



Policy Brief

The Asian Confederation
of Employers

A Business Case for Preventing Violence and Harassment at Work

Empowering Women Migrant Workers and Businesses

Key Data

- At least 33% of women globally report experiencing physical and/or sexual violence during their lifetime, and 37.7% in South-East Asia.¹²
- Sexual harassment and violence are the most common form of abuse at work with 77% of women experiencing it.³
- Domestic violence affects 53% of women who suffer mental or physical issues⁴ and limits access to and retention of employment.
- Violence in the workplace severely impacts women's economic empowerment costing businesses approximately 0.5–3.5 per cent of GDP per year.⁵
- By addressing workplace violence and harassment, businesses can improve their reputation, productivity and profits by between 5%-20%.⁶

ILO Convention 190 and Recommendation 206⁷ on Violence and Harassment, are the first international instruments in the world of work to recognize that violence and harassment at work constitute a human rights violation with comprehensive recommendations to protect and empower women.

Summary

30%-40% of women in Asia experience violence and harassment at work and are a significant global human rights violation. Women migrant workers are especially vulnerable, experiencing violence and harassment due to a combination of racism and sexism evidenced through gender inequality and structural discrimination including within the socio-economic and legal contexts.⁸ There are multiple types of violence and harassment including physical, sexual and psychological abuse, significantly impacting on health and well-being of employees, resulting in a reduction in productivity, profits, reputation, and increased costs to them and to businesses.⁹

This policy brief will look at

- a. Factors contributing to the various forms of violence and harassment women migrant workers experience at work
- b. Importance of a place of work free of violence and harassment
- c. Business case for addressing and implementing a workplace free of violence and harassment
- d. Recommendations for ASEAN employers to address and achieve a workplace free of violence and harassment
- e. Examples of Governments of ASEAN Member States in achieving success in prevention of workplace violence and harassment

Why and How does Violence and Harassment Against Migrant Women Happen?

- Factors that increase the risk of violence at work include gender, race, ethnicity, sexual orientation (LGBTQI),¹⁰ class, religion, disabilities,¹¹ pregnancy and motherhood.
- Migrant women workers are most at risk because they fulfil several of these factors, notably gender inequalities as women, and xenophobia and racism as migrants and foreigners.
- Violence and harassment are evidenced through discriminatory social, immigration and labour policies.
- Women who have migrated through irregular channels and work in the informal sectors lack any labour or legal protection mechanisms and are most vulnerable. They experience economic deprivation and are exposed to violence and harassment that frequently goes unreported due to fear of reprisals, job loss and deportation.
- The work context is often governed by unequal power relations in a male-dominated workplace culture that condones and encourages harmful attitudes and behaviours.
- Violence and harassment can take the form of physical attacks; psychological bullying; being asked for sexual favours in exchange for work, improved terms and conditions, and/or promotions; and is committed by individuals or groups of colleagues.
- Sexual harassment accounts for the majority of cases of violence and harassment experienced by women at work, often as high as 77% experiencing it.¹²
- Violence and harassment from colleagues and supervisors often leads to women's constructive dismissal, resignations, or refusal to return to work.
- Some of the abuse experienced and committed during work is by their abuser - cyber bullying - using workplace equipment, including telephones and computers.

The Covid-19 pandemic has meant increased job losses that have disproportionately affected women migrant workers because :

- They are frequently the first to go due to gender discrimination favouring retention of male colleagues and insecurity of informal and temporary work.¹³
- Fear of being infected and losing jobs and homes, women are working longer hours,¹⁴ that causes physical and psychological stress.¹⁵ In Thailand, 48% of healthcare professionals had experienced verbal abuse and 11% physical abuse and bullying.¹⁶
- Domestic workers living full time with their abuser have even fewer opportunities to escape or access services and help as they are frequently socially isolated.¹⁷

- Travel restrictions prevents their return home or start new jobs, and debts from recruitment fees and costs can lead to debt bondage, further exploitation, violence and trafficking.
- Returning workers experience increased xenophobia due to fear of the spread of COVID-19 and uncertainty of workplace safety. There is also a risk of violence in state quarantine and a risk of increased domestic violence at home due to loss of income and increased stress.
- There is little legal recourse for irregular migrant women workers due to their irregular status and fear of deportation.

