution 48/104 of 20 December 1993, Article 1

available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/480/09/PDF/N0848009.pdf?OpenElement>.

## **B. Coordination with Existing UN Policies and Practices**

The proposed policy would operate in concert with existing UN policies and human rights documents that govern related issues. Specifically, it would complement UN policies that prohibit exploitative conduct and sexual abuse and discrimination, harassment and abuse of authority.<sup>4</sup>

It is expected that the proposed policy would direct employees to access existing UN resources that provide for counseling, use of an ombudsman and appeal to the UN Tribunal, if needed. The proposed policy does not seek to supplant any existing UN policies or procedures governing employee conduct but rather provides additional

---

4. Secretary-General’s Bulletin on Prohibition of Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority, 11 Feb. 2008; Secretary-General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse, 9 Oct. 2003; Secretary-General’s Bulletin on Prevention of Workplace Harassment, Sexual Harassment and Abuse of Authority, 28 Nov. 2005; and Secretariat’s Information Circular on Conflict Resolution in the United Nations Secretariat, 23 Jan. 2004.



guidance and proposed practices to address the particular challenges that the workplace effects of gender-based violence present throughout the UN system.

### **C. A Note about “Best Practices”**

The term “best practices” implies a hierarchy among policies or practices that may not appropriately acknowledge the varying needs of a diverse and multifaceted workplace that operate on a global scale. Although certain policies might offer the best approach for a victim, they may not be ideal for the workplace overall or may have unintended consequences on productivity or unreasonable costs for employers. For this reason, the present report acknowledges that the suggestions provided herewith are neither exhaustive nor uniformly applicable; rather, they are examples of practices that experts have, in their experience, found to be effective and fair in many cases. All policies must be applied in a way that takes the unique facts of each case into account.

As understanding about the most effective policies expands, the examples provided and the associated recommended practices may need to be updated or revised. Moreover, practices that are effective in particular contexts or circumstances will not necessarily apply with similar effect in other settings. They may, therefore, be contextual, requiring adaptation or re-examination for applicability to new and different contexts and conditions. This report offers insight and guidance for the UN context, as best as the experts can determine.

Decreasing the workplace impact and prevalence of gender-based violence calls on management to implement the best possible practices while recognizing the complexity of the diverse cultures in which the UN operates. Many cultures fail to recognize gender-based violence or may act with complicity and offer impunity for individual perpetrators. Significant differences exist across national boundaries with respect to the availability of legal remedies and support programs for victims. Moreover, victims themselves may have varied reactions to violence and for many reasons may not take steps that others may judge to be necessary to ensure their own safety or economic security. This proposed policy aims to help UN personnel negotiate these complicated and often challenging variables, and to recognize the right of all people to be free from gender-based violence and make their own choices about how to respond.

Recognizing that violence against women is rooted in historically unequal power relations between men and women and that all forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and constitute a major impediment to the ability of women to make use of their capabilities.

UN General Assembly Resolution A/RES/63/155.

#### **D. Context: The Incidence of Gender-based Violence and Its Workplace Effects Worldwide**

Gender-based violence includes physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.<sup>5</sup> Gender-based violence is prevalent throughout the world. According to a WHO Multi-Country Study on Women's Health and Domestic Violence against Women, between 15 and 71 per cent of women have experienced gender-based violence in their lifetime, with most countries in the survey falling between 29 and 62 per cent. In the United States, the prevalence of gender-based violence is well documented. According to a recent comprehensive national survey, nearly three in ten women in the United States have experienced rape, physical violence, and/or stalking by an intimate partner.<sup>6</sup> More than one in seven (14.8 per cent) of the women in this national survey had experienced an injury as a result; one in ten (10.0 per cent) had missed at least one day of work or school as a result of intimate partner violence.<sup>7</sup>

---

5. See, e.g., CEDAW General Recommendation 19 on Violence against Women, CEDAW/C/1992/L.1/Add.15 (cited in *Fifteen Years of the United Nations Special Rapporteur on Violence against Women, Its Causes and Consequences (1994-2009) – A Critical Review* at 4, available at <http://www.ohchr.org/Documents/Issues/Women/15YearReviewofVAWMandate.pdf>); see also United Nations Declaration on the Elimination of Violence against Women (1993), Article 1–2.

6. M. C. Black et al., *The National Intimate Partner and Sexual Violence Survey (NISVS), 2010 Summary Report* at 2 (National Center for Injury Prevention and Control, Centers for Disease Control and Prevention, 2011), available at [http://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_Report2010-a.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVS_Report2010-a.pdf). Those surveyed reported that the violence impacted them in various ways, including fear or injury, safety concerns, post-traumatic stress disorder symptoms, need for health care or housing services, contacting a crisis hotline, need for victim's advocate or legal services, and/or missing at least one day of work or school.

7. *Ibid.*, p.54–55. While studies that address domestic violence and those that survey sexual assault may contain distinct variations, both are highly relevant to a discussion of the workplace effects of gender-based violence and so are considered together in this report.

Gender-based violence is violence directed against a person based on gender and violence that disproportionately affects women. Both men and women can be perpetrators and victims of gender-based violence; it occurs in same-sex as well as heterosexual relationships. However, gender-based violence is far more commonly perpetrated by men against women and girls.<sup>8</sup>

Given the prevalence of gender-based violence worldwide and the large number of women personnel in the UN workplace, a sizeable percentage of the UN workforce will be affected by gender-based violence at any given time. Some existing UN policies recognize that sexual assault or sexual harassment at work violates a victim's rights. A policy on gender-based violence complements existing UN policies to more fully address the ways that gender-based violence impacts the workplace.

The workplace effects of all forms of gender-based violence can be significant. Gender-based violence includes a variety of acts that disrupt the workplace in myriad ways. Violence can and often does follow victims and perpetrators into the workplace. Threats of violence or actual incidents of violence may occur at work, sometimes with tragic results for victims and their co-workers. In the United States, homicide is one of the leading causes of occupational injury or death among female workers.<sup>9</sup> According to a survey conducted by the United States Department of Labor, nearly a quarter of businesses surveyed reported having experienced an incident of workplace violence that resulted from domestic or other form of gender-based violence during the previous year.<sup>10</sup>

When gender-based violence occurs outside the workplace, it detracts from workplace productivity by increasing absenteeism, employee turnover and resignations, and by increasing health- and safety-related costs. Often an abuser deliberately uses coercive tactics to impair a victim's ability to attend or succeed at work in order to disrupt the victim's economic self-sufficiency.

A perpetrator of violence may create a directly negative impact on the victim's productivity and work performance through actions such as stalking the victim at work or repeatedly phoning, e-mailing or texting the victim during business hours. A perpetrator may also threaten co-workers who are perceived to be protecting or assisting the victim.

---

8. Callie Marie Rennison, *Intimate Partner Violence, 1993-2001* at 1 (U.S. Department of Justice, 2003), available to order at <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=197838>. See also, Deborah Widiss, "Domestic Violence and the Workplace: The Explosion of State Legislation and the Need for a Comprehensive Strategy," *Florida State University Law Review* 35 (2008): 669, 676.

9. See, e.g., National Institute For Occupational Safety and Health, *Homicide in the Workplace* (1996), available at <http://www.cdc.gov/niosh/violhomi.html>.

10. Julie Goldscheid, "Gender Violence and Work: Reckoning with the Boundaries of Sex Discrimination Law," *Columbia Journal of Gender and Law* 18 (2008): 61, 73, (citing *Survey of Workplace Violence Prevention* at 2, tb 1.1).

Co-workers close to the victim may experience psychological distress as a secondary survivor, similar to the emotional trauma experienced by the victim.<sup>11</sup> By using such tactics to deliberately interfere with the victim's ability to go to work or to concentrate on work responsibilities, the abuser makes it increasingly difficult for the victim to succeed at a job and maintain independence and thus, to be able to leave a violent situation.

Abuse may result in additional medical or other health care costs if the victim must take time off from work to go to a doctor or counselor. Violence may cause incapacitating physical injury or embarrassing visible bruising or marks (such as a black eye), which may cause a victim to skip work in order to avoid shame or embarrassing inquiries from co-workers. Post-traumatic stress disorders, depression and anxiety disorders frequently result from abuse and may cause victims to miss work.

