



IN  
SUPPORT  
OF



# **JOINT POLICY POSITIONS TO ADDRESS GENDER- BASED VIOLENCE AT THE WORKPLACE**

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## About this Document

This draft working document was prepared by the Cipriani College of Labour and Cooperative Studies (CCLCS) in the framework of the Caribbean Regional Spotlight Initiative to Eliminate Violence Against Women and Girls<sup>1</sup>. The document was prepared as part of the joint initiative of the Caribbean Employers' Confederation, the Caribbean Congress of Labour and subjected to internal review. The Caribbean Employers' Confederation, the Caribbean Congress of Labour and the International Labour Organisation Caribbean Office were given the opportunity to comment on the CCLCS draft and those suggestions have been incorporated into this current draft.

The approach adopted by CCLCS was predicated on the survivor centred approach which, according to UNICEF, aims to put the rights of each survivor at the forefront of all actions and ensure that each survivor is treated with dignity and respect. By putting the survivor at the centre of the process, such an approach promotes their recovery, reduces the risk of further harm and reinforces their agency and self-determination.

The document relies on global normative standards and guidelines including those set by UN agencies such as ILO, UNFPA, UN Women and other international organisations with specific focus on ending violence against women and girls.

## Interpreting this document

The Working Document is presented as a proposed minimum standard for addressing Gender-Based Violence (GBV) at work using policy. It encompasses ILO standards and global best practices. It is framed in a way which presents the user with a guide to developing strong workplace policy on GBV taking into account the national context and nature of the workplace. The modular approach utilised in the layout allows multiple users to draw down on relevant parts of the document while still maintaining the integrity of the minimum standard intended. Following the discussions at the workshop it will be finalised and once adopted at the second workshop it can be used as a reference material when developing and negotiating workplace policies or collective bargaining clauses to address GBV at the workplace.

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<sup>1</sup> [PowerPoint Presentation \(un.org\)](#)

## Definitions and interpretation of concepts

**Abuser:** a person who perpetuates GBV.

**Affected Worker:** an employee/person [who may be] [is] negatively affected by an act of GBV in the Workplace.

**Disclosure:** refers to an adult survivor's choice to share with someone that they have experienced GBV. Survivors have the right to disclose an incident to anyone. They have the right to disclose as little or as much of what happened to them, and to choose when to disclose information.<sup>2</sup>

**Emotional or psychological abuse:** A pattern of behaviour of any kind, the purpose of which is to undermine the emotional or mental well-being of a person including, persistent intimidation by the use of abusive or threatening language; stalking; depriving that person of the use of their property; interfering with or damaging the property of the person; forced confinement; persistent telephoning of the person at the person's place of residence or work.

**Employees:** all those workers who hold the type of job defined as paid employment jobs. The term "employee" may be used interchangeably with the term "worker" and has the same meaning.

Employees with stable contracts are those employees who have had, and continue to have, an explicit (written or oral) or implicit contract of employment, or a succession of such contracts, with the same employer on a continuous basis.

On a continuous basis implies a period of employment which is longer than a specified minimum determined according to national circumstances. Regular employees are those employees with stable contracts for whom the employing organization is responsible for payment of taxes and social security contributions and/or where the contractual relationship is subject to national labour legislation. (ILO)

**Establishment:**

An entire organization in which the employee is employed,

or

An independent subsidiary or branch of the organization in which the employee is employed,

or

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<sup>2</sup>[https://reliefweb.int/sites/reliefweb.int/files/resources/gbv\\_sc\\_sops\\_2018\\_english\\_final.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/gbv_sc_sops_2018_english_final.pdf)

An individual workplace to which the employee is assigned, and which has autonomy for policies related to employee welfare.

**Family Violence:** Family violence includes physical, social, sexual, economic and psychological/emotional abuse and acts of aggression within relationships that are considered as family connections or akin to family.

**Financial abuse:** A pattern of behaviour of a kind, the purpose of which is to exercise coercive control over, or exploit or limit a person's access to financial resources to ensure financial dependence.

