



PROTOCOLS TO PREVENT AND RESPOND TO SEXUAL HARASSMENT AND WORKPLACE DISCRIMINATION WITHIN PARTNER CSOs OF THE USAID CIVIL SOCIETY ACTIVITY

USAID CIVIL SOCIETY ACTIVITY

A Technical Document Concerning the Strengthening of Civil Society in Mexico

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This white paper is part of a collection of strategic documents developed by the Civil Society Activity, implemented by Social Impact, Inc. and financed by the United States Agency for International Development (USAID). The texts that comprise the collection describe the systemic capacity development approach and methodology that the Civil Society Activity designed to accompany more than forty civil society organizations in institutional strengthening, grants management, and legal compliance. In particular, this document describes CSA's experience mainstreaming Gender and Inclusion in its capacity development interventions with partners CSOs through the design and implementation of protocols to prevent and respond to sexual harassment and discrimination in the workplace. The full compendium is a useful resource for strengthening civil society organizations. You may reference the complete collection at Social Impact's website, <https://socialimpact.com/>.

ABOUT USAID MEXICO CIVIL SOCIETY ACTIVITY

Civil Society Activity (CSA) Mexico was a 4-year program funded by the U.S. Agency for International Development (USAID). CSA aimed to improve the sustainability of Civil Society Organizations (CSOs) to effectively implement their agendas on violence prevention, human rights protection and justice reform in Mexico. To this end, CSA focused on improving CSOs capacity to communicate and work collaboratively, increasing their connections with key stakeholders, strengthening their capacity to develop strategies in response to their changing environment and to their communities' needs and priorities, as well as improving CSOs access to knowledge and resources. The USAID Mexico Civil Society Activity was implemented by Social Impact (SI) Inc., in partnership with Fundación Appleseed.

ABOUT SOCIAL IMPACT

Social Impact (SI) is a management consulting firm that provides monitoring, evaluation, strategic planning, performance management and capacity building services to advance development effectiveness. SI's work helps to reduce poverty, improve health and education, promote peace and democratic governance, foster economic growth, and protect the environment. To achieve this, SI delivers consulting, technical assistance, and training services to government agencies, nongovernmental organizations, and foundations.

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I. EXECUTIVE SUMMARY

Establishing protocols for the prevention and response to sexual harassment and discrimination in the workplace was a key aspect of capacity development in areas of Gender and Inclusion for the Civil Society Activity (CSA), which served as part of the Bilateral Mission from the United States Agency for International Development (USAID) in Mexico. This document describes CSA's experience in the promotion and implementation of protocols, guidelines and mechanisms that seek to address two egregious labor issues that take place in a labor setting: sexual harassment¹ and workplace discrimination, which involves practices that violate human rights, transforming work environments and producing psychological damage to those affected. It is paramount that civil society organizations (CSOs) maintain an organizational culture and environment that are free of violence and promote equal opportunities for all.

¹ It is key to note that within the Mexican legal framework, sexual harassment is divided into two different types with different legal implications: **acoso sexual** and **hostigamiento sexual**. *Hostigamiento sexual* takes place in the case of vertical power relations whereby sexual harassment is enacted by an individual who is higher in terms of their hierarchical level, using his or her position or authority to obtain satisfaction. *Acoso sexual* takes place in the case of horizontal power relations between individuals who are of the same hierarchical level, or the harassment is enacted by an individual of a lower hierarchical position than that of the victim. In this document, the distinction will be made by referencing the appropriate term in Spanish.

II. INTRODUCTION

USAID Mexico's Civil Society Activity (CSA) was designed to contribute to the improvement of institutional capacities and enhance Mexican civil society organizations' (CSOs') sustainability so that they can more effectively implement programs in areas of crime and violence prevention, justice reform, and human rights, thus advancing USAID's Development Objectives (DO's)². Through the CSA's specialized technical support, which catered to specific needs in each organization, the Activity fostered CSOs' capacity to implement their own projects, monitor progress towards their objectives, and ultimately measure their contribution to USAID's DO's. As a cross-cutting theme, the Activity prioritized strategic alliances with collaborators and partners across sectors, including the public and private sectors, universities, international organizations, and the media.

In a work setting, two key practices may take place that violate human rights: sexual harassment and discrimination, which involves forms of exclusion or restriction that withhold access to rights and equal opportunities for all. USAID's Civil Society Activity held that practices of sexual violence and workplace discrimination are unacceptable and require proactive prevention measures given that they produce a negative effect on the organizational culture and environment, and also diminish the integrity of organizational policies and hinder sustainability.

Within an organizational setting, gender perspective refers to the implementation of methodologies and protocols that identify and question various forms of violence, discrimination, inequality and exclusion against men and women, thus promoting productive sociocultural dynamics within the organization to ultimately create the necessary conditions to achieve gender equality and inclusion.

Sexual violence in the workplace is a social phenomenon that should be analyzed, treated, and prevented from a gender and inclusion perspective. Such violence is the manifestation of a series of interrelated social and historical problems that have principally affected women, requiring multidisciplinary strategies that promote and defend human rights. The prevention and response to sexual violence and discrimination from a gender and human rights perspective values the role of any measure – be it legislation, research, public policies intervention, affirmative action and/or administrative functions – that seek to address sexual violence and discrimination from their root.

