







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:

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## **PART TWO: 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.

### **I. 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>1</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

issues, challenges and opportunities, and provides a firm basis for action by Governments and other stakeholders at all levels.

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.

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

The proposed policy would operate in concert with existing UN policies6j ET Q qu.2(ni) g Uiniith e3 29

policies or procedures governing employee conduct but rather provides additional guidance and proposed practices to address the particular challenges that the workplace effects of gender-based violence present throughout the UN system.

### **III. 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





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>6</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>7</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>8</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. By using such tactics to deliberately interfere with the victim's ability to go to work or to

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6. Callie Marie Rennison, *Domestic Violence and the Workplace: The Explosion of State Legislation and the Need for a Comprehensive Strategy*, 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," 35 (2008):

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. Women are almost three times as likely to be stalked as are men.<sup>9</sup>

An employee who is a perpetrator of violence also may experience defec [ (m) 50 1 Tf [ (m) 50 1 Tf [T

been estimated to total more than \$8.3 billion in 2003 dollars.<sup>12</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>13</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>14</sup>

Data demonstrate similarly high workplace costs of gender-based violence outside the



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 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



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>19</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 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>20</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 V.viii. below, Holding Employee Perpetrators Accountable).

Local resources, whether NGOs or government-



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>24</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>25</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

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

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>28</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>29</sup>

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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.

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>30</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



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.

## **VII. Appendix**

- a. Program agenda
- b. List of participants (with brief biographies)
- c. Proposed Policy on Gender-based Violence and the Workplace
- d. Other Relevant Policies – Sexual Harassment and Sexual Exploitation, Code of Conduct