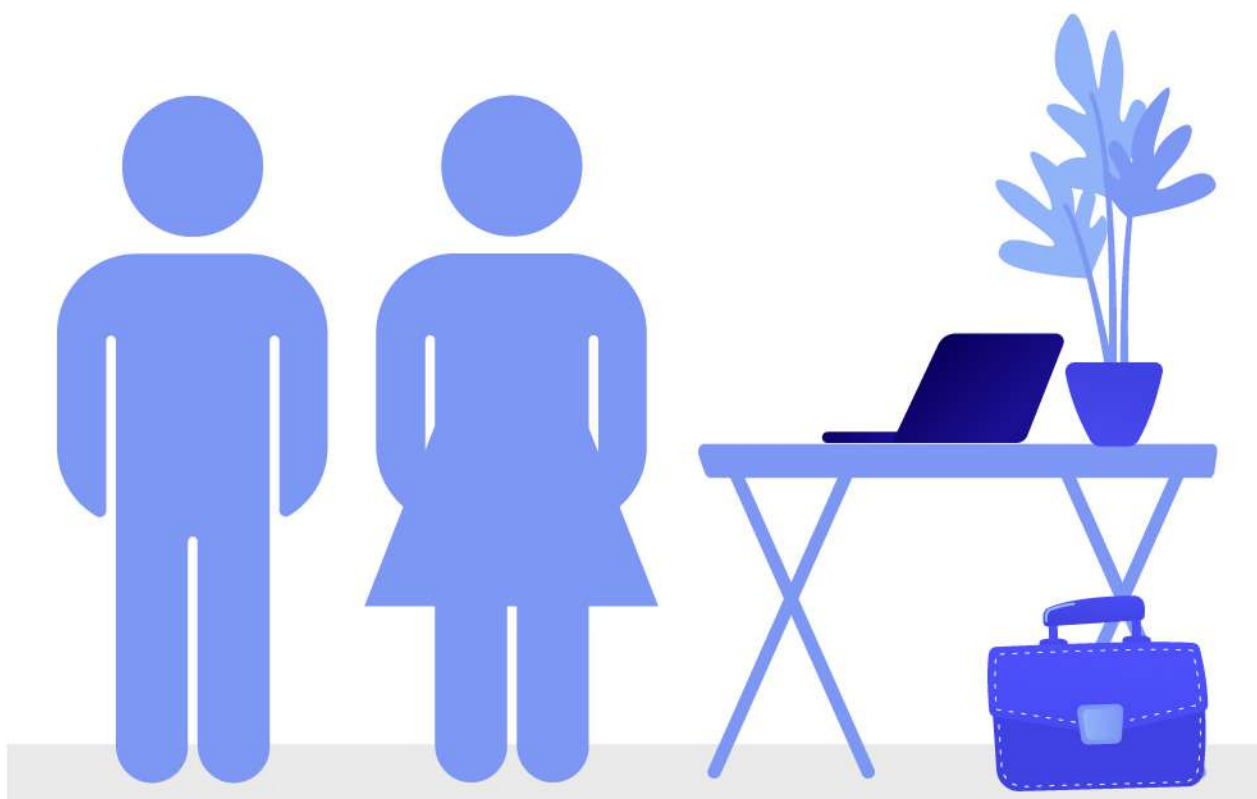


# Training Manual

on Combating Sexual Harassment at the Workplace



# Training Manual on Combating Sexual Harassment at the Workplace

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## Forward

### Introduction and Objectives

This Training Manual on “Combating Sexual Harassment at the Workplace”, was developed by SEEDS for Legal Initiatives in collaboration with LLWB.

This toolkit was developed under the PSDP (Productive Sector Development Program) for the purpose of equipping the trainers of the PSDP of different UN agencies with the tools and knowledge to integrate these principles into their different training modules. The toolkit can also be delivered as part of other programs as well.

The importance of this training is evident at a time where reports of sexual harassment and violence against women in Lebanon are increasing. Studies indicate that 60% of women have been subjected to sexual harassment in public places (Report by the International Men and Gender Equality Survey in Lebanon and UN Women, 2016)<sup>(1)</sup>; the figures also showed a 184% increase in crimes of extortion and sexual harassment during the state of general mobilization (Internal Security Forces, 2020)<sup>(2)</sup>.

Women who are not covered by the Labor Law, such as agricultural workers who are mostly Syrian refugees, are particularly vulnerable to sexual harassment. A study conducted with 77 Syrian refugee women in Lebanon found that the majority of the participants were subjected to sexual harassment in public places, by neighbors, bus and taxi drivers, strangers, internal security forces and government officials (Amnesty International, 2016)<sup>(3)</sup>.

The aim of the training is to empower women and girls to fight sexual harassment in the workplace in Lebanon.

(1) International Men and Gender Equality Survey IMAGES, Lebanon Summary, [https://promundoglobal.org/wp-content/uploads/2017/12/IMAGES\\_Leb\\_summary\\_Final\\_Web\\_Dec13.pdf](https://promundoglobal.org/wp-content/uploads/2017/12/IMAGES_Leb_summary_Final_Web_Dec13.pdf)

(2) عدد شكاوى جرائم الابتزاز والتحرش الجنسي ارتفع خلال فترة التعبئة العامة بنسبة 184%، تاريخ 04/05/2020، قوى الأمن الداخلي <https://www.isf.gov.lb/ar/article/9112634>

(3) Why do refugee women from Syria in Lebanon face constant sexual harassment and exploitation?, February 02, 2016, Amnesty International, <https://www.amnesty.org/en/latest/campaigns/2016/02/why-refugee-women-syria-lebanon-face-sexual-harassment-exploitation/>





## **Specific objectives include:**

- Define key concepts related to sex, gender, violence and sexual harassment
- Learn about the obligation and pathways to report cases of sexual exploitation and abuse
- Understand the impact of gender-based violence and harassment on survivors and on the workplace as a whole
- Learn about the law 205/2020 to combat sexual harassment in Lebanon
- Develop fitting internal policies to combat sexual harassment at the workplace
- Be acquainted with best practice guidelines for the law and internal policies

## **Structure of the Training Manual**

This training manual includes lesson plans for the following 3 modules:

- ① **Introduction**
- ② **Sexual Harassment in the Workplace**
- ③ **Legislations and Practices Tackling Sexual Harassment**

For each lesson plan, an annex is added at the end of the manual to provide trainers with the necessary supporting material (Annex A, B and C). Additionally, Annex D includes the text of the law 205/2020 to “Combat Sexual Harassment and to Rehabilitate its Victims”.

