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Ending Sexual Harassment at Work: Creating a Baseline on Laws in 193 Countries

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ABSTRACT

In June 2019, the International Labour Organization (ILO) adopted Convention 190, a landmark global treaty addressing workplace sexual harassment. This study provides a baseline assessment of all 193 United Nations (UN)

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member states' workplace sexual harassment laws. A systematic comparison of national legislation reveals that nearly two-thirds of UN member states have legislated prohibitions of sexual harassment in the workplace. However, one-third still fail to prohibit workplace sexual harassment, and important gaps exist in the countries with legislative protections. Tracking countries' enactment of workplace sexual harassment laws over time will provide an important tool for monitoring the Convention's impact.

I. INTRODUCTION

On 21 June 2019, the International Labour Organization (ILO) adopted a new global treaty addressing violence and harassment in the workplace.¹ The Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO Convention 190, or the "Violence and Harassment Convention") represents a major step toward ensuring safe workplaces for everyone, with the potential to benefit gender equality in the economy. Additionally, ILO members' near-unanimous support for the Convention—which was adopted by a vote of 439–7, with thirty abstentions—suggests it will likely be widely ratified.² In its twenty articles, the Violence and Harassment Convention comprehensively articulates member states' responsibilities to prevent and eliminate sexual harassment in all public and private workplaces. The Convention also notes that sexual harassment is but one component of "gender-based violence and harassment," and calls on countries to address gender-based violence and harassment more broadly (Article 1). Finally, the Convention broadly reaffirms member states' commitments to protect fundamental labor rights—including freedom of association, collective bargaining, and protection from child labor—and to legally prohibit and prevent discrimination based on gender and other statuses (Articles 5 and 6).

The Convention has the potential to be a powerful lever for action in the growing movement to end sexual harassment. In 2017, the "#MeToo" movement sparked international conversations about the prevalence and cost of sexual harassment in the workplace, bringing to the forefront stories of gender-based violence in an "uprising of the formerly disregarded."³ The Convention is the first multilateral treaty to explicitly and comprehensively

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1. Convention Concerning the Elimination of Violence and Harassment in the World of Work (ILO No. 190), *adopted* 21 June 2019, 1180 (*entered into force* 25 June 2021) [hereinafter ILO C190].
 2. ILO, *New International Labour Standard to Combat Violence, Harassment, at Work Agreed*, (21 June 2019), https://www.ilo.org/ilc/ILCSessions/108/media-centre/news/WCMS_711321/lang-en/index.htm.
 3. Catherine A. MacKinnon, *#MeToo Has Done What the Law Could Not*, N.Y. TIMES, 4 Feb. 2018, <https://www.nytimes.com/2018/02/04/opinion/metoo-law-legal-system.html>.

address sexual harassment in the workplace.⁴ Its adoption is especially timely as stakeholders at all levels are increasingly recognizing the urgency of harnessing public attention to end sexual harassment, which is “a human rights violation of gender-based discrimination.”⁵ For this landmark treaty to have an impact within countries, however, commitments to ending sexual harassment must be translated into action at the national level. The domestication of the Convention’s principles within national laws and policies is one critical step toward ensuring its full and effective implementation, and it is required by the Convention’s text itself. Specifically, Article 4 calls on countries to “prohibit in law violence and harassment, ensur[e] that relevant policies address violence and harassment, [and] . . . ensur[e] access to remedies and support for victims” as part of their broader responsibilities to implement “an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work.” Similarly, Article 9 requires member states to “adopt laws and regulations requiring employers to take appropriate steps...to prevent violence and harassment in the world of work, including gender-based violence and harassment,” through the adoption and implementation of relevant workplace policies and employee training requirements whereas Article 10 establishes that workers who have experienced harassment must have “easy access to appropriate and effective remedies.”

By tracking countries’ enactment of laws and policies addressing sexual harassment at work in the years following the Convention’s adoption, the global community can monitor the Convention’s impact and identify whether countries are taking the first steps to realize their commitments. Quantitatively measuring member states’ actions also allows for the identification of trends by regions and income groups and the straightforward comparison of different countries’ approaches. In this way, national law and policy data can provide a critical complement to the ILO’s report-based system for monitoring, which provides extensive qualitative information about actions taken by member states. Although the information offers in-depth and highly valuable content for researchers focused on particular countries, it is not frequently updated, easily analyzed, or comparable across countries and over time. By contrast, quantitative data can easily illustrate global progress from year to year and offer insights into which approaches have been feasible in a range of socio-economic settings.

