

# POLICY TO PREVENT AND PROTECT AGAINST SEXUAL EXPLOITATION, ABUSE AND HARASSMENT IN THE WORKPLACE



## Foreword

Promoting gender equality through our operations and research projects has always been at the core of our organization's principles as a representative of civil society organizations and the private sector. As a result, our organization joined the National Committee of Gender Equality (NCGE) in 2017, and has since contributed to the implementation of the annual action plan of the NCGE through our research activities.

In 2022, our organization developed the Prevention of Sexual Exploitation, Abuse and Harassment (PSEAH) Policy tailored to the needs and characteristics of a research organization to mainstream gender equality into an organization's culture and all levels of its management.

Adoption and implementation of these policy provisions is vital to ensure measures are taken to prevent workplace sexual harassment as specified in Article 11.4 of the Law of Mongolia on Promotion of Gender Equality and Article 7.4 of the revised Law of Mongolia on Labour. We gave high importance to developing this policy as it demonstrates the organization's commitment to institutionalizing a safer workplace, where employees are guaranteed their human rights and that ensures professional and ethical codes of conduct to prevent human rights violations.

We would like to extend our gratitude to the Australian Volunteers Program Impact Fund for allocating a grant to developing a policy document tailored to the needs and characteristics of a research organization. We also would like to thank gender experts, specialists, and organizations for sharing their practice and experience of implementing a gender policy during the development of this policy document.



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## Abbreviations

GASI	General Agency for Specialized Investigation
GBV	Gender-based violence
ILO	International Labour Organization
ISO	International Organization for Standardization
NCGE	National Committee on Gender Equality
PSEAH	Prevention of Sexual Exploitation, Abuse and Harassment
QMS	Quality Management System
SEAH	Sexual Exploitation, Abuse and Harassment

## Definition of Terms

Concepts and terms used in this document shall be understood as follows:

1. **Workplace:** Refers to all locations related to the performance of work and duties, as well as to participation in official events in connection with duties assumed by the employee in accordance with the employment relationship established with the organization.
2. **Employer:** Refers to a person who employs an employee on the basis of an employment relationship.
3. **Employee:** Refers to a person working under a contract with the organization on the basis of an employment relationship.
4. **Sexual Harassment:** Expressing one's sexual motives verbally, physically, or in any other way when others do not want them; putting them in a situation where they are forced to have sex; creating an intolerable environment with the consequences of harming work, position, material, emotional and other aspects due to sexual motives; and to impose actions such as intimidation, coercion, or any sexually motivated action as a condition for enjoying privileges or opportunities<sup>1</sup>.
5. **Verbal Harassment:** Saying words that make someone uncomfortable, embarrassed, or words that are sexually suggestive, insulting, threatening, coercing or demanding of sexual pleasure.
6. **Harassment by actions:** Includes staring, making lustful eye contact, pointing, gesturing, showing pictures, posters, images, sending messages that are teasing, damaging clothes or belongings and pulling up skirts etc.
7. **Physical harassment:** Includes caressing neck, kissing, groping or touching breast, bottom, or genitalia, physical assault, and sexual intercourse.
8. **Sexual violence:** Forced sexual intercourse, acts of sexual violence using force, or threatening to use force against the will of the victim; taking advantage of the fact that the victim is mentally ill, drunk, intoxicated, temporarily distracted, unable to defend herself/himself or resist due to other diseases; or controlling the victim through use of property, position, or other circumstances.<sup>2</sup>
9. **Sexual exploitation:** The act involving the use of physical force, or threat or taking advantage of the defenseless state of the victim; or forced to engage into sexual intercourse with other persons not limiting free travel right, but using victim's state of material, occupational or other form of dependence.<sup>3</sup>
10. **Inaction:** Taking no action that should have been performed according to legal obligations or exhibiting passive behavior that causes harm to society or violates the law.

1 The Government of Mongolia, (2011) Law of Mongolia on Promotion of Gender Equality, Article 4.1.7 Sexual harassment.

Link: <https://legalinfo.mn/mn/detail/253>

2 The Government of Mongolia, (2015) Criminal Code of Mongolia (revised) Article 12.1. Rape.

Link: <https://legalinfo.mn/mn/detail/11634>

3 The Government of Mongolia, (2015) Criminal Code of Mongolia (revised), Article 12.3. Sexual exploitation.

Link: <https://legalinfo.mn/mn/detail/11634>

## ONE. BACKGROUND AND SCOPE OF THE POLICY

### 1.1 Background

The International Labour Organization (ILO) is the main umbrella organization that develops international labour standards and systems for labour and social issues to promote opportunities to provide decent workplaces with safe working conditions, and where human dignity, non-discrimination, equal rights and the right to work are ensured and protected.<sup>4</sup>

International labour standards are aimed at solving labour and social issues, and the government, employer and employee representatives negotiate together and approve the norms that set the basic principles of labour rights in the form of conventions, protocols, and recommendations. If a state joins the convention, it is obliged to comply with it.

As of today, the International Labour Conference approved 190 conventions, 6 protocols, and 206 recommendations. Eight of these are categorized as 'fundamental conventions', four as 'governance conventions', and the rest as 'technical conventions'.<sup>5</sup>

Within the framework of the eight fundamental conventions that establish basic principles and rights at work, labour norms are defined related to the following four basic principles: (1) freedom of association and the effective recognition of the right to collective bargaining; (2) the elimination of all forms of forced or compulsory labour; (3) the effective abolition of child labour; and (4) the elimination of discrimination in respect of employment and occupation (see Figure 1). These principles and norms are reflected in the 1998 ILO Declaration on Fundamental Principles and Rights at Work.

Figure 1. The eight fundamental conventions



Mongolia has ratified 20 of the ILO conventions, including the eight fundamental conventions that are reflected in the relevant legislation of Mongolia.

<sup>4</sup> The ILO was established in 1919 and became a specialized agency of the United Nations in 1946. The ILO brings together governments, employers and workers of 187 member states, to which Mongolia joined in 1968.

