

ADDRESSING SEXUAL HARASSMENT AT WORK IN LEBANON

GUIDELINES FOR HUMAN RESOURCE PROFESSIONALS



ARAB FOUNDATION
المؤسسة العربية
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Ministry of Foreign Affairs of the
Netherlands

BY ZEINA MHAIDLY

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Executive Summary

Within the Lebanese context, there is a lack of legislation and protective mechanisms in place for addressing sexual harassment in the workplace. Civil society actors, public sector players and academic institutions have exerted a number of efforts over the past few years to tackle this issue. These include, among others, efforts to address the gap in national legislation and provide guidance for private sector companies on the ways of tackling sexual harassment within the local context (KIP, 2017; Khneisser, 2018).

In line with previous work that has been implemented, this manual proposes guidelines for private sector companies for addressing sexual harassment in the workplace, and constitutes a step towards providing companies with practical tools for tackling this issue.

In this manual, we present an overview of the context surrounding sexual harassment in the workplace in Lebanon, and elaborate on the impact of sexual harassment, if left unaddressed. We then provide a comprehensive definition of sexual harassment as it manifests within the workplace, based on existing definitions provided by the International Labor Organization (ILO), the Equal Human Rights Commission (EHRC) and the Society of Human Resources Management (SHRM). In addition, we explain the grievance procedures and disciplinary measures that can be used for reporting and addressing incidents of sexual harassment in the workplace.

Finally, we put forth a set of recommendations for mechanisms that employers can implement to prevent sexual harassment and effectively communicate a shared value against harassment. For further readings and resources, we include additional guidelines and sample policies for addressing sexual harassment within the workplace in the manual's appendix.

Sexual Harassment in the Workplace: The Lebanese Context

Over the past few years, a number of efforts have been exerted within the Lebanese context to address sexual harassment in the workplace. These include efforts on the levels of national legislation, organizational policies and social awareness (KIP, 2017; LLWB, 2018; Makhlouf & Sakr, 2017).

In 2017, the Office of the Minister of State for Women's Affairs (OMSWA), presented the Council of Ministers with a draft law to address sexual harassment in the workplace and in public spaces, which included proposed amendments to the labor law for addressing this issue in the workplace (Nammour, 2017). The law was approved by the Council of Ministers in 2017 and is currently pending a vote by the Lebanese Parliament (Khneisser, 2018).

During the same year, the Knowledge is Power (KIP) Project at the Olayan School of Business, American University of Beirut (AUB), focused its activities around mobilizing efforts for addressing sexual harassment within the Lebanese context. In addition to its multidisciplinary conference on discrimination and sexual harassment, the KIP Project provided local Small and Medium Enterprises (SMEs) with the tools for drafting internal anti-sexual harassment policies, taking into consideration the absence of a national legislation addressing sexual harassment. The training was organized in partnership with the Office of the Minister of State for Women's Affairs, the Lebanese League for Women in Business (LLWB) and the Global Compact Network Lebanon (GCNL), and was facilitated by local and international legal experts (KIP, 2017).

In 2018, the Lebanese League for Women in Business, in partnership with the International Labor Organization (ILO) launched a pilot gender audit in three private sector companies. The audit aimed at assessing the extent to which these companies are taking gender equality, including issues of sexual harassment, into consideration in their policies (LLWB, 2018).

In light of the above, and in line with previous work, this manual proposes guidelines for local private sector companies or SMEs in Lebanon for addressing sexual harassment in the workplace. The proposed guidelines are based on a benchmarking conducted mainly with existing guidelines developed by

the International Labor Organization (ILO), the Society of Human Resource Management (SHRM) and the Equal Human Rights Commission (EHRC). Under Article 66 of the Lebanese labor law, companies having more than 15 employees are required to set internal policies, and failure to abide by these policies might lead to sanctions (Ministry of Labor, 1946; AUB, 2017). Mobilizing companies having more than 15 employees to establish and adopt policies for addressing sexual harassment in the workplace would therefore contribute towards addressing the lack of national legislation against sexual harassment. The proposed guidelines can be adapted and tailored for public sector companies as well as local civil society organizations.