## **Overview of the Training Sessions**

### **1 Introduction**

Session 1 of the module covers the key concepts related to sex and gender, violence, gender-based violence, violence against women and sexual harassment. It also covers SGBV and Discrimination along with Gender Power Inequalities at the workplace.

Session 2 gives a brief overview on the obligation and pathways to report cases of sexual exploitation and abuse. It also touches upon the basic needs of survivors and on how best to deal with a disclosure of a sexual harassment incident.



## **2 Sexual Harassment in the Workplace**

Session 1 highlights the impact of violence and harassment on the workplace, employees and employers. It also sheds light on domestic violence and its potential impact on the workplace.

Session 2 focuses on the experiences of women and girls in informal and agriculture sectors along with the experiences of migrant workers.

## **3 Legislations and Practices Tackling Sexual Harassment**

Session 1 gives an overview of law 205/2020, how it defines sexual harassment and the sanctions it stipulates. The session also introduces internal policies to fight sexual harassment at the workplace.

Session 2 sheds lights on best practice guidelines for laws and internal policies that combat sexual harassment. In the end, it offers context-specific guidelines that help empower women and girls to report sexual harassment and put an end to it despite the challenges imposed by a patriarchal society and a flawed law.

## **How the training will be delivered to the end beneficiaries**

All lessons are delivered via powerpoint presentations which are available with this training manual.

The delivery is dynamic and participatory and includes a number of activities in each module. Activities consist of discussions, group work, case studies and role play and are clearly defined in lesson plans.

Whenever materials are needed to complete a certain activity, the lesson plan clearly states it.

# Module 1: Introduction

## Session 1: Key Concepts

### 1 Sex and Gender 30 MINUTES

- Discussion: What is sex? what is gender?
- Definitions
- Exercise

- Divide the participants into teams of 4 or 5 people
- Put the following statements under one of the categories

**Box 1: Sex (Innate)**

**Box 2: Gender (Acquired)**

- Statements

**Women are kind but men are not**

**Females get pregnant but males do not**

**Real men don't cry or don't show their emotions**

**The male's voice becomes hoarse at puberty, this does not apply to females**

**Men have sexual desires and women don't**

- Discussion

Required material for training:

- Papers and Flipcharts
- Pens

### 2 Violence and harassment 10 MINUTES

- Explanation of the definitions

### 3

## SGBV and Discrimination in the Workplace

- Explanation of the definitions
- Case studies
  - Does this constitute a case of sexual harassment?

### Case 1

Mary is six months along in her pregnancy. She applies for a senior post that after 10 years of working at an accounting firm. She was rejected despite having more experience and qualifications than the other applicants. When she asked the manager about it, he replied: "I need someone who will be more committed to the role."

### Case 2

Joumana asked for a small raise, which has not changed for 5 years. And the manager replied that, though difficult, he might be able to secure it for her if she did him a very small favor in return.

### Case 3

Salim often praises both his female and male co-workers. He likes to express his gratitude and appreciation to them. Today, he told Jinan that she was his favorite colleague after she helped him with a task, he also expressed his admiration for Jamil's tie telling him "Wow my friend! Love it!", and he told Nour "Congrats for the new dress. It really suits you!"

### Case 3.1

Nour expressed how annoyed she was with Salim's daily comments. Although his comments are rather "polite", he repeats them daily and never seems to stop. She also expressed that she was quite annoyed with his persistent looks and smiles, according to her.



**4**

## Gendered Power Inequalities at the Workplace

**05**  
MINUTES

- Explanation of the definitions

## Session 2: Protection from sexual exploitation and abuse (PSEA): reporting exploitation and abuse cases by humanitarian workers

**30**  
MINUTES**1**

### Misconceptions

**15**  
MINUTES

- Discussion - do you agree with this statement?

#### The statements

- Sexual harassment is normal
- It's the woman's fault
- We can no longer say something nice?
- She didn't say no

**2**

### Sexual Harassment Reporting Procedures

**15**  
MINUTES

- Role play
  - Present the case and choose a participant to answer the questions
  - Discussion

## Role Play

You are the head of a department. One of the female employees in your department informed you that her colleague makes comments with sexual connotations to her on a daily basis and that this is annoying her. Some of the comments include, for example: "You look so beautiful today", "You're so hot", "Your husband is lucky to have you". She also told you that she was so upset that she started thinking about quitting the job.

**How do you deal with this issue?**

**What actions can you take?**

**What, in your opinion, is the best way to handle the event?**

**For additional information on this lesson check Annex A - Page 14**

# Module 2: Sexual Harassment in the Workplace

## Session 1: Impact of Violence and Harassment on the Workplace, Employees and Employers

### Discussion

In your opinion, what are the consequences of sexual harassment?  
What effect does it have on the mental health of survivors?  
Are there other effects? Productivity related? economical?

- Video 1 – Testimonials
- Video 2 – Hady
- Video discussion

What are your impressions after watching the video?

### Impact of Violence and Harassment on the Workplace, Employees and Employers

- Explaining the Impact of violence and harassment on the workplace, male or female employees, and the employer
- Explaining the effects of domestic violence on the workplace



## Session 2: Women in various sectors and workplaces

### 1 Introducing the sectors

- Presenting the definitions

### 2 Labor Law and Law 205 Criminalizing Sexual harassment

- Explain the specific experiences that migrant workers women working in the agricultural and informal sectors may have.

### 3 Case Study

- Divide the participants into teams of 4 or 5 people
- Each group discusses one of the two cases and answers the questions
- Finally, a representative of the team presents the answers that are then discussed with all participants.

#### Case 1

Jana is a 16-year-old girl who came to Lebanon with her family 5 years ago. In order to help her large family, she started working in agriculture 2 years ago, picking cherries in the Bekaa. Every day, her employer tells her: "You are the best among the girls here." At first, she was happy with the comment. But now, in addition to that comment, he started telling her that she was sweet and cute; he has even put his hand on her shoulder, waist or face, more than once. Jana is upset, but she does not know what to do. She feels like it is her fault because she used to smile whenever he told her that she was good at her job. She is even considering quitting, but her family really needs the small salary that she's earning.

- What do you think Jana should do?
- What are the barriers that make it difficult for her to take any action? What are the factors that might help?
- In what way can the information about the procedures that are available be communicated to Jana?

## Case 2

Sarah is a 20-year-old who started working as a graphic designer in a company as soon as she graduated from university. The manager told her that the company does not sign contracts with graphic designers. She accepted and started working, and after a while, the manager started giving her disturbing comments and looks, he even asked her to go out for drinks more than once, and she refused and gave excuses. But the manager insisted and told her that she cannot refuse the manager's requests.

