



مركز الدراسات النسوية
Women's Studies Centre

Best Practices and Mechanisms Manual for the prevention, treatment and elimination of gender-based violence against women in the World of Work



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Table of Contents

Table of Contents	2
Part I: Introduction to the Manual	4
What is this manual?	5
Why this manual?	6
Who is this manual for?	7
Part II: Legislative Best Practices to Combat Gender-Based Violence against Women in the World of Work	8
Legislative treatment of gender-based violence in the world of work	10
2.1. Legal Prohibition of Violence and Harassment	10
2.2. Definition of Violence, GBV, and Harassment	11
2.3. Ensuring the provision of remedies and support to victims, such as assessing the effects of psychological suffering on victims	12
2.4. Considering the functional authority as one of the reasons for aggravating the punishment of the offender.	13
2.5. The offender is subject to rehabilitation and training.	13
2.6. Reversing the burden of proof of harassment on the employer	14
Part III: Best Practices Regarding Employers' Obligations to Combat GBV against Women in the World of Work	15
3.1. Strengthen the organization's leadership culture and create a positive organizational culture that encourages reporting of violence in the world of work	17
3.2. Adhere to the principles of assessment, prevention, monitoring and response to GBV in the world of work	18
3.3. Develop and disseminate policies and codes of conduct	18
3.3.1. Defining the world of work and the settings to which the Code applies.	18
3.3.2. International and Decent Work Standard for Defining a Worker	19
3.3.3. Defining the term GBV and what it includes, with specific examples of behavior	19
3.3.4. Determining penalties and disciplinary measures for violation of the Code of Conduct.	20
3.3.5. Providing policies and codes of conduct for all employees.	21

3.4. Establishment of grievance mechanisms and investigation procedures that enable reporting of GBV against women in a safe and confidential manner	21
3.4.1. Grievance mechanisms for employees and grievance mechanisms for service users and community members	22
3.4.2. Publish the information and always make it readily available	23
3.5.5. Designate a qualified person to lead the organization's response	24
3.5.1. A GBV focal point must be identified within the organization/company	24
3.5.2. Distribution of Information on Victims' Rights	25
3.5.3. Having a trained lead person on how to respond to reporting GBV	25
3.6.6. Providing training and raising awareness among workers and service users	26
3.6.1. Establish partnerships with stakeholders who can provide support for gender-based violence	26
3.6.2. Providing training programs for male and female workers	26
3.7. 7. Trade union response to gender-based violence in the world of work	27
Part IV: Best practices for supporting women who report sexual harassment in the world of work	28
1. Provide access to online support options	29
2. Focus on Survivors	29
3. Provide levels of support for women	30
Sources and references	31

Table of Contents



Part I

Introduction to the Manual

Gender-based violence against women in the working world, including sexual harassment, is an issue that affects all sectors of the workforce, including government, non-profit, international aid, educational, and private business sectors. The International Labor Organization (ILO, 2014) conducted a survey in 2014 on a sample of 981 women in the occupied Palestinian territories working in paid and unpaid jobs in various employment sectors. The study focused on three main types of violence: sexual harassment, undesired sexual attention, sexual coercion. According to this study, 22.8% reported that they experienced some form of violence during the past 12 months.

Although sexual harassment inflicts the greatest harm on its victims, there are still business enterprises that incur costs involved in tolerating this phenomenon and the absence of effective preventive, investigative and remedial measures. For instance, sexual harassment undermines equality in the working world by questioning the safety of the individual and the welfare of workers; it harms the organization by weakening the foundations on which labor relationships are built and thus lowers productivity. This happens due to the tensions increase in the labor world, which may hinder teamwork, collaboration, and work performance, which will eventually lead to increased absenteeism and lower productivity.

While the occurrence of cases of harassment, exploitation, and sexual assault in the workplace limits the professionalism of the organization in general, and affects the staff morale and productivity, reducing sexual harassment in the working world will benefit the business, improve the reputation of the organization/ company, and reduce legal, financial and reputational risks. Hence the idea of this guide, which aims to provide both civil society and private sector institutions and companies with a framework of best practices to prevent and respond to sexual harassment in the working world.

What is this manual?

This is a guide to international, regional and local best practices for preventing gender-based violence against women and sexual harassment in the working world. The manual provides an understanding of what gender-based violence against women is, the different forms it can take, its root causes and the circumstances in which it can occur, in addition to clarifying the negative effects that gender-based violence against women can have on the welfare of male and female workers, community members and service users, as well as the indirect impact on companies and investors that might take place.

The manual also presents guidelines which need to be supported with all efforts made by companies and investors to assess, prevent, monitor and respond to gender-based violence against women safely and effectively. Furthermore, it explains how operations, projects and investments could be screened for GBV risks, and how to assess the organization/company's capacity and resources to prevent and respond to GBV and deduce when to seek expert support.

Why this manual?

Whilst sexual assault and rape are the most recognized forms of violence against women, sexual harassment is also a form of gender-based violence. The International Convention on the Elimination of Violence and Harassment in the World of Work (No. 190) recognizes that violence and harassment in the world of work are a violation of human rights, are unacceptable and incompatible with decent work, and threaten equal opportunities. The convention stresses the importance of promoting a “zero tolerance” for violence and harassment within decent work standards. It also perceives gender-based violence against women, discrimination, and unequal power relations as forms of violence in the world of work that should be eliminated.