The Civil Society Activity, Social Impact³, and USAID⁴ established a series of institutional guidelines and mechanisms to promote equal opportunities and treatment among men and women within partner CSOs, promoting women's empowerment and penalizing all forms of discrimination, including discrimination based in gender, gender identity, sexual orientation, age and health, among other social categories. These guidelines and mechanisms contributed to a comprehensive approach to the institutional strengthening of CSOs and addressed the causes of gender oppression to respect

² For more information on the Activity's approach, please consult the document *CSA's Systemic Approach to Capacity Development*, which is also part of CSA's Legacy Compendium.

³ "Standards of Business and Ethical Conduct," Social Impact, consulted on July 19, 2020, <https://socialimpact.com/social-impact-standards-business-ethical-conduct/>.

For more information, please consult Social Impact's *Standards for Business and Ethical Conduct* (Arlington: Social Impact, 2020).

⁴ "Factsheet: USAID's Anti-Harassment Policy," USAID, consulted on July 19, 2020. <https://www.usaid.gov/preventingsexualmisconduct/fact-sheet/usaid-anti-harassment-policy>

the rights of all organizational staff and collaborators regardless of their sex or social condition, and to improve organizational performance.

This document provides key recommendations for developing protocols to tackle sexual harassment and discrimination in the workplace. These recommendations are tailored specifically to the needs of the Activity's partner CSOs and other CSOs that wish to develop organizational capacities in areas of gender and inclusion. CSA's experience may inform the design and implementation of similar protocols and strategies to prevent and respond to practices of sexual violence and discrimination in accordance with USAID guidelines. These protocols and guidelines may pave the way for the mainstreaming of a gender and inclusion perspective in the organizational culture of civil society organizations broadly speaking.

III. DEVELOPING CONTEXTUALIZED PROTOCOLS: CHALLENGES AND LESSONS LEARNED

Although anyone may be the potential victim of sexual violence, the feminist movement in Mexico has carried out a macro-level analysis that has shed light on how sexual violence in both public and private spaces is a violation of human rights. Their analysis has taught us that sexual violence is deeply rooted in a sociocultural construction and is the result of violent practices and patriarchal domination that has rendered women to be sexual objects that can be owned and controlled.

Violence against women in Mexico is a social problem that merits a systemic and structural analysis. Here, **Systemic** refers to the fact that sexual violence against women is not an isolated phenomenon or one that pertains to one specific social context, rather it manifests in various spaces within society: within our systems of public transport, social media, our local communities, and public spaces (such as stadiums, concert halls, bars, etc.), as well as academic and work environments. **Structural** refers to the fact that sexual violence against women derives from a series of cultural processes that stem from a patriarchal structure that reinforces a symbolic hierarchy of domination and control over women.

One of the Activity's key findings was that, even if some CSOs have worked to promote and defend human rights for quite some time, they are not immune to sexual violence, harassment, and discrimination. Therefore, organizations should have or develop guidelines and mechanisms to prevent, respond to and penalize these social behaviors and practices.



Picture 1, Title: “No es no.” (No means no). Feminist urban art created by Catalina Kawi.
Photo by Daniel Estrada Zúñiga.

WHY ARE THESE PROTOCOLS RELEVANT?

For the purposes of Gender and Inclusion mainstreaming, the term “protocol” refers to a foundational, institutional document that establishes the course of action to prevent, respond to and penalize acts and practices of sexual violence and discrimination in the workplace with a gender and human rights perspective. When drafting this protocol, organizations are encouraged to establish specific rubrics and processes to track efforts to produce a work environment that is free of sexual violence and gender-based discrimination. Given that sexual violence is both structural and systemic, protocols should be accompanied by pre-emptive measures and corrective actions to generate social changes within social, personal, and organizational domains. It is key to mention that these protocols were just one part of the actions promoted by USAID Mexico’s Civil Society Activity to mainstream gender and inclusion in its partner CSOs. For more information on other strategies, you may consult the document *CSA’s Gender and Inclusion Mainstreaming in Civil Society*, which is part of CSA’s Legacy Compendium.

When developing protocols to prevent and respond to sexual harassment and workplace discrimination with a human rights and gender perspective, CSOs may consider the following principles and strategies:

Preventing Gender-Based Violence

- Promote internal changes in the organizational culture to foster respectful relationships among staff and collaborators.
- Analyze the organizational structure to determine how the gender perspective can be mainstreamed through the internal framework and the power relations that it generates.

- Establish guidelines to plan, implement, and evaluate actions that aim to prevent sexual violence and discrimination in the workplace.
- Implement actions to sensitize, train, and educate staff and collaborators in topics of gender, violence, human rights, and technical tools, particularly those who have a direct role in the prevention, response to, and penalization of gender-based violence and discrimination.
- Within the protocol, make explicit the organization's stance on sexual harassment and workplace discrimination to help contribute to the creation of a healthy organizational culture.
- Introduce concrete measures to actively prevent acts of sexual violence and discrimination in the workplace.