- What do you think Sarah should do?
- What are the barriers that make it difficult for Sarah to take any action? What are the factors that might help?
- In what way can the information about the procedures that are available be communicated to Sarah?

**For additional Information on this lesson check Annex B - Page 24**

•Video 5 minutes

<https://youtu.be/tNNpBRyROUY>

•Video 2: 2 minutes

<https://www.facebook.com/CIBLforWomen/videos/sexual-harassment-impact/392308665597388>

# Module 3: Legislation and Practices Tackling Sexual Harassment

## Session 1: Combating Sexual Harassment in accordance with Law 205 and with internal policies at the workplace

### **1** Law 205: definition, types, and punishment

- Introducing Law 205/2020

### **2** How to Prevent Sexual Harassment at the Workplace?

- Basic elements of the internal policy
- Developing the internal workplace policy

**Divide the participants into teams of 4 or 5 people  
Each team should come up with a section of the  
internal policy. Sections are:**

Defining sexual harassment  
Reporting and Complaints Mechanism  
Investigation Mechanism and who is responsible for it  
Accountability Mechanism (sanctions)



## Session 2: Best Practices



**1**

### In the Law



- Presenting best practices in terms of defining harassment, burden of proof and punishment

**2**

### In Internal Policies



- Presenting best practices regarding internal anti-harassment policies

**3**

### Concluding remarks



- Presenting the final remarks with discussion

**For additional information on this lesson check Annex C - Page 29**

# Module 1: Introduction

## Session 1: Key Concepts

### 1 Sex and Gender

Despite having different meanings, the terms “sex” and “gender” are often mistakenly used interchangeably. Below are three sets of definitions that clearly distinguish the two concepts:

#### World Health Organization

##### Sex

The different biological and physiological characteristics of males and females, such as reproductive organs, chromosomes, hormones, etc(1).

##### Gender

The socially constructed characteristics of women and men – such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed. The concept of gender includes five important elements: relational, hierarchical, historical, contextual and institutional. While most people are born either male or female, they are taught appropriate norms and behaviors – including how they should interact with others of the same or opposite sex within households, communities and work places. When individuals or groups do not “fit” established gender norms they often face stigma, discriminatory practices or social exclusion – all of which adversely affect health”(2).

(1) Sex and gender, gender matters, Council of Europe Portal, <https://www.coe.int/en/web/gender-matters/sex-and-gender>

(2) Sex and gender, gender matters, Council of Europe Portal.

## The European Institute for Gender Equality

### Sex

The biological and physiological characteristics that define humans as female or male. These sets of biological characteristics are not mutually exclusive, as there are individuals who possess both, but these characteristics tend to differentiate humans as females or males<sup>(3)</sup>.

### Gender

The social attributes and opportunities associated with being female and male and to the relationships between women and men and girls and boys, as well as to the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context- and time-specific, and changeable. Gender determines what is expected, allowed and valued in a woman or a man in a given context. In most societies, there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader sociocultural context. Other important criteria for sociocultural analysis include class, race, poverty level, ethnic group and age<sup>(4)</sup>.

<sup>(3)</sup> Sex and gender, gender matters, Council of Europe Portal.

<sup>(4)</sup> Sex and gender, gender matters, Council of Europe Portal.

## Canadian Institutes of Health Research

### Sex

A set of biological attributes in humans and animals. It is primarily associated with physical and physiological features including chromosomes, gene expression, hormone levels and function, and reproductive/sexual anatomy. Sex is usually categorized as female or male but there is variation in the biological attributes that comprise sex and how those attributes are expressed(5).

### Gender

The socially constructed roles, behaviors, expressions and identities of girls, women, boys, men, and gender diverse people. It influences how people perceive themselves and each other, how they act and interact, and the distribution of power and resources in society. Gender identity is not confined to a binary (girl/woman, boy/man) nor is it static; it exists along a continuum and can change over time. There is considerable diversity in how individuals and groups understand, experience and express gender through the roles they take on, the expectations placed on them, relations with others and the complex ways that gender is institutionalized in society(6).

(5) What is gender? What is sex?, Canadian Institutes of Health Research, Canada, <https://cihr-irsc.gc.ca/e/48642.html>

(6) What is gender? What is sex?, Canadian Institutes of Health Research, Canada, <https://cihr-irsc.gc.ca/e/48642.html>

## 2 Violence and Harassment

### Violence

is defined as a person's threatened, attempted, or actual behavior that causes or is likely to cause physical or psychological harm<sup>(7)</sup>. There are different types of violence including: Psychological violence, Verbal violence, Economic violence, Physical violence, Sexual violence...

### Gender-Based Violence

UNHCR defines Gender-Based violence as the "harmful acts directed at an individual based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms"<sup>(8)</sup>. Both women and men may be subject to gender-based violence but the majority of victims remain women and girls, because gender-based violence is a phenomenon deeply rooted in gender inequality and power inequalities between women and men<sup>(9)</sup>.

### Violence Against Women

According to the United Nations' definition of violence against women, it is "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life<sup>(10)</sup>."

<sup>(7)</sup> Workplace harassment and violence, Alberta, <https://www.alberta.ca/workplace-harassment-violence.aspx>

<sup>(8)</sup> Gender based Violence, UNHCR, <https://www.unhcr.org/gender-based-violence.html>

<sup>(9)</sup> What is gender based violence?, EiGE, <https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence>

<sup>(10)</sup> Violence against women, Health Topics, World Health Organization, [https://www.who.int/health-topics/violence-against-women#tab=tab\\_1](https://www.who.int/health-topics/violence-against-women#tab=tab_1)



## Sexual Harassment

It is considered as a form of gender-based violence and discrimination based on sex<sup>(11)</sup>.

Can be related to a protected characteristic such as race and sex, or can be of a sexual nature that violates the victim's dignity.

Harassment is defined as subjecting someone to an unwelcome or unwanted physical or verbal act through the creation of an intimidating, hostile, degrading, humiliating, or offensive environment<sup>(12)</sup>, or with the aim of blackmailing the victim to obtain sexual favors in exchange for a promise of a promotion or other privileges.

### 3 SGBV and Discrimination in the Workplace

Gender-based violence, including sexual harassment and assault in the workplace, affects women disproportionately across the world. Millions of female workers are compelled to work in an intimidating, unpleasant, or humiliating atmosphere, and they are subjected to a variety of unwanted sexual behaviors. Women are approached for sexual favors, subjected to offensive jokes, insinuations, and statements, and exposed to unwelcome physical contact, which can amount to assault. Despite its widespread prevalence, sexual harassment in the workplace is under-reported due to fear of ridicule, blame, or social or professional punishment<sup>(13)</sup>.