**Gender:** the social attributes and opportunities associated with the categories of male and female and the relationships between women and men and girls and boys, as well as 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/ 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 socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age.

**GBV and harassment:** violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment.<sup>3</sup>

**Gender equality:** the equal rights, responsibilities and opportunities regardless of gender identity or sex. Equality does not mean that girls, boys, women and men will become the same, but that rights, responsibilities and opportunities will not depend on whether they are born male, female or intersex. Gender equality implies that the interests, needs and priorities are taken into consideration, recognizing the diversity of different groups of girls, boys, women, men and those who are intersex. Gender equality means that everyone has equal valuing and conditions for realizing their full human rights and for contributing to, and benefiting from, economic, social, cultural and political development regardless of gender identity, gender roles or sex.

**Gender inequality:** Unequal access to and control over the various material and non-material resources and assets of the society based on gender identity and sex. Gender norms refer to formal and informal rules and shared social expectations that distinguish expected behaviour based on gender. Girls and boys internalise and learn these 'rules' early in life, contributing to a cycle of systemic inequality that undermines the rights of women and girls, in particular.

**Gender pay gap:** a measurable indicator of inequality between women and men. Most governments have legislated to guarantee equality of treatment between men and women in remuneration.

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<sup>3</sup> C190 - Violence and Harassment Convention, 2019 (No. 190)

The ILO Equal Remuneration Convention, 1951 (No. 100) is one of the most highly ratified conventions. Yet, the gender pay gap persists and the World Economic Forum estimates it will take 202 years to close the global gender pay gap.<sup>4</sup>

**Identification:** the situation where other people (e.g., friends) inform a service provider that another person has experienced GBV.<sup>5</sup>

**Intimate partner violence:** behaviour by an intimate partner or ex-partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse and controlling behaviours.

**Physical violence:** An act or omission that causes physical injury or death.

**Prevalence of family violence against women and girls:** The proportion of women and girls in a population who have experienced family violence at a specified point in time or over a specified period.

**Protection Order:** an order of protection, restraining order or other court order in response to GBV.

**Report:** a formal and/or informal reporting unless otherwise specified.

**Safety Planning:** the process through which a representative of the establishment works with the survivor or victim to reduce the risk of GBV to the Victim and ensure the safety of the Victim's co-workers.

**Sexual exploitation:** an actual or attempted abuse of someone's position of vulnerability (such as a person depending on you for survival, food rations, school, books, transport or other services), differential power or trust, to obtain sexual favours, including but not only, by offering money or other social, economic or political advantages.

**Sexual harassment:** Any unwelcome sexual advance, request for sexual favour, verbal or physical conduct or gesture of a sexual nature, or any other behaviour of a sexual nature that might reasonably be expected or be perceived to cause offence or humiliation to another, when such conduct interferes with work, is made a condition of employment or creates an intimidating, hostile or offensive work environment (Source: <https://www.un.org/womenwatch/uncoordination/antiharassment.html>)

**Sexual violence:** Any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body part or object.

**Social norms:** Shared expectations or informal rules and a resulting pattern of behaviour among a set of people as to how people should behave. Social norms are held in place through social rewards for people who conform to them and social sanctions against people who do not.

**Victim, or Target:** an employee against whom an Abuser directs GBV.

<sup>4</sup> World Economic Forum: The Global Gender Gap Report 2018 (Geneva, 2018)

<sup>5</sup> *ibid*

**Violence against women and girls:** Any act of GBV 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”. **Workplace:** any land, premises or location in which an employee works.

## Preamble

The Establishment recognizes that in all organizations, there is a risk of workplace-based violence and workplace-based harassment on the basis of gender. The Establishment acknowledges the multiple and intersecting forms of discrimination and its impact on experiences of violence and harassment, and that GBV and harassment disproportionately affects women and girls, and LGBTQ+.

While governments are responsible for ensuring that national legislation and institutional frameworks address workplace violence, the workplace itself is recognized as a relevant context in which this matter can be discussed with a view to prevention.<sup>6</sup> Employers and employees can tackle workplace challenges through participatory dialogue or collective bargaining as is the case in unionized environments. This policy is subject to the laws of the specific territory and would not supersede any law.