Responding to Gender-Based Violence

- Record cases, facts, and key information to identify patterns in sexual violence and implement concrete actions that can be monitored over time.
- Define internal mechanisms to assist possible victims in ways that respects their human rights.
- Establish mentorship and tutoring initiatives for both possible victims and areas affected by behaviors and practices that violate the rights and integrity of collaborators and tarnish the organizational culture.
- Recruit and assign sensitive and highly trained personnel to follow-up on the implementation of protocols so as to prevent repeat offenses and protect possible victims from violence and discrimination in the workplace.

Penalizing Gender-Based Violence

- Develop a concrete and specific administrative proceeding to address and penalize practices that violate human rights, whether they be sexual violence or discrimination.
- Define the path of action and responsible authorities who will investigate and penalize sexual violence.
- Carry out decisive actions to eradicate impunity in the face of sexual violence and discrimination.

CHALLENGES WHILE DEVELOPING AND APPLYING PROTOCOLS

CSOs may question or doubt the need or use of guidelines that prevent and respond to sexual violence and gender-based discrimination in the workplace. CSA has learned that there are several underlying factors that contribute to this reticence, including: a) a refusal to accept and acknowledge the existence of sexual violence and discrimination in labor relations; b) doubts on the conceptual, legal and technical nature of the subject; and c) the presence of organizational subcultures in which these types of practices are considered unthinkable within a CSO whose objective is to fight for human rights.

In this regard, the Activity faced similar challenges in which CSO staff had no training processes, sensitization or education in order to understand the complexity of social problems that require

different processes to tackle the structural and systemic roots of sexual violence and gender discrimination. To overcome this challenge, the Activity found it imperative to build bridges and generate CSOs' political will to prioritize and carry out the planning, implementation and evaluation of protocols, guidelines and corresponding implementation mechanisms.

There are a few additional details concerning the design and implementation of protocols in the workplace that are worth mentioning:

- Protocols may provide an alternative route to support a potential victim. CSOs' protocols and course of action to implement them does not enter the realm of criminal justice, rather, organizations' responsibilities lie in the promotion, respect, guarantee and protection of human rights. Notwithstanding, it is important to mention that sexual harassment is considered a felony in criminal, labor and administrative law.
- Prevention is a key element in fostering the principles of equality, non-discrimination, inclusion, human rights, and access to justice within organizational cultures.
- Based on international and national human rights standards and instruments, organizations should contribute to ensuring that there is substantive equality between the sexes in the workplace.

IV. KEY LESSONS ON HOW CSOs ADOPT PROTOCOLS

Taking the guidelines established by USAID and Social Impact as a starting point, CSA promoted a series of principles around equality, non-discrimination, and human rights. By doing so, the Activity sought to serve as a reference for its partner CSOs to incorporate gender perspective in their internal organizational procedures. Throughout its time supporting partner organizations, CSA made explicit that sexual violence and discrimination in the workplace are inappropriate practices that violate human rights, gender equality and non-discrimination. Within the scope of its systemic approach to capacity development, the Activity categorized these practices as detrimental for the work environment and identified specific examples of practices that are symptomatic of sexual violence and discrimination in the workplace, which include:

- An organizational culture based in power relationships that are determined by sex or gender.
- An organizational culture that has normalized violence and discrimination by means of gender stereotypes.
- Abusive and discriminatory relationships based in ethnicity or nationality, skin color, culture, sex, gender, age, disability, social or economic status, health or legal status, religion, physical

appearance, genetic characteristics, migrant situation, pregnancy, sexual orientation, gender identity, political affiliation, marital status, family situation, language or for any other reason.

- The perception of women as a sexual object.
- Discriminating language against members of the LGBTTTI+ population and sexist language against women.
- Minimizing the detrimental effects of sexual harassment and workplace discrimination on health and an organizations' capacity development, and on individual capacities and performance.
- Biased or vengeful actions that intend to intimidate or cause damage that affect an individual's own sense of dignity and violate the principle of respect.
- Improper or undesired behavior that is considered offensive and humiliating.
- Violation of the right to a life free of violence and discrimination in the workplace.

At times, issues of sexual violence and discrimination are difficult to isolate and complex to address, particularly from a legal and conceptual perspective, and when considering an intersectional perspective that seeks to respect human rights. For this reason, it may prove difficult to develop internal and organizational processes that are comprehensive and concrete enough to address them adequately. Given this, the following section provides a brief overview of key concepts for developing a protocol to prevent and respond to sexual violence and gender-based discrimination.

V. KEY CONCEPTS FOR DEVELOPING PROTOCOLS TO PREVENT AND RESPOND TO SEXUAL VIOLENCE AND DISCRIMINATION

WHAT IS SEXUAL HARASSMENT IN THE WORKPLACE?

