



NO PLACE FOR SEXUAL HARASSMENT AT UNILEVER



a workplace *free* from
SEXUAL HARASSMENT

Copies of our Joint Commitment to prevent sexual harassment are available at your workplace



“Sexual harassment by its nature essentially affects women. It is a type of violence against women and arises from power relations rather than sexual interest. This form of humiliation does not occur among equals, and in the long term, therefore, equality at the workplace will eliminate this problem. For the present, however, other measures need to be adopted to prevent such practices.”

**Equality Memorandum for IUF
Affiliates, April 1987**



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SEXUAL HARASSMENT is a universal problem, both in and outside the workplace. It can damage lives, poison the workplace environment and result in lasting psychological and social trauma. It can undermine the solidarity which is the basis of trade union organization and action.

Sexual harassment is a punishable offense under various forms of legislation in many countries around the world. But procedures under civil or criminal law are often poorly adapted to the workplace context and the sensitivity of the issue. Victims have been intimidated by police officers and judges who lack training in dealing with sexual harassment cases. Research shows that most victims refrain from taking legal action, which commonly leads to a humiliating, lengthy and onerous process. Legal mechanisms are essential, but unions believe that workplace procedures developed through negotiation between unions and employers are also necessary – procedures which can focus first and foremost on prevention.

That is why Unilever and the IUF and IndustriAll, the international union federations representing the vast majority of Unilever’s unionized workforce, agreed to jointly develop and implement guidelines for workplace policies and procedures. This resulted in a Joint Commitment on preventing sexual harassment signed on January 26, 2016 (available online at <http://www.iuf.org/w/sites/default/files/Jointstatement-e.pdf> and as an annex in this brochure). The policies and procedures are based on internationally recognized instruments including

● **ILO CONVENTION 111 ON NON-DISCRIMINATION IN EMPLOYMENT.**

The ILO considers sexual harassment to constitute a serious form of sex discrimination and distinguishes two forms of sexual harassment that should be prevented and prohibited:

- 1 Conduct of a sexual nature which is unwelcome and offensive for the recipient and used as a condition for employment or access to benefits
- 2 Conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

- **THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES.** The Guidelines require companies to continuously carry out human rights due diligence to prevent and to redress any actual or potential adverse impacts on the human rights of workers resulting from the actions, or omissions, of their management. The Guidelines define human rights with reference to, among other instruments:
 - the ILO core Conventions
 - the Universal Declaration of Human Rights
 - the International Covenant on Economic, Social and Cultural Rights
 - the Convention on the Elimination of all forms of Discrimination against Women, CEDAW.

Due diligence must be applied along the entire supply chain, which includes workers employed at Unilever through a third-party provider (agency).

WHAT SHOULD YOUR UNION BE DOING?

“Sexual harassment is not a ‘personal’ issue; nor is it a ‘women’s’ issue; it is abuse and should not be tolerated, whoever does it; combating it is about the right of all workers to be free from harassment, and so it is a union issue.”

‘All for One = One for All’, IUF, 2007:

www.iufdocuments.org/women/2008/All%20for%20One.pdf

Unions need to take effective action to prevent sexual harassment in the workplace. This applies to all trade unionists: members, workplace representatives and leaders, women or men. Everyone in the union should understand the meaning and the seriousness of sexual harassment, and take action to eradicate it. This may mean changing the organizational culture of the union, but it needs to be done.

PREVENTIVE MEASURES AND ACTIONS MAY INCLUDE:



- Ensuring that everyone – managers and workers – knows that sexual harassment is not tolerated by displaying the policy & posters on notice boards throughout the workplace
- Awareness raising and training from the shop floor to the board room
- Officially launching the policy and providing regular reminders and updates at staff meetings
- Distributing copies of the Joint Commitment to all workers in languages they can read, or with easy to understand diagrams and pictures
- Presenting and discussing the policy with all new workers and managers as part of the induction programme
- Requiring all employees, including sub-contracted workers and managers, to sign a copy of the policy, acknowledging that they have read and understood it.
- Ensuring through appropriate measures that third party labour suppliers adhere to and implement the policy.
- Ensuring that there is no offensive, sexually explicit material in the workplace including material on computers and shared through social media.

“The IUF calls on all persons involved in meetings and activities to:

- *Treat everybody with respect and dignity*
- *Ensure that your own behaviour does not cause offence or give rise to misunderstandings.”*

IUF Policy, [2008]

WE ARE ASKING UNIONS IN UNILEVER WORKPLACES TO:

- familiarize themselves with the Joint Commitment
- conduct a survey among members to determine the extent of the problem in the workplace
- work with local management to review existing policies and procedures, and improve them where necessary
- ensure that the policies and procedures are properly implemented, not just ‘rubber-stamped’ and then put to one side; this includes making sure that any complaints are taken seriously and dealt with fairly, and that there is no retaliation or victimization against anyone who has complained of sexual harassment.
- carry out awareness-raising and training on sexual harassment among workers, on a regular basis
- improve women’s representation in union structures at all levels, since gender equality is central to combating sexual harassment.