Second: Impact on corporate and commercial enterprises

- Sexual harassment in the world of work may lead to victims of harassment taking legal action against companies and seeking compensation. Companies may also be exposed to unforeseen costs through litigation, loss of trust between investors and partners, damaged relationships with local communities and service users, increased absenteeism among workers, difficulty in securing workers for shifts, decrease in health and safety levels, difficulty in hiring new employees and upgrading current employees, as well as the increase of employee turnover (Neville, Salam, Naidu, & Fraser).
- The GBV physical and mental health impact on individuals can lead to poor performance at work as well as the increasing of absenteeism from work for the following reasons: to recover from injury, attend medical appointments, or avoid someone bothering them in work or in their commute. A worker experiencing GBV may also be distracted by pain or emotional distress, which can affect his/her focus and reduce the quality of work. Both aforementioned factors can reduce the productivity of the company.
- If sexual harassment remains widespread or unacknowledged, victims may be so traumatized that they leave their jobs. In such cases, the business is likely to lose valuable workers to be replaced, thus incurring unnecessary costs in recruiting and training others.

Third: Impact on the society

- A woman who is a victim of sexual harassment is subjected to pressure, humiliation or hostility that her male colleagues do not have to tolerate. Sexual harassment undermines the inherent human dignity of its victims, as it aims to humiliate the victim, even if the act itself is not of a sexual nature (ILO, 2014).
- In the work context, working women who are subjected to sexual harassment are deprived of their right to a safe and secure work environment. This may affect their productivity levels, which may lead to their dismissal, and thus deprive them of the right to work and subsistence. Since all rights are interrelated, this situation will also result in other rights being similarly infringed.
- Sexual harassment perpetuates inequality between men and women, deepening the gap between genders as well as enhancing dominance and dependence relationships.

Who is this manual for?

There is a growing recognition that employers in the private and civil society sectors need to better understand the circumstances in which GBV can occur in the working world, and proactively address it, aiming at preventing the physical, sexual, emotional and financial harm caused by GBV against women in the world of work as well as the financial, legal and reputational risks it poses to companies and investors.

This manual proposes guidance for private sector companies to address sexual harassment in the world of work and is a step forward towards providing the latter with practical tools to address the issue. This manual can be used by any organization/company, including civil society organizations and/or private sector companies, and/or those interested in designing a program to address sexual harassment, exploitation and abuse in their workplace.



Part II

Legislative best practices to combat
gender-based violence against
women in the world of work

The Committee on the Elimination of Discrimination against Women of the Office of the United Nations High Commissioner (CEDAW) defines gender-based violence against women as “violence that is directed against a woman because she is a woman or affecting women disproportionately” (CEDAW) Recommendation 19; GBV against women is an umbrella term covering a range of behaviors, including sexual, physical, psychological and economic abuse. It is distinguished from other types of violence and harassment in that it is directed at persons because of their gender, and/or by its disproportionate impact on persons of a particular gender.

CEDAW defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of a woman, regardless of her marital status, and this is based on equality between men and women, human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Years after adopting this definition, CEDAW detailed gender-based violence as a form of discrimination against women as follows: “The definition of discrimination includes gender-based violence, i.e. violence directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion, and other forms of deprivation of liberty” (CEDAW, 1992).

Convention on the Elimination of Violence and Harassment in the World of Work No. 190 defines the term “violence and harassment” in the world of work as a set of unacceptable behaviors and practices or threats associated with them, whether occurring once or recurring, aiming at, leading or likely to cause physical, psychological, sexual or economic harm, including gender-based violence and harassment. The convention interprets the term “gender-based violence and harassment” as violence and harassment directed against persons because of their sex or gender, or that disproportionately affects persons of a particular sex or gender and includes sexual harassment.

The convention No. 190 states the necessity of stipulating the definition of violence, GBV and harassment, which are defined in its provisions, and to include these definitions in the body of laws and formulate deterrent penalties. It also stressed the need for Member States to adopt a comprehensive, integrated and gender-sensitive approach to prevent and eliminate violence and harassment in the world of work, including the legal prohibition of violence and harassment, ensuring the provision of remedies and support to victims, and formulating penalties. However, national legislation on GBV against women varies widely. As many countries do not have laws on sexual harassment in the world of work, although many of them have at least some legislations in place regarding gender-based violence.

The International Labor Organization (ILO) defines gender-based violence in the world of work as “any form of violent or threatening behavior that occurs at work and includes murder, assault, rape, sexual harassment, threatening behavior, bullying and verbal abuse”.

It is best practice in this regard that national legislation expressly include:

1. Legal Prohibition of Violence and Harassment.

Legislations should prohibit gender-based violence and sexual harassment in the world of work and impose deterrent penalties on violators.

An example of the prohibition of sexual harassment in Tunisia is the Penal Code's imposition of sexual harassment penalty since 2004, where the penalty for sexual harassment under this law may amount to a fine and imprisonment for up to one year, and this provision has a general application and does not consider the privacy of professional relations (Organization for Economic Co-operation and Development (OECD), 2018). Law No. 205 for the Criminalization of Sexual Harassment and the Rehabilitation of its Victims in Lebanon of 2020 also prohibits sexual harassment. The law enables criminal charges to be brought against assailants, employers and institutions to impose disciplinary measures, and victims of sexual harassment to claim additional compensation for the harm they have suffered (Jabour and El-Zir, 2022). An example of the prohibition of harassment is the amendment of the Algerian Penal Code of 2004, which punishes perpetrators of harassment with imprisonment from two months to one year and a fine (OECD, 2018).

2. Definition of Violence, GBV, and Harassment.

The definition of gender-based violence includes any harmful act that is committed against one's will and is based on social discrimination between males and females (gender). It includes acts that involve behaviors causing physical, sexual or psychological harm or suffering, threats to commit such acts, or coercion of the other party, or any form of deprivation of liberty."The definition of sexual harassment should also include considering it a form of gender-based violence and discrimination, and clarify acts that fall within this concept, so that it includes any explicit or implicit act of a sexual nature, in any way, unwelcome or undesirable, in a way that causes the other person to feel insulted, despised, intimidated, humiliated, threatened or feared.