Sexual violence in the workplace violates the principles of equality and non-discrimination as well as the very foundation of human rights. Beginning in 1991, Mexican law has considered sexual violence in the workplace a crime per the Federal Criminal Code.⁵ Upon its inclusion in the Federal Criminal

⁵ Article 259 Bis of the Federal Criminal Code states that “Whoever repeatedly harasses a person for either sexual or lewd purposes by deploying his or her hierarchical position derived from his or her labor, teaching, domestic or any other implicit subordination will be penalized with a fine of up to eight hundred days. If the harasser is a public servant and made use of the means or circumstances provided by their office, in addition to the penalties indicated, he or she will be removed from their position and may be disqualified from holding any other public office for up to one year.

Code, most criminal codes in the states of the Mexican Republic have since included defined sexual violence in the workplace to be a crime. In 2007, a new law was introduced that promoted access to a life free of violence. This law distinguished the difference between the two types of sexual harassment: *hostigamiento sexual* and *acoso sexual*.⁶

Sexual harassment in the workplace involves the exercise of power with a sexual connotation and with the intention of causing damage to the individual that is subjected to these undesired practices and behaviors. They can be of a verbal or non-verbal nature, with or without physical contact.

Sexual harassment is seen in a series of behaviors that are not permitted in the workplace:

- Unwanted touching of sexual areas of the body
- Foul language and insinuations or direct comments about the body or appearance
- Aggressions, intimidation, or threats with a sexual purpose
- The display of one's genitals
- Recurring and uncomfortable lewd behaviors and comments
- Corporal or verbal expressions with the intention of offending women and girls
- Stalking, seeking-out a colleague out of sexual interest, and pursuit of other forms
- Capturing photos or video without an individual's consent

Article 13 of Mexico's General Law grants women Access to a Life Free of Violence⁷, including the first type of sexual harassment in Mexican law, *hostigamiento sexual*, which is an exercise of power in a real case of subordination from the aggressor to the victim in a labor or school context. It is expressed through verbal or physical conducts (sometimes both) and involves behavior with sexual and lewd connotation.

In the case of the second type of sexual harassment per Mexican law, *acoso sexual*, there is not a condition of subordination, per se, however, there is still an abuse of power that produces vulnerability and risk for the victim.

Sexual harassment will be punishable when an injury or damage is caused. Legal repercussions will be considered against the harasser at the request of the offended party.

Chamber of Deputies of the H. Congress of the Union, Federal Criminal Code, LXIV Legislature, 2020, Official Gazette of the Federation, article 259 Bis. Last reform published in DOF on July 1, 2020.

⁶ Instituto Nacional de las Mujeres, *Protocolo de intervención para casos de hostigamiento y acoso sexual* (México: Instituto Nacional de las Mujeres, 2009), consultado el 27 de Julio de 2020, http://cedoc.inmujeres.gob.mx/documentos_download/101154.pdf

⁷ Cámara de Diputados del H. Congreso de la Unión, *Ley General de Acceso a las Mujeres a una Vida Libre de Violencia*, LX Legislatura, 2007, Diario Oficial de la Federación, Article 13. Last reform published in DOF on April 13, 2018.

Table 1. Differentiation Between the Two Types of Sexual Harassment in the Mexican Legal Framework (*Hostigamiento y Acoso Sexual*)

Sexual harassment (both <i>hostigamiento sexual</i> and <i>acoso sexual</i>) are forms of gender-based violence that occur more commonly against women in the workplace. These behaviors affect the work environment as well as the physical and mental health of the victims.	
Sexual Harassment (<i>Hostigamiento Sexual</i>)	Takes place in the case of vertical power relations whereby sexual harassment is enacted by an individual who is higher in terms of their hierarchical level, using his or her position or authority to obtain satisfaction through this behavior.
Sexual Harassment (<i>Acoso Sexual</i>)	Takes place in the case of horizontal power relations between individuals who are of the same hierarchical level, or the harassment is enacted by an individual of a lower hierarchical position than that of the victim.

Source: Authors

SEXUAL HARASSMENT IN MEXICO

Although anyone can be affected by sexual violence, in Mexico as in elsewhere in the world it is far more common for the man to be the perpetrator. This can be explained through a sociocultural process that has validated masculine domination in which women are perceived as mere objects to be possessed by men. The issue of gender-based sexual violence is pronounced in Mexico. According to the National Survey on Domestic Relationship Dynamics conducted in 2016 (ENDIREH, per its acronym in Spanish), 26.60% of women that were interviewed reported being affected by sexual violence in the workplace in the last 12 months. With respect to violence against women, violence in the workplace took third place (Domestic violence: 43.90%; Communal Violence 38.70%; Violence in the workplace 26.60%; School Violence: 25.30%).



Photo, Title: *Femicide Mexico*.
Feminist Urban Art in Mexico City created by many artists. Photo by Daniel Estrada Zúñiga

WORKPLACE DISCRIMINATION IN MEXICO

Workplace discrimination in Mexico is the result of a series of cultural processes that are driven by gender-based violence, which then is translated into homophobia, lesbophobia, transphobia, misogyny, sexism, xenophobia, racial segregation, and antisemitism, among other forms of discrimination.

