

WORKPLACE TRAINING MANUAL

For Policy Development and Programme
Implementation Addressing
Gender-based Violence and
Sexual Harassment in the
Workplace in Zimbabwe

The background of the cover features a large, circular arrangement of small dots. The dots are colored in a gradient: light blue on the left, transitioning through grey, pink, and red on the right, then through orange and yellow at the bottom, and finally green on the left side. The dots are of varying sizes and are scattered across the entire page, creating a textured, circular effect.

Training Manual For Policy Development and Programme Implementation Addressing Gender-based Violence and Sexual Harassment in the Workplace in Zimbabwe

2023

Acronyms

ADP	African Disability Protocol
C190	ILO Violence and Harassment Convention, 2019 (No.190)
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CP & E	Criminal Procedure and Evidence Act [Chapter 9:07]
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organization
DV	Domestic Violence
DVA	Domestic Violence Act
EMCOZ	Employers Confederation of Zimbabwe
EU	European Union
FBOs	Faith Based Organizations
GBV	Gender-Based Violence
HR	Human Resources
ILO	International Labour Organization
M & E	Monitoring & Evaluation
MPSLSW	Ministry of Public Service, Labour & Social Welfare
NDP	National Disability Policy
NGOs	Non-Governmental Organizations
OSH	Occupational Safety and Health
PEP	Post Exposure Prophylaxis
PLHIV	Persons Living with HIV
PSC	Public Service Commission
PSS	PsychoSocial Support
PWDs	Persons with Disabilities
SADC	Southern Africa Development Community
SDGs	Sustainable Development Goals
SGBV	Sexual Harassment and Gender-Based Violence
SRH	Sexual and Reproductive Health
VFU	Victim Friendly Unit
WHO	World Health Organization
ZCTU	Zimbabwe Congress of Trade Unions
ZGC	Zimbabwe Gender Commission
ZFTU	Zimbabwe Federation of Trade Unions

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Acknowledgements

The production of the Training Manual for Policy Development and Programme Implementation Addressing Gender-based Violence and Sexual Harassment in the Workplace in Zimbabwe is a collective effort of the world of work partners in Zimbabwe.

We would like to acknowledge the support and contributions of various individuals and organizations who made this production possible. We are grateful to all the experts and professionals in the field of gender-based violence and sexual harassment who provided valuable insights and feedback that helped shape this manual. This includes: government stakeholders, trade unions, employer organizations; private sector companies; informal economy associations; organisations of persons with disabilities; civil society organisations; and the United Nations. A full list of organisations and companies that contributed directly to the process is included in the annexes of this document.

Special thanks to the following organizations and their constituencies whose contributions have been invaluable, the: Zimbabwe Gender Commission (ZGC); Ministry of Public Service, Labour and Social Welfare (MPSLSW); Employers' Confederation of Zimbabwe (EMCOZ); Zimbabwe Congress of Trade Unions (ZCTU); Zimbabwe Federation of Trade Unions (ZFTU).

We also wish to acknowledge the International Labour Organizations (ILO) for providing technical assistance to the process, in particular, Ida Tsitsi Chimedza, who was responsible for implementing the ILO component of the Spotlight Initiative in Zimbabwe.

This publication has been developed under the Spotlight Initiative programme, with resources from the European Union (EU). A special acknowledgement to the EU for provision of technical and financial support to the programme.

Lastly, we thank the team of Consultants who worked on this document: Abel Blessing Matsika and Choice Damiso.

Once again, we thank everyone who contributed to the development of this revised training manual, and we hope that it will be a valuable resource in creating safe and equitable workplaces for all.

Foreword

Sexual harassment, a violation of human rights and a form of sex discrimination, is prevalent in many countries and Zimbabwe is no exception. It is a widespread phenomenon that undermines equality at work. Sexual harassment at work has serious implications for women and for their employers. Women who are targets may experience a range of negative consequences, including physical and mental health problems as well as career interruptions. Employers have an obligation to manage the health and safety risks of workplace sexual harassment.

In 2021, the Zimbabwe Gender Commission, in partnership with ILO, developed a national Strategy for the Elimination of Sexual Harassment and Gender Based Violence in the Workplace in line with ILO Convention 190 and Recommendation 206. The Strategy seeks to protect workers in the world of work and provides a guiding framework for the development of workplace policies on sexual harassment.

As a follow up to the strategy, a training Manual for Workplace Policy Development and Programme Implementation on Violence and Harassment (including SGBV) has been developed as a standard guide to workplace response. It can inform policies and implementation programmes addressing sexual harassment, GBV, and other forms of violence and harassment in Zimbabwe's workplaces. While training intervention is certainly not a panacea to violence and harassment in the workplace, regular training programmes will create awareness among employers and employees in addition to prevention and protection.

This training manual will help one to better understand: what is considered sexual harassment; its drivers; targets and perpetrators of SGBV; prevention and response mechanisms; how to report harassment at the workplace; as well as options for reporting workplace sexual harassment to external agencies among others.

It is with great pleasure that the Zimbabwe Gender Commission in partnership with the International Labour Organisation presents to you this Training Manual for Workplace Policy Development and Programme Implementation on Violence and Harassment (including SGBV). The training manual should be read together with the national Strategy for the Elimination of Sexual Harassment and Gender Based Violence in the Workplace in Zimbabwe (2021-2025).



M. M. Mukahanana-Sangarwe

Chairperson: Zimbabwe Gender Commission

Purpose of the Manual

The Training Manual for Workplace Policy Development and Programme Implementation on Gender-Based Violence (GBV) & Sexual Harassment was developed to provide guidance to the world of work for standardized education and awareness trainings to eliminate violence and harassment in Zimbabwe's workplaces. The Training Manual is aligned with ILO Convention 190 and Recommendation 206 and will guide all workplaces in both the public and private sectors, to effectively respond to issues of violence and harassment through policies and programmes **that result in workplaces that are free from all forms of violence and harassment. There are many forms of violence that can occur in the world of work** but the emphasis in this manual is on GBV & Sexual Harassment because they are the most prevalent and they fall within the scope of the Spotlight initiative. The Training Manual will bring **standardization** as well as sustainability of training and awareness-raising initiatives to curb GBV & Sexual Harassment in the world of work beyond the life span of the Spotlight Initiative.

Guidance to the Trainer

Outline of Each Module

Below is an overview and explanation of how the manual is structured.

Module Introduction: Starts with a topic introduction that gives trainers a general idea of the content of the topic.

Module Objectives: The objectives are specified for each topic separately to ensure that trainees appreciate the scope of each topic. They present the subject usefulness and its importance. The objectives should be shared with the trainees at the beginning of each topic to stimulate interest and curiosity.

Topics: A module may comprise of different topics that are related to each other. Content is presented under respective topics for elaboration and easy reference.

Module Summary: The key learning points for each module are summarized for participants to have a quick recap.

Annexures: The annexures are intended to provide the trainer and the participants with more detailed information during and after the training.

Tips for Mobilization of Participants

For the training to be well received, the mobilization of participants should take into consideration the composition of the groups. It may be necessary to have separate groups according to sex (male and female), age and levels of employment (management and shop floor staff) to create a conducive environment for discussing sensitive issues.

Tips for Good Training Facilitation

For the training to be effective it is important for the trainer to create and maintain a good training ambiance and relationship with the participants. Trainers should focus on the following to create a beneficial ambiance:

- Activities to create a good ambiance (e.g., start-up exercise)
- Utilization of humour (e.g., jokes, funny stories, energizers, ice breakers)
- Informal activities (e.g., chats with participants during breaks and meals)
- Using good verbal techniques (e.g., ask open-ended questions that encourage discussion; encourage participants to speak and give positive reinforcement where necessary)
- Non-verbal communication (e.g., maintain eye contact with everyone in the group when speaking; react to what participants are saying by nodding or smiling, or engage in other activities that show you are listening)
- Create an environment of respect and safety (e.g., ask participants to relate to their own experiences and by respecting them, giving them a feeling of safety to share them)
- The trainers should be interested in participants' concerns during the training and work with participants to address and work through these concerns
- Create a 'parking lot' of questions raised that do not fit into the module. Make time to cover these later. This will avoid distraction but ensure that the issues are discussed.

Co-facilitation of Training Sessions

Co-facilitation involves more than one person in conducting training. It allows trainers to complement each other and to provide required guidance to participants. Co-facilitation makes training more interesting, less hectic, and more effective for both the trainer and the participants. It is particularly necessary for aspects that require 'expert' knowledge for participants to get a better appreciation.

If the training is being conducted by more than one person, they need to prepare and clarify the following together prior to the training in addition to the steps above:

- Who is responsible for the overall training coordination and logistical issues?
- Who is responsible for each of the modules?

Beginning the Training

Time Allocated: 30 Minutes

Registration & Introductions

The trainer circulates a register for the participants to fill in their names, sex and other relevant details as required.

The trainer introduces themselves first and then requests the participants to do the same. The trainer can ask the participants how they want the introductions to be done, e.g., through a song (What's my name?) or through a game that all the participants are familiar with.

Explaining the Purpose of the Training

Make sure the purpose of the training is clearly articulated. The purpose is not to witch-hunt but to train participants from a prevention perspective by equipping them with knowledge and information on how to prevent, identify and report Gender-based Violence and Sexual Harassment in the world of work.

Establishing Ground Rules

Before the training, it is important to establish some ground rules:

FREE THE WORLD OF WORK FROM SEXUAL HARASSMENT



#RATIFY
C190

Sexual harassment should have no room in the world of work.

Convention 190 provides guidance to prevent sexual harassment at work.

For more, visit ilo.org/c190

Everyone deserves respect at work,
including those **who care for us.**



MODULE 1

INTRODUCTION AND DEFINITIONS OF KEY TERMS & CONCEPTS

MODULE 1

Introduction and Definitions of Key Terms & Concepts

- Participants should be asked to suggest and agree on the basic rules that everyone should abide by during the training workshop.
- The ground rules should focus on issues of punctuality, order, respect, confidentiality, etc.
- The ground rules should be written on a flip chart and hung on the wall for everyone to see. They should remain on the wall during the duration of the training.

Module Introduction

There are some key terms and concepts related to gender and the incidence of gendered violence. Some of the terms such as sex, gender, Gender-Based Violence (GBV), sexual harassment, gender roles and gender stereotypes will be used in the Training Manual.

Module Objectives



At the end of this topic, the trainees should be able to:

- Define and understand the key terms and concepts enshrined in ILO Convention on Violence and Harassment No.190 of 2019 (C190) and its accompanying Recommendation No. 206
- Appreciate how the defined key concepts contribute to the occurrence as well as prevention of GBV & Sexual Harassment in the world of work

Time Allocated: 30 Minutes

Table 1: Key Terms and Concepts

Key Term/Concept	Definition
Affirmative action	Preferential treatment and measures for redressing inequalities or imbalances in accessing resources, power or opportunities among women, men, girls, and boys as well as persons with disabilities.
Cyber-bullying/ harassment	Also called online bullying or harassment. It is the use of email, instant messaging or social media platforms to bully or otherwise harass an individual/group through personal attacks.
Disability inclusion	A method to promote inclusion and address the barriers that exclude persons with disabilities from full and equal participation in society including in the world of work.

Gender	Social attributes, opportunities and expectations associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities, relationships, and expectations are socially constructed, learned through socialization processes, and differ from society to society and change over time.
Gender audit	Evaluates an organization's written policies; documents and handbooks for gender mainstreaming and determines if members apply these and if so, how well and with what results.
Gender-based violence and harassment	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 [Art.1(b) C190]. It comprises of a range of unacceptable behaviours and practices or threats thereof, whether a single occurrence or repeated, that result in physical, psychological, sexual or economic harm.
Gender awareness	Recognition that women and men perform different roles in society and therefore have different needs which must be recognized.
Gender discrimination	A difference in treatment of people based entirely on their being male or female. This difference contributes to structural inequality in society.
Gender diversity	When a company or organization is represented by a more equal proportion of women and men. Diversity includes not only gender but also disability, race, age, nationality, religion, academic background, etc.
Gender equality	Freedom of both women and men to develop their personal abilities and make choices in all sectors (political, social, legal and economic) without limitations set by predefined stereotypes, gender roles and/or prejudices.
Gender equity	Recognizing that different approaches may be needed to produce equitable outcomes by taking account of and addressing the differences between and among the lives of women and men, girls and boys and the diversity of different groups of women/girls and men/boys. Gender equity leads to gender equality.
Gender justice	The protection and promotion of civil, political, economic and social rights because of gender equality.

MODULE 1

Introduction and Definitions of Key Terms & Concepts

Gender inclusion	Assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. It is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres, so that women and men benefit equally, and inequality is not perpetuated. The goal of mainstreaming is to achieve gender equality
Gender norms	Social principles that govern the behaviour of girls, boys, women and men in society and restrict their gender identity into what is appropriate. They are the standards and expectations to which gender identity generally conforms, within a range that defines a particular society, culture and community at that point in time. Gender norms are internalized early in life, some are positive while others are negative and can establish a life cycle of gender inequality and stereotyping.
Gender relations	The way in which culture or society defines rights, responsibilities and the identities of women, men, girls, and boys in relation to one another. Gender relations refer to the balance of power between women and men or girls and boys.
Gender responsiveness	The ability of an individual or agency, to consider the social relations of women and men as well as differences in their needs in any undertaking or decision.
Gender roles	The roles and responsibilities of women and men as well as girls and boys that are created in families, societies and cultures.
Gender sensitivity	Being conscious of the different situations and needs of women and men, throughout the decision-making process. It entails the ability to recognize the differences in perception and interests between males and females arising from different social positions and different gender roles.
Gender stereotypes	Simplistic generalizations about the differences, characteristics and roles that women and men as well as girls and boys should play. Most stereotypes are built on inaccurate information about others. For example, females are considered to be domestic, gentle, sensitive and passive whereas males are considered to be tough, rational, providers and rough.
Hostile work environment	Conduct that creates an intimidating, hostile or humiliating working environment for the recipient.
Inclusiveness	The practice or policy of providing equal access to opportunities and resources for people who might otherwise be excluded or marginalized, such as those having physical or mental disabilities, or to other minority groups.

Intersectionality	The risk of experiencing sexual harassment rises when a person faces multiple forms of discrimination attributes such as gender, disability, HIV status, age, nature of work, terms of employment engagement (e.g., short-term contract), sexuality, migration status, race and literacy can combine (intersect) and increase a person's vulnerability to sexual harassment. These factors can also make workers less likely to report sexual harassment.
Practical gender needs	Needs that have been identified by women within their socially defined roles as a response to an immediate perceived necessity (e.g., inadequacies in living conditions such as water provision, healthcare and employment). They do not challenge gender divisions of labour and women's subordinate position in society.
Perpetrator	A person who carries out an act of GBV or sexual harassment.
Sex	Refers to the biological and physiological characteristics that categorize someone as either female or male.
Sexual harassment	Any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men which is unwelcome, unreasonable and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job.
Social exclusion	The process through which individuals or groups are wholly or partially excluded from full participation in the society in which they live resulting in them being prevented from accessing resources, participating in society and asserting their rights.
Strategic gender needs	Needs that vary by context and are identified by women because of their subordinate social status. They tend to challenge gender divisions of labour, power, and control, as well as traditionally defined norms and roles (e.g., legal rights, domestic violence, equal wages and women's control over their bodies).
Survivor of sexual harassment and/or gender-based violence	A person at the receiving end of sexual harassment is sometimes referred to as a 'survivor' as opposed to a 'victim'. When used in this manual, the term 'survivor' is meant to convey the idea that the person should not be viewed as a helpless prey of the perpetrator but as someone who has the power and resources available to them to take action to address the situation.
Verbal abuse	Someone uses their words to assault, dominate, ridicule, manipulate and/or degrade another person and negatively impacts that person's psychological health.

MODULE 1

Introduction and Definitions of Key Terms & Concepts

Violence and harassment	A range of unacceptable behaviours and practices, or threats (whether by a single occurrence or repeated) that aim at, result in, or likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.
Victim of gender-based violence and sexual harassment	A person who has been harmed by gender-based violence and/or sexual harassment is sometimes referred to as a 'victim'. This term is used interchangeably with 'survivor' in this manual. The use of the term 'victim' has not been dropped in favour of the term 'survivor' in all instances so as not to dilute or lose the essence of gender-based violence and sexual harassment as conduct that is fundamentally injurious to the person at the receiving end irrespective of the personal resourcefulness, resilience and fortitude of that person.
Women empowerment	A process through which women and girls acquire knowledge, skills and willingness to critically analyse their situation and take appropriate action to change the status quo of women and other marginalized groups in society.
World of work	A concept developed by the ILO to encompass all aspects of women's and men's working lives, both paid and unpaid work. The concept of the world of work also encompasses informal work, such as selling products in the street.



Activities

Time Allocated: 30 Minutes

- Discuss: Everyone has a right to a world of work free from violence and harassment. Show the following image and build commitment among the participants to having a world of work free from violence and harassment:
- Ask the participants to reflect on the definitions provided and share feedback on their experiences with any of the defined key terms and concepts.
- Some groups are more affected by violence and harassment. Discuss with the group who these groups are and why? Show the following poster and ask the participants to build a commitment to protecting everyone in their workplaces: poster to be shown
- Ask the participants to reflect on the experiences they have had or know about with gender-based violence and harassment at work, including sexual harassment and discuss which term between '**VICTIM**' and '**SURVIVOR**' they think most correctly depicts the situation of the person at the receiving end of GBV & Sexual Harassment.

WORDS HURT!



STOP VERBAL HARASSMENT
IN THE WORKPLACE

Creative by Design 07

MODULE 2

INTERNATIONAL, REGIONAL & NATIONAL NORMATIVE FRAMEWORK ON GENDER-BASED VIOLENCE AND SEXUAL HARASSMENT IN THE WORLD OF WORK

MODULE 2

International, Regional & National Normative Framework on Gender-Based Violence and Sexual Harassment in the World of Work

Module Introduction

For the first time, the right to a world of work free from violence and harassment has been articulated in an international treaty called the ILO Violence and Harassment Convention, 2019 (No.190) commonly referred to as C190. Gender-Based Violence (GBV) & Sexual Harassment is a global challenge and the community of states has made it clear that violence and harassment in the world of work is no longer acceptable through the adoption of C190 which is the first international standard aimed at ending violence and harassment in the world of work.

The C190 and the other international agreements referred to in this module, member states have made commitments to take measures to combat GBV & Sexual Harassment within their territories and to hold each other accountable for implementing the same commitments. Zimbabwe has made some effort in combating sexual harassment. This effort is evident in the laws and policies that have been put in place to address not only sexual harassment but gender discrimination in general. This module will seek to build knowledge about the rules that exist at international and national level to address all forms of GBV including sexual harassment in the world of work.

This module will identify the key instruments at international and national levels to address GBV & Sexual Harassment and summarize them. The discussion will also touch on current legal and policy provisions and suggest how either the normative framework or the implementation of the existing rules may be improved so that there is greater accountability



Module Objectives

At the end of this module, the trainees should:

- Be able to identify the key international instruments that address GBV and harassment including sexual harassment and gender equality and be familiar with the general provisions of these instruments
- Be able to explain the relationship between national law and international law
- Be familiar with the local laws and policies that address sexual harassment and gender equality and be able to identify where the laws and policies are not aligned to international norms and standards, particularly C190
- Be familiar with efforts to improve the regulatory framework, including the initiatives to introduce new laws that are specific to sexual harassment and gender equality
- Be well informed about the legal frameworks to make informed choices and prevent GBV and Sexual Harassment
- Be familiar with the law making process and the procedure for amending laws

Total Time Allocated: 2 Hours

Topic 1: Key International & Regional Agreements that Address Sexual Harassment and Gender Equality

Time Allocated: 30 Minutes

The key international agreements that address sexual harassment are the ILO Convention on Violence and Harassment No.190 of 2019 (C190); the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol) and the SADC Protocol on Gender and Development.

Below is a summary of some of these agreements.

The ILO Convention on Violence and Harassment, 2019 (No. 190)

This Convention was adopted on 21 June 2019 and came into force on 25 June 2021. Zimbabwe has not yet ratified this Convention. Prior to 2019, there was no specific treaty on violence and harassment in the world of work, although throughout its history, the ILO has adopted a number of standards that have the objective of protecting workers in general, or certain categories of workers, against situations in which violence and harassment is present.

