Intersection of Gender-based Violence and Harassment (GBVH) and Women’s Entrepreneurship and Women’s Economic Empowerment

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Executive Summary

Question and Objectives

This research report provides an overview of the intersection between private sector response to gender-based violence and sexual harassment (GBVH) at work and women’s economic empowerment (WEE). The report takes a broad view of GBVH at work, incorporating elements of physical, sexual, psychological, and economic harms created through both overt and covert forms of violence at and around the workplace. The research draws on experiences from a variety of regions where CIPE works, many of which share cultures of gender inequality and deeply rooted patriarchal norms and assumptions. However, the research especially focuses on Moldova and Central Asia. The report is based on a literature review, data from primary sources, and interviews with CIPE staff and partners. Wherever possible, this report discusses examples from emerging economies, pointing to policies, laws and frameworks that have been implemented with varying degrees of success. Drawing on these sources, this report provides answers to research questions posed. It then provides recommendations to private businesses on best practices to combat GBVH at work.

Findings

The findings show that GBVH at work is a challenging area to combat effectively. While many nations have legal frameworks prohibiting sexual harassment, these laws are often poorly implemented. Socio-cultural norms around gender inhibit women’s meaningful participation in the economy and few laws exist to combat GBVH at work. Another recurrent challenge is that women entrepreneurs and business associations may find it challenging to address this topic. GBVH may be perceived as a general societal challenge and not of direct relevance to members of entrepreneurial communities, which tend to focus more on gaining business skills and developing networks. Even in instances where women’s business associations have taken up this issue, it is still often seen as a “women’s topic.” There is a long way to go before GBVH at work is recognized as a pressing challenge by entrepreneurs, businesses, and business associations.

Recommendations for Private Business

The recommendations for private businesses involve developing a clear workplace policy, committing to gender equality, developing supportive frameworks for employees, and collaborating with partners beyond the workplace. The recommendations also highlight why GBVH action often fails and what can be done by entrepreneurs and businesses to make their policies more effective.
Areas of Action

Areas where more action can be taken include digitization, refugee entrepreneurship and collaborating with LGBTQ+ groups. As entrepreneurs and private businesses increasingly rely on social media and digital spaces to find work, promote their businesses and engage with clients and consumers, the digital space is also becoming rife with instances of bullying, harassment and gendered violence. This is a key area where education and intervention are likely to be required. A second area of concern is the impact of war and conflict. The war in Ukraine has created a large-scale displacement of people in the region. As Ukrainian refugees struggle to establish a foothold in surrounding states, supporting refugee entrepreneurship can be an important means to helping these individuals and families achieve economic independence and develop a sense of belonging as they wait to resettle permanently or return home to Ukraine. More than 80% of Ukraine refugees are women and children, indicating a need for increased protections and attention to help them resettle their businesses and provide entrepreneurial opportunities. A third main area of concern is the discrimination faced by LGBTQ+ populations. While this report focuses specifically on the challenges faced by women entrepreneurs and workers, the marginalization of LGBTQ+ peoples contributes to the overall atmosphere of gender inequality and repression globally. For advocates and supporters of women entrepreneurs, working closely with LGBTQ+ groups and activists can help develop momentum for much-needed social and cultural changes in gender norms.
Introduction

This research paper examines the intersection between women's economic empowerment (WEE) and responses to gender-based violence and harassment (GBVH) at the workplace. The paper draws on information collected using qualitative methodologies, including interviews with key stakeholders and desk-based primary research. The format of the report is based on key research questions, focusing on the legal and protection issues around GBVH at work, the measures taken to combat GBVH by private and civil society organizations, and the current policies in place at various levels of government. Based on its findings, the research paper also includes recommendations for both private sector organizations and civic institutions to combat GBVH at work and advance women's economic empowerment.

Gender-based violence is a deeply rooted, all-pervasive socio-cultural challenge in most regions where CIPE works. Violence against women is an entrenched social, cultural, and legal problem across most of the world. Businesses would benefit from working toward gender equality and addressing this pervasive issue. Some women entrepreneurs, chambers, and business associations do not want to take up this question of GBVH directly since they feel it is less pertinent to their immediate concerns. In many of these regions, there is an overall lack of private sector awareness about gender equality in general, and workplace GBVH specifically, as it relates to entrepreneurs. Women might also wish to avoid the stigma that is culturally associated with work that addresses GBVH and instead focus their energies on building entrepreneurial capacity. One of the ways to circumvent this cultural hesitancy is to emphasize the economic consequences of GBVH. GBVH at work hinders women's participation in the economy and their overall economic empowerment. This framing allows CIPE and partners to take on these issues more directly by tying them into a broader shared goal of decreasing barriers to economic participation.

The primary geographical focus of this research is the Republic of Moldova and Central Asia. However, this paper draws upon examples of experiences from several regions where CIPE is active, including Latin America, Papua New Guinea, and South Asia. The report touches on a wide range of examples of GBVH, and describes the ways that private and public sector entities are currently working to address it. The report maps out a landscape of shared experiences of gender-based violence and the marginalization of women from economic life. The report also provides examples of the powerful ongoing action, resistance, and advocacy efforts that are working to combat GBVH. Based on its findings, the report points to best practices for private sector responses to GBVH at work.

It is worth noting that CIPE's experiences to date provide alternate and supplementary models of action. For instance, in Papua New Guinea and Guatemala, CIPE supports Women Business Resource Centers (WBRC), a safe space with childcare facilities where women entrepreneurs can gather to access...
educational opportunities, training and resources that help build their capacities as businesswomen. WBRCs provide women with opportunities to build networks, develop skills through training programs and mentorship, access local service providers and co-work in an empowering environment.

