

# Sexual Harassment Prevention Education

This education is statutory compulsory education implemented by the Ministry of Gender Equality and Family of the Republic of Korea. All businessmen and workers residing in Korea are required to complete this education. If you do not complete the course, a fine of not more than 5 million won will be imposed.

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This material is translated into a foreign language and distributed for foreign employees living in Korea.

Standard Training  
Program for  
**Sexual Harassment  
Prevention**



# What is GBV (Gender-based Violence)?



**Gender**

Matters related to characteristics that society assigns to the concept of 'masculinity' or 'femininity', from gender roles to physical appearances.



**Gender-based  
Violence**

Violence that targets an individual based on self-perceived identity according to biological sex, gender identity, or socially defined norms of masculinity/femininity.

Source: International Development Cooperation & Gender Glossary,  
KOICA (Korea International Cooperation Agency)

I. Outline

# What is GBV (Gender-based Violence) ?



## Structure of GBV on Women

**Unequal Social Structure**  
(Issues of Gender equality and social rights)

**Norms of gender roles**

**Gender power relationship**



## Characteristics of GBV

**Trivialization of violence**

**Naturalization of violence**

**Empathy for perpetrator**

**Victim precipitation theory**

## I. Outline

# Global Gender Equality Agendas: Violence Against Women & Human Rights



## CEDAW

(Convention on the Elimination  
of Discrimination Against Women,  
1979)

Accordingly, this document uses the expression 'gender-based violence against women', as a more precise term that makes explicit the gendered causes and impacts of the violence. This expression further strengthens the understanding of this violence as a social - rather than an individual- problem, requiring comprehensive responses, beyond specific events, individual perpetrators and victims/survivors.

- General Recommendation **No. 5**, CEDAW

## Beijing Declaration and Platform for Action (the 4<sup>th</sup> World Conference on Women, 1995)

The Beijing Declaration and Platform for Action (hereinafter referred to as the Beijing Declaration) was a resolution adopted by the UN at the Fourth World Conference on Women held in Beijing in 1995.

- It includes content related to progressive human rights issues of women, such as reproductive rights, equal division of household labor, non-discrimination and violence.
- It emphasizes the principle of gender mainstreaming, which mainstreams women's perspective throughout the government's business operation, policies, planning, and decision-making, thereby laying the groundwork for national accountability for gender mainstreaming policies.

## SDGs ( Sustainable Development Goals, 2015)

In 2000, the UN established the MDGs (Millennium Development Goals) as a development agenda that the world should pursue together, and then adopted the SDGs in succession to the MDGs in 2015.

## I. Outline

# Sexual Culture & Violence Against Women

## Gender Sensitive Perspective

Gender sensitive perspective refers to the interest and attitude of examining whether a specific concept is favorable or unfavorable to a specific gender, and whether gender role stereotypes are involved, understanding that different genders have different interests or needs.

In other words, it is understanding the reality of life due to social and cultural differences according to gender, recognizing the differences in needs that arise from it, and ultimately deriving alternatives to solve it through sensitivity to gender inequality.

Judgement of sexual assault cases requires 'gender sensitivity' that considers the context in which the incident occurred.

- October 25<sup>th</sup>, 2018, Supreme Court Sentencing 2018-7709  
(Presiding judge: Jeonghwa Park, Supreme Court Justice)

## Gender Sensitivity

Gender sensitivity is an 'eye looking at the gender system' that encourages us to look back at ourselves and listen to differences to live a healthy life together moving forward.

It is a sensitivity that sensitively recognizes and reinterprets various social phenomena created by intertwining gender and other social elements, and it is also a sensitivity that detects the gendered structure and discourse of a society.

I. Outline

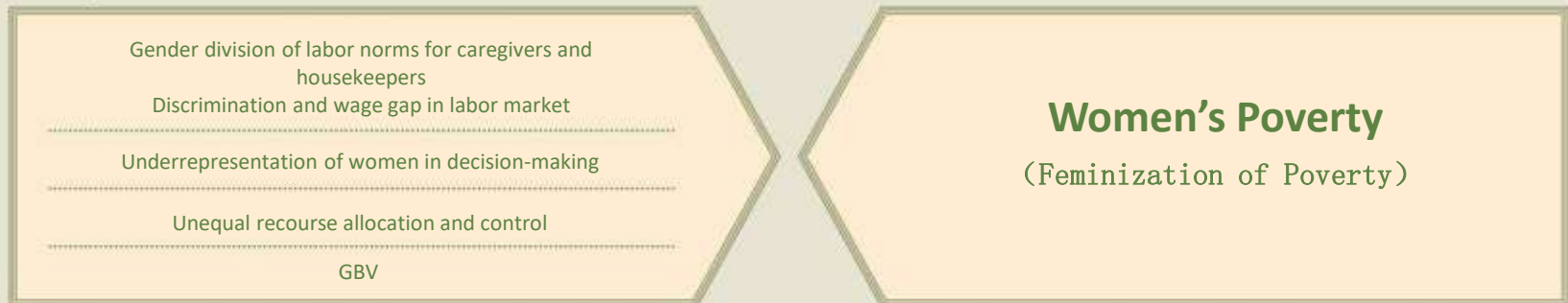
# Sexual Culture & Violence Against Women