Examples of definitions of harassment in national legislation include the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA), which considers harassment as a form of discrimination that violates employment. Harassment is an unwelcome behavior based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, or genetic information. Harassment becomes unlawful if 1) tolerance of the insulting behavior becomes a requirement for maintaining the job 2) the behavior is so severe or rampant that it creates a work environment in which a reasonable person would consider threatening, hostile or degrading. Anti-discrimination laws also prohibit harassment of persons in retaliation as a result of filing an anti-discrimination complaint, giving testimony, or participating in any way in an investigation, judicial proceeding or litigation under these laws, or anti-discrimination practices that they reasonably believe to discriminate against individuals and a violation of these laws <https://www.eeoc.gov/ar/althrsh>.

On the regional level, an example of the definition of sexual harassment in Tunisia is what the Penal Code has mentioned since 2004, which deems a crime of sexual harassment occurs when any person harasses another person through degrading or offensive actions, words or gestures intended to address sexual introductions to the victim or to a third person (OECD, 2018).

3.Ensuring the provision of remedies and support to victims, such as assessing the effects of psychological suffering on victims.

The best legislative practices include the possibility of providing remedies and support to victims, based on an assessment of the effects inflicted on the victims, so that compensation is awarded to the victims, in addition to the provision to rehabilitate the victims at the expense of the government. One of the remedies is also to consider the crime of sexual harassment as a dishonorable crime, and thus prevents the perpetrator from practicing his political rights.

An example of legislative practices that provide remedies to victims is the New York City Human Rights Act, which punishes the crime of sexual harassment. As the act imposes on violators to be sentenced to civil penalties of up to \$250,000. Additionally, the harms of psychological suffering and other forms of victim redress can be assessed (OHCHR, D.T).

In Lebanon, Law No. 205 criminalizing sexual harassment and rehabilitating its victims, which was approved by the Lebanese Parliament in December 2020, criminalizes sexual harassment and establishes a special fund at the Ministry of Social Affairs to rehabilitate its victims. In addition to filing criminal charges, employers and institutions can now impose disciplinary measures, and victims of sexual harassment are entitled to claim additional compensation for the harm they have suffered (Jabour and Al-Zeer, 2022). As for the experience in Jordan, the Labor Law since 2008 has authorized the employee who has been a victim of harassment to get his contract terminated and get full compensation, and the court may decide to close the establishment if these violations are repeated. The 2007 Civil Service Statute considers sexual harassment as a crime against honor (OECD, 2018). In Libya, the Labor Law allows an employee who has been sexually harassed to resign from her job and retain her rights to end-of-service compensation (OECD, 2018).

4. Considering the functional authority as one of the reasons for aggravating the punishment of the offender.

Some legislations in the world have increased penalties for perpetrators of sexual harassment in the workplace, as an abuse of power. Some countries penalized employers for not taking appropriate preventive measures.

An example of best practices regarding emphasizing the role of employers in preventing harassment, is the use of case-law of the Federal Supreme Court of Brazil to hold employers civilly liable for the actions of employees who physically or sexually harass their colleagues when employers do not take appropriate preventive measures (Neville, Salam, Naidu, & Fraser).

An example of increasing penalties for perpetrators of harassment because of their functional authority, is the amendment of the Algerian Penal Code of 2004 to punish those who abuse their authority by issuing orders, threats, imposing restrictions or putting pressure on another person to obtain sexual benefits with imprisonment from two months up to one year and a fine (OECD, 2018). The first explicit reference in the Egyptian Penal Code was issued in 2014 to consider "functional authority" as one of the reasons for aggravating the punishment of the offender in the crime of harassment by adding a new article 306 bis b, which mentioned for the first time the word "Harassment" in the Egyptian Penal Code. The second paragraph of Article 306 bis b decided to increase the penalty if "...or had a job, family, or educational authority over the victim or exerted any pressure on him that the circumstances allowed him to exercise....", shall be imprisonment for a period of no less than two years and not exceeding five years, and a fine of no less than twenty thousand pounds and not more than fifty thousand pounds. However, the legislator did not pay attention in this law to address some aspects related to the special nature of sexual violence crimes within the workplace; as it is difficult to prove most of these incidents because they take place in private and closed places; thus, it is difficult to have witnesses to these incidents (Mahmoud, 2020). As for the Moroccan Penal Code, it punishes people who abuse their positions of power to harass someone for the purpose of obtaining sexual favors with imprisonment for one or two years, as well as a fine. The Moroccan Labor Code considers sexual harassment of employees by the employer as incitement to immorality and a serious crime, and accordingly, the resignation of the employee because of these acts is considered as a termination of service without reasonable cause (OECD, 2018).

5.The offender is subject to rehabilitation and training.

One of the best international legislative practices in combating sexual harassment is the sentencing of perpetrators of sexual harassment to undergo rehabilitation and training, or the issuance of public service sentences in the local community.

An example of this is the New York City Human Rights Act that allows perpetrators of harassment to undergo rehabilitation and training, or to impose other remedies such as public service in the community (OHCHR, DT).

6.Reversing the burden of proof of harassment on the employer.

Some legislative best practices in the field of combating sexual harassment in the workplace have reflected rules of evidence in regard to proving harassment against an employer; to make it easier for victims of sexual harassment in the workplace: this legislation places the burden of proving that sexual harassment has not occurred on the employer, which is the opposite of the rule in force in the criminal procedure laws.

One of the best practices in reversing the burden of proof is the Greek Law No. 3896/2010 stipulating that it must be proven that sexual harassment has not occurred against the employer, not the employee, which does not apply to criminal procedures (Neville, Salam, Naidu, & Fraser).