A model that CIPE has implemented in South Asia is the Regional Network of Businesswomen’s Organizations. This approach, facilitated through small grants for advocacy, is structured on a mentorship model where more experienced chambers of commerce provide guidance to help women entrepreneurs access finance and other services. Even within South Asia, however, there is an increasing focus on expanding the scope of the networks to tackle GBVH. Within such approaches, however, CIPE has faced a two-pronged challenge. On one hand, WBRCs, women’s business associations and networking groups are often hesitant to tackle the question of GBVH. They see it primarily as a socio-cultural issue and not a part of their mission or purpose. On the other hand, even when business associations are convinced about the importance of tackling GBVH at work, these associations tend to view GBVH an issue that only impacts their women members, falling short of addressing the challenge for society as a whole. Mainstreaming the issue of GBVH at work and convincing business associations to view GBVH as a priority issue remains a challenge.

Definitions of Key Terms and Structure of the Report

Before proceeding with a discussion of the research questions and findings, it is important to spend a moment examining the key terms that are used in this report. As highlighted in the findings, creating a framework of shared meanings is important since private businesses and even governments often lack a clear definition of what gender violence is. This report follows the definition of gender-based violence from the United Nations, which consciously draws a distinction between GBVH and ‘violence against women’ or ‘domestic violence’. Unlike these other terms, GBVH (denoted as GBV by the UN) is more inclusive in scope. According to UN Women (2022):

*Gender-based violence (GBV) refers to harmful acts directed at an individual or a group of individuals based on their gender. It is rooted in gender inequality, the abuse of power and harmful norms. The term is primarily used to underscore the fact that structural, gender-based power differentials place women and girls at risk for multiple forms of violence. While women and girls suffer disproportionately from GBV, men and boys can also be targeted. The term is also sometimes used to describe targeted violence against LGBTQ+ populations, when referencing violence related to norms of masculinity/femininity and/or gender norms.*

As this definition suggests, GBVH is a catch-all term that could refer to physical, sexual, emotional, psychological, and economic harm. This definition indicates that even when direct physical violence is absent, the ingrained cultural and structural violence against women can lead to psychological and
economic marginalization. Based on this definition, there are several potential ways in which GBVH can manifest in the workplace:

- **Economic:** Unconscious bias against female employees leading to unequal opportunities; Restricting access to finance and other resources
- **Physical:** Threats or actual use of force
- **Psychological:** Demeaning attitudes and comments deriving from rigid gender roles, norms, and expectations; Verbal and non-verbal abuse and bullying
- **Sexual:** Sexual harassment of female employees; Sexual harassment of women workers and entrepreneurs in exchange for favors

Examining this intersection also helps to expand the common understanding of ‘work’. GBVH at work can take place not only inside an office, but also within supply chains, while commuting to and from work, during work-related travel and events, through work-related communications including on digital forums, and in employer-provided accommodations. In addition, GBVH at work can also take place between workers and community members, including during break times.¹

Some women remain particularly vulnerable to GBVH at work. A study by Business Coalition for Women in Papua New Guinea (BCFW) found that there are some specific risk factors associated with who is vulnerable to GBVH at work. For example, women working in remote or isolated locations, those working in male-dominated industries, and women whose jobs rely on tips are particularly vulnerable to sexual harassment at work (BCFW 2021).²

According to UN Women, women’s economic empowerment includes “women’s ability to participate equally in existing markets; their access to and control over productive resources, access to decent work, control over their own time, lives and bodies; and increased voice, agency and meaningful participation in economic decision-making at all levels from the household to international institutions” (UN Women 2018). When adopting these definitions, WEE ceases to appear to be a matter of concern only for women’s rights groups or women entrepreneurs. When the issue is presented in a broader context, it is more likely to be regarded as a matter of crucial significance for the private sector and the economy at large.


According to Solidarity Center, the impacts of GBVH at work include:

1. Long-term psychological, physical and economic harm to victims, survivors and witnesses
2. Erosion of economic security and inhibition of full economic participation
3. Maintenance of power hierarchies in the workplace and society through working environments and economic systems based on fear and oppression which impact the broader society and community

Finally, this report takes up the question of entrepreneurship and its relation to WEE. In this research, the word ‘entrepreneurs’ is used quite expansively, to encompass a wide range of businesswomen and even aspiring entrepreneurs.³

Who is an Entrepreneur?:

According to Stevenson (1983): “Entrepreneurship is the pursuit of opportunity beyond resources controlled”.

Such a definition incorporates both the individual’s actions as well as the society within which they are embedded.

Schumpeter (1950) also provides an insightful perspective, stating that entrepreneurship is the primary way that changed happens in society through technological or other innovations.

This report is structured using the following format: first, it begins with a discussion of the research questions and the methodology. Here, the report describes the key areas of exploration. The methodology aims to highlight the cultural and legal context of GBVH, the impact of existing policies, and recommendations for future work. The next section focuses on the main findings. Drawn from examples across the world, with a particular focus on Moldova and Central Asia, these findings shed light on how we might begin to approach the intersection of responses to GBVH and WEE. There is a

specific focus on the recommendations for private businesses to combat GBVH. The conclusion provides a critical summary of the findings and points towards future advocacy and engagement on these topics.
Research Questions and Methodology

This research is based on the following research questions:

1. What are some of the main legal and protection issues that arise when addressing GBVH in the workplace?

2. What are the costs of GBVH for the private sector?

3. What examples of policies or regulations exist at the national level, corporate level, and small-and-medium enterprise (SME) level to address or incentivize private sector responses to GBVH?

4. To what extent are those policies or regulations implemented?

5. What examples exist of private sector responses to GBVH in terms of advocacy and public-private dialogue with national governments?

6. What examples exist of private sector organizations (such as business councils or associations) promoting responses to GBVH?

7. How could private sector organizations (such as business councils or associations) mitigate the risks of GBVH occurring as an unintended consequence of women’s economic participation and activity?

8. How do the main institutions that provide responses to GBVH, such as civil society or governmental organizations, work with the private sector?

