

Recommendations for the United Nations System on Gender Violence and the Workplace

Report of the Expert Group Meeting*

UN Women

13 & 14 December 2011

The Workplace and Gender-based Violence

*Expert Group Meeting organized by United National Entity for Gender Equality and Empowerment of Women (UN Women)

PART ONE: EXECUTIVE SUMMARY

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

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

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

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

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

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

workplace costs of gender-based violence are discussed at length in this report. In conjunction with the report, the proposed policy developed through the EGM offers concrete solutions for minimizing the social and economic costs of gender-based violence for the United Nations workforce.

a. Social and Economic Costs to the Workplace

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

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

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

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

The economic costs of the workplace effects of gender-based violence in the United States alone, including medical care, mental health services and lost productivity, are estimated to be in the billions of dollars. In addition to tangible economic costs, gender-based violence also results in greater social inequalities worldwide and perpetuates negative stereotypes about women's ability to participate fully in the workplace.

b. Proposed Workplace Solutions

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

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

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

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

- Respect confidentiality to the extent possible.
- Defer to the victim's assessments of safety whenever reasonably possible.
- Actively promote prevention and awareness training.

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

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

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

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

PART TWO: REPORT ON THE WORKPLACE AND GENDER-BASED VIOLENCE

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

I. Introduction

UN Women Executive Director Michelle Bachelet repeatedly has stated that violence against women constitutes “the most pervasive human rights violation in the world,” noting that up to six in ten women worldwide will suffer physical or sexual violence in their lifetime.¹ Gender-based violence, which includes domestic and sexual violence, impacts the workplace in multiple ways. This type of violence can affect the workplace through acts or series of acts that may occur directly in the workplace and that may threaten workers’ safety. Secondary effects of the violence, such as heightened employee absenteeism due to increased medical or legal needs, decreased productivity, resignations or terminations with inadequate notice, and other disruptions affect the workplace as well. The UN is by no means immune to the workplace effects of gender-based violence.

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

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

1. 23 Nov. 2011 speech on International Day for the Elimination of Violence against Women.

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

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

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

policy that would support a United Nations strategy to reduce gender-based violence and its negative impacts on the workplace.

II. Coordination with Existing UN Policies and Practices

The proposed policy would operate in concert with existing UN policies and human rights documents that govern related issues. Specifically, it would complement UN policies that prohibit exploitative conduct and sexual abuse and discrimination, harassment and abuse of authority.²

It is expected that the proposed policy would direct employees to access existing UN resources that provide for counseling, use of an ombudsman and appeal to the UN Tribunal, if needed. The proposed policy does not seek to supplant any existing UN

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

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

III. A Note about “Best Practices”

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

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

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

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

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

IV. Context: The Incidence of Gender-based Violence and Its Workplace Effects Worldwide

Gender-based violence includes physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.³ Gender-based violence is prevalent throughout the world. According to a WHO Multi-Country Study on Women's Health and Domestic Violence against Women, between 15 and 71 per cent of women have experienced gender-based violence in their lifetime, with most countries in the survey falling between 29 and 62 per cent. In the United States, the prevalence of gender-based violence is well documented. According to a recent comprehensive national survey, nearly three in ten women in the United States have experienced rape, physical violence, and/or stalking by an intimate partner.⁴ More than one in seven (14.8 per cent) of the women in this national survey had experienced an injury as a result; one in ten (10.0 per cent) had missed at least one day of work or school as a result of intimate partner violence.⁵

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

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

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

Gender-based violence is violence directed against a person based on gender and violence that disproportionately affects women. Both men and women can be perpetrators and victims of gender-based violence; it occurs in same-sex as well as heterosexual relationships. However, gender-based violence is far more commonly perpetrated by men against women and girls.⁶

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

The workplace effects of all forms of gender-based violence can be significant. Gender-based violence includes a variety of acts that disrupt the workplace in myriad ways. Violence can and often does follow victims and perpetrators into the workplace. Threats of violence or actual incidents of violence may occur at work, sometimes with tragic results for victims and their co-workers. In the United States, homicide is one of the leading causes of occupational injury or death among female workers.⁷ According to a survey conducted by the United States Department of Labor, nearly a quarter of businesses surveyed reported having experienced an incident of workplace violence that resulted from domestic or other form of gender-based violence during the previous year.⁸

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

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

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

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

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

concentrate on work responsibilities, the abuser makes it increasingly difficult for the victim to succeed at a job and maintain independence and thus, to be able to leave a violent situation.