Stalking is a form of abuse that is also highly disruptive in a workplace. Stalking includes a range of individual behaviors such as sending unsolicited e-mails or texts, spying on the victim, waiting for the victim or showing up at places without a legitimate reason, and posting rumors or private information about the victim on the internet or in a public place. The repetitive and threatening nature of stalking can cause a victim to fear for his or her safety. Stalking may also affect a victim's co-workers by causing them to experience fear and harassment. Co-workers close to the victim may experience psychological distress as a secondary survivor, similar to the emotional trauma experienced by the victim.<sup>12</sup> Women are almost three times as likely to be stalked as are men. Women are almost three times as likely to be stalked as are men.<sup>13</sup>

An employee who is a perpetrator of violence also may experience decreased productivity, particularly if the employee expends time and resources from work perpetrating the abuse. Perpetrators as well as victims may take time off from work to address medical, legal and other consequences of the abuse.<sup>14</sup> Work performance may

---

<sup>11</sup> <http://www.pandys.org/articles/selfcareforsupporters.html> and <http://savacenter.org/services/direct-services/secondary-survivors/>

<sup>12</sup> <http://www.pandys.org/articles/selfcareforsupporters.html> and <http://savacenter.org/services/direct-services/secondary-survivors/>

<sup>13</sup> Lisalyn Jacobs and Maya Raghu, "The Need for a Uniform Federal Response to Interpersonal Violence," *Georgetown Journal of Gender and the Law* IX (2010): 593, 597, (citing Katrina Baum et al., "Stalking and Victimization in the United States," [U.S. Department of Justice, Bureau of Justice Statistics, 2009], available at <http://bjs.ojp.usdoj.gov/content/pub/pdf/svus.pdf>).

<sup>14</sup> See M. Schmidt and A. Barnett, *A Vermont Survey of Male Offenders Enrolled in Batterer Intervention Programs* (Vermont Council on Domestic Violence, Center for Rural Studies at University of Vermont and Violence Intervention and Prevention Programs at Spectrum Youth and Family Services, 2012), available at <http://www.atg.state.vt.us/assets/files/How%20Does%20Domestic%20Violence%20Affect%20the%20Vermont%20Workplace.pdf>.

suffer as well, since perpetrators report difficulty concentrating at work because of their abusive relationships.<sup>15</sup>

Studies are beginning to track the workplace costs of gender-based violence. The data indicating the economic costs of the workplace effects of gender-based violence are compelling. The cost of intimate partner-based violence to the US economy generally — including medical care, mental health services, and lost productivity at work — has been estimated to total more than \$8.3 billion in 2003 dollars.<sup>16</sup> One study estimates that in the United States alone, the annual cost of domestic violence due to lost productivity is \$727.8 million, with almost eight million paid work days lost each year.<sup>17</sup>

When employers are responsible for health care costs, the workplace effects of gender-based violence can be even greater. For example, Americans suffer 2.2 million medically treated injuries due to interpersonal violence annually, at a cost of \$37 billion (\$33 billion in productivity losses, \$4 billion in medical treatment).<sup>18</sup>

Data demonstrate similarly high workplace costs of gender-based violence outside the United States. According to the London-based Corporate Alliance Against Domestic Violence:

- Domestic violence affects one in four women and one in six men.
- 56 per cent of abused women arrive late for work at least five times per month.
- 53 per cent are absent from work at least three days per month.
- 75 per cent of domestic abuse victims are targeted at work, where they are subject to actions ranging from harassing phone calls, text messages and e-mails to physical assaults.

---

15. Ibid., p. 21.

16. Corporate Alliance to End Partner Violence, General Statistics available at [http://www.caepv.org/getinfo/facts\\_stats.php?factsec=1](http://www.caepv.org/getinfo/facts_stats.php?factsec=1) (citing W. Max, D. P. Rice, E. A. Finkelstein, R. A. Bardwell, and S. Leadbetter, "The Economic Toll of Intimate Partner Violence against Women in the United States," *Violence and Victims* 19, no. 3 (2004): 259–72).

17. National Center for Injury Prevention and Control, Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, *Costs of Intimate Partner Violence against Women in the United States, 2003*, available at [http://www.cdc.gov/ncipc/pub-res/ipv\\_cost/IPVBook-Final-Feb18.pdf](http://www.cdc.gov/ncipc/pub-res/ipv_cost/IPVBook-Final-Feb18.pdf).

18. Corporate Alliance to End Partner Violence, General Statistics available at [http://www.caepv.org/getinfo/facts\\_stats.php?factsec=1](http://www.caepv.org/getinfo/facts_stats.php?factsec=1) (citing P. S. Corso, J. A. Mercy, T. R. Simon, E. A. Finkelstein, and T. R. Miller, "Medical Costs and Productivity Losses Due to Interpersonal Violence and Self-Directed Violence," *American Journal of Preventive Medicine* 32, no. 6 (2007): 474–82).

- Domestic violence costs UK businesses £1.9 billion each year through absence, injury and reduced productivity.<sup>19</sup>

In recent years, employers have begun to recognize the employment-related costs and effects of gender-based violence. Employers realize that the cost of gender-based violence, whether it occurs within the workplace or outside of it, makes gender-based violence a workplace issue that cannot be ignored. Workplace surveys have demonstrated that human resources directors increasingly believe that addressing the effects of gender-based violence in the workplace is essential,<sup>20</sup> and that more than 90 per cent of corporate security and safety directors considered gender-based violence to be a high security concern.<sup>21</sup> The UN is no exception.

Not only does gender-based violence incur tangible financial costs for employers and workers, it also results in greater economic and social inequalities worldwide. Because gender-based violence disproportionately affects women, it perpetuates negative stereotypes about women's ability to fully participate in the workplace. Women in marginalized groups (including elderly or displaced women, disabled women and women in poverty) are particularly vulnerable to gender-based violence. Nevertheless, gender-based violence is universal and affects women of all races, cultures, socioeconomic groups and ages.

Comprehensive policies, training and management can mitigate the workplace effects of gender-based violence. The UN, like other workplaces, will benefit from proactive strategies to facilitate all employees' safety at work, help employees who are coping with abuse safely retain their jobs, and reduce employers' financial losses associated with employees' experience with gender-based violence.

### **E. Proposed Policy to Reduce Gender-based Violence Workplace Effects**

The policy proposed here reflects the EGM's consideration of similar policies implemented in a wide range of workplace settings and balances the often-competing concerns of different stakeholders in the workplace.

This policy recognizes that in addition to its steep financial costs, gender-based violence negatively affects a victim's employment and workplace success. It encourages employers to take steps that promote victims' continued safe and productive employment. Moreover, the policy seeks to introduce strategies that can enable employers to avoid

---

19. See Corporate Alliance against Domestic Violence, available at <http://www.caadv.org.uk/why.php>.

20. Deborah Widiss, *Domestic Violence and the Workplace*, *supra* note.6 (citing Partnership for Prevention, *Domestic Violence and the Workplace Study 3* [2002]).

21. *Ibid.*, (citing Joseph A. Kinney, *Domestic Violence Moves into Workplace, Workplace Violence and Behavior Letter* [Charlotte, NC, National Safe Workplace Institute, Nov. 1994, at 3]).

gender stereotypes and biases regarding victims and perpetrators that could adversely influence an employer's reaction to a situation of gender-based violence.

A well-designed workplace policy aims to enable employers to make reasonable workplace accommodations for victims and to help them access resources. A victim's ability to retain his or her job often is key to the victim's ability to make choices about how to respond to the abuse. For example, a job may bring financial independence, which may enable the victim to leave an abusive relationship. Creating an environment in which victims feel safe to self-identify and disclose their circumstances to their employers serves the interests of both employers and employees because it enables them to develop a safety plan together that minimizes the risk of violence at work. Being aware of the effects of gender-based violence allows employers to determine how best to manage a situation safely and productively and therefore facilitates an employee's well-being and workplace productivity.

#### **a. Scope of the Proposed Policy**

The EGM recommended that the scope of personnel to be covered by the policy be defined broadly. Protection from the workplace effects of gender-based violence should be provided not just to staff but to all UN personnel (including, but not limited to, volunteers, interns, contractors and peace-keeping personnel) whether they are employed on a temporary or permanent basis, and whether they are paid or unpaid. References to "employees" in this document are intended to encompass this broad definition.

The policy addresses the effects of gender-based violence on the workplace generally, as well as on the individual victim and the individual perpetrator while at work.

The policy covers three major categories, specifically, (i) the effects on the workplace of violence that is committed against an employee outside the workplace, (ii) violence outside the workplace that is committed by an employee, and (iii) violence that occurs *within* the workplace, whether perpetrated by an employee or by an abuser who enters the workplace.

The human rights relevance of gender-based violence is significant and the UN, as the world's leading champion of human rights, has a particular responsibility to address this issue within its workforce.

The term "gender-based violence" is used throughout human rights work. The proposed policy incorporates that term to bring within its scope the range of violence that is committed primarily, though not exclusively, by men against women. As discussed above, gender-based violence may include psychological and financial harm or abuse as well as physical abuse or sexual harm or suffering, and threats of such acts, coercion and other deprivations of liberty.

## **b. Essential Elements of the Policy**

The core elements of a successful policy include reasonable efforts to help an employee coping with abuse to achieve safety, to hold perpetrators accountable to the extent practicable, and to implement workplace awareness and training programs. The proposed policy emphasizes the importance of respecting victim autonomy and safety, and highlights the goal of creating a supportive and safe work environment for both the victims of violence and their co-workers. An effective policy should contain the following key provisions, discussed in greater detail below:

- i. Non-discrimination and non-retaliation,
- ii. Safety planning,
- iii. Flexibility in applying leave and other workplace benefits,
- iv. Access to resources,
- v. Fair and clear work performance evaluations,
- vi. Protection and restraining order policies,
- vii. Confidentiality,
- viii. Holding employee perpetrators accountable,
- ix. Investigation procedures,
- x. Prevention training and awareness.

