

Best Practices and Mechanisms To Prevent, Treat and Eliminate Gender-Based Violence in the World of Work



Gender-Based Violence in the World of Work

The Palestinian Central Bureau of Statistics defined "the forms of violence in places where individuals are exposed to violence of all kinds, such as the streets, places of public transportation, shopping places, educational institutions, workplaces in addition to the home".

(Palestinian Central Bureau of Statistics, Results of the Survey on Violence in the Palestinian Society 2019).

Definition of Gender-Based Violence

Gender-based violence is a general term that includes any harmful act that is committed against one's will, and is based on social discrimination between males and females (i.e. gender), and includes acts that involve behaviors that cause physical, sexual, or psychological harm or suffering, or threatening to commit such acts, or coercing the other party to do so, or any form of deprivation of liberty. These acts may be practiced secretly or openly.

(Inter-agency Standing Committee on Gender-Based Violence Interventions).



Definition of gender-based violence in the world of work according to the Convention 190

Article 1 in the concept of the Convention provides a definition of violence and harassment in the world of work.

The term "violence and harassment in the world of work" refers to a set of unacceptable behaviors and practices, or threats associated with them, whether one-time or repeated, which aim, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes violence and harassment on the basis of gender.

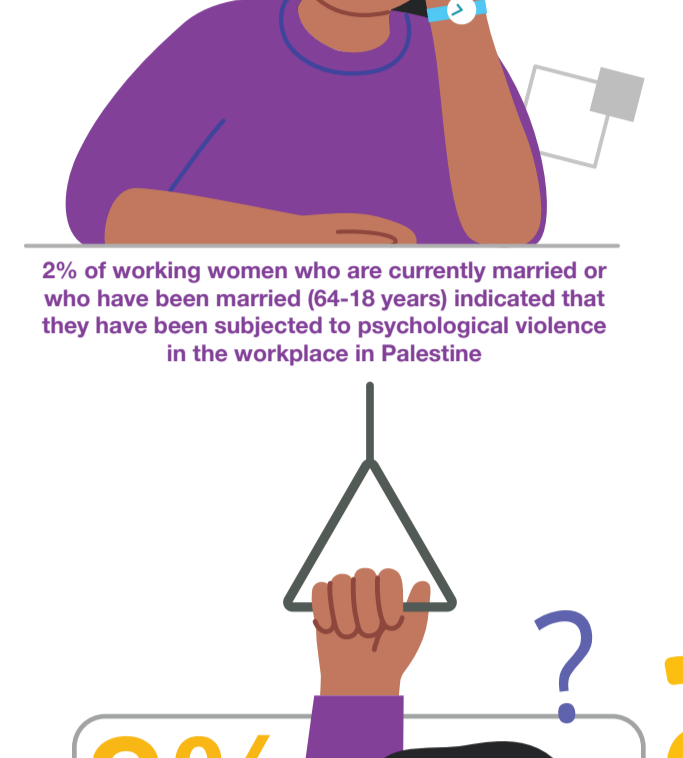
The term "gender-based violence and harassment" means violence and harassment that is directed against persons because of their sex or gender, or that disproportionately affects persons of a particular sex or gender, and includes sexual harassment.

(International Labor Conference Convention No. 190).