<sup>5</sup> ILO. (2019). *Rules of the Game*, International Labour Standards, Link: [wcms\\_672549.pdf \(ilo.org\)](https://www.ilo.org/wcms/672549.pdf)

See full version of the International Labour Standards from ILO website [www.ilo.org/normes](http://www.ilo.org/normes)

1. **Freedom of Association and Protection of the Right to Organise Convention (No. 87)**
2. **Right to Organise and Collective Bargaining Convention (No. 98)**

Mongolia ratified the Freedom of Association and the Protection of the Right to Organise Convention (No. 87), and the Right to Organise and Collective Bargaining Convention (No. 98) in 1969. According to these conventions, it is forbidden to restrict the right to establish an employee's union, or to promote the establishment of an employee's representative organization under the authority of the employer's representative body, and/or any means of interference such as financial interference that enables control over the employee's representative organization.

3. **Forced Labour Convention (No. 29)**
4. **Abolition of Forced Labour Convention (No. 105)**

Mongolia joined the Forced Labour Convention (No. 29) and the Abolition of Forced Labour Convention (No.105) in 2005. Forced labour is a form of modern-day slavery and is considered a criminal offense under international law because it denies individual freedom and dignity, restricts a person's free will and inviolability, and allows work to be carried out under duress.<sup>6</sup>

The ILO sets out the key elements and indicators of forced labour, which include withholding of wages, restriction of movement, debt bondage, retention of identity documents, abuse of vulnerability, isolation, physical and sexual violence, intimidation and threats, and abusive working and living conditions.<sup>7</sup> As such forced labour can exist in various forms, such as physical, psychological, economic and others.

5. **Minimum Age Convention (No. 138)**
6. **Worst Forms of Child Labour Convention (No. 182)**

Mongolia ratified the Worst Forms of Child Labour Convention (No. 182) in 2001 and the Minimum Age Convention (No. 138) in 2002. Child labour is largely dependent on poverty and is a human rights violation that seriously violates children's rights to education, development, and protection.<sup>8</sup> In particular, because of poverty-related alcoholism, divorce, homeless vagrancy, unemployment, as well as lack of attention and control by parents and caregivers, neglect, abandonment, and single-parenting, children can be subject to the worst forms of child labour. This may include being involved in crime, violations, addiction to drugs, alcohol and tobacco, and subject to abuse and prostitution.<sup>9</sup>

6 Constitution of Mongolia, Clause 16; see also Clause 5.1.4 of the Law of Mongolia on Labour which states forced labour is prohibited; and forced labour is stated as a crime under Article 13.12, Part 1, Criminal Code of Mongolia.

7 ILO, Indicators of Forced Labour. Link: [wcms\\_203832.pdf \(ilo.org\)](https://www.ilo.org/wcms/203832.pdf)

8 Mongolia adopted the revised Law of Mongolia on Labour on July 02, 2021, which came into force as of January 01, 2022. The Minister of Labour and Social Protection's Order No. A/122 of June 10, 2022, approved the revised list of workplaces where minors are prohibited from being employed, and with order A/123, the types of light work where a person over 13 can be employed, were approved.

9 NHRM. (2022). Qualitative Study on Child Labour, Ulaanbaatar. Link: [Child\\_labour-2022-12-22.pdf](https://www.nhrm.mn/child_labour-2022-12-22.pdf)

10 ILO. (2019). Rules of the Game, International Labour Standards, Link: [wcms\\_672549.pdf \(ilo.org\)](https://www.ilo.org/wcms/672549.pdf)

It is therefore important to adopt measures that eliminate the worst forms of child labour, including all forms of slavery, slavery-like activities, the sale, trafficking, and use of children as debt payment, the use of children as serfs, forced or compulsory recruitment of children in armed conflict, sexual exploitation of children, use of children in prostitution, involving children in illegal activities especially drug use and production, and preventing activities that have a harmful effect on children's health, safety, and morals. In addition, in the case of child labour, it is mandatory to remove children from intolerable forms of work, to provide necessary support, and to rehabilitate them to social life. It is also necessary to provide children with access to basic education free of charge and provide vocational training once the child is removed from harmful child labour.<sup>10</sup> It is also important that employer and employee representative organizations understand, recognise, and identify the forms, characteristics, and negative effects of forced labour and child labour, and determine ways to eliminate the causes and influencing factors.

## **7. Equal Remuneration Convention (No. 100)**

## **8. Discrimination (Employment and Occupation) Convention (No. 111)**

In 1969, Mongolia ratified the Equal Remuneration Convention (No. 100) and the Discrimination (occupation and employment) Convention (No. 111).

On June 21, 2019, the ILO adopted ILO Convention 190, declaring that everyone has the right to work in an environment free of harassment and violence based on human rights to create a culture of mutual respect between employers and employees. Mongolia has not ratified this convention, but as a member of the ILO the concepts of the convention, including the prevention and elimination of violence and harassment in the workplace and promoting conditions for any person to work in an environment free from violence and harassment, were incorporated in the revised Law of Mongolia on Labour (2021).

In addition to violating fundamental human rights, discrimination is a phenomenon with wide-ranging consequences, from inhibiting social and economic growth to increasing social inequality and conflict. Thus, the freedom to freely choose an occupation and not be discriminated against on the basis of gender or other personal characteristics when working is a fundamental freedom for every employee. It is important to see workplace harassment and violence as a problem rooted in broader social, economic, institutional, and cultural contexts that includes widespread inequalities in gender relations, rather than as an individual problem.<sup>11</sup>

11 - Unurjargal, Z., (2019). Fundamental Principle and Rights at Work: Some issues regarding discrimination and workplace harassment, NHRCM, "Human Rights" *Theoretical and Methodological Journal*, Ulaanbaatar.



The fundamental principles and concepts of rights at work are the basis for the elimination of discrimination in employment, the prevention of harassment and violence, safe working conditions, and the management of any disputes. With this context in mind, and tailored to a research organization, the development of the PSEAH policy was based on the need to meet the requirements and obligations of international norms and national laws, including respect for human rights and gender equality.

The policy is important for enterprises and institutions, including research institutions, to create friendly and safe labour relations, where human rights are respected and where operations can be aligned with human rights-based approaches and methodologies. The policy provisions aim to meet the basic standards for PSEAH in the workplace, and to support effective initiatives and activities at the organizational level to improve workplace conditions.

## 1.2 Purpose

The purpose of this policy is to create an environment in the workplace that does not tolerate sexual exploitation, abuse and harassment (SEAH), to organize activities to prevent SEAH in the workplace for parties involved in labour relations, to define the rights and obligations of the parties, to create a system for receiving and resolving complaints about PSEAH in the workplace, and to provide guidance.

