



ZERO TOLERANCE FOR SEXUAL HARASSMENT AT SODEXO





Sexual harassment by its nature essentially affects women. It is a type of violence against women and arises from power relations rather than sexual interest. This form of humiliation does not occur among equals, and in the long term, therefore, equality at the workplace will eliminate this problem. For the present, however, other measures need to be adopted to prevent such practices.”

**Equality Memorandum for IUF
Affiliates, April 1987**



International Union of Food, Agricultural, Hotel,
Restaurant, Catering, Tobacco, and Allied Workers'
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SEXUAL HARASSMENT is a universal problem, both in and outside the workplace. It can damage lives, poison the workplace environment and result in lasting psychological and social trauma. It can undermine the solidarity which is the basis of trade union organization and action.

Sexual harassment is a punishable offense under various forms of legislation in many countries around the world. But procedures under civil or criminal law are often poorly adapted to the workplace context and the sensitivity of the issue. Victims have been intimidated by police officers and judges who lack training in dealing with sexual harassment cases. Research shows that most victims refrain from taking legal action, which commonly leads to a humiliating, lengthy and onerous process. Legal mechanisms are essential, but unions believe that workplace procedures developed through negotiation between unions and employers are also necessary – procedures which can focus first and foremost on prevention.

In the service sector, the perpetrators of sexual harassment may be managers or supervisors or co-workers or customers of the service. Therefore it is important that the sexual harassment policy is known and respected by all.

That is why Sodexo and the IUF, the international union federation representing the vast majority of Sodexo's unionized workforce, agreed to jointly develop and implement guidelines for workplace policies and procedures. This resulted in a Joint Commitment on preventing sexual harassment signed on June 21, 2017 which is an annex to the Sodexo-IUF international framework agreement of 12 December 2011 (available online at <http://www.iuf.org/w/sites/default/files/JointCommitmentSODEXOIUF.pdf> and as an annex in this brochure). The policies and procedures are based on internationally recognized instruments including

● **ILO CONVENTION 111 ON NON-DISCRIMINATION IN EMPLOYMENT.**

The ILO considers sexual harassment to constitute a serious form of sex discrimination and distinguishes two forms of sexual harassment that should be prevented and prohibited:

- 1 Conduct of a sexual nature which is unwelcome and offensive for the recipient and used and/or as a condition for employment or access to benefits.
- 2 Conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

- **THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES.** The Guidelines require companies to continuously carry out human rights due diligence to prevent and to redress any actual or potential adverse impacts on the human rights of workers resulting from the actions, or omissions, of their management. The Guidelines define human rights with reference to, among other instruments:
 - the ILO core Conventions
 - the Universal Declaration of Human Rights
 - the International Covenant on Economic, Social and Cultural Rights
 - the Convention on the Elimination of all forms of Discrimination against Women, CEDAW.



WHAT SHOULD YOUR UNION BE DOING?



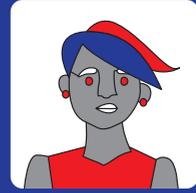
“Sexual harassment is not a ‘personal’ issue; nor is it a ‘women’s’ issue; it is abuse and should not be tolerated, whoever does it; combating it is about the right of all workers to be free from harassment, and so it is a union issue.”

‘All for One = One for All’, IUF, 2007:

www.iufdocuments.org/women/2008/All%20for%20one.pdf

Unions need to take effective action to prevent sexual harassment in the workplace. This applies to all trade unionists: members, workplace representatives and leaders, women or men. Everyone in the union should understand the meaning and the seriousness of sexual harassment, and take action to eradicate it. This may mean changing the organizational culture of the union, but it needs to be done.