### **i. Non-discrimination and Non-retaliation**

The proposed policy aims to apply existing personnel policies in ways that are most responsive to victims' needs and that do not discriminate against victims of gender-based violence. Workplace policies that encourage employees coping with abuse to develop plans to safely maintain their jobs are most effective in retaining valuable employees and in preventing violence from occurring at work. To develop a workplace safety plan in conjunction with their supervisor or another colleague, victims must be assured that they will not face negative job consequences as a result. Consequently, anti-discrimination provisions are key to an effective policy. Victims should not be subject to stigmatization or diminishing status in the organization for disclosing that they have been subjected to



abuse. At the same time, an employee should not be required to disclose his or her status or history with abuse.<sup>22</sup>

The proposed policy emphasizes that the employer must not retaliate or take adverse action against any employee who submits a complaint in good faith, or who otherwise alerts someone at work about the possibility that an act of abuse has taken place or has affected the workplace.

## **ii. Safety Planning**

Managers should be trained so that when a victim of gender-based violence discloses his or her situation, the manager is able to assist the victim to create a workplace safety plan. This means that an employer should help a victim develop a reasonable, individualized strategy that will maximize workplace safety for the victim and for all employees at the site. A victim's own assessment of risk and of the best strategies to increase personal safety are key and should be accorded deference, since the victim is often the best judge of what strategies will avoid violence.

When creating a safety plan for the workplace, employers may ask the victim what changes in the workplace would make it safer for him or her. The organization should strive to implement these suggestions wherever possible.<sup>23</sup>

When requested by the victim, or when necessary to protect employees' safety, managers should provide safety personnel and other relevant employees with information concerning the abuser. Managers should provide clear instructions for procedures to

---

22. Employees should not be discriminated against in hiring, staffing or in any other term or condition of employment or in the granting of any employment-related benefits or privileges. The employer should not make inquiries about a job applicant's current or past experience as the victim of abuse. Similarly, the employer should not make assumptions or employment decisions based on any knowledge or perceived knowledge about victimization.

If the employer suspects or knows that an employee's work performance is suffering as a result of his or her status as a victim of gender-based violence, the employer should follow the procedures of this policy to the best of his or her ability and should avoid taking discriminatory actions against the employee. To decrease the potential for discriminatory practices when addressing the victim's performance issues, the policy encourages the employer to provide clear performance expectations and clear evaluation procedures.

23. An individualized safety plan is multifaceted and should include the following elements where appropriate: procedures for contacting security personnel and/or police or national authorities; temporary relocation of the victim to a secure area or to a new work site; change of work schedule and/or parking location, and phone or e-mail address; accommodating requests for telecommuting; escort for entry and exit to the work facility; and other mechanisms or procedures that the victim believes will facilitate his or her safety.

follow if employees observe the abuser gaining unauthorized access to the work site or threatening the safety of any employee. A copy of any existing court order of protection may be kept in a confidential location, with copies provided to security personnel as needed to maintain the safety of the workplace. Managers should be aware of and should discuss with the victim the confidentiality policy and any limitations on protecting the confidentiality of the victim's situation when other employees are at risk.<sup>24</sup>

If the victim and the abuser are both employed by the organization or are otherwise engaged in collaborative work, the safety plan should address the additional concerns raised in the proposed policy provisions for cases when employees are perpetrators of gender-based violence. (See Section E.viii. below, Holding Employee Perpetrators Accountable).

Local resources, whether NGOs or government-supported offices with expertise in gender-based violence and victim services, should be identified and relied on wherever possible.<sup>25</sup> The employer should distinguish between assisting in developing a workplace safety plan and counseling. Employees should be referred to counselors and other experts who can offer counseling and support.

### **iii. Flexible Leave Policies and Other Workplace Assistance**

Victims of gender-based violence frequently need time off from their jobs to address matters that arise as a result of abuse. For example, victims may need time to secure medical assistance or counseling, to attend to legal matters (such as securing legal assistance or attending court proceedings), or for safety planning that may include moving residence or finding temporary accommodation. The UN maintains several types of leave policies and practices that employees may access under a range of circumstances.<sup>26</sup> Those leave policies should be applied flexibly in order to facilitate an employee's need for time off in order to address issues arising from his or her experience with gender-based violence.

---

24. See also Section vii of this report, which discusses issues of confidentiality in greater detail.

25. Trained experts are best equipped to offer counseling and to provide specific information about legal options, benefits and other abuse-specific issues. Although the employer may work with an employee to develop a safety plan for the workplace, community resources should be accessed to assist the victim in developing a safety plan that addresses all facets of his or her daily routine.

26. See, e.g., Secretary-General's Bulletin, Prohibition of Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority, ST/SGB/2008/5; Secretary-General's Bulletin, Special Measures for Protection from Sexual Exploitation and Sexual Abuse, ST/SGB/2003/13.

The proposed policy aims to ensure that an employee is not penalized for exercising his or her right to seek criminal or other sanctions against a perpetrator and to take other legal action as needed. Although it is a crime in some jurisdictions for an employer to penalize an employee who, as a victim of or witness to a crime, appears as a witness, consults with prosecutors or exercises his or her legal rights, the proposed policy would incorporate that common-sense approach across all jurisdictions.<sup>27</sup>

Victims of gender-based violence may require leave for other reasons relating to the abuse. Managers are encouraged to assist employees by flexibly applying the workplace's leave policies to accommodate an employee's abuse-related need for leave.<sup>28</sup>

Questions may arise about the type of documentation needed to access leave and other workplace policies. Managers are encouraged to consult with the employee to identify the type of documentation that might be available or to determine what alternative documentation the employee might be able to obtain without compromising his or her safety.<sup>29</sup>

In addition to flexibility concerning leave policies, employers are encouraged to make reasonable efforts to implement changes in benefits if an employee who is a victim of gender-based violence so requests. An employer should expeditiously process employee requests for changes to payroll transfers and other benefits payments when such request by an employee is based on gender-based violence.<sup>30</sup> Flexible application of a broad

---

27. For example, taking legal action against a perpetrator may require an employee to make court appearances, which may necessitate absence or leave to attend one or multiple hearings. Frequently, the responding perpetrator fails to appear, which requires rescheduling of the court proceedings. Repeat appearances may be required if a perpetrator violates a restraining order or fails to pay court-ordered child support payments. Victims also may require time off to meet with an attorney or advocate in civil or criminal matters relating to the abuse.

28. Victims may require time off to speak with counselors or victim-advocates or to obtain related services for themselves and/or their minor children. They may need time away from work to make arrangements to relocate, which can include securing a new home as well as making alternate arrangements for childcare, transportation and other daily activities. Employees and employers alike are well served by a policy that encourages victims to take time to make these arrangements, so that victims can most productively continue to perform their jobs over time.

29. Frequently, employees who have experienced gender-based violence may lack documentation that may otherwise be required to qualify for a leave. Alternatively, accessing the required documentation could present additional dangers, for example, if the employee has to seek the cooperation of the abuser to obtain the documentation.

30. For example, if an employee informs the employer that he or she has separated from an abusive spouse or domestic partner who receives health care or other benefits from the employer, efforts should be made to transfer the company benefits to the employee's own name, or to remove a spouse's coverage

range of benefits programs can make a significant difference in promoting a victim's economic security and safety.

#### **iv. Access to Resources**

Employees coping with gender-based violence often may benefit from talking with staff at community-based organizations who have experience working with victims and addressing issues associated with gender-based violence. These experts can help guide a victim to other resources, and can help them navigate relevant medical, legal and social services. The designated authority within an organization should refer employees coping with gender-based violence to these community-based organizations, and should provide employee with information about available resources to help victims in their communities. Co-workers of victims should not take on the role of counselor, but instead should assist victims in locating those experts who are trained and skilled in providing the assistance a victim may need. Co-workers close to the victim may experience psychological distress as a secondary survivor, similar to the emotional trauma experienced by the victim.<sup>31</sup>

#### **v. Fair and Clear Work Performance Evaluations**

The proposed policy recognizes that in certain circumstances an employee's work performance may suffer as a result of gender-based violence. Victims of gender-based violence may have performance problems such as chronic absenteeism, reduced ability to concentrate or meet deadlines, and other performance deficiencies related to their experiences with abuse.

When disciplinary proceedings are being considered against an employee whose work may be suffering as a result of his or her situation as a victim of gender-based violence, the employer should ask the employee what steps might improve the situation. Managers should offer all reasonable accommodations to enable a victim to continue to perform his or her job while maintaining the safety of the workplace for all employees.<sup>32</sup>

All available options to resolve the performance problems (including referrals to any available employee assistance programs) should be exhausted before commencing disciplinary measures. The employer should be particularly careful not to take any

---

where appropriate. That type of transfer should be conducted in a reasonable time period regardless of open enrollment or other such restrictions.