Quantitative measures can be paired with legislative text to provide an additional resource for stakeholders seeking to advance legal change. Readily

4. Caroline Kende-Robb, *We Need a Global Convention to end Workplace Sexual Harassment*, WORLD ECON. FORUM (6 Dec. 2018), <https://www.weforum.org/agenda/2018/12/end-workplace-sexual-harassment-care-international/>.

5. UN WOMEN. TOWARDS AN END TO SEXUAL HARASSMENT: THE URGENCY AND NATURE OF CHANGE IN THE ERA OF #MeToo 8 (2018).

accessible legal text can highlight a range of approaches that peer countries have taken to advance gender equality and end sexual harassment at work. These excerpts can be used to supplement legislative toolkits available from international government organizations.⁶

Tracking progress on the Convention from the earliest stages of international agreement may also help to inform the development and successful implementation of national laws and policies. While previous research has analyzed the extent to which countries' laws and policies align with international agreements,⁷ few have been able to look at the state of the world before and after the adoption of a new agreement.⁸

To evaluate progress over time, however, it is first essential to understand the baseline. This article expands on previous analyses, such as Dierdre McCann's, to provide a detailed global comparison of how all 193 UN member states addressed sexual harassment in the workplace through national laws and policies as of August 2016, a year after the process to adopt the Convention was first put in motion.⁹ Specifically, national legislation is compared from each country that addresses the definition and prohibition of workplace sexual harassment, provides measures to prevent sexual harassment, and offers protection from retaliation for victims of sexual harassment. This analysis allows for the construction of a baseline for measuring future global progress toward ensuring that all workers are protected from harassment at work.

Operationalizing the Convention

Although the Convention does not explicitly define sexual harassment, intergovernmental organizations, policymakers, and researchers generally agree that sexual harassment is not limited to physical violence and that it includes psychological harm.¹⁰ ILO separately emphasizes the importance of

6. UN WOMEN, *HANDBOOK FOR LEGISLATION ON VIOLENCE AGAINST WOMEN* (2012).

7. Nicloas de Guzman Chorny, Amy Raub, Alison Earle & Jody Heymann, *The State of Child Labor Protections in 193 Countries: Are Countries Living up to Their International Commitments?*, 39 INT'L J. SOCIOL'Y & SOC. POL'Y 609 (2019); Jody Heymann, Kristen McNeill & Amy Raub, *Rights Monitoring and Assessment using Quantitative Indicators of Law and Policy: International Covenant on Economic, Social and Cultural Rights*, 37 HUM. RTS. Q. 1071 (2015); Jody Heymann, Kristen McNeill & Amy Raub, *Assessing Compliance with the CRC: Indicators of Law and Policy in 191 Countries*, 22 INT'L J. CHILD. RTS. 425 (2014).

8. Amy Raub et al., *Constitutional Rights of Persons with Disabilities: An Analysis of 193 National Constitutions*, 29 HARV. HUM. RTS. J. 203 (2016).

9. Dierdre McCann, *Sexual harassment at work: national and international responses, Conditions of work and employment series No. 2*, (2005); Shauna Olney, *ILO Convention on Violence and Harassment: Five key Questions*, ILO (28 June 2019), https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_711891/lang-en/index.htm.

10. ILO, *GIVING GLOBALIZATION A HUMAN FACE: GENERAL SURVEY ON THE FUNDAMENTAL CONVENTIONS CONCERNING RIGHTS AT WORK IN LIGHT OF THE ILO DECLARATION ON SOCIAL JUSTICE FOR A FAIR GLOBALIZATION*, 2008, REPORT III (PART 1B) (2012), https://www.ilo.org/wcmsp5/groups/public/-ed_norm/-relconf/documents/meetingdocument/wcms_174846.pdf.