The methodology followed is desk-based, primary research supplemented by interviews with interlocuters from CIPE and partners. Interviews were conducted with CIPE program teams from Moldova, Central Asia, Papua New Guinea, South Asia and Latin America. In addition, CIPE on-the-ground partners from Moldova, Colombia and Sri Lanka were also interviewed. CIPE’s Policy and Program Learning (PPL) and Monitoring and Evaluation (M&E) teams also provided valuable input. These interviews were conducted with close consultation and additional inputs from CIPE leadership (See Appendix A and B for further information on interviews with CIPE staff and partners). The interviews followed a semi-structured format. The following sections were discussed at the interviews with CIPE staff and partners:
Context

Discussions about the context focused particularly on the specific cultural, social, and legal dimensions of gender inequality and GBV at work. Using context-specific questions helped highlight the shared challenges across regions while also pointing to local particularities. The question surrounding contexts revealed that women across the regions where CIPE works face many shared challenges. Challenges include the fact that violence against women is often an entrenched socio-cultural norm, that legal frameworks often do not recognize GBV at work, and that there is typically stigma associated with reporting or discussing GBV. Even in instances where women speak out, police often do not take such cases seriously and there is usually social backlash against the victims.

Another important dimension of the context where GBV operates is the extent to which private sector costs for GBV are assessed. There is very little data suggesting attempts to calculate such costs. The absence of this data obfuscates the true economic impact of GBV at work. Therefore, mapping these costs is a key step in persuading the private sector to take more action to combat GBV at work. It is also important to calculate these costs in order to mainstream this issue for business associations on the whole, and not simply for women’s business chambers and associations.

Policies and Advocacy Attempts So Far

The next section of the interviews focused on examples of policies in effect. The interviewers asked participants to identify current policies that address GBV in the private sector at local and national levels. As many interviewees pointed out, while sexual harassment is illegal in most regions and contexts, there has been little institutional acknowledgement of the specific challenges of GBV at work. The interviewers also asked participants to list common challenges that accompany the implementation of existing policies. The cultural stigma surrounding this topic was a key shared challenge that participants reported often prevents effective implementation of existing policies.

During these interviews, CIPE encountered some organizations that were particularly enthusiastic about mainstreaming policies and procedures that address GBVH policies at work. For example, the Sri Lankan Women’s Chamber of Commerce and Industry has responded eagerly to the idea of more directly tackling GBVH at work. As a WCIC representative shared, when the Chamber brought up this question with its members and constituents, there was a strong response in favor of discussing it. At the moment, WCIC Colombo is engaged in research to understand the scope of the problem of GBVH at work. Similarly, in Guatemala, attempts were made to bring in experts to discuss GBVH at work with WBRC members and there has been an enthusiastic response. Sessions with GBVH experts were among those with highest attendance.
Recommendations on Ways Forward

The last set of questions focused on recommendations to private sector businesses. This provides a future agenda for research and advocacy.

Researchers follow up with interviewees to ask for any clarifications or additional responses. The responses gathered through these conversations expanded the scope of this research, broadening the preliminary research questions into clusters of exploration: How are women's entrepreneurship and economic empowerment linked? What are the costs of GBVH to the economy and society? What steps would be involved in imagining a private sector-led response to GBVH? While there are no definitive answers to these questions, the following findings and recommendations are aimed at initiating a meaningful conversation that can impact programming across these themes.
Main Findings

Context of Legal, Cultural and Protection Issues While Addressing GBVH at Work

There are a wide range of issues that arise when addressing GBVH at work. National legislation on GBVH varies significantly across nations. According to the World Bank’s database on Women, Business and the Law, 59 countries have no laws on sexual harassment in the workplace, though many have at least some GBVH legislation in place. In some countries, companies can be liable for damages if they have not taken adequate steps to address GBVH and protect their workers, local communities, and service users. However, a strong majority of countries – around 70 percent – do have laws on sexual harassment in their legal frameworks, even if the laws do not specify harassment in the workplace or are poorly implemented.

Many Central Asian nations lack clear-cut laws regarding GBVH in the workplace, or do not have laws addressing GBVH in the workplace at all. For instance, in Kazakhstan, there is no law prohibiting sexual harassment in the workplace. In fact, psychological, social or economic harms of GBVH are not covered by the definition of sexual harassment under existing laws. In other contexts as well, the lack of proper terminology inhibits attempts to identify and address GBVH at work.

A related issue is that ‘work’ is an amorphous term. Work could mean an office, but it can also refer to the marketplace where an entrepreneur might go to sell goods, or to the public transport that a woman might have to take as a part of her responsibilities. This is another aspect where lack of clarity prevents the establishment of a clear agenda for advocacy.

Moreover, research shows that it is hard to separate GBVH at work from the structural violence against women in society at large. As the examples discussed throughout this report have shown, private companies have grappled with GBVH in different ways: some have focused purely on what happens ‘at work’, others have realized that what happens outside of work (e.g., domestic violence, harassment on public transport, entrenched gender roles etc.) spills over onto ‘work’. As a CIPE representative from Central Asia mentioned, high rates of domestic violence have contributed to a very high divorce rate of 43% in Kazakhstan. This has led many women to become single parents. However, without access to affordable childcare, they are often forced to drop out from entrepreneurship pathways or from the

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4 Social Development Direct ‘Addressing Gender-Based Violence and Harassment (GBVH) in the Private Sector: Emerging Good Practice for the Private Sector’ [link to the report]
labor market altogether. Hence, a cycle of physical and social violence on a structural level constrains the economic opportunities available to women.

Similarly, in the Republic of Moldova, gender violence is endemic and entrenched in society with 63% of women suffering from intimate partner violence at some stage of their lives (OHCHR 2020). Moldovan laws have made progress in combatting gender violence: for instance, Law no. 45 (On the Prevention and Combating of Domestic Violence) was amended in 2016 and takes into consideration not only physical but also sexual, spiritual, psychological, emotional and economic harm from non-cohabiting family members and partners. Law no. 121 (On Ensuring Equality) prohibits gender-based discrimination in employment, education and pay. Law no. 5 (On Ensuring Equal Opportunities between Women and Men) prohibits gender-based discrimination and sexual harassment at the workplace. Law no. 105 (On Promoting Employment and Unemployment Insurance) promotes WEE by making provisions for victims of domestic violence and trafficking to gain special assistance in the labor market.

