

WRC GBVH Policy

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GBVH Policy

Contents

I.	Distribution of Policy.....	3
II.	Define GBVH	3
III.	The WRC’s Position on Freedom from GBVH in the Workplace	3
IV.	WRC General Commitments	3
	a. Respect for Privacy	3
	b. Non-Discrimination and Non-Retaliation	4
	c. Responsibility to Investigate	4
V.	Responsibilities of Workers	6
VI.	Define Mechanism to Report, Investigation Process, and Mediation.....	7
	a. Mechanism to Report	7
	b. GBVH Committee	8
	c. Investigation Process	8
	d. Mechanism for Mediation	9
VII.	Training and Education.....	9
	a. Training for Workers	9
	b. Training for Members of the Reporting Mechanism, and Investigation Taskforce .	10
	c. Training for Investigators (Field Directors / Field Staff)	10

GBVH Policy

I. Distribution of Policy

The WRC will make this policy available to all Workers and will be included in onboarding materials for new Workers and periodically review the policy with current Workers as discussed below. The WRC will notify job applicants in hiring announcements that the WRC maintains this policy and will include in all job offers and/or contracts notice of the requirement to adhere to and cooperate with this policy.

II. Define GBVH

Gender-Based Violence and Harassment in the Workplace is violence and/or harassment, including sexual harassment, directed at Workers by Other Persons or directed at Other Persons by Workers in the Workplaces because of their sex, sexual orientation, gender, and/or gender identity, or affecting persons of a particular sex, sexual orientation, or gender disproportionately (“Gender-Based Violence and Harassment,” “GBVH”), where: (1) “Workers” means all individuals working for the WRC regardless of their contractual status, including US staff, field staff, contractors, persons in training, workers on probation, interns, and applicants for work (“Workers”); (2) “Other Persons” includes Workers, managers, board members, advisory board members, allies, brands, factories, vendors, contractors, colleagues in the labor movement and human right movements, and may include other actors encountered while in the Workplaces (“Other Persons”); (3) “Supervisors” means any Worker, except for interns and applicants for work, when they are directing and/or overseeing the work of another Worker, regardless of whether or not they are doing so in a managerial capacity (“Supervisors”); and (4) “Workplaces” includes the WRC offices, the office building and premises within which the WRC resides, as well as any other location of work or work-related travel, training, or business or social activities of the WRC, and any work-related communications between or concerning Workers and Other Persons that are enabled by information and communication technologies (“Workplaces”). Additionally, this definition may include GBVH committed while outside of the Workplaces or after work time, as such conduct nevertheless impacts the employment relationship.

III. The WRC’s Position on Freedom from GBVH in the Workplace

It is the policy of the WRC that all persons shall have the right to work in an atmosphere free from GBVH and its impacts, regardless of where it occurs. The WRC affirms the rights of transgender, non-binary, and gender nonconforming individuals and will treat gender identity and gender expression as categories of persons protected from GBVH. The WRC will not tolerate GBVH by or against Workers or Other Persons as defined above.

IV. WRC General Commitments

a. Respect for Privacy

- i. The WRC recognizes and respects a Worker’s right to privacy and the need for confidentiality and autonomy. The WRC shall maintain the confidentiality of a Worker’s information concerning GBVH to the extent allowed by law, unless to do so would risk physical harm to any person, and/or jeopardize safety within the Workplace. In some circumstances, the WRC may disclose private and confidential information in order to facilitate internal or external investigations, the provision of workplace accommodations, disciplinary procedures, or if the Worker has expressly waived confidentiality. When a Worker’s information concerning GBVH must be disclosed to protect the safety of individuals within the Workplace, or in order to facilitate internal or external investigations, the provision of

GBVH Policy

workplace accommodations, or disciplinary procedures, the WRC shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing Worker and others, and to comply with the law. The WRC shall provide advance notice to the Worker who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the Workplace or elsewhere, or in order to facilitate internal or external investigations, the provision of workplace accommodations, or disciplinary procedures. To the extent reasonably possible and permitted by law, the WRC shall also provide the Worker with the name and title of the person to whom the WRC intends to share the Worker's statements and shall explain the necessity and purpose regarding said disclosure.

