

# WORKPLACE SEXUAL HARASSMENT IN ARMENIA

## FACTSHEET

*This factsheet is prepared by the Advocacy and Policy Development team of the Women Resource Center NGO. It is intended for Government agencies and Civil Society representatives who carry out advocacy activities in this field. The factsheet is based on a rights-based and evidence-based approach.*

### What is sexual harassment in the workplace?

Sexual harassment (SH) is unwelcome conduct of a sexual nature that makes a person feel offended, humiliated, and/or intimidated.

Types of SH in the workplace are the following:

- Quid pro quo (Latin for "favor for a favor"): when the employer, supervisor, or another employee is regularly making sexual advances, that, if not accepted, may result in the person being denied employment; he or she may lose the job or lose the opportunity for promotion.
- Hostile work environment: when unwelcome sexual expressions or conduct hinder the work or create an unfavorable or humiliating working environment.

### Prevalence of sexual harassment in the workplace

The issue of SH in workplace in Armenia is underexamined. Therefore WRC initiated a survey on this topic last year. The results of the survey showed that 11.2% of the respondents (n=590) experienced quid pro quo sexual harassment in the workplace, which is a demand for sexual favors in a direct or indirect way in exchange for a higher position or employment privileges. 42.7% of the respondents experiences the second type – hostile working environment. 55.8% of the harassed in the workplace report that they quit the job and 9% - were fired. According to the survey, most of the cases of the sexual harassment happened in the service sector (32.5%). Moreover, 55.3% of sexually harassed persons are formal workers.

### Examples of workplace sexual harassment

- Quid pro quo:
  - Demand for sexual favors in a direct or indirect way in exchange for a higher position or employment privileges
- Hostile working environment
  - Unwelcome sexual comments on the body and appearance,
  - Unwelcome touching on the body,
  - Touching genitals or kissing attempts.



42.7%

reported unfavorable working environment as a result of unwelcome sexual conduct

42.2%

informed that their current or previous colleagues experienced WSH

### Out of those that report experiencing WSH

55.8%

left the job due to WSH

98.5%

have never reported SH to any state or other bodies (Trade Unions, Human Rights Defender, Police, Court, etc.)

### Why is workplace sexual harassment an important issue?

According to the ILO Committee of Experts, "sexual harassment undermines equality at work by calling into question the integrity, dignity, and well-being of workers."

In Armenia, as in other parts of the world, SH disproportionately affects young women which proves that SH is a type of gender discrimination. Most of the women who experience WSH did neither report it to the employer nor to the relevant authorities. This is often due to the fear of losing one's job or being blamed for what happened, lack of effective protection mechanisms, and lack of awareness on the issue.

## Legislative gaps in the Labor Code

Armenia is one of those few countries where sexual harassment in the workplace is not regulated. Victims of sexual harassment in the workplace (mostly women) do not have any mechanism of legal protection in Armenia. Both the ILO Committee of Experts in 2016 and the UN CEDAW Committee in 2016 and 2022 in their recommendations stressed the importance of the adoption of the WSH definition and the establishment of preventive and protective mechanisms for WSH. They suggested Armenian Government include the definition of sexual harassment, its prohibition, and punishment mechanisms in the Armenian Labor Code. Armenia has undertaken such a commitment also within EU-Armenia Comprehensive and Extended Partnership Agreement. On 26 January 2023, the RA government approved the RA draft law on amendments and additions to the RA Labor Code, which also stipulates the definition and prohibition of sexual harassment in the workplace. At the same time, the RA authorities have not yet initiated legislative changes creating any preventive or protective mechanism.

## Legal documents

- A Direct Request of the ILO Committee of Experts to RA on the C111 Convention in 2016
- ILO C190 Convention
- Concluding Observation of CEDAW to RA in 2016 and 2022
- **EU Directive 2006/54/EC to which RA legislation should be approximated within the framework of CEPA until March 1, 2024**

## The workplace sexual harassment policy should include:

1. Definition
2. Complaint mechanisms
3. Sanctions for the harasser
4. Compensation for the victims
5. Counseling and support for the victims

## Recommendations

WRCA recommends supplementing Article 3.1. of the RA Labor Code with points 4,5,6 with the following content:

- Sexual harassment in the workplace is sexual conduct towards an employee in a workplace or at another place of performance of work duties, the aim and/or result of which is to humiliate the latter or to create an offensive and/or humiliating environment. By implication of this statute, sexual conduct includes addressing a person with expressions of sexual nature, displaying genitals, or any non-verbal physical act of a sexual nature.
- Sexual harassment in the workplace is a basis for applying disciplinary sanctions up to the termination of the employment contract.
- Employers who carry out educational activities are obliged to adopt sexual harassment prevention policies and appoint a person responsible for monitoring the operation of the policy.

### More Details:

1. Women's Resource Center (2023), The Problem of Sexual Harassment in the Workplace in Armenia. Policy Paper <https://bit.ly/3J096cQ>
2. Women's Resource Center (2022), Survey on Sexual Harassment in the Workplace <https://bit.ly/3SCrVWT>
3. Women's Resource Center (2021), Analysis of the RA Labor Code from the perspective of gender sensitivity <https://bit.ly/3Y702Fu>