In particular, sexual harassment has been addressed in the context of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No.111). Under C190, sexual harassment is not defined, but it is clearly included within the definition of gender-based violence and harassment [Art. 1(1)(b)]. Within the framework of ILO Convention No.111, and according to the 2002 General Observation of the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts), definitions of sexual harassment contain the following key elements:

1. **Quid pro quo:** Any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job; or
2. **Hostile work environment:** Conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

Other ILO conventions that seek to promote gender equality and equality of treatment, opportunity and non-discrimination for both women and men workers are: the Equal Remuneration Convention, 1951 (No.100); which Zimbabwe ratified on 14 December 1989, the Convention on Human Resources Development, 1975 (No.142); the Convention on Workers with Family Responsibilities, 1981 (No.156) and its accompanying Recommendation No.165, which Zimbabwe has not yet ratified; the Indigenous and Tribal Peoples Convention, 1989 (No.169) which Zimbabwe has not yet ratified and the Recommendation concerning HIV and AIDS in the world of work, 2010 (No.200) and the Maternity Protection Convention, 2000 (No.183), which Zimbabwe has not yet ratified.

MODULE 2

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C190 Art1(1)(a) provides a wide definition of violence and harassment in the world of work which encompasses gender-based violence and sexual harassment:-

“The term ‘violence and harassment’ in the world of work refers to 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, and includes gender-based violence and harassment;

The term ‘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.”

The convention protects all workers and persons in the world of work, and applies to all sectors including the informal sector. It established the right of everyone to be free from violence and harassment, including gender-based violence and harassment. It requires member states to respect, promote and realize such a right, and to adopt, in accordance with national law and circumstances and in consultation with representative employers’ and workers’ organizations, an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work. This approach includes actions and measures ranging from prevention and protection, enforcement and remedies, guidance, training and awareness-raising.

Enforcement of ILO Conventions

International labour standards are backed by a supervisory system that helps to ensure that countries implement the conventions they ratify, including C190. The ILO regularly examines the application of standards in member states and points out areas where they could be better applied. If there are any problems in the application of standards, the ILO seeks to assist countries through social dialogue and technical assistance.

The ILO has developed various means of supervising the application of Conventions and Recommendations in law and practice following their adoption by the International Labour Conference and their ratification by member states.

There are two kinds of supervisory mechanisms:

- Regular system of supervision whereby there is examination by two ILO bodies of reports on the application in law and practice sent by member states and on observations in this regard sent by workers’ organizations and employers’ organizations;
- Special procedures that are based on the submission of a representation or a complaint.

General surveys:

International labour standards are universal instruments adopted by the international community and reflecting common values and principles on work-related issues. While member states can choose whether or not to ratify any conventions, the ILO considers it important to keep track of developments in all countries, whether or not they have ratified them.

Member states report at regular intervals on measures they have taken to give effect to any provision of certain conventions or recommendations, and to indicate any obstacles which have prevented or delayed the ratification of a particular convention. The Committee of Experts publishes an in-depth annual General Survey on member states' national law and practice, on a subject chosen by the Governing Body.

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

CEDAW came into force on 3 September 1981 with Zimbabwe acceded to it in 1997. CEDAW addresses discrimination against women in all spheres of life. Article 11 of CEDAW obligates member states to adopt measures to combat discrimination against women in matters related to their employment.

In General Recommendation No.19 as updated by General Recommendation No.35 of CEDAW, the CEDAW committee elaborates on the measures that member states should be taking to combat gender-based violence. Specifically violence and harassment in the world of work and obligates member states to put in place measures including establishing protocols and procedures addressing all forms of gender-based violence that may occur in the workplace or affect women workers, including effective and accessible internal complaints procedures.

Implementation of the provisions of CEDAW is monitored by the CEDAW committee of experts. Member states are required to submit periodic reports to the committee stating the progress that they have made in implementing their commitments under the agreement. The report is considered and the committee issues its concluding observations highlighting the areas that they feel the state should be focusing on. On the conclusion of the latest report submitted by Zimbabwe in 2020, the committee concluding observations noted among other things, the high levels of sexual harassment in Zimbabwe and recommended a number of measures that Zimbabwe should put in place to address the problem. Key among the measures recommended **is the enactment** of legislation to define and prohibit sexual harassment as well as public awareness campaigns to raise awareness of the problem of GBV and sexual harassment.

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The Protocol to the African Union Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol)

The Maputo Protocol, like CEDAW addresses the problem of discrimination against women in all spheres of Africa within the African context. It reinforces the message of CEDAW and goes on to specifically address the issues that are peculiarly faced by women in Africa. Zimbabwe ratified Maputo protocol in 2005.

The Maputo Protocol contains several articles which require state parties to prevent sexual violence against women, to protect women from sexual violence and its consequences, and to hold the perpetrators of violence accountable (articles 4, 5, 11 and 23). Under the Maputo Protocol, state parties are further required to provide for budgetary and other resources to implement and monitor actions aimed at preventing and eradicating violence against women.

The SADC Protocol on Gender and Development

The SADC Protocol on Gender and Development, adopted in 2008 and revised in 2016, identifies GBV as an area of concern in all SADC member states and proposes several approaches to addressing this challenge. The Protocol calls for state parties to enact and enforce legislation prohibiting all forms of GBV, including sexual harassment. State parties must ensure that laws on GBV provide for treatment and care of survivors of GBV, and adopt integrated approaches, including institutional cross-sector structures, with the aim of eliminating GBV. Zimbabwe ratified the SADC protocol on gender and development in 2005.

The Convention on the Rights of Persons with Disabilities (CRPD)

The CRPD came into force on 3 May 2008 and Zimbabwe ratified it on 13 September 2013.

CRPD recognizes that women and girls with disabilities are often at greater risk (both within and outside the home) of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation. Article 16 provides for freedom from exploitation violence and abuse. The measures to ensure full enjoyments of the rights protected under Article 16 include member states putting in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against Persons With Disabilities (PWD) are identified, investigated and, where appropriate, prosecuted.

Article 27 protects work and employment related rights and specifically mentions that PWDs have a right, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances.

The African Disability Protocol (ADP)

The ADP was adopted in 2018 as the Disability Protocol to the African Charter on Human and People's Rights (Banjul Charter). It will come into effect only after it is signed and ratified (made legally binding) by 15 member states of the African Union. (At the time of writing this manual, the protocol had not yet come into force.)

The provisions of the ADP largely echo and affirm the provisions of the CRPD. It however, tries to contextualize the issues that PWDs face within the African experience. It does this by identifying the harmful practices and beliefs prevalent in African belief systems that condone, promote or ignore the abuse and exploitation of PWDs and by recognizing the multiple discrimination that women with disabilities are subjected to routinely. In regard to the right of PWDs to freedom from violence exploitation and harassment, Article 9 provides that PWDs have the right to liberty and security of the person which includes the right to be protected, both within and outside the home, from all forms of exploitation, violence and abuse.

Topic 2: International Soft Law Sources on Gender and Women's Empowerment

Time Allocated: 20 Minutes

Apart from the binding international agreements some of which were discussed above, there also exists at international level, documents that set out standards for addressing issues of concern in specific areas or on specific issues. These documents are not binding, that is to say they are not enforceable. They are therefore referred to as 'soft law sources'.

The fact that they are not binding does not mean that they can be ignored. They are very important and sometimes are more persuasive and play a greater role than binding agreements in shaping national policies to deliver developmental goals. Some of the documents relevant to sexual harassment are discussed below

Sustainable Development Goals (SDGs)

SDG 5 on Gender Equality

SDG 5 is about gender equality and empowering all women and girls. One of the targets under SDG 5 is to eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking, sexual and other types of exploitation. Although the SDGs are not binding in character, they provide an impetus for states to fulfil their obligations under the treaties on gender equality that they are party to.

SDG 8 on Promotion of Sustained, Inclusive and Sustainable Economic Growth, Full and Productive Employment and Decent Work for All

This SDG recognizes that economic development requires policies that promote decent work for all in a manner that is inclusive of the populations that are most at risk of being left

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behind such as women, youths, PWDs and those in the domestic sector. One of the many targets of this goal is to achieve full and productive employment and decent work for all women and men, including young people and persons with disabilities, and equal pay for work of equal value by 2030.

This target can only be achieved through the active implementation at government, labour and employer (tripartite) level of robust policies and other measures to tackle head-on the barriers that are faced by marginalized populations in the world of work and one of the greatest enemies of decent work for all is GBV and sexual harassment.

The Beijing Platform for Action

The 1995 Beijing Platform for Action flagged 12 key areas where urgent action was needed to ensure greater equality and opportunities for women and men, girls and boys. It also laid out concrete ways for countries to bring about change. In relation to GBV and sexual harassment, the Beijing Platform for Action provides that.

Topic 3: National Framework for Addressing GBV and Sexual Harassment

Time Allocated: 30 Minutes

The Constitution of Zimbabwe Provisions on Gender

The constitution is the most important law in Zimbabwe. Section 2 of the constitution provides:

- (1) This Constitution is the supreme law of Zimbabwe and any law, practice, custom or conduct inconsistent with it is invalid to the extent of the inconsistency.
- (2) The obligations imposed by this Constitution are binding on every person, natural or juristic, including the State and all executive, legislative and judicial institutions and agencies of government at every level, and must be fulfilled by them.

This means that all laws must conform to the Constitution, particularly Chapter 4 on the Declaration of Rights. It must be noted that most of the statutes operating in Zimbabwe today predate the Constitution. This means that they may contain provisions which are now unconstitutional. There is therefore need to review all statutes in Zimbabwe and revise them to ensure that they conform to the standards set by the Constitution.

In relation to the rights to freedom from sexual harassment and violence, the following provisions are pertinent:

Section 51 provides: Every person has inherent dignity in their private and public life, and the right to have that dignity respected and protected.

Section 52(1)(a) provides: Every person has the right to bodily and psychological integrity, which includes the right to freedom from all forms of violence from public or private sources;

Section 53 provides: No person may be subjected to physical or psychological torture or to cruel, inhuman or degrading treatment or punishment.

Section 56 protects the right to equality and no discrimination. It prohibits all forms of discrimination on 27 grounds that include sex, gender, pregnancy and marital status and recognizes both direct and indirect discrimination

Section 65 protects labour rights and provides among other things that every person has the right to fair and safe labour practices and standards and to be paid a fair and reasonable wage and that “every employee is entitled to just, equitable and satisfactory conditions of work”.

Section 80 elaborates on the rights of women and provides that “every woman has full and equal dignity of the person with men and this includes equal opportunities in political, economic and social activities”.

The Labour Act [Chapter 28:01]

The Labour Act governs labour relations outside the public service. It provides for the minimum conditions of service that apply to all labour contracts thereby ensuring that workers are protected from exploitation by employers due to their weaker bargaining power.

Section 5 of the Labour Act provides for the protection of employees by employers and any other person, against discrimination. It prohibits discrimination in relation to the advertisement of employment; the recruitment for employment; the creation, classification or abolition of jobs or posts; the determination or allocation of wages, salaries, pensions, accommodation, leave or other such benefits; the choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment; the provision of facilities related to or connected with employment; or any other matter related to employment

Section 8 of the Labour Act defines and prohibits unfair labour practices and provides that an employer, employee or any person who engages in unwelcome sexually-determined behaviour towards any employee, whether verbal or otherwise, such as making physical contact or advances, sexually coloured remarks, or displaying pornographic materials in the workplace, commits unfair labour practice. This means that the procedures for investigating unfair labour practices as well as the remedies are also available to victims of sexual harassment.

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Box 1: Proposed Amendments to the Labour Act

The Labour Amendment Bill, HB 14 of 2021 was published in the Gazette on the 19th November 2021 and is therefore before Parliament awaiting debate. Among other things, the Bill seeks to align the Act to the ILO Convention with regard to the definition prevention and response to violence and harassment in the world of work.

The bill introduces the following definitions:

'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; 'violence and harassment' refers to 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, and includes gender-based violence and harassment.

The Bill goes further to criminalize acts of gender-based violence and sexual harassment in the world of work and imposes a penalty of a fine and up to 12 months' imprisonment.

It should be noted however that at the time of writing this manual, the Bill had not yet undergone public consultations or debate in Parliament and may still undergo substantial changes before it is finally enacted.

The Public Service Act and Public Service Regulations Statutory Instrument 1 of 2000

Labour relations within the public service is governed by the Public Service Act. The Act itself is silent on sexual harassment but the Public Service Regulations Statutory Instrument 1 of 2000 provides that sexual harassment is misconduct thereby ensuring that acts of misconduct may be investigated and the perpetrator punished. The provisions have some weaknesses relating to failure to adequately protect victims during and after the investigation process and these weaknesses should be addressed.

The Public Service Act and its regulations should be read together with the Public Service Commission Sexual Harassment Policy of 2022.

The Criminal Law (Codification and Reform Act) [Chapter 9:23]

The Criminal Law (Codification and Reform Act) was enacted in 2007 to codify and replace the common law criminal justice system. With regard to gender, the Act criminalizes conduct that is harmful to women including, rape, rape within marriage, indecent assault, sex with a minor, the pledging of women in marriage and baseless accusations of witchcraft.

The Act can however be criticized for its failure to recognize acts of sexual harassment as criminal acts.

The Criminal Procedure and Evidence Act [Chapter 9:07]

The Criminal Procedure and Evidence Act contains the rules which govern how criminal cases are processed through the courts. For the most part, the provisions of the Act are gender neutral, making no distinction between women and men. When it comes to processing rape cases or cases that have a sexual element the Act contains provisions for the protection of vulnerable witnesses in accordance with victim-centred principles. This ensures that victims of rape are enabled to give their testimonies in an environment that is free from, shame, stigma and intimidation, and leads to justice.

The Domestic Violence Act [Chapter 5:16]

The Domestic Violence Act (DVA) addresses the problem of violence which takes place in a family set up. It defines acts of domestic violence quite comprehensively and criminalizes some of those acts. It also provides for protection orders which can be issued by a court to victims of domestic violence. A protection order directs the alleged perpetrator to desist from the acts of domestic violence upon a threat of being arrested and prosecuted. Acts of domestic violence that constitute an offence carry a penalty of imprisonment for up to 10 years.

Trafficking in Persons Act [Chapter 9:25]

The Trafficking in Persons Act was enacted in 2014. It gives effect to Zimbabwe's obligations under the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children". It defines the crime of 'trafficking' and provides for victim centres and sets up the Anti- Trafficking Inter-Ministerial Committee. This Act is important in the fight against sexual harassment because women are trafficked through promises of employment and many of them fall into a vicious cycle of sexual abuse and exploitation linked to employment relationships

The Cyber and Data Protection Act [Chapter 11:22]

Section 164B of this Act defines and criminalizes acts of cyber-bullying and harassment and provides as follows:

"Any person who unlawfully and intentionally by means of a computer or information system generates and sends any data message to another person, or posts on any material whatsoever on any electronic medium accessible by any person, with the intent to coerce, intimidate, harass, threaten, bully or cause substantial emotional distress, or to degrade, humiliate or demean the person of another or to encourage a person to harm himself or herself, shall be guilty of an offence and liable to a fine not exceeding level 10 or to imprisonment for a period not exceeding ten years or to both such fine and such imprisonment."

Section 164E provides:

(1) Any person who unlawfully and intentionally by means of a computer or information system makes available, broadcasts or distributes a data message containing any intimate image or video of an identifiable person without the

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consent of the person concerned or with recklessness as to the lack of consent of the person concerned, with the aim of causing the humiliation or embarrassment of such person shall be guilty of an offence and liable to a fine not exceeding level 10 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment.

(2) For the purposes of subsection (1) 'intimate image' means a visual depiction of a person made by any means in which the person is nude, the genitalia or naked female breasts are exposed or sexual acts are displayed."

Box 2: Civil Liability for Sexual Harassment

Despite the weaknesses in the statute laws as they currently stand, a perpetrator of sexual harassment can be sued by the victim and ordered to pay civil damages. A case in point is that of *Rita Marque Mbatha V Farai Bwatikona Zizhou & Anor HH 675-21*, where Ms. Mbatha was found to have the victim of sexual harassment by her boss. The sexual harassment took the following forms:

- ✓ inappropriate touching;
- ✓ unwelcome offensive jokes;
- ✓ invitation by innuendo to an inappropriate sexual relationship;
- ✓ receiving offensive telephone messages;
- ✓ receiving pornography on the computer;
- ✓ an attempt to kiss by force, causing an injury on the thigh in the process of resisting.

The perpetrator was ordered to pay to the victim damages amounting to USD180 000,00

Topic 4: Policies Addressing Gender-Based Violence and Sexual Harassment

Time Allocated: 20 Minutes

Strategy for the Elimination of Gender-Based Violence (GBV) & Sexual Harassment in the Workplace in Zimbabwe, 2021 – 2025

The strategy for the elimination of GBV and sexual harassment in Zimbabwe is a tool to guide operations of the public and private-sector organizations in fighting against GBV and sexual harassment at the workplace. The main objectives are to increase reporting, improve knowledge on the forms of GBV and Sexual Harassment in the workplace and to raise awareness among employers and employees. The Strategy was developed in alignment to the ILO Convention 190.

Public Service Sexual Harassment Policy, 2022

The Zimbabwe Public Service Sexual Harassment Policy was approved by Cabinet on 20 April 2022. The policy defines sexual harassment and the respective roles of key officers of the policy in the fight against sexual harassment and provides a procedure for investigating complaints of sexual harassment. It is clear that the Public Service Act and its regulations will need to be revised in order to give effect to this policy.

The National Disability Policy, 2021

The National Disability Policy (NDP) outlines the goals that the government hopes to achieve with regards to disability inclusion and the methods and principles that it will use to achieve such goals. The thrust of the National Disability Policy is in line with the provisions of the Convention on the Rights of Persons with Disabilities (CRPD).

Gender is widely recognized as an identity marker that intersect with disability that frame the experiences of persons with disabilities, gender is therefore a well-articulated concept in the policy and it contains some detailed measures of catering for the needs of women with disabilities.

The Protocol on the Multi-Sectoral Management of Sexual and Gender-Based Violence (SGBV), 2019

The Protocol on the Multi-Sectoral Management of SGBV is an administrative document that describes stakeholders' roles and responsibilities with respect to the delivery of medical care, support and judicial services to survivors of sexual violence and abuse. It is underpinned by acceptance of the fact that survivors of sexual violence require a wide range of specialist services and these services must be provided in a holistic-integrated approach that employs victim-centred principles across the whole range of services.



Activities

Time Allocated: 20 Minutes

Divide the participants into groups of about 5 people each and ask them to:

- (a) Analyse any one of the national laws and policies discussed above and come up with a plenary presentation in which they highlight what they consider as strengths and weakness of the law and policy and suggest improvements.
- (b) Discuss: Zimbabwe is already party to the UN Convention on the Rights of Persons with Disabilities (CRPD) while the African Disability Protocol (ADP) still has to come into force. Discuss whether persons with disabilities in Zimbabwe will have anything further to gain by Zimbabwe ratifying the ADP.

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Module Summary

- Sexual harassment and GBV are challenges affecting all countries in the world. As such, the international community of states have devised international human rights standards to combat discrimination against women, GBV and Sexual Harassment.
- ILO Convention 190 specifically addresses GBV & Sexual Harassment in the world of work
- In addition to the binding agreements there also exists at the international level, soft law sources that contain strong commitments to achieving gender equality and combating sexual harassment. SDG 5 and SDG 8 are two such soft law sources.
- The Constitution of Zimbabwe prohibits discrimination against women and by implication, prohibits GBV & sexual harassment.
- The Government has introduced an amendment to the Labour Act which gives a definition of sexual harassment which is aligned to C190 and imposes criminal sanctions for acts of sexual harassment.
- The public service regulations provide that sexual harassment is an act of misconduct which can lead to disciplinary measures including dismissal of the perpetrator.
- Sexual harassment is considered a civil wrong in Zimbabwe, leading to the perpetrator being ordered to pay civil damages to the victim.

FREE **THE WORLD OF WORK** **FROM VIOLENCE AND HARASSMENT**



MODULE 3

GENDER-BASED VIOLENCE AND SEXUAL HARASSMENT IN THE WORLD OF WORK

MODULE 3

Gender-Based Violence & Sexual Harassment in the World of Work

Module Introduction

Sexual harassment is a contentious issue that manifests in different forms. The content of this module is based on the provisions of the Constitution of Zimbabwe and related legislation, ILO Convention 190, international standards as depicted in the binding and non-binding documents of the ILO and other international organizations that work in Gender-Based Violence (GBV) prevention.