considering two forms of sexual harassment—quid pro quo and the creation of a hostile work environment—as key components of a universal definition.¹¹ This definition aims to cover the most prevalent forms of sexual harassment.¹² In addition to the types of sexual behaviors that constitute harassment, there is growing agreement that sexual harassment also encompasses non-sexual sex-based harassment.¹³ In its guidelines for developing new legislation, UN Women identifies the inclusion of sex-based harassment as one of the four key elements of a legal definition of sexual harassment at work.¹⁴

This analysis further examines important differences across laws that may shape whether a given policy offers comprehensive protection to all workers and is explicitly addressed by the Convention. One example is whether a workplace policy prohibits sexual harassment not only by supervisors but also by co-workers and clients. This analysis also examines whether sexual harassment laws explicitly protect those who report harassment from retaliatory actions, which can substantially shape the likelihood of the law's effective implementation. The Violence and Harassment Convention recognizes the significance of these specific issues, as well as the importance of their enshrinement in national laws and policies. This study examines where the world stands and how far it must go toward ensuring these legal protections to workers in all countries.

II. METHODS

A. Data

To assess the nature and extent of laws prohibiting sexual harassment in the workplace around the world, a quantitatively comparable dataset was created by systematically analyzing sexual harassment-related laws in force as of August 2016 across 193 UN member states. The ILO's NATLEX legislation database served as the primary source of labor codes, penal codes, and equal opportunity legislation.

Analyses were focused on national-level legislation; for countries with subnational variation, the lowest level of protection was captured. Provisions

11. *Id.* at 330.

12. *Sexual Harassment at Work Fact Sheet*, ILO, (2007), https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_96_en.pdf; Emily A. Leskinen, Lilia M. Cortina & Dana B. Kabat, *Gender Harassment: Broadening our Understanding of Sex-Based Harassment at Work*, 35 L. & HUM. BEHAV. 25 (2011); National Women's Law Center, *Workplace Justice: Sexual Harassment In the Workplace* (2016).

13. Leskinen et al., *supra* note 12; Vicki Schultz, *Reconceptualizing Sexual Harassment, Again*, YALE L. J. F. 22 (2018).

14. UN Women. *Overview and Definition* (1 Mar. 2011), <http://endvawnow.org/en/articles/817-overview-and-definition.html?next=509>.

covering the private sector were captured. While protections in the public sphere are important, countries were not coded as having adequate coverage if their laws solely covered the public sector. Two policy analysts independently coded all variables for each country, identified discordant entries, and reviewed them for accuracy. Outlier checks and logic checks were carried out to further improve data quality and additional research was conducted to resolve indeterminate cases. The resulting database on laws and policies related to sexual harassment is part of the WORLD Policy Analysis Center's larger repository of policy data on protections from discrimination at work.

B. Policy Indicators

A set of indicators was created to assess legislative action towards fulfilling the commitments of the Convention.

Three aspects of how countries defined sexual harassment were examined: (1) whether both sex-based harassment and sexual behavior-based harassment were legally prohibited, (2) which types of sexual behavior were considered sexual harassment, and (3) whether there were any legal limits on protections based on the role or position of the perpetrator.

Measures to prevent sexual harassment and whether there was legal protection from retaliation for reporting sexual harassment were also assessed.

C. Analysis

The data were analyzed using the STATA 14 statistical package. ArcGIS 10.5 was used to map prohibitions of workplace sexual harassment, how sexual harassment is defined, employer requirements to prevent sexual harassment, and protection from retaliation around the world. Information on country income levels was obtained from the World Bank's 2016 classifications and regional data from the ILO. Throughout this analysis, there are examples of the legislative language countries use to protect workers from sexual harassment that could serve as examples of approaches to providing protections.

III. RESULTS

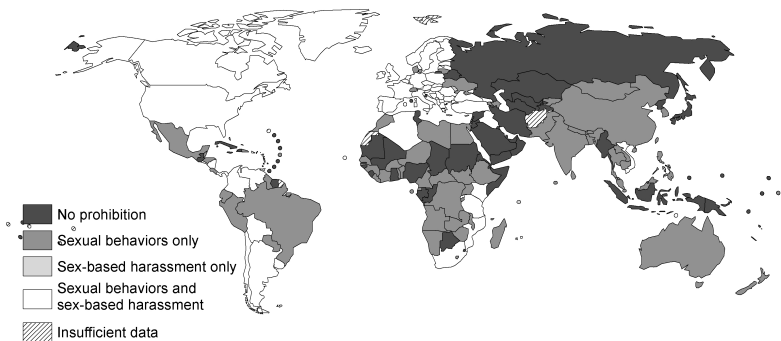
A. Definition and Prohibition of Sexual Harassment in the Workplace

