

General

Article 1(1) of the Convention prohibits discrimination in employment and occupation on, among others, the ground of sex. Over the years the Committee has noted and drawn attention to the various manifestations of sex discrimination covered by the Convention. In so doing, it has increasingly noted the efforts made by numerous governments throughout the world to address sexual harassment in the working environment. It notes that sexual harassment undermines equality at work by calling into question integrity and dignity and the well-being of workers. It damages an enterprise by weakening the bases upon which work relationships are built and impairing productivity.

The Committee has earlier expressed its view that sexual harassment is a form of sex discrimination and should be addressed within the requirements of the Convention. Thus, in accordance with the Convention's requirements to prohibit sex discrimination and adopt a policy to promote equality of opportunity and treatment, measures should be taken to address sexual harassment.

In view of the gravity and serious repercussions of this practice the Committee urges governments to take appropriate measures to prohibit sexual harassment in employment and occupation. Over the years, the Committee has had the opportunity to review various national legislative and policy approaches, judicial decisions and collective agreements on this subject, which reveal similar approaches, definitions, and procedures. Definitions 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.

However, it has come to the attention of the Committee in its review of these various national approaches that some initiatives fall short of the full protection against sexual harassment that would be necessary and appropriate to protect fully against this form of sex discrimination. The Committee considers that it would be helpful to provide guidance to ratifying States in order to assist them in improving their application of the Convention in this regard. In order to do so, the Committee requests governments to provide information in their next report on the following points:

- whether sexual harassment has been prohibited in employment and occupation, and if so, how, e.g. through laws, policies, or codes;
- the definition of sexual harassment. Specifically does it include *quid pro quo*, as well as *hostile working environment*?
- the scope of who is protected, i.e. job or training applicants ranging to full-time employees;

- the scope of protection, i.e. vocational education, vocational training, access to employment, conditions of employment and performing work in any occupation;
- the scope of liability, i.e. employers, supervisors and co-workers and, where possible, clients or other persons met in connection with performance of work duties;
- administrative mechanisms to address sexual harassment, including procedural protection for victims and accused harassers;
- enforcement mechanisms and procedures, including information on labour inspection activities;
- court decisions;
- educational and awareness-raising measures;
- Cooperation with employers' and workers' organizations in addressing sexual harassment through policies and collective agreements.