## 1.3 Scope

This policy shall be an integral part of all activities of the organization and shall apply to the following parties involved directly or indirectly, regardless of the location of the workplace. These include:

- The Board of Directors.
- Main employees that have an employment contract with the organization.
- Consultants, researchers, and support staff with contracts for work and project work (data entry, quality control staff, and all staff with other support functions).
- Collaborating volunteers, interns, and research students.
- Clients (government, international, non-government, and private sector organizations that finance projects, consultants, and employees representing those organizations).
- Counterparties (partners, individuals, organizations, all suppliers of goods and services).

## TWO. POLICY DIRECTIONS AND BASIC PRINCIPLES

### 2.1 Basic Principles of the Policy

As part of the implementation of this policy, the parties shall adhere to the following principles when performing their duties at the workplace or entering into official relations. These include:

1. **No tolerance for sexual harassment, abuse and exploitation:** Support, report, and take action to prevent sexual harassment, abuse and exploitation.
2. **Respect for human rights:** Recognition of the inherent dignity and of the equal and inalienable rights of all.
3. **Non-discrimination:** Any form of discrimination and prejudice based on race, colour, gender, religion, political opinion, national or social origin that leads to the denial or violation of equal opportunities in the occupation or working environment, or withholding or prohibiting preferential treatment.
4. **Priority should be given to the situation of the victim in PSEAH in the workplace:** At all times, appropriate measures should be taken in order to respect and prioritise the interests, wishes, choices, safety, rights and dignity of the victim.
5. **Prompt review of complaints and information:** Registration of each reported violation and incident, review of information, establishment of a working group, and prompt organization of decision-making activities within the time specified in the policy.
6. **Conduct a fair review of complaints and information:** To respond to each violation and complaint of SEAH in the workplace based on evidence, from an external perspective, and on fair grounds.
7. **Increase accountability and transparency:** All parties should inform and report on any violations and incidents of SEAH in the workplace by continuously improving the PSEAH system.
8. **Strictly maintain personal confidentiality:** Strictly store the information on victims and perpetrators of SEAH in the workplace in accordance with the Law on Protecting Personal Information.

## **2.2 POLICY PROVISION #1. PREVENTION**



## 2.2.1 Policy provision: Prevention

The first step in ending SEAH in the workplace is to prevent incidents from occurring. Preventive measures include taking comprehensive actions to investigate the causes of SEAH and to prevent and stop violations. Within the scope of preventing SEAH in the workplace, the organization shall implement the following policy directives:

### 2.2.1.1 Incorporate, implement, evaluate, and update provisions for preventing and combating SEAH in the workplace in the organization's internal rules and regulations.

- a. All rules, regulations, manuals, instructions, guidelines, and all types of contracts of the internal labour regulations and of those in related organizations shall include provisions related to the prevention and combating of SEAH in the workplace.
- b. In the Risk Management Plan of all implemented projects, the risks related to SEAH in the workplace shall be regularly considered (see [Appendix 5. Risk Management Plan](#)).
- c. As part of the organization's internal quality control process, PSEAH documents should be evaluated and updated regularly every two years or when necessary.

### 2.2.1.2 Regularly increase awareness of PSEAH in the workplace to improve understanding and knowledge of all parties.

- a. **Orientation training for new employees:** PSEAH policy documentation to be included to orientation training of all new employees and employees signing a new labour contract.
- b. **Internal training:** Annual training for employees should include content and discussions to increase their knowledge and understanding on PSEAH in the workplace (see [Appendix 4. Basic Topics of Regular and Refresher Training](#)).
- c. **Contract staff training:** Contract researchers and field staff should be introduced to PSEAH in the workplace through the instructions of the Occupational Health and Safety (OHS) officer and confirmed in an annex to the contract. A 'Code of Conduct for the Contractor' shall be presented to consultants and contract employees of the main project team and also confirmed in an annex to the contract. Depending on the length of an employee's cooperation with the organization, the information can be given in person by a manager, delivered in the form of a pre-prepared video, or be given in writing. The employee should confirm their understanding and acceptance of the Code of Conduct with a signature. If necessary, the Code of Conduct shall be presented to cooperating and supplier organizations.
- d. **Interns and volunteers:** Orientation training for interns and volunteers shall include PSEAH in the workplace, and their understanding and acceptance confirmed with a signature.
- e. **Officer for sexual exploitation, abuse and harassment in the workplace related issues:** Support professional training of employees responsible for PSEAH in the workplace, as well as participation in relevant trainings and discussions, and participation in national and international campaigns.

- f. **Dissemination of information:** Regularly upload relevant information to bulletin boards, libraries, and the organization's shared database, and keep prevention information and materials accessible.

### 2.2.1.3 Take measures to detect risks related to SEAH in the workplace at an early stage.

a. For full-time (core) staff:

- The mid-year and end-of-year human resources meetings shall include questions related to sexual harassment in the workplace and clarify risks.
- An employee satisfaction survey conducted at the end of the year shall include questions related to PSEAH in the workplace and report the results.
- Clauses related to PSEAH in the workplace shall be included in the labour contract of the employees and presented to them.

a. For contract employees:

- Add questions to clarify the risks related to PSEAH in the workplace when evaluating the performance and cooperation of team members during the Project Team Evaluation after completion of projects.
- Conduct a post-completion contract review questionnaire to clarify risks.
- In any type of contract or code of conduct signed with the employee, clauses related to PSEAH in the workplace shall be included, presented, and confirmed by signature.

## **2.2 POLICY PROVISION #2. RESPONSE**



## 2.2.2 Policy provision: Response

The following policy provisions will be implemented when receiving and responding to complaints and information related to SEAH in the workplace:

### 2.2.2.1 Sensitively record and respond to complaints and information related to SEAH in the workplace.

- a. SEAH complaints and information in the workplace will be collected and recorded through the following two channels, formally and informally: (1) The aggrieved party to file an official complaint, (2) If the aggrieved party did not file an official complaint, information about the incident to be reported informally by other parties.
- b. Regardless of whether a party has filed a complaint or not, in the event that information is received about a situation related to SEAH in the workplace among the employees of the organization, the responsible person (human resource officer, management) will record, enforce and analyse the situation.
- c. If it exceeds the authority of the organization, it will be transferred to the relevant legal organization taking into account the victim's opinion.

### 2.2.2.2 Prompt resolution of complaints related to SEAH in the workplace, and participation and support in the process until resolution.