<sup>31</sup> <http://www.pandys.org/articles/selfcareforsupporters.html> and <http://savacenter.org/services/direct-services/secondary-survivors/>

<sup>32</sup> For example, if an abuser is repeatedly calling an employee, causing distraction and distress, the employer may agree to change the employee's phone number. In other cases, an employer might agree to move a workstation or parking spot to prevent an abuser from stalking his target at work.

adverse action against an employee victim based on abuse against the employee that takes place at work or that otherwise disrupt the workplace.

In some circumstances, however, performance may decline despite an employer's reasonable efforts to accommodate any abuse-related concerns. Persistent performance problems may require adverse action, up to and including termination. As an intermediary step, an employee may be required to take an extended or unpaid leave. If an employee chooses to or is asked to resign, a manager should make every effort to inform the employee of possible benefits, such as unemployment insurance, and should fully participate in completing paperwork and taking other actions to facilitate the employee's eligibility for and receipt of benefits.

#### **vi. Protection and Restraining Order Policies**

In many jurisdictions, a victim of gender-based violence may seek or receive a court order of protection or a restraining order against an abuser. These orders raise important issues for workplaces to address.

Often a protective order may list the workplace as a place from which a perpetrator is excluded. When employers are aware of court orders of protection that identify the workplace, the organization should take reasonable steps to assist the employee with enforcement. It is critical that the employer's safety personnel carry out steps towards enforcement in consultation with the victim, who generally is the best judge of which steps will promote safety.<sup>33</sup>

In the event that an employer maintains a copy of an employee's protective order or takes steps to assist with prosecution, it should make reasonable efforts to protect the employee's confidentiality. The proposed policy recommends that the court order and other documents concerning the abuse be archived in a confidential file with limited access, separate from the employees' other personnel files.<sup>34</sup>

Employers should be aware that an employee may choose not to seek a protective order or other similar legal protection. Alternatively, an employee may have obtained a protective or similar order but may have decided not to disclose its existence to his or her employer for fear of being stigmatized by it or for other reasons of confidentiality. An

---

33. For example, an employer may cooperate with the prosecution of abusers who violate an order of protection to the extent allowed by law. In some situations, an employer may assist the employee in gathering necessary documentation from the workplace in order to support the employee's legal or safety efforts. An employer may provide assistance such as accessing e-mails or voice mail messages that demonstrate the abuser's actions if asked to do so, and if permissible under the applicable laws of the pertinent jurisdiction.

34. See section vii for additional information about confidentiality.

employee should not be penalized for making those choices, and should not be required to obtain an order of protection.

### **vii. Confidentiality**

Confidentiality should be of utmost concern when working with victims of gender-based violence at their workplaces. The victim may be very concerned about maintaining the confidentiality of his or her experience to ensure that the abuser does not learn about the disclosure and to guard against biases that are associated with abuse.

However, this concern may conflict with the employer's responsibility for maintaining the safety of the workplace and of all other employees. An employee's request for that information to be kept confidential may conflict with national law or with requests from police investigators. Managers should strive to maintain the confidentiality of employee information and should consult with counsel if they believe disclosure is required. The employee's experiences with gender-based violence should be kept confidential to the full extent permitted by law. Information related to gender-based violence against an employee should not be disclosed unless the employer determines that failure to disclose would put the workplace and/or other employees at risk of harm, if the employer is otherwise required by law to disclose the information, or if the employer deems it necessary to enforce a protection order or safety plan.

Wherever possible, the victim should be consulted about the disclosure of confidential information before disclosure is made, or should be otherwise informed of the disclosure as soon as possible. The disclosure of confidential information ideally should be as limited as possible, with only the minimum required information disclosed to those who have a legitimate need to know.

Confidentiality issues may further complicate the need for documentation, in which case the manager should refer to the policy's guidelines for confidentiality and may also consult human resources or legal personnel. Documentation of incidents of violence that occur in the workplace or that affect the workplace should be kept in a file separate from any personnel file and should be kept confidential to the extent permissible by law. The victim's managers may be informed about an incident if necessary to protect the safety of the victim or the victim's co-workers.

Nothing in this proposed policy should be interpreted as preventing the organization from complying with a subpoena or other legal requirements, investigating an act of violence that occurs within the workplace, informing managers who need to know about acts of gender-based violence that occur in the workplace, or discussing acts of gender-based violence as necessary to protect the safety of the employee's co-workers, consultants, contractors or others physically present in the workplace.

### **viii. Holding Employee Perpetrators Accountable**

Additional concerns arise when employees are perpetrators of violence. Perpetrator violence violates the UN employee code of conduct. The proposed policy contains procedures for disciplining employees who are perpetrators of gender-based violence, whether the violence occurs within or outside the UN workplace. The proposed policy also contains guidelines for requiring self-disclosure by a perpetrator and for conducting an investigation to determine whether an employee has been a perpetrator of gender-based violence.

The proposed policy explicitly prohibits employees from using any workplace resources (including but not limited to work time or workplace technology) to threaten, harass, intimidate, embarrass or otherwise perpetuate gender-based violence against another person, whether or not the victim is a UN employee. An employee may be subject to disciplinary action if such employee uses UN resources to commit an act or series of acts that constitute gender-based violence, commits such acts from the workplace or while on official UN business outside the workplace, or uses his or her UN authority in order to negatively affect victims or to cover up acts of gender-based violence. UN employees who possess a firearm or other weapon as a job-related requirement and are found to have committed gender-based violence may be required to surrender their firearms if the circumstances are found to warrant such action.

The policy provides that perpetrators of gender-based violence be held accountable by the UN organization. An allegation that an employee committed an act of gender-based violence should be subject to prompt investigation, with appropriate disciplinary action to follow, up to and including termination and loss of pension and other benefits. The UN organization may take action directly against the employee abuser, such as the filing of a criminal complaint or civil action, when the employee abuser's actions disrupt the workplace. However, in cases in which the victim also is an employee, the UN organization first should consult with the victimized employee to determine whether the organization's action is likely to increase risk to the victim. If such action against the employee abuser is likely to increase the risk of harm to the victim, then the organization should make reasonable efforts to address the victim's concerns while maintaining workplace safety.

The policy provides guidance to organizations when an employee discloses or is found to have committed an act of gender-based violence, whether within or outside the workplace. As a threshold matter, when a court issues a final ruling finding that the employee committed an act that constitutes gender-based violence, the employee must

inform his or her manager of this fact.<sup>35</sup> Failure to disclose the existence of such a final court order may result in disciplinary action, up to and including termination.

An employee who perpetrates gender-based violence may be subject to termination but such action should not occur until alternative sanctions are explored. The victim's viewpoint on termination of the perpetrator should be given consideration as well since terminating the perpetrator's employment often produces unintended consequences of financial distress or increased violence that affect the victim as well.<sup>36</sup>

#### **ix. Investigation Procedures**

If a manager suspects that an employee is a perpetrator of gender-based violence against a co-worker or a person outside the UN system, the proposed policy encourages the manager to investigate further.

In conducting any internal investigation or disciplinary action against an employee perpetrator of gender-based violence, the manager should be certain to consult with the employee victim (and where reasonably possible, with non-employee victims) and to consider the victim's preferences. The victim's concerns should be reasonably balanced with the need to maintain a safe workplace. Determinations about the best course of action must be made on a case-by-case basis.

This proposed policy on gender-based violence takes into consideration existing UN policies, with appropriate modifications for instances of stalking, interpersonal violence and other aspects relevant to gender-based violence. When perpetrators and victims are present in the same workplace, managers are encouraged to draw on the existing UN policies governing sexual harassment and assault or exploitation. Managers may employ the fact-finding investigation procedures described in the Secretary-General's bulletin on the prohibition of discrimination, sexual harassment and abuse of authority.<sup>37</sup>

#### **x. Awareness and Training**

Critical aspects of a comprehensive and effective workplace response include education, awareness and training about the ways gender-based violence impacts the workplace. Experts at the EGM agreed that procedures for conducting workplace awareness and for training key staff and personnel are vital. An institutional response should tap into the

---

35. An employee who carries a firearm as part of his or her job responsibilities should be required to notify his or her manager if he or she is subject to legal action as a perpetrator of gender-based violence.

36. For example, a victim may not want the perpetrator disciplined if the discipline would involve loss of the salary on which the victim and the victim's dependents are dependent.

37. Secretary-General's Bulletin on the Prohibition of Discrimination, Harassment, including Sexual Harassment, and Abuse of Authority, ST/SGB/2008/5 at §§5.15–5.17.



expertise of community resources wherever available and should identify and make available additional resources if these are not available locally.

