

Resolution No. 3

TRADE UNION ACTION AGAINST SEXUAL HARASSMENT

The 8th ITUC-AP Regional General Council Meeting held in Amman, Jordan, on 2 - 3 November 2012:

- DEFINES** that Sexual Harassment is unwelcome advance by sexually offensive gestures or comments, sex oriented jibes, verbal abuse or displays, unwelcome request for sexual favors, in many cases persistent ones. Sexual Harassment connotes both in horizontal and vertical employment relationships, covert or overt promises of preferential treatment or threats, in exchange for sexual favors, concerning present or future employment status, in other words, quid pro quo. Sexual Harassment makes a reasonable person feel unpleasant, offended, humiliated and/or intimidated. Sexual Harassment hurts and damages personal dignity and integrity, creates an intimidating, offending, hostile or offensive working environment and has detrimental effect on employment, work ethic or the work effectiveness individually and collectively;
- RECOGNISES** that Sexual Harassment is an intolerable act of violence against humanity, affecting employment and detrimental to working environment;
- HIGHLIGHTING** that victims are predominantly women and accordingly, Sexual Harassment is a typical act of violence against women;
- NOTING** that UN Declaration on the Elimination of Violence against Women 1993 Article 1 and 2 that "For the purposes of this Declaration, the term "Violence against Women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Article 1)" and that "Violence against Women shall be understood to encompass, but not be limited to, the following:
- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;
 - (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution; and
 - (c) Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs (Article 2)".
- FURTHER NOTING** that the CEDAW¹ General Recommendation No. 19 (1992) Article 11 declares that equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace and that such conduct can be humiliating

¹ UN Committee on the Elimination of all Forms of Discrimination against Women

and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment;

that ILO Convention 155 Occupational Safety and Health Convention Article 3 defines that the term **health**, in relation to work, indicates not merely the absence of disease or infirmity; it also includes the physical and mental elements affecting health which are directly related to safety and hygiene at work; and

that the ILO Convention 189 Article 5 stipulates that Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

RECALLING

that sexual harassment has become a major concern, as more and more women participate in the work force, across countries including in the Asia and Pacific, affecting individuals, workplaces, enterprises, families, communities and the society in general; the discussion on developments and trends in anti-sexual harassment legislation provided an overview on progress countries and governments, particularly in the region, have made in addressing sexual harassment; and that, at the national level, sexual harassment is addressed either through specific legislation or under broader statutes such as human rights, labour laws, contract laws, tort or personal injury or criminal laws;

ADOPTS

the conclusion of the ITUC-AP Conference towards International Instruments on Sexual Harassment Workplace held in Singapore on 18-19 September 2012 as attached herewith;

WELCOMING

that most countries have adopted some form of legislation at the national level that covers sexual harassment; growing number of countries have adopted specific legislation to address sexual harassment; increasing explicit recognition and protection against sexual harassment in legislation;

URGES

affiliates to strengthen their action against Sexual Harassment in collective bargaining, bi-and tripartite structures and in national legislation; and

REQUESTS

the ILO to commence to create an international instrument concerning Sexual Harassment.