Despite these advances, the legal frameworks remain limited in conceptualizing how violence might take place at work and the ways in which that impacts WEE. For instance, as a Preliminary Gender and Inclusion Analysis from Moldova (2021) points out, several discriminatory laws persist which inhibit pregnant and breastfeeding women from certain types of employment. Additionally, self-employed women do not have access to maternity benefits which can prevent entrepreneurs from starting their own business. Moreover, the legal definition of sexual harassment continues to remain narrow, though there are some indications of gradual changes. For example, on May 26, 2022, the Parliament of the Republic of Moldova adopted the first hearing of a draft law which will amend other laws by introducing additional provisions related to combating sexual harassment in the workplace and ensuring a better mechanism to apply legal provisions.

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6 Women and Girls Empowered (WAGE) 2021. Gender and Inclusion Analysis for Moldova

Common weaknesses in legal frameworks:

1. Lack of definition of GBVH or specific laws to prohibit it
2. Weak inspection and enforcement
3. Lack of consideration of GBVH in Occupational Health and Safety laws
4. Absence of anti-discrimination laws
5. Lack of extension of laws to informal sector

However, beyond the flaws in many current legal systems, cultural factors seem to play an even bigger role in entrenching or permitting GBVH in the countries included in the study. Gender roles and dynamics are deeply ingrained, and women are typically expected to be caregivers rather than breadwinners. As the Moldova Gender Analysis points out, employers often violate anti-discrimination laws to discriminate against women employees, through actions such as terminating employment because of pregnancy or refusing to employ young women. The lack of affordable childcare or flexible work opportunities also severely constrains women’s participation in the economy (WAGE 2021:12).

Culturally, the wide prevalence of domestic violence persists due to poor implementation of laws and widespread gender stereotypes. Repeatedly, interviewees mentioned that women entrepreneurs are unwilling or hesitant to talk about GBVH when attempts are made to bring up this topic. In most instances, this could be attributed to the general stigma around a taboo topic: GBVH is so entrenched in society that women entrepreneurs might feel it is not suitable for them to discuss it within entrepreneurial networks.

Another potential reason that women might be hesitant to talk about GBVH is a fear of backlash. If WBRCs and networks start mainstreaming conversations about GBVH, male relatives or employers may blame this development on women’s participation in the workforce and create further restrictions. Staying silent on GBVH at work, therefore, might be an ironic compromise to enable women to continue working without being pressured to quit. This situation, once again, suggests the need to focus conversations on GBVH to the workplace and as a pathway to WEE.

**Costs of GBVH for the Private Sector**

GBVH at work imposes severe costs on the private sector and the economy at large. Among other consequences, GBVH leads to high levels of stress among employees, low productivity, absenteeism, compromised teamwork, lost productivity and turnover. The economic impact of these problems was
estimated to be $6 million per Fortune 500 company, according to ICRW (2018). These costs are in addition to legal liabilities and fees that a company might have to pay if a conflict based on GBVH arises in the company. As the ICRW report (2018) points out, the costs are compounded if employees are dismissed or if they quit. A company which develops a reputation of not satisfactorily addressing GBVH at its workplace also suffers a loss of brand value and potentially investor value as employees shy away from applying or maintaining employment. When a company does not adequately address GBVH, this inaction multiplies costs over time and renders the company less competitive.

While there have been efforts to quantify the costs of GBVH at work in the private sector, little data has been released from Moldova and Central Asia. However, some insights on this topic can be gained through the UN Women Report on the Costing of Domestic Violence and Violence Against Women in Moldova (2016). This data shows the costs incurred at a social level, with a specific focus on governmental spending on healthcare, legal costs, and costs borne by civil society organizations (CSOs) and individuals. This report suggests that 11 out of 14 employed victims of gender-based violence missed 1 to 30 workdays (2016:55) and 1 out of 14 victims had to quit their jobs. Although the data is not comprehensive regarding private sector costs, it does indicate the overall heavy expenses incurred due to violence against women in Moldova. For both Moldova and Central Asia, assessing the costs of GBVH in the workplace to the private sector can serve as an important first step in beginning to develop policy solutions. Some suggestions for assessing costs are provided under point 7.

**Examples of Policies to Address or Incentivize Private Sector Response to GBVH**

The ratification of C190 (ILO) will pave the path for countries to create incentives for the private sector to address GBVH at work. The ratification suggests one possible globally-oriented pathway to incentivize private sector responses to GBVH. However, while the process of C190 ratification might be a longer-term exercise, there are some examples of existing policies in developing economies which support private sector action to combat GBVH. Most nations have some legal frameworks that prohibit

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10 Convention 190 of the International Labor Organization is titled ‘Eliminating Violence and Harassment in the World of Work’. Adopted in 2019, it is the first international treaty to recognize the right of everyone to a world of work free from violence and harassment, including GBVH. Governments that ratify C190 will be required to put in place the necessary laws and policy measures to prevent GVBH at work.
sexual harassment at work. The challenge, however, is the narrow scope of such laws and their poor implementation. Moreover, few laws in developing nations are oriented towards supporting and incentivizing private sector responses to GBVH. Some examples are below:

**Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. India.**

This act mandates that any private company employing more than 10 workers must implement this law. Every such employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees. If they receive a complaint, the committee must complete a confidential enquiry in 90 days and send a report to the District Officer for further action. The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level. The act provides an expanded definition of the term ‘sexual harassment’ to include a wide range of behaviors including the creation of a “hostile work environment” or ‘quid pro quo harassment’. Workers in organized and unorganized sectors, public or private sectors, domestic workers, customers and clients are covered by this law. The Act also requires employers to conduct education and sensitization programs and develop policies against sexual harassment, among other obligations. Non-compliance attracts a fine of INR 50,000 (USD 715) and repeated violations may lead to the deregistration of the business.

**Labor Code 2019. Vietnam.**

The Labor Code 2012, which was replaced at the beginning of 2021 by the new Labor Code 2019, simply prohibited sexual harassment without including any specific obligations on the part of employers. In fact, employers faced difficulties in disciplining workers committing sexual harassment under the former Labor Code, as it was almost impossible to dismiss an employee for this offense. The Labor Code 2019, amended from its previous version, provides a clear definition of sexual harassment at work, and classifies it as a ground for dismissal. The code mandates employers to develop Internal Labor Regulations (ILRs) and register them with the Labor Department. There is little data to indicate to what extent these changes have been implemented.