OTHER MEASURES UNIONS CAN AND SHOULD BE TAKING

- Have union leaders take strong positions and publicize them widely.
- Train Sexual Harassment Officers who are able and have the confidence to educate, counsel, provide guidance on dealing with cases, and represent victims.
- Have ongoing awareness-raising and training for workers, union members and leaders. Activities can include:
 - women-only training to provide a safe space where women can share sensitive information and gain confidence to speak up
 - integrating sexual harassment prevention into shop steward training, recognizing that it is a workplace hazard.
 - Understand/admit that union officials / members / co-workers can be perpetrators of sexual harassment, including at union gatherings.



WHAT IS MANAGEMENT'S RESPONSIBILITY?

The Joint Commitment sets out procedures for management and unions to work together to prevent and combat sexual harassment. If sexual harassment occurs in spite of the preventive measures, the Joint Commitment sets out the

Principles and procedures for dealing with sexual harassment

- *Sexual harassment is a disciplinary offence.*
- *Cases of sexual harassment will be investigated confidentially and handled in a manner that ensures the confidentiality of the persons involved and within strict timescales.*
- *In cases of sexual harassment it is the perpetrator and not the person making the complaint who will, where necessary, be redeployed.*
- *The Company will train all staff and managers on the policy and their responsibilities under it.*
- *The Company will monitor cases of sexual harassment to identify where further action might be appropriate.*

IUF-IndustriALL-Unilever Joint Commitment, 2016

“Unilever will not tolerate retaliation or victimization against employees who identify and raise issues relating to any form of sexual harassment or who lodge complaints and/or participate in any proceedings relating to alleged sexual harassment either directly with management or through the individual or collective grievance procedures in place.

Unilever will work with legitimate trade unions to ensure that the existing processes can be fully used and that additional channels can also be opened where existing processes prove inadequate.”

IUF-IndustriALL-Unilever Joint Commitment, 2016

The agreement requires the ongoing involvement of unions and management. The Joint Commitment is only a starting point for a continuous process to ensure a workplace free of sexual harassment.



IUF-INDUSTRIALL-UNILEVER COMMITMENT ON PREVENTING SEXUAL HARASSMENT

IUF-IndustriAll-Unilever Joint Commitment on preventing sexual harassment – 1



Unilever, the IUF and IndustriAll affirm their joint commitment to promoting diversity and inclusion within Unilever's non-management workforce. Preventing sexual harassment in the workplace is an essential foundation for promoting a culture of inclusion and diversity. Our common commitment builds on efforts by Unilever, the IUF, IndustriAll and their respective regional organizations, affiliates and European members working through the UEWC.

This joint statement outlines the standards, principles and practices on which Unilever, the IUF and IndustriAll commit to work together to ensure this goal is achieved.

Statement of Intent

Sexual harassment is a serious offence which is unlawful in many countries around the world. Sexual harassment is considered a form of discrimination under one of the Core Conventions of the ILO, C111 on Discrimination in Respect of Employment and Occupation.

Sexual harassment can cause severe distress and ill health and can lead to the victim giving up her/his job. Sexual harassment is a universal problem. Women workers, particularly those in plantations, export processing zones, contingent, temporary and/or migrant workers can be particularly vulnerable.

Most sexual harassment is carried out by men against women. Sexual harassment can also take place on the basis of sexual orientation. It can be perpetrated by colleagues, supervisors, managers or clients.

Sexual harassment undermines equality, damages working relationships and impairs productivity. It can take many forms and may include:

- Any insult or inappropriate remark, joke, insinuation and comment on a person's dress, physique, age, family situation, etc;
- A condescending or paternalistic attitude with sexual implications undermining dignity;
- Any unwelcome invitation or request, implicit or explicit, whether or not accompanied by threats;
- Any lascivious look or other gesture associated with sexuality;
- And any unnecessary physical contact such as touching, caresses, pinching or assault.

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Employees are particularly vulnerable to sexual harassment if it occurs in a situation where exposure to harassment is perceived as a condition of employment or a precondition for employment or may influence employment conditions and/or career development.

Unilever, the IUF and IndustriAll wish to ensure that all employees, including employees provided by third party labour suppliers, are aware of what constitutes sexual harassment and that they understand fully what is expected of them, know how to raise a potential issue, and feel confident to report any alleged abuses.

We have jointly identified actions and best practices to be communicated to Unilever Companies and affiliated Unions, to enable concrete action and further follow up.

Principles, Procedures and Processes for stopping sexual harassment in the workplace

The procedures agreed to between the IUF, IndustriAll and Unilever are based on the following principles:

- Sexual harassment is a disciplinary offence
- Cases of sexual harassment will be investigated confidentially and handled in a manner that ensures the confidentiality of the persons involved and within strict timescales
- In cases of sexual harassment it is the perpetrator and not the person making the complaint who will, where necessary, be redeployed
- The Company will train all staff and managers on the policy and their responsibilities under it
- The Company will monitor cases of sexual harassment to identify where further action might be appropriate

The IUF and IndustriAll have developed policies based on international standards against sexual harassment and will work with their affiliates to promote and implement them through awareness-raising and training programs and collective bargaining.