Why Do Local Companies Need to Address Sexual Harassment?

When addressing sexual harassment in the workplace, it is important for employers to understand the impact of sexual harassment on the victims, on the company and on society as a whole.

Based on existing research, sexual harassment has negative health impacts on the victim including lower job satisfaction, lower productivity, reduced performance, substance abuse, health risks caused by high stress levels and feelings of humiliation, and low self-esteem. Employers therefore suffer losses resulting from sexual harassment including high turnover rates, lower productivity, damaged reputation and potential legal costs (Melki & Mallat, 2014; ILO & EFC, 2013).

Within the context of Lebanon, and in addition to the above, failure to address incidents of sexual harassment in the workplace might contribute to existing barriers to accessing the labor market and promotion opportunities, which are faced mostly by women, among other marginalized groups.

Among these are the social and cultural barriers limiting women's role in the private sphere, and the lack of organizational policies supporting women in the workplace and protecting them from discriminatory practices including, but not limited to, lower wages, unequal opportunities with regards to promotion and sexual harassment, among others (Assy & Sayed, 2018; IWSAW, 2016; Abou Jaoude, 2015; Tailfer, 2010).

Also, the lack of support provided to victims to rise against sexual harassment incidents perpetuates victim-blaming and reinforces the silence around sexual harassment.

The impact of sexual harassment on employees, employers and society can be summarized as per the below:

Impact on Employees	Impact on Employers	Impact on Society
<ul style="list-style-type: none"> • Lower job satisfaction • Lower productivity • Reduced performance • Substance abuse • High stress levels leading to serious health problems • Feelings of humiliation and low self-esteem • Job loss 	<ul style="list-style-type: none"> • High turnover • Lower productivity • Damaged reputation • Legal costs resulting from lawsuits against the organization/ company 	<ul style="list-style-type: none"> • Further discrimination against vulnerable groups • Barriers to accessing job market and promotion opportunities • Silence around sexual harassment • Victim-blaming

Defining Sexual Harassment

When drafting sexual harassment policies, employers need to clearly define sexual harassment and make sure that employees are aware of and understand the definition. Below we provide a definition for sexual harassment that is based on existing definitions in the literature, focusing mainly on the ones provided by the International Labor Organization (ILO), the Equal Human Rights Commission (EHRC) and the Society of Human Resources Management (SHRM), among others (ILO & EFC, 2013; SHRM, 2018; EHRC, 2017; ILO & MOMT, 2011).

Sexual harassment is a form of gender-based discrimination and violence that involves any act of a sexual nature whether verbal, physical, gestural, visual and/or written, either explicit or implicit that is unwelcome, unwanted and that makes the person feel offended, humiliated or intimidated.

To be considered as sexual harassment, acts do not necessarily need to be repeated. It is enough for the incidents to take place once for them to be considered sexual harassment. Acts of sexual harassment have adverse consequences on the victims either through (1) affecting the employee's current employment or future job prospects or (2) creating a hostile environment.

Types of sexual harassment can therefore be summarized as per the below:

- **Quid Pro Quo.** When an act of sexual harassment is committed by a manager, supervisor, co-worker or subordinate and the victim's response to such acts is the basis for making decisions related to employment, promotions or rewards. For example, when an employee can be denied a promotion if they refuse to comply with their manager's sexual advances.
- **Hostile work environment.** Acts of a sexual nature committed by managers, superiors, coworkers or subordinates that create an abusive work environment. For instance, when sexual comments and innuendos become part of the work culture and create an unsafe work environment for people who are the object of these comments.

Sexual harassment is essentially about the exertion of power and control on the victim more than it is about sex, and can take place between employer and employee, manager and employee, peers, employee and subordinate, and client and employee.