## Sexual Objectification

|                 |                        |                   |                         |             |
|-----------------|------------------------|-------------------|-------------------------|-------------|
| Instrumentality | Denial of Autonomy     | Inertness         | Fungibility             | Violability |
| Ownership       | Denial of Subjectivity | Reduction to Body | Reduction to Appearance | Silencing   |

## Gender Inequality & Women's Poverty



## II. Concept &amp; Actuality

# Concept of Sexual Harassment



## Perpetrators

- Users (business owners, supervisors), workers, public institution (group) workers



## Work Relevance

- Using one's position (in the workplace)
- Work-related



## Victims

- Workers (those looking for jobs, temporary positions, indirect employment)
- Work-related persons including customers, etc.
- Anyone who is work-related



## Sexual Humiliation or Disgust

- Act of expressing intention to cause sexual humiliation or disgust, or to give disadvantages or benefits to employment
- Through sexual language, behavior, etc.

\* Framework Act on Gender Equality, National Human Rights Commission of Korea Act, and Equal Employment Opportunity and Work-family Balance Assistance Act



II. Concept & Actuality

# Nature of Sexual Harassment



**Overlap of Discrimination  
& Violence**

Discrimination  $\supseteq$  Sexual Harassment  $\Leftarrow$  Violence

**Imbalance of Power  
Relations**

According to position,  
age, gender, status,  
employment type,  
academic background,  
years of service, etc.

Formation of Imbalance in Various Power Relations

II. Concept & Actuality



# Rational Perspective of Victims (Gender Sensitivity)

## Unwanted Behavior

01

- >> Unwanted behavior doesn't necessarily have to be repetitive and continuous
- >> Even a single sexual remark may be considered sexual harassment

## Victim-centered Perspective

02

- >> Whether the act in question is an act that causes sexual humiliation or disgust should be determined based on the victims' perspective, not the intention or hearing of the perpetrator of sexual harassment

## Objective Determination from Rational Perspective of Victims

03

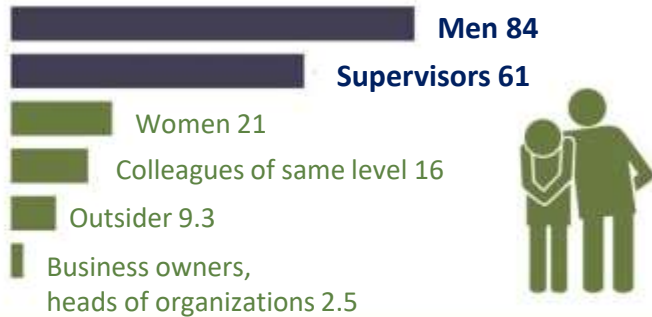
- >> Whether it is an act that is likely to cause sexual humiliation or disgust takes the victims' subjective circumstances into account, however, whether it is an act that is reasonable from the rational perspective of victims is objectively determined in consideration of the specific context of language, behavior, and surroundings