Module Objectives

The objectives of this module are to:

- Explore the definition and different forms of GBV and Sexual Harassment in the workplace
- Provide a definition and examples of the world of work
- Identify the factors that put workers at greater risk of sexual harassment
- Explore the preventive measures for sexual harassment
- Discuss the impact of advances of technology on sexual harassment
- Understand the impact of pandemics on sexual harassment

Total Time Allocated: 3 Hours



Activity

Time Allocated: 10 Minutes

Request the participants to share any myths on Sexual Harassment that they are aware of. Refer to Table 2 below to expand on those provided by the participants.

Table 2: Myths on Sexual Harassment

Myths	Facts
All victims of sexual harassment are women.	Men can also be victims of sexual harassment.
A single incident does not amount to sexual harassment.	A single incident can amount to sexual harassment.
Sexual harassment can only be defined as such by the perpetrator.	What characterizes conduct as sexual harassment is the impact not the intention. It is the victim who defines sexual harassment.
Women who wear mini-skirts deserve to be sexually harassed.	The way a woman dresses does not justify sexual harassment.
Friendly and talkative women expose themselves to sexual harassment because they are of loose morals.	Someone's personality does not justify sexual harassment.
When a woman is proposed and she say no she really means yes and it may be necessary for a man to use force for the woman to give in.	If a woman is proposed and says no she means it and her decision must be respected.
Sexual harassment is only targeted at employees at the lower levels in an organization.	Sexual harassment can also be targeted at anyone within the organization.
Sexual harassment only occurs between people of the opposite sex.	Sexual harassment can be same sex harassment
Failure to report sexual harassment immediately means the victim cannot report it later.	Failure to report sexual harassment immediately does not mean that the victim is precluded from reporting it later
Sexual harassment is harassment that is directly aimed at the victim and cannot be through a third party.	Sexual harassment can be aimed at a victim through a third party, e.g., when a parent is looking for a place for a child at a school

Topic 1: Definition of Violence and Harassment

Time Allocated: 30 Minutes

GBV and Harassment is “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.” [Art.1(b) C190]. GBV & Sexual Harassment is comprised of a range of unacceptable behaviours and practices or threats thereof, whether a single occurrence or repeated, that aim at, result in physical, psychological, sexual or economic harm.

The reference in the definition to “unacceptable” behaviours brings out the important point that whether or not specified conduct amounts to sexual harassment should always be determined by reference to its impact on the complainant and not by the intention of the person carrying out the conduct. In other words, it can never be a defence available to a respondent in a case of sexual harassment that they had no intention to harass, was just being friendly, was harmlessly flirting, etc. This means that any conduct that persists after the

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respondent has been told or been made aware that it is unwelcome becomes harassment notwithstanding that the person engaging in the conduct sees things differently.

Violence in the world of work can also take other forms other than sexual such as verbal, physical and emotional. The various forms of violence can happen to anyone – male or female, can happen between people of the same sex and the perpetrator may be at the same level with the victim (horizontal) or even a higher level than the victim (vertical) or the victim may be at a higher level than the perpetrator.

Main Forms of Violence and Harassment

The following acts are common examples of behaviour that constitutes violence and harassment.

Physical conduct

- Physical violence
- Physical contact, e.g., unwelcome touching, pinching
- Unnecessary familiarity, such as deliberately brushing up against a person
- The use of job-related threats or rewards to solicit sexual favours

Verbal conduct

- Comments on a worker's appearance, age, private life, etc.
- Sexual comments, stories and suggestive comments or jokes
- Sexual advances
- Repeated social invitations
- Insults based on the sex of the worker
- Condescending use of totems, e.g., mudzimai vangu chihera, chisikana chikomana chimhamha, chimhandara, chibaba, babamunini and use of endearments, e.g., my dear or darling.

Non-verbal conduct

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Sexually explicit messages sent electronically
- Staring or leering
- Whistling
- Cat calling

Emotional/psychological violence

- Stalking
- Ridicule, humiliation and insults intended to break down the victim's self-esteem and self-worth
- Aggression and coercive tactics to harm the victim mentally or emotionally

While the forms of violence and harassment presented above mainly occur when people meet and interact physically they can also happen through cyberspace. When violence and harassment happen through cyberspace it is referred to as cyber violence and harassment.

Cyber violence & harassment

Advances in communication technology have over the past decade made it possible for a greater number of people to communicate with each other using technology. In recent years, the COVID-19 pandemic has seen an unprecedented expansion in the use of technology to do business. Similarly, social media platforms have also mushroomed, both in terms of an increase in the number of platforms and also in the numbers of people who use these platforms. While these platforms have introduced great inconvenience in doing business and greater ease in social interactions, they have also introduced a new arena for violence and harassment. It is therefore imperative that sexual harassment in cyberspace be properly recognized and addressed. Zimbabwe's Strategy for the Elimination of Gender-based Violence and Sexual Harassment in the Workplace provides the following definitions in relation to violence and harassment that takes place in cyberspace.

Cyber violence – This is online abuse that includes a diversity of tactics and malicious behaviours such as cyber stalking and harassment, sharing embarrassing or cruel content about a person, impersonation, gender-based slurs, 'slut-shaming', unsolicited pornography, 'sextortion', rape and death threats, doxing, electronic surveillance to the non-consensual use of photography (or 'revenge porn') and violent threats. The Cyber and Data Protection Act [Chapter 11:22] passed in 2021 incorporates online sexual exploitation and abuse as an offense as discussed in Module 2.

Cyber harassment – This is making a request, suggestion or proposal which is obscene, lewd, lascivious or indecent or threatening to inflict injury or physical harm to the person or property of another person using news media and web-based technology to carry out harassment. Examples of this are unwanted emails, text messages and posting on social network sites such as Facebook.

Cyber stalking – This refers to wilful, malicious and repeated use of electronic communication to harass another person and making a threat with the intent to instil reasonable fear in that person for their safety or to a member of that person's immediate family.

Hostile environment

A hostile environment on the basis of sex may be created by any action previously described, in addition to unwanted words, signs, jokes, pranks, intimidation, physical actions or violence, either of a sexual nature or not of a sexual nature, directed at an individual because of that individual's sex.

Hostile environment sexual harassment includes sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading or other materials that are sexually demeaning or pornographic. This includes sexual displays on workplace computers or cell phones and

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Gender-Based Violence & Sexual Harassment in the World of Work

sharing such displays while in the workplace. It also includes sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.

Hostile actions taken against an individual because of that individual's sex includes:

- Rape, sexual battery, molestation or attempts to commit these assaults
- Physical acts of a sexual nature (including, but not limited to, touching, pinching, patting, grabbing, kissing, hugging, brushing against another employee's body or poking another employee's body)
- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job
- Sabotaging an individual's work
- Bullying, yelling, name-calling

Quid pro quo sexual harassment

Quid pro quo sexual harassment occurs when a person in authority trades, or tries to trade, job benefits for sexual favours. Quid pro quo is a legal term meaning a trade. This type of harassment occurs between an employee and someone with authority, like a supervisor, who has the ability to grant or withhold job benefits.

Quid pro quo sexual harassment includes:

- Offering or granting better working conditions or opportunities in exchange for a sexual relationship
- Threatening adverse working conditions (like demotions, shift alterations or work location changes) or denial of opportunities if a sexual relationship is refused
- Using pressure, threats or physical acts to force a sexual relationship
- Retaliating for refusing to engage in a sexual relationship

Other Types of Workplace Harassment

Harassment based on sex stereotyping

Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of either sex should act or look.

- Harassing a person because they do not conform to gender stereotypes as to 'appropriate' looks, speech, personality or lifestyle is sexual harassment.
- Harassing someone because they are performing a job that is usually performed, or was performed in the past, mostly by persons of a different sex, is sex discrimination.

Workplace harassment can be based on other things and not just about gender or inappropriate sexual behaviour in the workplace. Any harassment or discrimination based on a characteristic specified in Section 56 of the Constitution is prohibited in the workplace and may lead to disciplinary action against the perpetrator.

Protected characteristics include nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation, opinion, custom, culture, sex, gender, marital status, age, pregnancy, disability, economic or social status, or whether they were born in or out of wedlock.

Retaliation

Every person has a responsibility to take appropriate action to address sexual harassment that they have become aware of. Such appropriate action includes the following:

- Making a complaint to a supervisor, manager or another person designated by your employer to receive complaints about harassment
- Making a report of suspected harassment, even if you are not the target of the harassment
- Filing a formal complaint about harassment
- Opposing discrimination
- Assisting another employee who is complaining of harassment
- Providing information during a workplace investigation of harassment, or testifying in connection with a complaint of harassment filed with a government agency or in court

A person who has done any of the above actions should not face retaliation. Retaliation means the act of punishing or behaviour targeted at someone as a way of revenge for any of the above cited actions done by the target of such behaviour. Retaliation is any action taken to alter an employee's terms and conditions of employment (such as a demotion or harmful work schedule or location change) because that individual engaged in any of the above protected activities. Such individuals should expect to be free from any negative actions by supervisors, managers or the employer motivated by these protected activities.

Retaliation can be any such adverse action taken by the employer against the employee that could have the effect of discouraging a reasonable worker from making a complaint about harassment or discrimination. The negative action need not be job-related or occur in the workplace, and may occur after the end of employment, such as an unwarranted negative reference.

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Box 3: Retaliation

Tari was employed as a Personal Assistant to the Chief Executive Officer at Museyamwa Holdings. Her boss was in the habit of calling her into his office when he reported for work in the morning and he would make inappropriate comments about her dressing and ask her to hug him when she was leaving the office. She expressed her discomfort to him on several occasions but he continued with his behaviour. Tari eventually decided to report him to the Human Resources Manager. Two weeks after making the report she got a letter from the Human Resources Manager advising her that she was incompetent and management had decided to demote her to be a receptionist.

There is therefore the need for the employer to identify the employees that are at risk of retaliatory action and put in place the necessary measures to protect them. These measures include according them direct audience with management, transferring them to a different work station and creating distance between them and the potential retaliators. Potential retaliators should also be explicitly warned that the employer is aware of the risk of retaliation and will not tolerate any hint of retaliatory action.

What is not retaliation?

A negative employment action is not retaliatory merely because it occurs after the employee engages in protected activity. Employees continue to be subject to all job requirements and disciplinary rules after having engaged in such activity. It should however be noted that while it is true that a negative employment action is not retaliatory merely because it occurs after an employee has engaged in any of the activities listed above, it is possible for retaliatory action to be disguised as a bona fide action. This can take the form of abuse or misuse of discretionary powers to the detriment of the person such as passing over the employee for training or opportunities to work overtime and make extra income. Awareness of this possibility calls for greater vigilance and oversight of the relationship between an employee and their supervisors in the period following the protected action.

Sexual harassment in the world of work and Domestic Violence (DV)

C190 recognizes the negative spill over effects that domestic violence can have in general on the world of work in relation to employment, productivity, and safety and health. Domestic violence can represent a particular risk that impairs the health and productivity of all workers and other persons concerned including individuals – exercising their authority-duties or the responsibilities of an employer. Some work related places, situations or instances – especially those which are easily accessible by the public such as schools, hospitals, public services or street markets, etc. can be places where domestic violence is unleashed. Domestic violence represents an even more relevant risk for particular work arrangements such as working from home as well as for some categories of workers such as domestic, home based or contributing family workers, many of whom are women working informally.

Domestic violence and sexual harassment are inextricably linked. Often, a male perpetrator of domestic violence will justify his behaviour on notions of the perceived inferiority of women to men. Those notions are deeply held and often spill into the workplace manifesting in the sexual abuse and harassment of female workers. These notions can also influence the overall workplace culture and in particular how management views complaints of sexual harassment. If domestic violence is seen as normal and justified at home, then it is also likely to be trivialized at work.

Further, a woman who is used to being abused at home may come to internalize and expect abuse from all her interactions with men such that when she is subjected to sexual harassment at work, she is not likely to report it, opting to suffer silently.

Similarly, a man who is subjected to domestic abuse at home involving humiliation and being belittled may act out his frustrations by preying on weaker women at work.

Employers and employee representative bodies should be aware of this link between domestic violence and sexual harassment and put in place measures to identify workers that are at risk and also to implement a policy of zero tolerance for domestic violence. However these measures need to be crafted and implemented in a way that strikes the right balance between protecting the workers right to privacy and protecting workers from violence.

Recommendation No.206 of C190 sets out a number of measures that could be adopted to mitigate the impacts of DV such as:

- Leave for victims of DV
- Flexible work arrangements and protection for victims of DV
- Temporary protection against dismissal for victims of DV and its consequences
- The inclusion of DV in workplace risk assessments
- A referral system to public mitigation measures for DV where they exist
- Awareness raising about the effects of DV



Activity

Time Allocated: 20 Minutes

Divide the participants into small groups and assign them to role play a form of sexual harassment. After rehearsing in their groups request them to role play in plenary.

Topic 2: What is the World of Work?

As discussed in Topic 1 sexual harassment refers to inappropriate conduct in the world of work. The question then arises, what is the world of work?

Articles 2 and 3 of the ILO C190 provides that the “Convention protects workers and other persons in the world of work, including employees as defined by national law and practice,

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as well as persons working irrespective of their contractual status, persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants, and individuals exercising the authority, duties or responsibilities of an employer.” The Convention also “applies to all sectors, whether private or public, both in the formal and informal economy, and whether in urban or rural areas.”

Thus, the convention covers acts of violence and harassment in the course of, linked with or arising out of work:

- in the workplace, including public and private spaces where they are a place of work
- in places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities
- during work-related trips, travel, training, events or social activities
- through work-related communications, including those enabled by information and communication technologies
- in employer-provided accommodation
- when commuting to and from work

This wide definition ensures that there are no blind spots or loop holes within which perpetrators of sexual harassment are able to operate without accountability.

Harassment, as elaborated below, can occur whenever and wherever employees are fulfilling their work responsibilities, including in the field, at any employer-sponsored event, trainings, conferences open to the public and office parties.

- Employee interactions during non-work hours, such as at a hotel, while traveling or at events after work can have an impact in the workplace.
- Locations off site and off-hour activities can be considered extensions of the work environment.
- Employees can be the target of sexual harassment through calls, texts, email and social media.
- Sexual harassment can also take place in cyberspace. On work related virtual platforms where employees interact with each other such as e-mail and chat platforms like WhatsApp, Zoom and Microsoft Teams.



Activity

Time Allocated: 10 Minutes

Ask the participants to suggest and discuss workplaces that are common in Zimbabwe and how they may contribute to violence and harassment. Wrap up the activity by making reference to Zimbabwe’s large informal sector, e.g., vending and artisanal mining. Also explain how the inadequate public transport system exposes workers to sexual harassment through overloading, indecent access into buses through windows, waiting for transport in the dark, etc. Also highlight that employer-provided transport, e.g., staff buses can

also expose workers to sexual harassment through verbal and physical abuse because of overloading which results in inappropriate sitting arrangements.

Topic 3: Extent of Sexual Harassment

Time Allocated: 20 Minutes

Box 4: Facts & Statistics on Sexual Harassment in Zimbabwe

Globally, at least one out of every three women has been beaten, coerced into sex or otherwise abused in her lifetime, usually by someone known to her (UNFPA, 2018).

In Zimbabwe according to the 2015 GBV Indicators Study, 75% of respondents (women 78%, men 22%) reported having experienced GBV. Over 70% of women have experienced Intimate Partner Violence (IPV) with physical violence being the most common violent act (41% of women) followed by emotional violence (30%) and sexual violence (17%) (Zimbabwe Demographic Health Survey, 2015).

Workplace GBV & Sexual Harassment in Zimbabwe

According to the Industrial Psychology Consultants (IPC) 2016 Sexual Harassment in Zimbabwean Workplaces Survey Report, 14% of the participants indicated that they have been sexually harassed at work. Of the participants that were sexually harassed at work, 75% were females. 48% of the participants witnessed a colleague being sexually harassed at their workplace and 43% of the participants said that they are not aware if there is a policy statement on sexual harassment at their workplaces.

Topic 4: Drivers of GBV & Sexual Harassment in the World of Work

Time Allocated: 30 Minutes

GBV & Sexual Harassment in the world of work is caused by an intersection of cultural, social and economic factors. The incidence of GBV & Sexual Harassment therefore cannot be attributed to a single factor. Some of the drivers include:

- Gender and social norms rooted in patriarchy can promote the existence of a culture in the working environment which supports, promotes or allows to develop the idea of superiority of men over women.
- Some acts of GBV & Sexual Harassment are seen as harmless and trivial. They can be excused as natural male behaviour or harmless flirtation which women enjoy. Contrary to these perceptions however, it causes serious harm and is also a strong manifestation of sexual and gender discrimination in the workplace.
- Deeply rooted socio-cultural behavioural patterns create a gender hierarchy that tends to place responsibility on the victim, thereby increasing inequalities in the world of work and in society at large.

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Activity

Time Allocated: 10 Minutes

Ask participants to identify examples of gender and social norms that can contribute to GBV & Sexual Harassment in the world of work. At the end of the activity add the following norms (if they have not been mentioned) that are carried over into the world of work from the home setting and give men “authority” over women: chiramun, mutupo, kutyora muzura, virginity testing, culture of saying murume ngaarange mukadzi wake. Also highlight that social expectations around marriage can also dissuade female victims of GBV & Sexual Harassment from reporting because they do not want to ruin their marriages or prospects for marriage for those who are single.

Economic difficulties: The country is experiencing economic difficulties as evidenced by high unemployment, high inflation and increasing levels of poverty. The economic difficulties create opportunities for GBV & Sexual Harassment with people desperate to secure places for training (e.g., nursing and teaching) and employment. For those already in employment the difficult economic situation makes it difficult for them to report abuse because of fear of losing jobs. Women and girls expend a lot of effort in the search of sporadic shortages of basic commodities, such as sugar and bread, and perennial unavailability of water, thereby exposing them to abuse by water-point marshals and staff at supermarkets.

Absence of normative framework (laws and rules) that define and punish sexual harassment:

Rules and regulations that define sexual harassment and prohibit it are the first step in addressing sexual harassment in the world of work. Not only do these rules create the legal boundaries for acceptable conduct but they also send the message to all workers that the employer takes sexual harassment seriously. The normative framework for addressing sexual harassment can be contained in an organizational sexual harassment policy which has all the necessary components for effectiveness.

Stereotyping: Women with facial hair being classified as men or masculine, men with larger sized shoes being seen as well endowed, single mothers being classified as easy targets for abuse, light skinned women being seen as sissy queens or njuzu, etc.

Mental illness & substance abuse: Mental illness and depression may contribute to GBV & Sexual Harassment in the world of work. The prevalent substance abuse may be attributable to the high levels of poverty and economic recession that Zimbabwe has been facing.

Pandemics: Pandemics such as COVID-19 also contribute to GBV & Sexual Harassment in the world of work. The pandemic has caused an economic downturn in some industries with some businesses forced to downscale or close shop altogether. The inevitable decrease in job security has increased the vulnerability of workers to quid pro quo sexual harassment because of the competition for scarce employment opportunities, workers may be forced to give in to the subtle and not so subtle demands for sexual favours in exchange for job security.

Further, the measures put in place to contain the spread of COVID-19 have required most people to stay away from the workplace. Most businesses have had to operate with skeletal staff at their premises. The absence of co-workers and other people at the workplace may also have the effect of creating an environment where sexual harassment can take place undetected.

Zimbabwe's Strategy for The Elimination of Sexual Harassment and GBV in the Workplace notes that one of the effects of the COVID-19 Pandemic on the world of work is the increase in the availability of online collaborative platforms. Stay-at-home orders to mitigate the spread of COVID-19 have increased the pace of using these platforms leading to new forms of GBV & Sexual Harassment. The world of work has extended to cyberspace, where people can conduct business online. Although the concept of working from home was an already growing phenomenon in developed countries, the majority of workers were still located in offices and industrial sites. This increased access of people to technology, who then spent most of their time on gadgets communicating. Various forms of abuse have concomitantly emerged labelled as online abuse.

Topic 5: Perpetrators & Targets of Sexual Harassment

Time Allocated: 30 Minutes

Who can be a Perpetrator of Sexual Harassment?

Sexual harassment in the world of work can take place in various forms, for example women to women, men to men, vertical; top to bottom and bottom up. A perpetrator of sexual harassment can be anyone in the workplace:

- someone of the same sex
- co-worker of the same level
- someone from a lower level to that of the recipient
- a supervisor or manager
- any third-party, including a non-employee, intern, vendor, client, customer or visitor, or service provider

Who can be a Target of Sexual Harassment?