- a. Provide the employee with information (see Appendices 1, 2, 3) on how to resolve the situation related to SEAH in the workplace that has arisen. An employee can file a complaint about being affected by SEAH in the workplace through the following channels:
  - To the National Human Rights Commission, which is an independent government agency.
  - To the police and professional inspection bodies if the SEAH incident in the workplace is illegal or criminal.
  - In the case of a criminal case, when a complaint is filed with the police the organization must support with the necessary information and resources.
- b. Based on the complaint and information received, a 'working group' will be established by the management of the organization in order to collect facts and information, and to evaluate and resolve the situation from an external perspective. The working group will review and issue a conclusion within 14 days after receiving the complaint and information.
- c. On the recommendation of the working group, measures to isolate the working environment of the victim and the perpetrator may be implemented temporarily.
- d. If the complaint is transferred to a legal organization and the case is in process, the organization will provide full support in order to protect the employee's rights.

**2.2.2.3 The working group will conduct a fair review of complaints from an external perspective and in accordance with the law.**

- a. The working group shall consist of up to three or more people who have received gender balance, human rights and gender training.
- b. If necessary, the working group will include representatives of professional organizations and representatives of the National Human Rights Commission or civil society organizations.
- c. The responsible employee or the working group shall protect any personal information revealed during the processing of complaints about the SEAH in the workplace in accordance with the Law on Protection of Personal Secrecy, and a confidentiality agreement with each member of the working group should be signed.
- d. The conclusion of the working group is the basis for disciplinary action against the guilty party (if proved guilty). The conclusion and decision will be presented to the complainant and the guilty party and signed.



## **THREE. MANAGEMENT AND COORDINATION**

### **3.1 Rights and obligations of the parties**

All the above-mentioned parties are obliged to immediately inform the management of the organization and the employee in charge of SEAH in the workplace if they become aware of an incident related to SEAH in the workplace. In order to ensure the implementation of this policy, the stakeholders shall undertake the following duties.

#### **3.1.1 Obligations of the employer**

- a. Responsible for creating a workplace that does not tolerate SEAH in the workplace and for creating a culture where people are treated with dignity and respect in all projects, research, and consulting services implemented by the organization.
- b. Responsible for introducing and implementing the PSEAH policy in the workplace to all employees of the organization.
- c. Responsible for ensuring that an employee or employees are qualified to take responsibility for the PSEAH policy in the workplace, organizing prevention training involving all employees, budgeting the required costs, and reporting the results to the employees.
- d. Responsible for making PSEAH policy information available to employees at all levels using the organization's bulletin board and electronic platforms.
- e. Responsible for distributing a questionnaire about SEAH in the workplace to employees at least once a year, evaluating the responses, and taking appropriate countermeasures if necessary.
- f. Has the right to ask screening and clarifying questions to prevent SEAH in the workplace during the employment selection process.
- g. Responsible for establishing a working group to resolve complaints and information related to SEAH in the workplace.
- h. Responsible for imposing disciplinary action on the employee who committed a violation related to the SEAH in the workplace, in accordance with the rules and regulations of the organization.
- i. Obligated to strictly maintain the confidentiality of any information related to SEAH in the workplace.

### 3.1.2 Rights and obligations of management and administration – manager-level employees

- a. Responsible for developing a work environment and culture of communication among colleagues that does not tolerate SEAH in the workplace, communicates respect for human dignity, sets an example for other employees, and works with leadership.
- b. Obligated to strive to continuously improve and increase one's knowledge and understanding in the field of PSEAH policy and to be proactive in improving the results of training and information activities.
- c. Responsible for supervising the activities of employees and project teams under their direct management in the field of PSEAH policy in the workplace and organizing preventive work.
- d. Responsible for a prompt response and action if they become aware of any acts or omissions that are characteristic of SEAH in the workplace.
- e. Responsible for working as part of the working group and cooperating in the process of handling cases according to received complaints and information related to employees under their direct management.

### 3.1.3 Rights and obligations of other employees

- a. Have the right to work in an environment that is free of violence and harassment, that is healthy, and to be protected by their right to work.
- b. Have the right to file complaints, information, explanations, witness statements, and evidence on behalf of oneself and others regarding sexual harassment in the workplace.
- c. Have the right to require the employer to take measures to resolve the complaint if there is a complaint about SEAH in the workplace.
- d. Obligated to participate in the training organized by the employer and obtain information on any type of violence and sexual harassment.
- e. Obligated to demonstrate a commitment to non-tolerance of SEAH in the workplace, to treat everyone in the workplace with courtesy and respect, and to have professional ethics.
- f. Responsible to not commit discrimination and SEAH in the workplace.
- g. When an employee becomes aware of a possible risk or any violation of SEAH in the workplace, he/she is responsible to take the most suitable measures after consultation with the affected employee or individual, and to support the co-workers who are affected by the behaviour of SEAH in the workplace as appropriate.
- h. Responsible for cooperation and support during the handling of violations and complaints.

## 3.2 Management and coordination

The policy will be discussed at the meeting of all employees and the board of directors and will be effective from the day it is approved by the resolution of the board of directors.

3.2.1 In the relevant annual report of the organization (semi-annual, year-end report, board of director's report), the implementation of the policy is evaluated according to the evaluation criteria shown in [Appendix 6](#), and the relevant results are reported to top management.

3.2.2 The Human Resources Manager will be responsible for the implementation of the policy, and the implementation will be supervised by the Operations Director and the Executive Director.

3.2.3 In order to strengthen the implementation of the documents and conform to the changes of the organization, the review and updating of the policy will be organized in coordination with the organization's Quality Management System (QMS).

3.2.4 If necessary, regardless of the QMS document review and renewal plan, a working group may be organized by order of the Executive Director. Based on this conclusion, the working group will draft the necessary amendments and revisions and have them approved by the board of directors. When updating policy documents, the following needs shall be considered:

- Whether there have been changes to applicable laws and regulations.
- Whether there is a need to improve the effectiveness of the policy when there are any changes in the organization's structure and operations.
- Whether there have been changes in the organizational environment, policies, rules and regulations.
- If, when implemented, further regulations are required then these should be be revised in the policy document.

## RECOMMENDATIONS FOR POLICY IMPLEMENTATION

We hope that you and your colleagues have decided to introduce and implement the PSEAH policy in your workplace. This will be an important decision that will create a more human rights-friendly, safe and ethical workplace. In order to develop this policy in accordance with the context of research and consulting service organizations, research was conducted using a step-by-step discussion among employees. In addition, a study was made of other national and international organizations that have implemented this type of policy and aspects were incorporated.