**To What Extent Are These Policies Implemented?**

As noted above, implementation remains a key challenge when combatting GBVH. For example, despite India’s proactive law against sexual harassment in the workplace, its implementation is replete
with challenges. In a report, Human Rights Watch discussed some of the specific barriers for implementation of India’s sexual harassment law:

- Lack of proper data exemplifying how many women quit the workforce due to GBVH
- Lack of awareness and capacity, especially in the informal sector
- Perceived high costs of speaking out
- Lack of effective mechanisms for monitoring
- Lack of data on how many cases are resolved by the Internal Audit Committees

These are some factors contributing to the poor implementation of the law. Moreover, the constitution of the committees within the workplace is seen as a potential drawback of this law. For instance, one of the examples discussed in this report is a complaint made by a young nurse working in a hospital who informed the committee about repeated sexual harassment from her supervisor. However, due to a requirement that the committee be composed of a female majority, many of the committee members were working under the man accused. The members did not respond to the complaint since they felt insecure about their own employment.

In 2017, in the aftermath of the #MeToo movement, the all-pervasive nature of GBVH at work in India came to the forefront of conversations. At the same time, it was acknowledged that the laws against sexual harassment had been poorly implemented or ineffective in this regard. As the HRW report (2020) argues:

> A 2017 survey by the Indian National Bar Association of over 6,000 employees—the largest conducted so far in India—found that sexual harassment was pervasive in different job sectors, ranging from lewd comments to an outright demand for sexual favors. Most women, it found, chose not to report sexual harassment to management because of stigma, fear of retribution, embarrassment, lack of awareness of reporting policies, or lack of confidence in the complaints mechanism. It also found that most organizations still failed to comply with the law, or members of Internal Committees did not understand the process adequately.12

Such factors leading to poor implementation of GBVH laws are common. One of the ways to combat this is to make inaction costly for the employer. For example, Albania’s Law of Protection Against Discrimination 2010 allows women who have complained to their employer but not seen any action

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taken against GBVH to stop working and receive full payment until the employer takes action. Another possible pathway which several groups of employees have adopted is to involve labor unions in enforcing such laws as a part of negotiations. However, until large-scale structural change regarding gender dynamics and power takes shape in the workplace, many such laws will fall short. This indicates the need to think creatively, particularly in regard to the actions that private sector employees can take to respond to GBVH.

**What Examples Exist of Private Sector Response to GBVH, In Terms of Advocacy and Public-Private Dialogue with National Governments?**

There are numerous examples of public-private collaboration in terms of developing a private sector response to GBVH. Many of these collaborations are focused on awareness-building and capacity-building efforts. For example, in the Pacific, several emerging coalitions are being developed with the specific aim of strengthening women’s voices in response to issues such as GBVH. The Business Coalition for Women in PNG has been particularly successful, with more than 50 paying members and the initiative to deliver income-generating leadership courses and gender assessment analyses to its members. Notably, the BCFW members have developed a guidance policy note for good human resources policy through which BCFW helps its members develop gender-sensitive policies. In the future, BCFW will provide trainings of supervisors and staff on how to detect, prevent and manage GBVH. BCFW also partnered with specialized institutions to provide counseling to GBVH victims’ staff.

**What Examples Exist of Private Sector Organizations (Such As Business Councils or Associations) Promoting Responses to GBVH?**

Coalitions such as business associations, trade unions and chambers of commerce have a large constituent base and therefore are in a strong position to advocate for promoting responses to GBVH at work. Working with private organizations can help companies amplify their efforts, share responses, collaborate, and gain more resources. One of the most important examples of this type of collaboration is the Lesotho garment worker program combatting GBVH at work. A consortium of leading NGOs including the Solidarity Center worked with trade unions and women’s groups to create comprehensive and enforceable programs to establish an independent organization to investigate GBVH issues. This organization is fully empowered to determine GBVH remedies; create a code of

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13 https://openknowledge.worldbank.org/bitstream/handle/10986/32817/SexualHarassment_Volume%20II.pdf?sequence=2&isAllowed=y
conduct on unacceptable behaviors and a system for reporting abuse; and implement an education and awareness program that goes beyond the typical harassment and gender violence training.14

Another example of a leading private sector organization response to GBVH at work is the BSR HERproject.15 BSR is an impact-driven sustainability organization that works with its global network of leading corporations and NGO partners. The HERproject model brings together global brands, their suppliers, and local partners to create and implement workplace-based interventions to promote gender equality. Under this program, there is particular focus on addressing GBVH within supply chains. The two-pronged approach taken up by BSR focuses on developing capacity and strengthening management systems. For example, under the latter approach, BSR works with its partner companies to create workplace policies and processes to address GBVH at work; develop awareness campaigns and monitor programs; and create links with community services.

How Could Private Sector Organizations (Like Business Councils or Associations) Mitigate the Risks of GBVH as an Unintended Consequence of Women's Economic Participation and Activity?

In the Republic of Moldova, Central Asia, and many other regions, gender norms are particularly rigid. Women are primarily regarded as caregivers. Therefore, attempts to create WEE efforts are often undermined by a range of unintended consequences.16 One of these is a rise in GBVH both at work and outside as men view women’s increased participation in the public sphere as a threat to their position. Several studies have shown17 18 that working women often face higher threats of violence compared to non-working women. In this regard, private organizations can play a vital role in implementing a ‘Do No Harm’ approach in WEE efforts that can take into consideration the relevant socio-cultural contexts.