All workers can be targets of sexual harassment, however, women are disproportionately affected, as well as workers with precarious contracts, e.g., short-term renewable contracts, workers interfacing with clients, young workers, shift workers who work at night, workers in isolated locations, etc. Sexual harassment can occur between any individuals, regardless of their sex or gender with sexual harassment between people of the same sex being a recent but growing trend.

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Drivers & Risk Factors for GBV & Sexual Harassment in the World of Work

The following factors tend to increase the risk of GBV & Sexual Harassment in the workplace:

- **Gender stereotyping in the world of work contributes to sexual harassment.** Society tends to view some jobs as being naturally suited for either men or women. For instance, engineering may be seen as being a profession that naturally belongs to men, while nursing and secretarial work may be viewed as naturally belonging to women. When people cross these conceptual boundaries to take up work that is deemed as properly belonging to the gender that they are not a member of, they may face backlash in the form of sexual harassment. Men may be shamed for taking up occupations not considered to be masculine and women may be bullied as a way of 'putting them in their place' and reminding them that they are still women despite them doing a man's job. They may also face hostility and accusation of taking up a man's job.
- **Job security.** The nature and longevity of employment contracts can play a role in sexual harassment especially quid pro quo sexual harassment. When jobs are scarce and employees are employed on a short-term basis and the criteria, procedure and renewal of contracts is not transparent, it can create an enabling environment for recruiters to take advantage of current and potential employees by offering contracts and greater job security in exchange for sexual favours. The power dynamics differentials between the recruiter and the employees affects the employee's capacity to negotiate for protected sex which exposes them to STIs and HIV.
- **Working conditions.** The location of employment, low salaries, work patterns (shift work), night duty, salary disparities between women and men in the workplace and variations in job status between women and men.
- **Personal attributes.** These can also render some workers more vulnerable to sexual harassment. For example research shows that the type of women most vulnerable to sexual harassment are young, financially dependent, single, or divorced and with a migrant status. For men, those most harassed are young, gay and members of ethnic or racial minorities. Others include workers who may be perceived as expendable, easily replaceable and as contributing little to the businesses bottom line which include workers with disabilities, workers with chronic conditions requiring frequent sick leave including people living with HIV, elderly employees, inexperienced entry level workers and interns.

Disability as a risk factor for GBV & Sexual Harassment in the workplace

Intersection of gender and disability increases the risk of violence for women and men with disabilities. Attitudes of employers and service providers towards persons with disabilities can be a barrier or facilitation to persons with disabilities reporting abuse and accessing supportive services.

What is disability?

Article 1 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) states that: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

Physical impairments: includes individuals who have difficulty moving with some individuals using assistive devices such as a wheelchair to conduct daily living activities.

Sensory impairments: includes individuals who are hard of hearing or have difficulty hearing as well as those with visual impairments.

Intellectual impairments: Includes individuals who live with neurodevelopmental disabilities also known as cognitive or developmental disabilities. Intellectual impairments refer to intellectual functioning (such as learning, reasoning, problem-solving, etc.) and adaptive behaviour (the conceptual, social and practical skills that are learned and performed by people in their everyday lives).

Psychosocial disabilities: Includes individuals who experience mental health difficulties which in interaction with discrimination and other societal barriers prevent their participation in the community on an equal basis with others.

Risk Factors for Violence Against Persons with Disabilities

Persons with disabilities are not a homogenous group. The risk factors for experiencing GBV and sexual harassment, the dynamics of the violence and how service providers work with the victim will depend on an individual's age, gender, type of impairment, access to support networks, etc.

The causes of GBV & Sexual Harassment against persons with disabilities are rooted in the inequalities and power imbalance between women and men and the inequalities associated with disability. The following factors have been identified as increasing the vulnerability of persons with disabilities to GBV:

Perceptions about capacity of persons with disabilities: Perpetrators may perceive that persons with disabilities will be unable to physically defend themselves or effectively communicate and report incidents of violence which makes them a greater target for violence.

People may not listen to persons with disabilities or believe them when they disclose violence especially if the victim has intellectual or psychosocial disabilities. Persons with intellectual disabilities are often assumed to be incapable of learning the same concepts or participating in the same activities as other people and are thus excluded from opportunities to learn about violence, sex and healthy relationships, and to develop new skills and strengthen peer networks. They may be more easily manipulated and targeted for rape, abuse and exploitation or have less capacity to negotiate for protected sex in intimate relationships.

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Social isolation: In the workplace persons with disabilities may rely on assistance from less familiar people/colleagues which often adds to their risk of violence. They may also have fewer people they can trust and can turn to for support if they experience violence.

Exaggerated issues of power and control: Dynamics and tactics of power and control may be used against persons with disabilities. Abusers may threaten to or withhold, misuse or delay specific support that helps the person function. For example, abusers may isolate the person from social networks, ridicule and embarrass the person because of their disability or they may blame the person with disabilities for the abuse.

HIV status as a risk factor for GBV & Sexual Harassment in the workplace

The ILO Recommendations Concerning HIV & AIDS and the World of Work, 2010 (No.200) prohibits discrimination in the world of work on the grounds of real or perceived HIV status. Discriminatory practices by employers, co-workers, clients and customers make it difficult for Persons Living with HIV (PLHIV) to find or keep a job. As a result, people living with HIV often find themselves working in the informal economy. Having or lacking correct knowledge about how HIV is transmitted affects the comfort levels of those who do not have HIV in regards working in close proximity with PLHIV. Lack of correct information on HIV transmission helps fuel HIV-related stigma, fear and discrimination, some of which is caused by inaccurate knowledge about how HIV is transmitted, e.g., through sharing a bathroom. Fear that PLHIV will not be as productive due to frequent illness and time off to seek for treatment.



Activity

To assess risks associated with different work streams

Time Allocated: 20 Minutes

Allocate the participants 20 minutes to reflect and share on the following questions:

What risks of GBV & Sexual Harassment do I face in the course of discharging my duties? How vulnerable am I in my workplace? Are the risks I face and my level of vulnerability different for workmates of the opposite sex? What should be done to ensure that workplaces are inclusive? Request a few volunteers (equal number of female and male) to share their reflections in plenary.

TOPIC 6: IMPACT OF SEXUAL HARASSMENT AT WORK ON THE VICTIM, PERPETRATOR, ORGANIZATION, AND COMMUNITY AT LARGE

Time Allocated: 30 Minutes

Sexual harassment in the workplace is an infringement of the fundamental labour rights of women under section 65 of the Zimbabwean Constitution. It erodes equality and puts the dignity, physical and psychological well-being of workers at risk. This leads to poor productivity and has a negative impact on lives and livelihoods. Sexual harassment as shown in the table below has a devastating impact not only on the victim but on the employer, the perpetrator as well as on society at large.

Table 3: The Impact of Sexual Harassment on Society

Victim	Employer	Perpetrator	Community	National
Psychological suffering, including humiliation, reduced motivation, loss of self-esteem	Decreased enterprise productivity, due to: impaired judgment, compromised teamwork, de-motivation, absenteeism	Tarnished image	Social burden of living with victims & perpetrators	Long-term rehabilitation costs for the reintegration of victims
Behavioural change including isolation, deterioration of relationships	No applicants will fill vacancies at workplaces where they fear sexual harassment	Economic/financial losses due to loss of employment, legal costs, etc.	Loss of trickle-down benefits of employment, e.g., local market produce	Unemployment welfare benefits and retraining. Invalidity costs for those with impaired working capacities
Stress-related physical and mental illness, drugs and alcohol abuse	Progress and innovation within the enterprise are hindered when the environment is deficient in trust and team spirit	Social cost-negative impact on marriage, family and social institutions, e.g., church	Loss of social cohesion	Legal and criminal justice expenses
Victims foregoing career opportunities, leaving employment or committing suicide		Career trajectory adversely affected	Reversal of gains in the social & economic progress of women	Women's undermined access to high-status and well paid jobs, traditionally male-dominated
Lowered functionality/ productivity/poor work quality due to investigations		Lowered functionality/ productivity/poor work quality due to investigations and other sanctions.		

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Activity

Time Allocated: 10 Minutes

Participants are shown selected videos depicting harassing behaviour and asked to discuss what they have seen and relate it to the environment in their workplaces.



Module Summary

- Sexual harassment can take many forms including physical acts, verbal and non-verbal action.
- Sexual harassment can take place in virtual places.
- Whether or not behaviour can be classified as harassment depends on the impact of the action on the victim and not the intention of the person doing the action.
- There are various factors that contribute to GBV & Sexual Harassment in the workplace for example, gender stereotyping, lack of job security, working conditions such as the location of employment, and work patterns as well as personal attributes such as having a disability or a chronic condition that requires frequent sick leave.
- GBV & Sexual Harassment in the workplace are often under reported due to fear of not being believed, fear of repercussions such as loss of employment, lack of familiarity with reporting channels, etc.
- The occurrence of GBV & Sexual Harassment in the world of work invariably impacts the victim, the employer, the perpetrator, the society and the nation at large.



FREE OFFICE LIFE FROM VIOLENCE AND HARASSMENT



MODULE 4

**PREVENTING &
RESPONDING TO GBV &
SEXUAL HARASSMENT
IN THE WORLD OF
WORK**

MODULE 4

Preventing & Responding to GBV & Sexual Harassment in the World of Work

Module Introduction

As discussed in Module 3, the cost of sexual harassment in financial and personal terms to the victim, the employer, the perpetrator and the society at large is great. It therefore makes sense to invest in measures and strategies to prevent sexual harassment from taking place or to minimize its occurrence. This calls for a multidisciplinary approach which incorporates both deterrent and behaviour change strategies.

Deterrent strategies can be immediate. They include ensuring that employment policies are designed towards detecting, investigating and punishing acts of harassment and ending impunity. Behaviour change strategies on the other hand are long term as they aim at changing mind sets and alter the ways in which people think about gender relations and alter negative perceptions about the role of women and men in society in general, and in the workplace in particular, which normalize and perpetuate gender discrimination and its manifestations in sexual harassment.

Module Objectives



The objectives of this module are to:

- Explore the different ways in which employers can prevent GBV & Sexual Harassment
Define the role of the employer in preventing sexual harassment
- Define the role of employees at different levels within the organization to prevent sexual harassment
- Identify factors that prevent victims of GBV & Sexual Harassment from reporting
- Set out the components of a victim-centred approach for reporting, handling & responding to GBV & Sexual Harassment in the workplace
- Provide guidance for policy development & risk assessments

Total Time Allocated: 2 Hours

Topic 1: Preventing GBV & Sexual Harassment in the World of Work

Prevention Strategies in Convention 190 (C190)

Article 9 of C190 requires employers to take appropriate steps to prevent violence and harassment in the world of work through among others adopting and implementing a workplace policy on violence and harassment and providing workers and other persons concerned with information and training in accessible formats.

Employer's Role and Responsibility to Prevent GBV & Sexual Harassment.

The first step that an employer should take in preventing GBV & Sexual Harassment in the workplace is to adopt zero tolerance through developing and enforcing policies to prevent and respond to it. Employers should make it known to all employees and stakeholders that GBV & Sexual Harassment is not tolerated in the workplace, e.g., through posters. Employers should also provide all employees and management with training and an organizational sexual harassment policy to increase their knowledge and understanding of specific behaviours that may amount to GBV & Sexual Harassment.

Current approaches to preventing and responding to sexual harassment in workplaces are inadequate because they rely on complaints and reports coming forward. As part of training, organizations should be proactive through providing employees with information on how to conduct themselves appropriately inside and outside of the workplace in circumstances where there is a link to employment. The training should make it clear that inappropriate conduct may result in a breach of the Codes of Conduct. Expected standards of behaviour should also be reinforced for work-related social functions such as Christmas parties.

Training, should as much as possible, be tailored to suit organizational requirements but should seek to:

- Target staff at all levels, i.e., all executives, managers and staff at lower levels
- Reference an organization's sexual harassment policy
- Reference an employer's obligation to act
- Provide information and training on hazards and risks of violence and harassment, prevention and protection measures and rights and responsibilities of workers and management.
- Inform line managers on their role in ensuring that the workplace is free from sexual harassment
- Highlight relevant legislation
- Promote personal accountability
- Enforce the provisions of the policy

Risk Assessment for Sexual Harassment in the Workplace

Ending violence and harassment in the world of work is closely linked to the promotion of Occupational Safety and Health (OSH). Employers must therefore do risk assessments for sexual harassment in the workplace to determine the necessary actions, and policy reviews or developing policies where they are not in place to address the identified risks.

Risk assessment should assess whether staff have received adequate training on sexual harassment, how to identify sexual harassment and the company expectations about on and off site behaviour.

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It should also pay attention to working conditions and arrangements, work organization, involvement of third parties, discrimination, abuse of power relations, gender, cultural and social norms. Risk assessments should be tailor made to the particular work setting to factor in the unique risks that different work streams present to workers, e.g., workers who directly interface with clients will have an added layer of risk compared to back office workers (see Annex 1: Sample Workplace Harassment & Violence Risk Assessment Checklist).

There are various tools for assessing risks for sexual harassment in the workplace. The Ropes & Gray, Sexual Misconduct & Workplace Harassment Risk Assessment & Mitigation Tool is shared as an example that can be adapted to suit different organizational settings.

Ropes & Gray, Sexual Misconduct & Workplace Harassment Risk Assessment & Mitigation Tool

Phase 1: The risk assessment and mitigation process begins with a review and assessment of organization-wide internal controls including an analysis of key policies and procedures, assessment of training programmes and review of the organization's track record for receipt, response and disposition of allegations of sexual harassment in the workplace.

Phase 2: The review is customized further to address elements unique to an organization's structure, such as special risks presented within identified divisions, departments, offices or geographic locations.

Phase 3: Drawing upon objective data and known risk factors, build a holistic view of the organization's risk profile, identify areas of particular concern and then recommend mitigation strategies to meet the organization's specific needs.

Framework of the four-factor model of sexual harassment: Four categories of high-risk environmental factors

- **Diversity:** homogenous workforces, cultural and language differences – young inexperienced workers and workplaces where some workers do not conform to workplace norms.
- **Organizational dynamics:** four environmental factors in workplaces, i.e., significant power disparities (some employees having significantly more power than other employees), a workplace that has an extreme power imbalance or has high-value employees, reliance on customer service or client satisfaction, and work that is monotonous or requires low intensity tasks.
- **Workplaces that rely on customer service or satisfaction:** getting paid based on tips from customers is extremely vulnerable and more likely to experience harassment.
- **Office layout:** environmental factors, isolated workspaces and decentralized workplaces. Isolated workspaces entail situations where people have little opportunity for interaction with others and few witnesses should inappropriate behaviour occur.

Decentralized workplaces are similarly high risk.

- **Fourth high-risk category is 'other':** two factors coarsened social discourse outside the workplace and workplaces that tolerate or encourage alcohol consumption. Coarsened social discourse outside the workplace describes situations where events outside of work can result in harassment to employees on the jobsite. Alcohol lowers inhibitions and therefore can result in increased risk of inappropriate workplace behaviour.

Topic 2: Policies to Prevent GBV & Sexual Harassment in the Workplace

Prevention efforts of sexual harassment in the workplace can be strengthened through workplace policies such as a comprehensive workplace sexual harassment policy and policies on recruitment and promotion that are based on the values of transparency, promotion of gender equality accountability and fair play. Below is a discussion of some of the key workplace policies that can be used in the organization's efforts to prevent GBV & Sexual Harassment.

Sexual Harassment Policy

A formal sexual harassment policy is the most important policy in preventing sexual harassment and to be effective it should have, at a minimum, the following content:

- The development of the policy should be participatory. It should involve and reflect the views and experiences of the workers at different levels, in different roles and belonging to different demographic and social groups. This will ensure that the policy is embraced and owned by all the workers. Such ownership tends to promote adherence and compliance.
- The purpose of the policy should be clearly explained.
- The policy should give a comprehensive and clear definition of all forms of GBV & Sexual Harassment which are both general and nuanced to the context.
- The policy should be widely disseminated, explained to all the workers through continuous training and should be accessible to everyone including to persons with disabilities, i.e., braille format and the font used should be user friendly.
- The policy should be available to stakeholders of the employer and be easily accessible on the employer's platforms including their website, social media and other platforms. This will enable the stakeholders to hold the employer accountable to the provisions of the policy.
- The procedure for reporting and investigating sexual harassment should be clearly laid out and should be user friendly (accessible, confidentiality, provide for multiple channels and timely reaction time).
- The policy should clearly state that there are no stipulated time lines for reporting an incident of sexual harassment. A report will be dealt with accordingly irrespective

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of when it occurred. However, survivors are encouraged to speak out sooner rather than later as there may be a need to access medical services and for specimens to be taken, etc.

- The scope of the policy should be wide enough to cover other stakeholders of the employer such as contractors, clients, customers and service providers, and visitors
- There should be a continuous review and updating of the policy to factor in new trends and developments.
- There should be a budget allocated to fund the production, dissemination and training of the policy.

Recruitment Policy

Recruitment processes carry a significant risk of quid pro quo sexual harassment. This is especially the case in an environment where jobs and training opportunities are scarce. In order to play an effective preventive role, the recruitment of employees at every level, but particularly at entry level and for low level employees, should be transparent and properly supervised. The recruitment process should also be used to vet candidates and screen out potential perpetrators of sexual harassment:

- All shortlisted candidates should have their backgrounds and references thoroughly verified. Those with a history of sexual harassment at previous employments should be vetted out.
- The process of selecting candidates should be gender and disability sensitive to ensure inclusion and that no one is left behind. This will ensure that members of population groups that are most vulnerable to sexual harassment get to occupy decisions of influence within the organization.
- The criteria for selecting candidates should be meritorious and the procedure for the shortlisting of candidates should be transparent, with a sufficient degree of disaggregation of duties to ensure that there is adequate oversight of the process to prevent and detect abuse of power and reduce the risk of quid pro quo sexual harassment.
- Newly recruited officers should be familiarized with the sexual harassment policy.

Training Policy

Training ensures that employees are aware of, and aligned to, the employer's expectations regarding appropriate conduct. Training also builds the competencies that are required by officers at every level to play an effective role in preventing sexual harassment and GBV & Sexual Harassment..

- The training policy should require frequent and robust training on GBV & Sexual Harassment and gender for all employees including those in management.
- Where necessary the training should be provided in a language that the employees

are most likely to understand and should be supported by innovative aids such as music, plays and role play.

- The training should be delivered by both male and female trainers.

Promotion and Advancement Policy

Decisions on promotion advancement opportunities carry the risk of favouritism and sexual harassment. The same can be said about decisions on training opportunities, international travel, shift work, overtime and workstation transfers.

- Decisions should as much as possible limit the exercise of discretionary powers and instead be based on objective and predetermined criteria. The implementation of the policy should be transparent to eliminate the risk of quid pro quo sexual harassment,
- The policy should allow reasonable accommodation for employees to seek to understand the basis of decisions that do not seem to make sense, when one has regard to the laid down criteria and procedure.

Grievance and Disciplinary Policy and Procedures

An effective grievance and disciplinary procedure plays a very important role in not only responding to occurrences of sexual harassment but also in preventing it. When an employer's organization rigorously pursues all complaints of sexual harassment and actively pursues perpetrators of sexual harassment it sends out the message that it is serious about its zero tolerance for sexual harassment and this message in turn acts as a powerful deterrent to potential perpetrators.

- The grievance and disciplinary policy should be explicit about the acts of misconduct that amount to sexual harassment. It must also be clear on the punishment for sexual harassment.
- The procedure should be user friendly and avoid complicated procedures. The focus should be on substantial justice not on compliance with overly complicated procedures.
- The reporting structure for sexual harassment must recognize the possibility that an officer may be harassed by an immediate supervisor and provide a reporting mechanism that can by-pass the immediate supervisor or a supervisor that is involved in the harassment. The reporting mechanism should have provisions for victims to report where they feel comfortable and to someone they trust whether internally or externally.
- All reports of sexual harassment must be treated as urgent and must be investigated as soon as practicable.
- The composition of the investigating committee should be carefully considered to avoid bias and ensure a fair outcome. It may be necessary to engage an external party to conduct the investigations.