### Some types of SGBV in the workplace include:

#### Quid pro quo harassment

Quid pro quo sexual harassment happens when an employee's supervisor, manager, or other authority figure promises or implies that an employee will receive benefits, such as a raise or promotion, in return for some type of sexual favor. It also occurs when a manager threatens to terminate or otherwise reprimands an employee for refusing to participate in some form of sexual conduct. Job applicants may also face quid pro quo harassment if their hiring decision is contingent on whether or not they accept or reject sexual approaches.

#### Hostile work environment

When an employee is subjected to unwanted sexual physical or verbal behavior that is severe or pervasive enough to change the his or her working circumstances or create an abusive work environment.

**Examples:**

- I'll give you the promotion if you sleep with me.
- I'll fire you unless you go out with me.

**Examples:**

- Repeated compliments of an employee's appearance.
- Discussing one's sex life in front of an employee.
- Asking an employee about his or her sex life.
- Making sexual jokes.
- Repeated hugs or other unwanted touching (such as a hand on an employee's back).

Discrimination in the workplace occurs when an individual or a group of people is treated unjustly or unequally based on certain characteristics including race, ethnicity, gender identity, age, disability, sexual orientation, religious views, and national origin. Workplace discrimination can occur between coworkers, job seekers, or employees and their employers<sup>(14)</sup>.

**Examples:**

- Job refusal
- Being dismissed or having shifts cut down
- Denial of training opportunities, transfers and promotions
- Not being paid the same as someone doing the same job with the same experience and qualifications
- Exclusion or isolation by co-workers

**(11)** Sexual harassment in the workplace in Lebanon - where are we headed? Rhea Jabbour & Angela Elzir, January 13, 2022, World Bank Blogs, <https://blogs.worldbank.org/arabvoices/sexual-harassment-workplace-lebanon-where-are-we-headed#:~:text=Sexual%20harassment%20is%20a%20form,%2C%20humiliated%2C%20threatened%20or%20afraid>.

**(12)** Harassment definition, LexisNexis, <https://www.lexisnexis.co.uk/legal/glossary/harassment>

**(13)** Gender based Violence at Work, Human Rights Watch, <https://www.hrw.org/tag/gender-based-violence-workplace>

**(14)** Discrimination in the workplace: A complete overview and what to do about it, Allya Cooks Campbell, October 06, 2021, BetterUp, <https://www.betterup.com/blog/discrimination-in-workplace#:~:text=Discrimination%20in%20the%20workplace%20happens,religious%20beliefs%2C%20or%20national%20origin>.

## 4 Gendered Power Inequalities at the Workplace

Violence and harassment against women are the outcome of unequal gender roles and disparity in the balance of power between men and women in society, especially at home, work, school, and across institutions.

- Violence and harassment are reinforced by societal norms that perpetuate negative attitudes, beliefs, behaviors, toward women, especially those that are most vulnerable (intersectionality).
- Some men, for example, sexually harass women who advance to high positions or work in historically male-dominated fields because they see them as a challenge to conventional gender power systems in the workplace. For instance, in one survey of women working in traditionally male-dominated jobs in the United States, nearly one-third reported experiencing sexual harassment on a regular or consistent basis.

Unconscious bias has a detrimental impact on women's autonomy and integrity at work, and it is directly linked to societal gender norms, which can limit women's professional opportunities.

- Gender stereotypes are the product of deeply embedded attitudes, beliefs, customs, and biases against women, which serve to reinforce men's authority over them. They include notions that women have less influence in the home and in society, that they are subordinate to males, and that they undertake the majority of unpaid domestic and care labor. As a result, bias can become established in economic and social institutions such as companies, local governments, and public service organizations. This can happen in subtle, systematic ways, supported by patriarchal workplace cultures, policies, procedures, and decision-making that reinforce societal norms.

Ending violence and harassment against women is closely related to attaining gender equality and addressing the underlying causes and risk factors that contribute to it.

- Studies show that sexual harassment is less common in gender-balanced and female-dominated companies, and companies that are gender diverse, as well as racially and culturally diverse, "are better equipped to recruit top personnel; increase their customer orientation, employee happiness, and decision making<sup>(15)</sup>."

## **Session 2: Protection from sexual exploitation and abuse (PSEA): reporting exploitation and abuse cases by humanitarian workers**

### **Protocol for Assistance to Victims of Sexual Exploitation and Abuse**

Assistance and support must be provided to all victims of sexual exploitation and abuse

Assistance and support should prioritize survivors, be rights-based, and should not discriminate on the basis of age, disability or gender

Assistance must adhere to the principle of “do no harm” – the rights, dignity and well-being of survivors are fundamental

Victims' rights to privacy, confidentiality and informed consent must be respected in the assistance provided

Victims have the right to pursue the applicable accountability measures

### **Reporting and investigation**

You are not responsible for investigating but only for reporting all allegations/concerns of sexual exploitation and abuse.

Find out about your organization's Code of Conduct, PSEA Policy, Designated Coordinator, and Internal Reporting Procedures

## How can beneficiaries report?

Hotline?

E-mail?

Complaints and Feedback Mechanism

These methods can be introduced through:

- Flyers
- Social media
- Brochures
- Awareness sessions

## Dealing with Disclosure - Basic Principles

**Empathize** The survivor is the person who is most affected by the bad behavior. Understand and empathize with them. Keep everything confidential.

**Listen** Stay calm, even if the situation is emotional. Listen before speaking.

### Take appropriate action

Ask the person for their consent before taking any action or before sharing their personal data.

Explain the obligation to report any sexual exploitation or abuse.

Focus on the person's immediate needs, including their safety, protection, and referral for appropriate services within 72 hours.

Apply the “do no harm” principle (will the action have any negative consequences for the victim?)



## Survivors' immediate needs

- Ensuring security and protection
- Health care
- Psychosocial support
- Education, living support, shelter, basic assistance, long-term assistance
- Legal support

## Module 2: Sexual Harassment in the Workplace

### Session1: Impact of Violence and Harassment on the Workplace, Employees and Employers

#### Effects of violence and harassment on the workplace

- Creating an unpleasant hostile work environment and causing a decrease in the psychological and physical well-being of employees(1). This arises, for example, from the lack of empathy for the victim or fear of becoming victims of violence or harassment. This leads to their low productivity at work on the one hand, and their resignation on the other(2).
- Lack of sense of belonging and reassurance, deterioration of trust, loosening and instability of ties in the workplace, either between male or female employees or between them and the employer(3).
- Violence and sexual harassment give the company a bad reputation which makes it difficult for it to find new people to hire.