In 2003, the federal government enacted a law to prevent and eradicate discrimination (*Ley Federal para Prevenir y Eliminar la Discriminación*⁸). As such, Mexico is now part of the countries where discrimination is officially prohibited in any way, shape, or form. However, discrimination is still one of the most persistent social practices, be it direct or indirect, within the social fabric – from workspaces, communities, media, education centers, public transport, religions, families, etc. Per its legal definition, discrimination refers to any sort of distinction, exclusion, and restriction that has the purpose of obstructing, restricting, stopping, diminishing or nullifying the recognition, enjoyment or exercise of the human rights and freedom, due to ethnicity, nationality, skin color, culture, sex, gender, age, disabilities, social or economic status, health or juridic condition, religion, physical appearance, genetic characteristics, migratory situation, pregnancy, language, opinions, sexual orientation, gender identity, political affiliation, marital status, family situation, family responsibilities, criminal record or any other reason.

Even though anyone can experience discrimination, it is essential to analyze this practice from a gender perspective. This analysis will allow us to corroborate that violence and discrimination in the workplace towards women, the LGBTI+ community, indigenous population, domestic workers and people with disabilities relies on culturally learned prejudices that are then reproduced in the work environment within organizations, violating the principle of equal opportunities.

VI. WHY DO CSOS NEED TO ADDRESS SEXUAL HARASSMENT AND DISCRIMINATION IN THE WORKPLACE?

Not only do sexual harassment and discrimination have effects and consequences for the victims, but these behaviors and practices also have consequences for organizations in three specific areas: health, work, and families. These effects can be both direct and indirect; The organization can experience direct effects if they have a noticeable effect on its performance and organizational culture, and can also experience indirect effects when an individual who is a member of the organization is affected on a personal level. More information is provided below:

⁸ Cámara de Diputados del H. Congreso de la Unión, *Ley Federal para Prevenir y Eliminar la Discriminación*, LVIII Legislatura, 2003, Diario Oficial de la Federación. Last reform published in the Official Statements of the Federation (DOF) on June 21, 2018.

Indirect Effects

An individual's health suffers when human rights are violated in the workplace as a result of sexual harassment and discrimination. There is clear evidence of physical and psychological effects, including:

- Physical effects: headaches, muscle tension, gastrointestinal ailments, allergies, physical and sexual abuse.
- Psychological effects: depression, anxiety, anguish, irritability, aggressiveness, insomnia, psychosomatic diseases, and low self-esteem.

Direct Effects

Within the workplace, direct consequences are generally seen in two key areas: personal and economic development.

- Professional development: Victims become far more vulnerable to discriminatory acts, which may cause workplace segregation, unequal labor conditions (promotions, training and career advancement, etc.). A poor organizational culture lends to disinterest among employees, possibly leading to lower quality and productivity in the workplace.
- Economic development: A considerable portion of victims of sexual harassment and discrimination prefer to resign or are fired because they take legal action against the perpetrator, resulting in unemployment. It is worth mentioning that an entire family is affected when unemployment occurs due to reduced household income and social security conditions.

In general, sexual harassment and discrimination in the workplace prevent organizational development both directly and indirectly and can have a detrimental effect on organizational sustainability. For this reason, the Civil Society Activity developed a strategy to design, implement, and evaluate protocols to address sexual harassment and discrimination within CSOs that take into account fundamental aspects in the prevention, response to and penalization of such actions.

VII. RECOMMENDATIONS AND TOOLS TO ESTABLISH AND IMPLEMENT PROTOCOLS IN MEXICAN CSOS

The Civil Society Activity's hope is that all CSOs' personnel and collaborators become aware that they have the right to a workplace free of sexual violence and discrimination and that the entire range of hostile, sexual, and humiliating behaviors and practices be eradicated. Ultimately, CSA recommends that all CSOs adopt and implement protocols and guidelines concerning these behaviors and practices given that they are in direct violation of human rights and freedoms.

Notwithstanding, it is important to note that simply establishing a protocol is not enough to ensure its adequate implementation. One of the challenges that organizations must confront is to ensure that protocols are fully applied and mainstreamed into organizational culture and processes. Furthermore, it is important that protocols include specific criteria as to how the organization will prevent, respond to and penalize sexual harassment and discrimination with concrete rules and alternative mechanisms that contemplate the use of tools to assess, train and sensitize staff and collaborators, and that there is sufficient socialization and messaging directed to everyone who participates in and contributes to the organizational culture.

As stated, the Activity aimed to strengthen CSOs' agendas with strategies to promote a gender equality and inclusion perspective in a cross-cutting fashion by designing, implementing and validating methodologies that organizations can adopt to assess and improve their respective situation in terms of how they actively address gender-based discrimination, inequality, and exclusion. The design, implementation, and assessment of preventive, corrective, and reparative actions to tackle sexual violence and discrimination in the workplace is one part of what organizations can do to mainstream a gender and inclusion perspective within their organizational culture. For USAID's Civil Society Activity, the prevention and treatment of sexual harassment and discrimination in the workplace requires three fundamental actions:

- Strengthening CSOs' policies and procedures to prevent, report and address instances of sexual harassment and discrimination.
- Foster a culture of respect that condemns inappropriate sexual conducts and discrimination in CSOs, respecting victims and avoiding retaliation.
- Assess the efficiency of actions that aim to prevent and respond to sexual violence and discrimination.