PREVENTIVE MEASURES AND ACTIONS MAY INCLUDE:



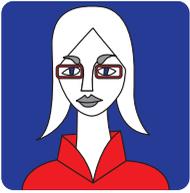
- ★ Ensuring that everyone – managers and workers and clients/customers – know that sexual harassment is not tolerated by displaying the policy & posters on notice boards throughout the workplace.
- ★ Awareness raising and training from the shop floor to the board room.
- ★ Officially launching the policy and providing regular reminders and updates at staff meetings.
- ★ Distributing copies of the Joint Commitment to all workers in languages they can read, or with easy to understand diagrams and pictures.
- ★ Presenting and discussing the policy with all new workers and managers as part of the induction programme.
- ★ Requiring all employees, including sub-contracted workers and managers, to sign a copy of the policy, acknowledging that they have read and understood it.
- ★ Ensuring through appropriate measures that third party labour suppliers and client companies adhere to and implement the policy.
- ★ Ensuring that there is no offensive, sexually explicit material in the workplace including material on computers and shared through social media.



“The IUF calls on all persons involved in meetings and activities to:

- *Treat everybody with respect and dignity*
- *Ensure that your own behaviour does not cause offence or give rise to misunderstandings.”*

IUF Policy, [2008]



WE ARE ASKING UNIONS IN SODEXO WORKPLACES TO:

- Familiarize themselves with the Joint Commitment and make sure that copies are available at the workplace, and publicly displayed to enable access by all. Posters should also be prominently displayed to draw the workers' attention to the joint commitment.
- Conduct a survey among members to determine the extent of the problem in the workplace.
- Work with local management to review existing policies and procedures, and improve them where necessary.
- Ensure that the policies and procedures are properly implemented, not just 'rubber-stamped' and then put to one side; this includes making sure that any complaints are taken seriously and dealt with fairly, and that there is no retaliation or victimization against anyone who has complained of sexual harassment.
- Carry out awareness-raising and training on sexual harassment among workers, on a regular basis.
- Improve women's representation in union structures at all levels, since gender equality is central to combating sexual harassment.

OTHER MEASURES UNIONS CAN AND SHOULD BE TAKING

- Union leaders should take strong positions and publicize them widely.
- Train Sexual Harassment Officers who are able and have the confidence to educate, counsel, provide guidance on dealing with cases, and represent victims.
- Have ongoing awareness-raising and training for workers, union members and leaders. Activities can include:
 - women-only training to provide a safe space where women can share sensitive information and gain confidence to speak up
 - integrating sexual harassment prevention into shop steward training, recognizing that it is a workplace hazard.
- Understand/admit that union officials / members / co-workers can be perpetrators of sexual harassment, including at union gatherings.



WHAT IS MANAGEMENT'S RESPONSIBILITY?

The Joint Commitment sets out procedures for management and unions to work together to prevent and combat sexual harassment. If sexual harassment occurs in spite of the preventive measures, the Joint Commitment sets out the

Principles and procedures for dealing with sexual harassment

- *sexual harassment is the subject of zero tolerance by Sodexo and the IUF and its affiliated organizations;*
- *sexual harassment is an offence which can lead to a disciplinary penalty;*
- *in cases of sexual harassment, it is the perpetrator who will, where necessary, be redeployed or subject to any other penalty, including potential dismissal from the company, in accordance with the legislation of the country, irrespective of his/her position in the company;*
- *Sodexo will provide training for all staff on this policy and their responsibilities under it, and may organize training on the subject;*
- *IUF-affiliated trade unions representing Sodexo employees can carry out awareness-raising and training activities for their own members.*

Sodexo recognizes the importance of establishing a local procedure regarding sexual harassment in the workplace, known by the employees, and specific to each country, in order to report incidents of sexual harassment and allow them to be investigated and treated with confidentiality and neutrality. Information collected under this procedure will be handled by persons of confidence with specific training in this area, so that they can carry out a reliable and fair investigation of reported cases.

Sodexo will not tolerate reprisals against or victimization of an employee who observes and reports problems concerning one form or another of sexual harassment, or who registers a complaint and/or participates in procedures concerning an alleged case of sexual harassment, provided that it is done in good faith and based on real facts.