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

Stalking is a form of abuse that is also highly disruptive in a workplace. Stalking includes a range of individual behaviors such as sending unsolicited e-mails or texts, spying on the victim, waiting for the victim or showing up at places without a legitimate reason, and posting rumors or private information about the victim on the internet or in a public place. The repetitive and threatening nature of stalking can cause a victim to fear for his or her safety. Stalking may also affect a victim's co-workers by causing them to experience fear and harassment. Women are almost three times as likely to be stalked as are men.⁹

An employee who is a perpetrator of violence also may experience decreased productivity, particularly if the employee expends time and resources from work perpetrating the abuse. Perpetrators as well as victims may take time off from work to address medical, legal and other consequences of the abuse.¹⁰ Work performance may suffer as well, since perpetrators report difficulty concentrating at work because of their abusive relationships.¹¹

Studies are beginning to track the workplace costs of gender-based violence. The data indicating the economic costs of the workplace effects of gender-based violence are compelling. The cost of intimate partner-based violence to the US economy generally — including medical care, mental health services, and lost productivity at work — has

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

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

11. *Ibid.*, p. 21.

been estimated to total more than \$8.3 billion in 2003 dollars.¹² One study estimates that in the United States alone, the annual cost of domestic violence due to lost productivity is \$727.8 million, with almost eight million paid work days lost each year.¹³

When employers are responsible for health care costs, the workplace effects of gender-based violence can be even greater. For example, Americans suffer 2.2 million medically treated injuries due to interpersonal violence annually, at a cost of \$37 billion (\$33 billion in productivity losses, \$4 billion in medical treatment).¹⁴

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

- Domestic violence affects one in four women and one in six men.
- 56 per cent of abused women arrive late for work at least five times per month.
- 53 per cent are absent from work at least three days per month.
- 75 per cent of domestic abuse victims are targeted at work, where they are subject to actions ranging from harassing phone calls, text messages and e-mails to physical assaults.
- Domestic violence costs UK businesses £1.9 billion each year through absence, injury and reduced productivity.¹⁵

In recent years, employers have begun to recognize the employment-related costs and effects of gender-based violence. Employers realize that the cost of gender-based violence, whether it occurs within the workplace or outside of it, makes gender-based violence a workplace issue that cannot be ignored. Workplace surveys have demonstrated that human resources directors increasingly believe that addressing the

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

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

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

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

effects of gender-based violence in the workplace is essential,¹⁶ and that more than 90 per cent of corporate security and safety directors considered gender-based violence to be a high security concern.¹⁷ The UN is no exception.

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

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

V. Proposed Policy to Reduce Gender-based Violence Workplace Effects

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

This policy recognizes that in addition to its steep financial costs, gender-based violence negatively affects a victim's employment and workplace success. It encourages employers to take steps that promote victims' continued safe and productive employment. Moreover, the policy seeks to introduce strategies that can enable employers to avoid gender stereotypes and biases regarding victims and perpetrators that could adversely influence an employer's reaction to a situation of gender-based violence.

A well-designed workplace policy aims to enable employers to make reasonable workplace accommodations for victims and to help them access resources. A victim's ability to retain his or her job often is key to the victim's ability to make choices about how to respond to the abuse. For example, a job may bring financial independence, which may enable the victim to leave an abusive relationship. Creating an environment in which victims feel safe to self-identify and disclose their circumstances to their

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

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

employers serves the interests of both employers and employees because it enables them to develop a safety plan together that minimizes the risk of violence at work. Being aware of the effects of gender-based violence allows employers to determine how best to manage a situation safely and productively and therefore facilitates an employee's well-being and workplace productivity.

a. Scope of the Proposed Policy

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

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

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

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

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

b. Essential Elements of the Policy

The core elements of a successful policy include reasonable efforts to help an employee coping with abuse to achieve safety, to hold perpetrators accountable to the extent practicable, and to implement workplace awareness and training programs. The proposed policy emphasizes the importance of respecting victim autonomy and safety, and highlights the goal of creating a supportive and safe work environment for both the

victims of violence and their co-workers. An effective policy should contain the following key provisions, discussed in greater detail below:

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

i. Non-discrimination and Non-retaliation

The proposed policy aims to apply existing personnel policies in ways that are most responsive to victims' needs and that do not discriminate against victims of gender-based violence. Workplace policies that encourage employees coping with abuse to develop plans to safely maintain their jobs are most effective in retaining valuable employees and in preventing violence from occurring at work. To develop a workplace safety plan in conjunction with their supervisor or another colleague, victims must be assured that they will not face negative job consequences as a result. Consequently, anti-discrimination provisions are key to an effective policy. Victims should not be subject to stigmatization or diminishing status in the organization for disclosing that they have been subjected to abuse. At the same time, an employee should not be required to disclose his or her status or history with abuse.¹⁸