All employees should be made aware of the existence of the policy on gender-based violence and the workplace and of its key components. If at all possible, education about the policy and any training in gender-based violence should be conducted in person, rather than through online or other virtual means. Managers and trainers should be made aware in advance that training sessions may trigger strong reactions from employees who may have experienced or perpetrated gender-based violence in the past or who are currently involved in a violent situation. Additional support from trained experts should be readily available for such situations.

The proposed policy strongly encourages the UN to incorporate continuous training and education for its staff. Training in recognizing and deterring gender-based violence should be incorporated into the educational requirements for advancement already implemented within the UN infrastructure.

Curriculum development for training may be carried out in collaboration with appropriate local service providers where available. Trainers are strongly encouraged to discuss the effects of violence on marginalized populations generally and in particular to ensure that the content of the training includes gender-based violence in same sex relationships. Part of the training should address proper response and reporting guidelines for employees who witness gender-based violence by or against a co-worker. A bystander intervention approach assumes that “everyone has a role to play in ending gender-based violence.” This form of training “uses a community of responsibility model to teach bystanders how to intervene safely and effectively in cases where gender-based violence may be occurring or where there may be risk.”<sup>38</sup>

Employees who suspect that acts of gender-based violence are being committed against a fellow employee are strongly encouraged to report their concerns to their manager, supervisor or a representative of the UN Focal Point for Women. In certain cases, it may be best to discuss their concerns with the suspected victim first, asking him or her what can be done to help. The resources available to all employees should include training on how to approach a perceived victim of gender-based violence to facilitate self-disclosure or safety planning, or to seek assistance from community-based resources where

---

<sup>38</sup> Information compiled from Prevention Innovations resources and the Facilitator’s Guide, *Bringing in the Bystander: A Prevention Workshop for Establishing a Community of Responsibility*© (Plante, Banyard, Moynihan & Eckstein, revised 2008). <http://cola.unh.edu/prevention-innovations/bystander-overview>

available. Because a victim is likely to self-censor and not disclose his or her status if he or she fears stigmatization, it is important for managers and other supervisory personnel to create an atmosphere in which employees feel safe disclosing abuse. Often a victim chooses not to disclose the abuse. The proposed policy encourages managers to provide support to victims of abuse but to not require a victim to disclose his or her status or to disseminate confidential information about the situation.

## **F. Conclusion**

By developing the proposed policy and convening an Expert Group Meeting, UN Women has reiterated its commitment to addressing and ending violence against women, in all its dimensions and everywhere it surfaces. This advances the UN-Women strategic plan, which makes eradicating violence against women one of its six thematic priorities. With the backdrop of the UN's commitment to eliminating violence against women and to giving voice to individual victims of gender-based violence, the EGM was convened and a proposed policy developed to enhance implementation of effective practices throughout the UN.

We are grateful to those experts, listed in Annex 1 to this report, who shared their expertise with the EGM, and to those advocates worldwide who are dedicated to identifying effective approaches to combat and eliminate gender-based violence in general, and who strive to eliminate the harmful effects of gender-based violence on the workplace, in particular.

## **Annex A. Background Paper: Gender-Based Violence and the Workplace Expert Group Meeting, 13-14 December 2011**

### **Introduction**

Gender-based violence, including domestic violence, sexual violence, stalking and other forms of family violence and abuse have long affected women's lives. The employment-related effects and costs of gender-based violence, whether it occurs in the workplace or outside of it, have gained greater recognition in recent years. Along with this awareness has come recognition of the need for proactive strategies to facilitate employees' safety at work and to reduce employers' economic losses associated with employees' experience with gender-based violence.

### **The Extent of the Problem**

Research on the prevalence of intimate partner violence alone reveals significant variations in findings owing to different methodologies, definitions, and geographical locations. According to the Family Violence Prevention Fund (now Futures Without Violence), one in every three women across the world has experienced sexual, physical, emotional or other abuse in her lifetime. The World Health Organization (WHO) conducted a study across ten developing countries and found that between 15 and 71 per cent of women had experienced physical or sexual partner violence in their lifetime, and between 4 and 54 per cent had experienced it during the last year.<sup>39</sup> UNiTE's review of country data and global surveys shows that up to 70 per cent of women experience violence in their lifetime and that the most common form of violence experienced by women is physical violence inflicted by an intimate partner.<sup>40</sup> The severity of this issue cannot be underestimated, with several global studies indicating that half of all women who die from homicide are killed by a current or former partner.<sup>41</sup> Further, the World Bank reported that women aged 15-44 are more at risk from rape and domestic violence than from cancer, car accidents, war or malaria.<sup>42</sup>

Although the vast majority of victims of intimate partner violence ("IPV") are women, studies reveal that men are subjected to abuse as well. Nevertheless the vast majority of victims (estimated at around 90%) are women and that the majority of

---

<sup>39</sup> WHO Multi-country Study on Women's Health and Domestic Violence Against Women (2005), available at [http://www.who.int/gender/violence/who\\_multicountry\\_study/en/](http://www.who.int/gender/violence/who_multicountry_study/en/)

<sup>40</sup> Violence Against Women: the Situation; UNiTE to End Violence Against Women (Nov. 2011) available at [http://endviolence.un.org/pdf/pressmaterials/unite\\_the\\_situation\\_en.pdf](http://endviolence.un.org/pdf/pressmaterials/unite_the_situation_en.pdf)

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

perpetrators are men. Importantly, the majority of research into violence and abuse against women only accounts for women of reproductive age, and in a workplace context it is essential to consider that many women over the age of 49 will also have experienced intimate partner violence or that inflicted by other members of the extended family. Crucially, no institution is immune from the effects of gender-based violence, largely because of its widespread and universal nature.

### **Why is this a Workplace Issue?**

Gender-based violence is universal, a means of unacceptably asserting power over another and cuts across race, class, sexual orientation, and economic status. Put simply, intimate partner violence and other forms of gender-based violence and abuse endanger an organization's most important asset – its employees. The violence can follow victims and perpetrators, resulting in incidents of abuse or harassment in the workplace, or its effects can impact the workplace through decreased productivity, increased absenteeism, health and safety risks, and increased healthcare costs for the employer. Therefore, it is essential that domestic violence be seen as a critical and preventable problem, and that it is given the attention given to many other workplace health and safety issues.

Research into the impact of IPV in the workplace is limited, and the majority of data relates to high-income, developed countries. However, these studies shed light on the nature of its impact and the role of employers in addressing this issue:

#### 1. The impact on employee performance and productivity:<sup>43</sup>

- 37% of women who experienced domestic violence reported that it had a negative impact on their job performance, including lateness, absenteeism, decreased job retention and career advancement;
- Women who had recently experienced domestic violence lost 26% more work time to absenteeism and lateness than non-victims;
- A quarter of the 1 million women who are stalked each year report absenteeism as a consequence, missing an average of 11 days;
- 41% of perpetrators of violence are found to have job performance issues and 48% reported having difficulty concentrating as a result of their abusive behaviors.

---

<sup>43</sup> The Impact of Domestic Violence on the Workplace, Pennsylvania Coalition Against Domestic Violence. Available at: [www.pcadv.org/Resources/Impact.pdf](http://www.pcadv.org/Resources/Impact.pdf); Domestic Violence in the Workplace, National Coalition Against Domestic Violence. Available at: [www.ncadv.org](http://www.ncadv.org).

## 2. The impact on employee health:<sup>44</sup>

- Women who experienced violence or abuse were significantly more likely to report being in ‘fair or poor’ health, and were almost twice as likely to be experiencing depression;
- In one study, 50% of corporate leaders reported that domestic violence impacts on their own organization’s insurance and medical costs;
- Women who have experienced intimate partner violence are more likely to have thoughts of suicide, and to have attempted suicide, than women who have not;
- Women who have been victims of intimate partner violence are less likely to access preventative and injury related healthcare than non-abused women;
- Many of the health effects of intimate partner violence can continue to affect survivors years after the abuse has ended.

## 3. The cost to the employer:<sup>45</sup>

- A US study estimates that in America alone, the annual cost of domestic violence owing to lost productivity is \$727.8 million, with almost 8 million paid work days lost each year;
- In a single case in which an employer was accused of failing to respond to an employee’s risk of domestic violence on the job, the liability cost to the employer totaled \$850,000;
- In America, the cost of intimate partner violence associated with direct medical and mental health services is \$4.1 billion, and a substantial proportion of this cost falls on the employers.

## 4. Awareness and response to the issue:<sup>46</sup>

---

<sup>44</sup> The Impact of Domestic Violence on the Workplace, Pennsylvania Coalition Against Domestic Violence. Available at: [www.pcadv.org/Resources/Impact.pdf](http://www.pcadv.org/Resources/Impact.pdf); Intimate Partner Violence and Healthy People 2010 Fact Sheet, Family Violence Prevention Fund. Available at: [WWW.ENDABUSE.ORG](http://WWW.ENDABUSE.ORG); WHO Multi-country Study on Women’s Health and Domestic Violence Against Women (2005).