This Policy is intended to set out the Establishment’s guidelines for recognizing and assessing the risks of workplace-based violence and harassment on the basis of gender. It also addresses ways to report incidents of potential or actual incidents of workplace-based violence and harassment on the basis of gender.

This Policy applies to all Establishment workers as well as, the Establishment’s agents, guests, customers, vendors, and other third parties. This Policy applies to conduct in the workplace and in any work-related settings outside the workplace, such as during business trips, tours and Establishment-sponsored or authorized social events and other functions, places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; and in employer-provided accommodation.<sup>7</sup> Additionally, this policy will apply to work related communications including those enabled by information and communication technologies. This Policy applies to the Establishment worldwide, except where compliance with this Policy would cause an operating unit or divisions to violate any law in the country in which it is located.

“The workplace is a suitable location for prevention through educating women and men about both the discriminatory nature and the productivity and health impacts of harassment. It should be addressed through social dialogue, including collective bargaining where applicable at the enterprise, sectoral or national level”.<sup>8</sup>

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<sup>6</sup> Di Martino, V., “Violence at the workplace: The global response”, Africa Newsletter on Occupational Health and Safety, city not specified, 2002, page 4.

<sup>7</sup> C190 - Violence and Harassment Convention, 2019 (No. 190)

<sup>8</sup> Report of the Committee on Gender Equality, 98th Session of the International Labour Conference Geneva, June 2009

## 1. Introduction

GBV is a social issue that is recognised by nation states as their responsibility. They have played their part in terms of legislation and policies for addressing GBV and have conceived national plans to end GBV in their respective countries. The legislative agenda is a critical indicator of public policy priorities. It provides a lens through which successive administrators have sought to categorize and interface with GBV issues. Though as evident, in some nation states, the rights of women to be safe from personal harm and threat are generally enshrined in criminal law.

While these laws have improved some women's access to justice, recent prevalence surveys suggest that a significant number of women experience intimate partner violence and that the majority of those do not report to police, or access services to protect and prevent the recurrence of violence. There are very few secondary psycho-educational prevention interventions for men who perpetrate family violence. Policy making and programming development is not sufficiently informed by research and a coordinated approach to administrative data across sectors does not exist in most countries. Alongside and feeding into system inadequacies, a culture of gender inequality persists and, along with other bases of inequalities, contributes to high levels of GBV against women and girls. This culture and the associated inequalities impede quality, accessible, effective and non-discriminatory access to services.

There are also cultural 'gendered' normative roles and expectations that act as barriers to achieving better results. GBV must also be seen in the context of the disparity in wages/remuneration between women and men. In order to seriously address GBV, there must also be clear intent to ensure that the concept of equal remuneration for work of equal value is practiced and enforced.

Gender roles are influenced by the region's historical legacies of colonialism, slavery and indentureship which are deeply capitalist and patriarchal. GBV is not limited to domestic situations, although domestic situations can impact on employee performance and their ability to execute their job functions, but GBV can also manifest itself at the workplace. Therefore, there is a need for better collaboration among stakeholders for capacity building and gender justice to ensure knowledge transfer and sustainability in driving the transformation of harmful cultural gendered norms. There is a need to harmonize legislation and public policy; and legislation and company policy.

The Spotlight Initiative Regional Programme is a significant opportunity for workers, employers and their representatives to jointly create and shape workplace policies and cultures to prevent and respond to GBV at the workplace. Despite the decreasing level of union density, unionised workspaces have traditionally had an inordinate impact on best practice and standards in workplace culture. Many collaborative and shared spaces for cultural change also exist surrounding issues which are not part of the collective bargaining process such as joint union/employer initiatives.

