



## **Tips to Keep in Mind for Creating a Global Anti-Harassment Policy**

**Compliance and Ethics**

**Diversity and Inclusion**



Banner artwork by PV productions / [Shutterstock.com](https://www.shutterstock.com)

Workplace harassment is an issue that has no borders. This issue is not novel, and there have been many different approaches to fixing it worldwide.

One in five workers (23 percent) experience violence or harassment in the workplace, a UN International Labor Organization (ILO)-Lloyd's Register Foundation [survey found](#).

Currently, 44 countries [have ratified](#) ILO Convention No. 190, which recognizes a universal right to work free from violence and harassment. The convention requires members to pass laws and statutes to combat workplace violence and harassment.

And what is harassment in the eyes of the law? The answer depends on the jurisdiction. US federal law doesn't explicitly prohibit workplace bullying. Harassment, however, is unlawful when it's based on race, national origin, color, sex, age, disability, or religion.

Broader definitions of workplace harassment are becoming more common as additional parties ratify ILO Convention No. 190. The United Nations [defines workplace harassment](#) as unwelcome conduct that might reasonably be expected or perceived to offend or humiliate another person.

It is the job of upper-level management to reduce the risk of workplace harassment in all forms. So,

---

what should employers do to help prevent and stop harassment in an international setting?

Here are practical tips to help create a global anti-harassment policy.

## **Adopt a zero-tolerance policy aimed at prevention**

Anti-harassment policies play an important role in promoting a safe and harmonious workplace.

Organizations should have a clear and concise policy that outlines a zero-tolerance view on harassment. Zero tolerance means that all allegations of misconduct are adequately addressed.

This policy should set out potential sanctions employees can face for violations. It should also provide organizations with the flexibility to impose non-punitive measures when warranted.

A clearly written, readily available policy will help ensure all employees understand the company's view on harassment.

Not only executive management, but senior and middle managers must support this policy.

Don't wait to create this policy. Even smaller organizations should have one in place. For example, in [Portugal](#) any company with more than seven employees must have a workplace harassment policy.

And, if you are going to say it, do it. Measure results and resource efforts.

There are many ways to measure the success of your organization's overall strategic plan. These methods can also be applied to measuring the success of your harassment-free policy (see for example [6 Ways to Measure Your Strategic Plan - Dame Leadership](#)).

*[From the ACC Resource Library: [Sample Non-Discrimination Policy](#)]*

## **Develop engaging employee training protocols**

Training is an effective way to let incoming employees know what is to be expected when they enter the company.

New hires should be informed of the organization's anti-harassment policy, including its potential sanctions. This training should also include letting employees know they can openly speak about these issues.

Organizations should also consider whether mandatory training is required by law in their jurisdiction.

For example, in the United States, California [requires companies](#) with five or more employees to provide sexual harassment training to all employees every 2 years.

Training is an effective way to promote an organization's anti-harassment policy. And it does not have to be boring. Creative companies have developed engaging training with clear messages.

## **Conduct fair and consistent investigations**

---

Anti-harassment policies must be administered fairly and consistently.

The last thing anyone would want is a workplace where people do not understand and trust the process for investigating claims.

Employers must still be mindful to take every claim seriously even when there is a lack of evidence.

The only evidence offered in many disputes may be the conflicting accounts offered by parties, despite the employees' elaborate digital footprints.

Employees must still feel that even in these situations the investigation is done fairly — with respect and attention to detail.

The investigation process should be clear and transparent, ensure confidentiality, and provide interim protections (where needed). There must be clarity before an investigation starts as to what steps are involved from the moment when the file is open until closure of investigation.

A person's seniority or track record should not be a reason to take no action.

Management should be able to have an issue impartially and independently investigated. An impartial investigator is necessary to ensure that the process maintains its legitimacy in the eyes of the employees.

And a credible response to allegations of bullying must be a management responsibility for everyone to trust and buy in to the process.

## **Create a culture of openness and inclusion**

Creating a culture of openness can help make employees feel that they can bring harassment claims forward.

Working towards gender parity in offices and promoting diversity, equity, and inclusion — as well as breaking down rigid management hierarchies — can all help reduce the risk of bullying and harassment.

Employers should remove barriers that a victim may feel hinder their ability to come forward.

General counsel can help create this open culture by speaking openly and frankly about this issue.

Employers must be willing to hear from everyone and take all claims seriously, whether this is through town halls, messages, or other internal or external communications.

The tone from the top should be that harassment is not something for people to suffer silently over.

## **Allow victims to seek assistance no matter what**

Victims must have access to resources, such as therapy and counseling to seek advice. These resources should be available before any final judgment is rendered.

---

---

Organizations should not wait to offer help until after an investigation. Employees should have access to resources that will allow them to cope and work through the issue.

An example of this victim-centered approach is the victim care officer positions created by the United Nations High Commissioner for Refugees (UNHCR).

These positions are filled by licensed clinical psychologists who can confidentially advise victims and guide them on potential avenues to take.

The UNHCR positions focus mainly on sexual harassment cases. But the role and a victim-centered approach could well be expanded to all forms of bullying and harassment.

Resources such as [NotOnlyMe.org](https://www.notonlyme.org) are great options to give to people who feel alone in their struggle. Mental health support is important, but other options should be given to help the victim as they move forward through the situation.

## **How to treat the accused if they return to the workplace**

Perpetrators of harassment will inevitably return to the workplace if the action was not severe enough to warrant a firing, or if the allegations are not substantiated. Organizations should be prepared to integrate employees back into the workplace.

If an employee becomes a repeat offender and continues their harassment, a discharge is in order. But employees who learn from their mistakes should not be ostracized for their prior actions for the rest of their time at the company.

There need to be sustainable solutions, irrespective of whether it was established that an individual engaged in harassment.

To help parties find necessary support to move on, whether there is reintegration in the workforce or not, organizations should move away from the standard confidentiality agreement and give both parties a possible avenue to communicate more broadly.

Lance Bartholomeusz and Andrea Carska-Sheppard led a roundtable discussion on workplace harassment at the [ACC Chief Legal Officer Global Summit](#) in May 2024. The summit is a peer-to-peer global benchmarking program for Chief Legal Officers.

*The authors would like to thank Michael Greene and Nicholas Wilkins for their help drafting this article.*

[Join ACC for global resources and guidance.](#)

---

[Andrea Carska-Sheppard](#)



General Counsel

Workplace Options LLC

**Andrea Carska-Sheppard** is general counsel at Workplace Options LLC, the world's largest integrated employee well-being company, which is headquartered in Raleigh, NC.

[Lance Bartholomeusz](#)

---





General Counsel and Head of the Legal Affairs Service

United Nations High Commissioner for Refugees (UNHCR)

Lance Bartholomeusz is an Australian national who joined UNHCR as the General Counsel in October 2016. Before joining UNHCR, he was the Director of Legal Affairs of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), where he worked for 12 years. He has some 30 years of legal experience in the United Nations, private commercial practice, a domestic appellate court and a government regulatory agency. He has published extensively on various topics of public international law, including the privileges and immunities of the United