A ‘Do No Harm’ approach emphasizes that any policy aimed at combatting GBVH at work must consider the intended and unintended consequences and avoid risking women’s safety. Providing women safe transport, developing strong workplace policies, and providing access to resources for both companies and individuals are some of the ways in which business councils can mitigate the risks of

14 https://www.solidaritycenter.org/lesotho-plan-has-all-elements-to-end-gbv-at-work/
15 https://herproject.org/programs/herrespect
18 http://dev.cjcenter.org/_files/cvi/Status%20Inconsistencyappr.pdf
GBVH as an unintended consequence of WEE. Moreover, research indicates that WEE can decrease GBVH risks if it is accompanied by an increase in women’s bargaining power through the development of skills that enable them to participate in household decision-making and leave violent relationships, if required. Therefore, coalitions can play a vital role in enabling women to develop such skills by creating programs focused on fostering financial literacy, building awareness about existing laws, teaching marketable skills, and more. These skills help women develop financial literacy and enhance their employability. This knowledge can also play a critical role in empowering women to leave precarious job situations and not endure GVBH at work because of financial necessity.

**How Do the Main Institutions Providing Responses to GBVH, like Civil Society or Governmental Organizations, Work with the Private Sector?**

In November 2020, Spotlight Initiative Regional Program in Central Asia, in collaboration with FemAgora, a feminist non-government organization in Central Asia, collaborated for 16 Days of Activism Against Gender-Based Violence under the global theme, *Orange the World: Fund, Respond, Prevent, Collect!* Over 16 days, the campaign highlighted the importance of crisis centers, shelters, hotlines, and direct anti-violence services. The campaign asserted that these initiatives are the backbone of meaningful civil society activism to end gender-based violence. As case studies in Central Asian nations have substantiated, adopting a multi-sectoral approach that brings together both private sector and civil society is vital to combatting GBVH at work and beyond.

While developing such collaborations, both companies and CSOs should ask themselves several key questions. These questions include: is there an overlap of mission and purpose? Does the collaboration enhance credibility and value of the organization? Do the business objectives and brand purpose align? Are there sufficient resources to devote to fulfilling the objectives of this collaboration?

For example, Promundo’s Workplace Advisors program to advance gender equality in the workplace provides climate assessments, policy updates, advisory services, and trainings. Using a creative approach, Promundo partners with business leaders to engage men in workplace gender equality initiatives in order to create sustainable workplace environments that are equitable and safe. For example, Promundo produced a report on the status of gender equality in Moldova, ‘Men and Gender Equality in the Republic of Moldova’. The findings reiterated the need for Moldovan private sector employers to create better working conditions for women by instituting flexible work schedules.

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supporting women who seek to access childcare, and developing workplace policies to combat GBVH. In addition, the report’s recommendations for government agencies included setting up monitoring mechanisms for employers to reduce all forms of gender discrimination in the labor market.20

Recommendations

This section provides recommendations to private sector businesses. These recommendations were drawn from literature on best practices of addressing GBVH at work, as well as additional suggestions offered by interviewees.

**Recommendations for Private Sector Businesses**

**Prevent GBVH by Identifying Potential Risks**

The risks and challenges of GBVH vary based on industry, sector, economy and culture. One of the first things that a private business can do to combat GBVH is identify potential risks, which are often based on sector-specific vulnerabilities. Businesses, therefore, must learn to ask themselves:

- *How do we know if we have an issue with violence and harassment across our organization?*
- *What can we do to prevent, combat and address GBVH at work?*
- *How do we avoid backlash due to this action?*
- *How do we create a culture of accountability?*

This prevention-based approach needs to be spearheaded by various parts of the organization, depending on size. HR, Compliance, Sustainability, Risk Committees, Health and Safety Committees and Community Affairs Staff can all take a lead in identifying potential risks. Tools such as the Business for Social Responsibility Diagnostic are designed to help large companies with complex value chains identify where the problems are and how to tackle them. This tool enables a company to assess how effectively its existing policies, programs, culture, leadership, and strategy are at tackling violence and harassment. Under each focus area, there are a set of guiding questions for companies to develop a score. The scores help a company identify where a business is doing well (high scores suggest it is ‘leading’) and where it needs to do better (low scores suggest it is a ‘beginner’).

Two organizations recognized to be making substantial progress on prevention are the mining company Anglo American and the luxury fashion company Kering. In South Africa, Anglo American became concerned about growing levels of violence against women and vulnerable groups and wanted to better understand how this was affecting its operations and communities. While mining is

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not historically a profession which has attracted many women, Anglo American has striven to diversify its staff. Adopting accountability measures around GBVH issues has been a way for Anglo American to signal to its women employees that it is a safe and attractive place to work. Anglo American partnered with the NGO International Alert to carry out a series of baseline studies around the experiences of women at work. Early indications speak to the fact that highly dichotomized gender stereotypes prevail in many parts of the business and often prevent women’s meaningful participation in work. Moreover, there is a prevailing lack of awareness about what constitutes sexual harassment, which has contributed to the normalization of certain unacceptable behaviors. This normalization is a repeated challenge across regions and sectors, as aspects of harassment are often perceived as cultural traits rather than implicit forms of GBVH. Anglo American has commissioned further studies and is feeding the results of these into its inclusion and diversity strategy.

Meanwhile, Kering Group has also developed an innovative internal training program with its foundation. The program was established to provide a supportive and safe work environment for employees experiencing domestic violence, in partnership with the French NGO Fédération Nationale Solidarité Femmes (FNSF). The company has rolled out the program’s three-hour introductory curriculum in Italy, the United Kingdom, the United States, and China, in partnership with local NGOs that adapt the content to local contexts. Staff interest in the issue also prompted the company to create a full-day course where participants who complete the course can become “internal advocates.” This program provides a great example of a way to concretely support survivors. The Foundation has now created a network of Internal Advocates, who make their email addresses and phone numbers available across internal communication tools. The Foundation has also partnered with local experts and institutions supporting women facing violence across several countries.

**Be Cognizant of How and Why Action Against GBVH Often Fails**

When companies take steps to combat GBVH at work, they need to be cognizant of why such actions are often ineffective. In a study published in Harvard Business Review in 2020, Dobbin and Kalev point to extensive research which shows how GBVH trainings, internal committees, and related steps taken by companies often backfire: “Neither the training programs that most companies put all workers through nor the grievance procedures that they have implemented are helping to solve the problem of sexual harassment in the workplace. In fact, both tend to increase worker disaffection and turnover” (Dobbins and Kalev 2020). One of the challenges here, according to Dobbins and Kalev, is that men

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often feel targeted by such mandatory trainings, as if the implication is that they are flawed and in need of ‘fixing’. As early as 2001, research has indicated that men with a proclivity to harass women are undeterred by these trainings and that they can even affirm such behaviors when these men foster resentment in response to feeling targeted (Robb and Doverspike 2001).