Sexual harassment can take place between people from the same sex or from the opposite sex. Given the current social and cultural structures in Lebanon resulting in unequal power dynamics between men and women, women are more likely to be victims of sexual harassment. However, this does not mean that sexual harassment cannot happen to men, and organizations need to create a safe environment where anyone affected by sexual harassment can come forward. Employers also need to understand the additional layer of vulnerability related to race, gender, sexual orientation, gender identity and other factors. When addressing cases of sexual harassment individuals belonging to minority groups may face more barriers to come forward and report incidents of harassment. Among the key elements for regarding an act as sexual harassment are the fact that the act is unwanted and unwelcome, the fact that rejecting such act creates fear of repercussions for the victim, and the fact that the victim feels humiliated or offended.

Some examples of acts of sexual harassment that might be encountered in the workplace include, but are not limited to the below:

- **Physical.** Unwelcome physical contact such as patting, standing at a very close physical proximity to someone, rubbing genitals against someone, touching, hugging and/or pinching.
- **Verbal.** Unwelcome comments on someone's body, whistles, sexual jokes and/or comments of a sexual nature, swears involving sexual content, and/or repeated unwelcome comments on appearance.
- **Gestural.** Unwelcome sexual gestures such as staring and gestures that have sexual innuendos.
- **Visual.** Displaying pornography, sending emails including sexual content and sending graphics with sexual content.

When addressing cases of sexual harassment, it is important for employers to understand that individual experiences of sexual harassment differ from one person to another, and therefore each experience needs to be tackled separately.

In Brief...

- Sexual harassment is a form of gender-based discrimination and violence.
- Sexual harassment is unwelcome and unwanted, and makes the person feel offended, humiliated or intimidated.
- Sexual harassment can be verbal, physical, gestural, visual and/or written.
- Sexual harassment is about the exertion of power and control on the victim more than it is about sex.
- Intersectionality of race, gender, sexual orientation, and other factors need to be taken into account when addressing cases of sexual harassment.
- Individual experiences of sexual harassment differ from one person to another.
- Sexual harassment might have negative health and economic impacts on the victim.
- The workplace includes any space where work-related functions are carried out.

The Workplace and its Boundaries

When drafting a policy for addressing sexual harassment in the workplace, it is important to define the boundaries of the workplace, which extend beyond the office. The workplace might therefore include any space where work-related functions are carried out such as meeting spaces, conferences, work outings, places where work-related events are held and/or client premises.

Sexual harassment incidents taking place outside of working hours and perpetrated by employer, supervisor, colleague or subordinate also need to be addressed by the organization given the impact of such acts on the victim during working hours.

It is also important to define who is protected under a company's sexual harassment policy. This includes full-time and part-time employees, trainees, volunteers, job applicants and consultants on company premises. Migrant workers working for private sector companies either on a contractual basis, or on a part-time or full-time basis need also to be protected by local private sector companies.

Grievance Procedures

Employers need to establish mechanisms for reporting sexual harassment that are detailed under the company's sexual harassment policy. Employees who are victims of sexual harassment can choose to either resort to formal reporting or informal reporting in accordance with the company's policy. Below we provide further guidelines for establishing reporting mechanisms under each of the reporting channels. A chart summarizing the grievance procedures is provided for further clarity.

Confrontation. Prior to resorting to reporting channels, employees who are victims of sexual harassment might want to address the issue directly with the perpetrator through informing them either verbally or in writing that the act is unacceptable and unwanted and needs to stop. In both cases, it is important to document the details of the confrontation and its outcomes. Having said that, employers need to understand that in some cases this is not feasible, especially in cases where there are unequal power dynamics between both parties (i.e. in cases where the perpetrator is the employee's supervisor or manager), and when the victim fears repercussions associated with reporting. Thus, employers need to ensure that victims do not feel pressured to address the issue (directly) with the perpetrator.

Knowledge of Policies. Employers need to make sure that employees understand the processes for established channels of reporting. These need to be clearly communicated during sexual harassment trainings, upon recruitment and in communication material highlighting the company's zero-tolerance policy around sexual harassment.

Specialized Staff. For the purpose of ensuring that victims are informed about the existing grievance procedures, and the company's policy with regards to sexual harassment, victims can resort to personnel trained and appointed by the company to address cases of sexual harassment. When an incident of sexual harassment takes place, victims can resort to appointed individuals to provide them with details about the incident, seek further details about the employer's policy with regards to sexual harassment and reporting channels in place, and discuss desired outcomes as well as the next steps. The appointed staff member can be an HR personnel, a manager or an employee of the company's choice.

