

PART THREE: TEMPLATE POLICY ON GENDER-BASED VIOLENCE AND THE WORKPLACE

Draft **Organization's Bulletin**

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

Section 1 **Definitions**

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

- 1.0. **Abuser** means a person who perpetrates Gender-based Violence.

- 1.1. **Domestic Violence** can be committed between people regardless of race, sex, gender identity, sexual orientation, economic status, educational level or religious belief, whether they are living together or separately, are married or unmarried, or in short-term or long-term relationships. It includes, but is not limited to, physical, sexual and psychological violence occurring among Family Members or between Intimate Partners, including battering, sexual or physical abuse of children, dowry-related violence, marital rape, female genital mutilation and other practices harmful to women, economic coercion, violence related to exploitation, or other forms of physical, sexual, psychological or economic abuse.
- 1.2. **Employees** applies to individuals employed on a permanent or temporary basis, paid or unpaid, all personnel of the United Nations and all staff of separately administered organs and programs of the United Nations, including but not limited to, volunteers, interns, contractors and peace-keeping personnel.
- 1.3. **Family Members** includes, but is not limited to, members of the Victim's extended family, by blood or marriage, including the Victim's parents, children, dependents, aunts, uncles, cousins, parents-in-law, siblings, spouses and children, and other members of a shared household.
- 1.4. **Gender-based Violence** means:
 - (a) Physical, psychological, mental, economic or sexual harm or suffering, coercion and other deprivations of liberty (including incidents of Domestic Violence, sexual violence, dating violence, and stalking, but not including acts of self-defense) that are directed against a person based on gender and committed, attempted or threatened (i) by or against Employees, and/or (ii) against Employees' families or property; and
 - (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, stalking, trafficking

in women, forced prostitution, and sexual harassment or intimidation at work, educational institutions and elsewhere.

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

Section 2

Scope of Application

2.0 The Policy shall apply to all Employees.

Section 3

Non-Discriminatory and Responsive Policies to Assist Victims of Gender-Based Violence

3.0 Non-discrimination and Non-retaliation

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

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

3.1 Safety Planning

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

Organization, including human resources and security, to be prepared to respond in the event of an emergency.

The Organization will make reasonable efforts to assist the Victim in enforcing his or her Protection Order within the workplace, to the extent feasible and applicable. In all instances, when assessing safety risks associated with Gender-based Violence, the Organization will defer, whenever reasonably possible, to the Victim's judgment about steps that pose a safety risk to the Victim and the Victim's workplace, and those that increase safety and support for the Victim and the workplace.

3.2 Leave and Other Workplace Policies

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

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

3.3 Resources

The Organization will, to the best of its ability, make available a list of community-based resources for Victims, and will make every reasonable effort to refer Victims to

appropriate specialists who can offer assistance with respect to Safety Planning, counseling, and advice in identifying legal and other options.

3.4 Work Performance

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

3.5 Protection Orders

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

3.6 Confidentiality

Information related to an Employee being a Victim should be kept confidential to the extent permissible by law and organizational policy. Such information should be kept in

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

Section 4

Accountability for Employees Concerned about Violence and Employees Who Are Offenders

4.0 Employee Alert of Potential Acts of Gender-based Violence

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

4.1 Non-retaliation for Reporting Gender-based Violence

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

4.2 Prohibited Use of Workplace Resources

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

4.3 Disclosure of Final Court Orders and Gender-based Violence

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

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

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

Section 5

Preventive Measures

5.0 Awareness Programs

The Organization shall conduct regular and mandatory awareness programs for all Employees to raise awareness of the ways Gender-based Violence may impact the workplace, for all Employees to take all reasonable measures to create a harmonious working environment, which is free from intimidation, hostility, offense and any form of violence, and to encourage Victims to seek assistance in negotiating abuse through Safety Planning. Training will include information on the physical, social and cultural realities that may affect Victims of Gender-based Violence; the ways in which such violence impacts the workplace, including the potential impact on worker productivity and safety risks; and the steps that all Employees can take to reduce the risk of violence and to support Victims.

5.1 Management Training

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

5.2 Provision of Policy and Training to All Employees

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

5.3 Familiarization with Policy

Employees are responsible for familiarizing themselves with the Policy and with the various options and internal channels available for addressing such conduct. Employees

are also reminded of the policy introduced by ST/SGB/2005/21 on protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations.

5.4 Emergency Contact

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

Section 6

Duties of Heads of Organizations, Departments, Offices and Missions

6.0 Duty to Create Appropriate Environment

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

6.1 Duty of Action for Policy Violations

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

6.2 Duty to Report Investigations of Gender-based Violence

The Head of the Organization, Department, Office or Mission, as appropriate, shall promptly inform the appropriate designated authorities about investigations into cases of

Gender-based Violence, and of the action taken as a result of such investigations. Failure to take action may be considered a breach of duty and result in administrative action and/or disciplinary proceedings.

Section 7

Referral to National Authorities

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

Section 8

Entry into Force

8.0 The Policy shall enter into force on _____.