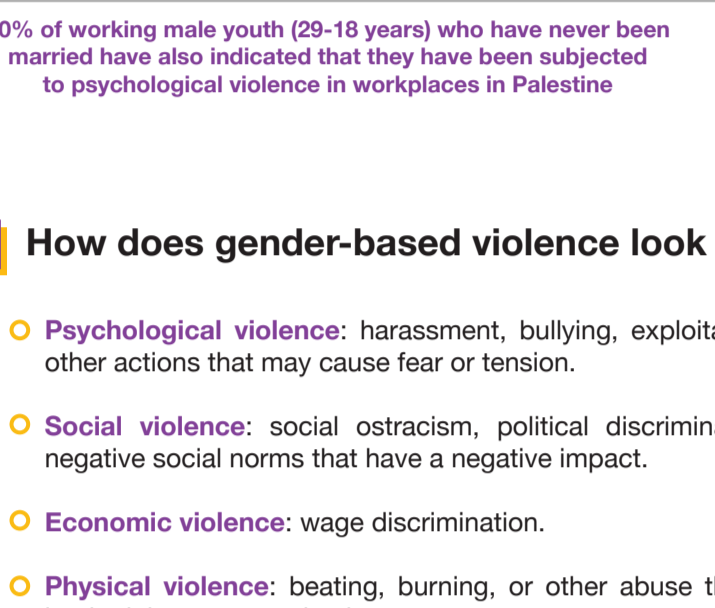


Understanding the context of gender-based violence in Palestine

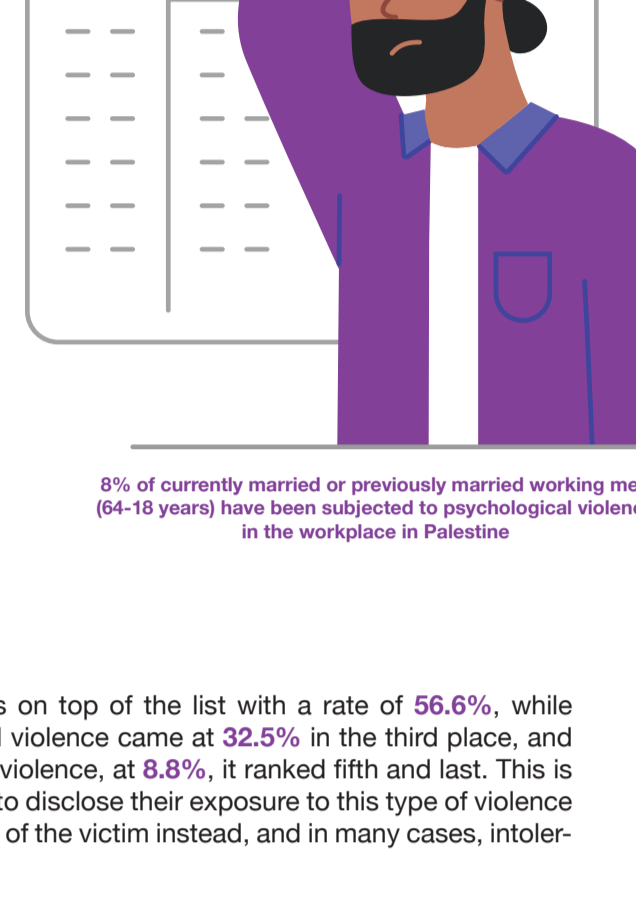
There are many forms of gender-based violence in the Palestinian society which include different age groups. 2% of working women who are currently married or who have been married (18-64 years) indicated that they have been subjected to psychological violence in the workplace in Palestine, while 8% of currently married or previously married working men (18-64 years) have been subjected to psychological violence in the workplace in Palestine, 10% of working male youth (18-29 years) who have never been married have also indicated that they have been subjected to psychological violence in workplaces in Palestine.



2% of working women who are currently married or who have been married (18-64 years) indicated that they have been subjected to psychological violence in the workplace in Palestine



10% of working male youth (29-18 years) who have never been married have also indicated that they have been subjected to psychological violence in workplaces in Palestine

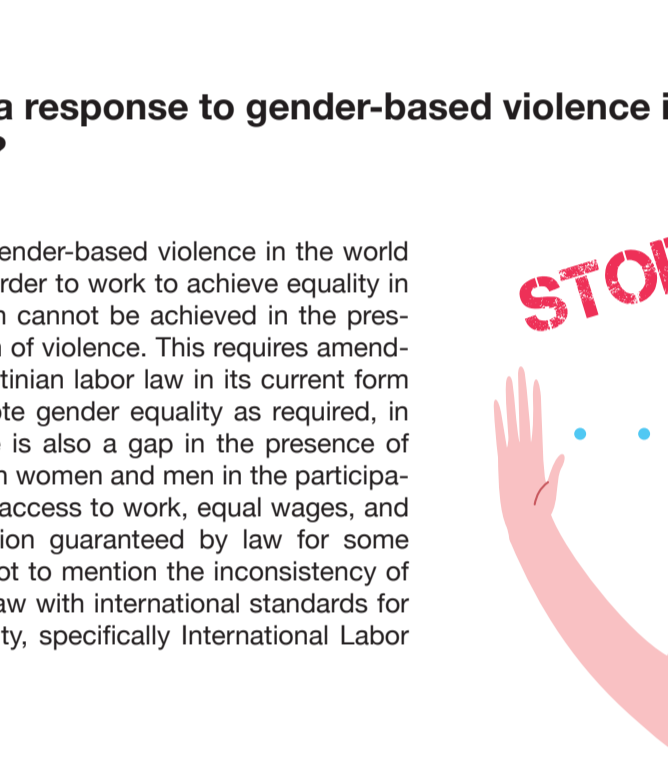


8% of currently married or previously married working men (64-18 years) have been subjected to psychological violence in the workplace in Palestine

How does gender-based violence look like?