During the implementation process, valuable experiences and lessons were learned and these have been summarised in the policy recommendations below. We believe that these recommendations and case studies will provide useful ideas for the implementation of the document from the policy level to the employee at grassroots level.

*"To look at a person as a tool or an object is to not see him as a person at all."*

Immanuel Kant (German philosopher)

### A. Creating a healthy and safe workplace



#### 1. Adjust and use the policy according to the characteristics of each organization with the participation of employees.

It is common for organizations to discuss and approve internal documents at the board or management level. Therefore, when introducing the policy, it is recommended to adapt the provisions taking into account the characteristics of the organization. To this end, it is recommended to organize a truly participatory process to reflect the opinions of employees at all levels. Project researchers, coordinators, and consultants will provide information from one perspective, while field researchers and call centre operators will provide information from another perspective.

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#### 2. Putting safety first, even when the workload is high.

One of the risk factors that create the conditions for the occurrence of SEAH in the workplace is increased workload, working extended hours, and being assigned duties other than the main duties. If you look at the majority of cases of SEAH in the workplace, it is notable that they are related to conditions created by the employee working in the evening and at night, staying overnight at the office with only a few people present, and working on weekends. Therefore, if it is necessary for an employee to work under the above conditions, it is recommended to pay attention to their safety, such as allowing them to work from home and providing the necessary equipment.

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- 3. Empowering at least one with SEAH responsibilities.**
- In organizations with only a few employees and no dedicated human resource (HR) staff, it is common for HR functions to be shared by an operations manager, assistant manager, and secretary. It is important to have one employee who is given a duty to prevent SEAH in the workplace in their contract, and who undergoes training on human rights-based approaches and gender-sensitive planning. There is a risk that an employee who lacks understanding and knowledge will make a mistake in the process of protecting the informant, detecting the victim, and causing double damage to the victim. Therefore, as much as possible, it is very important to provide professional training for employees who perform dual functions inclusive of PSEAH.
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- 4. Regular reminders before each community event, assignment, and open events.**
- Anyone, anywhere, is at risk of sexual harassment in the workplace. Although this type of risk may be considered low in your organization, it can also occur in other situations where employees interact with work-related requirements such as when employees are on assignment, working with contractors, customers, partners, or gathering data in the field. In order to prevent the above risks, the employer should regularly give recommendations to the employees on what to do if they are exposed to this type of situation. For this purpose, it is important to regularly provide preventive training and discussions, as well as occupational safety instructions and recommendations when working outside the workplace. Regular reminders should not distinguish between new and old employees.
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- 5. Paying attention to investments and purchases to improve the work environment on an annual basis.**
- The initiative and leadership of the employer are important in making the workplace a safe environment. Some organizations, when organizing the office space, have everyone work together in a large hall or install glass separators between offices to help prevent SEAH in the workplace. However, changing the layout of an existing office is expensive, so it is recommended that the employer pays attention to the more risky environments in the workplace based on their finances and resources. Minimum action should include installing full lighting and a camera system, and ensuring that they are always in operation.
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- 6. Use a box for suggestions, complaints and requests.**
- Many offices operate an anonymous feedback box. This can contribute to the prevention of SEAH in the workplace and the box requires checking monthly or quarterly. In addition to identifying potential victims, the box is also a way to openly listen to staff opinions and, in some cases, to identify changes in staff awareness that can be used in preventive training.
- 
- 7. Organize preventive activities in a diverse and interesting way.**
- It should be remembered that prevention training for SEAH in the workplace covers a very wide range of content. For example, this includes issues related to human rights in the workplace such as the promotion of professionalism, awareness of workplace ethics, a decent workplace, safety, work pressure and how to overcome it, and so on.

It is recommended to organize online and classroom training in collaboration with specialised consultants. It is also a good idea to budget for this type of training in the annual capacity building plan. In addition to the training, aim to organize the provision of knowledge and information through other methods, such as film discussion, presentation of good practices in combating sexual harassment in the workplace in other countries, discussion of the most common cases in the workplace, listening to survivor speeches, etc.



## 8. Join annual campaigns against gender-based violence (GBV).

Depending on the nature of the organization's operations and the number of employees, initiate a campaign to create a safe environment that does not tolerate GBV within the framework of the 16-day campaign to combat GBV, which is organized from November 26 to December 10 every year. It is recommended to work collaboratively by involving other employers. This is a way for your organization to be known, not only to the public but also to its customers and partner organizations, as an organization with a culture that does not tolerate GBV.



## 9. Finally, it is important to note that SEAH in the workplace can happen to anyone, anywhere.

No matter how well preventive measures are taken, we cannot completely control the occurrence of this type of risk. Just because the policy has been implemented does not mean that this type of risk will not occur at all, but if it is detected, the mechanism of how to report the problem and take measures to solve it is an important result of the introduction of the policy in your organization.



**Case 1.** *My director called me to his office and gave me an assignment that would not be completed until I sat down and worked for extended hours. While I was working in the evening with the intention of finishing it, he offered to lay down and sleep and relax with me in the sauna. When I said I have to finish my work and I'm in a hurry to go to my family, he said I was dumb. I'm not the only one in this situation, our colleagues know this behaviour of the head of the department, we talk to each other...*



**Case 2.** *A man in our office constantly stares at E (woman), a cleaner of our company. When E goes to the bathroom to clean up, he follows E and starts a conversation. I notified it to our manager. But he didn't care. Our company does not have a human resources officer...*

## B. Responding to and solving registered cases



### 1. Breaking stereotypes.

It is a stereotype to think that SEAH in the workplace affects only women or is only a problem between members of the opposite sex. It is also common for female employees to verbally harass each other. Research also shows that 90 percent of all sexual harassment in the workplace is verbal. Verbal manifestations include talking about sex, telling jokes, making fun of people, talking about personal sexuality, constantly complimenting one's body and appearance rather than one's ability to work, saying sexually suggestive words, showing pictures, writing text messages and e-mails, taking advantage of dominance in terms of high salaries, positions, and materials etc. It is therefore recommended that stereotypes are put to one side and the issue approached liberally and openly.



### 2. Don't waste time.

It is extremely important to provide assistance and referral to a service provider within 24 hours for victims of SEAH in the workplace. It is important for the HR officer to obtain the information of the victim or potential victim of SEAH in the workplace and protect the victim as soon as possible. In doing so, it is recommended to adhere to the principles of non-discrimination and non-blaming the victim.