Part III

Best Practices Regarding Employers' Obligations to Combat GBV against Women in the World of Work

The International Convention on the Elimination of Violence and Harassment in the World of Work No. 190 emphasized the need for special and effective protection measures to prevent violence, provided that these measures do not restrict the participation of women and vulnerable groups in specific jobs, sectors or professions. It also stressed that a necessary measure to prevent violence in the world of work, is promoting collective bargaining at all levels as a means of preventing violence and harassment and addressing the repercussions of domestic violence on the world of work.

Investors and companies can take action to prevent gender-based violence against women in the world of work, and incorporating measures into existing systems is easier and more effective by:

1. Strengthen the organization's leadership culture and create a positive organizational culture that encourages reporting of violence in the world of work

Showing institutions and companies their true commitment against sexism and violence is essential to women victims of GBV, as it can help them empower, provide help and reduce their sense of isolation, as well as allow the healing process to begin, give victims enough confidence to reveal their situation, and in the long run, completely prevent GBV against women (CARVE, n.d). In this regard, a commitment must be made to address GBV against women and to create a positive culture that encourages reporting of violence in the world of work through the company's board of directors, so that there is no tolerance for violence, and so that workers feel comfortable raising their concerns (Neville, Salam, Naidu, & Fraser).

Companies can take practical actions to enhance their leadership and culture, in terms of:

- 1.1. Senior management and executives understand the risks of GBV to the company and know how these risks can be integrated into the risk management system. It is also important that leaders understand the legal obligations and requirements needed to guide prevention and response efforts to GBV in the world of work.**
- 1.2. Allow sufficient time for senior management to address GBV and develop a supportive organizational culture.**

An international example of a positive corporate commitment to combating gender-based violence is the World Fuel Services Code of Conduct that protects employees from retaliation for reporting in good faith. The Code outlines procedures for reporting discrimination or harassment and taking such reports very seriously; and it specifies the entity to be reported (International Fuel Services, 2019).

On the local level, Unipal's employee handbook states that "the company fights any sexual harassment against the employee, and this is what was referred to in the policy of combating sexual harassment at work by APIC (Employee Handbook, Unipal Company). Furthermore, a research study for ICT companies in Palestine 2021 on sexual discrimination and violence against women in the world of work took place, and based on it, an anti-gender-based violence policy and a code of conduct for Information Systems companies were developed. Accordingly, many of the union companies have adopted and signed it. (Amani Muathi, Executive Director of the Palestinian Information Technology Association of Companies - Pita, interview on 05/18/2022.

- 1.3. Ways of strengthening organizational leadership and an organization/company culture include honoring workers who make efforts to address gender-based violence, adopting good practices, or praising meetings, and including explicit sections on GBV against women in annual reports to track improvement and progress.**
- 1.4. Taking steps to develop a positive and inclusive organizational structure, and diverse representation at the level of senior management and the board of directors, contributes to reducing the risk of exposure to gender-based violence, especially sexual harassment, in the world of work.**
- 1.5. Allocating adequate budgets to the prevention and encouraging of reporting and response contributes to further action to prevent GBV, and improves the organization/company's reputation in regard to GBV against women among communities, service users, potential partners and investors (Neville, Salam, Naidu, & Fraser).**

For company leadership to support an organizational culture in which people feel comfortable talking about gender-based violence and feel supported in the process, it is important to first understand why people may currently feel unable to do so.

When designing new mechanisms or updating existing ones, companies will need to identify the barriers people may face to reporting GBV and put in place mechanisms to help overcome these barriers.

Common barriers include:

- Feeling ashamed and embarrassed at having to describe what happened and from others knowing about it.
- Feeling upset, shocked and unwilling to relive what they went through.
- Lack of confidence that the process will be handled fairly and confidentially and/or lack of confidence that they will be believed.
- Worrying about blame and stigmatization for causing trouble and/or triggering the behavior they experienced.
- Fearing the impact of reporting GBV on losing their current job and potential promotion, for both male and female workers who have concerns about their difficult situation.

- Knowing the perpetrators and the extent to which they can count on the support of others.
- Fear of further violence or harassment, whether in terms of retaliation by the perpetrators and their supporters, or fear of blaming family members.

2. Adhere to the principles of assessment, prevention, monitoring and response to GBV in the world of work.

Measures to assess, prevent, monitor and respond to GBV in the world of work must be supported by a number of basic principles in order to avoid further harm (Neville, Salam, Naidu, & Fraser).

These measures:

- 2.1.** Focus on survivors, prioritize their rights, and use them as a starting point for all decisions relating to efforts to assess, prevent, monitor and respond to GBV.
- 2.2.** Maintain confidentiality and promote treatment of survivors with dignity and respect.
- 2.3.** Are safe for survivors, witnesses and whistleblowers of gender-based violence.
- 2.4.** Are rooted in a comprehensive understanding of the local context.
- 2.5.** Are collaborative, with the participation of internal and external stakeholders more broadly, which enhance learning and exchange of ideas, and increase the effectiveness of measures.
- 2.6.** Are inclusive of all at-risk groups, according to location and context.
- 2.7.** Are integrated, addressing violence against women is not a one-time exercise. Efforts to assess, prevent, monitor and respond to gender-based violence should be integrated as much as possible into existing operations and management systems, such as occupational health and safety, security management systems, environmental and social management systems, and human resources policies and procedures.
- 2.8.** Are non-discriminatory and treat all survivors equally.
- 2.9.** Build and be informed of relevant experience, particularly when developing grievance mechanisms and investigative procedures to ensure that they are appropriate, relevant and safe in the local context, when conducting in-depth assessments to identify GBV risks and legal expertise to respond safely to GBV reports, and when conducting any investigations by fully trained investigators.