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

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

ii. Safety Planning

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

When creating a safety plan for the workplace, employers may ask the victim what changes in the workplace would make it safer for him or her. The organization should strive to implement these suggestions wherever possible.¹⁹

When requested by the victim, or when necessary to protect employees' safety, managers should provide safety personnel and other relevant employees with information concerning the abuser. Managers should provide clear instructions for procedures to follow if employees observe the abuser gaining unauthorized access to the work site or threatening the safety of any employee. A copy of any existing court order of protection may be kept in a confidential location, with copies provided to security personnel as needed to maintain the safety of the workplace. Managers should be aware of and should discuss with the victim the confidentiality policy and any limitations on protecting the confidentiality of the victim's situation when other employees are at risk.²⁰

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

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

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

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

Local resources, whether NGOs or government-supported offices with expertise in gender-based violence and victim services, should be identified and relied on wherever possible.²¹ The employer should distinguish between assisting in developing a workplace safety plan and counseling. Employees should be referred to counselors and other experts who can offer counseling and support.

iii. Flexible Leave Policies and Other Workplace Assistance

Victims of gender-based violence frequently need time off from their jobs to address matters that arise as a result of abuse. For example, victims may need time to secure medical assistance or counseling, to attend to legal matters (such as securing legal assistance or attending court proceedings), or for safety planning that may include moving residence or finding temporary accommodation. The UN maintains several types of leave policies and practices that employees may access under a range of circumstances.²² Those leave policies should be applied flexibly in order to facilitate an employee's need for time off in order to address issues arising from his or her experience with gender-based violence.

The proposed policy aims to ensure that an employee is not penalized for exercising his or her right to seek criminal or other sanctions against a perpetrator and to take other legal action as needed. Although it is a crime in some jurisdictions for an employer to penalize an employee who, as a victim of or witness to a crime, appears as a witness, consults with prosecutors or exercises his or her legal rights, the proposed policy would incorporate that common-sense approach across all jurisdictions.²³

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

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

23. For example, taking legal action against a perpetrator may require an employee to make court appearances, which may necessitate absence or leave to attend one or multiple hearings. Frequently, the responding perpetrator fails to appear, which requires rescheduling of the court proceedings. Repeat

Victims of gender-based violence may require leave for other reasons relating to the abuse. Managers are encouraged to assist employees by flexibly applying the workplace's leave policies to accommodate an employee's abuse-related need for leave.²⁴

Questions may arise about the type of documentation needed to access leave and other workplace policies. Managers are encouraged to consult with the employee to identify the type of documentation that might be available or to determine what alternative documentation the employee might be able to obtain without compromising his or her safety.²⁵

In addition to flexibility concerning leave policies, employers are encouraged to make reasonable efforts to implement changes in benefits if an employee who is a victim of gender-based violence so requests. An employer should expeditiously process employee requests for changes to payroll transfers and other benefits payments when such request by an employee is based on gender-based violence.²⁶ Flexible application of a broad range of benefits programs can make a significant difference in promoting a victim's economic security and safety.

iv. Access to Resources

Employees coping with gender-based violence often may benefit from talking with staff at community-based organizations who have experience working with victims and addressing issues associated with gender-based violence. These experts can help guide a

appearances may be required if a perpetrator violates a restraining order or fails to pay court-ordered child support payments. Victims also may require time off to meet with an attorney or advocate in civil or criminal matters relating to the abuse.

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

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

26. For example, if an employee informs the employer that he or she has separated from an abusive spouse or domestic partner who receives health care or other benefits from the employer, efforts should be made to transfer the company benefits to the employee's own name, or to remove a spouse's coverage where appropriate. That type of transfer should be conducted in a reasonable time period regardless of open enrollment or other such restrictions.

victim to other resources, and can help them navigate relevant medical, legal and social services. The designated authority within an organization should refer employees coping with gender-based violence to these community-based organizations, and should provide employee with information about available resources to help victims in their communities. Co-workers of victims should not take on the role of counselor, but instead should assist victims in locating those experts who are trained and skilled in providing the assistance a victim may need.

v. Fair and Clear Work Performance Evaluations

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

When disciplinary proceedings are being considered against an employee whose work may be suffering as a result of his or her situation as a victim of gender-based violence, the employer should ask the employee what steps might improve the situation. Managers should offer all reasonable accommodations to enable a victim to continue to perform his or her job while maintaining the safety of the workplace for all employees.²⁷

All available options to resolve the performance problems (including referrals to any available employee assistance programs) should be exhausted before commencing disciplinary measures. The employer should be particularly careful not to take any adverse action against an employee victim based on abuse against the employee that takes place at work or that otherwise disrupt the workplace.