### 3. When working with identified cases, always observe the following.

There is a general tendency to blame the victims of SEAH in the workplace. There is a common attitude among colleagues that she/he went out on her/his own accord and that her/his dress was clearly provocative. It should be remembered that there is no such thing as SEAH in the workplace being committed at will; one of the main feature of crimes against human sexual freedom is that they are committed against the will of the victim, and clothing should not be a factor in becoming a victim. Dress is not a reason to be sexually harassed.



### 4. The human resource officer should be qualified and ethical.

If a victim is identified, the employee responsible for human resources or other responsible person should contact a relevant service organization depending on how serious the nature of the violation is. This could be the police or the national human rights organization, and then to establish regular contact with the service provider organization and work collaboratively when providing the necessary evidence to assist the victim. The employer, especially the employee responsible for human resources, must strictly maintain personal confidentiality.



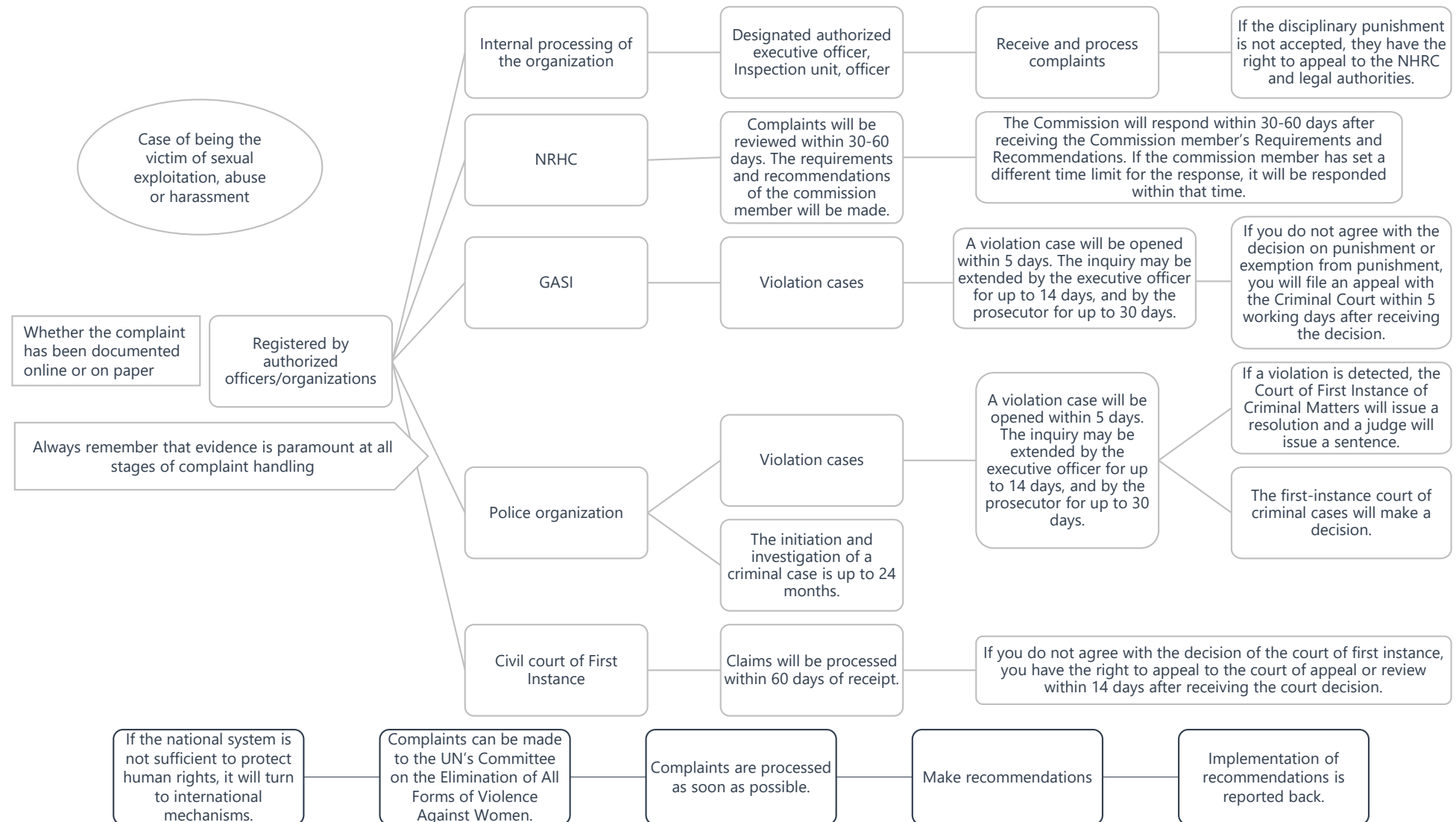
## 5. Culture of intolerance to SEAH.

Intolerance to SEAH is about not tolerating it at any time. SEAH in the workplace is a violation of human rights that violates a person's physical and mental health, reproductive rights, freedom, and sexual and personal privacy. Violations cause deep physical and psychological trauma to victims. Therefore, if an employee knows someone who is a potential victim or who has become a victim, it is very important that they respond by offering support, counselling, and activate preventive measures in the work environment. If the violation has been reported but the alleged victim refuses to raise the problem, it is recommended that he or she attend a workplace sexual harassment awareness training or be provided with one-on-one counselling with a professional.