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- The confidentiality of the process should be guaranteed.
- Measures should be included to safeguard the victim against retaliatory action by the alleged perpetrator or a third party.
- Sexual harassment is a serious misconduct. The penalties for sexual harassment should therefore reflect the seriousness of the crime and not be such as to be perceived as a slap on the wrist.
- When an employee has been convicted of sexual harassment, the consequences should be swift and visible in order to reinforce the message of zero tolerance for sexual harassment.

Topic 3: Measures To Prevent Sexual Harassment and GBV & Sexual Harassment at Individual & Team Level

Below are some measures that can be taken by officers at various levels as well as individuals within the organization to play a role in preventing GBV & Sexual Harassment.

Responsibilities of the Organization's Overall Head

The organization's overall head (CEO, General Manager, etc.) is responsible for ensuring the safety, respect and welfare of all members within the employer organization, clientele and stakeholders. They do this by:

- leading by example at all times,
- capacitating management to understand and fulfil their responsibilities with regard to prevention and handling allegations of sexual harassment,
- allocation of funds and facilities to meet the requirements of this policy,
- identifying potential risk factors and taking prompt, reasonable action to minimize the risks including: -
 - managing organizational change in an inclusive and participatory way, for example consulting with affected members as early as possible and develop and maintain effective communication throughout the process,
 - minimizing opportunities for GBV & Sexual Harassment through practical measures, such as installing lighting in dark working spaces and CCTV to deter would be perpetrators from feeling secure to perpetrate because they are hiding,
 - implementing work processes to prevent the risk of sexual harassment, ensuring the systems maintain privacy and confidentiality of any data collected, and review and evaluate those systems,
- promoting a culture of tolerance and respect for others at the workplace,
- availing all information on sexual harassment issues to all the members, and
- providing training on sexual harassment issues to all the members of staff.

Responsibilities of Human Resources Directors

It is the responsibility of the Human Resources Directors to promote a workplace free of sexual harassment. This entails a responsibility to:

- lead by example at all times,
- facilitate the capacitation of supervisors and employees on the policy and procedures to prevent and respond to sexual harassment,
- track training to ensure that all are reminded from time to time,
- implement an effective complaint-handling system on sexual harassment issues with emphasis on protection of the complainant,
- lead institutionalization and sensitization on sexual harassment, remediation and follow up on affected members,
- ensure that both the individual filing the complaint (complainant) and the accused individual (respondent) are aware of the seriousness of a sexual harassment complaint,
- notify the police if criminal activities are alleged,
- submit a written report summarizing the results of the investigation and making,
- notify the complainant and the respondent of the corrective actions to be taken, if any, and administer those actions,
- maintain a sexual harassment database containing gender disaggregated data including persons with disabilities, and
- set a personal example of an appropriate behaviour.

Measures at Work Team Level to Prevent Sexual Harassment

Work teams can be, units, committees, task forces, delegations working groups or other formations of a permanent or ad hoc nature set up to perform specified tasks in the workplace. The risk of sexual harassment taking place in such settings is high given the close proximity of the team members and their familiarity with each other. It is therefore important for team leaders to take necessary steps to prevent sexual harassment from occurring at this level.

Accordingly, it is the responsibility of the team leader to do the following:

- Adopt zero tolerance for any type of harassment in the team.
- Lead by example at all times.
- Train members on policy and procedures to prevent and respond to sexual harassment.
- Implement an effective complaint-handling system on sexual harassment issues with emphasis on protection of the complainant.
- Report any sexual harassment that they observe, both within and outside of their immediate units, to the designated officer in the Human Resources Department.

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- Set a personal example of an appropriate behaviour.

In addition to these responsibilities, the head of office, supervisor or team leader should:

- Adopt an open-door policy to receive complaints of sexual harassment.
- Be vocal about their stance against sexual harassment and take advantage of team meetings to reinforce messages against sexual harassment.
- Be willing to make reasonable adjustments within their authority to the physical work environment in order to accommodate the concerns of workers. Such accommodations include:
 - rearrangement of office sitting arrangements,
 - adjustment of working hours within reason, and
 - changing shifts at the request of individuals who feel that a certain shift puts them at greater risk of sexual harassment.

Measures at Individual Level to Prevent Sexual Harassment

In order to play an effective role in preventing sexual harassment, individuals must:

- Make a personal decision to treat everyone at the workplace with the utmost respect.
- Take time to study and understand the policies of the organization.
- Take advantage of all the opportunities that are presented to them to learn how to improve their conduct such as workshops and online courses.
- Take the time to understand the needs of their workmates and be sensitive to those needs. As an example some people do not like handshakes or hand slapping. Respect that.
- Avoid excessive familiarity with co-workers such as using totems to address each other. Some totems may portray undertones of predatory sexual behaviour. Individuals of certain totems may behave inappropriately as a way of living up to social expectations associated with their totem or women may be victimized because of sexual stereotypes associated with their totem, e.g., that they love sex very much.
- Avoid calling each other unofficial titles like babamunini, muramu, maiguru or muzukuru which may create opportunities for victim grooming or carry connotations of sexual access and may blur boundaries between professional and unprofessional engagement.
- Dress appropriately in accordance with the dress code of one's profession so as not to give anyone a convenient excuse for harassing behaviour.
- Avoid participating in inappropriate conversations or laugh at off-colour jokes in office discussions, social media platforms or WhatsApp groups.
- Model appropriate behaviour in their private life.
- Be willing to support a colleague who may be facing sexual harassment.

Topic 4: Responding to GBV & Sexual Harassment through Victim Centred Identification, Reporting and Investigation Measures

The Strategy for the Elimination of Sexual Harassment and GBV in Zimbabwe notes that while the occurrence of sexual harassment is well known, it remains a silent issue. There is under-reporting of GBV & Sexual Harassment in the world of work. Some of the reasons for under-reporting include fear of not being believed, fear of repercussions such as loss of employment, lack of familiarity with reporting channels, etc. Drivers of sexual harassment discussed earlier such as poverty and limited employment opportunities also constitute barriers to reporting. Below are some of the reasons why victims (and witnesses) do not report incidents of GBV & Sexual Harassment in the world of work:

Fear of repercussions: Many victims of sexual harassment do not report for fear of being victimized by the perpetrators who are usually in positions of authority. The victimization can result in loss of employment, demotion, unfavourable reassignment, etc. Reporting cases of sexual harassment may also result in loss of dignity by the victim which impacts on important relationships such as a marriage. **Victims who report sexual harassment** may end up in the public domain especially if the alleged perpetrators are high profile people. The publicity may affect their reputation and adversely affect their chances for future employment elsewhere with prospective employers reluctant to employ an 'activist'.

No perceived benefits for reporting: Victims may be discouraged from reporting because they do not see any benefit associated with it. As explained in the point above there could be repercussions and if they outweigh the perceived benefits, victims are unlikely to report.

Fear of not being believed: A common barrier to reporting is the victim's fear that they will not be believed. Lack of evidence to prove that the harassment actually happened also contributes to the fear of not being believed. This fear is worse for those with disabilities particularly intellectual disabilities whose comprehension and decision-making capacity may be inappropriately questioned. They may fear that if they tell someone they will not be believed and may put themselves at added risk of further harm.

Stigma and discrimination: Many victims are not willing to disclose violence because of shame, fear and social norms. Gender norms and stereotypes that regard women as sex objects often result in the stigmatization and discrimination of victims of GBV and sexual harassment. Women are often blamed for having caused the GBV & Sexual Harassment, e.g., through their dressing or loose morals towards the perpetrator. Social norms that consider men and boys to be macho also discourage male victims from reporting for fear of humiliation. Stigma and discrimination is even worse for persons with disabilities who may be ostracized or neglected in their communities and fear seeking support from family and community members. Service providers may also exclude persons with disabilities based on beliefs that GBV & Sexual Harassment prevention and response services are not relevant to, or appropriate for persons with disabilities or out of fear of engaging with persons with disabilities, e.g., common myth that people with disabilities are asexual and thus they may not receive adequate education about sexuality, healthy relationships and personal safety.

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Minimization of GBV & Sexual Harassment: Victims may not report incidents of GBV & Sexual Harassment because their experiences may be minimized because abuse is culturally accepted as a 'normal' thing that does not merit reporting.

Challenges to confidentiality: In reporting GBV & Sexual Harassment victims are in essence disclosing personal and sensitive information to others. There is fear that their personal information may be inappropriately shared with other people including in the workplace. Confidentiality may be especially difficult for victims with disabilities who may need the assistance of a caregiver or a work colleague to file a report. The lack of confidentiality and fear of further stigmatization can deter victims from disclosing and create additional barriers to accessing services and assistance.

Relationship with colleagues or caregivers: Persons with disabilities may rely on other colleagues or family members who make it difficult for the victim to access help in a confidential way because they are dependent on the caregiver/colleague for communication, transportation and in some instances the colleague/family member on whom they are dependent may be the perpetrator.

Communication barriers: Information about GBV & Sexual Harassment may not be presented in formats that are accessible for persons with disabilities including those with visual, hearing and intellectual/psychosocial disabilities. As a result, persons with disabilities especially those with intellectual disabilities may not recognize abuse when it occurs or may not know where to access support.

Service providers may not be trained in accessible forms of communication, preventing them from communicating clearly and respectfully with persons with different types of impairments or communication preferences. This hinders the implementation of a victim-centred approach, reduces the quality of the care/support provided and discourages victims from following through cases or reporting new ones in future.

Physical barriers: GBV & Sexual Harassment prevention and response services may be physically inaccessible for wheelchair users or those with other mobility challenges which may convey a message that services are not welcoming of persons with disabilities.

Activity



Time Allocated: 10 Minutes

Split the participants into smaller groups and task them to think of their own workplaces and discuss reasons that could prevent victims from reporting incidents of GBV & Sexual Harassment. After the group discussions, request each group to make a presentation in plenary.

Victim Centred Reporting & Investigations

In view of the barriers to reporting incidents of GBV & Sexual Harassment presented and discussed above there is therefore need to ensure that victims are supported if they report

and that the system for handling reports of sexual harassment is informed by victim-centred approaches as discussed below.

Sexual harassment entails an affront to the dignity of the victim and has potential to cause stigma for them. Cases must therefore be handled in accordance with victim-centred approaches. The overarching principle is the DO NO HARM principle which entails that a service provider should never do anything that exacerbates the suffering or trauma of the victim unnecessarily. Thus:

- The victim must be treated with respect and dignity at all times.
- Their wish to have the matter investigated by members of a particular sex must be respected where this is permissible and practicable.
- All discussions/interviews with the victim must be conducted in private and the victim must be assured of confidentiality.
- They should not be made to feel blame for the harassment in any way. Such expressions like 'a married woman like you should be ashamed to talk about sexual harassment' should never be used.
- The case should be treated with all seriousness and urgency cognisant of the trauma that the victim has/is experiencing. The victim should not be made to feel that the case is being trivialized.
- No decision regarding the investigation process or referral to services should be made without the express consent of the victim.
- The physical safety of the victim must be prioritized at all times.
- The health of the victim must be prioritized ahead of all other processes (access to treatment for rape victims can be initiated before informing the police). Information should always be provided on existing health services, e.g., the need to access Post Exposure Prophylaxis (PEP) within 72 hours.
- If a man or a boy is raped it does not mean he is gay or bisexual. Gender-based violence is based on power, not someone's sexuality.
- Sexual and gender minorities are often at increased risk of harm and violence due to their sexual orientation and/or gender identity. Actively listen and seek to support all victims.
- Anyone can commit an act of GBV & Sexual Harassment in the workplace and anyone can be a victim of GBV & Sexual Harassment in the workplace.
- The person/s investigating the matter:
 - should employ good listening skills and allow the complainant to tell their story without passing judgment, laughing, or making comments or asking questions that suggest incredulity and must be patient to allow the victim to share information at their own pace.
 - should avoid actions which suggest inattentiveness such as yawning, glancing at the clock, answering a cell phone, texting or interrupting.
- A victim should not be required to narrate their ordeal multiple times as this can cause ongoing emotional trauma.

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- In cases involving a witness who would be traumatized by having to testify in the presence of the alleged perpetrator, then the Disciplinary Committee should consider making use of the measures provided for in PART XIVA of the Criminal Procedure and Evidence Act [Chapter 9:07] for the protection of vulnerable witnesses (see Annex 2: Extract of PART XIVA of the Criminal Procedure and Evidence Act).

Special Considerations for Handling Persons with Disabilities

Provisions should be made for sexual harassment training, reporting and feedback mechanisms to be accessible for persons with disabilities. **For instance, provision of a platform for text messages for toll-free numbers, in consideration of the deaf community**???. Likewise, to have adequate access to information and reporting mechanisms provisions should also be made for sign language interpreters for deaf employees, braille material and screen readers such as JAWS for employees with visual impairment. Persons with disabilities should be provided with an opportunity to report and communicate their abuse in the presence of their caregiver if wished which should not endanger or create tension in that relationship.



Activity

Split the participants into small groups and task them to review their workplace policies and assess their efficacy in preventing GBV & Sexual Harassment.



Module Summary

- Preventing GBV & Sexual Harassment in the world of work should be a priority for every employer.
- Employers should adopt a zero tolerance for sexual harassment and this should be broadcasted clearly too all employees at every level and to other stakeholders of the organization.
- Key policies within the employer organization can play a crucial role in the prevention of sexual harassment.
- Every individual in the workplace has a role to play in preventing sexual harassment.
- An effective disciplinary process acts as a powerful deterrent to potential perpetrators of sexual harassment.
- Victim-centred approaches to handling sexual harassment ensure that victims are supported thus increasing the chances that victims will report sexual harassment and end impunity for harassers.
- Considerations for persons with disabilities should be made to ensure that mechanisms for reporting and responding to GBV & Sexual Harassment are accessible to them.



MODULE 5

**DEVELOPMENT OF
WORKPLACE POLICY
ON GBV & SEXUAL
HARASSMENT**

MODULE 5

Development of Workplace Policy on GBV & Sexual Harassment

Module Introduction

The key to preventing sexual harassment is for employers and management to make it clear to every employee and workplace participant that sexual harassment is unacceptable in the workplace. Employers should ensure that they have in place a clear sexual harassment policy, which is effectively communicated to each workplace participant and is understood.

A written policy on its own is not enough. A policy that is not implemented through communication, education and enforcement will be of little or no use in avoiding liability.

This module will explain the importance of having a sexual harassment policy in place and set out the critical components of a good sexual harassment policy.

Module Objectives



The objectives of this module are to:

- Explore the role of a sexual harassment policy in addressing sexual harassment in the workplace
- Make recommendations regarding the content of an effective sexual harassment policy
- Make a business case for adopting a sexual harassment policy
- Make recommendations concerning effective implementation of a sexual harassment policy

Time Allocated: 1 Hour 30 Minutes

What is a Sexual Harassment Policy?

A sexual harassment policy is intended to prevent sexual harassment at the workplace. It defines and describes prohibited sexual behaviour in the workplace, and contains information on how to report a complaint (see Annex 3: Model Policy on Preventing & Responding to Sexual Harassment in the Workplace)

The Labour Act does not mandate employer organizations to put in place sexual harassment policies but every employer should consider having one in place. To begin with, all employers are duty bearers under the fundamental rights regime of the Constitution of Zimbabwe. Sexual harassment violates a number of fundamental rights protected by the Constitution including the right to dignity, the right to personal security, the right to equality and non-discrimination and labour rights. A sexual harassment policy that is actively implemented plays a great role in ensuring the protection of workers' rights in the workplace.

The Business Case for a Sexual Harassment Policy

As discussed in Module 3, there are great financial losses associated with the occurrence of sexual harassment in the workplace. These costs include loss of productivity arising from demoralized victims of sexual harassment and failure to recruit the best candidates for a particular role because it was not based on considerations of merit but on an exchange of sexual favours which do nothing for the profitability of the organization. Sexual harassment can also lead to the development of a hostile environment which in turn can lead to time, energy and resources being wasted on conflict management instead of on production. Loss of market space can also occur due to a negative reputation of the organization, which could also lose its productive employees because they have been forced to resign to escape sexual harassment. The organization can also incur huge losses in legal costs and damages when sued by victims of sexual harassment.

It therefore makes business sense for employers to adopt a sexual harassment policy.

Contextualizing Sexual Harassment as an Occupational Safety and Health Issue

The World Health Organization (WHO) Healthy Workplace Framework considers both the physical and the psychosocial work environment. Inadequate workplace policies may increase workers' exposure to a specific form of violence and harassment and affect their occupational safety and health. For example, night shifts in isolated areas may subject workers to situations of vulnerability when travelling to and from work, and restricted access to toilet breaks may lead to physical and psychological health problems, as well as being denigrating.

Occupational Safety and Health (OSH) programmes and risk assessments are important entry points to integrate issues of violence and harassment and gender equality into prevention programmes. Adverse working conditions are increasingly being defined as occupational risks to be tackled through OSH and management policies. In Belgium, for example, sexual harassment and violence are principally dealt with as psychosocial risks under the Act of 4 August 1996 on well-being of workers in the performance of their work. Under the Act, it is considered that stress, violence, harassment and sexual harassment at work are situations that can lead to psychosocial risks at work, and that such risks may result from elements of work organization, job content, working conditions, living conditions at work and interpersonal relationships at work.

Promising practices show the important role that OSH measures can play in preventing violence and harassment against employees and other stakeholders:

- Adopting a gender-responsive approach to OSH programmes and risk-assessment that acknowledges gender power inequalities, identifies specific causes of violence and harassment against employees and other stakeholders at work, and tackles further risks faced by workers in situations of vulnerability, particularly regarding

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Development of Workplace Policy on GBV & Sexual Harassment

intersectional discrimination.

- Establishing joint workplace occupational safety and health committees, ensuring a gender perspective to their mandate and agenda that allows for addressing situations that make employees and other stakeholders unsafe, and a proactive role in education and prevention.
- Developing gender-responsive workplace guidelines, manuals or checklists on violence and harassment against employees and other stakeholders. These may address prevention, management and intervention, carrying out of risk assessments, as well as reintegration of women victims of violence and harassment.
- Providing training for OSH committee members that addresses the forms of violence and harassment particularly experienced by women and includes practical tools on how to communicate and consult with women.
- Adopting a comprehensive approach to the identification of factors leading to violence and harassment against employees and other stakeholders, which may include work organization and content, working conditions and interpersonal relationships at work, among other areas.

The Process for Developing a Sexual Harassment Policy in the Workplace

The development of an effective sexual harassment policy should be inclusive, participatory, context specific and bottom up. In order for a sexual harassment policy to be effective, both the employers and employees should have a sense of ownership over it. It should not be viewed as an instrument of control for the employer to wield against the employees but as a tool that is available to everyone for purposes of ensuring a safe and comfortable workplace environment for all. When a sexual harassment policy is viewed in this way, it means everyone sees themselves as a custodian of the policy and is invested in making it work. This way, there is less chance that it will be undermined or resisted and there is a greater chance that it will be implemented effectively.

The development of the sexual harassment policy should therefore never be prescriptive or top down in its approach. It must be participatory and inclusive. It should be 'people driven' and should as much as possible, be about consensus building. There should be some consensus around what actions constitute sexual harassment, the role that everyone is expected to play in preventing sexual harassment, the measures that the employer should put in place to prevent and respond to sexual harassment, the rights and obligations of all the employees and the procedure for reporting and investigation of complaints of sexual harassment.

Some groups have less power both in society in general and in workplaces in particular. These groups tend to be left behind in business as usual approaches to consultation. There is therefore a need for the employer to be deliberate and to go the extra mile in creating an enabling environment for these groups to participate on an equal basis with others. These groups include people with disabilities, contract workers, casual workers, women and

young people in the workplace. The employer should, where possible, seek their views on HOW they would like to be involved in the process of policy development. The employer should also create platforms and methods of consultation designed to elicit the greatest and most useful responses. Here, considerations of the language that should be used and the identity of the facilitator of the consultations become important. Best practices suggest that effective and responsive policies should be developed after conducting Awareness and Education sessions with workers to find out their concerns and issues and where the challenges and gaps are.

A sexual harassment policy should be aligned to key national policies. Zimbabwe has policies that deal with issues faced by various groups within society. These policies prescribe standards and put forward recommendations for actions and decisions affecting these groups. The development of a sexual harassment policy must be sensitive to these policies where applicable and be aligned with them. Sexual harassment policies should take into consideration the intersection of factors that exacerbate vulnerability to GBV & Sexual Harassment. An example of intersectionality is disability and in the spirit of inclusion and leaving no one behind, sexual harassment policies should take into account the provisions of the National Disability Policy as shown in the story box below.