#### Effects of violence and harassment on the employer

- Allegations of violence or harassment in the workplace negatively affect the reputation of the workplace(4), leading to reduced revenues and profits due to low demand or consumption of the service or product by customers(5).
- Recruitment of new team members as a result of the dismissal or the resignation of former employees(6); this requires a certain budget to find them, train them, and prepare them for work(7).
- The bad reputation of the workplace may cause new candidates to refuse to work there(8).
- Increase in sick leave costs(9).
- Incurring expenses in settlement, damages, or legal fees in the event of allegations of workplace violence or harassment(10).

(1) The effects of Workplace Bullying, Sherri Gordon, February 21, 2022, verywell mind, <https://www.verywellmind.com/what-are-the-effects-of-workplace-bullying-460628#:~:text=People%20who%20are%20bullied%20at,feelings%20of%20anxiety%20and%20depression.>

(2) How Sexual Harassment Affects the Workplace, Everfi, <https://everfi.com/blog/workplace-training/the-effects-of-sexual-harassment-in-the-workplace/>

(3) Violence at work - A major workplace problem, ILO, [https://www.ilo.org/wcmsp5/groups/public/@ed\\_protect/@pro-trav/@safework/documents/genericdocument/wcms\\_108531.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_protect/@pro-trav/@safework/documents/genericdocument/wcms_108531.pdf)

(4) How Sexual Harassment Affects the Workplace, Everfi.

(5) Violence at work - A major workplace problem, ILO.

(6) How Sexual Harassment Affects the Workplace, Everfi

(7) The effects of Workplace Bullying, Sherri Gordon, February 21, 2022, verywell mind.

(8) Effects of Sexual Harassment in the Workplace, 360 Training, <https://www.360training.com/blog/effects-of-workplace-sexual-harassment>

(9) The effects of Workplace Bullying, Sherri Gordon, February 21, 2022, verywell mind.

(10) Effects of Sexual Harassment in the Workplace, 360 Training.

## Effects of violence and harassment on employees

- Effect on the mental and physical health of employees (who are either directly or indirectly affected by violence and harassment)(11).
- The victim may suffer from PTSD, anxiety, depressive symptoms, sleep disturbances, high blood pressure, nausea, guilt and a lack of self-confidence. These repercussions can be amplified when a victim cannot leave his/her job despite being subjected to violence or harassment(12).
- Being discriminated against, ostracized, or feeling excluded in the workplace.
- Getting fired in case of confrontation or taking action against violence and harassment.
- The worker, who has left work due to violence and harassment, may be forced to accept jobs at a lower level in terms of pay or in terms of position.
- It also affects the worker's economic status and his/her professional or career path, as the worker may find it difficult to continue or build his/her professional or career path(13).
- Sexual harassment pushes women out of certain sectors, which reinforces gender segregation in the labor sector(14).

## Effects of domestic violence on the workplace

The effects of domestic violence extend to the workplace, whether directly on the victim (especially women) or indirectly on co-workers.

### Forms of domestic violence

That extend to the workplace include: receiving text messages or hostile calls from the abuser, being threatened, the abuser coming in person to the workplace, practicing moral and psychological violence against the victim, such as telling her that her co-workers do not respect her and underestimate her. The abuser may also inflict these forms of violence on the victim's co-workers.

(11) The effects of Workplace Bullying, Sherri Gordon, February 21, 2022, verywell mind, <https://www.verywellmind.com/what-are-the-effects-of-workplace-bullying-460628#:~:text=People%20who%20are%20bullied%20at,feelings%20of%20anxiety%20and%20depression.>

(12) Violence at work - A major workplace problem, ILO, [https://www.ilo.org/wcmsp5/groups/public/@ed\\_protect/@pro-trav/@safework/documents/genericdocument/wcms\\_108531.pdf](https://www.ilo.org/wcmsp5/groups/public/@ed_protect/@pro-trav/@safework/documents/genericdocument/wcms_108531.pdf)

(13) The long-lasting effects of workplace sexual harassment, Christine Ro, November 15, 2021, BBC, <https://www.bbc.com/worklife/article/20211113-the-long-lasting-effects-of-workplace-sexual-harassment>

(14) The long-lasting effects of workplace sexual harassment, Christine Ro, November 15, 2021, BBC.

Domestic violence, on the one hand, and its extension to the workplace, on the other, negatively affect the victim (the employee), whether in relation to the performance at work or the ability to get to work, due to distraction, fatigue, feeling uncomfortable, and lack of good physical and psychological health...(15)

## Domestic violence

Also affects the victim's co-workers, either because they were directly exposed to this violence by the abuser, or because of the effects that the victim extends to them, especially in relation to work, such as increased work requirements on them or a change in working hours. Domestic violence may also create problems or tension between the victim and her co-workers(16).

All the effects that result from domestic violence and extend to the workplace lead to the victim losing their job(17). This in turn leads to their loss of economic independence that could have freed her from this violence and may draw them back to a state of economic dependence on the abuser.

(15) The Impact of Domestic Violence in the Workplace: Results From a Pan-Canadian Survey, Published online in June 29, 2016, NIH, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4676385/#:~:text=11%20Domestic%20violence%20can%20also,or%20harm%20from%20the%20perpetrator.>

(16) How does domestic violence impact people at work?, October 22, 2019, Canadian Labour Congress, <https://canadianlabour.ca/uncategorized/how-does-domestic-violence-impact-people-work/#:~:text=Over%2080%20percent%20of%20people,dueto%20lack%20of%20sleep.>

(17) Domestic violence and its impact on the world of work, last edited in June 05, 2020, UN Women, <https://www.endvawnow.org/en/articles/1937-domestic-violence-and-its-impact-on-the-world-of-work-.html>

# Session 2: Women in different sectors and workplaces

## Introducing the sectors

### Informal sector

Workers who do not have an employment contract with their employer. Example: agricultural workers, migrant workers, and freelancers.

### Agriculture sector – agricultural workers

Workers of the agricultural sector

### Migrant workers

Often, these include workers in cleaning and housekeeping.

## Labor Law and Law 205 Criminalizing Sexual

### In the Labor Law

The labor law excludes workers who are outside the scope of an employment contract.

The Labor Law, in its seventh article, also excludes workers in the agricultural sector and migrant workers. Thus, they do not enjoy the benefits or protection of labor law<sup>(18)</sup>.

Here, we should mention the Kafala (sponsorship) law, which, despite its amendments, still deprives migrant workers of their basic rights and does not provide them with protection.