There are some ways in which companies can modify such training to make them more effective. One of the possible solutions is to institute a Bystander-Intervention Training that trains allies who want to combat GBVH on how to best intervene when they see such harassment take place. Rather than mandatory trainings targeting ‘potential sexual harassers’, this approach involves those who already feel strongly about this issue and empowers them to take action. Yet another approach is Manager Training, where managers are trained in combatting GBVH under the principle that it is something they are likely to confront as a part of their responsibilities. Studies indicate that Manager Training leads to the greater advancement of women in managerial ranks as topics like gender bias are raised and men and women are more empowered to address GBVH issues. Moreover, men are also noted to take manager training more seriously when they consider what they learn to be a useful part of their toolkits and do not perceive the trainings to target them.

Beyond the challenges associated with GBVH trainings, there are also several weaknesses embedded within grievance procedures. Scholarship on this subject has established that grievance procedures are often inadequate, leading to fewer women in management positions because of discrimination. Moreover, surveys have revealed that there is often retaliation against women who complain: they are taunted, harassed, and often end up with worse jobs and wages. Moreover, high evidentiary requirements that focus on ‘beyond reasonable doubt’ rather than ‘preponderance of proof’ and unenforceable confidentiality rules prevent any real consequences for the harasser while setting off reactions against the complainant. In several countries, for example, there have been instances of women who complained about sexual harassment being sued by the alleged accusers for defamation.

Given this reality, private businesses need to set up grievance mechanisms that function outside of their own company chain. Instead, the use of an ombuds system that is neutral and genuinely confidential can help victims of GBVH develop trust in the procedures. As Dobbins and Kalev suggest:

> What’s most important about the ombuds system is that it puts victims in the driver’s seat. If they don’t want the accused to know they’re talking, that’s OK—the ombuds can hear them out confidentially and help them think through their options. Ombuds offices hold no formal

hearings, are guided by no rules of evidence, and impose no restrictions on discussing the problem with others. Moreover, by tracking complaints by department and location, they can identify problem spots that need attention and alert leaders.

Companies can also explore alternative dispute resolution mechanisms such as mediation. In addition, developing harassment task forces and focusing on training leadership, managers and trainers also helps develop a robust mechanism to combat GBVH at work.

### COMMON REASONS WHY GBVH ACTION FAILS:

1. Training programs create disaffection and resentment among male staff by perceptions of being targeted as potential sexual harassers
2. Weakness in grievance redressal mechanisms: retaliation against complainants, unenforceable confidentiality rules and high evidentiary requirements

### WHAT CAN BE DONE INSTEAD?

1. Alternate training approaches such as bystander intervention and training management
2. Grievance mechanisms that function outside the company chain
3. Exploring alternate dispute resolution.

Publicly Commit to Gender Equality and Combatting GBVH

Committing publicly to combatting GBVH at work establishes a culture that emphasizes the importance of the safety and wellbeing of all workers. These commitments must emerge from leadership and be reflected at all levels of the company. Moreover, they must be supported by resources and action.

For example, this type of commitment to combatting GBVH can be made by joining corporate networks that aim to combat GBVH at work, such as White Ribbon or OneinThree. Joining such a network can help companies align their internal policies to reflect best practices and better recognize that GBVH is an entrenched problem that needs to be continually taken on. Another powerful way to establish this commitment would be to incorporate a range of policies that support women workers and incorporate women into leadership positions. For an institution, a key aspect of developing trust involves making itself accountable to its employees, stakeholders and the larger public.

Moreover, a company-wide commitment to combatting GBVH can lead to the creation of innovative and much-needed policies to prevent harassment and support victims. For example, Vodafone group
has a longstanding organization-wide commitment to gender equality, oriented towards the goal of making the company one of the best places for women to work. Given that one in three working adults have experienced domestic violence that has hampered their economic participation, Vodafone instituted a policy of 10 days paid ‘safe leave’ across its 26 markets for any staff member experiencing domestic violence and abuse. The company also directed its HR to support such workers in identifying resources to support them.

Another aspect of the company’s commitment to gender equality is an alignment of functions. GBVH initiatives are not relegated to internal committees. Instead, Vodafone has created and championed technologies in various markets that help victims of GBVH access helplines for confidential support services. Other services have been specifically designed to help women overcome social and economic barriers. For example, Vodafone has launched the Sakhi program in India – a mobile service that features location alerts, emergency balance and private number recharge – to enable female customers to keep their phone numbers confidential when topping up credit in shops.

Develop Supportive Policies

Private businesses can take a range of steps to combat GBVH at work by developing policies that focus on prevention, support to victims, and advocacy for cultural change. Some such steps are highlighted below:

- Develop and implement a clear workplace policy aimed at combatting GBVH at work. Such a policy should include statements of commitment, a program of activities to prevent violence and harassment, clarity about the roles and responsibilities of the workers and employer, and information on complaint and investigation procedures—including a commitment to act on any information regarding violence and harassment. This policy should be designed to protect complainants. Whenever possible, employees, staff and union representatives should be involved in implementing the policy. Moreover, all contractors, suppliers and partners should be aware of the policy.

- Provide training and awareness raising, both internally among workers and externally among communities and service users. Businesses should also provide essential information and enhanced training for those with specific responsibilities for GBVH prevention and response.

- Develop a confidential electronic reporting system that allows an employee to request that his or her report be held until someone else makes a complaint about the same person.

- Enable employees and bystanders to make anonymous complaints and facilitate reporting through multiple channels.