Article 1 of the Convention establishes that “‘gender-based violence and harassment’ means violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender

disproportionately, and includes sexual harassment.” Accordingly, whether countries prohibit non-sexual, sex-based harassment, as well as sexual behavior-based harassment, was assessed. Globally, a third of countries did not explicitly prohibit sex-based or sexual behavior-based harassment at work. Thirty-five percent prohibited only sexual behavior-based harassment without explicitly addressing the broader sex-based harassment. Two percent prohibited sex-based harassment, but did not specify in legislation that this explicitly included sexual behavior-based harassment. Only 31 percent explicitly prohibited both sex-based and sexual behavior-based harassment. For example, Iceland’s Act on Equal Status and Equal Rights of Women and Men addresses both types of harassment and violence together, stating: “Employers and the directors of institutions and non-governmental organisations shall take special measures to protect employees, students and clients from gender-based violence, gender-based harassment or sexual harassment 1) in the workplace, in institutions, in their work for, or the functions of, their societies, or in schools.”¹⁵ Other countries, such as Armenia, define harassment as a form of discrimination:

1. All aspects of society, direct and indirect gender discrimination is prohibited.
2. Gender direct forms of discrimination are: 1) discrimination on the basis of marital status, pregnancy, and family responsibilities; 2) different remuneration for the same or equivalent work, any change in remuneration (increase or decrease) or deterioration of working conditions by sex; 3) sexual harassment; 4) when a person has been sexually abused, subjected to, or may be subjected to, the same or worse treatment.¹⁶

Are both sex-based and sexual behavior-based harassment legally prohibited?



15. Act on Equal Status and Equal Rights of Women and Men as amended by Act No. 162/2010, No. 126/2011, No. 62/2014, No. 79/2015, (2008) Cap. Iceland.
16. Law No. HO-57-N of 20 May 2013 on Guaranteeing Equal Rights and Opportunities for Women and Men, Cap. (Armenia).

Explicit protections against both types of harassment were more common in high-income countries than low- and middle-income countries (55 percent compared to 10 percent and 25 percent respectively). However, there were smaller differences in countries that had no protections across income levels: 25 percent of high-income countries lack any explicit protection, compared to 30 percent of low-income countries and 37 percent of middle-income countries. Regional trends generally reflected these income differences with protections from sex-based harassment and sexual behavior-based harassment being most common in Europe and Central Asia (69 percent) followed by the Americas (31 percent). At least one country in every region had some explicit legal prohibition of sexual behavior-based harassment at work.

The Convention defines violence and harassment broadly to include “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm.”¹⁷ Focusing on sexual harassment, this broad definition is operationalized to include both (1) *quid pro quo* or unwanted sexual advances and (2) the creation of a hostile work environment or behavior that violates a person’s dignity in line with previous ILO statements that these two components are necessary to “effectively address all forms of sexual harassment.”¹⁸ Two-thirds of countries that legally prohibited sexual harassment in the workplace used definitions that included both *quid pro quo* and the creation of a hostile work environment. For example, Zambia’s Gender Equity and Equality Act defines sexual harassment as:

conduct or contact of a sexual nature, such as the following: (a) having physical contact, making advances, comments or innuendos without the consent of a person; (b) being offensive, humiliating or intimidating to a person in a suggestive manner; or (c) threatening or imposing a condition on a person for doing or undertaking anything or creating a hostile environment for an employee.¹⁹

Following a multi-year campaign by employees and union representatives, Iraq passed a Labor Law in 2015, which for the first time introduced protection from sexual harassment. The law prohibits conduct that creates a hostile work environment and specifies that:

[s]exual harassment in accordance with the provisions of this law is any physical or verbal conduct of a sexual nature or other conduct based on sex, affecting the dignity of women and men, which is undesirable and unreasonable and insulting to those who are victim of this conduct, and the rejection by any person of this conduct, leading explicitly or implicitly, to a decision affecting his job.²⁰

17. ILO C190, *supra* note 1, art. 1.

18. ILO, *GIVING GLOBALIZATION A HUMAN FACE*, *supra* note 10, at 331, https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_174846.pdf.