## 2. Scope

- 2.1. This Policy shall apply to all employees in the establishment, including owners, boards, and managers.
- 2.2. The Policy shall apply to agents, guest, customers, vendors and all third parties who encounter employees in the course of their duties.
- 2.3. Third parties include persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, jobseekers and job applicants. The Policy applies to conduct in the workplace and in any work-related setting outside the workplace, such as
  - 2.3.1. authorised social events, and business meetings or
  - 2.3.2. any location or place where an employee is required to conduct the business of the employer, or any location or place which that person sent by the employer for the purpose of receiving training, or attending a conference on behalf of the employer or
  - 2.3.3. business trips, tours and establishment-sponsored or authorized social events and other functions; places where the worker is paid, takes a rest break or a meal, or uses sanitary, washing and changing facilities; and in employer-provided accommodation<sup>9</sup>
- 2.4. This policy will also apply to work-related communications, including those enabled by information and communication technologies.
- 2.5. This policy will also apply to former employees in instances where such employees are subject to investigation, have filed a complaint or have reported an incident and are active parties to ongoing investigations, regardless of duration of termination or separation from the establishment.
- 2.6. The application of this policy and its attendant procedures will be monitored in line with changes in the Collective Agreement of the Recognised Majority Union and will be reviewed and deliberated as a part of the collective bargaining process as and when necessary. (unionised)

With reference to Clause 2.6:  
The implementing company will have to stipulate if there is a fixed time in which a report can be made by an employee who is separated from the Company.

## 3. GBV Exposure and Risk

Differences between women and men's exposure to the risk of specific forms of workplace violence are reinforced by sex-segregated workplaces – both horizontally (across operational layers of the organization or Establishment) and vertically (up and down the hierarchy). While men predominate in better-paying and higher status jobs as well as hold more supervisory positions, the majority of women are concentrated in lower-paying and lower status jobs with little decision-making power. Women form a significant percentage of

<sup>11</sup> C190 - Violence and Harassment Convention, 2019 (No. 190)

workers in occupations at higher risk to violence such as teachers, social and healthcare workers, and as shop and bank clerks.<sup>10</sup>

This policy advocates a risk assessment for GBV exposure as a part of the organization's strategic planning and such outcomes such inform amendments and updates to this policy, therefore:

- 3.1. The Establishment shall periodically engage in a risk identification and assessment process [as part of its health, safety and wellness activities]. In doing so, the Establishment should seek to identify workplace conditions or other issues which may contribute to GBV and harassment and the measures to prevent and control these risks and hazards. This assessment should include mechanisms to prevent and control such risks
- 3.2. Workers and/ or workers' unions and stakeholders should be involved in the risk identification and assessment process. The workplace risk assessment should take into account factors that increase the likelihood of violence and harassment, including psychosocial hazards and risks. Particular attention should be paid to the hazards and risks that:
  - 3.2.1. arise from working conditions and arrangements, work organization and human resource management, as appropriate;
  - 3.2.2. involve third parties such as clients, customers, service providers, users, patients and members of the public; and
  - 3.2.3. arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.<sup>11</sup>
- 3.3. These include but are not limited to:
  - 3.3.1. Previous incidents of verbal or physical violence or harassment
  - 3.3.2. Site security, equipment and lighting
  - 3.3.3. Procedures in place and used for consultation and communication with violence in case of emergency
  - 3.3.4. Support of workers at risk of domestic violence in the workplace

<sup>10</sup> [https://www.ilo.org/wcmsp5/groups/public/---dgreports/--gender/documents/publication/wcms\\_155763.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/--gender/documents/publication/wcms_155763.pdf)

<sup>11</sup> C190 - Violence and Harassment Convention, 2019 (No. 190)

#### 4. Objectives

- 4.1. To raise awareness of GBV and associated ill effects to the victims and the place of work.
- 4.2. To engender a of zero tolerance to gender violence and harassment culture of workplace practices which identifies and mitigates against GBV.
- 4.3. To create a safe environment for the confidential and appropriate handling of reports of incidents of GBV.
- 4.4. To assist and support employees requesting help in addressing problems arising from GBV.
- 4.5. To ensure equal application to all employees throughout the organization.
- 4.6. To project a clear signal that of zero tolerance approach to GBV in the workplace.
- 4.7. To provide a framework for addressing the challenges faced by survivors of GBV whether or not the situation is workplace related.
- 4.8. To appropriately and swiftly address the behaviour of employees who may be perpetrators of abuse and who may pose a risk to other employees or stakeholders of the organization.
- 4.9. To be guided by the principles of natural justice in addressing all disciplinary matters.