- Protect workers by providing them with information and referrals to specialist GBVH services, such as healthcare, legal and support services.
• Employ sector-specific approaches, protecting women in vulnerable situations such as when they are working in male-dominated spaces or at unconventional hours. This can include policies like nightly drop-offs and assigning multiple women to project sites in remote locations or those requiring long journeys. In addition, companies can develop safety assessments to identify potential GBVH hotspots for workers. Other policies include flexible working hours, paid leave for victims of GBVH, and increased recruitment of women within the company and at large, specifically targeting leadership positions.

• If resources allow for a neutral third-party entity or an independent board, these mechanisms should be employed to investigate and track complaints, recommend action and punishment, and stay watchful for retaliation in the aftermath. Regardless of grievance mechanisms, all complaints should be taken seriously and investigated thoroughly.

• Before an employee is fired for sexual harassment, the seven-part test used for labor union grievances should be used to determine whether termination is appropriate (see Appendix C). The test looks at, among other things, whether the employee was adequately warned and whether the allegations were investigated in a fair and objective manner.

• Be transparent about the policy and record numbers of incidents, disaggregated by gender, in annual reports.

**EFFECTIVE WORKPLACE POLICIES ON GBVH ARE:**

1. Victim and survivor-centered
2. Confidential
3. Focused on equality, safety and non-retaliation
4. Gender-sensitive and inclusive
5. Accessible
6. Committed to timely resolution
7. Harmonized with other occupational health and safety policies

**Collaborate Beyond the Workplace**

In order to create long-term structural change, private businesses can collaborate with other stakeholders: governments, civil society organizations and the larger community. Together, these
Institutions can take meaningful steps to create a culture oriented towards combatting GBVH at work. Collaborating beyond the workplace helps to create a sense of urgency around creating change within wider socio-cultural norms.

At a minimum, companies have a responsibility to protect employees within their supply chains. Developing a sector-wide approach can also help create a good ecosystem dedicated to combatting GBVH. For example, research has shown a correlation between oil, gas, and mining projects and rising rates of GBV, including on-site sexual harassment as well as domestic violence. Women are often more at risk of sexual violence in these contexts, due to an influx of male transient workers (IFC 2018). Collaborating with other stakeholders can help businesses combat GBVH, especially when it takes place in locations that are not immediate office spaces.

Some approaches to take include:

- Conduct a stakeholder analysis for combatting GBVH. This research would involve stakeholders including employees, community members, and investors. Businesses can incorporate stakeholder feedback into the development workplace policies, as well as create sector-wide networks that agree on joint principles and actions across supply chains and facilitate peer-to-peer learning.

- Include suppliers and stakeholders in training.

- Work with donors and investors to make combatting GBVH a greater focus area when assessing businesses for investment.
Conclusion

This report has discussed the intersection of private sector responses to GBVH at work and within WEE, with a particular focus on women's entrepreneurship. The report provides some findings on the research questions and provides recommendations for consideration.

As the recommendations in this report suggest, it is important to highlight the benefits and costs of combatting GBVH at work for private businesses. The focus here is to show private businesses, entrepreneurs, and business associations that GBVH is a relevant topic for them, their employees and their stakeholders. Developing clear workplace policies, collaborating with CSOs and GBVH experts, providing supportive environments for women entrepreneurs and workers, and focusing on data collection and capacity building are some important steps that private businesses can take. However, even as some women entrepreneurs and women's business associations take on the issue of GBVH at work, a larger challenge remains on how to make this issue mainstream. Addressing GBVH is still often perceived as a woman’s burden, and substantive policy and cultural changes around gender equality are needed so that men and women entrepreneurs and all business associations begin to address this issue.

As more organizations begin to navigate working with partners to address GBVH in the workplace, they are likely to face some amount of reluctance and resistance. Moreover, discussions about GBVH in the workplace are likely to lead to additional dialogue about gender violence and equality within a broader societal context. Although CIPE’s programmatic activities primarily address GBVH through a private sector lens, framing these challenges and solutions within the larger socio-cultural environment of GBVH is likely to be the most effective way to reduce violence and harassment in the long term.
Appendix

1. List of Interviews Conducted with CIPE Staff and Partners

   1. Charity Whitehead (CIPE M&E) on 20 April
   2. Erinn Benedict, Jane Kim, Hannah Rosenfeld (CIPE CWEE/AP) on 25 April
   3. Martin Freidl, Megan Blum and team (CIPE LAC) on 27 April
   4. Erinn Benedict (CIPE CWEE) on 28 April
   5. Kim Bettcher, Mikra Krasniqi and Tamari Dzotsenidze (CIPE PPL) on May 2
   6. Anna Goltermann, Elena Ratoi (CIPE E&E) on May 4
   7. Daniela Josanu (Women’s Law Center) on May 5
   9. Angela Velez and Natalia Prieto (CIPE Colombia Office) on May 12
  10. Marie Principe (CIPE MENA) on May 17
  11. Sarrah Sammoon (WCIC Sri Lanka) on May 25

Several consultations also took place with Connie Gonzalez and Barbara Langley.

2. Methodology Followed During Interviews with CIPE Staff and Partners: The interlocuters were provided with a copy of research questions before the call. While the details of each interview varied based on the expertise of the group, the following pattern was followed:

   1. Introductions
   2. Consent for recording and discussion of ethical considerations raised
   3. Brief statement on the overall aim of this project, i.e. to explore the intersection between responses to GBVH and the economic empowerment of women
   4. Invitation for interlocuters to share their general/overall thoughts on this intersection as it relates to their region
   5. Interviews were divided into 3 sections: context, policies implemented so far, and recommendations for path forward. Sections are discussed in detail in the report.
3. **Seven Part Test for Finding Just Cause in Discipline and Discharge**: These tests are commonly followed for labor union grievance redressal procedures. While modified in recent iterations, the seven tests were first laid out by labor arbitrator Carol Daugherty in 1964 as establishing "just cause".

   1. Fair Notice
   2. Prior Enforcement
   3. Due Process
   4. Substantial Evidence
   5. Equal Treatment
   6. Progressive Discipline
   7. Mitigating and Extenuating Circumstances

24 [https://www.ueunion.org/stwd_jstcause.html](https://www.ueunion.org/stwd_jstcause.html)