

ITUC Code of Conduct for ITUC Activities, Events and Meetings



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Introduction

The ITUC is committed to providing an environment free of discrimination and harassment. Our values of equity and equality mean the ITUC has zero tolerance for sexual and other forms of violence and harassment which are incompatible with decent work and deprive people of their dignity. They are a threat to equality and equal opportunities and to safe, healthy, and productive working environments, are contrary to trade union values and may prevent people, particularly women, from participating and advancing in the labour movement.

The ITUC has adopted the following policy and procedure relating to our Congress and all other activities, events and meetings¹. At the start of any ITUC event, attendees will be informed of this code of conduct orally, and an ITUC staff member to whom complaints may be directed will be identified for all attendees. This document will be made available to all attendees.

Aim

The goal of this policy is to prevent and address incidents of sexual and other forms of violence and harassment, including harassment based on grounds such as sex, ethnicity, race, national origin, gender or gender identity and expression, sexual orientation, political opinion, disability, age or religion.

The ITUC is committed to organising events at which everyone can participate in an inclusive, respectful and safe environment. All members and participants at ITUC events are expected to uphold this approach.

Scope

The ITUC code of conduct applies to all formal and informal ITUC events, whether physical or virtual, and includes social events organised by the ITUC. It applies to everyone participating, including ITUC staff and interns, attendees, speakers, volunteers and service providers. The code also applies in case an event is co-organised or co-sponsored with another organisation.

The ITUC expects all those involved in ITUC events to uphold our trade union values and to work to achieve an environment that is free from violence and harassment, including sexual harassment.

¹ Hereafter described as “events”.

Interaction with affiliates' codes of conduct

ITUC affiliates will have their own codes of conduct and those attending ITUC events will continue to benefit from their own organisations' codes, policies and procedures, for example access to their person of confidence, representation by

their union etc. This ITUC code of conduct does not replace preventive and protective provisions contained in affiliates' codes but supplements them.

Unacceptable behaviour

The ITUC is a democratic institution that values an open discussion of the issues facing working people and the labour movement. We do not wish to restrict free and open debate but rather are concerned with preventing unacceptable behaviour and practices.

Violence and harassment constitute unacceptable behaviour by one or more individuals and can take many different forms, some of which may be more easily identified than others. It can be a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment.

This includes but is not limited to:

- discriminatory or harassing speech or actions, including cyber bullying or cyber harassment;
- harmful or offensive verbal or written comments related to race, ethnicity, religion, colour, sex, age, national origins, sexual orientation, disability, gender identity or expression, ancestry, family status or pregnancy;

- inappropriate use of nudity and/or sexual images;
- bullying, mobbing or stalking;
- harassing use of photography or recording;
- uninvited sexual attention or contact;
- physical assaults including uninvited touching; and
- real or implied threat of physical harm.

Sexual harassment is a particular form of harassment. It is any unwanted conduct related to the sex of a person of any form of unwanted verbal, non-verbal or physical conduct - including written and electronic communications - with a sexual connotation with the purpose or effect that the dignity of the person is being violated, especially when a threatening, hostile, insulting, humiliating or offensive situation is being created.

Such conduct may occur between persons of different genders or of the same gender. Some examples include unwanted physical contact, suggestive texts or images, unwelcome sexually-charged comments or propositions.

Complaint process

It is in the interest of all parties to proceed with the necessary discretion to protect everybody's dignity and privacy. The main point of contact for anyone who is concerned that they have experienced unacceptable behaviour² or have witnessed such a behaviour is an ITUC staff person nominated by the General Secretary as an authorised officer for a particular event (this person will be of sufficient standing and experience to deal with the matter, and will have been provided with appropriate training.)

Examination and resolution of any complaint may if necessary involve a 'commission of inquiry' comprising three senior leaders of ITUC affiliates (one of whom must be a woman) appointed by the General Secretary with the principle aim of ensuring that the complainant is no longer subject to the unacceptable behaviour. They must be of sufficient standing and experience and unrelated to the organisations to which the people involved belong and must have received appropriate training to enable them to investigate complaints and reach conclusions.

Complaints will be dealt with in a timely manner according to the guiding principles below. If necessary and agreed, external assistance or a 'person of confidence' may help. If it is established that violence and harassment has occurred, appropriate measures will be taken. This may include measures up to and including excluding persons who do not respect this policy from ITUC activities, events and meetings (further explained below.)

Anyone who is subject to violence and harassment should, if possible, inform the alleged perpetrator that their conduct is unwanted and unwelcome. The ITUC recognises that violence and harassment may occur in unequal power relations and that it may not be possible for a victim to object to the alleged perpetrator. If a victim cannot or does not wish to directly approach an alleged perpetrator, they can approach the designated staff member responsible for receiving complaints.

Guiding principles for the process

The procedure will be carried out in a manner that respects fair procedures and the principles of natural justice.

Confidentiality will be assured in so far as it is reasonably practicable, consistent with investigating and resolving the complaint.

Where necessary, terms of reference will set out the issues, objectives and scope of the procedure, its interaction with affiliates' own procedures and the languages and the relevant law that applies. The terms of reference should be clear and concise and not legalistic. It should be designed to fit the allegation and should include time frame, deadlines

² HITUC staff might wish initially to contact members of the Trade Union Delegation or personnes de confiance who will have been trained to deal with these matters.

and the method of report. Conciliation between the persons concerned will be promoted, where appropriate, but not required.

Everyone can be represented, including by their union, during the process.

The procedure needs to strike a balance between involving the complainant and at the same time not

expecting or making the complainant responsible for deciding the process, recommendations or outcomes.

The person undertaking the procedure will aim for agreement and will produce a report to the parties and the General Secretary detailing the recommendations and outcome.

Dispute about facts

If there is a dispute about facts the General Secretary may also choose to establish a 'commission of inquiry' as described above which will undertake actions necessary to determine the facts such as:

- interviewing the parties directly involved separately;
- interviewing other relevant third parties separately;

- producing a report detailing the inquiry, findings and any recommendations;
- determining on the balance of probabilities whether or not the incident(s) of harassment or sexual harassment took place. If the inquiry cannot determine, on the balance of probabilities, whether the harassment took place, recommendations can still be made.

Outcomes and remedies

Appropriate remedies to be recommended, after consultation with the complainant, might include for example a warning to or removal of the alleged offender from the event; an appropriate apology; training for the person in breach of this code; informing the alleged offender's organisation; recommendations for discipline of the person by

their organisation; prohibition on attending future ITUC events; support for the victim, including to assist them to feel safe for the duration of the ongoing event or in future; or other appropriate remedies. Recommendations can also be made to the ITUC about improvements to practices and procedures that further the aim of securing an

environment free of sexual and other forms of violence and harassment.

There will be follow up by the General Secretary to ensure that the recommendations are implemented.

Appeal

Any appeal is to the elected officers of the ITUC (General Secretary and Deputy General Secretaries, President and Deputy Presidents) who will deal with the matter in a confidential manner, either collectively or through delegation to a subset of the elected officers. Their decision is final.

Concluding remarks

This policy does not replace the legal responsibilities of the ITUC. It may be that these responsibilities change according to the relevant jurisdiction. The ITUC will report serious incidents to the appropriate authorities.

This code does not replace the right of a person to refer the matter to a criminal or other authority.

This code does not replace the responsibilities or obligations on employers to ensure that their workers are protected from sexual and other forms of violence and harassment.

This policy will be interpreted and applied in a manner that supports our staff and those policies and procedures relating to the prevention of sexual and other forms of violence and harassment at work.

[Adopted by the ITUC General Council at its 22nd meeting on 24 November 2020.]