#### 5. Responding to GBV using a Survivor Centred approach

The survivor-centred approach can guide professionals—regardless of their role—in their engagement with workers who have experienced GBV. It aims to create a supportive environment in which a GBV survivor’s rights are respected, safety is ensured, and the survivor is treated with dignity and respect.

The approach helps to promote a survivor’s recovery and strengthen her or his ability to identify and express needs and wishes; it also reinforces the worker’s capacity to make decisions about possible interventions.

- 5.1. **RIGHT TO SAFETY** The safety and security of the survivor and others, such as their children and people who have assisted them, must be the number one priority for all actors. Individuals who disclose an incident of GBV or a history of abuse are often at high risk of further violence from the perpetrator(s) or from others around them.

- 5.2. **RIGHT TO CONFIDENTIALITY** Confidentiality reflects the belief that workers have the right to choose to whom they will or will not tell their story. Maintaining confidentiality means not disclosing any information at any time to any party without the informed consent of the worker concerned. Confidentiality and privacy promotes safety, trust and empowerment.
- 5.3. **RIGHT TO DIGNITY AND SELF DETERMINATION** The survivor is the primary actor. The role of helpers is to facilitate recovery and provide resources for problem solving. All actions taken should be guided by respect for the choices, wishes, rights and dignity of the survivor.
- 5.4. **RIGHT TO NON-DISCRIMINATION** Survivors of violence should receive equal and fair treatment regardless of their age, gender, race, religion, nationality, ethnicity, sexual orientation or any other characteristic.

## 6. Employer's Responsibilities

### 6.1. Employer's Responsibility

- 6.1.1. Management shall put in place, systems, processes, procedures, and safeguard to ensure, as much as reasonably possible, that no workers are subjected to workplace violence or harassment.
- 6.1.2. Management shall ensure that the policy against and the process for reporting GBV and harassment in the workplace shall be communicated clearly to all workers.
- 6.1.3. Management shall ensure that the contents of this policy are fully disclosed at hiring and that risk assessment tools are designed into hiring and recruitment procedures.
- 6.1.4. Any manager approached by a Victim or Affected Worker shall inform that worker about the options available under the Establishment's legal framework to address such conduct, including providing [contacts], [names], [telephone numbers], [email addresses], [hotlines], etc.
- 6.1.5. Management shall ensure that there is no retaliation against a Victim or an Affected Worker, a witness of whistle-blower and shall treat retaliation as an offence of gross misconduct.
- 6.1.6 The Establishment shall clearly state the sanctions/disciplinary measures that will be taken against anyone who has been found to have been guilty of GBV in the workplace.

## **6.2. Training and Education**

The Establishment as part of its general approach to promoting a safe and healthy workplace and ensuring worker wellness will conduct regular and at times mandatory training interventions to reduce the probability of GBV and harassment in the Workplace and improve the capacity of workers to respond to such instances in the most constructive manner. These will include but not be limited to:

- 6.2.1. Training individuals on how to safely intervene in cases where they may observe sexual harassment and other forms of violence against women is important. This training can enable staff to be able to identify inappropriate behaviour and attitudes at work that contribute to a culture of gender inequality and discrimination.
- 6.2.2. Training on unconscious and implicit bias: This approach unpacks how unconscious bias influences decisions about recruitment, career advancement, and harmful attitudes about women and men, which result in negative behaviours.
- 6.2.3. Civility training: A positive form of training based on prevention that can help reduce bullying or conflict, while promoting respect in the workplace. Training activities have a strong focus on interpersonal skills, communication and negotiation, conflict resolution, and positive supervisory techniques.
- 6.2.4. Conduct multiple and in-person training and awareness raising so that workers understand the risks and the controls which must be followed for preventing exposure and responding to workplace violence and harassment. Training sessions should be interactive, prompt critical reflections, challenge adverse social and cultural norms, and tailored for the given audience.
- 6.2.5. Engage employees, managers, supervisors in training and education to cover the rights and responsibilities of workers and other person in relation to the policy referred.
- 6.2.6. Allocate the necessary resources for such training to be conducted effectively.