<sup>45</sup> The Facts on the Workplace and Domestic Violence, Futures Without Violence. Available at: [http://www.futureswithoutviolence.org/userfiles/file/Children\\_and\\_Families/Workplace.pdf](http://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Workplace.pdf)

<sup>46</sup> Corporate Alliance to End Partner Violence, *Corporate Leaders and America’s Workforce on Domestic Violence*, available at <http://www.caepv.org/getinfo/docdetail.php?docID=549&catID=1>.

- 63% of corporate leaders identified domestic violence as a major social issue, and 91% of senior corporate executives think that domestic violence affects both the private and working lives of their employees;
- 58% of CEO's were aware of employees that had experienced domestic violence;
- Conversely, only 13% of corporate leaders thought that corporations should play a significant role in addressing domestic violence;
- In the US, over 70% of workplaces have no program or policy to address workplace violence, and only 4% train employees on the impact of domestic violence in the workplace.

Gender-based violence contributes to sex discrimination at work and diminishes women's participation and advancement in the workplace.<sup>47</sup> Gender bias, whether subtle or overt, combined with an employers' discomfort or lack of experience with issues of violence, can exacerbate the negative effects of violence on an employee. Women continue to be terminated, denied positions, and subjected to other adverse job actions because of their experiences with domestic or sexual violence.<sup>48</sup> Although the studies undoubtedly underestimate the prevalence of abuse, due to the fact that it often goes unreported, it is certain that a large number of UN employees face violence in and outside of the workplace on a daily basis.

### **The Role of UN Women**

Fully cognizant of the universality of the prevalence of violence against women this area constitutes one of its five strategic foci. In this context, UN Women facilitate the development of a potential policy response to the issue that focuses on the workplace

---

<sup>47</sup> See, e.g., CEDAW Gen. Rec. No. 19, ¶ 1 (violence against women, including domestic violence, is a form of discrimination); see also Declaration on the Elimination of Violence Against Women, G.A. Res. 104, U.N. GAOR, 48th Sess., U.N. Doc. 1/49/104 (1993) (“[V]iolence against women is an obstacle to the achievement of equality . . . constitutes a violation of the rights and fundamental freedoms of women . . . [and] is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men . . .”), [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/A.RES.48.104.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/A.RES.48.104.En?Opendocument). See also, G.A. Res. 63/155.

<sup>48</sup> Gender Violence and Work: Reckoning with the Boundaries of Sex Discrimination Law, Julie Goldscheid, 18 Columbia Journal of Gender and Law 61 (2008)

ramifications of abuse. It is hoped that the policy will serve as a basis for consideration and adoption by entities of the UN System of an appropriate policy on gender based violence and the workplace. The policy informed by good practice, seeks to establish a framework to address the issue and to promote a workplace culture which is adequately informed, responsive and supportive. It would be expected to provide substantive and procedural clarity on the institution's position, and outline the measures an organization may take to address situations involving gender-based violence.

## **Model policy**

The Expert Group Meeting will draw on the expertise and experience of participants especially in the context of a review and discussion of a potential model policy. Some key elements of the policy include fair procedures for assisting survivors and holding perpetrators accountable and effective practices to enhance awareness and advance the rights and safety of all personnel.

### a. Assisting survivors

Effective policies include provisions that: prohibit discrimination and retaliation; recognize employees' need for time off to secure medical assistance, legal assistance, counseling, or to attend to other matters related to the violence, such as court proceedings, relocation, or safety planning for the victim and family members; accommodate temporary work performance difficulties; and assist the employee to enforce a protective order when possible.<sup>49</sup>

The policy should recognize the importance of safety and security precautions and that victims should be referred to domestic or sexual violence service providers who are in the best position to provide counseling and support. An effective policy should encourage easy access to information and resources, and should provide that all discussions should be kept confidential to the extent possible under governing law.

### b. Holding perpetrators accountable

With the goal of addressing gender-based violence, an effective policy also spells out procedures for disciplining employees who perpetrate gender-based violence, whether

---

<sup>49</sup> See e.g., NYS Office for the Prevention of Domestic Violence, <http://www.opdv.state.ny.us/professionals/workplace/privatepolicy.html>; Workplaces Respond to Domestic and Sexual Violence at <http://www.workplacesrespond.org/>, Corporate Alliance to End Partner Violence <http://www.caepv.org/getinfo/docdetail.php?docID=167&catID=5>, Safe at Work Coalition, <http://www.safeatworkcoalition.org/workplacepolicy/guidelines.htm>.

within or outside the UN workplace. The policy should make provisions for how to respond when a member of staff discloses or is found to have committed an act of gender-based violence. Following other similar policies, the draft policy provides that a staff member who is subject to a permanent protection or restraining order, or who has been criminally convicted of an act of gender-based violence is required to disclose this fact if it would interfere with the employee's ability to perform his or her job or otherwise impact another United Nations staff member, the workplace and/or the institution.

Allegations that an employee committed an act of gender-based violence shall be subject to an investigation and perpetrators will be subject to appropriate disciplinary action, up to and including termination. The policy explicitly prohibits staff members from using any workplace resources, including work time, to threaten, harass, intimidate, embarrass or otherwise harm another person whether or not that person is a member of the UN staff.

c. Training, education and prevention

Education and awareness and training are critical aspects of a comprehensive and effective workplace response. As such the policy would include procedures for conducting workplace awareness programs and for training key staff and personnel. A bystander intervention approach assumes that "everyone has a role to play in ending gender-based violence." This form of training "uses a community of responsibility model to teach bystanders how to intervene safely and effectively in cases where gender-based violence may be occurring or where there may be risk."<sup>50</sup>

## **Conclusion**

Addressing the workplace needs of survivors of violence and acting to prevent perpetrators from violent actions are critical elements for strengthening a workforce, and are essential economic and human rights imperatives. The UN's sustained commitment to eradicating violence and improving opportunities and conditions for women worldwide comports well with creating a strong response that opposes gender-based violence in all lives. An institutional policy that addresses the workplace effects of gender-based violence constitutes a critical dimension to advancing this goal.

---

<sup>50</sup> Information compiled from Prevention Innovations resources and the Facilitator's Guide, Bringing in the Bystander: A Prevention Workshop for Establishing a Community of Responsibility© (Plante, Banyard, Moynihan & Eckstein, revised 2008). <http://cola.unh.edu/prevention-innovations/bystander-overview>



## **Annex B. Programme Agenda**

### **UN Women**

#### **Expert Group Meeting on Gender-Based Violence and the Workplace, December 13-14, 2011**

##### **December 13, 2011**

9:00 am	Registration and Coffee
9:15 – 9:30 am	Opening Remarks  Ms. Lakshmi Puri - UN Women Deputy Executive Director and Assistant Secretary-General
9:30 – 10:00 am	Introductions
10.00 – 10.30 am	Overview Presentations  Existing Policy and Elements of Proposed Policy
10.30 – 10.45 am	Break
10:45 – 12:15 pm	Definitions and Scope of the Policy - Discussion
12:15 pm - 12.30	Lunch Break

12: 30 – 2:15	Essential Elements of Policy  (Non-Discrimination and Retaliation, Work Performance, Leave, Protective Orders)
2:15- 2:30pm	Break
2:30 – 4:00 pm	Accountability and Safety  (Perpetrator accountability, Survivor Safety, Reporting)
4:00 – 4:15 pm	Break
4:15 – 5:00 pm	Preventive Measures  (Awareness and training; Institutional and Community Resources)
5:00 – 5:30 pm	Wrap up & questions for follow-up

**December 14, 2011**

9.00 - 9:30 am	Program starts and Coffee
9:30 – 10:30 am	Overcoming Barriers to Implementation
10:30 – 10:45am	Break

10:45 – 12:00pm

Implementation of policy – Good Practice  
(Procedural, Resources, Education)

Noon – 1:30 pm

promulgated)

Promulgation of Policy (Working Lunch)  
(Strategies for Institutional Support – to get policy

1:30 – 2:00 pm

Closing

## **Annex C. List of Participants**

### **Consultant:**

**Ms. Julie Goldscheid**  
Professor, CUNY School of Law

**Ms. Julie Kaye**  
Independent consultant

### **Experts**

**Ms. Mary Rothwell Davis**  
Volunteer Appellate Counsel  
Sanctuary for Families' Center for Battered Women's Legal Services

**Ms. Joan Faxon**  
NYS Office for the Prevention of Domestic Violence

**Ms. Sally Goldfarb**  
Professor, Rutgers Law School, NJ

**Ms. Elizabeth Grayer**  
President, Legal Momentum

**Ms. Deborah Jamieson**  
EDV Global Foundation, UK

**Ms. Anya Lakner**  
National Training and Policy Attorney, ABA Commission on Domestic & Sexual  
Violence

**Ms. Deborah Mcilveen**  
Policy and Services Manager  
Women's Aid Development House, London

**Ms. Melissa Morbeck**  
Executive Director, Comic Relief- Charity Projects, UK

**Ms. Sylvie Motz**  
**Director of Commercial Service at Practical Law**  
Commercial group at the Practical Law Company (Thomson Reuters)