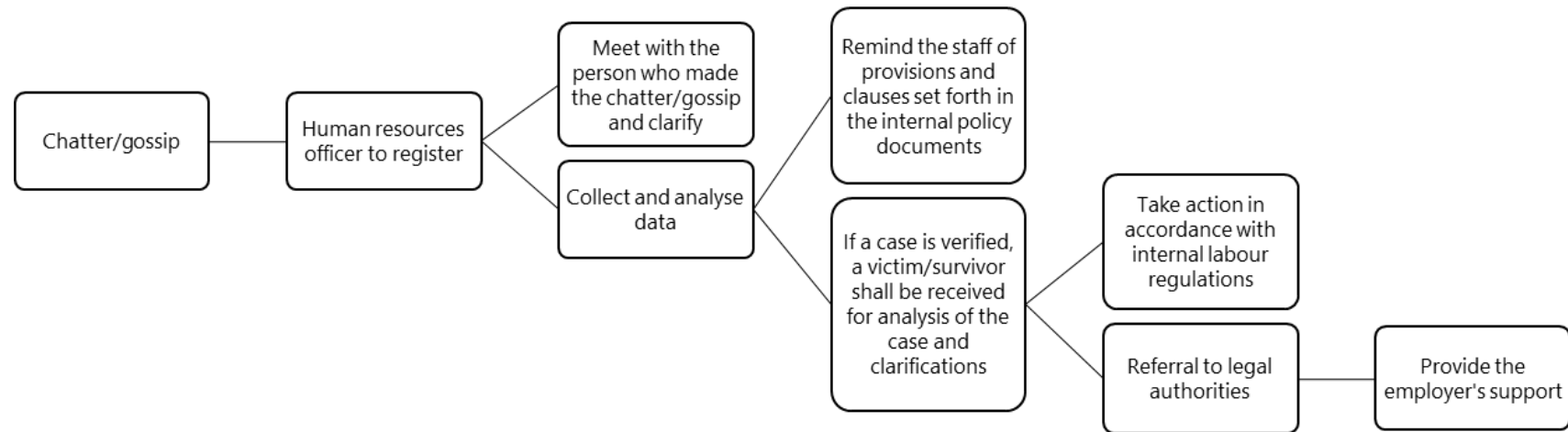


## Appendices

### Appendix 1. Map of the Stages of Filing an Official Complaint Related to SEAH in the Workplace



## Appendix 2. Stages of Recording Informal SEAH Information



### Appendix 3. SEAH Complaint and Reporting Form

#### Complaint and reporting form for sexual exploitation, abuse, and harassment in the workplace

Please fill in as much information as possible below. This form is confidential.

Location:	
Name:	
Position:	
Victim of SEAH:	
Date and time of crime/violation:	
Name of the person involved in the violation:	
Location of the violation:	
Your observations:	
Details of suspicious incidents and violations:	
Write in detail what happened: time, day, names of people involved in the case, observed behaviour, physical condition and other symptoms:	
Actions taken so far (if applicable):	
Whether it has been addressed to an external organization (day, time, where, etc.)	
Police	If so, which police station?
◇ Yes	Name and contact information of the person making the complaint:
◇ No	Details of services/support received:
Social Services:	If so, where?
◇ Yes	Name and contact information of the person making the complaint:
◇ No	Details of services/support received:
The organization's human resources manager or other official:	If so, where?
◇ Yes	Name and contact information of the person making the complaint:
◇ No	Details of services/support received:
Local administrative bodies:	If so, where?
◇ Yes	Name and contact information of the person making the complaint:
◇ No	Details of services/support received:
Other related organizations:	What organization?
	Name and contact information of the person making the complaint:
	Details of services/support received:
Signature:	
Date:	

## Appendix 4. Basic Topics of Regular and Refresher Training

### Training objectives:

Aims to provide and increase common and basic understanding of SEAH in the workplace, its prevention, protection, complaint process, and handling.

### Training topics:

1. Fundamental Principles and Rights at Work
2. Basic concepts of gender and gender equality
3. Understanding of work environments that do not tolerate SEAH and prevention of SEAH
4. Gender-based violence, its types and preventive measures
5. Basic concepts, forms, and manifesting patterns of SEAH in the workplace
6. Legal framework related to SEAH in the workplace
7. Complaints mechanism
8. The most common forms of SEAH in the workplace. Work in groups and draw conclusions on how to take appropriate measures.

### Training evaluation:

At the beginning and end of the training, the participants shall complete an understanding and knowledge test to evaluate changes and progress, and determine the direction of further training.

## Appendix 5. Risk Management Plan

#	Risks	Risk management
Common risks while working in the main workplace or office		
1	Verbal harassment in the workplace: making embarrassing, uncomfortable comments, sexually suggestive, mocking, teasing, forcing, insulting, threatening, forcing or demanding sexual pleasure, etc.	In accordance with the duties specified in the contract, inform the relevant employee about this and take measures in accordance with the internal regulations of the organization.
2	Attempting to establish personal relationships under the pretext of work when communicating with temporary participants (consultants, contractors) in the organization.	Reminder of the internal rules and regulations of the organization and clauses of the contract.
3	The victim is afraid of the authority and position of the perpetrator, and therefore does not complain or conceals it in order to successfully complete the work he/she is responsible for.	Sensitively record and respond to complaints and information related to SEAH in the workplace
4	Staring, making lustful eye contact, pointing, gesturing, showing pictures, posters, images, sending messages that are teasing, damaging clothes or belongings and pulling up skirts etc.	In accordance with the duties specified in the contract, inform the relevant employee about this and take measures in accordance with the internal regulations of the organization.
5	Physical harassment: Caressing neck, kissing, groping or touching breast, bottom, or genitalia, stalking, physical assault, and sexual intercourse, etc.	In accordance with the duties specified in the contract, inform the relevant employee about this and take measures in accordance with the internal regulations of the organization.
6	Using authority to harass or entice subordinates.	Use the black list and do not cooperate again when the person previously made SEAH attitudes and action. Make this information available to everyone.
7	Not disclosing information related to SEAH in the workplace due to the fact that the organization's staffing is carried out through acquaintances.	Reminder of the internal rules and regulations of the organization and clauses of the contract.
8	Entering personal interests when submitting project reports and final products, resulting in absenteeism, tardiness, and out-of-hours contact.	Include and enforce clauses related to SEAH in the workplace in the employee's contract.
When working in conditions other than the main place of work (working locally or abroad on assignment, working from other offices or locations due to duties)		
9	When working on assignment (a high-ranking official, a respondent of the opposite sex, a person with a mental disorder, etc.), the client tries to establish a personal relationship under the pretext of work.	Regularly provide researchers with OHS and other types of refresher training with information on prevention of SEAH in the workplace.