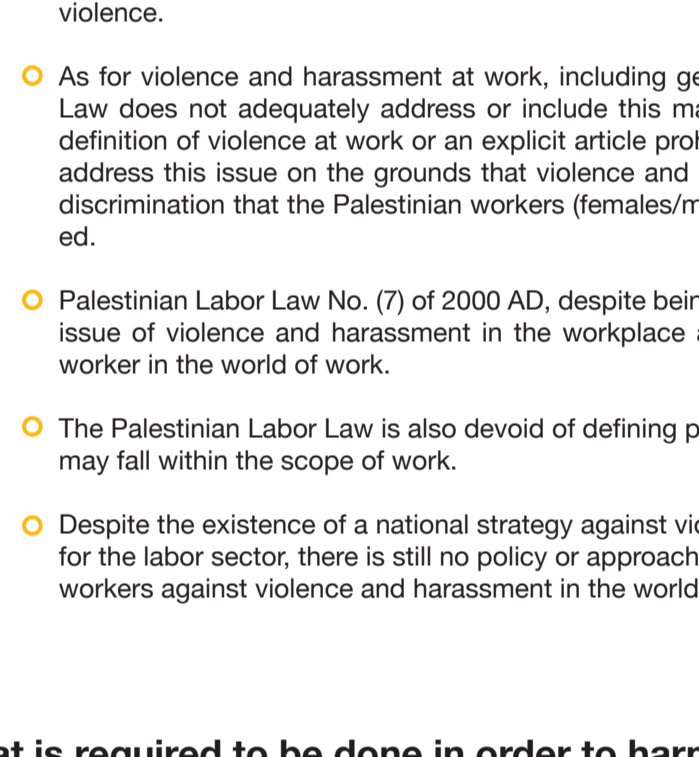
- **Psychological violence:** harassment, bullying, exploitation, or other actions that may cause fear or tension.
- **Social violence:** social ostracism, political discrimination or negative social norms that have a negative impact.
- **Economic violence:** wage discrimination.
- **Physical violence:** beating, burning, or other abuse that may lead to injury or even death.
- **Sexual violence:** rape, harassment, and inappropriate touching.

According to the 2019 Violence Survey, psychological violence was on top of the list with a rate of 56.6%, while economic violence represented 41% of the second place, and social violence came at 32.5% in the third place, and physical violence came in the fourth place with 17.8%. As for sexual violence, at 8.8%, it ranked fifth and last. This is with the need to note that it is not easy for a victim of sexual violence to disclose their exposure to this type of violence as a result of the prevailing societal culture resulting in blame and guilt of the victim instead, and in many cases, intolerance in dealing with the victim.



Why do we claim a response to gender-based violence in the world of work in Palestine?

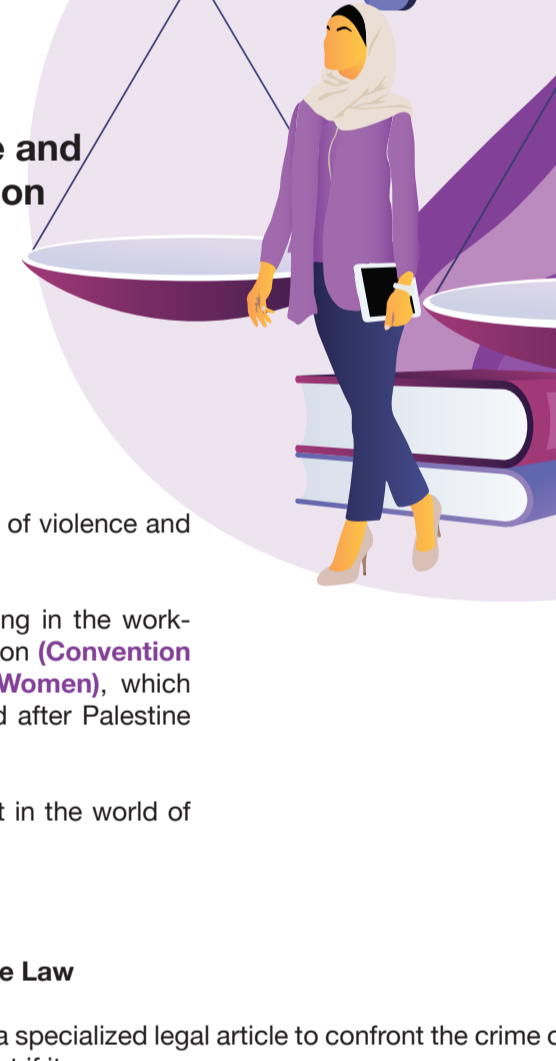
We call for addressing gender-based violence in the world of work in Palestine, in order to work to achieve equality in the world of work, which cannot be achieved in the presence of the phenomenon of violence. This requires amending the law, as the Palestinian labor law in its current form does not work to promote gender equality as required, in the private sector. There is also a gap in the presence of large differences between women and men in the participation in the labor market, access to work, equal wages, and the provision of protection guaranteed by law for some groups in some areas, not to mention the inconsistency of some provisions of the law with international standards for promoting gender equality, specifically International Labor Convention No. 190.