## **6.3. Staff Worker Support Services/Employee Assistance Programs**

- 6.3.1. The Establishment shall make available to all workers an approved list of Specialized GBV survivor support services.
- 6.3.2. This Policy may also facilitate the creation of an Ad Hoc Committee to oversee/facilitate support for survivors.
- 6.3.3. This committee shall be responsible for:

#### 6.3.3.1. Establishing confidential reporting mechanisms.

6.3.3.2. Establishing safe and ethical responses when incidents of GBV are reported and/or occur.

6.3.3.3. Ensuring survivors have access to specialized GBV support services as identified in an approved schedule under this policy.

## 7. Employees' Rights and Responsibilities

7.1. Employees are entitled to a world of work free from violence and workplace harassment.

7.2. Employees are responsible for working together in a professional manner and resolving issues utilising approved procedures within the Establishment.

7.3. Employees who become aware of instances of GBV have the responsibility to use the processes, (including anonymous processes) to report the same.

7.4. Employees have a responsibility to freely and in an unbiased manner cooperate with investigations into GBV and harassment in the workplace.

7.5. Employees have a responsibility to Understand this Policy and context through:

7.5.1. Reading and understanding this Policy and its Appendices. If any support is required to do this, please contact Human Resources in the first instance;

7.5.2. Attending appropriate GBV training provide by the Establishment.

7.6. Employees have a responsibility to be honest in all disclosures covered by this policy.

## 8. Reporting GBV incidents

8.1. Complaints may be submitted in writing or verbally; may be made in person, by email, or by telephone.

8.2. An employee who believes that she or he has been subject to Gender-based Violence and Harassment in the workplace shall have the option of reporting the matter to:

8.2.1.A designated committee established by this policy comprising of a person or persons trained and identified as GBV respondents with clearly defined Terms of Reference.

With reference to Clause 8.2.1.:  
The details for the composition of the committee should be outlined herein by the implementing company.  
The committee should reflect employer and employee and should be balanced and should be trained.

- 8.2.2.A trusted manager or supervisor
- 8.2.3.The Human Resources Department
- 8.2.4.The Health and Safety representative or committee
- 8.2.5.Their trade union (unionised)
- 8.2.6.Any individual in whom the survivor has an expressed degree of confidence
- 8.3. Every complaint will be investigated and resolved as expeditiously as possible, having regard to such things as the nature of the complaint, the number of witnesses and whether the investigation should be conducted internally or externally.
- 8.4. Where the conduct complained of is extremely serious, or where the conduct is alleged to have been made by senior management, an external and independent investigation will be preferred. In the event that there were witnesses to the complained about behaviour, witnesses will be interviewed.
- 8.5. Every effort will be made to prevent disclosure of confidential and/or sensitive information, while at the same time ensuring that each incident is carefully and completely investigated. Including:
  - 8.5.1. protect the privacy of those individuals involved and confidentiality, to the extent possible and as appropriate, and ensure that requirements for privacy and confidentiality are not misused;
  - 8.5.2. All parties to the investigation, including administrative support shall be subject to non-disclosure and disciplinary action for breach of confidentiality
- 8.6. Survivors must be informed of any exceptions to confidentiality. That is, all persons who must also be informed of the incident, as a matter of company protocol or obligations of existing national legislation, as in the case of a criminal matter.
- 8.7. In the specific case where a minor is involved, regardless of the circumstances which led to the minor being present at the work place:
  - 8.7.1. The minor's guardian shall have the authority to file the report on behalf of the minor
  - 8.7.2. Any witness and/or whistle-blower shall similarly have the responsibility to file a report
  - 8.7.3. The internal investigation proceedings shall not prevent the minor's guardian from filing a complaint with external authorities

- 8.8. Any party interviewed during an investigation will be reminded in writing prior to their interview of the need to keep the investigation and their evidence confidential
- 8.9. All investigation shall be guided by the fundamental principles of natural justice, including treatment of the accused as innocent until proven guilty.
- 8.10. All investigations of GBV shall be consistent with the terms of any collective agreement in place. (Unionised)

## 9. Special Leave

This policy shall make a provision for leave which falls outside of definition of regular leave to treat with the specific needs which may arise for a GBV survivor which may include but is not limited to, leave for counselling, psychiatric evaluation, recovery, relocation or to protect the individual from further harm.