To better address these areas of organizational capacity and performance, the Civil Society Activity simultaneously worked to develop internal capacities (Human and Institutional Capacities Development, or HICD⁹) and develop organizations' performance in their environment and systemic impact based on the Local Systems¹⁰ and Capacity 2.0¹¹ frameworks. To carry out this systemic approach for capacity development, the Activity designed and implemented CSA's Integrated Assessment Tool, which brings together the Organizational Capacity Assessment (OCA), the Organizational Performance Index (OPI), and Stakeholder Mapping. CSOs can use this tool to self-assess their strengths and areas of opportunity and identify priorities for institutional strengthening. Within the OCA instrument, the fourth area of performance that is assessed is Gender and Inclusion, which includes criteria aimed at generating protocols to prevent and respond to sexual

⁹ USAID. n.d. "Human and Institutional Capacity Development." Accessed July 27, 2020. <https://usaidlearninglab.org/library/human-and-institutional-capacity-development>

¹⁰ USAID. n.d. "Local Systems: A Framework for Supporting Sustained Development." Accessed July 27, 2020. <https://www.usaid.gov/policy/local-systems-framework>

¹¹ USAID. n.d. "Capacity 2.0." Accessed July 27, 2020. <https://usaidlearninglab.org/library/capacity-20>

violence and discrimination. Protocols is one of four core areas assessed in the Gender and Inclusion performance area, and is complemented by criteria dedicated to Policies, Implementation, and Information Dissemination.

Table 2. Gender and Inclusion Performance Area (CSA’s Integrated Assessment Tool - OCA)

Policies	Implementation	Protocols	Information Dissemination
<ul style="list-style-type: none"> • Organizational chart designed with a gender and inclusion perspective. • Mechanisms to ensure equality when assigning decision-making positions. • Equal opportunity and non-discrimination policy. • Procedures to guarantee the application of gender, inclusion and non-discrimination policies. • Promotion of labor equality and non-discrimination practices in the organization. 	<ul style="list-style-type: none"> • Policies for the mainstreaming of gender perspective in-line with international standards. • Gender criteria in the organization’s objectives and actions. • Use of inclusive language in both internal and external communications. • Training to improve the understanding of gender and labor equality. 	<ul style="list-style-type: none"> • Course of action and protocol to prevent and respond to sexual harassment. • Course of action and protocol to prevent discrimination based in gender, race, ethnicity, social condition or any other reason. • Mechanisms to oversee the fulfilment of the protocols with a gender and inclusion perspective. 	<ul style="list-style-type: none"> • Knowledge of staff on equality and inclusion policies as well as protocols to prevent and respond to sexual violence and discrimination. • Activities to verify that the knowledge and application of the gender and non-discrimination policy.

Based on the Activity’s experience implementing the OCA instrument in its partner CSOs, it found that very few organizations have protocols in place to prevent and address sexual violence and discrimination. Thus, CSOs should improve their efforts to design, implement and assess a sexual harassment and discrimination protocol, complemented by regular training, awareness campaigns, and evaluations on how familiar collaborators are with the protocol so that the local system can be fully strengthened by mainstreaming gender, inclusion and human rights perspectives and approaches.

ASSESSMENT

In order to design and implement actions that address these issues, CSOs may carry out a self-assessment using CSA’s Integrated Assessment Tool or any other gender mainstreaming assessment

tool at their disposal. The objective of carrying out an assessment is to think critically and reflexively on how well an organization mainstreams a gender and inclusion perspective using quantitative and qualitative research tools. Doing so will allow CSOs to identify specifically where they stand and what their priorities are to advance in gender mainstreaming, and will serve to detect the presence of discrimination, exclusion and sexual violence that affect individuals and the organization itself. In other words, self-assessing will help to identify specific practices that should be addressed in an organizational protocol and can help to identify real situations that have transpired or may have transpired within the organization to then develop targeted actions and corrective processes to attend to both perpetrators and victims in a proper manner.

DESIGN

When designing protocols to prevent and address sexual violence and discrimination in the workplace, organizations should take into account that such practices violate human rights, erode the work environment, and produce psychological damage in victims. In addition, CSOs should consider the following:

- Protocols and guidelines to prevent and address sexual violence and discrimination in the workplace should be aligned with the specific labor conditions that collaborators are subject to, and should reflect principles of equal opportunities and human rights in order to foster an organizational culture and work environment that respects diversity, equity, inclusion and equality.
- The design stage is an internal process in which the CSO should establish guidelines and mechanisms that are in accordance with existing local, state, and federal legislation and comply with international standards and agreements that Mexico has signed regarding gender equality and human rights.

The CSO can generate an action plan to establish and implement a protocol based on their self-assessment¹² in a way that is mindful of the organizational structure of the CSO and the nature of its work. When drafting the protocol, CSOs should consider the diverse areas of the organization that can work together to prevent sexual harassment and discrimination, including Leadership, Administration, Communications, Monitoring and Evaluation, and Human Resources. More specifically, these diverse organizational areas may work to:

- Reinforce an institutional stance of zero tolerance for sexual harassment and discrimination.
- Actively promote and spread awareness of all staff and collaborators on existing protocols concerning sexual violence and discrimination.
- Raise awareness on organizational processes and standards to respond to instances of sexual violence and discrimination.

