



American University of Armenia

Master's Paper:

*“Sexual Harassment in the Workplace”*

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## **Abstract**

*Sexual harassment in itself is a very broad term and this study is primarily focused on definition and application of sexual harassment to the workplace. The purpose of this study is to provide a comprehensive guidance on sexual harassment in Armenia based on discussion of national legislation governing the problem and international best practice. The study will also highlight social, financial and psychological consequences of sexual harassment and suggest practical measures and solutions to establish a harassment free workplace.*

*Sexual Harassment as a form of discrimination is prohibited under Title VII of the US Civil Rights Act of 1964 and US Sex Discrimination Act of 1975. It states that “Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment<sup>1</sup>...”*

There are two types of sexual harassment that are most common in the workplace. The first is “*quid pro quo*” harassment, when the harasser abuses his authority over the employee insisting that the employee submit to sexual advances in exchange for a tangible job benefit, such as favorable treatment in work assignments, salary increases, promotion and other types of opportunities. In case of protest or rejection, the employee is usually subjected to a degrading and aggressive treatment that finally results either in a desperate submission or resignation of the employee<sup>2</sup>. The second type is “*Hostile Work Environment*” where the employee is continually subjected to offensive comments of a sexual nature, unwelcome physical contact, he or she may be denied promotion and/or training opportunities, be assigned an excessive workload that may finally culminate in the suspension of the latter. These two types of harassment are interrelated and often occur together.<sup>3</sup> Thus, an offensive and hostile environment purposely created by the harassers force the victims to choose between their work and their self-esteem. As a result we face the problem that goes far behind the psychological impact on the employee. This is the situation where not only the reputation and socio-economic status of organizations is at stake. There is real threat of mass migration and poverty that may affect the overall development of the society and state.

Aiming to protect society from the damage that can be caused to individuals and organizations, most of the world's leading organizations have adopted sexual harassment policies to safeguard the rights of employees in the workplace.

Special grievance and complaint mechanisms, harassment trainings and educational programs primarily designed to raise the awareness of the employees and employers of their rights are being

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<sup>1</sup> [www.http://www.eeoc.gov/types/sexual\\_harassment.html](http://www.eeoc.gov/types/sexual_harassment.html)

<sup>2</sup> [www.http://www.eeoc.gov/types/sexual\\_harassment.html](http://www.eeoc.gov/types/sexual_harassment.html)

<sup>3</sup> [http://www.ppspublishers.com/articles/bulletin\\_sexual\\_tips.htm/](http://www.ppspublishers.com/articles/bulletin_sexual_tips.htm/) /Tips for investigating Sexual Harassment

implemented within the framework of public policy governing sexual harassment.<sup>4</sup> Proactive awareness and education correlates to a reduction in incidents of harassment and the associated punitive damages.<sup>5</sup> Policies provide guidelines on the harassment reporting procedure and investigations are expected to be thorough and adequate to properly identify the truth behind the allegations.<sup>6</sup>

According to statistical data the majority of cases involve those in positions of power over the victim. Thus, we have subordinates on one hand and managers on the other as private actors involved in the problem. The interests of both sides converge whenever mutual consensus is established and the subordinate chooses sexual relationship as a shorter path toward benefits and promotion. Interests diverge when the subordinate refuses to endure or participate in the sexual conduct in exchange for tangible job opportunities.

Most employment laws seek to balance employees' concerns and employers' interests.<sup>7</sup> The underlying policy is to protect managers from unreasonable and false charges and subordinates from unwelcome conducts of their managers.

Despite increasing awareness of the extent of sexual harassment and its harmful impact on society there are still countries that lack specific laws on sexual harassment and do not consider this issue seriously, Armenia, unfortunately, is one of them. Non official data indicates that sexual harassment in Armenia is widespread and it takes a serious toll on employees' lives and careers. According to NGO survey data, every third women in Armenia cannot get a job while every fifth cannot climb the ladder because of sexual harassment.<sup>8</sup> The existing situation is unjustifiable in respect of fundamental rights, especially in terms of social and economic hardship, high migration rates and poverty.