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(18) Article 7 of the Lebanese Labor Law, passed on 23/09/1946.



## In Law 205 Criminalizing Sexual Harassment

Law 205/2020 criminalizes sexual harassment everywhere and does not require a work relationship<sup>(19)</sup>.

However, the penalty for sexual harassment that occurs outside the workplace is much lower than the one that occurs within a work relationship.

Also, the law does not explicitly mention any of these sectors while it clearly lists others such as the public sector (official or military administrations, public institutions, or municipalities) and the educational sector (universities, schools, nurseries, or institutes)<sup>(20)</sup>.

### In practice

We cannot overlook the challenges and difficulties faced by women who work in the agricultural sector or those who are migrant workers, especially with regard to the fear of reporting a sexual harassment incident and the culture of impunity.

However, it should be emphasized that, despite these difficulties, the law, as well as internal policies within institutions, give survivors the opportunity to report sexual harassment and to hold the perpetrator accountable.

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**(19)** Article 1 of the law criminalizing sexual harassment, no. 205/2020, passed on 30/12/2020.

**(20)** Article 2 of law 205/2020.

# Module 3: Legislation and Practices Tackling Sexual Harassment

## Session 1: Combating Sexual Harassment in accordance with Law 205 and with internal policies at the workplace

### 1 Law 205: definition, types, and punishment

#### Definition

Sexual harassment is any repeated, bad, out of the ordinary, unwanted behavior, with a sexual connotation, that constitutes a violation of the body, privacy or feelings of the victim, anywhere, through words, actions, gestures, sexual or pornographic insinuations and by any means, including electronic means.

An act or endeavor is considered as sexual harassment even if it is not repeated when it uses any kind of psychological, moral, material or racial pressure and aims to obtain a benefit of a sexual nature for the perpetrator or others<sup>(1)</sup>.

#### Types

Words, actions, gestures, sexual or pornographic insinuations and by any means, including electronic means.

#### Punishment

Anyone guilty of sexual harassment is liable to a prison sentence of between one month and one year and a fine of between three and ten times the official minimum wage or one of these two penalties.

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(1) Article 1 of the law criminalizing sexual harassment, no. 205/2020, passed on 30/12/2020.

## Sexual harassment penalties are increased if:

- Harassment occurred within the framework of a dependency or employment relationship.
- The harasser was an employer and abused the authority he enjoys by virtue of the tasks assigned to him, or in the course of performing the job or because of it.
- The harasser has material, moral, occupational or educational authority over the victim.
- The harassment is directed against a juvenile person, a person with a disability, or a person who was unable to defend himself/ herself due to his/ her physical or mental state of health.
- The harasser used extreme psychological, moral or material pressure in committing the offense to obtain a benefit of a sexual nature(2).

Criminal prosecutions do not prevent disciplinary sanctions and the victim shall have the right to compensation(3).

## Protection

When hearing the victim, his/ her mental state must be taken into consideration and all necessary measures must be taken to ensure his/ her protection and the protection of the witnesses, at all stages of the initial and preliminary investigation and trial.(4)

## 2 How to Prevent SH in Your Workplace?

It is the duty of institutions to put in place a system to avoid sexual harassment in the workplace.

### Combatting sexual harassment

The key to preventing sexual harassment in the workplace is for employers and management to make it clear to every employee and workplace participant that sexual harassment is not tolerated. This may be accomplished by creating a clear sexual harassment policy, disseminating it to all workplace participants, and ensuring that it is well understood. Furthermore, proper behavior must be modeled by management across the organization in order to set a good example for workplace participants. In other words, the company has to:



- Establish a sexual harassment policy that prohibits sexual harassment in the workplace and review it periodically to ensure that it is operating effectively and that it contains up-to-date information.
- Provide periodic sexual harassment training and information to all employees and management.
- Encourage appropriate conduct by managers for them to model standards of professional conduct at all times.
- Ensure that managers' selection criteria for management roles include the necessity that they have a demonstrated grasp of and capacity to deal with discrimination and harassment concerns.

## Elements of a sexual harassment internal policy <sup>(5)</sup>

- A powerful opening statement outlining the organization's stance on sexual harassment. This should indicate that the organization is dedicated to ensuring that sexual harassment is not permitted in the workplace, that it will not be tolerated under any circumstances, and that any employee who violates the policy will face quick disciplinary action.
- A clear definition of sexual harassment.
- Examples of sexual harassment that may be relevant to the particular working environment.
- An overview of the organization's sexual harassment objectives. This reflects the organization's commitment to a thorough sexual harassment prevention approach.
- The punishments that can be imposed if the policy is violated. The policy should serve as a broad warning to all workers of the repercussions of noncompliance.
- Depending on the gravity of the situation, the repercussions may include an apology, counseling, a transfer, dismissal, demotion, or other types of disciplinary action. Employees should also be notified that anyone who retaliates against someone who has complained of sexual harassment will face prompt disciplinary action.
- A statement that sexual harassment is illegal. The policy should state unequivocally that sexual harassment is illegal and law 205/2020 should be mentioned. Employees must be aware that they may face legal action for sexual harassment.
- Information about where victims may receive help, advise, or file a complaint.
- Information about where victims may receive help, advise, or file a complaint.
- Employees should be informed of where they may get assistance if they are sexually harassed.

(2) Article 2 of law 205/2020.

(3) Article 5 of law 205/2020.

(4) Article 3 of law 205/2020

(5) Chapter 6: Preventing sexual harassment: All reasonable steps - Effectively preventing and responding to sexual harassment: A Code of Practice for Employers (2008), Australian Human Rights Commission, <https://humanrights.gov.au/our-work/chapter-6-preventing-sexual-harassment-all-reasonable-steps-effectively-preventing-and>



## Addressing a sexual harassment complaint – in accordance with the adopted internal policy

### Guiding Principles

- Do not tolerate any retaliatory or unethical actions
- Ensure confidentiality of the victim.
- Assure the person accused that a fair and just investigation will be conducted on their behalf as well as that of the accuser.
- Use the available information to reach a decision
- Adopt the proportionality principle between the perpetuated act and the chosen measure
- Consult an attorney when necessary

### When a sexual harassment complaint is received

- Tell the person accused that a complaint has been filed
- Listen to the survivor and any potential witnesses
- Listen to the person accused of sexual harassment
- Make a decision about whether sexual harassment occurred or not
- Take the appropriate decision (warning, dismissal, ...)
- Implement the agreed upon measures

Complaints can be handled either formally or informally. In the formal procedure, independent internal or external investigators conduct an investigation, gather evidence, and draft a report. This report is then submitted to the investigation manager appointed by the organization, who reviews it and decides on the necessary actions. In the informal procedure, mediation or a brief investigation is conducted, where the victim/ survivor, the alleged perpetrator, and a coordinator designated by the organization work together to reach a mutual resolution.