Importance of a World of Work Free of Violence and Harassment

- The prevalence of violence against women at work is extremely high. In Asia where 80% of men are in management, 30-40% of women have experienced sexual harassment at work.¹⁸
- Sexual harassment of female employees in the Cambodian garment industry cost it US\$89 million in 2016 due to lost output/revenue, absenteeism, and employee retraining and replacement costs.¹⁹
- There is a clear correlation between higher incidents of workplace violence and harassment and lower productivity. Violence and harassment at work impedes business productivity, domestic and regional economic growth and sustainable development. In the US, victims lost approximately 8 million days of paid work;²⁰ 20% of Cambodian women reported work absenteeism;²¹ cost Australian employers US\$340 million per year;²² cost the Viet Nam government 1.41% of GDP (estimated at 2,536,000 billion VND); and lost productivity of 1.78% of GDP.²³ A US study calculated the cost of sexual harassment at US\$22,500 per employee to the employer, including reduced productivity, health costs, legal fees and settlements.²⁴ The global cost is US\$1.5 trillion.²⁵
- Domestic violence impacts at least 20% of women employees with significant consequences.²⁶ 59% said their work performance and career opportunities were negatively impacted, reflected in reduced productivity earning 35%-60%²⁸ less than those not experiencing such violence. 53% suffering physical and mental health²⁹ through increased stress due to fear of job loss, physical exhaustion and reduced confidence affecting quality of public and private life.³⁰ 71% of Chinese women reported their career progression had been negatively impacted.³¹
- Domestic violence prevents women entering and remaining in the labour market increasing staff turnover;³² affects workplace relations and employee engagement reflected in organizational reputation, image and competitiveness.³³

Business Case for Addressing and Implementing a Workplace Free of Violence and Harassment

Creating, implementing and promoting workplace gender diversity with equal opportunity policies and gender-inclusive cultures is a critical component to a business strategy and can stop and prevent violence and harassment of women.

- Providing a safe environment with a direct positive impact on the workforce, increases productivity, reduces operating costs and enhances innovation and reputation.³⁴
- Investment in gender equality in health and safety reduces work-related accidents, sick pay costs, re-training and recruitment costs;³⁵ increases number of reporting incidents; reduces staff turnover and improves well-being.³⁶
- A healthy and productive workplace promotes a healthy and productive workforce³⁷ that ensures reduced insurance overheads and could save employers as much as US\$334 million annually.³⁸
- Promoting gender equality drives profitability, productivity and performance. Employing and retaining 40-60% of women in the workplace and at least 30% in strategic leadership roles, enhances business performance, with 69% of businesses in Asia and Pacific reporting increased profitability and productivity and adding to national GDP.³⁹
- Businesses have increased profits by 5%-20%; and improved business performance by 9%.⁴⁰
- Advancing gender equality by closing the gender pay gap alone would add US\$12 trillion to global GDP by 2025.⁴¹
- Increasing female labour to 80% would boost GDP by US\$6 trillion; and reducing the gender gap in labour by 25% by 2025 would add US\$5.3 trillion to global GDP.⁴²

Recommendations to ASEAN Employers in Achieving a Workplace Free of Violence and Harassment

Awareness Raising

- Employers awareness of all international and domestic legislation that prevents violence against women, eliminates discrimination based on gender, and domestic violence,⁴³ and implement them as best practices.⁴⁴ This should include working with government bodies in making public spaces, including transport to and from work, safer and more accessible. The Philippines (1995) and Singapore (2014) have introduced an Anti-Sexual Harassment Act.⁴⁵ Brunei has amended legislation on domestic violence from 2010.⁴⁶ Thailand passed the Protection of Victims of Domestic Violence Act (2007) that raises awareness of it as a public issue.
- Be up to date on government's and WHO's recommendations and mandates relating to COVID-19 and use these as benchmarks of achievement to promote its reputation as a progressive gender-equal health and safety conscious company on the domestic and international forum.
- Share business best practices of effective ways to promote and achieve gender equality in the workplace including sexual harassment and violence policy and Codes of Conduct.