Timeframe. Given the impact of incidents of sexual harassment on victims and the emotional state they might be left in, it is preferable that employers do not set a limited timeframe for reporting incidents of sexual harassment. Setting a timeframe might create unnecessary burdens and pressure on the victims. Employers can encourage prompt reports of incidents as this would allow the company to address incidents immediately. However, reports made at any point need to be taken seriously and addressed in accordance with the company's policy.

Witnessing an Act. In some cases, third parties witnessing an act of sexual harassment can report the incident to trained personnel within the organization. Upon receiving the complaint, appointed personnel will request a meeting with the victim in the process of gathering more details about the incident, informing the victim about the company's sexual harassment policy, and providing further details about existing grievance procedures.

Anonymity. A decision might be taken to keep the identity of the person reporting the sexual harassment incident anonymous, whether it is the victim or a third party, in the process of protecting the individual from retaliation, or upon the individual's request.



Informal Reporting

Employees who are victims of sexual harassment can choose to resort to informal channels for reporting the incidents. This can take place in cases where victims believe the incident can be settled informally, are only seeking resolution, or do not wish to go through formal channels, among other situations. The mechanisms for informal reporting need to be detailed in the company's sexual harassment policy and shared with employees.

Steps for filing an informal report of a sexual harassment incident first involve having the victim report the incident to one of the staff members appointed and trained by the company to address cases of sexual harassment. Appointed staff members might include an HR personnel, a manager and/or an employee of the company's choice.

When receiving an informal complaint, the appointed personnel needs to:

- Document the incident in detail in writing including date, time, location, etc. and understand the outcomes desired by the victim.
- Discuss potential ways for addressing the incident with the victim.
- Take necessary action to address the incident. This could include facilitating the discussion between both parties, and referring to a mediator for settling the issue in the case where direct confrontation is not feasible, among other actions.
- Where applicable, inform the harasser of the complaint and explain the company's sexual harassment policy, as well as the reporting procedures.
- Provide space for the alleged harasser to share their perspective on the incident.
- Maintain confidentiality of both the victim and the alleged perpetrator's identities,
as well as the details of the incident.
- Document the case and the achieved outcomes.
- Follow up on outcomes.
- Protect the victim from retaliation.

Monitoring the work environment might need to be conducted for a certain period of time in order to ensure that decisions taken are being implemented and the victim is not facing any retaliation.

It is important for employers to ensure several staff members are trained to address issues of sexual harassment in order to provide victims with the space for choosing the staff member they feel most comfortable reporting to.

This would also prevent delays in addressing the issue in case the HR personnel or one of the trained staff members is absent for any reason. It is also important to have a gender balance for appointed staff members.

Informal reporting might not be an appropriate channel for reporting when the harasser is the victim's manager or supervisor.

Formal Reporting

Victims of sexual harassment have the choice of going through formal reporting channels. The mechanisms for formal reporting need to be detailed in the company's sexual harassment policy and shared with employees.

Victims of sexual harassment do not necessarily need to go through informal reporting in order to be able to resort to formal reporting. Once a formal report has been filed against a perpetrator for an incident of sexual harassment, formal investigations need to take place.

Formal reports can be filed directly by the victim, or referred by an appointed staff member to senior HR personnel. Once the complaint is filed, the HR personnel would either conduct the investigation themselves or appoint an internal investigation committee. The committee need to involve at least three people. In addition to the senior HR personnel, members of the committee might include external experts and/or employee(s) identified by senior HR personnel to serve on the committee. Gender balance needs to be ensured in the committee, and in the case where it involves three members only, it is preferable that two thirds of the members are women. All members of the committee need to have received the proper training that would qualify them to serve on the committee.

