

**Combating sexual harassment at work**

**Table of contents**

	<u>Pages</u>
Introduction . . . . .	1
 Part I	
Dealing with sexual harassment at work: The experience of industrialized countries, by Michael Rubenstein . . . . .	5
The problem and its consequences . . . . .	8
Incidence of sexual harassment at work . . . . .	8
Consequences for the victim and the employer . . . . .	9
What is meant by "sexual harassment"? . . . . .	10
Unwanted conduct . . . . .	10
Conduct of a sexual nature . . . . .	11
Sex-based conduct . . . . .	12
Legal remedies against sexual harassment . . . . .	12
Quid pro quo harassment . . . . .	13
Hostile working environment . . . . .	14
Situating a legal remedy . . . . .	15
Sexual harassment as sex discrimination . . . . .	15
Sexually explicit language . . . . .	16
Pin-ups and pornography . . . . .	16
Voluntary action to combat sexual harassment . . . . .	17
Policy statement . . . . .	17
Complaints procedure . . . . .	18
Disciplinary rules . . . . .	18
Training and communication . . . . .	19
Concluding remarks . . . . .	19

	<u>Pages</u>
Part II	
Action by international governmental organizations . . . . .	21
Introduction . . . . .	23
Texts adopted . . . . .	26
European Communities . . . . .	26
United Nations . . . . .	41
International Labour Organisation . . . . .	44
Part III	
Legal approaches to sexual harassment at work . . . . .	47
Introduction . . . . .	49
General . . . . .	49
Definition . . . . .	51
Legal protection . . . . .	53
Liability . . . . .	58
Sanctions and remedies . . . . .	60
Procedures . . . . .	60
Institutional authorities . . . . .	63
Concluding remarks . . . . .	63
National legislation . . . . .	65
Australia . . . . .	67
Austria . . . . .	73
Belgium . . . . .	78
Canada . . . . .	82
Czechoslovakia . . . . .	87
Denmark . . . . .	91
Finland . . . . .	94
France . . . . .	97
Germany . . . . .	101
Greece . . . . .	106
Ireland . . . . .	110
Italy . . . . .	113
Japan . . . . .	117
Luxembourg . . . . .	122
Netherlands . . . . .	125
New Zealand . . . . .	131
Norway . . . . .	135
Portugal . . . . .	138
Spain . . . . .	143
Sweden . . . . .	147
Switzerland . . . . .	151
United Kingdom . . . . .	156
United States . . . . .	160

	<u>Pages</u>
Positions of international employers' organizations and trade unions . . . . .	275
International Confederation of Free Trade Unions . . . . .	275
European Trade Union Confederation . . . . .	279
Union of Industrial and Employers' Confederations of Europe . . . . .	281
Part VI	
Research, awareness raising, training and advisory services to combat sexual harassment at work . . . . .	283
Introduction . . . . .	285
Research . . . . .	285
Awareness raising . . . . .	289
Governmental agencies . . . . .	289
Trade unions . . . . .	291
Other non-governmental organizations . . . . .	294
Training . . . . .	295
Trade unions . . . . .	296
Employers' organizations . . . . .	296
Joint action by the social partners . . . . .	297
Other non-governmental organizations . . . . .	297
Advisory services . . . . .	299
Governmental agencies . . . . .	299
Non-governmental organizations . . . . .	299

	<u>Pages</u>
<b>Part IV</b>	
<b>Enterprise-level practice</b> . . . . .	175
<b>Introduction</b> . . . . .	177
<b>Collective agreements</b> . . . . .	179
Canada . . . . .	179
Denmark . . . . .	185
Italy . . . . .	186
Netherlands . . . . .	188
New Zealand . . . . .	195
Spain . . . . .	196
United States . . . . .	198
<b>Policy statements, directives and guidelines issued by employers</b> . . . . .	200
International . . . . .	200
Australia . . . . .	202
Belgium . . . . .	206
Canada . . . . .	207
Germany . . . . .	209
Netherlands . . . . .	210
Sweden . . . . .	216
United Kingdom . . . . .	217
United States . . . . .	220
<b>Part V</b>	
<b>Positions and measures recommended by governments, employers' and workers' organizations, women's groups and other organizations</b> . . . . .	227
<b>Introduction</b> . . . . .	229
Workers' organizations . . . . .	229
Employers' organizations . . . . .	231
Governments . . . . .	232
<b>National positions</b> . . . . .	233
Australia . . . . .	233
Austria . . . . .	235
Belgium . . . . .	239
Canada . . . . .	241
France . . . . .	245
Germany . . . . .	249
Ireland . . . . .	251
Italy . . . . .	254
Japan . . . . .	255
Netherlands . . . . .	256
New Zealand . . . . .	262
Spain . . . . .	264
Switzerland . . . . .	267
United Kingdom . . . . .	269
United States . . . . .	272