19. Gender Equity and Equality Act 2015, Cap. (Zambia).

20. Labor Law of 2015 (Iraq).

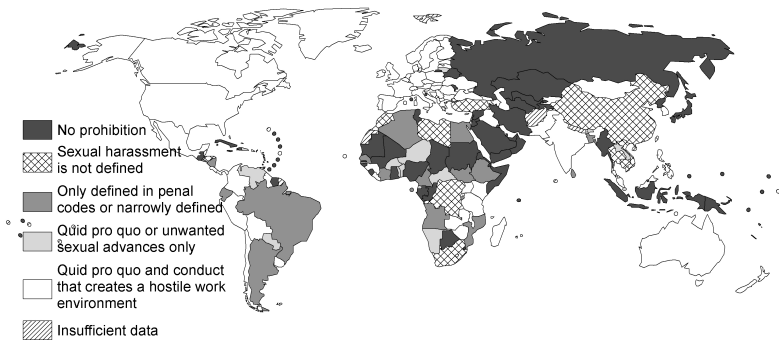
Other countries did not explicitly address a hostile work environment, but prohibited behaviors that would create a hostile work environment. For example, Kenya's legislation uses language that is relatively common and defines sexual harassment as when someone:

(a) directly or indirectly makes a of that employee for sexual intercourse, sexual contact or any other form of sexual activity that contains an implied or express—(i) promise of preferential treatment in employment; (ii) threat of detrimental treatment in employment; or (iii) threat about the present or future employment status of the employee; (b) uses language whether written or spoken of a sexual nature; (c) uses visual material of a sexual nature; or (d) shows physical behaviour of a sexual nature which directly or indirectly subjects the employee to behaviour that is unwelcome or offensive to that employee and that by its nature has a detrimental effect on that employee's employment, job performance, or job satisfaction.²¹

To address growing public concerns over sexual assaults, India's 2013 legislation introduced a broad definition of sexual harassment at work, defining and banning conduct that:

includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:— (i) physical contact and advances; or (ii) a demand or request for sexual favours; or (iii) making sexually coloured remarks; or (iv) showing pornography; or (v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature."²²

What sexual behaviors are legally defined as sexual harassment at work?



21. Employment Act 2007, Cap. (Kenya).

22. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act) (2013). Cap. (India).

An additional 12 percent of countries that prohibited sexual harassment addressed behaviors more narrowly by prohibiting quid pro quo or unwanted sexual advances, but not behaviors that might create a hostile work environment. Fourteen percent of countries addressed sexual harassment only in penal codes, limiting avenues for civil redress, or narrowly defined sexual harassment in other legislation. The ILO's Violence and Harassment Recommendation ("the Recommendation," a set of non-binding guidelines designed to support the Convention's full implementation, explicitly advises that the complaint mechanism for gender-based violence and harassment include a "shifting of the burden of proof, as appropriate, in proceedings other than criminal proceedings" along with other measures to promote access to justice, suggesting that criminal sanctions alone are not enough for addressing sexual harassment at work.²³ An additional 8 percent of countries did not define sexual harassment, leaving it up to regulatory bodies or case-by-case decisions to determine what behavior is prohibited.

The sexual behaviors that were legally defined as sexual harassment vary greatly by country income level. Whereas 92 percent of high-income countries defined sexual harassment to include both quid pro quo and creation of a hostile work environment, only 45 percent of low-income and 55 percent of middle-income countries did so. Additionally, no high-income countries addressed sexual harassment only in penal codes or narrowly defined sexual harassment, compared to 25 percent of low-income countries and 20 percent of middle-income countries. Regional trends generally followed these income level trends with 96 percent of countries in Europe and Central Asia defining sexual harassment to include quid pro quo and creation of a hostile work environment compared to just over half in the Americas, Asia, and the Pacific, and 39 percent in Africa.²⁴