3. Develop and disseminate policies and codes of conduct.

Some organizations and companies choose to develop a specific GBV policy, while others treat this type of violence as part of a broader set of corporate policies. However, it is preferable for institutions and companies to cooperate with internal and external stakeholders such as labor unions, community organizations, service user groups, and experts of NGOs specialized in violence against women, to develop policies that clearly state obligations and codes of conduct, taking into account the prevention of gender-based violence, detection, and victim support, as well as stressing on zero tolerance, and highlighting the steps that will be taken in the event of the emergence of gender-based violence in the world of work, thus reducing opportunities for gender-based violence against women (Neville, Salam, Naidu, & Fraser).

As a best practice in developing codes of conduct in a participatory manner, the Zambia Export Growers Association (ZEGA) developed its own code of conduct as part of a collective bargaining agreement between the Federation of the Horticultural Industry and the Zambian Farm Employers Association. From the ongoing dialogue, ZEGA added abuse, including sexual assault, to the law and included a grievance mechanism for sexual harassment (Barrientos, S., Dolan, C. and Tallontire, A. 2001).

3.1. Defining the world of work and the settings to which the Code applies

C190 created a new standard for defining the world of work that prohibits violence and harassment in its space, defining it as: the world of work, places in which a worker receives a wage or takes a break to eat or uses sanitary facilities or facilities for washing or changing clothes, and during work-related trips, social events or activities, and work-related communication including means of information and communication, at accommodation provided by the employer, and when traveling to and from work.

A global best practice regarding work settings to which the Code of Conduct applies, MOODY'S Code of Ethics states that the prohibition of harassment applies to all forms of discrimination and harassment that affect the work environment, whether in the office or outside (e.g. in customer or company related transactions or after-hours events), or through the use of electronic means of communication, including e-mail, voice mail, text messages, collaboration tools, social media and the Internet, even if such use is made on personal devices and outside working hours. The Company prohibits discrimination and harassment not only of employees, but also of applicants in relation to employment, paid or unpaid trainees, non-employees, clients, vendors, and contractors who provide services to the Company in the world of work. The harasser may be a boss, a subordinate, a colleague, or anyone in the world of work including an independent contractor, contract worker, vendor, client, or visitor. It also prohibits discrimination and harassment of non-company employees such as clients, independent contractors and vendors. If an employee informs the company that he has been subjected to discrimination or harassment or witnesses a non-company employee commit such acts in the world of work, appropriate measures will be taken. (Business Ethics Act, 2021).

At the local level, Pita's Anti-Gender-Based Violence Against Women policy states the places covered by the policy, which includes any form of gender-based violence against women and sexual harassment that occurs inside the corridors of the organization, during official working time or outside working hours, if there is any relationship between people and the institution, as is the case with official business missions and official occasions associated with the institution or travel on an official mission, or as a result of any communication required by work conditions (Pita's anti-gender-based violence policy).

3.2. International and Decent Work Standard for Defining a Worker

With the aim of protecting workers and employees regardless of their contractual status, including those under training, interns, workers who have been terminated, volunteers, job seekers, and job applicants, the Convention 190 included a new standard within the international and decent labor standards to define the worker. It acknowledged that "whoever exercises the authority, duties or responsibilities of the employer" may also be subjected to violence and harassment and acknowledges that violence and harassment may involve third parties including customers, clients, service providers, users, patients and the public.

Among the best local practices for defining the worker to whom the anti-gender-based violence policy applies, is the policy of the Palestinian Information Technology Association of Companies - Pita, the parties to whom this policy applies are: 1) employees of the institution, members and members of its board of directors, trainees, volunteers, and all those who provide services for the institution as freelancers and get remunerated, including workers, cleaners, consultants, various service providers and others. 2) All visitors to the institution, participants in its activities and events, and beneficiaries of its services (policy against gender-based violence, Palestinian Information Technology Association of Companies - Pita).

3.3. Defining the term GBV and what it includes, with specific examples of behavior.

An example of the international practice of defining GBV in codes of conduct is what the Mercy Corps Code of Conduct defines sexual harassment in the world of work, whereby it defines GBV as including, but not limited to, unwelcome romantic or sexual advances requests for sexual favors and other verbal or physical behavior of a romantic or sexual nature, where one of the following applies: 1) netting for an individual's employment, when submission to such behavior, whether expressly or implicitly is made a condition of his/her appointment, or an individual's reaction on this behavior is taken as a basis for making hiring decisions that affect that individual; interference with the individual's job performance, violating his/her dignity or infringing. or 2) Work environment: where the purpose or effect of this behavior is to create an intimidating, degrading, hostile, or offensive work environment (Mercy Corps. 2021).

In the local context, the Pita's policy against gender-based violence, defined sexual harassment as: any physical, verbal or non-verbal behavior of a sexual nature, and any other behavior that affects the dignity of the employee or employee and is unacceptable and insulting to the recipient, in which the person expressly or implicitly rejects or submits to this behavior as it may affect his/her job. Sexual harassment is a violation of human rights, and its types vary, including verbal and non-verbal harassment, psychological harassment, and physical and visual harassment. It can be written and/or electronic or through telephone communication, and/or takes the form of bullying and/or cyberstalking and/or racial discrimination based on race, color, religion, community, gender and a type of disability.

Forms of sexual harassment:

- Attempted or direct sexual assault, including rape.
- Unprofessional, unwanted physical contact of a sexual nature.
- Sexual gestures and hints
- Sexually suggestive looks and stares.
- Speech that makes sexual references or insinuations, including inappropriate jokes, and sexual comments about appearance, dress, and body parts.
- Urgent request for romantic encounters or an explicit request to establish a sexual relationship.
- Nicknames that carry sexual or gender-based insults.
- Sending messages bearing sexual connotations.
- Sharing inappropriate or sexually suggestive images or videos. (Anti-Gender-Based Violence Policy, Palestinian Information Technology Association of Companies - Pita).

3.4. Determining penalties and disciplinary measures for violation of the Code of Conduct.

Some companies have specified within the codes of conduct the formation of committees whose tasks include receiving complaints in general, including complaints related to harassment.