II. Concept & Actuality

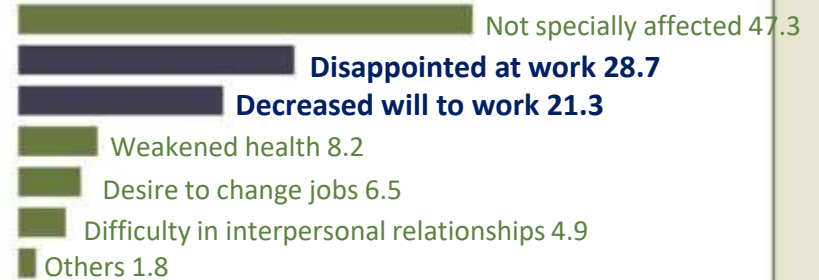
# Sexual Harassment Occurrences



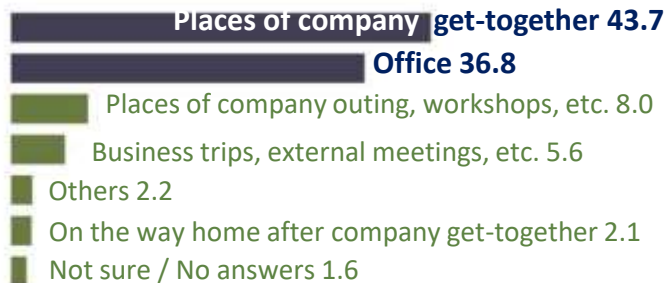
## Types of Perpetrators



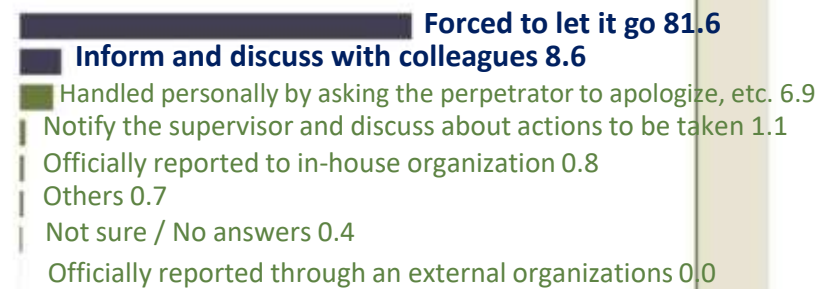
## Impacts of Sexual Harassment



## Places of Occurrence



## Damage Coping Types



# Duties & Responsibilities of Business Owners (Managers)



1.

Conduct sexual harassment prevention training at least once a year for at least 1 hour

2.

Establish an annual implementation plan for measures to prevent sexual harassment, such as sexual harassment prevention training, etc.

6.

Establish and implement measures to prevent recurrence in case of sexual harassment

**Sexual harassment prevention measures under the Enforcement Decree of the Framework Act on Gender Equality**

3.

Establish an official window for counseling and handling grievances related to sexual harassment

5.

Establish in-house sexual harassment prevention guidelines

4.

Designate a sexual harassment grievance officer

# Understanding In-house Process



“  
Measures to restore the victims’  
rights must not go against the will  
of the victims and must be heard  
from the victims!  
”

Step 1

**Consultation**



Step 2

**Investigation**



Step 3

**Deliberation and  
Decision  
Measures**



Step 4

**Post Procedure**



# Victims' Rights & Remedies through External Organizations



## Non-judicial Remedies

- Petition to National Human Rights Commission of Korea
- Petition to local employment and labor offices
- Petition to labor relations commissions



## judicial Remedies

- Accusations and charges to local employment and labor offices
- Accusations and charges to the prosecution, civil or criminal lawsuits

\* User responsibility of business owners may be recognized

# What is Secondary Damage?

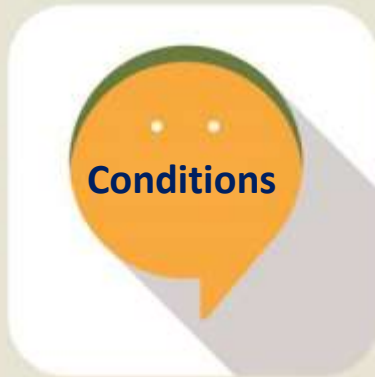


## Victims of violence against women suffering from any of the following

- Mental, physical, and economic damage suffered in the entire process of recovery and case processing of violence against women
- Damage from bullying, assault or verbal abuse, or other acts that cause mental or physical damage
- Any of the following disadvantageous measures suffered by the users (business owners or managers, etc.) for reporting violence, etc.

- >> Dismissal, release from office, discharge, or other disadvantageous measures against a person's social position equivalent to the loss of social position
- >> Disciplinary punishment, suspension from office, curtailment of salary, demotion, restrictions on advancement, or other unfair personnel measures
- >> Transference of position, transference of office, withholding duties, reassignment of duties, or other personnel measures against the intention of the person himself or herself
- >> Discrimination in performance evaluation, colleague evaluation, etc., and discriminative payment of wages, bonuses, etc. attendant thereon
- >> Cancellation of opportunities for self-development, such as education or training, restrictions on or removal of available resources, such as budgets or human resources, suspension of the use of or cancellation of qualifications for dealing with security information or classified information, or other discrimination or measures that have a negative effect on the working conditions, etc.
- >> Preparation of a list of persons subject to surveillance, or disclosure of such a list, bullying, violence or threatening language, or other acts that cause physical or mental harm
- >> An unjust audit and inspection or investigation of duties, or disclosure of the result thereof
- >> Cancellation of approval or permission, or other acts that give administrative disadvantage
- >> Cancellation of a commodity or service contract, or other measures that give economic disadvantage

# Principles & Conditions for Secondary Damage Prevention



## Establish strict written regulations for secondary damage

- Stipulate secondary damage acts and strict disciplinary measures for secondary damage offenders, especially managers
- Propose code of conduct to prevent secondary damage

Reinforce secondary damage prevention training (especially for manager trainings)