- 9.1. This policy shall provide for a special category of leave which may arise for a victim or survivor of GBV for a fixed period of time at the discretion of the employer using the incident report to justify the approved leave. (non-unionised)
- 9.2. This policy shall support the provision of a clause in the Collective Agreement which identifies specific circumstances under which special leave may be granted for a survivor or victim of GBV, including considerations for duration and wages. (unionised)
- 9.3. This leave shall be for a predetermined period with the possibility for extensions.
- 9.4. An alternative to the application of such leave may include:
  - 9.4.1. Transfer to a new location
  - 9.4.2. Facilitation of remote work for the survivor
- 9.5. The employer shall reserve the right to request an independent evaluation of the condition of the survivor where applicable prior to approval and application of Special Leave

## 10. Confidentiality

- 10.1. Incidents reported under this policy, either formally or informally, will be treated in confidence. (non-unionised)

With reference to Clause 8.9.:  
This document leaves the specific disciplinary action to the implementing company as this will vary broadly from company to company.  
However, 6.1.6 clearly gives the Company responsibility for same

With reference to Clause 9.3.:  
The specific time frame is at the discretion of the company during the process of implementation of the policy.  
The determination to be based on internal and external mechanisms agreed to by both union and company.

10.2. Incidents reported under this policy shall be subject the employee data protection provision clause in the Collective Agreement. (unionised)

10.3. Disclosure of incident details can only occur with the expressed consent of the survivor or victim and having given due regard to the right of the workers to be made aware of all hazards.

10.3.1 To be made aware of all implications of such disclosure as outlined in Clause 8.6 and

10.3.2 To be made aware of all persons to whom such disclosure will be made

10.3.3 Except in instances involving minors where the responsibility for authorising disclosure will be vested in the guardian as outlined in Clause 8.7

10.4. The reasons for instances of change of work location, shift changes and differing start and finish times as a corrective measure arising from a reported incident, shall not be disclosed, except to at least one person in a supervisory position in the department and only with the expressed permission of the survivor or victim. (non-unionised)

10.5. The reasons for instances of change of work location, shift changes and differing start and finish times as a corrective measure arising from a reported incident, shall not be disclosed, except to at least one person in a supervisory position in the department and to the union as this change may be considered a change in terms and conditions. (unionised)

## 11. Data Protection

It is important that Establishments assess their existing data security and develop a customized data protection protocol for GBV files. This is a vital part of ensuring confidentiality for the survivor and eliminating the risk of exposing them to further violence by parties who may gain access to information about their case, including what they have said and about whom (e.g., perpetrators). Therefore:

11.1. All staff employees in contact with the data must have a clear understanding of the sensitive nature of the data, and the importance of data confidentiality and security.

11.2. The Establishment should conduct a detailed risk assessment with employees to identify security risks specific to their context, including identification of implications in the event of breaches.

11.3 All data and files associated with GBV incidents should be isolated from regular employee files with restricted access as identified in this policy.

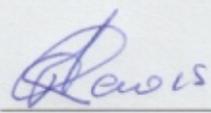
## 12. Related Policies

12.1. Establishment to list any other policies which will be enforced in tandem with the GBV Policy

## 13. Entry into Force

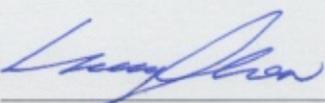
13.1. This Policy shall enter into force on \_\_\_\_\_

## 14. List of National Support Services

Signature:  Date: 8/07/22

Printed Name: M André Lewis

Title: President, Caribbean Congress of Labour

Signature:  Date: 15/7/22

Printed Name: Wayne Chen

Title: President, Caribbean Employers' Confederation