**Ms. Rachel Natelson**  
Legal Director  
Service Women's Action Network (SWAN)

**Ms. Maya Raghu**  
Policy and Program Attorney  
Futures without Violence

**Ms. KC Wagner**  
Director, Workplace Issues  
Cornell University

**Observers**

**Ms. Danielle Koster**  
Gender Focal Point, OHRM/CSPMS  
UN Secretariat

**Ms. Dubravka Marijanovic-Prolic**  
Gender Focal Point, DFS/LSD/SSS/ES

**Ms. Hawa M. Diallo**  
Gender Focal Point, UN Habitat

**Ms. Linda Anderson**  
Staff Counsellor, UNICEF

**Ms. Rachel Lagunas**  
Senior Advisor for Gender and Institutional Development, UNDP

**Ms. Sarah Wilson Hou**  
Gender Issues, UNFPA

**Ms. Serina Choo**  
UNFPA

**Ms. Susana Fried**  
Cluster Leader (a.i.): Mainstreaming, Gender and the MDGs and Senior Gender Advisor  
UNDP

**Ms. Thomas Gerstenecker**  
Security  
UN Women

**UN Women**

**Ms. Lakshmi Puri**  
Dy. Executive Director and Assistant Secretary General

**Mr. Moez Doraid**  
Director, Coordination Division

**Ms. Aparna MEHROTRA**  
Senior Advisor on Coordination and  
Focal Point for Women in the UN system (Convener/Organizer of EGM)

**Ms. Marilyn DAWSON**  
Social Affairs Officer

**Ms. Cynthia Gale**  
Coordination Division, UN Women

**Ms. Eugenia Jenny Dalalaki**  
HR Learning, Programme and Wellness  
UN Women

**Ms. Sunita Camiha**  
EVAW, UN Women

**Ms. Lara Fergus**  
EVAW, UN Women

**Ms. Maria Jose Alcalá**  
EVAW, UN Women

## **Annex D. Proposed Policy on Gender-based Violence and the Workplace**

### ***Draft*** **Organization's Bulletin**

The Secretary-General, for the purpose of preventing and addressing cases of Gender-based Violence (as defined in Section 1.4 hereof) in any form, whether as an act of workplace violence or as occurs in any employee's personal life, promulgates the following policy (the **Policy**). Gender-based Violence, including domestic violence, sexual assault and stalking, jeopardizes the lives and safety of countless people worldwide. It ranges from offensive or threatening language to homicide, and often results in serious injuries, disability or death. Regardless of where it occurs, Gender-based Violence violates its victims' human rights. When it impacts the workplace, it compromises the safety of both the victim and the victim's co-workers and can result in lost productivity, increased health care costs and increased employee turnover. The Secretary-General is committed to full compliance with all applicable laws governing Gender-based Violence, to providing a workplace in which employees who are victims have the support they need at work to address the violence in their lives, and to promoting the health and safety of all United Nation's employees. The Secretary-General therefore promulgates the following:

### **Section 1** **Definitions**

For the purpose of this Policy, the following terms are defined as follows:

- 1.0. **Abuser** means a person who perpetrates Gender-based Violence.
- 1.1. **Domestic Violence** can be committed between people regardless of race, sex, gender identity, sexual orientation, economic status, educational level or religious belief, whether they are living together or separately, are married or unmarried, or in short-term or long-term relationships. It includes, but is not limited to, physical,

sexual and psychological violence occurring among Family Members or between Intimate Partners, including battering, sexual or physical abuse of children, dowry-related violence, marital rape, female genital mutilation and other practices harmful to women, economic coercion, violence related to exploitation, or other forms of physical, sexual, psychological or economic abuse.

- 1.2. **Employees** applies to individuals employed on a permanent or temporary basis, paid or unpaid, all personnel of the United Nations and all staff of separately administered organs and programs of the United Nations, including but not limited to, volunteers, interns, contractors and peace-keeping personnel.
- 1.3. **Family Members** includes, but is not limited to, members of the Victim's extended family, by blood or marriage, including the Victim's parents, children, dependents, aunts, uncles, cousins, parents-in-law, siblings, spouses and children, and other members of a shared household.
- 1.4. **Gender-based Violence** means:
  - (a) Physical, psychological, mental, economic or sexual harm or suffering, coercion and other deprivations of liberty (including incidents of Domestic Violence, sexual violence, dating violence, and stalking, but not including acts of self-defense) that are directed against a person based on gender and committed, attempted or threatened (i) by or against Employees, and/or (ii) against Employees' families or property; and
  - (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, stalking, trafficking in women, forced prostitution, and sexual harassment or intimidation at work, educational institutions and elsewhere.
- 1.5. **Intimate Partners** mean (i) persons legally married to one another, (ii) persons formerly married to one another, (iii) persons who have a child in common,



- regardless of whether such persons are married or have lived together at any time, (iv) couples who live together or have lived together, or (v) persons who are dating or who have dated in the past. The definition of Intimate Partners includes same sex couples.
- 1.6. **Organization** is the United Nations entity adopting the Policy.
  - 1.7. **Policy** has the definition set forth in the first paragraph of this document.
  - 1.8. **Protection Order** means an order of protection, restraining order or other court order in response to Gender-based Violence, which serves as a mechanism through which a Victim can petition a national or other appropriate court or tribunal for protection from an Abuser, to establish custody and visitation guidelines for a child or children, or to establish forms of economic security (such as rent or mortgage payments). Protection Orders may also be issued in criminal cases as a condition of probation or release, particularly in a crime involving Domestic Violence, sexual violence, dating violence or stalking.
  - 1.9. **Safety Plan** has the meaning set forth in Section 1.10.
  - 1.10. **Safety Planning** means the process through which a representative of the Organization works with a Victim to facilitate development of a safety and support plan (**Safety Plan**) designed to reduce the risk of Gender-based Violence to the Victim and ensure the safety of the Victim's co-workers.
  - 1.11. **Victim** means an Employee against whom an Abuser directs Gender-based Violence.

## **Section 2**

### **Scope of Application**

- 2.0 The Policy shall apply to all Employees.

### **Section 3 Non-Discriminatory and Responsive Policies to Assist Victims of Gender-Based Violence**

#### **3.0 Non-discrimination and Non-retaliation**

The Organization shall not discriminate in hiring, staffing or other terms and conditions of employment against any person (i) for disclosing his or her status as a victim of Gender-based Violence, (ii) because such person is perceived as a victim of Gender-based Violence, or (iii) because such person has submitted a complaint or disclosed concerns about Gender-based Violence to the Organization.

The Organization shall not retaliate or take punitive employment actions against any Employee for submitting a complaint pursuant to this Policy, for disclosing his or her status as a Victim, or for acts of Gender-based Violence against such Employee that occur in or have an impact on the workplace. This Section shall not preclude the Organization from taking adverse action against an Employee (i) who perpetrates Gender-based Violence (whether within or outside the workplace), or (ii) for performance-related concerns, as provided in Section 3.4 below.

#### **3.1 Safety Planning**

The Organization will make every reasonable effort to collaborate with a Victim to develop a Safety Plan. The Safety Plan should recognize and encourage workplace modifications designed to reduce the risk of harm and increase security measures. Such security measures may include making the Abuser's identity known to security personnel, changing locks, modifying work schedules, changing workplace locations, arranging telecommuting options or other measures tailored to an individual's circumstances that are designed to increase safety. The Organization also may convene a multi-disciplinary task force with representatives from relevant departments within the Organization, including human resources and security, to be prepared to respond in the event of an emergency.

The Organization will make reasonable efforts to assist the Victim in enforcing his or her Protection Order within the workplace, to the extent feasible and applicable. In all

instances, when assessing safety risks associated with Gender-based Violence, the Organization will defer, whenever reasonably possible, to the Victim's judgment about steps that pose a safety risk to the Victim and the Victim's workplace, and those that increase safety and support for the Victim and the workplace.

### 3.2 Leave and Other Workplace Policies

The Organization recognizes that Employees may need time off to secure medical assistance, legal assistance, counseling or to attend to other matters related to the Gender-based Violence for themselves or for a Family Member, such as court proceedings, relocation or Safety Planning. The Organization will make every reasonable effort to assist an Employee in maintaining employment when the Employee is experiencing or has experienced Gender-based Violence or is assisting a Family Member who has experienced Gender-based Violence.

The Organization will work to provide reasonable and flexible leave options when an Employee, or a child, spouse, parent or parent-in-law of an Employee is a victim of Gender-based Violence. The Organization will make every reasonable effort to first provide paid leave before requiring an Employee to utilize unpaid leave. When the need for time off is foreseeable, an Employee must provide reasonable advance notice to the Organization unless advance notice is not feasible. To request leave, an Employee should contact the Organization's Domestic Violence designee or other designated authority.

### 3.3 Resources

The Organization will, to the best of its ability, make available a list of community-based resources for Victims, and will make every reasonable effort to refer Victims to appropriate specialists who can offer assistance with respect to Safety Planning, counseling, and advice in identifying legal and other options.