Focusing on restoring victims' rights and ensuring the right to work





# Measures for Secondary Damage Prevention



## Separation of Victims & Offenders

- Paid leave for victims and standby order for offenders
- Relocation for offenders after fact-checking



## Support for Psychological Treatment of Victims

- Active damage recovery support
- Psychological support through grievance counselors



## Post-damage Prevention & Monitoring

- Secondary damage monitoring and prevention activities
- HR management of victims and offenders
- Support for recovery of victims' relationship within the department

IV. Action Plans for Gender-equal Society

# Duties & Roles of Business Owners



**Person in Charge**



**Leader**



Take sexual harassment prevention measures and resolve incidents as the person in charge of the organization

Lead an equal organizational culture as the leader of the organizational leader

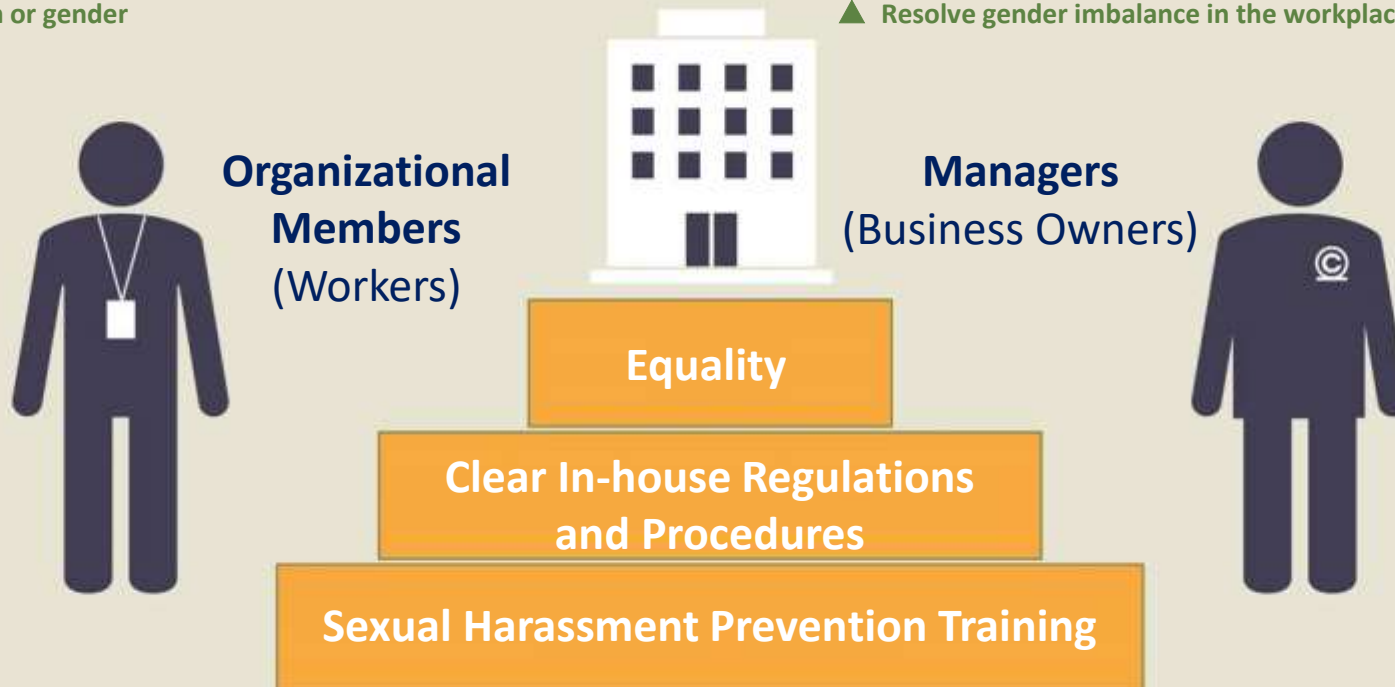
IV. Action Plans for Gender-equal Society

# Efforts of Organizational Members for Sexual Harassment Prevention



- ▲ Respect for personal privacy and distinguish between public and private matters
- ▲ No sexism, sexual objectification, sexual jokes
- ▲ Use honorific and respectful language regardless of position or gender

- ▲ Conduct and supervise sexual harassment prevention training
- ▲ Establish and guide on in-house regulations and procedures related to sexual harassment
- ▲ Resolve gender imbalance in the workplace



IV. Action Plans for Gender-equal Society

# Establishment of In-house Regulations (For Organizational Culture of Equality)



✓ **Stipulate efforts of managers (business owners) for an equal organizational culture**

✓ **Establish procedures for damages of sexual harassment**

- Specify the zero tolerance principle and the duty of active damage recovery
- Specify specific victim protection procedures (ex: paid leave, relocation, etc.)



**No Discrimination!**

**No Violence!**

**Thank you**