Sodexo will work with the representative trade unions affiliated to the IUF to ensure that the information regarding its commitment to prevent harassment is well understood.

TRADE UNION RESOURCES

- Unite the Union, United Kingdom: Zero Tolerance Guide including policies, procedures, reporting forms
<http://www.unitetheunion.org/uploaded/documents/Zero%20Tolerance%20Guide%20June%20201611-24203.pdf>
 - UNIFOR, Canada: Harassment resolving & investigation guide (in English and French)
http://www.unifor.org/sites/default/files/documents/document/red_book_-_english-36619-_harassment_investigation_guide.pdf
 - Nordic Union, Hotels, Restaurants, Catering and Tourism, Overview of Research on Sexual Harassment in the Nordic Hotel, Restaurant and Tourism Industry
http://nordichrct.org/~/.media/Files/temaer_3f_dk/www_nu_hrct_dk/Report_on_Sexual_Harassment___Eng.pdf
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ILO DOCUMENTS

- Convention 111 on Discrimination in respect of Employment and Occupation
http://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111
 - Recommendation 111 on Discrimination in respect of Employment and Occupation
http://ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312449:NO
 - Country manuals and other publications on sexual harassment
http://www.ilo.org/Search4/search.o?searchWhat=Sexual+harassment&locale=en_US
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OTHER INTERNATIONAL INSTRUMENTS

- CEDAW - Convention on the Elimination of All Forms of Discrimination against Women
<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>
- The Yogyakarta Principles – The application of International Human Rights Law in relation to Sexual Orientation and Gender Identity
<http://www.yogyakartaprinciples.org/principles-en/>
- OECD Guidelines for Multinational Enterprises (MNE) – Trade union guide can be downloaded from:
http://www.tuac.org/en/public/e-docs/00/00/0D/3D/document_doc.phtml

SODEXO-IUF JOINT COMMITMENT ON PREVENTING SEXUAL HARASSMENT

**ANNEX TO THE SODEXO-IUF INTERNATIONAL
FRAMEWORK AGREEMENT OF 12 DECEMBER
2011**



PREAMBLE

- “Sodexo” refers to the company Sodexo SA and all subsidiaries under its control;
- “the IUF“ refers to the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations and its affiliated unions in the Sodexo business sectors.

In accordance with the international framework agreement between Sodexo and the IUF, all the parties involved commit themselves to respect fundamental human rights, notably:

- The Universal Declaration of Human Rights;
- The core Conventions of the International Labour Organization (ILO);
- The international human rights instruments referenced in Chapter 4 (Human Rights) of the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises.

According to the 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.

Preventing sexual harassment in the workplace is an indispensable condition of respect for these commitments and also reflects the importance attached by Sodexo and the IUF to health and safety at work.

Under this commitment, Sodexo recognizes the obligation to respect the laws and regulations of the countries in which it operates. Certain provisions contained in the commitments agreed to between Sodexo and the IUF may be more favorable than those in certain countries national legislation. In that case, Sodexo will seek, through dialogue, to promote the most favorable principles recognized in this commitment to combat sexual harassment in the workplace, notwithstanding that nothing in this agreement may require Sodexo not to respect the laws of any of these countries.

This commitment relies on the work of Sodexo and the IUF on diversity and inclusion to foster the career development of all individuals irrespective of their gender, age, ethnic origin, disability or sexual orientation.



DECLARATION OF INTENT

Sexual harassment in the workplace is an offence and is illegal in many countries. Sexual harassment can cause deep distress and impair health. Sexual harassment can disrupt the work of those who are its victims. It can also lead them to give up their job if the workplace is the source of this harassment.

Sexual harassment is a form of violence which disproportionately affects women in the workplace; nevertheless, we also need to ensure that sexual harassment against men, or based on sexual orientation, irrespective of the position of the employee concerned or the type of contractual relationship with Sodexo, is also taken into account and handled in the same way. Furthermore clients, consumers and suppliers who are in daily contact with Sodexo employees can also be the perpetrators of sexual harassment against them.