b. Non-Discrimination and Non-Retaliation

- i. The WRC will not discharge or in any manner discriminate or retaliate against a Worker because of the Worker's status as a person experiencing GBVH, either in the Workplace or outside the Workplace.
- ii. The WRC will not retaliate against a Worker experiencing GBVH or non-work GBVH for requesting leave or reasonable accommodation to address GBVH or non-work GBVH and/or its impact on the Worker, regardless of whether the request was granted.
- iii. The WRC will not retaliate against, terminate, or discipline any Worker for reporting information about alleged incidents of GBVH or non-work GBVH, as defined in this policy that may have been committed by a Worker or Other Persons, including a member of management. Prohibited acts of retaliation include, but are not limited to, demotion or withholding of earned pay, as well as acts of personal retaliation.
- iv. Any Worker who believes that they have been subjected to adverse action as a result of making a report pursuant to this policy should contact any party listed in the complaint mechanism, including, but not limited to, the GBVH committee, the Investigation Taskforce, or the third-party investigator (if one has been retained).

c. Responsibility to Investigate

- i. If the WRC learns of an allegation that a Worker has committed GBVH, as defined in this Policy, or if any Supervisor receives information that any Worker has engaged in GBVH, then the matter shall be referred to the designated Investigation Taskforce for the purpose of investigating the information or allegation. The WRC shall conduct an immediate investigation of the information or allegation, which investigation shall be completed within no more than 45 days of receipt of the information or allegation concerning the alleged GBVH or as soon as is feasible where necessary to prevent additional harm to the affected Worker. Any Worker who feels that they have been subject to GBVH may request and the WRC may choose to, instead, retain a third-party investigator to conduct this investigation and make recommendations for remediation. If the event of such an instance, if the Investigation Taskforce makes an initial determination that there is a reasonable likelihood that the allegation or information is credible, the WRC will make reasonable efforts to respect the wishes of the impacted Worker in retaining a third-party investigator and

GBVH Policy

work with the third-party to complete the investigation within such timeframe.

d. Post-Investigation Action

- i. At the conclusion of the investigation conducted by the WRC, the investigator/s shall report their findings to affected persons and the WRC management except in the case where the Other Person who has engaged in GBVH is a member of WRC management or the WRC Board in which case the findings shall be reported to the WRC Board's Ethics Committee. If the investigator/s conclude, by a preponderance of the evidence, that the Worker has engaged GBVH, as defined in this Policy, then that Worker shall be subject to appropriate disciplinary or restorative action up to and including termination. The investigator/s will consult with complainants affected by the GBVH and consider the remedies that the affected person/s are seeking, including the disclosure or non-disclosure of the findings and remedies to Other Persons. The WRC may choose to take actions that differ from the remedies sought by the complainant affected person/s and/or recommended by the investigator/s.

e. Leave and Other Reasonable Accommodations and Assistance

- i. The WRC recognizes that persons experiencing GBVH may need time off. The WRC will work in collaboration with the Worker to provide reasonable and flexible leave options to address the impact of GBVH on the Worker when a Worker experiences or witnesses GBVH. The WRC will work with the Worker to provide paid leave to address the impact of GBVH first before requiring a Worker to utilize unpaid leave.
- ii. A Worker must provide reasonable advance notice to the WRC of the need to take time off to address the impact of GBVH unless advance notice is not feasible. The WRC may require the Worker to provide reasonable documentation or other certification verifying that the Worker experienced GBVH, examples may include a police report, or a report from a health practitioner or other service provider. Such documentation or certification will be kept strictly confidential by the WRC manager approving the leave. To request leave, the Worker should contact management or the union, which may request such leave for the Worker on the Worker's behalf.
- iii. The WRC will maintain the confidentiality of a person who requests leave under this policy, in a manner consistent with the "Respect for Privacy" (Section IV.a.i) above.
- iv. The WRC will also provide reasonable accommodations for a Worker who has experienced or witnessed GBVH as defined in this policy or non-work-related gender-based violence and harassment (nonwork GBVH) who requests an accommodation to address the impact of GBVH or non-work GBVH in order to protect the safety of the Worker or to maintain their work performance while at the Workplace. Reasonable accommodations may include the implementation of safety measures, including, but not limited to, reassignment of work, modified work schedule, changed work telephone number, changed location of workstation, installation of locks, assistance in documenting the GBVH or non-work GBVH, and/or other reasonable adjustments to job structure, Workplace facility, or work requirements in response to the GBVH, and/or referral to a GBVH assistance organization.