Box 5: National Disability Policy

The National Disability Policy (NDP) notes that persons with disabilities constitute a very small percentage of the workforce in Zimbabwe. There is therefore a need for employers to include workplace-based disability policies towards the deliberate inclusion of Persons With Disabilities (PWDs). While PWDs must be employed on the basis of skills, merits, qualifications, knowledge and abilities, and not just on the basis of disability, care should also be taken by employers to ensure that PWDs are not sexually exploited due to their position of vulnerability.

The policy should address the factors that aggravate the vulnerability of PWDs and render them more vulnerable to sexual harassment.

Reasonable accommodation must be provided to PWDs. Reasonable accommodation refers to all the necessary adjustments towards enhancing optimum functionality of PWDs. These include the provision of Personal Assistants, rails, ramps, accessible toilets, brailled sign posts, large printed sign posts, brailled reports, sign language interpreters, work from home concept where necessary, etc. They should not only be provided for employees, but also for PWDs who are consumers of the services that are rendered by different government departments, organizations, the corporate world and the United Nations family.

Workplace-based disability accessibility audits must be arranged to ensure compliance to international accessibility standards (international designs).

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The Essential Elements of a Sexual Harassment Policy

A sexual harassment policy statement should include the following:

- a strong opening statement on the organization's stance on sexual harassment
- an outline of the organization's objectives regarding sexual harassment
- a clearly worded definition of sexual harassment that encompasses all types of sexual harassment
- specific examples of sexual harassment that may be relevant to a particular working environment
- a statement of what is not sexual harassment
- a statement that sexual harassment is against the law
- examples of places and times where unlawful sexual harassment may happen, e.g., in the office, work conferences, work field trips, etc.
- information indicating —
 - ✓ that an employee is entitled to employment in an environment that is free from sexual harassment;
 - ✓ how the employer will deal with the sexual harassment of their employee where it is directed towards a fellow employee or a third party;
 - ✓ that the employer will take disciplinary measures as the employer considers appropriate against any person under the employer's direction who subjects any employee or third party to sexual harassment and explaining the disciplinary measures that may be taken in respect of sexual harassment;
 - ✓ how a complaint of sexual harassment may be brought to the attention of the employer; and the internal mechanisms and procedures that are available to an employee for the making of any complaint relating to sexual harassment and the resolution and settlement of the complaint within set timelines;
 - ✓ that the employer will not disclose the name of a complainant or the circumstances related to the complaint to any person except where the disclosure is necessary for the purposes of investigating the complaint or taking disciplinary measures in relation to the complaint;
 - ✓ that the employee has a right to seek redress;
 - ✓ that an employee has a right to make use of alternative reporting procedures in situations where the alleged perpetrator is the supervisor or the person responsible for handling sexual harassment cases within the organization;
 - ✓ that a person who alleges that an act of sexual harassment has been committed against them must exhaust all internal mechanisms and procedures including conciliation or mediation that are available to the person, before instituting proceedings;
 - ✓ that a person who reports sexual harassment shall be protected from victimization;
 - ✓ a victim-centred approach in reporting and responding to complaints of

violence and harassment (hotlines for reporting, remedies, emergency services, provision of counselling services, medical care and treatment, and psychological support);

- ✓ the rights and responsibilities of the workers and the employer;
- ✓ workplace risk assessment considerations of factors that increase the likelihood of violence and harassment arising from working conditions and arrangements, involvement of third parties as well as cultural and social norms that tolerate violence and harassment;
- ✓ measures for enforcing/implementing the policy. [how]

Table 4: Sexual Harassment Policy Development Checklist

COMPONENT	CHECKED
Statement of commitment to address sexual harassment	
Rights and obligations of employer	
Rights and obligations of employees	
Definition	
• Physical	
• Verbal	
• Non-verbal	
Cyberspace harassment	
Reporting structures	
Encouraging whistleblowing	
Definition of retaliation	
Prohibition of retaliation	
Procedures for making a complaint	
Procedures for investigation	
Disciplinary procedure	
Informal conciliatory dispute resolution	
Penalties	
Reviews and appeals	
Education and awareness raising	

Dissemination and Implementation of the Sexual Harassment Policy

Once the sexual harassment policy is in place, the employer should do the following:

- Officially launch the sexual harassment policy at a full staff meeting.
- The Chief Executive Officer or a senior management representative should endorse the policy and emphasize the fact that all staff are required to comply with it.

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Development of Workplace Policy on GBV & Sexual Harassment

- E-mail copies of the policy to employees, put a copy on the intranet and place an automatic shortcut on employee desktops.
- Provide the policy to new staff as a standard part of induction (may devise ways of compelling new staff to read the policy, e.g., testing new staff on the content of the policy as part of their probation).
- Display the policy on notice boards and include it in induction manuals.
- Ask employees to sign a copy of the policy acknowledging they have received and understood it.
- Assign responsibility for the circulation and review of the policy to a specific position or area to ensure that it is widely promoted and regularly updated.

Activity

Time Allocated: 30 Minutes

Ask participants to critique the sexual harassment policy at their workplace against the checklist presented above and make recommendations for improvement.

Module Summary

- A sexual harassment policy is a key policy that sends out the message that the employer is committed to addressing sexual harassment.
- A good sexual harassment policy is developed through participatory approaches and should be people driven in order to ensure ownership and buy in.
- Employers should be intentional about creating an enabling environment for members of marginalized groups within the work force to participate.
- Sexual harassment is an OHS issue and should be treated as such.
- The content of a sexual harassment policy should be informed by, and aligned to, key national policies, including policies on disability inclusion.

FREE THE WAY TO WORK FROM VIOLENCE AND HARASSMENT



MODULE 6

GENDER CHAMPIONS

MODULE 6

Gender Champions

Module Introduction

The identification and training of Gender Champions is one way that employers can adopt to raise awareness and encourage positive shifts in workplace culture and individual behaviour.



Module Objectives

At the end of this module, the participants should:

- Have an understanding of who a Gender Champion is and how they are identified
- Have an appreciation of the roles and responsibilities of a Gender Champion
- Have an awareness of what a Gender Champion should know
- Be familiar with the different service providers and the services that they provide to victims of GBV & sexual harassment

Total Time Allocated: 3 Hours 30 Minutes

Topic 1: Who are Gender Champions?

Time Allocated: 30 Minutes

Gender Champions are women and men who are dedicated to breaking gender barriers, challenging gender stereotypes and achieve gender equality in their workplaces or communities. They set examples for gender equality through their career, initiatives and mentoring. Gender Champions act as peer supporters, role models and leaders both internally and externally in engagement with key partners including the wider community.

Who can be a Gender Champion?

Any woman or man who feels passionate about supporting the implementation of the zero-tolerance policy on GBV & Sexual Harassment in the workplace. The individuals must feel responsible and ready to undergo training to facilitate an enabling environment within their workplace to ensure that every employee regardless of gender is treated with dignity and respect.

Identification of Gender Champions

The following considerations are important in the selection of Gender Champions:

- Gender - women or men depending on organizational context

- Inclusiveness and leaving no one behind,- persons with disabilities and employees from minority groups
- Voluntary - willingness to devote time and skills
- Position in the organization - junior, middle staff or part of management
- Professional background - does one have training in interpersonal skills
- Personal disposition - maturity, ability to relate with victims, ability to keep confidential information, non-judgemental
- Justice - individuals with an eye for, and commitment to, justice
- Learning - willingness to undergo continuous learning as this is a fluid area.

Qualities of a good Gender Champion

- A Gender Champion should possess the qualities of a good leader, they should be responsible, decisive, dynamic, supportive, easily addressed, possess good interpersonal skills, acquire good writing and communication skills, should be able to cope with their team, etc.
- **Warmth:** Kind, accepting and non-judgemental. Warmth can create a setting of safety and trust that encourages survivors to be open. Warmth can be expressed through appropriate facial expression, giving one's full attention to the victim and using a calm, kind tone of voice.
- **Empathy:** Ability to imagine oneself in another person's situation, including imagining their world views, assumptions and beliefs. Empathy can be shown through listening attentively to what survivors are saying, making every effort to comprehend their experiences from their viewpoint and validating their feelings.
- **Respect:** Also referred to as unconditional positive regard linked to acceptance. Involves accepting and non-judgemental of the victim and highlighting their strengths. Blaming, arguing, reacting defensively and attempting to pressure survivors, all indicate a lack of respect.
- **Genuineness:** Can be expressed by being sincere and authentic. Part of being genuine is accepting and admitting being wrong or making mistakes. Gender Champions are human and therefore do not know everything and do make mistakes from time to time.
- **Self-awareness:** Gender Champions are also individuals whose beliefs and values are impacted by culture, ethnicity, religion, gender, sexual orientation, socio-economic status, family and personal history. They need to be aware of how their beliefs and values, as social norms that lead to blaming, shaming and stigmatizing of survivors, may influence their view of a survivor. Gender Champions as individuals and teams need to reflect on their own potentially harmful beliefs and norms, examine how these influence their response to survivors and recognize how this could deter survivors from coming forward to help.
- **Responsiveness:** A Gender Champion should be someone who has the ability to act on GBV & Sexual Harassment concerns and reports timeously. They should also be able and willing to keep the complainant(s) informed of the action/steps that they are taking.

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Gender Champions



Activity

Time Allocated: 30 Minutes

Split participants into small groups and task them to do role plays to showcase the good qualities of a Gender Champion. Allocate each group a time slot to do their role play in plenary with other participants observing and providing feedback for each performance.

Topic 2: Roles & Responsibilities of Gender Champions

Time Allocated: 30 Minutes

Gender Champions come from different levels in the organization and some of their roles and responsibilities will depend on one's level in the organization.

Gender Champions should aim to promote behavioural change through raising public awareness to make women and men gender sensitive and create positive social norms that value women and their rights. The broad role of Gender Champions is to provide an integrated and interdisciplinary approach to understanding the social and cultural constructs of gender that shape the experiences of women and men in the workplace and society. They are envisaged as responsible leaders who will facilitate an enabling environment within their workplaces where women are treated with dignity and respect. The primary role of Gender Champions is to:

- Raise awareness on workers' rights, organizational policies and pieces of national legislation through staff trainings, receiving and investigating complaints on GBV & Sexual Harassment, providing support to victimized workers and protecting whistle blowers and workers affected by GBV & Sexual Harassment.
- Contribute to and support gender policy and programme development in the workplace.
- Campaign for the ratification of the ILO Convention 190 and Recommendation 206.
- Raise awareness on the organizational reporting and investigation procedure for sexual harassment.
- Disseminate information on the referral pathway, e.g., contact details for the police and other service providers.
- Contribute to transformative changes to breaking gender barriers and stereotypes and document best practices to measure the extent of behaviour changes resulting from the awareness raising.
- Identify gaps and risks vis-à-vis GBV & Sexual Harassment in the workplace and make recommendations on how to address them.
- Advocate for the effective implementation of sexual harassment policies and procedures at the workplace through organizing formal information and training sessions to ensure that all employees are aware of and understand the organization's sexual harassment policy.

- Advocate for building a fairer recruitment system, e.g., job descriptions being written in gender neutral language, and aim to bring more female talent into the organization to tackle gender inequality. Advocate for the recruitment of persons with disabilities and make a case for the benefits of diversity in the workforce for the business.
- Advocate for re-shaping work-life balance and adaptation of working practices to accommodate family commitments, e.g., working from home, flexible working hours, accommodation for nursing mothers through breastfeeding hours and creating a conducive environment for nursing mothers at work, such as setting up breastfeeding facilities at the workplace.
- Call out the pay-gap and confront pay inequalities in the organization and increase accountability.
- Establish role model programmes through identifying role models at all stages of their careers and from all walks of life in the organization, e.g., superwoman CEO who is young, an accomplished professional, a mother and a wife.
- Provide regular training, peer education and support on issues of GBV & Sexual Harassment to all staff members. Training may be e-based, face-to-face or a combination of the two and could be provided as part of induction, regular training or as refresher training (or ideally all of the above).
- Document learnings/changes at the workplace as a result of the programme.
- Knowledge share which is important for enhancing confidence and awareness among Gender Champions, and contributes extensively to mobilizing others to take responsibility and mitigate GBV & Sexual Harassment in the workplace.
- Effectively advocate and communicate using empathetic language, normalizing reporting sexual harassment and DOING something about it. The employer has an obligation to provide platforms and frameworks for mitigation and redress, while the employee has a right to speak out (whether openly or in confidence) against GBV & Sexual Harassment in a safe and assured manner.



Activity

Time Allocated: 10 Minutes

Ask participants to brainstorm on ways for knowledge sharing from their workplaces in plenary then use the list provided below to fill in and elaborate on the outcome of the brainstorm.

Ways & platforms for knowledge sharing:

- Anonymous stories shared from within the organization.
- Role modelling by both female and male gender champions to de-mystify gendered perceptions and stereotypes
- Reflecting and reviewing cultural practices, accentuating positive norms and negating-negative norms in social spaces, e.g. tea/meal spaces (canteen), sports and

MODULE 6

Gender Champions

travel where discussions move from formal to the informal

- Formal talks by influential guest speakers will also draw attention of all staff in the workplace which this may also be an opportunity for an organization to appoint an GBV & Sexual Harassment Ambassador, riding on their influence and possibly fame
- Intra-departmental discussions and presentations, depending on age and gender dynamics
- Gender Champions/employees can take it in turns to prepare presentations on various relevant topics on GBV & Sexual Harassment in the sector on a monthly basis to trigger initiative in digging deeper on the subject. Topics can be picked from the organization's suggestion boxes (staff can be encouraged to contribute these in the already existing suggestion boxes)
- Corporate sports or social events where competitions, quizzes, debates are held as part of team-building while also increasing awareness and promoting mitigations and interventions
- Hypothetical problem solving on real life cases, probably compiled by Human Resources (HR) and shared across organizations, as part of employee involvement in addressing GBV & Sexual Harassment in the workplace (reflecting the ability to apply C190 across different levels)
- Specific campaigns on GBV & Sexual Harassment on international days to accentuate the subject
- Newsletter – this can be monthly or once every two months, enabling employees to contribute human interest articles which are not necessarily confined to workplace experiences while a strong editorial will be used to re-enforce company values. Letters to the editor column will give employees a voice
- Packaged radio programmes for playback on company-provided transport as a means of engaging employees to discuss topics raised
- Video-taped skits for continued playback at reception areas and shop floors
- Human Resources may also schedule quarterly trainings/reviews for all staff as part of de-mystifying discussion on GBV & Sexual Harassment
- Production of leaflets and other communication materials which raise awareness of rights and responsibilities, articulate provisions of C190 and available policies and remedies, as part of promoting GBV & Sexual Harassment prevention and mitigation
- Cross-learning visits from other organizations in the sector for experience by sharing on what works/does not work in the GBV & Sexual Harassment discourse. It is through all the conversations outlined that champions can self-volunteer or be selected in the organization – the more champions the merrier
- Health and wellness sessions. If there is a clinic, it can be a place of constant awareness-raising while providing health services and psychosocial support, in addition to addressing other health issues. Health centres are the place for fighting GBV & Sexual Harassment-related stigma as part of the larger referral system (addressed in GBV & Sexual Harassment awareness, Module 5)
- Budgeting for knowledge sharing, including the provision of platforms and

implementing mechanisms. This will ensure effective mainstreaming and active involvement by all staff without being thrown to the periphery

Topic 3: Knowledge & Skills that Gender Champions should have

Time Allocated: 30 Minutes

Knowledge that Gender Champions Should Have

In order for Gender Champions to fulfil their roles and responsibilities effectively they need to have the knowledge and skills relevant for the role. Gender Champions need to have:

- knowledge of important GBV & Sexual Harassment issues, the ILO C190, local legal statutes, organizational sexual harassment policies and grievance/reporting procedures/processes;
- knowledge about GBV & Sexual Harassment, its causes and consequences;
- knowledge and understanding of social norms and how they affect victims' help-seeking and decision-making;
- knowledge about the referral pathway for victims of GBV & Sexual Harassment.

Important Skills for Gender Champions

Skills represent the application of knowledge and the expression of qualities. They can be attained and improved through ongoing training, learning, support and other capacity-building opportunities to further enhance qualities and skills. Some of the important skills that Gender Champions must have include:

- Active listening and reflection skills
- Skills to communicate in a non-judgemental way
- Ability to communicate essential information about care options to a victim
- Ability to empower victims to make their own decisions about what is best for them
- Ability to identify key issues and needs related to a victim's care
- Ability to solve problems related to the victim's care
- Ability to communicate in the same language and at the same level with victims
- Ability to maintain confidentiality
- Lay counselling as explained below

Lay counselling

Lay counselling refers to the psychosocial support provided by staff or volunteers who do not have a formal qualification in counselling. Lay counselling recognizes that people in the organization are the most important and valuable asset and that they have emotions, feelings and a tender heart, which may be affected by various problems that may make them fail to put their mind in the work. Counselling is defined as a relationship between the

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Gender Champions

counsellor and counselee characterized by trust and openness, in a one-to-one, or a small group relationship, whereby the counselee is helped to work through his interpersonal and or intrapersonal problems and crisis. Counselling addresses the need of the hour, which is to help the individual to cope with the problem and help the individual to regain their self-confidence and esteem.

The process begins with establishing a relationship between lay counsellor and counselee and key elements include:

- Respect for victims
- Acceptance of victims
- Confidence-building
- Understanding the situation
- Patience
- Conscious listening
- Developing cooperative attitude
- Empathy
- Being available to victims

Key Points

- A lay counsellor DOES NOT make decisions for the victim but supports them to make informed decisions.
- A lay counsellor refers victims to more specialized care where necessary.

Do no Harm by not:

- Breaking the rule of right to confidentiality
- Violating the victim's right to dignity and self-determination
- Giving promises that you cannot keep
- Acting as a psychotherapist

How to support

- Do not ignore anyone who is trying to reach out
- Create a safe and supportive atmosphere
- Allow a victim to express their emotions in whatever form they are comfortable with
- Refrain from asking questions about what happened, instead emphasize that you are there to be a listening ear to whatever the victim wants to share
- Acknowledge if you find yourself in a situation that is not safe for the victim or yourself
- Remember if you have to escalate the case or seek support, ALWAYS ask for permission from the victim first
- If the victim is not comfortable with the sharing of their information, help them to understand the importance of seeking further professional assistance

Examples of what to say

- “You seem to be in a lot of pain right now, would you like to go to the health clinic?”
- “Does this place feel OK for you? Is there another place where you would feel better? Do you feel comfortable having a conversation here?”
- “Would you like some water? Please feel free to have a seat.”
- “I cannot talk to anyone on your behalf to try to resolve the situation. But what I can do is support you during our conversation and listen to your concerns.”
- “How can I support you?”
- “Everything that we talk about together stays between us. I will not share anything without your permission.”
- “I will try to support you as much as I can, but I am not a counsellor. I can share any information that I have on support available to you.”
- “Please share with me whatever you want to share. You do not need to tell me about your experience in order for me to provide you with information on support available to you.”
- “I’m sorry this happened to you.”
- “What happened was not your fault.”

Always remember

- Be aware of the different ways that people reach out for support
- Recognize what you can and cannot manage
- **The power of listening:** Sometimes you may be in a situation where there are absolutely no services or resources available for you to share with a victim and you may feel helpless. It is important that you are honest with the survivor, recognizing the victim’s courage to share their experience with you, express that you are sorry you cannot be more helpful and provide the victim with as much dignity in the course of your conversation as possible. **Being present while demonstrating active listening is supportive in and of itself.**

Topic 4: Referral Pathway for Victims of GBV & Sexual Harassment

Time Allocated: 30 Minutes

As indicated earlier in Module 3, GBV & Sexual Harassment adversely impacts the physical and mental health of victims. GBV & Sexual Harassment victimization can have a long-lasting impact on the individual, their family and community at large. Victims typically have multiple and complex needs that require a comprehensive set of services that no one single organization can effectively provide. A coordinated and multi-sectoral response is therefore necessary to ensure that victims access the whole range of quality services. Gender Champions are entry points for victims to access the different services that they may need.