Sexual harassment undermines equality and spoils working relationships. It can take many forms and may include:

- any insult or inappropriate remark or insinuation concerning a person's dress, physical appearance, age, etc.;
- a condescending attitude with sexual implications undermining dignity;
- any inappropriate sexual invitation or request, implicit or explicit, whether or not accompanied by threats;
- any gesture that can have a sexual connotation;
- and any unnecessary physical contact such as touching, caresses, pinching or assault.

Sexual harassment in the workplace can have aggravating circumstances when it occurs in a situation where it is a precondition to hiring, or a condition to keep a job and a factor influencing working conditions and/or career development.

Sodexo and the IUF wish to ensure that all employees are aware of what constitutes sexual harassment, fully understand what is expected of them, know how to report any problem and are able to report alleged abuses in total confidence.

Sodexo and the IUF have jointly identified the actions and best practices that must be communicated, including to affiliated organizations, to allow concrete action and monitoring measures.



PRINCIPLES, PROCEDURES AND PROCESSES FOR PUTTING AN END TO SEXUAL HARASSMENT IN THE WORKPLACE

The procedures agreed between Sodexo and the IUF are based on the following principles:

- sexual harassment is the subject of zero tolerance by Sodexo and the IUF and its affiliated organizations;
- sexual harassment is an offence which can lead to a disciplinary penalty;
- in cases of sexual harassment, it is the perpetrator who will, where necessary, be redeployed or subject to any other penalty, including dismissal from the company, in accordance with the legislation of the country, and this irrespective of his/her position in the company;
- Sodexo will provide training for all staff on this policy and their responsibilities under it, and may organize training on the subject;
- IUF-affiliated trade unions representing Sodexo employees can carry out awareness-raising and training activities for their own members.

Sodexo recognizes the importance of establishing a local procedure regarding sexual harassment in the workplace, known by the employees, and specific to each country, in order to report incidents of sexual harassment and allow them to be investigated and treated with confidentiality and neutrality. Information collected under this procedure will be handled by persons of confidence with specific training in this area, so that they can carry out a reliable and fair investigation of reported cases.

Sodexo will not tolerate reprisals against or victimization of an employee who observes and reports problems concerning one form or another of sexual harassment, or who registers a complaint and/or participates in procedures concerning an alleged case of sexual harassment, provided that it is done in good faith and based on real facts.

Sodexo will work with the representative trade unions affiliated to the IUF to ensure that the information regarding its commitment to prevent harassment is well understood.

In countries where there are no IUF affiliates, this Joint Commitment may serve as a benchmark for implementing measures to prevent sexual harassment in line with the company's global commitment to zero tolerance.

Sodexo undertakes to include a clause against sexual harassment in its Supplier Code of Conduct, to inform its subcontractors and suppliers of this policy and will use its influence to resolve any case of sexual harassment that might arise in the framework of its relations with subcontractors/ suppliers.



NEXT STEPS

Sodexo and the IUF believe that concrete actions are necessary to prevent sexual harassment in the workplace. Sodexo welcomes the involvement of the IUF in establishing its commitments and in sharing best practice, raising awareness and monitoring progress.

To ensure effective measures to prevent sexual harassment in the workplace based in each country and to ensure that the above principles are known, the parties shall agree regular review procedures to evaluate the progress of their actions (annual meeting).

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

SODEXO
Michel LANDEL
Chief Executive Officer

IUF
Ron OSWALD
General Secretary

Paris, June 21, 2017

The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) is an international federation of trade unions representing workers employed in agriculture and plantations, the preparation and manufacture of food and beverages, hotels, restaurants and catering services, all stages of tobacco processing.

With a financial membership of 2,5 million the IUF is composed of 425 affiliated trade unions in 127 countries representing over 10 million workers in IUF sectors. It is based in Geneva, Switzerland.



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