Gender-sensitive rights-based measures

- Implement recommendations from ILO C.189, 190 and R.206 to implement gender equality. The Philippines has signed C.189. Gender sensitivity training for all employers and employees on existing support policies and programmes on prevention of violence against women to effect constructive positive attitudes and behaviour between men and women. The Philippines passed the Magna Carta of Women (2009) that adopts CEDAW to provide training of women in social work services, police and medico-legal to support survivors of gender-based offences.
- Engage company leaders to implement gender-diverse work initiatives in prevention and elimination of violence against women, promote positive social norms and underlying issues contributing to violence and harmful masculinities due to unequal power balances.
- Gender-sensitive toolkit to raise awareness and capacity build employers and employees about underlying causes and conditions that lead to all forms of violence and harassment against women.
- Collect gender disaggregated data from assessments, monitoring and evaluation of policies and programmes. Cambodia has introduced a National Action Plan to Prevent Violence Against Women and Girls (2014-2018) that includes training, monitoring and evaluation.

Economic Empowerment of Women Migrant Workers

- Financial support through equal and fair wages and benefits including health insurance, access to social and support services, flexible work arrangements, and paid domestic leave.
- Employ and retain more women in the workplace through supportive entitlements and practices.
- Promotion and inclusion of women in strategic leadership roles with equal representation.
- Inclusive communication of women at all levels of decision-making including in the development of COVID-19 and violence related policies. Lao Women's Union has developed an Action Plan (2016-2020) focusing on awareness of women's rights and gender equality.⁴⁹

Occupational Health and Safety⁵⁰

- Violence and harassment can take the form of physical attacks; psychological bullying; being asked for sexual favours in exchange for work, improved terms and conditions, and/or promotions; and is committed by individuals or groups of colleagues.
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Confidential and Accountable Dispute Resolution Mechanisms

- A gender-sensitive formal internal and external process for the reporting, investigating and appropriate resolving incidents of violence or harassment.
- Information about specialist support networks and referral services including violence against women organisations. Myanmar introduced a referral mechanism through the Committee on Women's Affairs and a National Plan for Advancement of Women (2013-2022).⁵²
- Policies to provide a confidential reporting to employee victims/survivors of violence and harassment.
- Creating policies on how to effectively deal with employees who are perpetrators of violence and harassment, including disciplinary procedures. Lao has provisions for counselling and shelters for survivors of violence and human trafficking with a 24 hour hotline number.⁵³