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Gender Champions

A Referral Pathway refers to the flexible mechanism that safely links victims to supportive and competent services. A typical referral pathway for victims of GBV & Sexual Harassment includes access to the following services:

- Health - victims can access necessary treatment at the nearest clinic or hospital after a violation. It is imperative that medical treatment is accessed first so as to preserve life and minimize disease/infection
- PsychoSocial Support (PSS) - relieves mental burden of emotional distress, assists victim with making informed decisions on reporting to the police, aids with helping victims move on and in helping plan victim safety
- Legal services through the courts - cases of sexual violence can be tried in victim friendly courts and legal aid service providers and Civil Society Organization (CSO)s can help victims with court processes
- Protection through the police who have Victim Friendly Units with trained personnel to deal with victims of sexual violence

It is important for Gender Champions to have knowledge of what support services are available (both within the work setting and within the broader referral pathway) and what victims can expect from them (see Annex 4: National Directory of Service Providers for Victims of GBV & Sexual Harassment).

How to Make Effective Referrals

- Establish and maintain good working relationships with the different service providers
- Consult and agree with the victim on the services that they need before making a referral
- Use a formal system to refer, e.g., writing a note or making a phone call to the service provider and in some instances it may be necessary to accompany the victim to the service provider
- Follow up with both the victim and the service provider to check whether they accessed the needed services

Activity



Time Allocated: 20 Minutes

Split participants into small groups and task them to develop a directory of health, legal, protection and psychosocial service providers in their area providing their names, services provided, physical address and contact numbers. Ask each group to present their directory to the rest of the participants in plenary.

Topic 5: Enabling Factors for Gender Champions

Allocated Time: 30 Minutes

The effectiveness of Gender Champions in their roles highlighted above depends on a number of factors including the following:

- Buy-in by management, trade unions and employer organizations, e.g., EMCOZ.
- Formalizing the appointment of Gender Champions
- Need for a budgetary allocation to support Gender Champions in their work and ensure that they reach all employees with training
- Budgeting for knowledge sharing, including the provision of platforms and implementing mechanisms. This will ensure effective mainstreaming and active involvement by all staff without being thrown to the periphery
- Need for decision-makers to join in to break down gender barriers and make gender equality a working reality in their spheres of influence
- Organizational change is most effective when both employees and management feel a strong sense of ownership and are empowered to contribute
- Gender Champion teams should be inclusive and reflect the reality of the challenges faced by the organization's staff
- Most sectors are male dominated and for gender equality campaigns to be effective, for example in mining, men need to play a part as Gender Champions otherwise women will be too intimidated to campaign for gender equality on their own. More men need to stand up and speak out against GBV & Sexual Harassment which will reduce the degree to which these are normalized

Code of Conduct for Gender Champions

All Gender Champions must be bound by a set of rules that outline the norms and proper practices of a person in their positions. Some of these norms, rules and proper practices will be context specific but at a minimum every Gender Champion should be held to the following standards of conduct:

- Protect the identity and safety of a survivor. This protection may entail that they should not write down, take pictures or verbally share any personal/identifying information about a victim or their experience, including with your victim. During personal interactions, they should put phones and computers away to avoid concern that a victim's voice is being recorded. Only share general, non-identifying information to your team or sector partners in an effort to make your programme safer and to encourage participation, i.e., speaking out about GBV & Sexual Harassment.
- Ensure respectful and safe interactions
- Understand survivors/victims as individuals
- Respect survivor control, autonomy and self-determination

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Gender Champions

- Must always act with responsibility and integrity
- Seek to add value
- Always be prepared to take action
- Know and understand contexts

Self-care for Gender Champions

Gender Champions are susceptible to stress and burnout due to expectations associated with their role. They may feel stressed because they feel they are not achieving the goals of their role thereby making them feel inadequate and defeated. Self-care for Gender Champions is important because for them to be effective in their role they need to deal with the factors that drain them.

Signs of burnout

Burnout often presents in the following ways:

- A compulsion to prove oneself
- Working harder
- Neglecting personal needs
- Displacement of conflicts – because one doesn't realize the root cause of the distress
- Revision of values (friends and hobbies are dismissed)
- Denial of emerging problems – normally first noticed by an 'outsider' as cynicism and aggression
- Withdrawal, reduce social contact, walled off and alcohol and substance abuse may occur at this point
- Behavioural changes become obvious to others
- Feeling of inadequacy and inner emptiness
- Depression
- Burnout

Coping with burnout

Healthy ways to relax and recharge:

- ✓ Eat a healthy diet
- ✓ Avoid alcohol, cigarettes and drugs
- ✓ Get enough sleep
- ✓ Go for a walk
- ✓ Exercise
- ✓ Spend time with nature
- ✓ Talk to friends
- ✓ Work in the garden

- ✓ Listen to music
- ✓ Set aside relaxation time
- ✓ Connect with others, e.g., through social groups, church groups, etc.
- ✓ Do something you enjoy everyday
- ✓ Keep your sense of humour – includes the ability to laugh at yourself. The act of laughing helps your body fight stress in a number of ways

While there are healthy ways to relax and recharge, other people cope with stress in ways that compound the problem. Unhealthy ways of coping with stress may temporarily reduce stress, but they cause more damage in the long run. Examples of unhealthy ways of coping with stress are provided below:

- × Smoking
- × Drinking too much
- × Overeating or undereating
- × Using pills or drugs to sleep or relax
- × Sleeping too much
- × Withdrawing from friends, family and social activities
- × Taking one's stress out on others (lashing out, angry outburst, physical violence)

Below are some strategies that may help in coping with burnout:

- **Social support:** Social support has been seen as one of the most important aspects toward a reduction in burnout and stress. By creating a supportive environment, you mitigate the negative aspects of burnout and stress.
- **Learn to say 'no':** Know your limits and stick to them. Whether in your personal or professional life, refuse to accept added responsibilities when you are close to reaching them. Taking on more than you can handle is a sure recipe for stress.
- **Avoid people who stress you out:** If someone consistently causes stress in your life and you cannot turn the relationship around, limit the amount of time you spend with that person or end the relationship entirely.
- **Alter the situation:** If you cannot avoid a stressful situation, try to alter it. Figure out what you can do to change things so the problem does not present itself in the future. Often, this involves changing the way you communicate and operate in your daily life.
- **Manage your time better:** Poor time management can cause a lot of stress. When you are stretched too thin and running behind, it's hard to stay calm and focused. But if you plan ahead and make sure you don't overextend yourself, you can alter the amount of stress you're under.
- **Looking at the big picture:** Take perspective of the stressful situation. Ask yourself how important it will be in the long run. Will it matter in a month? A year? Is it really worth getting upset over? If the answer is no, focus your time and energy elsewhere.

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Gender Champions

- **Adjust your standards:** Perfectionism is a major source of avoidable stress. Stop setting yourself up for failure by demanding perfection. Set reasonable standards for yourself and others and learn to be okay with 'good enough'.
- **Focus on the positive:** When stress is getting you down, take a moment to reflect on all the things you appreciate in your life, including your own positive qualities and gifts, e.g., drawing satisfaction from regarding your Gender Champion role as self-fulfilling and knowing that you are filling an essential gap in your workplace and appreciating your milestones and achievements in the role.
- **Share your feelings:** Talk to a trusted friend or make an appointment with a therapist. Sometimes sharing is difficult, but by hearing it when verbalizing helps, even if there's nothing you can do to alter the situation.
- **Make time for fun and relaxation:** Beyond a take-charge approach and a positive attitude, you can reduce stress in your life by nurturing yourself. If you regularly make time for fun and relaxation, you'll be in a better place to handle life's stressors when they inevitably come.
- **Self-awareness:** Observe yourself and recognize your feelings, building a vocabulary for feelings and knowing the relationship between thoughts, feelings and reactions.
- **Personal decision-making:** Examine your actions and know their consequences, know if thought or feeling is ruling a decision.
- **Empathy:** Understand other people's feelings and concerns and take their perspective, appreciating the differences in how people feel about things.
- **Communication:** Talk about feelings effectively, become a good listener and question asker, distinguish between what someone does or says and your own reactions or judgments about it, sending 'I' messages instead of blame.
- **Self-disclosure:** Value openness and build trust in a relationship, knowing when it's safe to risk talking about your private feelings.
- **Self-acceptance:** Feel pride and see yourself in a positive light, recognize your strengths and weaknesses, be able to laugh at yourself.
- **Personal responsibility:** Taking responsibility, recognizing the consequences of your decisions and actions, accept your feelings and moods and follow through on commitments (e.g., studying).
- **Assertiveness:** State your concerns and feelings without anger or passivity.
- **Understanding group dynamics:** Cooperate, knowing when and how to lead and when to follow.
- **Self-evaluation:** Judge your own progress and achievements.



Module Summary

Gender Champions:

- are women and men volunteers who are committed to efforts to prevent and respond to GBV & Sexual Harassment in the workplace.
- need to have knowledge on GBV & Sexual Harassment, its causes and consequences as well as organizational sexual harassment policies and grievance/reporting procedures/processes.
- should possess important skills such as active listening and reflection skills, an ability to communicate in a non-judgemental way and lay counselling skills to empower victims to make their own decisions about what is best for them.
- are entry points for victims into the referral pathway to access the different services that they may need, e.g., health, PSS and legal.
- need the financial and moral support of their employers as well as buy-in from trade unions for them to succeed in their role.
- need to abide by a Code of Conduct for them to be accountable in their role.
- are susceptible to stress and burnout and need to take care of themselves to maintain their physical and mental well-being.



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MODULE 7

MONITORING & EVALUATION

MODULE 7

Monitoring & Evaluation

Module Introduction

Monitoring & Evaluation (M & E) is a normal day-to-day management function of collecting and reviewing information that reveals how an intervention is proceeding and what aspects of it, if any, need correcting. M & E is important for assessing whether GBV & Sexual Harassment prevention and response strategies are being implemented, how effective they are and identify aspects that need to be improved.



Module Objectives

The objectives of this module are to:

- Provide participants with a practical definition of M & E
- Enlighten participants on the importance of M & E in relation to workplace sexual harassment prevention and response programmes
- Provide participants with an opportunity to practice using a sample M & E framework

Total Time Allocated: 1 Hour

Definition & Importance of M & E

Monitoring and Evaluation is the systematic and objective assessment of an ongoing or completed operation, programme or policy, its design, implementation and results. The aim is to determine the relevance and fulfilment of objectives as well as efficiency, effectiveness, impact (overall goal) and sustainability. An evaluation should provide information that is credible and useful, incorporating lessons into management decision-making. It is important that organization's monitor and evaluate strategies and outcomes to ensure prevention strategies, frameworks and processes are effective. M & E of workplace GBV & Sexual Harassment prevention and response programmes is intended to:

- assess and ensure compliance to, implementation and enforcement of organizational sexual harassment policies;
- ensure that there are regular reviews and updates of sexual harassment prevention policies and initiatives (quarterly/annually) to drive continuous improvement;
- review processes and support continuous improvement and provide organizations with an opportunity to reflect on and celebrate the successes achieved to date;
- give staff and stakeholders confidence that there are efforts to prevent and eliminate GBV & Sexual Harassment in the workplace.

Steps to M & E of Workplace Prevention and Responses to GBV & Sexual Harassment In the Workplace

M & E is done through the regular collection and assessment of reports and complaints (and other relevant data) for trends, patterns and lessons to inform continuous improvement. This information is shared with staff, boards and key stakeholders. Any type of M & E depends heavily on written records and is therefore important that any individual's detailed records, relevant to GBV & Sexual Harassment are kept in a confidential place and not shared with unauthorized personnel.

Step 1: Initiate a process for regular monitoring of workplace prevention and response programmes to GBV & Sexual Harassment using the **Quarterly Reporting Template** provided in Annex 6 as a guideline.

This reporting template (Annex 6) can be a spreadsheet where information is entered. Internal policies around data privacy and confidentiality must be adhered to when designating access to this data.

Data and numbers to capture include:

- Number of employees and managers receiving training or educational information on GBV & Sexual Harassment disaggregated by sex and age.
- Number of GBV & Sexual Harassment resources available to employees, e.g., posters, signs, pamphlets, web tools.
- Workplace safety plans made in response to GBV & Sexual Harassment threats.
- Measures in place to prevent incidents of GBV & Sexual Harassment in the workplace.
- Number of sexual harassment complaints, investigations and information about outcomes (i.e., whether the complaint was resolved and how).
- Incident reports of any violent events that involved employees or others at work.
- Number of employees requesting information or referrals to GBV & Sexual Harassment related service providers.
- Number of employees requesting workplace assistance or accommodation and the types of accommodation requested, such as time off for needs related to GBV & Sexual Harassment, an altered schedule or shift, or a different work location.
- Disciplinary actions and referrals for workers who committed acts of violence or harassment.
- Number of lawsuits and formal complaints that were filed for sexual harassment and violence.

Step 2: Monitor prevention and response programmes through periodic (quarterly or annually) review of GBV & Sexual Harassment prevention and response measures.

Step 3: Formally evaluate strategic measures such as policies and procedures, training, services for employees and safety and security mechanisms.

MODULE 7

Monitoring & Evaluation

Needs Assessment

A needs assessment is an opportunity to identify staff needs to inform training opportunities, areas where more support is needed and strengths as well as areas of improvement for organizations to respond to GBV & Sexual Harassment in the workplace. An effective needs assessment can be done through an anonymous survey (paper-based or electronic) to ensure employee safety and confidentiality. The administration survey should be done in a format that is also accessible to persons with disabilities. The respondents to the survey must be drawn from a representative sample of the workplace through engaging everyone from entry-level or temporary personnel through to management. The sample should also be demographically representative, i.e., sex (male or female), age, race, nationality, disability, etc.

Action Planning

After reviewing the quarterly/annual report and analysis from the needs assessment, identify what the organization is doing well and where they can improve. Consider the following questions in the action planning:

- What do we want to achieve this quarter/year to improve safety and equity in the workplace?
- How are we going to achieve these goals?
- Who should be involved in this process?
- What is our time frame to achieve these goals? Are they realistic?
- What are our smaller action items on a monthly or quarterly basis to get to the goal, and who is responsible for completing each action item?



Activity

Time Allocated: 15 Minutes

Split participants into two groups and ask them to do a mock M & E exercise using the provided framework and request them to do presentations in plenary. Invite comments and feedback for the presentations from all participants.



Module Summary

- M & E assesses whether GBV & Sexual Harassment prevention and response strategies are being implemented and how effective they are.
- M & E supports continuous improvement and provides organizations with an opportunity to reflect on and celebrate the successes achieved to date and gives staff and stakeholders confidence that there are efforts to prevent and eliminate GBV & Sexual Harassment in the workplace.
- M & E is done through the regular collection and assessment of reports and complaints (and other relevant data) for trends, patterns and lessons.
- A reporting system to record information on prevention activities, reports of incidents of sexual harassment, etc. should be put in place.
- Feedback on an employee needs is an important component for M & E and can be obtained through anonymous surveys.
- Data from the quarterly/annual report and analysis from the needs assessment is used to identify what areas the organization is doing well in, and what areas need to be improved, as well as setting action points.

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MODULE 8

**KEY NATIONAL
INSTITUTIONS
(MANDATE, ISSUES
AND PROCEDURES)**

MODULE 8

Key National Institutions (Mandate, Issues and Procedures)

Module Introduction

Anyone who is subjected to being a witnesses or becomes aware of potential instances of sexual harassment should, as provided for in the respective sexual harassment policy, report it, e.g., to a supervisor, manager, or Human Resources (HR) personnel. It is unlawful for an employer to retaliate against a victim for reporting suspected sexual harassment or who is assisting in any investigation. In addition to the reporting channels available at the workplace victims may also choose to pursue other remedies outside the workplace as listed in this module. An individual is not required to make an internal complaint first to pursue any of these additional outside options.

Module Objectives



The objectives of this module are to:

- Raise awareness among participants on additional options for reporting GBV & Sexual Harassment
- Enlighten participants on the roles and functions of the available additional options

Time Allocated: 30 Minutes

Zimbabwe Gender Commission (ZGC)

A complaint alleging sexual harassment may be filed with the Zimbabwe Gender Commission (ZGC) but complaints to the ZGC are more suited to cases of widespread or systemic sexual harassment involving multiple complainants.

Public Service Commission (PSC)

Sexual harassment is an act of misconduct as defined in paragraph 4 of the first schedule to the Public Service Regulations Statutory Instrument 1 of 2000. This means that a complaint of sexual harassment can be reported to the PSC where it will be dealt with in terms of the disciplinary procedure provided for under Part VIII of the Public Service Regulations.

Civil Courts

An individual who believes **they have** been sexually harassed can approach the High Court and claim civil damages against the alleged perpetrator. To succeed in the claim, the individual must produce evidence in court with sufficient proof on a balance of probabilities that sexual harassment did indeed take place. In December 2021, the High Court awarded civil damages amounting to USD180 000,00 [one hundred and eighty thousand United States dollars], or the equivalent thereof in local currency, convertible at the inter-market bank rate at the time of payment to a woman who was a victim of sexual harassment in 2002 in the case of Rita M Mbatha V Farai B Zizhou and Confederation of Zimbabwean Industries HH 675/2021.

Zimbabwe Republic Police

Harassment may constitute a crime if it involves things like physical touching, coerced physical confinement or coerced sex acts and a victim should contact the local police station and file a complaint. Every police station should have a Victim Friendly Unit (VFU) which is manned by officers trained to handle sensitive matters in accordance with survivor centered principles.

Ministry of Public Service Labour & Social Welfare

A complaint alleging sexual harassment may be filed with the Ministry's Department of Labour **so** Labour Officers can investigate the allegations.

National Employment Councils (Designated Agents)

A complaint alleging sexual harassment may be filed with the National Employment Councils (Designated Agents) for investigation.

Anti-Domestic Violence Council

Some of the key roles of the Anti-Domestic Violence Council are to:

- disseminate information and increase the awareness of the public on issues of domestic violence.
- promote the provision of services necessary to deal with all aspects of domestic violence and monitor their effectiveness.
- monitor the application and enforcement of the Domestic Violence Act and any other law relevant to issues of domestic violence.
- promote the establishment of safe houses for the purpose of sheltering the victims of domestic violence, including their children and dependants, pending the outcome of court proceedings under this Act.
- promote the provision of support services for complainants where the respondent who was the source of support for the complainant and their dependants has been imprisoned.

Civil Society Organizations (CSOs)

CSOs including Faith Based Organizations (FBOs) and Non-Governmental Organizations play an important role in supporting survivors to access health, legal and PsychoSocial Support (PSS) services as well as holding service providers accountable. In some cases, CSOs also deliver services together with or on behalf of government.

MODULE 8

Key National Institutions (Mandate, Issues and Procedures)



Module Summary

Workplace sexual harassment policies provide for reporting channels available at the workplace. However, victims may for various reasons (e.g., fear of victimization) be uncomfortable using the available channels and choose to pursue other reporting channels and remedies outside the workplace. An individual is not required to make an internal complaint first to pursue any of these additional outside options. Some of the available outside options include the ZGC, ZRP, the Courts and the Ministry of Public Service Labour & Social Welfare.

FREE

THE WORLD OF WORK

FROM THE IMPACT OF DOMESTIC VIOLENCE



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Annex 1: Sample Workplace Harassment & Violence Risk Assessment Checklist

Physical Work Environment

- Is the workplace located in a low-crime area?
- Is public access to the workplace restricted?
- Are access doors locked or secured after hours?
- Are video surveillance and/or security services used to monitor entrances, exits and the surroundings of the workplace?
- Does the employer have well-lit and secure parking space for its employees?
- For all work-related activities occurring outside company premises or outside regular working hours, are there security protocols in place that are shared with employees to mitigate risk?
- Are there processes in place to address security gaps?
- Are employees trained on the safety precautions to take and procedures to follow when working alone or in small numbers to protect themselves from GBV & Sexual Harassment?
- Are employees trained on the safety precautions to take and procedures to follow when going onto sites (commercial or residential) where the environment is unknown?
- Are employees trained on emergency procedures to be implemented where an occurrence poses an immediate danger or there is a threat of an occurrence posing an immediate danger to the health and safety of an employee?

Leadership & Organizational Structure

- Are managers trained on appropriate use of authority?
- Are there clear lines of reporting to minimize conflicting demands on employees?

Prevention Policy

- Does the organization have a policy that addresses workplace harassment and violence including GBV & Sexual Harassment that is readily available to all employees?
- Does the employer communicate to its employees the contents of the harassment and violence prevention policy?
- Does the employer ensure by policy and in practice that there is no disciplinary or punitive action against an employee for filing a report of an occurrence of GBV & Sexual Harassment?

Training

- Are all management and non-management employees trained on the prevention of all forms of GBV & Sexual Harassment in the workplace?
- Are all management and non-management employees provided with training on how to recognize GBV & Sexual Harassment in the workplace?
- Are employers and designated personnel trained on responding to occurrences of GBV & Sexual Harassment?