## Session 2: Best Practices

### 1 In the Law

#### Defining Sexual Harassment

	Only in the workplace	The principle of protection against gender-based discrimination	The principle of protecting moral values in society
UN Women Handbook (2019)	X	X	
ILO Agreement No. 190 (2019)	X	X	
France		X	
United States	X	X	
Jordan			X (Indecent act)
Tunisia			X (Indecent act)
Saudi Arabia			X (Undermines honor, Indecent act)
Lebanon 205/2020		X	X (Undermines honor and reputation – bad behavior)

#### Defining Sexual Harassment

- It should be specific, clear and explicit
- It cannot be vague or subject to the discretion of the judge  
For example, the expressions "bad", "out of the ordinary" in Lebanese Law.
- This is to avoid the issuance of rulings far from or contrary to the spirit of the law
- Some good models: ILO, UN Women

## Burden of proof and punishment

	Burden of proof	Responsibility	Punishment	Aggravated penalties
UN Women Handbook (2019)	Offender	Civil	Warning, expulsion, mediation, training and rehabilitation, continuous supervision	(The penalty is proportional to the severity of the act)
ILO Agreement No. 190 (2019)		Civil (Option to take another route)	(Unspecified)	
France	Offender	Criminal	Imprisonment and a fine	In the event of abuse of authority
United States	Plaintiff	Civil	Compensation	
Jordan	Plaintiff	Criminal	Imprisonment and a fine	In the event of abuse of authority
Tunisia	Plaintiff	Criminal	Imprisonment and a fine	If the offender has authority or in the event of abuse of authority
Saudi Arabia	Plaintiff	Criminal	Imprisonment and a fine	If the offender has authority or if the crime occurred in a place of work, study, shelter or care
Lebanon 205/2020	Plaintiff	Criminal	Imprisonment and a fine	In the event of abuse of authority
EU Directive 2006/54/EC <sup>(6)</sup>	Offender	- Civil - Criminal (if decided by the Member State)	Decided by each Member State	

## Burden of proof:

- The general principle is that: “The burden of proof falls on the plaintiff and not on the defendant”.
  - If Samir accuses his colleague Bassem of theft, then Samir must prove that Bassem stole
  - Bassem is not required to prove that he did not steal - he is innocent until proven guilty
  - This principle also often helps prevent or reduce libel or claims that are not based on clear evidence.
- In cases of harassment, some countries considered that it was very difficult to prove that it took place
  - So, it reversed the principle and placed the burden of proof on the defendant: they would need to prove that that harassment did not occur  
**Example of this reversed principle include the French laws (French Labor Law) and UN Women.**
- The general principle still applies in Lebanon, France (Penal Code), the United States, and others
  - Many judges refuse to change the principle and place the burden of proof on the defendant, especially in criminal courts

## Punishment:

- The civil penalty is limited to a warning, expulsion or monetary compensation  
**For Example: the American law**
- The criminal penalty may include imprisonment  
**For Example: the Lebanese law where the crime of harassment is classified as a misdemeanor or a felony (aggravated penalty)**



## 2 In internal policies

- Some companies include an anti-sexual harassment clause in their code of conduct
  - "The contract of any employee who is proven to have engaged in illegal or immoral activities such as corruption, dishonesty, sexual harassment and others will be terminated."
- Some organizations have simplified policies emphasizing their rejection of sexual harassment, which can be published in the workplace or during the activities of the organization.
- Ideally, the company should have a detailed policy that includes a full complaint, investigation and sanctioning mechanism.

**ZERO TOLERANCE  
POLICY**

**SAY  
NO** 

**SEEDS** adopts a zero tolerance policy for harassment, discrimination and abuse. SEEDS promotes diversity, inclusion, respect and transparency in all its activities.

All complaints are bound by confidentiality and will be investigated and appropriately sanctioned in accordance with SEEDS' internal policies handbook.

To report any complaint or share any feedback or concern please reach out to [report@seedsib.org](mailto:report@seedsib.org).

  
**SEEDS**  
FOUNDED 2014

An extract from the Anti-Sexual Harassment Policy at the American University of Beirut – AUB Title IX(7)



## **Informal complaints**

Informal complaints concerning potential violation of this policy will be addressed following the procedure for addressing discrimination and Discriminatory Harassment including sexual Harassment. A complaint is considered informal if it is submitted without a formal « Notice of Discrimination/Discriminatory Harassment» in-person, or via phone, email, University post, mail. Informal complaints may also be Submitted on the Ethicspoint Online system ([aub.ethicspoint.com](http://aub.ethicspoint.com)), anonymously or not.

Reports that are submitted informally are usually addressed through an « Informal Resolution» Process. The reporting party may, at any time, decide to initiate a formal complaint.

AUB may take action and treat a complaint as a « formal complaint» if it learns of potential discrimination or discriminatory harassment, even if an individual does not wish to file a formal complaint




### 3 Concluding remarks

- The great difficulties faced by survivors of sexual harassment in Lebanon cannot be ignored.
  - A patriarchal and conservative society that still places responsibility on women in particular and blames them if they are subjected to sexual harassment and expects them to accept this reality and remain silent about men's transgressions against them.
- We cannot ignore the judgment of "professional neglect" issued against the harasser of the students of the George Sarraf School in Tripoli.
  - This judgment is, without a doubt, against law 205.
- Nevertheless, Law 205, as well as the internal policies that are beginning to find their way into Lebanese institutions, constitute a good step towards the effective fight against sexual harassment in Lebanon.
- The focus remains on the tools available to combat sexual harassment:
  - Awareness and training.
- Objective: societal change and the rejection of harassment at the level of society as a whole; educating women and girls about their rights and the tools available to them.
  - Creating safe spaces for women in order to secure a safe environment free from sexual harassment.
- Through women's cooperatives, for example, or advocacy for the development of protective internal policies
  - Internal policies
- Drafting a policy that does not accept any violation or any sexual harassment at the workplace
- Highlighting the importance of anti-harassment in order to maintain diversity and increase productivity
  - Law 205/2020
- Despite its flaws, the law still has many advantages
- The law can be relied upon to hold the offender criminally accountable

(6) Directive 2006/54/EC, of the European Parliament and of the Council, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, July 5, 2006.

