

# **STEPPING UP TO THE CHALLENGE:** **Towards international standards on** **training to end sexual harassment**





# STEPPING UP TO THE CHALLENGE: Towards international standards on training to end sexual harassment



**UN WOMEN**

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# TABLE OF CONTENTS

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INTRODUCTION: TRAINING AS A PRACTICAL MEASURE FOR CULTURAL CHANGE	2
STEPPING UP TO THE CHALLENGE: TOWARDS INTERNATIONAL STANDARDS ON TRAINING TO END SEXUAL HARASSMENT	4
<b>What we know about the scale and nature of sexual harassment</b>	<b>6</b>
Gaps and glitches	7
<b>What is effective training</b>	<b>9</b>
<b>A framing based on standards</b>	<b>10</b>
First steps	10
Roundtables	10
Audit / Culture Check	12
SEXUAL HARASSMENT TRAINING	13
REFERENCES	15

# INTRODUCTION

UN Women, through the office of the Executive Co-ordinator and Spokesperson on Addressing Sexual Harassment and other forms of Discrimination, has begun to set an international agenda on ending sexual harassment. United Nations General Assembly resolution 73/148,<sup>1</sup> firmly locates sexual harassment within the agenda of ending violence against women and girls (VAWG), a key issue for the realisation of women's human rights and equality. The resolution urges states parties to accelerate measures to identify, address and prevent sexual harassment<sup>2</sup>. Ending such violence is a core component of the sustainable development goals<sup>3</sup>. An International Labour Organisation resolution<sup>4</sup> addresses violence and harassment in the world of work and recognises the 'right of everyone to a world of work free of violence and harassment, including gender-based violence and harassment'.

UN Women has, as part of its work to establish standards to end sexual harassment, echoed calls for the need to address cultural change and set out approaches to further this agenda. This paper, on training, is one piece of this larger programme of work, as training can be one component in processes of change and if done well it can drive and build a collective commitment to that change.

UN Women has established a rights-based framing for addressing sexual harassment, understanding it as an issue of sex and gender inequality that intersects with other forms of discrimination, inter alia, on the basis of race, immigration status, class, disability, sexual orientation and indigenous status.

The UN Women publication *Towards an end to sexual harassment: the urgency and nature of change in the era of #metoo* (UN Women, 2018)<sup>4</sup> notes that whilst there is, as yet, no internationally agreed definition of sexual harassment it is possible to set a frame-

work for understanding and policy development. In summary:

- sexual harassment is a human rights issue, a form of gender-based discrimination, in a context of unequal power relations;
- it takes a range of forms from sexual assault through aggressive touching, image-based abuse and verbal sexual and sexist conduct;
- sexual harassment follows the contours of power and inequality, the intersections of sex/gender with other structural social inequalities - race, ethnicity, age, disability, nationality, religion and any other social structures which disadvantage the abused and afford privilege to the harasser;
- the language used in definitions should not trivialize, make moral judgments through terms such as 'offensiveness', nor should they presume what the impacts might be;
- in the context of employment sexual harassment should be understood as unwelcome sexual and/or sexist conduct;
- sexual harassment encompasses single incidents, courses of conduct and can become a pervasive workplace context.

1 <https://undocs.org/en/A/RES/73/148>

2 United Nations A/C.3/73/L.21/Rev.1

3 SDG5.2 commits to the elimination of violence against women, SDG11.7 commits to universal access to safe, inclusive and accessible public spaces, see <https://sustainabledevelopment.un.org/>

4 <https://www.unwomen.org/en/digital-library/publications/2018/11/towards-an-end-to-sexual-harassment>

5 Adopted in 2019, see [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C190](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190)

The document also contains an outline for policy development within institutions, which has also guided this project, the key elements of which are summarised below.

- Procedures should be simple and accessible with multiple entry points and clear pathways, accompanied by strong messages that reporting is welcomed, and that there is help and support available.
- Patterns in reports should be tracked, in terms of equality issues and outcomes, alongside regular surveys which monitor the scale and nature of sexual harassment in specific contexts.
- Procedures must be equitable between the parties, and cover everyone, including interns and those on short or limited contracts.
- Investigations should be independent and prompt, with a preponderance of evidence standard, as with other administrative proceedings, and a range of proportionate sanctions.
- Those undertaking investigations should have expertise in addressing sexual harassment
- Clear victim centred pathways should be traced between informal and formal processes, internal and external reporting.
- Confidentiality should not be conflated with secrecy.
- Non-disclosure agreements are not appropriate where a pattern of abuse is known to the institution or becomes known.
- Strong leadership needs to underpin and support implementation.
- Prevention must be supported by transparent accountability within a wider commitment to promoting equality.

As the General Assembly resolution<sup>6</sup> makes clear sexual harassment takes place in many contexts – for example, in schools and colleges, in public and semi-public spaces, within leisure and entertainment and online sectors. This paper focuses on training as a preventative intervention, currently such training is primarily found within employment contexts. The overall framework could, however, be adapted to other spaces and places. A further caveat is that most training, and evaluation of it, comes from the global north, meaning that we know far less about what works (or does not) in the global south. This is a serious limitation and further work will be needed to adapt the framework; the intention is that the principles and direction of travel will be transferable.

Whilst some forms of sexual harassment are criminalised in certain countries, and what is defined as sexual harassment may shade into sexual assault, the criminal law is not the reference point here. In employment contexts the reference points will usually be equality law, labour law and internal standards of behaviour.

This paper is based on a search of academic research on sexual harassment training, coupled with some grey material and recent commentaries. It begins with a short summary on what we know about the scale and nature of sexual harassment and on sexual harassment training, followed by discussion of the knowledge gaps and issues identified to explain its limited effectiveness. This is followed by a discussion of current thinking on what makes training effective and then a new framework for standards in training is presented. This background paper has been researched and written by Professor Liz Kelly for the Office of the Executive Co-ordinator and Spokesperson on Addressing Sexual Harassment at UN Women.<sup>7</sup>

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6 <https://undocs.org/en/A/RES/73/148>

7 <https://www.londonmet.ac.uk/profiles/staff/liz-kelly/>

# STEPPING UP TO THE CHALLENGE: TOWARDS INTERNATIONAL STANDARDS ON TRAINING TO END SEXUAL HARASSMENT

This section includes a brief summary of what we know about the scale and nature of sexual harassment and what we know about sexual harassment training.

Whilst research on sexual harassment is limited when compared to the global knowledge base on domestic violence, there have been a number of recent surveys which show that it is the most common form of violence against women and girls, affecting more than half of women and girls.

The European Fundamental Rights Agency (2014) found in their violence against women survey across the 28 member states that 55% of women had experienced at least one form of sexual harassment since they were 15, and 21% reported it in the previous

More recent surveys, limited to employment contexts, show that more have witnessed sexual harassment than experienced it (see, for example, ACTU, 2018). In this Australian survey, and that conducted for the UN (safe spaces climate survey<sup>9</sup>), the greatest barriers to reporting were fear of negative consequences and lack of faith in the process. ACTU (2018) also note that of the minority who did make a formal complaint, the majority (56%) were not satisfied with the outcome.

Another Australian survey (Australian Human Rights Commission, 2018) found that rates of harassment followed the contours of inequality: the highest rates were recorded for young people, LGBT, disabled and Aboriginal and Torres Strait Islanders (the first two categories also had higher reporting rates in the UN survey). In both studies the majority of perpetrators

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[https://www.yunbaogao.cn/report/index/report?reportId=5\\_21894](https://www.yunbaogao.cn/report/index/report?reportId=5_21894)