GBVH Policy

The WRC will assist Workers to enforce protective orders issued in relation to GBVH or non-work GBVH, where applicable.

f. Work Performance

- i. The WRC recognizes that Workers who experience GBVH or non-work GBVH may have temporary difficulty fulfilling job responsibilities. If the WRC becomes aware that a Worker's work performance or conduct has been impacted by GBVH or non-work GBVH, the WRC will offer reasonable support to the Worker and collaborate with the Worker to address the issues, in accordance with established policies within the Workplace. The WRC may develop a work plan with the Worker, provide leave and other accommodations to address the impact on the Worker of GBVH or non-work GBVH as specified in Section IV.e., provide referrals to support or advocacy agencies, advise the Worker of their rights and the WRC's policy regarding applying for unemployment insurance as specified in Section IV.e, and maintain a separate and confidential record of Worker's status as a person who reportedly experienced GBVH or non-work GBVH, so that their rights and privileges of employment are not impacted or compromised as a result of the GBVH or non-work GBVH.

g. Access to Unemployment Insurance Benefits

- i. The WRC recognizes that in certain situations a Worker who has experienced or is experiencing GBVH may reasonably determine that it is no longer physically, mentally and/or emotionally safe and healthy for them to continue working for the WRC. In such a circumstance, the WRC may determine not to contest a Worker's application for unemployment insurance benefits and will provide reasonable support for the Worker in this process.

h. Protection and Restraining Orders

- i. The WRC recognizes that a Worker experiencing GBVH or non-work GBVH may seek from a court an order of protection, or may receive a protection or restraining order, as part of their efforts to become safe and as part of their Workplace safety plan. The WRC recognizes that the Workplace may or may not be included on an order as a location from which a perpetrator of GBVH or non-work GBVH must remain away. If the Worker chooses to disclose the existence of a protection or restraining order to the WRC, the WRC will use reasonable best efforts to assist the Worker to enforce their order, shall archive said order in a confidential and separate file from Worker's personnel file, and, if applicable, may assist Worker to gather documentation from the Workplace, such as emails or voice messages, that could support the Worker's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator of GBVH or non-work GBVH.

V. Responsibilities of Workers

a. Encouraged Reporting for Those Experiencing GBVH

- i. Workers who experiencing GBVH, and Workers who are reasonably concerned that other Workers may be experiencing GBVH in the Workplace, or engaging in GBVH, are encouraged to report such GBVH to the WRC. The Investigation Taskforce shall provide community

GBVH Policy

referrals and resources to Workers in order to assist Workers with their concerns or experiences regarding GBVH.

b. Encouraged and Required Reporting for Witnesses

- i. Workers, who are not Supervisors, who have information about or witness an act of GBVH perpetrated by a Worker or Other Persons, or who have information about or witness GBVH against a Worker, are strongly encouraged to report all information to the designated person(s) in the WRC.
- ii. Supervisors who have information about or witness an act of GBVH perpetrated by a Worker or Other Persons, or who have information about or witness GBVH against a Worker, are required to report all information to the designated person(s) in the WRC.
- iii. Workers who have information about or witness physical violence, GBVH that includes physical violence, or the threat of physical violence perpetrated by a Worker or who have information about or witness physical violence or the threat of physical violence against a Worker in the Workplace are required to report this to the WRC.
- iv. Workers who report GBVH will be protected against retaliation, consistent with Sections IV.b. and V.c. of this policy.

c. Cooperation with Investigation

- i. If the WRC receives information that alleges that a Worker has committed an incident of Workplace-related or non-Workplace GBVH, as defined in this Policy, then every Worker, including bystanders, shall have a duty to cooperate with the investigation, and failure to do so may result in disciplinary action being taken against Workers who have chosen not to cooperate. Additionally, every Worker has the duty to be truthful and must disclose all information known when requested to do so by the Investigation Taskforce the alleged incident of GBVH. Any Worker who fails to be completely truthful or who withholds information may be subject to disciplinary action. Further, the WRC will not permit Workers to and will use reasonable best efforts to discourage Other Persons from engaging in any retaliatory action against any persons related to the investigation, including, but not limited to, the person who experienced the alleged GBVH, the alleged perpetrator of GBVH, witnesses, or the investigators.

d. Disclosing Defendant Status

- i. A Worker who is subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of GBVH or non-work GBVH must notify the Executive Director, and if they are a member of WRC management the Ethics Committee of the WRC Board, immediately regarding the existence of such criminal or civil action or protection or restraining order. The existence of and/or failure to disclose the existence of such criminal or civil actions or protection and restraining order in these circumstances may result in disciplinary action.