¹² It is recommended that CSOs use the OCA instrument within CSA's Integrated Assessment Tool to perform its own self-assessment, in particular, the fourth area of performance, Gender and Inclusion.

- Increase compliance with local and international regulations to deal with sexual harassment and discrimination.
- Design, schedule and implement trainings and other strategies to raise awareness among organizational staff and collaborators.
- Launch internal campaigns that promote productive, safe, and healthy work environments and cultures.

When establishing institutional processes that respond to potential and verified cases of sexual violence and discrimination during the design phase, organizations should consider the roles of areas such as Leadership, Administration, Legal Support, and Human Resources, all of which have an important role in establishing and implementing corrective and reparative measures, such as disciplinary dismissal, suspension, permanent dismissal, or the request for legal action against the perpetrator, depending on the seriousness of the offense.

The organization should outline specific courses of action in their protocol that vary depending on the severity of the situation and should define measures to attend to particular circumstances of the offense such as repeat offenses, the level of subordination of the victim with respect to the perpetrator, and any vulnerabilities in terms of gender, age, health condition, sexual orientation, gender identity or any other condition that may contribute to the violation of privacy, safety and integrity in the workplace.

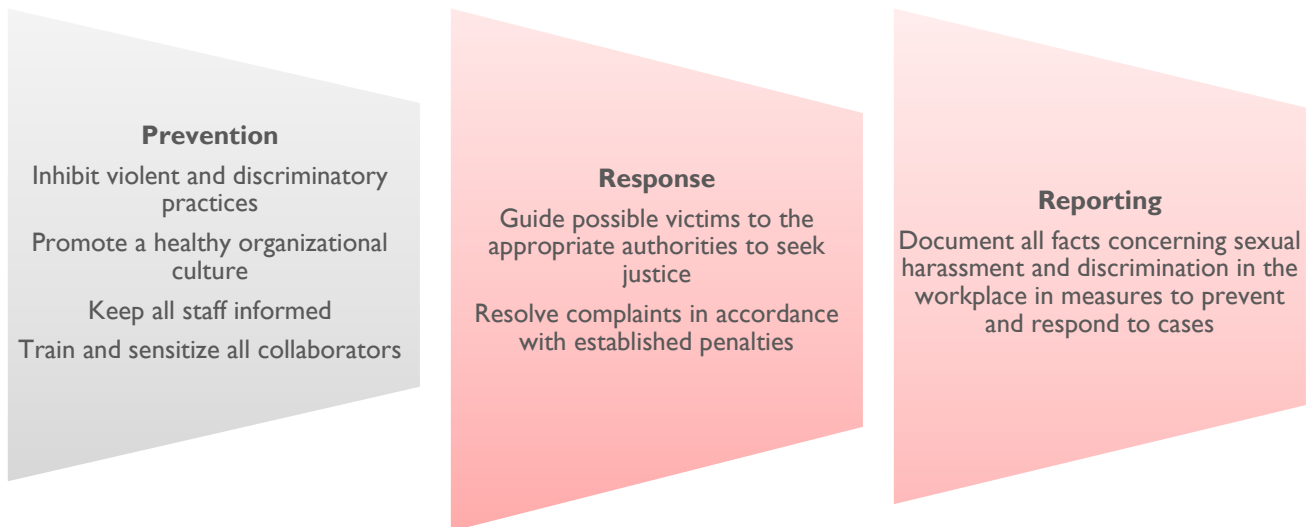


Figure I: Key Elements in the Prevention, Treatment and Penalty of Sexual Harassment and Discrimination

TRAINING AND SENSITIZATION

Training and sensitization refer to teaching and learning processes with the objective of imparting knowledge, techniques, and tools to staff and collaborators so that they may develop new skills and

change attitudes and behaviors, and ultimately contribute to an organizational culture and environment based in gender equality and inclusion.

The process of questioning sexual violence and discrimination in an organizational setting is complex given that it is common to encounter resistance and denial concerning inequalities and gender-based violence. Therefore, the training and sensitization stage should be continuous and long-term, bringing together all the necessary factors for it to be performed successfully. Training and sensitization should be directed towards producing transformation both on an individual and collective basis, promoting awareness, empowerment, and knowledge and skill development.

INFORMATION DISSEMINATION

Sexual violence and discrimination can be transmitted through language, attitudes, behaviors and practices within labor relations. As such, CSOs are encouraged to design and implement strategies to spread the word about their zero-tolerance stance towards sexual violence and discrimination, as well as on the principles of equality and inclusion, organizational regulations, and the consequences of these practices. This can be done through training and sensitization for every individual who is a member of the workforce in an organization. Information dissemination should target all levels of the organization. A robust strategy to spread the word on these matters is necessary to properly communicate relevant information and the organization's strategic approach to guaranteeing equality, gender equity and inclusion in the workplace and in work settings.