Unilever will not tolerate retaliation or victimization against employees who identify and raise issues relating to any form of sexual harassment or who lodge complaints and/or participate in any proceedings relating to alleged sexual harassment either directly with management or through the individual or collective grievance procedures

IUF-IndustriAll-Unilever Joint Commitment on preventing sexual harassment – 3



in place. Unilever will work with legitimate trade unions to ensure that the existing processes can be fully used and that additional channels can also be opened where existing processes prove inadequate.

Trade Union representatives play a key role:

- With management, on advising their members of what constitutes Sexual Harassment in the workplace
- Working on awareness-raising and training
- Assisting employees/ members to raise complaints and issues either through the Unilever Code process or via the established individual or collective grievance procedures and/or national legislation.

Next steps

Unilever, the IUF and IndustriAll believe that concrete actions are required to prevent sexual harassment in the workplace. Unilever sees these steps as fundamental to ensuring its diversity and inclusion goals. Unilever welcomes the involvement of the IUF and IndustriAll in identifying areas of higher risk, identifying best practice, raising awareness and monitoring progress.

To ensure effective action to prevent sexual harassment in the workplace based on the above principles, local management and trade unions shall:

- Where a document with comparable standards and procedures does not already exist, agree and document a clear and precise local policy on sexual harassment, complaints procedures and mechanisms for dispute resolution/ grievance handling based on international standards and national legal and collective bargaining law and practice. The procedure shall ensure that:
 - A) sexual harassment cases are handled by persons of confidence with specific training in this area
 - B) all complaints concerning sexual harassment are to be investigated securely, expeditiously and confidentially
 - C) investigation of complaints is to be carried out by independent persons/structures as defined by the Code of Business principles procedure and/ or other mutually agreed arrangements
 - D) complainants in all cases must be informed of their legal rights

4 – IUF-IndustriAll-Unilever Joint Commitment on preventing sexual harassment



- E) the outcome of the complaint investigation is formally recorded and communicated to and reviewed by the complainant
 - F) sanctions on those found to have engaged in sexual harassment are clearly stipulated
 - G) full protection and support is given to the victims of sexual harassment throughout the process and its outcome.
- Take adequate measures to ensure that local management and trade union members and representatives are fully aware of the relevant international standards with regard to sexual harassment and the procedures outlined in Unilever's Code of Business principles.
 - Where there are areas of higher risk, e.g. plantations, where high levels of temporary labour have been employed and where there are high numbers of females supervised by a majority of males, specific awareness and training measures should be agreed and deployed by management and the trade union. The Unilever- IUF – IndustriALL Joint Working Party will assist with this process where required and will monitor and share experiences and best practice
 - Agree on regular review procedures to monitor progress

Local union/management discussions on implementing the above procedures shall commence following the signing of this joint commitment, with completion in 2016.

The Joint Working Party may also identify areas where they feel risks are higher and propose and follow up on such actions as appropriate.

London, Geneva, 26.01.2016

A handwritten signature in blue ink, appearing to be 'P. Polman'.

Paul Polman
Chief Executive Officer

A handwritten signature in blue ink, appearing to be 'R. Oswald'.

Ron Oswald
General Secretary IUF

A handwritten signature in blue ink, appearing to be 'J. Raina'.

Jyrki Raina
General Secretary
IndustriAll Global Union

TRADE UNION RESOURCES

- Unite the Union, United Kingdom: Zero Tolerance Guide including policies, procedures, reporting forms
<http://www.unitetheunion.org/uploaded/documents/Zero%20Tolerance%20Guide%20June%20201611-24203.pdf>
 - UNIFOR, Canada: Harassment resolving & investigation guide (in English and French)
http://www.unifor.org/sites/default/files/documents/document/red_book_-_english-36619-_harassment_investigation_guide.pdf
 - UFCW, US and Canada: Sexual Harassment Reference and Rights Guide
http://www.ufcw.ca/templates/ufcwcanada/images/women/publications/sexualHarassment/harassment_brosh_2014_EN_email.pdf
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ILO DOCUMENTS

- Convention 111 on Discrimination in respect of Employment and Occupation
http://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111
 - Recommendation 111 on Discrimination in respect of Employment and Occupation
http://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312449:NO
 - Country manuals and other publications on sexual harassment
http://www.ilo.org/Search5/search.do?sitelang=en&locale=en_EN&consumercode=ILOHQ_STELLENT_PUBLIC&searchWhat=sexual+harassment+-+training+material&searchLanguage=en
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OTHER INTERNATIONAL INSTRUMENTS

- CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
- The Yogyakarta Principles – The application of International Human Rights Law in relation to Sexual Orientation and Gender Identity
<http://www.yogyakartaprinciples.org/principles-en/>
- OECD Guidelines for Multinational Enterprises (MNE) – Trade union guide can be downloaded from:
http://www.tuac.org/en/public/e-docs/00/00/0D/3D/document_doc.phtml