### **Armenian Legal Framework**

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<sup>4</sup><http://www.spu.edu/depts/hr/supervisor/harassmentnew.htm/> Office o Human Resources

<sup>5</sup>[http://www.ppspublishers.com/articles/bulletin\\_sexual\\_tips.htm/](http://www.ppspublishers.com/articles/bulletin_sexual_tips.htm/)

<sup>6</sup><http://www.spu.edu/depts/hr/supervisor/harassmentnew.htm/> Office o Human Resources

<sup>7</sup> *Id.*

<sup>8</sup>Statistical Report on sexual harassment in Armenia (prepared by Sociometr NGO)

Armenia does not have any laws that specifically criminalize sexual harassment. The Provisions addressing sexual harassment in the Labor Code and Criminal Code of the Republic of Armenia are too vague and general.

For example, article 221 of the RA Labor Code deals with gross violations of the Labor Code and other statutes and regulations containing employment law norms.<sup>9</sup> Sexual Harassment is one among other acts defined as gross violation of labor norms. Article 221.4 states that “violation of equal rights of men and women or sexual harassment of colleagues, subordinates or beneficiaries is considered gross violation of labor norms”.<sup>10</sup> Article 222 states that disciplinary sanctions may be applied to the employee who has committed a violation of the labor norms.<sup>11</sup> According to Article 223 disciplinary sanctions for the violation of labor norms are as follows:

- 1) reprimand
- 2) severe reprimand;
- 3) termination of employment contracts based on Articles 121- and 122 of this law.<sup>12</sup>

Furthermore, article 140 of the RA Criminal Code can be used to punish "forced violent sexual acts." the aggrieved, is punishable by a fine in the amount of 200 to 300 minimal salaries, correctional labor for up to two years, or imprisonment for the term of up to one year.<sup>13</sup>

It states, that "Forcing a person to engage in sexual intercourse, homosexuality, lesbianism or other sexual actions, by means of black mail, threats to destroy, damage or seize property, or using financial dependence or other dependence of the aggrieved, is punishable by a fine in the amount of 200-300 minimum salaries, correctional labor for up to two years or imprisonment for the term of up to one year.

#### **Section 4. Case Studies/ Interviews**

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<sup>9</sup> Art. 221/ RA Labor Code/ 11.09.04/

<sup>10</sup> Article 221.4/ RA Labor Code

<sup>11</sup> Article 222 / RA Labor Code

<sup>12</sup> Article 223 / RA Labor Code

<sup>13</sup> Art 140/RA Criminal Code/11.04.03

Although sexual harassment exists in Armenia today, most cases do not go to court. According to G. Avagyan, Assistant Judge of the Appellate Court and Lecturer of “Civil Procedure” at the French University of Armenia, judicial and investigative officials have no experience in dealing with cases of sexual harassment.<sup>14</sup> The reason is not only the lack of specific laws prohibiting sexual harassment but also cultural specificity and norms deeply rooted in the Armenian society. Hence, victims are embarrassed to speak out publicly and would rather suffer in silence.

Mr. G. Avagyan proposed the following solutions to the problem:

- Develop appropriate policies to safeguard the rights of employees in the workplace;
- Organize sexual harassment trainings to inform employees and employers of their rights and responsibilities to ensure that they understand what sexual harassment is;
- Implement special education programs to combat deep rooted prejudices and help employees openly stand up for their rights;
- Hold closed hearings on sexual harassment until society is ready to openly address the problem.