Reporting & Investigation

- Does the employer ensure, by policy and/or practice, that reports of GBV & Sexual Harassment can be submitted anonymously?
- Does the employer have designated staff that **have** been trained to receive and investigate reports?
- Are there alternative avenues for reporting an occurrence of GBV & Sexual Harassment when the designated recipient is the alleged party in the occurrence?
- Does the employer respond to all reports of occurrences of GBV & Sexual Harassment?
- Does the employer have a formal process to inquire into occurrences of harassment and GBV & Sexual Harassment that happen outside of the workplace, e.g., cyber-bullying outside of work hours?
- Is there a process in place to make the option of conciliation available?
- Are the investigators appointed to conduct harassment and violence chosen in accordance with the laid regulations?
- Are the reporting and investigation mechanisms sensitive to persons with disabilities?

Emergency Procedures

- Does the employer have readily available emergency procedures to address an occurrence that poses or threatens to pose an immediate danger to the health and safety of an employee, e.g., a sexual assault (rape)?

Psychological Protection

- Do management employees receive training on their role to support psychological (mental) health?
- Does the employer have internal resources available to provide support to employees who experience psychological or emotional stress from the workplace or their personal lives?
- Does the employer periodically survey employees on their satisfaction with the work environment?
- Are there specific preventative measures in place to protect employees when they work during times of increased psychological vulnerability such as under high stress conditions, e.g., pandemics or seasonal demands?

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Annex 2: Extract of PART XIVA of the Criminal Procedure and Evidence Act (Chapter 9:07).

Protection of Vulnerable Witnesses

319A. Interpretation in Part XIVA

In this Part—

“intermediary” means a person appointed as an intermediary in terms of paragraph (i) of section three hundred and nineteen B;

“support person” means a person appointed as a support person in terms of paragraph (ii) of section three hundred and nineteen B;

“vulnerable witness” means a person for whom any measure has been or is to be taken in terms of section three hundred and nineteen B;

319B. Measures to protect vulnerable witnesses

If it appears to a court in any criminal proceedings that a person who is giving or will give evidence in the proceedings is likely—

- a) to suffer substantial emotional stress from giving evidence, or
- (b) to be intimidated, whether by the accused or any other person or by the nature of the proceedings or by the place where they are being conducted, so as not to be able to give evidence fully and truthfully

the court may, subject to this Part, do any one or more of the following, either mero motu or on the application of a party to the proceedings—

- i) appoint an intermediary for the person.
- (ii) appoint a support person for the person.
- (iii) direct that the person shall give evidence in a position or place, whether in or out of the accused’s presence, that the court considers will reduce the likelihood of the person suffering stress or being intimidated:

Provided that, where the person is to give evidence out of the accused’s presence, the court shall ensure that the accused and his legal representative are able to see and hear the person giving evidence, whether through a screen or by means of closed-circuit television or by some other appropriate means

- (iv) adjourn the proceedings to some other place, where the court considers the person will be less likely to be subjected to stress or intimidation

- (v) subject to section 70(1)(g) of the Constitution, make an order in terms of the Courts and Adjudicating Authorities (Publicity Restriction Act [Chapter 7:04]) excluding all persons or any class of persons from the proceedings while the person is giving evidence.

319C. Factors to be considered in deciding whether or not to protect vulnerable witness

(1) When deciding whether or not to take any measure under section three hundred and nineteen B, the court shall pay due regard to the following considerations—

a) the vulnerable witness's age, mental and physical condition and cultural background and

(b) the relationship, if any, between the vulnerable witness and any other party to the proceedings and

(c) the nature of the proceedings

and

(d) the feasibility of taking the measure concerned and

(e) any views expressed by the parties to the proceedings and

(f) the interests of justice.

(2) To assist the court in deciding whether or not to take any measures under section three hundred and nineteen B, the court may interview the vulnerable witness concerned out of the sight and hearing of the parties to the proceedings:

Provided that at such an interview the merits of the case shall not be canvassed or discussed.

319D. Court to give parties opportunity to make representations

Before taking a measure under section three hundred and nineteen B, the court shall afford the parties to the proceedings an opportunity to make representations in the matter.

319E. Court may rescind measure taken to protect vulnerable witness

Without derogation from any other law, a court may at any time rescind a measure taken by it under section three hundred and nineteen B, and shall do so if the court is satisfied that it is in the interests of justice to do so.

319F. Persons who may be appointed as intermediaries or support persons

(1) Except in special circumstances, which the court shall record, a court shall not appoint a person as an intermediary unless that person—

(a) is or has been employed by the State as an interpreter in criminal cases and

(b) has undergone such training in the functions of an intermediary as the Minister may approve.

(2) In appointing a support person for a vulnerable witness, the court shall select a parent, guardian or other relative of the witness, or any other person who the court considers may provide the witness with moral support whilst the witness gives evidence.

319G. Functions of intermediary or support person

(1) Where an intermediary has been appointed for a vulnerable witness, no party to the criminal proceedings concerned shall put any question to the vulnerable witness except through the intermediary:

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Provided that the court may put any question to the witness directly or through the intermediary.

(2) Subject to any directions given by the court, an intermediary—

(a) shall be obliged to convey to the vulnerable witness concerned only the substance and effect of any question put to the witness

(b) may relay to the court the vulnerable witness's answer to any question put to the witness:

Provided that when doing so the intermediary shall, so far as possible, repeat to the court the witness's precise words.

(3) Where a support person has been appointed for a vulnerable witness, the support person shall be entitled to sit or stand near the witness whilst the witness is giving evidence in order to provide moral support for the witness, and shall perform such other functions for that purpose as the court may direct.

319H. Weight to be given to evidence of witness for whom intermediary or support person appointed

When determining what weight, if any, should be given to the evidence of a vulnerable witness for whom an intermediary or a support person has been appointed, the court shall pay due regard to the effect of the appointment on the witness's evidence and on any cross-examination of the witness.

Annex 3: Model Policy on Preventing & Responding to Sexual Harassment in the Workplace

SCHEDULE 1 SAMPLE POLICY

Sexual Harassment Policy

1. Purpose

- 1.1 It is the policy of EMPLOYER to provide an environment free from harassment of any kind and for any reason, whether because of sex, age, relationship status, sexual preference, religious belief, colour, race, creed, national or ethnic origin, disability, or any other factor or relevant circumstance.
- 1.2 An employee and any third party or person on the premises of EMPLOYER is entitled to work, provide services or be in an environment free of sexual harassment.
- 1.3 Sexual harassment violates an individual's fundamental rights and personal dignity, it is unlawful, and will not be tolerated by EMPLOYER.
- 1.4 When EMPLOYER determines that an allegation of sexual harassment is credible, it will take prompt and appropriate corrective action.

2. Definition

- 2.1 Sexual harassment is the unwanted or unwelcomed sexual attention of an offensive nature made by a person who knows, or reasonably should know, that the attention is unwanted or unwelcomed and the person to whom it is made may conclude that the conduct was intended to:
 - (a) offend, humiliate, disrespect or degrade them;
 - (b) intimidate, threaten or compel them by putting them in fear of being placed at a disadvantage or prejudiced if they do not submit to the sexual harassment; or
 - (c) create a hostile environment for them, or violate their dignity.
- 2.2 Sexual harassment encompasses a wide range of inappropriate conduct or acts, under the law but in addition to the conduct or acts prohibited under the law other examples of specifically prohibited conduct by EMPLOYER include:
 - (a) promising, directly or indirectly, a person a reward if the person complies with a request of a sexual nature;
 - (b) threatening, directly or indirectly, to retaliate against a person if the person refuses to comply with a request of a sexual nature;
 - (c) denying, directly or indirectly, a person an opportunity if the person refuses to comply with a request of a sexual nature;

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- (d) engaging in sexually suggestive physical contact, touching or grabbing of another person in a way that is unwelcome;
- (e) repeatedly standing too close to, or brushing up against a person;
- (f) engaging in explicit language, sexually suggestive gestures, or indecent exposure;
- (g) making sexual or romantic advances toward a person and persisting despite the person's rejection of the advances;
- (h) sexual pranks, or repeated sexual teasing, jokes, or innuendo, in person or via e-mail or other electronic means;
- (i) verbal abuse of a sexual nature;
- (j) repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated that they are not interested (A [Supervisor/Director/Manager] in particular should be careful not to pressure an employee or third party on the premises of EMPLOYER to socialize);
- (k) giving gifts or leaving objects that are sexually suggestive;
- (l) repeatedly making sexually suggestive gestures;
- (m) making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
- (n) off-duty, unwelcome conduct of a sexual nature that affects the work environment;
- (o) deliberately creating an overall offensive environment, including use of vulgar language, displaying, storing or transmitting sexually explicit photographs or other materials, and the telling of sexual stories.

2.3 Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own may not be sexually harassing.

2.4 Certain behaviours, such as conditioning promotions, awards, grades, training or other benefits upon acceptance of unwelcome actions of a sexual nature, are always wrong and prohibited by EMPLOYER.

2.5 An employee is prohibited from harassing another employee or third party whether or not the incidents of harassment occur on EMPLOYER property and whether or not the incidents occur during [working] hours.

2.6 The victim can be of the same sex as the harasser. The harasser can be a [Supervisor/Director/Manager], another employee, or third party who has a business relationship with EMPLOYER or may be on the premises of EMPLOYER.

- 2.7 Although sexual harassment typically involves a person in a greater position of authority as the harasser, a person in a position of lesser or equal authority may also be found responsible for engaging in prohibited sexual harassment.
- 2.8 Consensual sexual or romantic relationships between employees are deemed unwise and are strongly discouraged by EMPLOYER in particular if one employee has supervisory authority over the other employee.
- 2.9 An act of sexual harassment against a person with disabilities will be viewed more seriously and will attract greater punishment.

3. Employees' Rights and Responsibilities under this Policy

- 3.1 All incidents of sexual harassment or inappropriate sexual conduct should be reported by an employee or third party regardless of their seriousness.
- 3.2 If an employee or a third party believes that they have been subjected to sexual harassment or any unwanted or unwelcome sexual comment, conduct, innuendo, gesture, contact, advance or attention by anyone (e.g., a co-worker or other person), they should:
 - a. make their unease and/or disapproval directly and immediately known to the alleged harasser orally or in writing that such conduct is unwelcome and offensive and must stop;
 - b. report the incident immediately to the [Supervisor/Director/Manager]. If the [Supervisor/Director/Manager] is responsible for the sexual harassment, report the conduct to the [Assistant Supervisor/Assistant Director/Assistant Manager/ /President/Board].
- 3.3 If the person does not wish to communicate directly with the offending person, or if such communication has been ineffective, the person is encouraged to report the unwelcome conduct as soon as possible to a responsible [Department] official. It is usually most effective, although it is not required, that the official be within the person's supervisory chain. Responsible Department officials include first- or second-line supervisors, the offending person's supervisor, the management officers, the [Director/Manager/Executive Director] or [Assistant Director/Assistant Manager/Assistant Supervisor or President/Board].
- 3.4 A person should feel free to raise concerns and make a report without fear of reprimand.
- 3.5 Alleging harassment without following the reporting procedures may be considered evidence of a malicious intent on the part of the complainant.
- 3.6 The privacy of the complainant and of the person accused of sexual harassment must be maintained and all information must be kept strictly confidential.
- 3.7 A person must not retaliate against or victimize an employee or third party for filing a complaint of sexual harassment or for cooperating in an investigation of a sexual harassment complaint.

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- 3.8 The employee must not make a false complaint of sexual harassment.
- 3.9 A person with disability is entitled to support, special facilities and reasonable accommodation to enable them to make their complaints fully.

4. Employer's Responsibilities under this Policy

- 4.1 If EMPLOYER receives an allegation of sexual harassment, or has reason to believe sexual harassment is occurring, they will take the necessary steps to ensure that the matter is promptly investigated and addressed.
- 4.2 If the allegation is determined to be credible, EMPLOYER will take immediate and effective measures to end the unwelcome behaviour.
- 4.3 EMPLOYER is committed to take action if they learn of possible sexual harassment, even if the individual does not wish to file a formal complaint.
- 4.4 All complaints will be promptly and carefully investigated by the administration, and all employees are assured they will be free of any and all reprisal or retaliation from filing such complaints.
- 4.5 An administrative investigation will include interviews with all relevant persons, including the complainant, the accused and other potential witnesses. In determining whether an alleged conduct constitutes sexual harassment, the record as a whole and the totality of the circumstances, such as the nature of sexual advances and the context in which the alleged incidents occurred will be examined. A determination of appropriate action will be made from the facts, on a case-by-case basis.
- 4.6 The administration will review the finding with the complainant at the conclusion of its investigation. If the investigation reveals that the complaint appears to be valid, immediate and appropriate corrective action, up to and including discharge, will be taken to stop the harassment and prevent its reoccurrence. If the validity of the complaint cannot be determined, immediate and appropriate action will be taken to assure all parties are reacquainted with the sexual harassment policy and to avoid sexual harassment in the future. Any finding can be appealed to the Appeals Committee using the existing [grievance/disciplinary] policy.
- 4.7 If a complaint involves a member of the Board, then a written request should be made to the Chairman of the Board to establish a Committee to investigate the complaint.
- 4.8 Prevention is the best tool for the elimination of sexual harassment. EMPLOYER and the administration express strong disapproval of any acts that can be construed as an act of sexual harassment of any [person/employee] or third party on the premises of EMPLOYER. (This includes inappropriate jokes, displays of posters, etc.).
- 4.9 EMPLOYER and the administration shall ensure that people with disabilities are availed all the resources including communication to enable them to make full use of the reporting mechanisms available and shall where necessary make reasonable accommodation.

5. Resolution

- 5.1 An employee often can stop or prevent sexual harassment by immediately and directly expressing their disapproval of an individual's sexually oriented attention or conduct. In many cases, an informal warning by the [Director/Manager] to an alleged harasser, combined with appropriate follow-up supervision and monitoring of the employee's behaviour might be sufficient to prevent or stop sexual harassment. If the employee is uncomfortable addressing the [Director], the [Board] may be approached directly.
- 5.2 If this approach does not stop the sexual harassment, a thorough and impartial investigation of all complaints will be conducted in a timely and appropriate manner. The investigation will be conducted by the [Director, Manager/Executive Director/ Assistant Director, or the employee's immediate supervisor].
- 5.3 An employee of EMPLOYER who has been found to have sexually harassed another employee, third party or visitor/patron of EMPLOYER will be subject to disciplinary action up to and including termination.
- 5.4 An employer who has made a false complaint of sexual harassment must be subject to disciplinary action up to and including termination.

6. Confidentiality

- 6.1 All inquiries, complaints and investigations are treated with confidentiality. Information is revealed strictly on a need-to-know basis. However, the identity of the complainant usually is revealed to the accused and witnesses.
- 6.2 An employee, a third party or other individual contacted in connection with a complaint will be counselled that any information pertaining to the complaint must be held in confidence.

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Annex 4: National Directory of Service Providers for Victims of GBV & Sexual Harassment

Table 5: National Directory of Service Providers

Organization	Services Provided	Toll-free & Hotlines
Adult Rape Clinic (ARC)	GBV & sexual harassment, SRH services, psychosocial support & counselling services	08080472
Childline	Child sexual abuse, psychosocial support & counselling services.	116
CONTACT Family Counselling Centre	Psychosocial support & counselling services.	+263712629303
Counselling Centre for Teens	Psychosocial support & Counselling Services	+263772221921
Ecumenical Fellowship of Zimbabwe	Psychosocial support & Counselling Services.	08080427
Emthonjeni Women's Forum (EWF).	Psychosocial support & Counselling Services	+263292882429
Family Support Trust (FST)	GBV & sexual harassment & SRH Services	+263774227430
GALZ	Health, Psychosocial support, Counselling & Legal Support	+263772210836
Justice for Children Trust	Psychosocial support & Legal Counsel	+26324277474/741781
Katswe SistaHood	SRH & Psychosocial support	+2637728499923
Legal Resources Foundation (LRF)	Legal counsel & Psychosocial support	08080402
Musasa Project	GBV, Safe Shelter & Psychosocial support	08080074
Population Services Zimbabwe (PSZ)	Family planning & Post abortion care	08080019/20
Rozaria Memorial Trust	GBV & Psychosocial support	+263779758081
ROOTS Africa	Shelter & psychosocial support	+263775900840
SALT Africa	Psychosocial support	+263786306663
SAYWHAT	SRH & Psychosocial support services	08677008743
Women in Law in Southern Africa (WLSA)	Legal counsel & Psychosocial support	080804079 366952
Young Women Christian Association (YWCA)	Psychosocial support & Counselling services	+263772327030
Zimbabwe Gender Commission (ZGC)	Human Rights Violation	08004379
Zimbabwe Women Lawyers Association (ZWLA)	Legal counsel & Psychosocial support	08080131
Zimbabwe Human Rights Commission (ZHRC)	Human Rights Violation	08080245

Annex 5: Sample Needs Assessment Tool

Indicate how much you agree with the following statements by rating them on a scale of 1-3. (1 is disagree; 2 is don't know/neutral; 3 is agree).

Table 6: Sample Needs Assessment Tool

Issue	Rating
Workplace Culture: Our workplace creates a safe and supportive environment for victims to disclose that they are experiencing violence and seek assistance without fear of retaliation or loss of privacy.	
Raising Awareness in the Workplace: Our workplace holds events, displays posters in public areas or engages in other activities so that employees know about: • our policies and procedures • whether assistance is available • what kind of assistance is available? • who to contact for assistance	
Multidisciplinary Response Team: Our workplace has a multidisciplinary team that meets regularly to plan events, create/review policies and procedures and address individual situations. Our team includes members of: • Human resources • Legal • Security • Union • Medical	
Workplace Policy: Our workplace has a policy addressing the workplace impacts of sexual harassment and SGBV and that policy also addresses responding to workers who are perpetrators.	
Other Workplace Policies: We have reviewed all relevant personnel policies to see how they would further support a situation of GBV & Sexual Harassment in the workplace. Those policies include: • Leave (sick, vacation, leave of absence) • Discipline and termination • Performance review/evaluation • Sexual Harassment • Benefits • Collective bargaining agreement • Confidentiality	
Legal Compliance: We have consulted with legal counsel to make sure our policies are in compliance with the country's Constitution and laws that specifically address GBV & Sexual Harassment.	

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Accommodations/Modifications: Our policies/procedures/practices allow us to make short- or long-term accommodations/modifications for worker-victims to help them protect their safety and perform their work. These accommodations include: • Leave • Changing work hours • Changing shifts • Changing work location • Telecommuting • Changing job duties • Security escort • Keeping location, work contact information confidential	
Employee Assistance Programme (EAP): We have an employee assistance programme available to all employees. Our EAP professionals understand the dynamics of GBV & Sexual Harassment, respect confidentiality and have contact information for service providers that our employee-victims may need.	
Confidentiality & Privacy: Our policies/procedures/practices have specific provisions to protect the confidentiality and privacy of workers (whether victims, perpetrators or witnesses) who disclose violence.	
Employees who are Perpetrators: Our workplace has policies/procedures/practices addressing appropriate actions when an employee is a perpetrator of GBV & Sexual Harassment.	
Service Providers: We have a list of current contact information for service providers where we refer employee-victims for assistance. We have reached out to local service providers at least once this year to introduce our workplace and build a relationship of support and rapport.	
Insurance/Benefits Discrimination: Neither we nor our insurance providers use a history of GBV & Sexual Harassment in any way during underwriting, benefits approval or claims processing.	
Security Response: Our security personnel have protocols/procedures in place to address workplace security concerns related to GBV & Sexual Harassment. In the absence of security personnel we have developed a plan to address workplace security concerns related to GBV & Sexual Harassment.	
Security Response: We have a policy/procedure for handling the aftermath of a violent incident at work.	
Security Response: Security personnel and/or other staff are trained to help an employee create a workplace safety plan or implement a plan already in place.	
Local Law Enforcement: We have a relationship with local law enforcement and a specific contact to call in case of imminent physical threats or harm related to GBV & Sexual Harassment.	
Accessibility: All our materials and policies/procedures are available in languages requested most frequently by employees and are in formats accessible to employees with disabilities.	

Open-Ended Questions (Open-ended questions allow for nuanced thoughts about programme success and gaps that may not otherwise be captured in the numerical evaluation).

- What do you think works well about our workplace programme?
- What would you want changed about our workplace programme for the future?

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