The importance of including the issue of gender-based violence in the world of work within the laws and legislation, including the Palestinian Labor Law

It is necessary to pay attention to working on this for many reasons, including:

- The Palestinian Labor Law or the Palestinian Civil Service Law lacks any provision regarding the need to provide protection from violence and harassment at work, including gender-based violence.
- As for violence and harassment at work, including gender-based violence, the Palestinian Labor Law does not adequately address or include this matter, even as there is no clear and explicit definition of violence at work or an explicit article prohibiting such practices. As it is necessary to address this issue on the grounds that violence and harassment are risks of work and a type of discrimination that the Palestinian workers (females/males) are subjected to and must be protected.
- Palestinian Labor Law No. (7) of 2000 AD, despite being a relatively recent law, did not address the issue of violence and harassment in the workplace as crimes and violations committed by the worker in the world of work.
- The Palestinian Labor Law is also devoid of defining practices and violations that may fall within the scope of work.
- Despite the existence of a national strategy against violence and a strategy for the labor sector, there is still no policy or approach in place to protect workers against violence and harassment in the world of work



What is required to be done in order to harmonize and align the Palestinian legislation with ILO Convention No. 190 regarding the elimination of violence and harassment in the world of work?

In terms of laws and regulations:

▼ Palestinian Labor Law No. (7) of 2007

- Work on achieving a unified and agreed definition of the concept of violence and sexual harassment in the world of work.
- Taking measures that would prevent sexual harassment, including in the workplace, in accordance with the provisions of the CEDAW Convention (Convention on the Elimination of All Forms of Discrimination against Women), which became valid after Palestine signed the Convention in 2014 and after Palestine joined the additional Protocol to CEDAW in 2018.
- Obligating the private sector to adopt an anti-sexual harassment in the world of work policy.

▼ Civil Service Law

- Adopting a specialized legal article to confront the crime of harassment if it occurs.
- The law should include and provide clear legal provisions to punish perpetrators.
- Collecting periodic statistical data with measurement indicators according to the applicable survey law and what is stipulated in the conventions that relate to discrimination on the basis of gender in the workplace.

▼ Draft Palestinian Penal Code 2010

- The necessity of working to put pressure on decision-makers to adopt laws that limit the phenomenon of violence. And adopting the draft law related to the text of Article 405 related to the definition of sexual harassment to become law in force on which the Palestinian judiciary can rely when addressing sexual harassment cases.