In the local context, Jawwal has a committee that follows the human resources unit. Among its tasks is receiving complaints in general, including complaints related to harassment. If any case related to harassment is proven, it is separated.

In addition, the policy against gender-based violence in Pita stipulated to ensure the existence of a complaints system within the institution that guarantees the reception and follow-up of complaints within specific procedures that guarantee confidentiality (Pita's Policy Against Gender-Based Violence).

3.5. Provide policies and codes of conduct for all employees

Policies and codes of conduct must be made available to all employees in print, either as employee handbooks or provided as “starter packs” for new employees (CARVE, n.d).

One of the best practices in the local context is the Palestinian Information Technology Association of Companies – Pita determining the responsibility of the management with ensuring the publication of this policy and its availability in workplaces for easy access and knowledge of it, and considering this policy an integral part of the identification documents that must be viewed by everyone who is contracted to work in the institution, whether on full-time or part-time work, as well as ensuring that the implementation of this policy is followed up by the Human Resources Department and the specialized committees that may emerge because of this policy. (Anti-Gender-Based Violence Policy, Palestinian Information Technology Association of Companies – Pita).

4. Establishment of grievance mechanisms and investigation procedures that enable reporting of GBV against women in a safe and confidential manner.

Organizations/companies need to develop grievance mechanisms, including a grievance mechanism for workers, and a grievance mechanism for service users and community members that reflects the context of the local community. Institutions/companies must also establish a clear set of procedures that specify how to deal with reported cases, by whom, and within what timeframe. For a consistent approach to reporting and investigations, organizations/companies need to put in place clear investigative procedures, including appeal mechanisms.

An example of positive practices in the regional context on the establishment of grievance mechanisms is that in 2014, Cairo University established an anti-harassment mechanism, thus becoming the first Egyptian university to launch a policy to combat sexual violence. In accordance with this policy, a committee is formed of nine, interested and specialized faculty members and supporting staff, and a representative of the Student Union, with 75% of the committee members being women. The committee is responsible for implementing anti-harassment policies at the university, managing daily work, developing plans for training and awareness programs, and coordinating with the Psychological Support Unit at the Faculty of Arts and other specialized units (Mahmoud, 2020).

In the local context: the Palestinian Monetary Authority is working to develop a notification mechanism related to receiving complaints, either by hand or via e-mail, and in the event of non-compliance with the work ethics stipulated in the Code of Conduct, it is subject to the disciplinary measures adopted by the Monetary Authority (Code of Conduct and Work Ethics for PMA Employees 2012) .

Within Jawwal Company, you can find a written complaints system regarding sexual harassment in the company through the human resources unit; where it is sent by an email, over the phone, or through a personal interview.

These mechanisms may include:

4.1. Grievance mechanisms for employees and grievance mechanisms for service users and community members.

Codes of conduct and sexual harassment prevention policies should include grievance mechanisms for male and female workers, service users, and community members, including from independent helplines, an email address, or a whistleblowing line, as well as from trade union representatives, and health and safety committees. So that at least one of them facilitates anonymity.

Examples of digital tools for reporting GBV include:

EthicsPoint™ is an online and phone-based confidential reporting system. Anyone with concerns about misconduct in the world of work can submit an anonymous report.

MySafeWorkplace® is a third-party reporting system. People can raise concerns about gender-based violence or other ethical violations over the phone or online.

Likewise for service users and community members, the Code of Conduct should specify a grievance mechanism including complaint boxes, a toll-free phone number, a specific community organization, a service user group or a local women's organization. Reporting channels should include anonymous options. (Neville, Salam, Naidu, & Fraser).

An example of positive international practices on grievance mechanisms is what the Bangladesh Convention provides as a legally binding agreement between global brands, retailers and trade unions to improve safety in the apparel and textile industry, providing workers with an independent grievance mechanism through which they can confidentially raise their concerns about issues including violence in the world of work and protection from retaliation (Bangladesh Accord, 2019). As well as the Independent Grievance Mechanism for Addressing Sexual Harassment with the power to investigate allegations and compel factories to discipline or fire offenders, which has been set up in textile factories in Lesotho, with USAID funding (The Guardian, 2019).

In the regional context, a multi-purpose center for workers has been established to provide training, health care and a safe space for workers to obtain legal advice and advice in the event of incidents of sexual harassment in the Hassan Industrial Estate in Jordan, for about 80 per cent of the more than 28,000 migrant workers from India Sri Lanka and Bangladesh. In 2014, the International Finance Corporation (IFC) and Better Work Jordan collaborated to establish an independent external grievance mechanism and referral pathway (Better Work, (n.d.)). In Egypt, the Solar Energy Initiative in Benban, near Aswan, assessed the risks of gender-based violence, and identified sexual harassment and bullying in the world of work among the four main GBV risks. Within a year of the assessment, GBV topics were integrated into human resource policies for operations, maintenance and induction training, and worker grievance mechanisms were updated to include specific GBV-related grievance measures, such as appointing an independent female liaison and taking special measures regarding confidentiality, and expatriates residing in apartments provided by the employer in Aswan have been required to receive training on codes of conduct and information on the grievance mechanism. Community training on gender-based violence has also been added to the corporate social responsibility strategy, and refresher training on the code of conduct has been provided for upcoming operations teams.

In the local context, Pita's policy of prohibiting gender-based violence specified the responsibility of the management, and the administrators charged with ensuring the existence of a complaints system within the institution that guarantees the reception and follow-up of complaints within specific procedures that guarantee confidentiality. (Pita's Anti-Gender-Based Violence Policy)

4.2. Publish the information and always make it readily available.

The organization/company should disseminate this information to employees in posters in the company premises, information on the internet, information about the identification of each new employee, in order to know who to contact, where to find these people and what their role is.