### 3.4 Work Performance

The Organization recognizes that Victims may experience temporary difficulty fulfilling job responsibilities. If the Organization becomes aware that an Employee's work

performance or conduct has been negatively affected by Gender-based Violence, the Organization will offer support to the Victim and cooperate with the Victim to address the issues, which may include the development of a Safety Plan. The Organization will make all reasonable efforts to consider all aspects of the Victim's situation in evaluating performance issues, which may result from the Victim's experience with Gender-based Violence. If reasonable attempts to resolve the Victim's performance-related issues are unsuccessful, the Organization may take action as identified in the established human resources procedures of the Organization.

### 3.5 Protection Orders

The Organization recognizes that a Victim may seek and/or be granted a Protection Order as part of his or her efforts to seek safety, and that this Protection Order may be part of his or her Safety Plan. The Organization recognizes that the workplace may or may not be included on a Protection Order as a location that is off-limits to the Abuser. If a Victim chooses to disclose the existence of such a Protection Order to the Organization, the Organization may, to the extent possible, assist the Victim in enforcing his or her Protection Order. The Organization shall archive its copy of the Protection Order in a confidential and separate file from the Victim's personnel file, in conformance with Section 3.6 below. If applicable, the Organization may assist the Victim in gathering documentation from the workplace, such as e-mails or voice messages, which could support the Victim's efforts in a justice system or otherwise in obtaining or maintaining safety.

### 3.6 Confidentiality

Information related to an Employee being a Victim should be kept confidential to the extent permissible by law and organizational policy. Such information should be kept in a confidential and separate file from the Employee's personnel file. This information should not be divulged without the consent of the Victim unless the Organization reasonably determines that maintaining the Victim's confidentiality puts the Victim or other Employees at risk of physical harm, is required by law, is deemed necessary to enforce a Protection Order or a Safety Plan, or is necessary for the administration of the Organization. The information should be released to other individuals or departments only on a need-to-know basis, to the extent reasonably necessary to protect the safety of

the Victim or others, and with advance notice being given to the Victim whenever possible.

#### **Section 4**

#### **Accountability for Employees Concerned about Violence and Employees Who Are Offenders**

##### 4.0 Employee Alert of Potential Acts of Gender-based Violence

In the event Employees suspect or witness acts of Gender-based Violence in the workplace, or suspect or witness Gender-based Violence being perpetrated either against an Employee or by an Employee, they should first talk to the perceived victim, express concern and ask what can be done to help; they should alert the perceived victim that they will disclose the concern to a supervisor, and then should report the concern to an appropriate supervisor.

##### 4.1 Non-retaliation for Reporting Gender-based Violence

The Organization shall not retaliate against, terminate or discipline any Employee for reporting good faith concerns about workplace-related incidents of Gender-based Violence pursuant to this Policy, including an allegation that the act was perpetrated by a fellow Employee or person in a management capacity. Prohibited acts of retaliation include, but are not limited to, demotion or withholding of earned pay, as well as acts of personal retaliation. Any Employee who believes he or she has been subjected to adverse action for making a report pursuant to this Policy should contact the designated authority within the Organization. Any allegations of violations of this Policy will be promptly investigated by such designated authority.

##### 4.2 Prohibited Use of Workplace Resources

Employees are prohibited from using any workplace resources, such as work time, phones, e-mail, computers, fax machines or other means to threaten, harass, intimidate, embarrass or otherwise harm another person. An Employee is considered to be in the workplace while in, or utilizing the resources of the Organization, including but not limited to facilities, work sites, equipment, or vehicles, or while on work-related travel.

#### 4.3 Disclosure of Final Court Orders and Gender-based Violence

An Employee who is subject to a final court order, or who has been convicted in a criminal or civil action as a result of a threat or act of Gender-based Violence, must disclose the existence of the final court order to his or her supervisor or other appropriate person within the Organization. Failure to disclose the existence of such a final court order in these circumstances may result in disciplinary action, up to and including termination. If a supervisor becomes aware (through Employee self-disclosure, reports by a third party or any other means) that an Employee may have committed an act of Gender-based Violence, the supervisor shall conduct, or refer the matter to the designated authority within the Organization to conduct, appropriate investigations, interventions and referrals. The supervisor or designated authority shall investigate immediately and shall take disciplinary action, up to and including termination, against any Employee who threatens to commit, who commits or has committed incidents of Gender-based Violence. In the event an Employee discloses to a supervisor within the Organization that he or she has committed an act of Gender-based Violence, the Organization will make best efforts to take more reasonable disciplinary actions and to provide appropriate references (medical or otherwise, as appropriate) to assist the Employee.

#### 4.4 Applicability of Bulletin on Prohibition of Discrimination, Harassment and Abuse of Power

The procedures set out in Section 5, Corrective Measures, of the Secretary-General's Bulletin on Prohibition of Discrimination, Harassment and Abuse of Power, including Sexual Harassment will apply to the extent possible.

### **Section 5 Preventive Measures**

#### 5.0 Awareness Programs

The Organization shall conduct regular and mandatory awareness programs for all Employees to raise awareness of the ways Gender-based Violence may impact the workplace, for all Employees to take all reasonable measures to create a harmonious working environment, which is free from intimidation, hostility, offense and any form of

violence, and to encourage Victims to seek assistance in negotiating abuse through Safety Planning. Training will include information on the physical, social and cultural realities that may affect Victims of Gender-based Violence; the ways in which such violence impacts the workplace, including the potential impact on worker productivity and safety risks; and the steps that all Employees can take to reduce the risk of violence and to support Victims.

#### 5.1 Management Training

Other programs will be offered, including targeted training for managers and supervisors, completion of which will be a requirement for advancement to successive levels of responsibility.

#### 5.2 Provision of Policy and Training to All Employees

The Head of the Organization, Department, Office or Mission shall ensure that all Employees for whom they are responsible are provided with a copy of this Policy and shall ensure receipt of a signed acknowledgement from all recipients. Such acknowledging receipt shall be placed in the recipient's official status file. The Head of the Organization, Department, Office or Mission shall also ensure that his or her Employees undertake the required training outlined in Section 5.0.

#### 5.3 Familiarization with Policy

Employees are responsible for familiarizing themselves with the Policy and with the various options and internal channels available for addressing such conduct. Employees are also reminded of the policy introduced by ST/SGB/2005/21 on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations.

#### 5.4 Emergency Contact

In an event of imminent threat of Gender-based Violence, Employees should contact \_\_\_\_\_. [This section will spell out the members of a multi-disciplinary rapid response team in the Organization that will be trained to respond in the event of an emergency.]

## **Section 6**

### **Duties of Heads of Organizations, Departments, Offices and Missions**

#### 6.0 Duty to Create Appropriate Environment

The Head of the Organization, Department, Office or Mission, as appropriate, shall be responsible for creating and maintaining an environment that prevents Gender-based Violence and shall take appropriate measures for this purpose. In particular and in conformance with Section 5.2 of this Policy, the Head of the Organization, Department, Office or Mission shall inform his or her Employees of the contents of the Policy and ascertain that each Employee receives a copy thereof. In order to resolve problems related to instances of Gender-based Violence, managers and supervisors shall maintain open channels of communication and ensure that Employees who wish to raise their concerns in good faith can do so freely and without fear of adverse consequences.

#### 6.1 Duty of Action for Policy Violations

The Head of the Organization, Department, Office or Mission, as appropriate, shall be responsible for taking appropriate action in cases in which there is reason to believe that any of the standards listed in this Policy have been violated or any prohibited behavior has occurred.

#### 6.2 Duty to Report Investigations of Gender-based Violence

The Head of the Organization, Department, Office or Mission, as appropriate, shall promptly inform the appropriate designated authorities about investigations into cases of Gender-based Violence, and of the action taken as a result of such investigations. Failure to take action may be considered a breach of duty and result in administrative action and/or disciplinary proceedings.

## **Section 7**

### **Referral to National Authorities**

7.0 If, after proper investigation, there is evidence to support allegations of Gender-based Violence, these cases may, upon consultation with the Office of Legal Affairs, be referred to national authorities for criminal prosecution.



**Section 8**  
**Entry into Force**

8.0 The Policy shall enter into force on \_\_\_\_\_.

## **Annex E. Other Relevant Policies – Sexual Harassment and Sexual Exploitation Code of Conduct**

ST/SGB/2008/5

11 February 2008

Secretary-General's Bulletin

Prohibition of discrimination, harassment, including sexual harassment, and abuse of authority

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/238/36/PDF/N0823836.pdf?OpenElement>

ST/IC/2004/4

23 January 2004

Information Circular

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/206/44/PDF/N0420644.pdf?OpenElement>

ST/SGB/2003/13

9 October 2003

Secretary-General's Bulletin

Special measures for protection from sexual exploitation and sexual abuse

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N03/550/40/PDF/N0355040.pdf?OpenElement>