



## ACCORINVEST-IUF

### Agreement on fighting against sexual harassment

#### Preamble

- "AccorInvest" refers to AccorInvest Group SA and its subsidiaries, irrespective of the countries in which they operate.
- "The IUF" refers to the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations and its affiliated unions in AccorInvest business sectors.

According to the International Labour Organisation (ILO), sexual harassment is a form of discrimination under ILO Convention 111 on Discrimination in Respect of Employment and Occupation, one of the ILO's Core Conventions. The Convention states that all human beings, irrespective of their race, beliefs or gender have the right to seek their material progress and spiritual development in freedom and dignity, economic security and with equal opportunities.

The ILO Committee of Experts on the Application of Conventions and Recommendations indicates that the definition of sexual harassment contains "the following key elements: (1) (*quid pro quo*): any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men which is unwelcome, unreasonable and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job; or

(2) (*hostile work environment*): conduct that creates an intimidating, hostile or humiliating working environment for the recipient.”<sup>1</sup>

By way of illustration, the following constitute types of behaviour which are characteristic of sexual harassment within the meaning of this agreement:

- any insult, remark or inappropriate insinuation which has a sexual connotation;
- a condescending attitude with sexual implications undermining a person's dignity;
- any inappropriate sexual invitation or request, whether implicit or explicit, with or without threats;
- any gesture which could have a sexual connotation;
- and any unnecessary physical contact, such as touching, caressing or assault.

It is generally acknowledged that sexual harassment can cause profound distress and have negative consequences for a person's health. It can give rise to disruption in the work environment and the working conditions of those who are its victims and lead them to leave their jobs, if the source of the harassment is in the workplace.

Sexual harassment disproportionately affects women in their places of work. Nevertheless, sexual harassment can also target men or be based on sexual orientation and these cases must be dealt within the same framework.

While employees of AccorInvest, irrespective of their positions within the company, may be the perpetrators of sexual harassment, it can also come from customers or suppliers providing goods or services for AccorInvest sites.

## **Declaration of intent**

The parties hereby affirm their commitment to ensuring that all persons employed by the Group or operating on behalf of AccorInvest can fully access and effectively exercise their internationally-recognized human rights, notably those set out in the United Nations' International Bill of Human Rights<sup>2</sup> and the Core Conventions of the ILO. AccorInvest and the IUF recognize the indispensable role of trade unions and social dialogue<sup>3</sup> in protecting and enabling fundamental worker rights within the human rights due diligence framework of

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<sup>1</sup> ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), ILC, 91<sup>st</sup> Session, 2003, p. 463.

<sup>2</sup> The International Bill of Human Rights consists of the Universal Declaration of Human Rights (adopted by the United Nations in 1948), the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966).

<sup>3</sup> "In order for social dialogue to take place, the following must exist:

- Strong, independent workers' and employers' organizations with the technical capacity and the access to relevant information to participate in social dialogue;
- Political will and commitment to engage in social dialogue on the part of all the parties;
- Respect for the fundamental rights of freedom of association and collective bargaining; and

Appropriate institutional support." <https://www.ilo.org/ifpdial/areas-of-work/social-dialogue/lang--en/index.htm>.

the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises.

AccorInvest and the IUF believe that a zero-tolerance policy on sexual harassment is necessary to prevent and provide remedies for sexual harassment at work. Such a policy takes into account the importance of health and safety at work and the need to protect the dignity and the rights of all persons employed by the Group or operating on behalf of AccorInvest.

Sexual harassment, which is an offence and deemed to be illegal in many countries, continues to represent a risk in the hotel sector. AccorInvest and the IUF wish to implement concrete actions to effectively combat sexual harassment at work. For this purpose, AccorInvest and the IUF will jointly identify the measures and best practices to be communicated, including to unions affiliated to the IUF, so that these actions can be implemented.

### **Principles, procedures and processes for combatting sexual harassment at work**

While prevention (1) is a key factor in achieving the goal of zero tolerance, it is also necessary to sanction any conduct that is contrary to the principles set out in this agreement (2).

1. In order to prevent sexual harassment, AccorInvest and the IUF agree to:
  - disseminate detailed information relating to the zero-tolerance policy and the rights and responsibilities of all persons employed by AccorInvest and of suppliers of goods or services who operate on behalf of AccorInvest;
  - ensure that this policy is made known, that the persons employed by AccorInvest and the suppliers of goods or services who operate on behalf of AccorInvest fully understand what is expected of them, and that they are able to report cases of sexual harassment in complete confidence;
  - arrange awareness-raising and training activities.

2. Verified cases of sexual harassment will be subject to disciplinary sanctions in accordance with the relevant collective agreements and/or local regulations, including internal regulations. In the event that an employee of AccorInvest is found guilty of sexual harassment, the person responsible for the harassment will be subject to sanction, including possibly dismissal, regardless of his or her position within the company. AccorInvest will communicate with the IUF annually of the number of disciplinary sanctions relating to cases of sexual harassment or sexist remarks and, in particular, of those which have resulted in the termination of an employee's contract of employment. In this regard, the whistle-blowing hotline set up within AccorInvest allows for the reporting of sexual harassment and sexist remarks.

AccorInvest recognises the importance of having a local, gender aware procedure relating to sexual harassment at work, known by all employees, which can be adapted to each particular country, and which allows incidents of sexual

harassment to be reported and addressed in accordance with the principles of confidentiality and neutrality. The information collected under this procedure will always be examined by trusted persons who have received specific training to enable them to carry out a reliable and fair investigation of the cases reported.

AccorInvest will not tolerate any reprisals against or bullying of an employee who notices and reports problems or incidents relating to any form of sexual harassment, who makes a complaint and/or who takes part in the procedures relating to a case of alleged sexual harassment, provided that this is done in good faith and on the basis of actual facts. For such situations and for any cases of sexual harassment arising in the context of its relations with suppliers of goods or services, AccorInvest will report and seek resolution in accordance with its obligations required by the due diligence principle as specified by the OECD Guidelines for Multinational Enterprises.

AccorInvest will establish the local implementation of this agreement with trade unions notably IUF affiliates in each country, where applicable, through a process of negotiation. In countries in which AccorInvest operates and in which there are no unions affiliated to the IUF, and where there are no existing measures in place for dealing with sexual harassment, this agreement may be used as a reference text for implementing means for combating sexual harassment in accordance with the Group's overall zero-tolerance policy.

AccorInvest and the IUF recognize the need to have management and IUF affiliated trade union representatives specifically trained on this issue so that they can provide support to the victims of sexual harassment.

Within the framework of this agreement, AccorInvest recognises the obligation to respect the laws and regulations of the countries in which it operates. If certain provisions contained in the present agreement are more favourable than the national laws and regulations, AccorInvest will seek to promote the most favourable principles recognised in this agreement to combat sexual harassment at the workplace.

AccorInvest will engage the companies managing its establishments to ensure that its customers are informed, by all means necessary, of the zero-tolerance policy on sexual harassment and that measures may be taken against them that go beyond those provided by law, including expulsion, following a complaint of sexual harassment made by a worker or a customer.

### **Next steps**

To ensure that the content of this agreement is known to local management and trade union representatives throughout the company's operations and that effective procedures to prevent workplace sexual harassment have been implemented, AccorInvest and the IUF shall agree to evaluate the progress of their actions through annual meetings.

The English version shall be regarded as authoritative and shall prevail over any version in other languages.

Signed in Paris, France, on July 15, 2019 by:

**ACCORINVEST**

John Ozinga

Chief Executive Officer

**IUF**

Sue Longley

General Secretary