One of the local positive practices related to providing information on the code of conduct and preventing sexual harassment in the workplace is item no. (10) of the UNIPAL employee handbook, which states: "the company fights any sexual harassment against the employee, as indicated in the policy of combating sexual harassment at work by APIC, as this policy aims to protect all male and female employees from sexual harassment or extortion in the work environment. The chairman of the board of directors has a policy of communicating directly with any employee on any subject he wishes to submit a complaint about, in case he is exposed to any violations, including harassment. (Employee Handbook, UNIPAL General Trading Company).

The same applies to a Jawwal that would also like a guide for the employee where he is seen, and induction training is done for him when signing the contract.

The Palestine Investment Bank also has a code of conduct related to work ethics, and the same applies to the Palestine Monetary Authority, as the code of controls and standards of conduct and work ethics in the Monetary Authority include compliance and signature of the employees of the Monetary Authority to abide by it.

It also indicated the policy against gender-based violence applied by the Palestinian Information Technology Association of Companies – Pita to the application of this policy and within the framework of responsibilities “considering this policy is an integral part of the identification documents that must be viewed by everyone who is contracted to work in the institution, whether a full-time or part-time job” (Anti-GBV Policy, Pita- Palestinian Information Technology Association of Companies).

5. Designate a qualified person to lead the organization’s response.

5.1. A GBV focal point must be identified within the organization/company.

Either assign an anonymous e-mail address and/or PO Box, or designated personnel who are trained on responding to violence against women and known to all individuals who may interact with victims.

A positive international practice in identifying a GBV focal point within the institution is the assistance of the European Bank for Reconstruction and Development (EBRD) in Turkey, in cooperation with the Trakya Electric Distribution Corporation (TREDAS) and Trakya Electric Retail Sales Corporation (TREPAS) to improve HR practices to deal with GBV and promote gender equality. Starting with a review of HR practices, training more than 800 employees on gender-based violence prevention, and actions to improve work-life balance and equal opportunity. (Where Women Work, 2018).

On the local level, at Unipal, the Chairman of the Board of Directors has a communication channel with employees, where any employee can communicate through e-mail directly to report any problem, including a case of harassment if it occurs (interview with Unipal company).

The Palestine Investment Bank also has a complaints system that includes harassment cases. The same applies to Jawwal, as there is a complaints system that enables the employee to send an email or meet the committee to file a complaint

The same also applies to the Palestine Monetary Authority, where the Code of Conduct stipulates the possibility of applying by e-mail or by hand.

5.2. Distribution of Information on Victims' Rights.

In the absence of specialized personnel or persons trained to provide assistance and guidance, at least distribute information on victims' rights, existing assistance services and hotlines in the country (CARVE, n.d).

Among the positive international practices related to the distribution of information on victims' rights is a group of companies in Spain distributing materials and posters for campaigns opposing violence against women in the world of work; others post small posters with emergency numbers and victim information in women's restrooms or near sewage machines in order to reach both employees and customers (CARVE, n.d). Likewise for the West Africa Energy Project, where the company agreed to fund the salaries of two GBV specialists working with an NGO near the project site, to run community-based GBV education programs, build capacity of service providers in the project area, and manage reports and GBV cases, and finally providing capacity building activities and additional support to the company (CARVE, n.d).

5.3. Having a trained lead person on how to respond to reporting GBV.

If a report of GBV in the world of work is received, the organization/company needs to designate someone to lead its response. It is important that this lead person has been trained on how to respond to reporting GBV and has the skills and confidence to take a survivor-centered approach.

A positive international practice in this regard is the penalties imposed by India's Sexual Harassment of Women in the World of Work Act (2013) on employers who do not fulfill their responsibilities under the law. This includes having trained and qualified staff to deal with complaints, defining a time-bound complaints process, ensuring confidentiality of information, taking measures to protect individuals from retaliation, providing advice or other support when needed, and assisting complainants opting for criminal proceedings (Human Rights Watch, 2018).

Staff training can be useful to prepare to successfully address issues and assist people suffering from gender-based violence, dealing with questions such as how to escape, where to get help outside of the world of work, what to do once the victim escapes, etc.

6. Providing training and raising awareness among workers and service users .

Ways to strengthen organizational leadership include identifying and building partnerships with stakeholders who can provide support for GBV, including local and national organizations with knowledge and experience of GBV and an understanding of the local culture and context, from which support can be obtained and services related to gender-based violence, community outreach activities, and training of institution/company staff.

6.1. Establish partnerships with stakeholders who can provide support for gender-based violence.

This includes the commitment of stakeholders to provide institutions and companies with training on the concepts of gender, GBV, and violence in the world of work.

There are many GBV training options for managers, supervisors, and workers, and they range from short, one-off online courses that focus on basic information, to intensive courses designed to change attitudes and behavior. Training can be standalone and/or integrated into other training modules (e.g. broader occupational health and safety courses).

A positive international practice in this regard has been done by Kering, the world leader in apparel and accessories, which designed a 3-hour training session for more than 500 of its employees with the Fédération Nationale Solidarité Femmes (FNSF). And formalizing its commitment to training its employees and back-to-back national campaigns on domestic violence by signing a “Charter to Prevent and Combat Domestic Violence” by the company’s Chairman and CEO. It was signed in France with FNSF, Italy with DiRe and the UK with Women’s Aid (CARVE, n.d).

6.2. Providing training programs for male and female workers.

Male and female workers should be provided with training programs on the effects and consequences of violence in the world of work, responding to situations of violence and lifting taboos surrounding the topic (CARVE, n.d).