The Convention explicitly recognizes the core principle that laws and policies addressing sexual harassment should consider third parties. The Recommendation further clarifies that "third parties" include "clients, customers, service providers, users, patients and members of the public." Globally, explicit legislative provisions that comprehensively protect workers from sexual harassment by any party in the workplace are rare. Of the countries with legal prohibitions of workplace sexual harassment, 28 percent did not specifically address who is prohibited from harassing employees. In more than a third of countries with legal prohibitions, legislation prohibited harassment only by employers or supervisors. Sexual harassment by coworkers was prohibited in 22 percent of the countries with legal protections. For example, Fiji defines sexual harassment as occurring "when an employer or its representative or a co-worker" makes quid pro quo requests or creates a

23. Violence and Harassment Recommendation (ILO No. 206), *adopted* 21 June 2019.

24. Due to the small sample size for countries in the ILO region Arab states with legislative provisions, results are not separately presented throughout.

Who is prohibited from committing sexual harassment in the workplace?



hostile work environment.²⁵ Only 15 percent of countries that legally prohibited sexual harassment in the workplace provided a comprehensive legal definition of sexual harassment that protected employees from harassment by third parties in the workplace, such as contractors or customers. For example, New Zealand's Human Rights Act clarifies that in addition to actions of an employer or their representative, sexual harassment also includes behavior "by a co-employee or by a client or customer of the employer."²⁶

The scope of specifications related to perpetrators' positions was more limited in low- and middle-income countries than in high-income countries: while only 10 percent of high-income countries limited their legal definitions of perpetrators to those in supervisory roles, 70 percent of low-income countries and 38 percent of middle-income countries did so. However, some lower-income countries provided very broad definitions of perpetrators of sexual harassment. For example, Tanzania's Employment Act defines sexual harassment as "[a]ny form of sexual harassment of an employee by the employer, his or her representative or any other person."²⁷ While comprehensive protections were rare, there was less variation across income levels in these protections. Twenty percent of high-income countries explicitly prohibited sexual harassment by third parties compared to 15 percent of low-income countries and 12 percent of middle-income countries. Across regions, comprehensive protections were most frequently found in Asia and the Pacific (30 percent), followed by Africa (14 percent), and Europe and Central Asia (13 percent).

25. Employment Regulations of 2007 (Fiji).

26. Human Rights Act 1993 (N.Z.)

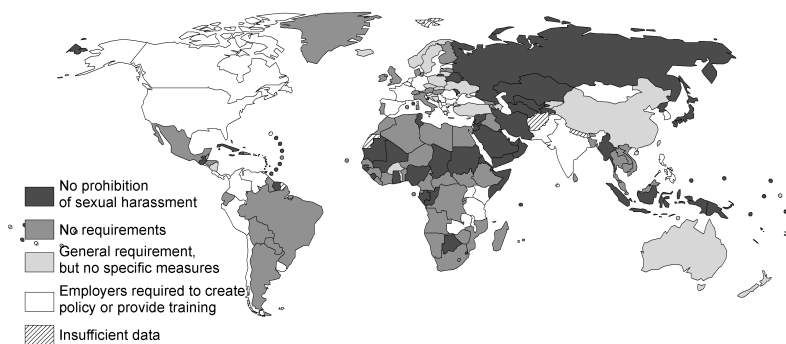
27. Employment Act 2005 (T.Z.)

B. Employers' Requirements for Prevention of Sexual Harassment in the Workplace

The Convention outlines a series of measures that countries should require employers to take to prevent sexual harassment at the workplace, including adopting a workplace policy on violence and harassment and providing workers with information and training. In this analysis, laws that require employers to create a code of conduct or establish disciplinary procedures are considered equivalent to requiring workplaces to adopt policies. Provisions that require employers to raise awareness are grouped with those requiring information or training.

Of the countries that legally prohibited sexual harassment in the workplace, more than half had no explicit legal requirement that employers prevent sexual harassment or take either of these steps to prevent it. Eighteen percent of the countries with legal protections generally required that employers take preventive steps but did not obligate them to take these specific measures. Only 30 percent of countries required employers to either adopt a workplace policy or provide workers with information or training to prevent workplace sexual harassment. For example, Mongolia's Law on the Promotion of Gender Equality requires employers to "design and conduct a program on training and retraining geared toward creating a working environment free from sexual harassment, and report on its impact in a transparent manner."²⁸

Are employers required to take measures to prevent sexual harassment in the workplace?