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

vi. Protection and Restraining Order Policies

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

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

Often a protective order may list the workplace as a place from which a perpetrator is excluded. When employers are aware of court orders of protection that identify the workplace, the organization should take reasonable steps to assist the employee with enforcement. It is critical that the employer's safety personnel carry out steps towards enforcement in consultation with the victim, who generally is the best judge of which steps will promote safety.²⁸

In the event that an employer maintains a copy of an employee's protective order or takes steps to assist with prosecution, it should make reasonable efforts to protect the employee's confidentiality. The proposed policy recommends that the court order and other documents concerning the abuse be archived in a confidential file with limited access, separate from the employees' other personnel files.²⁹

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

vii. Confidentiality

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

However, this concern may conflict with the employer's responsibility for maintaining the safety of the workplace and of all other employees. An employee's request for that information to be kept confidential may conflict with national law or with requests from

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

29. See section vii for additional information about confidentiality.

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

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

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

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

viii. Holding Employee Perpetrators Accountable

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

The proposed policy explicitly prohibits employees from using any workplace resources (including but not limited to work time or workplace technology) to threaten, harass, intimidate, embarrass or otherwise perpetuate gender-based violence against another

person, whether or not the victim is a UN employee. An employee may be subject to disciplinary action if such employee uses UN resources to commit an act or series of acts that constitute gender-based violence, commits such acts from the workplace or while on official UN business outside the workplace, or uses his or her UN authority in order to negatively affect victims or to cover up acts of gender-based violence. UN employees who possess a firearm or other weapon as a job-related requirement and are found to have committed gender-based violence may be required to surrender their firearms if the circumstances are found to warrant such action.

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

The policy provides guidance to organizations when an employee discloses or is found to have committed an act of gender-based violence, whether within or outside the workplace. As a threshold matter, when a court issues a final ruling finding that the employee committed an act that constitutes gender-based violence, the employee must inform his or her manager of this fact.³⁰ Failure to disclose the existence of such a final court order may result in disciplinary action, up to and including termination.

An employee who perpetrates gender-based violence may be subject to termination but such action should not occur until alternative sanctions are explored. The victim's viewpoint on termination of the perpetrator should be given consideration as well since terminating the perpetrator's employment often produces unintended consequences of financial distress or increased violence that affect the victim as well.³¹

ix. Investigation Procedures

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

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

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

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

This proposed policy on gender-based violence takes into consideration existing UN policies, with appropriate modifications for instances of stalking, interpersonal violence and other aspects relevant to gender-based violence. When perpetrators and victims are present in the same workplace, managers are encouraged to draw on the existing UN policies governing sexual harassment and assault or exploitation. Managers may employ the fact-finding investigation procedures described in the Secretary-General's bulletin on the prohibition of discrimination, sexual harassment and abuse of authority.³²

x. Awareness and Training

Critical aspects of a comprehensive and effective workplace response include education, awareness and training about the ways gender-based violence impacts the workplace. Experts at the EGM agreed that procedures for conducting workplace awareness and for training key staff and personnel are vital. An institutional response should tap into the expertise of community resources wherever available and should identify and make available additional resources if these are not available locally.

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

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

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

Curriculum development for training may be carried out in collaboration with appropriate local service providers where available. Trainers are strongly encouraged to discuss the effects of violence on marginalized populations generally and in particular to ensure that the content of the training includes gender-based violence in same sex relationships.

Part of the training should address proper response and reporting guidelines for employees who witness gender-based violence by or against a co-worker. Employees who suspect that acts of gender-based violence are being committed against a fellow employee are strongly encouraged to report their concerns to their manager, supervisor or a representative of the UN Focal Point for Women. In certain cases, it may be best to discuss their concerns with the suspected victim first, asking him or her what can be done to help. The resources available to all employees should include training on how to approach a perceived victim of gender-based violence to facilitate self-disclosure or safety planning, or to seek assistance from community-based resources where available. Because a victim is likely to self-censor and not disclose his or her status if he or she fears stigmatization, it is important for managers and other supervisory personnel to create an atmosphere in which employees feel safe disclosing abuse. Often a victim chooses not to disclose the abuse. The proposed policy encourages managers to provide support to victims of abuse but to not require a victim to disclose his or her status or to disseminate confidential information about the situation.

VI. Conclusion

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

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

VII. Appendix

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