10	<p>Some risks that can occur during data collection in the field:</p> <ul style="list-style-type: none"> <li>• Being attacked while searching for respondents.</li> <li>• Sending unknown male/female researchers together to the field for a long time.</li> <li>• When working in the field, friends and acquaintances who live in the field come and meet.</li> <li>• Forming a field team of strangers.</li> <li>• Stay in the same room or apartment to save money.</li> <li>• Insufficient environment for men and women to stay separately.</li> </ul>	<p>Consider risk management when developing field data collection plans.</p>
11	<p>Risks of being isolated while on field assignment.</p>	<p>Consider risk management when developing field data collection plans.</p>
12	<p>Fieldwork research team drinking and consuming alcoholic beverages.</p>	<p>Prepare the introduction of the researchers who will go to the field research, get the phone number of the person who proves that they have worked together in the past and get the researcher's information. Conduct a selection process.</p>
13	<p>Risks to security during the organization's official events, competitions, discussions, and trips abroad.</p>	<p>Incorporating provisions strictly prohibiting the use of alcoholic beverages in the workplace and during working hours into the internal labour regulations, and in case of violations, disciplinary measures are taken and responded to in accordance with appropriate procedures.</p>



## Appendix 6. Indicators for Measuring Policy Implementation

Indicators for measuring prevention objectives	Documentation	Responsible person
<b>Direction 1. Incorporate, implement, evaluate, and update provisions for preventing and combating SEAH in the workplace in the internal regulations of the organization</b>		
Whether there have been changes in the internal labour regulations, all other related regulations, instructions, manuals, and appendices.	Annual report	International Organization for Standardization (ISO) Working Group
Whether there has been a change in the model of the labour or work contract	Template for labour and service contract	Human Resources Manager
Whether the risks related to SEAH in the workplace are considered in the risk plan of the projects.	Internal audit	Operations Director Quality Control Officer
<b>Direction 2. Publicise the PSEAH and regularly increase the understanding and knowledge of the parties</b>		
Whether there is a record of giving instructions related to SEAH in the workplace in the following types of trainings organized in the current year at the organization level.  <ul style="list-style-type: none"> <li>• New employee training</li> <li>• Internal training</li> <li>• Training of contract researchers</li> <li>• Registration of consultants</li> </ul>	OHS registration	In accordance with the duties specified in the contract, inform the relevant employee about this and take measures in accordance with the internal regulations of the organization.
Participation in any activity to increase the knowledge and skills of the employees responsible for the prevention of SEAH in the workplace.	Annual report	Human Resources Manager
Information sheet form distributed in the field of prevention of SEAH in the workplace through the internal information platform of the organization.	Annual report	Human Resources Manager
<b>Direction 3. Take measures to detect risks related to SEAH in the workplace at an early stage</b>		
Whether questions related to sexual harassment in the workplace are clarified by all employees at the semi-annual and year-end HR meetings.	Minutes of the results of the half-yearly and year-end HR meetings	Human Resources Manager
Results of questions related to SEAH in the workplace in employee satisfaction surveys	Satisfaction Survey Report	Board of Directors
The labour contract of the employees should include clauses related to SEAH in the workplace and be signed separately.	In the employment contract	Human Resources Manager
Results of questions to clarify risks related to SEAH in the workplace in the 'Project Team Evaluation'.	Summary of Project Team Evaluations	Human Resources Manager
Results of contract researchers' contract evaluation questionnaire.	A summary of contract researchers' contract evaluation questionnaires, per project	Human Resources Manager
Risks, detected violations and registered complaints related to SEAH in the workplace.	Registration of suggestions, complaints and requests	Human Resources Manager
Report on the response and resolution of each risk, identified violation, and registered complaint related to SEAH in the workplace.	Registration of suggestions, complaints and requests	Human Resources Manager

## Appendix 7. Related Laws of PSEAH in Mongolia

Legislation	Liability and punishment
Law on Labour (2021)	<p>7.6. A person who commits harassment, violence, or sexual harassment in employment and labour relations shall be held accountable in accordance with the Law on Conflict and the Criminal Code, and the imposition of such responsibility shall not be a basis for exemption from labour disciplinary punishment.</p> <p>Article 123 of the Law on Labour Discipline</p> <p>123.1. Misdeeds and omissions of employees that violate labour laws, labour contracts, internal labour norms, and job descriptions shall be considered disciplinary action.</p> <p>123.2. The employer or the manager authorized shall impose the following labour disciplinary punishments on the employee who commits a disciplinary violation or misdeeds.</p> <p>123.2.1. private reminder/notice to the employee</p> <p>123.2.2. public warning in the form of an announcement to all employees</p> <p>123.2.3. reduction of basic salary by up to 20 percent for up to three months</p> <p>123.2.4. demotion</p> <p>123.2.5. termination of employment relationship at the initiative of the employer.</p>
Law on Conflict (2017)	<p>Article 6.26 of the Law on Conflict, Sexual Harassment, is considered a violation. According to Article 6.26, Section 1 of the Law, if a person expresses his intention to commit a sexual act by words, body, or other form, causing consequences to other people's work, position, honor, fame, property, or emotional consequences, a person shall be fined in the amount of one thousand units. There is a regulation to impose a penalty of seven to thirty days of imprisonment with mandatory training.</p>
Criminal Code (2015)	<p>Sexual harassment in the workplace is a crime against human sexual freedom and inviolability under Chapter 12 of the Criminal Code, Article 12.1 Rape, Article 12.2 Indecent Sexual Desire, Article 12.3 Sexual Exploitation, Chapter 13 Human Intimidation, which is a crime against the right to inviolability and freedom, is a crime against Article 13.5, and Discrimination, is a crime against Article 14.1, which is a crime against personal and political rights and freedoms of Chapter 14.</p>



<p>Law on Ensuring Gender Equality (2011)</p>	<p>According to Article 11 of the Law or Section 11.4 of the Guarantee of Gender Equality in Employment and Labour Relations: the Employer shall take the following measures to prevent harassment, violence, and sexual harassment in employment and labour relations, and to create an environment that does not tolerate them.</p> <p>11.4.1. Incorporating procedures for preventing and suppressing violence and sexual harassment in employment and labour relations and resolving complaints in internal labour standards</p> <p>11.4.2. Develop and implement training and refresher training programmes aimed at creating an environment free from violence and sexual harassment in employment and labour relations, and openly report the results.</p> <p>11.5.1. Understanding, obtaining information, and attending training on gender discrimination, employment, harassment, violence, and sexual harassment in labor relations.</p> <p>11.5.2. Make a complaint or explanation on behalf of the victim about gender discrimination, harassment, violence, or sexual harassment in employment or labor relations.</p> <p>11.5.3. In the case of prohibited actions specified in Articles 6.1, 6.4, 7.1, and 7.2 of the Labor Law, notify employers and authorities about the violation and demand that the violator be held accountable and take measures to remedy the damage.</p>
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