(7) Sexual Harassment Policy, First Edition, Date 06/10/2019, American University of Beirut  
<https://aub.policytech.edu/dotNet/documents/?docid=1568&public=true>



A stylized, light blue icon of a scale of justice is positioned on the left side of the page. It features a vertical post with a horizontal beam and a circular weight hanging from it. The text 'Law No. 205' is centered over the scale.

# Law No. 205

## Translation

Official Gazette

(P. 14 - 16)

### Law No. 205

For the criminalization of sexual harassment and rehabilitation of its victims

The Parliament approved,

The President of the Republic promulgates the law worded as follows:

#### Article 1:

Sexual harassment is any recurring bad uncommon behavior, unwanted by the victim, with a sexual connotation that constitutes a violation of the body, intimacy or feelings of the victim wherever the victim is, through sexual or pornographic statements, actions, signals, suggestions, or allusions, and by any means with which the harassment took place, including by electronic means.

Sexual harassment also includes any act or endeavor, even if it is not recurring, that uses any kind of psychological, moral, material or racial pressure that actually aims at obtaining a benefit of a sexual nature from which the perpetrator or others benefit.

#### Article 2:

A- Whoever commits the offense of sexual harassment shall be punished with imprisonment from a month to a year and a fine ranging between three and ten times the official minimum wage, or one of these two penalties.

B- A penalty of imprisonment from six months to two years and a fine of ten to twenty times the official minimum wage, or one of these two penalties shall be imposed in the following cases:

- 1- If the offense of harassment occurred within the framework of the dependency or work relationship.
- 2- If the harassment occurred in one of the official or military departments, public institutions, municipalities, universities, schools, nurseries, institutes, clubs, or transportation means.
- 3- If the harasser is an employee as per the definition stipulated in Article 350 of the Criminal Code, and abuses the power he enjoys due to the tasks assigned to him, or in the course or because of the job.

C- A penalty of imprisonment from two to four years and a fine ranging from thirty to fifty times the official minimum wage shall be imposed in the following cases:

- 1- If the offense is committed against a juvenile or a person with additional needs or against someone who was unable to defend himself due to his physical or psychological health condition.
- 2- If the perpetrator is someone who has material, moral, functional or educational authority over the victim.
- 3- If the act of harassment is committed by two or more persons.
- 4- If the perpetrator used severe psychological, moral or material pressure in committing the offense to obtain a benefit of a sexual nature.

In the event of repetition or recurring, the imprisonment and fine penalties shall be doubled in their minimum and maximum limits in all the above-mentioned cases, and both the imprisonment and fines penalties shall be imposed together in the cases stipulated in paragraphs (B) and (C) of this Article.

### **Article 3:**

The prosecution shall take place based on the victim's complaint, with the exception of the following cases:

- 1- If the victim has additional needs or cannot defend oneself due to his/her physical or psychological health condition.
- 2- If the offense occurred against a juvenile.
- 3- If the offense was committed by two or more persons.
- 4- If the harasser used severe material, psychological, moral, or racial pressure on the victim to obtain a benefit of a sexual nature.
- 5- If the offense was committed by someone who has material, moral, or functional authority.

In case of recurrence, sexual harassment shall be considered as a heinous crime.

In all cases, the prosecution of the offense of sexual harassment does not require any prior permission.

When hearing the victim, his/her psychological condition must be taken into consideration and all necessary measures must be taken in order to ensure his/her protection and the protection of the witnesses, at all stages of the initial and preliminary investigation and trial.

#### **Article 4:**

No discrimination or infringement of the legally established rights may be done to the victim who refused to submit to acts of harassment, whether directly or indirectly, especially in terms of pay, promotion, transfer, renewal of work contract, or the imposition of disciplinary penalties against him/her.

No discrimination or infringement of the legally established rights may be done to the person reporting harassment in the cases in which the public prosecution is initiated without the complaint of the victim or who testified in any case and no disciplinary penalties may be imposed against them.

Whoever violates the provisions of this article shall be punished with imprisonment from one to six months and a fine ranging between five and twenty times the official minimum wage, or one of these two penalties.

**Article 5:**

Criminal prosecutions do not prevent disciplinary sanctions, including dismissal from service.

The initiation of the disciplinary prosecution shall not depend on the criminal prosecution, and the victim shall always remain entitled to compensation for the psychological, moral, or material pain he/she has suffered.

**Article 6:**

A special fund shall be established at the Ministry of Social Affairs to assist victims of sexual harassment and provide them with care to ensure their rehabilitation and integration into society, and to provide the means to reduce and prevent these crimes and rehabilitate their perpetrators.

This fund is financed by:

- The State's contributions. A nominal appropriation is allocated for this purpose in the annual budget of the Ministry of Social Affairs.
- Donations.
- Ten percent (10%) of the value of the fines stipulated in Article 2 of this Law, to be added de facto to the adjudged fine to be paid by the convict in favor of the fund, noting that a time limit for its payment shall be determined by the judge examining the case, and to be collected according to Article 63 and seq. of the Law 44/2008; noting that the administration of the fund shall replace the tax administration in terms of following-up its collection.

The regulations pertaining to the account are defined by a regulatory decision issued by the Minister of Social Affairs.

**Article 13:** This Law shall come into force upon its publication in the official gazette.

Baabda, 30 December 2020

Signature: Michel Aoun

Issued by the President of the Republic.

The Prime Minister

Signature: Hassan Diab





### **The Rationales**

Whereas the Lebanese Constitution stipulated in its Preamble Lebanon's commitment to international covenants and the Universal Declaration of Human Rights.

Whereas the Universal Declaration of Human Rights stipulated in its third article the right of every individual to life, freedom and security of his/her person. It also stipulated that it is not permissible to expose anyone to abusive interference in one's private life, or to campaigns affecting one's honor and reputation, and that every person has the right to be protected by the law from such interference or such campaigns.

Whereas sexual harassment is inconsistent with the provisions of the International Covenant on Civil Rights issued by the United Nations in 1964.

Whereas violence in its various forms, whether psychological or physical, undermines human honor and dignity.

Whereas sexual harassment, whether verbal or physical, is considered as a form of violence.

Whereas it is no longer permissible to consider sexual harassment as a taboo, especially in light of the awareness campaigns that have increased in recent times.

Whereas it is necessary, as in various countries, to pass legislations that guarantee protection from offenses of sexual harassment to the vulnerable members of society, regardless of the sex or age of the victim and the sex and age of the perpetrator.

Consequently,

In order to protect the individuals who are subjected to sexual harassment, punish the perpetrators of sexual harassment on the one hand, and rehabilitate them on the other hand, we submit the attached draft law proposal to the Parliament, hoping it will be discussed and approved.