▼ In terms of coordination and relationship among partners

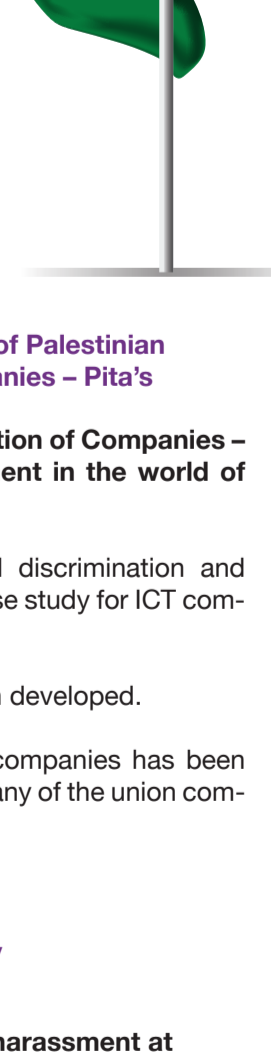
- Determining the obligations of all parties of the production process (government, unions, workers) in relation to convention No. 190.
- The need for a monitoring, follow-up and data analysis methodology for the phenomenon of harassment at the level of partners enhances the possibility of putting it firmly before decision-makers and thus increases the possibility of societal pressure towards adopting a deterrent policy for an effective response. Community awareness of the concept of gender-based violence and sexual harassment.
- Raising the community awareness of the concept of gender-based violence and sexual harassment.
- Providing separate services related to the concept of harassment. In other words, specializing in providing the services to those who are subjected to harassment, including a package of services, including protection, and providing psychological and social support to address the effects of harassment. And to work to restore normal life standards for those who are subjected to harassment.
- Identifying specialized service within the support services provided for women who might be exposed to gender-based violence and harassment.
- Building the capacity of employees of private sector companies and government institutions on gender-based violence and introduce company's policies and procedures.
- Clarifying and consolidating concepts related to violence and integrating them effectively in policies and codes of conduct at all levels.
- The importance of having a written complaints system on the issue of sexual harassment in institutions, which motivates those who are subjected to violence and harassment from filing a complaint, including setting standards to ensure confidentiality when submitting a complaint. Making sure that follow-up and accountability procedures are included into the complaint system.
- Enhancing the recourse to motivate the harassed persons to seek help and support and to search for a reliable body that can be resorted to; to file a complaint.
- The importance of strengthening the prevailing societal culture that supports people who have been harassed by encouraging the conduction of the legal procedures in when the complainant submits a complaint.

A spotlight towards strengthening mechanisms to confront gender-based violence in the World of Work in Palestine

1

◆ In-depth interview with Rasha Al-Fra, ILO International Labor Organization's experience in building coalitions and partnerships

It is possible to build on the experience of the ILO in Palestine in building a coalition among civil society institutions, including youth, women, persons with disabilities, and press organizations, as an opportunity to include and support the adoption of policies and legislation at the national level and the implementation of Convention No. 190 to address gender-based violence and harassment in the world of work.



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◆ In-depth interview with Amani Madi, the CEO of Palestinian Information Technology Association of Companies – Pita's

Palestinian Information Technology Association of Companies – Pita's Experience in the matter of harassment in the world of work

- A research study was conducted on sexual discrimination and violence against women in the workplace, a case study for ICT companies in Palestine for 2021.
- An anti-gender-based violence policy has been developed.
- A code of conduct for Information Systems companies has been developed based on the study's results, and many of the union companies have adopted and signed it.

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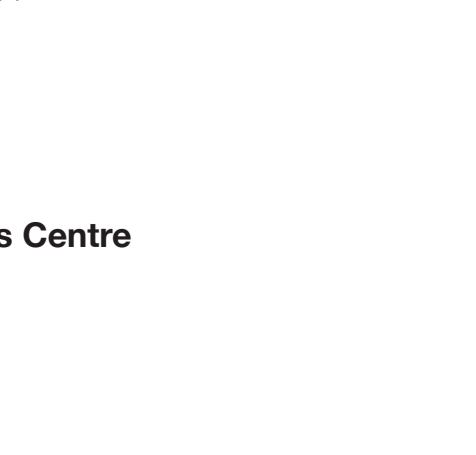
◆ Employee Handbook, UNIPAL General Trading Company

UNIPAL's experience in the policy of combating sexual harassment at work.

- The company has an employee handbook in which it reviews all the information that the employee needs in the company.
- Item no. (10) of the handbook 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 any subject 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.

How to mainstream gender into the private sector companies?

Organizational policies should include an explicit reference to GBV and reflect the way the company itself and its programs address GBV related issues and incidents that each employee might experience.



◆ Proposed outlines for adopting a policy of renouncing GBV in private sector companies:

- The GBV policy must have approval at all levels of the company.
- It explicitly states zero tolerance for sexual harassment, exploitation, and abuse in the workplace.
- The company has a specific policy and implementation plan with clear accountability for preventing sexual harassment and sexual assault by employees against any employee, as well as enforcing the consequences of any actions committed.
- Administrations must have a way of keeping track of situations in which abuse, exploitation or harassment has occurred.
- Include policies in the orientation of all new employees, especially senior employees. Also, institutional level policies must be acceptable at all levels.
- Provide support and an open response to survivors of gender-based violence, whether the violence is committed outside or within the company.
- A GBV focal point must be identified within the company for reporting protocols when harassment complaints take place.

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