Once investigation starts, the committee/person conducting the investigation need to:

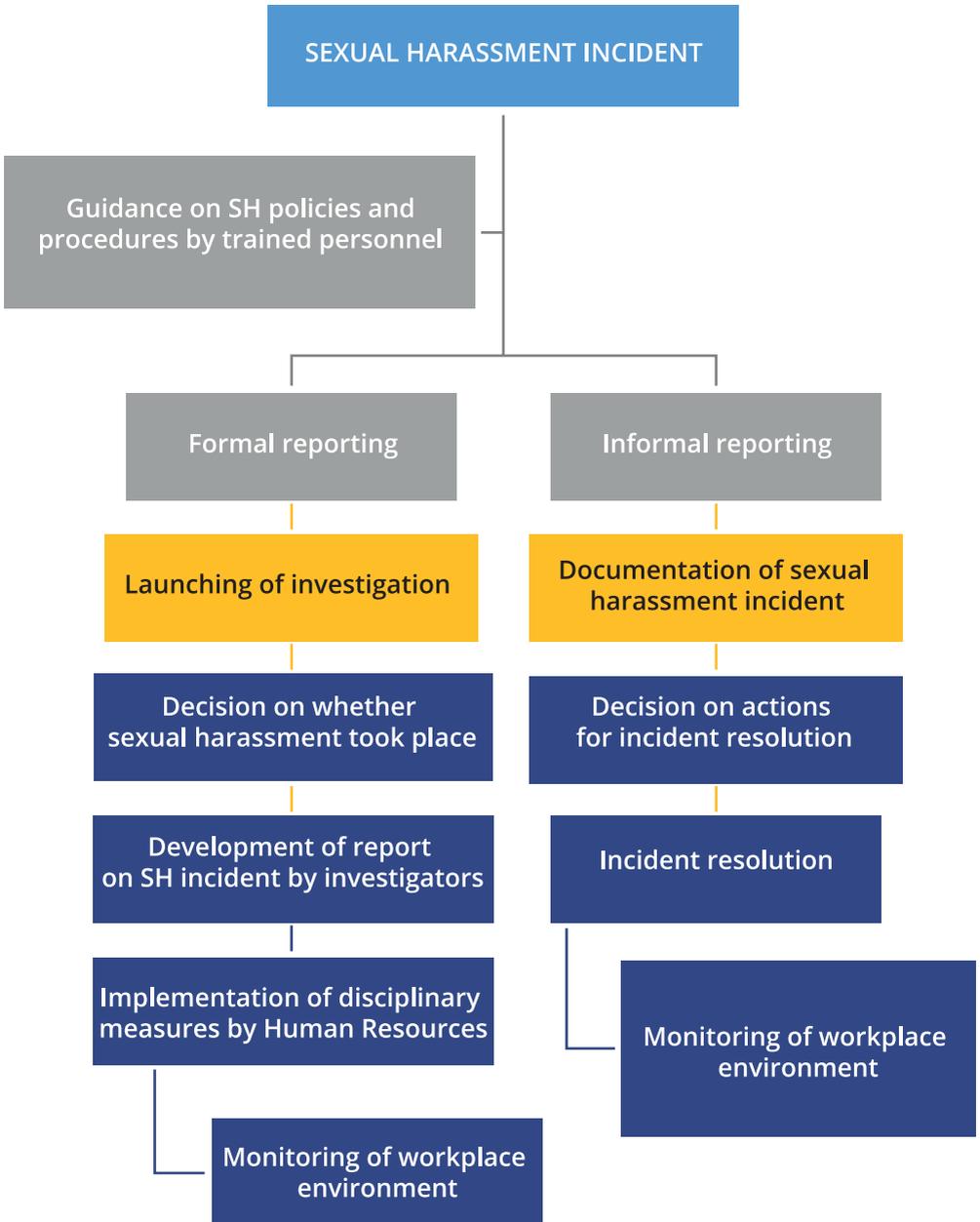
- Invite victim of sexual harassment for an interview with the committee members/ investigator.
- Invite alleged perpetrator for an interview with the committee members/ investigator.
- Share the perspectives presented on the incident by the victim and the alleged perpetrator during the interviews with each of the parties throughout the investigation process.