VI. Define Mechanism to Report, Investigation Process, and Mediation

a. Mechanism to Report

- i. A Workers who chooses to make a GBVH complaint, may do so in a number of ways. Complaints of GBVH may be reported to:

GBVH Policy

1. The union's shop steward;
 2. A member of management;
 3. A board member;
 4. A member of the GBVH committee;
 5. A member of the Investigation Taskforce;
 6. An online form, monitored by a member of the Investigation Taskforce. This online form may be submitted to the WRC anonymously. Anonymous complaints may limit the WRC's ability to conduct a full investigation, reach findings, and take remedial action.
- ii. Report Recipient Responsibility
 1. The above persons will provide information and assistance to Workers including support for the submission of a formal complaint to the Investigation Taskforce.
- b. GBVH Committee**
- i. GBVH Committee Members
 1. The GBVH Committee will be made up of at least one member of Management, at least one member designated by the WRCSA, and at least one member designated by the WRC Field Representatives.
 2. At least one half of the membership of the GBVH Committee shall rotate on a biannual basis (once every two years).
 3. The GBVH Committee will deliver and/or coordinate the delivery of training on GBVH to Workers, Members of the Reporting Mechanism and the Investigation Taskforce, and Investigators.
- c. Investigation Process**
- i. Investigation Taskforce Members
 1. The Investigation Taskforce will be made up of one member of Management, one member designated by the WRCSA, and one member of the Board.
 2. The three Investigation Taskforce members shall serve staggered two-year terms. If a member of the Taskforce decides to step down or their role in the relevant WRC constituency comes to an end during their term, another member will be selected, by the same constituency (Board, Management, or WRCSA) that chose the departing member, to serve the remainder of that term.
 3. Investigation Taskforce members may be re-appointed and serve multiple terms; however, taskforce members may only serve a maximum of two consecutive terms. For example, a member could serve two terms, not serve for a year, and then serve another one to two terms.
 4. If a member of the Investigation Taskforce has a conflict of interest, they should recuse themselves from the investigation or may be removed from the investigation upon determination by a majority of the GBVH committee not including individual for which recusal is sought. Another person from that group should be nominated to step up. If a member of the Investigation Taskforce does not disclose a conflict of interest upon which they should

GBVH Policy

have reasonably excluded themselves, that person shall be subject to disciplinary action up to and including termination.

- ii. Responsibilities of the Taskforce
 1. The taskforce shall set aside time and make reasonable best efforts to investigate the complaint. This investigation should be a priority of the taskforce members' work and be conducted with celerity.
 - a. Members of the taskforce shall communicate with their Supervisors should they need to adjust their workloads and schedules to perform the investigation.
 2. The taskforce shall make reasonable best efforts to interview the complainant and other parties involved as needed to determine the veracity of the complaint.
 3. In consultation with the person who experienced the GBVH, the taskforce shall propose remedial actions.
 4. The taskforce shall ensure the investigation is properly documented and filed appropriately in a secure manner for organizational records.
 5. In consultation with the person who experienced the GBVH, the taskforce shall report information about the situation and the remedial action to the Workers.
 6. The taskforce shall follow up with the person who experienced GBVH concerning remediation and make reasonable efforts to provide additional information about resources available to them.

d. Mechanism for Mediation

- i. The person who experienced the GBVH may request mediation in lieu of an investigation or in addition to the investigation. The WRC will research and contract a qualified mediator to conduct the mediation should the WRC, the person who experiences GBVH, and other relevant parties agree to the mediation.
- ii. A person who engages in mediation regarding GBVH does not lose their right to request a full investigation and recommendations for remediation of such GBVH.

e. Remediation

- i. If found to have perpetrated GBVH, a Worker may be required to participate in counseling or other restorative measures, among other corrective actions.

VII. Training and Education

a. Training for Workers

- i. Training for Workers on GBVH shall be conducted every two years. New employees will be trained upon hire, unless the bi-annual training is within three months of the new hire's start date, in which case they will join the bi-annual GBVH training.
- ii. Training shall include the definition of GBVH, bystander training, training on how to report GBVH via the mechanisms described in IV.a., and additional resources for those experiencing GBVH.
- iii. An additional training workshop will be added for Supervisors within the organization to discuss their unique role in fostering a culture that supports

GBVH Policy

reporting of GBVH and the power-based dynamics that may act as a barrier to reporting and supporting those they supervise.

b. Training for Members of the Reporting Mechanism, and Investigation Taskforce

- i. Persons who are Report Recipients shall be trained annually on information to share with those who are reporting GBVH, how to initiate the process with the Investigation Taskforce, how to support the complainant, and resources to share with the complainant. This training should be conducted in conjunction with the Fall board meeting to ensure new board members, and others, are briefed on their responsibilities.
- ii. Persons who are elected to the Investigations Taskforce shall be trained within thirty days of their election on their responsibilities, best practices in interviewing, and other elements as needed.

c. Training for Investigators (Field Directors / Field Staff)

- i. Annual training will be provided to all members of the staff who receive programmatic factory complaints of GBVH. These trainings will include how to interview garment workers affected by GBVH, secondary trauma, and resources that are available to them and the Workers they serve.