28. Law on Promotion of Gender Equality 2011, Cap. (Mongolia).

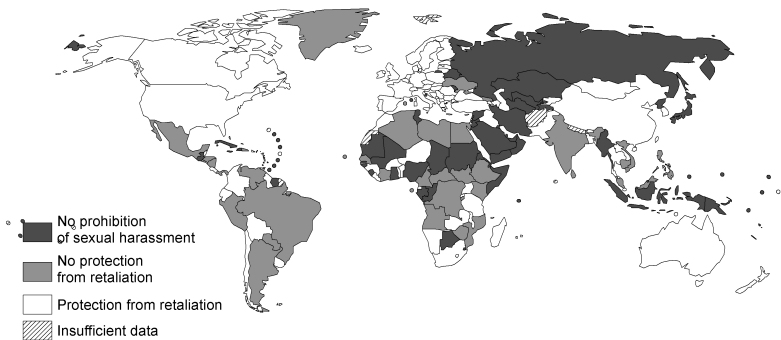
Generally, however, high-income countries (68 percent) were more likely to require employers to prevent sexual harassment in general or through these specific measures than low- and middle-income countries (30 percent and 43 percent, respectively). Regional trends also generally followed income trends with 69 percent of countries in Europe and Central Asia legislatively requiring employers to adopt a workplace policy or provide training compared to 55 percent in Asia and the Pacific and a minority of countries in other regions.

C. Protection from Retaliation

The Convention includes protection from “retaliation against complainants, victims, witnesses, and whistle-blowers” as a measure to ensure all employees have access to “safe, fair and effective reporting and dispute resolution mechanisms” (Article 10). Nearly one-third of the countries with legal prohibitions of workplace sexual harassment did not have any provisions explicitly protecting employees from retaliatory action for reporting sexual harassment.

While a majority of all countries across income levels included explicit protection from retaliation for at least some employees for reporting sexual harassment, high-income countries were more likely to have these protections than low- or middle-income countries (95 percent compared to 60 percent and 57 percent respectively). For example, Norway’s Law on Gender Equality explicitly protects both individuals who have been harassed and individuals who have witnessed harassment, stating that “[i]t shall be prohibited to retaliate against anyone who has submitted a complaint regarding breach of this Act, or who has stated that a complaint may be submitted.

Are employees protected from retaliation for reporting sexual harassment?



[. . .] The prohibition shall also apply to witnesses in a complaint case.”²⁹ The Americas was the only region where only a minority of countries (48 percent) guaranteed explicit protection from retaliation.

IV. DISCUSSION AND CONCLUSION

Globally, there is increased momentum for countries to address the pervasive human rights violation of gender-based violence and specifically sexual harassment. The ILO’s new Convention Concerning the Elimination of Violence and Harassment in the World of Work is a tremendous step toward increasing countries’ accountability for ending sexual harassment in the workplace. As this baseline analysis reveals, while many countries across regions and income groups have taken some legislative action to address sexual harassment in employment, significant gaps remain. Globally, one-third of countries had no legislative provisions explicitly prohibiting sexual harassment at work. This fundamental lack of protection leaves workers vulnerable to human rights violations with costs to individual workers, businesses, and the economy.

Furthermore, among those countries that do have workplace-specific laws, the scope and strength of protections vary widely. The Convention provides a comprehensive definition of violence and harassment at work, calling on countries to ensure legal protection from a wide range of discriminatory, harassing, and violent behaviors by any actor, across both public and private settings. Yet, among those countries that legally prohibit sexual harassment in the workplace, one-third use narrow definitions or do not define it, leaving the door open for harassment that might undermine an employee’s dignity or create a hostile work environment. Comprehensive protection from harassment by anyone in the workplace is very rare. Only 15 percent of countries that legally prohibit sexual harassment at work explicitly state that the prohibition includes harassment by third parties, such as contractors or customers.

Finally, ensuring comprehensive protection of sexual harassment at work is not enough; prevention and enforcement measures are similarly critical. The Convention highlights the vital role of employers in preventing harassment at work and the role of governments in ensuring access to justice for all workers. Here too, however, countries’ current approaches reveal significant gaps: more than half of countries do not legislatively require employers to either create a workplace policy on sexual harassment, ensure their employees are aware of their rights and what constitutes sexual harassment, or even have a general requirement that employers prevent sexual harassment. Thirty percent of countries do not explicitly provide any workers with protection from retaliation for reporting sexual harassment.