- Explain the company's sexual harassment policy and investigation process to both the victim and alleged perpetrator.
- Interview third parties.
- Document the incident in writing including details related to date, time, location and frequency.
- Decide on whether sexual harassment incident took place.
- Develop report on incident including recommendations on actions to be taken for addressing the incident, and remedies for the victims.
- Inform both parties of the outcomes of the investigation.
- Ensure that recommendations are implemented and in place.
- Maintain confidentiality throughout the investigation process.
- Protect victim of sexual harassment from retaliation.

Employers need to set a timeframe within which formal reports of sexual harassment need to be addressed. Throughout the investigation, the victim of sexual harassment needs to be protected by Human Resources from retaliation. In some cases, investigators might decide to suspend the services of the alleged harasser until the investigation process has been completed, which would need to be implemented by Human Resources. The Human Resources department would also need to protect the third parties involved in the investigation, and/or witnesses from retaliation during and after the investigation has ended.

Senior HR personnel would need to inform both parties of the final decision and recommendations within a set timeframe after the investigation has been closed. It is important to take the victim's requests into consideration when recommending measures to address the sexual harassment incident. This would empower the victim and alleviate the impact of the incident. Following the investigation, monitoring mechanisms also need to be put in place by Human Resources for ensuring proper functioning of the workplace.

In the case where the committee cannot decide on whether the sexual harassment took place, investigators need to provide recommendations on actions to be taken for ensuring proper functioning of the workplace. Recommendations are to be decided upon by the committee on a case-by-case basis. For example, in the case where the alleged perpetrator is a colleague in the same department, the company might decide to transfer the employee who is a victim of sexual harassment to another department in order to ensure that they are not feeling uncomfortable maintaining daily contact with the former. The company might also decide to monitor the behavior of the alleged perpetrator over a certain period of time in order to maintain a safe work environment.



In Brief...

- Appoint trained personnel as contact persons to be referred to for guidance when incident of sexual harassment takes place.
- Put in place formal and informal reporting procedures.
- Establish investigation committee for addressing formal complaints.
- Ensure that:
 - Employees are aware of and understand the sexual harassment policy in place.
 - Employees understand the definition of sexual harassment.
 - Reporting mechanisms in place are clear and accessible to employees.

Disciplinary Measures

Once it has been proven that the sexual harassment did take place, disciplinary measures need to be decided upon by the investigator/committee and implemented by the Human Resources Department within the organization, in line with the company's sexual harassment policy.

These are decided upon based on the severity of the case, and taking into consideration the victim's requests during the investigation, and previous warnings/disciplinary measures that might have been taken against the harasser, among other factors specified in the company's sexual harassment policy.

Disciplinary measures could include, but are not limited to:

- Verbal or written warning.
- Dismissal.
- Suspension.
- Demotion.
- Financial penalty.
- Reduction in wage.

Some cases of sexual harassment are so serious that they could result in a decision to immediately dismiss the person committing the harassment. It is also important to have the employee committing sexual harassment attend training workshops on sexual harassment.

Measures need to be also put in place for monitoring the work environment and ensuring the workplace is functional and the victim is protected from retaliation. The Human Resources Department need to ensure that employees who are victims of sexual harassment are compensated for any losses suffered due to sexual harassment in accordance with the company's sexual harassment policy. For example, if an employee lost a promotion opportunity as a result of the sexual harassment, they would need to be promoted into the deserved position.

In Brief...

- Disciplinary measures are decided upon based on the severity of the case.
- Victim's requests during investigation are to be taken into consideration when setting disciplinary measures.
- Always make sure to protect the victim from retaliation.
- Disciplinary measures could include, but are not limited to:
 - Verbal or written warning.
 - Dismissal.
 - Suspension.
 - Demotion.
 - Financial penalty.
 - Reduction in wage.



Preventing Sexual Harassment

As has been noted, cases of sexual harassment are costly to organizations and employees alike. To this end, it becomes of paramount importance to create a culture that promotes a safe environment and to design workplace interventions and trainings that advocate against sexual harassment behavior. Employers may resort to a number of measures for preventing sexual harassment in the workplace.