Among the positive local practices in this regard, the child protection policy and follow-up mechanism at the Tamer Institute for Community Education provide for holding sessions to familiarize all new employees with the policy to prevent harassment, abuse and sexual exploitation (Tamer Institute for Community Education, 2022)

7. Trade union response to gender-based violence in the world of work.

One of the positive international practices of unions' response to GBV in the world of work is including some of the intervention strategies by trade unions in southern Africa proposals to international bodies such as the ILO to develop an international standard to guide employers, governments and companies in formulating strong laws and policies; to prevent and address gender-based violence at work. In addition to employing the celebration of International Women's Day and the Sixteen Days Against Gender-Based Violence activities as a platform to speak out against violence in the workplace by trade unions. This is done annually so that working-class women are given the opportunity to raise their voice and demand that policies on violence in the world of work be implemented. The main objective is to raise awareness of the negative impact of violence on the development of working women. Campaigns are also launched to raise awareness and build capacity to empower workers and communities to combat the scourge of gender-based violence and to: Promote anti-violence programs to prohibit violence at work, Negotiate policies to eliminate sexual harassment and gender-based violence, Develop safe reporting procedures for victims of violence and ensure that store agents are well trained to receive and deal with cases of violence, review disciplinary procedures to ensure they address the issue of violence, and ensure that gender-based violence is on the agenda of collective bargaining tables. Most unions have also developed a sexual harassment policy in order to develop a code of practice to deal with sexual harassment issues. It is the union's policy to provide an environment free from any form of discrimination or unfair harassment. This includes any actions or threats that interfere with the performance of any employee or union member on the basis of gender, race, sexual orientation, ethnic or social origin, age, religion, or disability. (Kapombe, 2015).

In the local context, some unions adopt the policy of arbitration in resolving complaints about violence and harassment in the world of work, whereby a consensual and friendly settlement session is held with the employer to agree that leaving the worker is tantamount to terminating services whereby the worker obtains her labor rights only (Al Rais, 2022).



Part IV

Best practices for supporting women
who report sexual harassment
in the world of Work

When reporting GBV, organizations should respond in a thoughtful manner, drawing on the type of GBV and legal expertise, using only trained investigators to conduct investigations, and being guided by a survivor-centered approach, i.e. treating survivors with dignity and respect and in a non-judgmental manner ensuring their safety and enabling them to make informed decisions; as responding inappropriately to reporting GBV undermines the credibility of the organization's efforts to address GBV and may cause further harm to those involved. By contrast, effective handling of GBV reports can reinforce the message that this type of violence cannot be tolerated, and play an important role in future prevention of such violence.

Responding to reporting GBV and supporting women who report violence in the world of work requires the following:

1. Provide access to online support options.

When GBV is reported, the immediate priority is to enable survivors to access the professional support they want, and to work with survivors, witnesses and whistleblowers to identify safety measures to protect them from further harm. In some cases, witnesses and whistleblowers may want to access support services (psychological support, for example, if they are traumatized by something they have seen or heard). Organizations/companies therefore need to provide private spaces where support options and potential safety measures can be discussed with survivors (or witnesses and whistleblowers), which is important to maintain confidentiality and allow any concerns to be discussed.

Support options and safety measures for survivors, witnesses or whistleblowers must be:

- Available regardless of any other action taken in response to the GBV report.
- Offered proactively, not just on demand.
- Present in a way that gives survivors, witnesses and whistleblowers the choice and control, so that they can make informed decisions.
- Provided by trained personnel, to avoid causing further damage.

2. Focus on Survivors.

Organization/company management needs to create a supportive, non-judgmental environment and not hesitate to ask female employees to tell their story and provide support. The management and personnel department must be empathetic and vigilant to potential signs of abuse, respect the victim's privacy and ensure the confidentiality of information disclosed (CARVE, n.d).

It is important to listen to women who are experiencing violence and listen to their own needs, without judgment. and that the personnel department be able to explain the relevant rights of employees who are victims of violence and guide them where they can seek help (i.e. specialized NGOs, specialized legal services, specialized sections of trade unions, etc.). Knowing and explaining the difference between what the organization/company can provide and what is available to the victim outside the world of work (CARVE, n.d).

3. Provide levels of support for women.

Women who experience violence need different levels and types of support and integration services, depending on their personal situation. Some victims are financially dependent on the violent partner, while others may require time off or flexible working hours to receive appropriate medical care and psychological support. Below is a list of supportive measures companies can take (CARVE, n.d).

- **Special Leaves and Work Reintegration.**

Some companies have policies that support returning to work after long absences. These sophisticated policies often consider the reintegration of workers after maternity leave, exhaustion, or a long-term convalescence. When a GBV victim has been forced out of her position for a period (i.e. because she has had to flee home or recover from injuries), it is necessary to take measures to support her return to work and prevent her from losing her job and financial dependence on a previous perpetrator. Preparing for the return of former victims does not mean waiting for an official policy nor revealing the reason for the worker's absence (CARVE, n.d).

- **Overcoming Isolation.**

A core issue of violence against women is the isolation of the victims. Therefore, it is beneficial to provide safe spaces at work, where strong relationships can be established within work teams and personal issues can be discussed informally. This is more necessary for people who tend to work alone or people who work remotely. Again, this can be easily done by organizing coffee spots or resting places, initiating employee meetings between small work teams where there are none, and organizing team building activities (CARVE, n.d).

- **Flexible Work Organization.**

It is important to organize the work in such a way that the victim can discreetly disclose her status, either to trusted managers/colleagues or to a supportive employee. For burnout situations, it is important that the team manager, the team itself, and the HR department (if any) cooperate when the workload must be reorganized during the worker's absence and gradually reorganized upon her return, so as not to create tension among other team members. It's also important to stay in touch with the worker, so you know she's still considered part of the staff (CARVE, n.d).

- **Introducing New Jobs.**

Support can also be provided as a result of successful cooperation between employers, social services/support, national institutions responsible for preventing and protecting victims of violence or NGOs working in this field.



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