VIII. CONCLUSION

Civil society organizations (CSOs) play a fundamental role in the construction of human rights in Mexico, however, this effort may be hindered by the various forms of gender-based violence and discrimination that may take place within the organizational setting, causing the principles of equality, inclusion, respect, and dignity to falter.

Sexual violence and discrimination in the workplace are two major issues that require specific methodologies, strategies, and tools aimed at the development of systemic capacities and solutions to strengthen organizations to confront historical and sociocultural structures that replicate and reinforce practices of violence, discrimination and exclusion. Protocols to treat sexual violence and discrimination in the workplace provide a necessary alternative to accompanying victims who may not feel comfortable with or may lack access to justice within the legal framework.

As part of its efforts to strengthen CSOs, USAID Mexico's Civil Society Activity sought to contribute to strengthening institutional capacities and to improving CSO sustainability in Mexico in a way that mainstreamed an approach rooted in Gender and Inclusion to foster equality, non-discrimination and human rights in organizational policies, processes, and protocols. Under the framework of these labor equality policies, processes, and protocols, the Activity encouraged and accompanied CSOs to strengthen their capacity to understand, identify, and respond to sexual harassment and

discrimination in the workplace, and to participate actively in detecting, preventing and treating these issues in accordance with the principles and values of USAID.

We hope that this document may serve as a guide in the planning, design, and implementation of measures to prevent and address sexual harassment and discrimination in civil society workspaces, and will contribute to promoting the fair, egalitarian, non-violent, and respectful treatment of every individual under a human rights framework.

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¹ It is key to note that, within the Mexican legal framework, sexual harassment is divided into two different types with different legal implications: *acoso sexual* and *hostigamiento sexual*. *Hostigamiento sexual* takes place in the case of vertical power relations whereby sexual harassment is enacted by an individual who is higher in terms of their hierarchical level, using his or her position or authority to obtain satisfaction. *Acoso sexual* takes place in the case of horizontal power relations between individuals who are of the same hierarchical level, or the harassment is enacted by an individual of a lower hierarchical position than that of the victim. In this document, the distinction will be made by referencing the appropriate term in Spanish.

² For more information on the Activity's approach, please consult the document *CSA's Systemic Approach to Capacity Development*, which is also part of CSA's Legacy Compendium.

³ "Standards of Business and Ethical Conduct," Social Impact, consulted on July 19, 2020, <https://socialimpact.com/social-impact-standards-business-ethical-conduct/>
For more information, please consult Social Impact's *Standards for Business and Ethical Conduct* (Arlington: Social Impact, 2020).

⁴ "Factsheet: USAID's Anti-Harassment Policy," USAID, consulted on July 19, 2020. <https://www.usaid.gov/preventingsexualmisconduct/fact-sheet/usaid-anti-harassment-policy>

⁵ Article 259 Bis of the Federal Criminal Code states that "Whoever repeatedly harasses a person for either sexual or lewd purposes by deploying his or her hierarchical position derived from his or her labor, teaching, domestic or any other implicit subordination will be penalized with a fine of up to eight hundred days. If the harasser is a public servant and made use of the means or circumstances provided by their office, in addition to the penalties indicated, he or she will be removed from their position and may be disqualified from holding any other public office for up to one year. Sexual harassment will be punishable when an injury or damage is caused. Legal repercussions will be considered against the harasser at the request of the offended party.

Chamber of Deputies of the H. Congress of the Union, Federal Criminal Code, LXIV Legislature, 2020, Official Gazette of the Federation, article 259 Bis. Last reform published in DOF on July 1, 2020.

⁶ Instituto Nacional de las Mujeres, *Protocolo de intervención para casos de hostigamiento y acoso sexual* (México: Instituto Nacional de las Mujeres, 2009), consultado el 27 de Julio de 2020, http://cedoc.inmujeres.gob.mx/documentos_download/101154.pdf

⁷ Cámara de Diputados del H. Congreso de la Unión, *Ley General de Acceso a las Mujeres a una Vida Libre de Violencia*, LX Legislatura, 2007, Diario Oficial de la Federación, Article 13. Last reform published in DOF on April 13, 2018.

⁸ Cámara de Diputados del H. Congreso de la Unión, *Ley Federal para Prevenir y Eliminar la Discriminación*, LVIII Legislatura, 2003, Diario Oficial de la Federación. Last reform published in the Official Statements of the Federation (DOF) on June 21, 2018.

⁹ USAID. n.d. "Human and Institutional Capacity Development." Accessed July 27, 2020. <https://usaidlearninglab.org/library/human-and-institutional-capacity-development>

¹⁰ USAID. n.d. "Local Systems: A Framework for Supporting Sustained Development." Accessed July 27, 2020. <https://www.usaid.gov/policy/local-systems-framework>

¹¹ USAID. n.d. "Capacity 2.0." Accessed July 27, 2020. <https://usaidlearninglab.org/library/capacity-20>

¹² It is recommended that CSOs use the OCA instrument within CSA's Integrated Assessment Tool to perform its own self-assessment, in particular, the fourth area of performance, Gender and Inclusion.

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