Below we provide some suggestions that employers can consider:

- Assess employees' understanding of sexual harassment in the workplace. This could involve launching a company-wide survey that would help employers assess employees' understanding of what constitutes sexual harassment in the workplace, and design trainings that are better tailored to employees' needs.
- Clearly communicate the company's sexual harassment policy to employees. This includes clearly communicating the sexual harassment policy during the recruitment phase, and in the company's internal communication material. Flyers and posters highlighting the company's zero-tolerance for acts of sexual harassment and including contact details for reporting incidents of sexual harassment can also be displayed in the organization.

Few examples of the messages that can be included in communication material are shared below:

- "Zero-tolerance for sexual harassment at [our company]."
- "If an act is of a sexual nature, unwanted, humiliating, offensive and intimidating then it is sexual harassment. Report now through the following channels."
- "Do not hesitate/be scared to come forward. Report sexual harassment when you see it."

Companies might also launch campaigns for creating further awareness around the definition of sexual harassment, providing examples of such acts. This would help employees better identify sexual harassment when it takes place.

- Implement regular sexual harassment trainings and refresher trainings. It is recommended that employers provide training on sexual harassment for HR

personnel and individuals appointed as contact persons for addressing such cases. Training on sexual harassment also needs to be conducted by HR for employees and managers every year. The training could be followed by a refresher training after six months.

The company can resort to experts for implementing sexual harassment training for their HR personnel. The Arab Foundation for Freedoms and Equality (AFE) provides support for private sector organizations interested in implementing sexual harassment training workshops.

- Develop yearly report on sexual harassment in the workplace. A yearly report highlighting the number of sexual harassment cases reported and addressed, as well as success stories can be published by the company in order to emphasize the company's seriousness in addressing sexual harassment. The report can also include statistics on sexual harassment in the workplace and the impact that such acts can have on the victims. The company's policy towards sexual harassment can be restated in the report, among other details.
- Have managers as role models. Managers can also model behaviors that do not tolerate discrimination and sexual harassment in the workplace whether in meetings or through interactions with employees or external clients.
- Appoint employees for promoting the company's zero-tolerance policy among their peers. Appointed employees can also become a reference when their peers want to informally seek further details on the company's sexual harassment policy and grievance procedures.

When implementing the above, it is important to emphasize that sexual harassment is more about power dynamics and the exertion of power and control over the victim than it is about sex. It is equally important to take into consideration the social and cultural structures surrounding gender relations within the Lebanese context. Further readings that can be referred to for additional information about sexual harassment in the workplace can be found in the appendix.

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About the author

Zeina Mhaidly work revolves mainly around gender and sexuality related issues. She is currently the Program Manager at the Lebanese League for Women in Business (LLWB), an association working on women's economic empowerment across different areas in Lebanon. Prior to this, she was the Project Coordinator for the Knowledge is Power (KIP) Project on gender and sexuality at the American University of Beirut. As part of her role, she worked on the development and implementation of the various project activities including, among other, a two-day conference on discrimination and sexual harassment, a national awareness campaign around sexual harassment in Lebanon, and a training workshop for SMEs on the drafting of anti-sexual harassment policies.

Zeina has also worked on different projects with the public sector, as well as working with international organizations in the humanitarian sector. She holds a Bachelor's degree in Business Administration/ Human Resources with a Minor Degree in Psychology from the American University of Beirut. She was also the founder and president of the AUB "non-discrimination" club in 2013, the first club at the university raising awareness around issues of discrimination related to gender, sexuality, disability, and race.

About the Arab Foundation for Freedoms and Equality

The Arab Foundation for Freedoms and Equality (AFE) is an organization that supports grassroots activist groups and organizations working on a wide range of initiatives including human rights, gender identity and sexual health.

The Gender and Sexuality Resource Center (GSRC) is a program of AFE that aims to address knowledge gaps and create an alternative site of knowledge production in Arabic. The GSRC is an information hub that brings together activists, academics, and researchers who work and produce knowledge on Gender and Sexuality in the MENA region.