29. Gender Equality Act 2013, Cap. (Norway).

The Convention on Violence and Harassment provides a foundation for closing these gaps. With longitudinal data on countries' laws and policies in relevant areas, stakeholders can monitor global progress toward realizing the Convention's commitments over time. Further, by making this information easily accessible through global policy maps, policymakers, civil society leaders, and international monitoring bodies can easily identify areas in which specific countries are leading or lagging relative to their regional or economic peers. Legislative text from similar countries that have successfully implemented laws to end sexual harassment can be used to inform policy formulation in countries seeking to strengthen legal protections.

To be most successful at ending all violence and harassment in the world of work, additional data are needed to monitor national action and to realize other key components of the Convention. This assessment only addresses one aspect of the Violence and Harassment Convention's protections: sexual harassment at work. Ending sexual harassment at work is critical for addressing violence that is likely to affect half of the labor supply but is not enough to end all forms of violence at work. Furthermore, this analysis does not comprehensively address all aspects of ending sexual harassment at work covered by the Convention. For example, the Convention is clear that its provisions apply to formal and informal employment alike (Article 2). Further research is needed to understand to what extent national laws and policies addressing sexual harassment effectively cover workers in the informal economy.

Likewise, additional data are needed to comprehensively evaluate countries' approaches to prevention, effective enforcement, and other forms of violence and harassment at work. In this analysis, the assessment of preventive measures was limited to those established by legislation. Countries may also address employers' responsibilities to prevent sexual harassment through non-legally binding codes of good practices and other regulatory documents. Although they do not offer equivalent protections to legislation, additionally capturing these approaches would offer a more comprehensive understanding of countries' efforts in this area. Similarly, the assessment of protections against retaliation did not distinguish between protections for individuals who reported their own harassment and reports by bystanders or other witnesses. Expanding this analysis to capture protections for both targeted workers and all whistleblowers would more fully address whether countries are meeting the Convention standards. Finally, further details on enforcement—including reporting and dispute resolution mechanisms, protections for confidentiality, and the remedies available—will be important for monitoring national action to support full implementation. Likewise, details on specific aspects of complaint and dispute resolution mechanisms, including their accessibility and affordability to all workers, and workers' access to courts and alternative means of reporting and remedies, among

other features, will offer insights into countries' efforts to implement the accompanying Recommendation.

Finally, future research should also consider areas where the Convention falls short in protecting all workers from violence. Despite efforts from activists, the Convention failed to include language explicitly protecting the LGBTQ+ community from violence at work.³⁰ Monitoring progress on protections for groups not explicitly named in the Convention is critical for ensuring the protection of human rights for all marginalized groups.

As policymakers in all regions, international government organizations, and grassroots movements around the world seek to address sexual harassment more fully in the workplace, the Convention Concerning the Elimination of Violence and Harassment in the World of Work will provide a powerful foundation for identifying essential steps around protection, prevention, and enforcement. To ensure the Convention fulfills its promise of realizing everyone's right "to a world of work free from violence and harassment," monitoring and supporting member states to enact laws and policies that advance this vision is essential.

30. Stephanie Nebehay, *U.N. Labour Body Adopts #MeToo Pact Against Violence at Work*, REUTERS (21 June 2019), <https://www.euronews.com/2019/06/21/ilo-adopts-metoo-treaty-against-violence-and-harassment-at-work>; Nathaniel Popper, *Any Global Movement Towards Curbing Workplace Harassment Should Include LGBT+ Protections*, WORLD ECON. F. (31 May 2019), <https://www.weforum.org/agenda/2019/05/global-pact-to-fight-workplace-violence-and-harassment-debated-over-lgbt-inclusion>; Mthunzi Mdwaba, *Employers Stand up Against Violence or Harassment of LGBTI People*, INT'L ORG. EMPLOYERS (17 May 2019), <https://www.ioe-emp.org/news/details/1558101738-employers-stand-up-against-violence-or-harassment-of-lgbti-people>