References

- ¹ A significant number of cases are never reported.
- ² World Health Organisation Violence Against Women: Prevalence, 2013
- ³ ILO report Ending violence and harassment against women and men in the world of work, 2018
- ⁴ IFC The Business Case for Workplace Responses to Domestic and Sexual Violence in Fiji, 2017
- ⁵ ILO Violence at Work Third Edition, 2006
- ⁶ ILO Women in Business and Management: The business case for change, 2019
- ⁷ None of the ASEAN Member States have ratified this convention. See Convention 190:
https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190_10
- ⁸ See Recommendation 206: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:40000
- ⁹ This also includes cultural and political discrimination and unequal status and power imbalances
- ¹⁰ ILO UN Women Handbook Addressing Violence and Harassment Against Women in the World of Work, 2019
- ¹¹ Many live in fear of their secret being exposed and are easily exploited and abused as a result. UK research reported 16.9 per cent of lesbians and 19.2 per cent of bisexuals were bullied. ILO report, 2018
- ¹² Disabled are more than twice as likely to report violence and harassment, Equality and Human Rights Commission, 2011, page 86
- ¹³ Study in S Africa and Kenya, ILO report Ending violence and harassment against women and men in the world of work, 2018. In the garment industry in Cambodia 33% experienced sexual harassment in 2016 (Care Australia, 2017). In the UK, research by the TUC reported comments and jokes of a sexual nature occurred around 35% of the time, with 25% and 20% experiencing unwanted touching and sexual advances respectively.
- ¹⁴ https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/briefingnote/wcms_741512.pdf
- ¹⁵ Even before COVID, domestic workers worked between 12-16 hours per day and on call 24 hours per day with only 40% being given one day off per week. ILO Towards achieving decent work for domestic workers in ASEAN, 2017
- ¹⁶ UN Report on COVID-19 and Human Rights We are all in this together, p. 7, 2020
- ¹⁷ In 2002. ILO Ending violence and harassment against women and men in the world of work, 107th session, 2018
- ¹⁸ <https://www.hrw.org/news/2020/04/06/domestic-workers-middle-east-risk-abuse-amid-covid-19-crisis>
- ¹⁹ ILO Women in Business and Management: The business case for change, 2019
- ²⁰ Care Australia, 2017
- ²¹ National Center for Injury Prevention and Control, 2003, page 1
- ²² Summary Report Ending Violence Is Our Business Workplace Responses To Intimate Partner Violence In Asia And The Pacific, 2017
- ²³ 'Oneinthreewomen' Companies and Face Foundation Survey Held In 6 Companies: "How Does Domestic Violence Impact The Workplace?", 2019.
- ²⁴ UN Women: Estimating the Costs of Domestic Violence Against Women in Viet Nam, 2012
- ²⁵ Ibid
- ²⁶ Ibid
- ²⁷ 'Oneinthreewomen' Companies And Face Foundation Survey Held In 6 Companies: "How Does Domestic Violence Impact The Workplace?", 2019.
- ²⁸ In Viet Nam, UN Women, 2012, page iv
- ²⁹ Summary Report Ending Violence Is Our Business Workplace Responses To Intimate Partner Violence In Asia And The Pacific , 2017
- ³⁰ IFC The Business Case for Workplace Responses to Domestic and Sexual Violence in Fiji, 2017
- ³¹ 'Oneinthreewomen' Companies And Face Foundation Survey Held In 6 Companies: "How Does Domestic Violence Impact The Workplace?", 2019.
- ³² UN Women Workplace Responses to Intimate Partner Violence in Asia and the Pacific, 2019
- ³³ ILO report 2018, p. 26
- ³⁴ In the UK, 33.5 million days were lost due to work-based harassment and violence; approximately 200,000 employees left and 100 million days productivity were lost, costing £13.75 billion to organisations. ILO report, 2018, p. 28
- ³⁵ Summary Report Ending Violence Is Our Business Workplace Responses To Intimate Partner Violence In Asia And The Pacific , 2017 and ILO Women in Business and Management: The business case for change , 2019
- ³⁶ Health and Safety Executive, UK <https://www.hse.gov.uk/pubns/misc743.pdf>
- ³⁷ PWC The economic case for preventing violence against women / November 2015 A High Price to Pay, 2015
- ³⁸ Sickness absence and rehabilitation survey, Engineering Employers Federation (EEF) 2006
- ³⁹ 'Oneinthreewomen' Companies And Face Foundation Survey Held In 6 Companies: "How Does Domestic Violence Impact The Workplace?", 2019.
- ⁴⁰ ILO Women in Business and Management: The business case for change, 2019
- ⁴¹ ILO Women in Business and Management: The business case for change, 2019
- ⁴² Care Counting the Cost of violence against women, 2018
- ⁴³ ILO Women in Business and Management: The business case for change, 2019
- ⁴⁴ 33% of countries in Asia and the Pacific have legislation on domestic violence which prevents a person from entering or remaining in the workforce is prohibited
- ⁴⁵ CEDAW (1979); Social Development Goals, especially SDG 3: Good health and well-being; SDG5: Gender Equality, SDG8: Decent work and economic growth, SDG 10: Reduced Inequalities, SDG17: Partnerships for the Goals; ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus); ASEAN Declaration Against Trafficking in Persons Particularly Women and Children (2004) and ILO Conventions 189 and 190
- ⁴⁶ <https://pcw.gov.ph/republic-act-7877-anti-sexual-harassment-act-of-1995/>
- ⁴⁷ ASEAN Regional Plan of Action on EVAW, 2016
- ⁴⁸ Behaviour Change Journey or Theory of Change: Spotlight Initiative Changing Attitudes and Behaviour Towards Women Migrant Workers in ASEAN, 2018
- ⁴⁹ ASEAN Regional Plan of Action on EVAW, 2016
- ⁵⁰ ASEAN Regional Plan of Action on EVAW, 2016
- ⁵¹ This is in line with ACE policy positions on OH&S. ILO Managing Labour Mobility: Opportunities and Challenges for Employers in the ASEAN Region, 2016
- ⁵² Including sexual and reproductive services and rehabilitation and return to work assistance. Details of essential services to be available and to offer independent support to accompany them if desired and provided in multiple languages. In compliance with ILO C.190 and R.206.
- ⁵³ ASEAN Regional Plan of Action on EVAW, 2016
- ⁵⁴ ASEAN Regional Plan of Action on EVAW, 2016