Based on the interview with Ms. Lilit Avetisyan, president of “Women’s Forum” NGO (the only NGO in Armenia dealing with issues of sexual harassment) there are two main reasons why most victims do not go to police and file a formal complaint:<sup>15</sup> First, Armenian legislation lacks specific concept and criteria of sexual harassment, making the misconduct almost impossible to prove. Second, our society is not yet ready to fearlessly and openly speak about things that have been traditionally considered obscene. Within the USAID funded project on Sexual Assault at a Workplace in Republic of Armenia great efforts were made to raise awareness and reduce the incidence of sexual harassment in the 5 Armenian Regions: Yerevan, Shirak, Aragatsotn, Kotayk and Louri. Thanks the NGO’s persistence specific clauses were added to 20 different articles of the RA Labor Code aimed to promote identification and prevention of gender discrimination, as

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<sup>14</sup> See Appendix A /Interview with the assistant Judge of the Appellate Court, Mr. G.Avagyan

<sup>15</sup> See Appendix A /Interview with the President of “Women’s Forum” NGO, Ms. L. Avetisyan

well as moral and physical violence against women in the workplace. According to the President of “Women’s Forum” the most appropriate solutions to the problem are:

- Adoption of the concept and criteria for sexual harassment
- Involvement of the Ministry of Healthcare and Ministry of Justice in the harassment complaint mechanism;
- Development of the appropriate policies and guidelines in the workplace based on the (to be) adopted concept and criteria

“Women’s Forum” agreed to provide the collection of the anonymous interviews with the victims of Sexual Harassment.<sup>16</sup> Several complaints, were chosen to display as the most typical for the workplace:

Case 1. As a precondition to get a job at a supermarket the manager suggested Ms. X, the female candidate, to have dinner at restaurant and discuss her future responsibilities, making it clear that she will get the job only if she agrees to sexual advances. Ms X refused to participate in sexual conduct and consequently was not taken on.

Case 2. Ms. Y’s sister had made great efforts to find a job. But every time her superiors found that she was divorced they would continually subject her to offensive comments of a sexual nature. Of course, she didn’t endure and resigned. She is still unemployed.

Case 3. Ms. Z was discharged from the office and the employer refused to pay her 3-month salary because she refused to submit to suggested sexual advances. He said he can find millions like her; that there are lots of young beautiful ladies that would be only happy to do everything in exchange for a job.

Case 4. Soon after graduation Ms. V managed to get a job. On the third month she was promoted and her salary drastically increased. Two weeks later her manager began to call her more and more frequently, asking her to stay longer after work. At the beginning he was talking only on business matters that gradually changed to open requests for sexual favors. Ms. V’s resistance

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<sup>16</sup>See Appendix B /Full collection of the anonymous interviews with the victims of Sexual Harassment/

resulted in her discharge. She is still unable to recover from psychological trauma and has made a strong decision never to work.

There are hundreds of other similar cases that remain unaddressed and have not reached the court. This begs the question; how can the society be ignorant to such a serious problem if it is actively involved in the development of a democratic society.

### **5. Step-by-step Description of the Transaction**

In accordance with Current Labor Code of the Republic of Armenia<sup>17</sup> if the rights of an employee are violated by colleagues or superiors the employee must first seek protection from the employer, who is in turn responsible for the imposition of disciplinary sanctions in accordance with Article 223.<sup>18</sup> If the employer fails to fulfill his obligation or the employer himself committed the violation, the employee can either go to court or refer the case to Labor Unions which are responsible for the protection of professional, economic and social rights, and interests of employees pursuant to Article 38.<sup>19</sup> The protection of labor rights shall be exercised through:

- 1) recognition of the rights;
- 2) restoration of the situation which existed before the violation;
- 3) prevention and elimination of the actions promoting violations;
- 4) invalidation of the acts of state or local self-governance bodies
- 5) enforcement to fulfill responsibilities;
- 6) reimbursement of the damage;
- 7) imposition of punitive damages;
- 8) termination or modification of the legal relationships;
- 9) other ways prescribed by law;

If an employee disagrees with the changes made in the working conditions, termination of the working contract on the employer's initiative or dismissal from work, the employee may apply to the court<sup>20</sup> within one month from the day of the written notification (document). If it is established that

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<sup>17</sup> Article 221.4/ RA Labor Code/11.09.04

<sup>18</sup> Article 223 / RA Labor Code/

<sup>19</sup>See Attachment / Labor Union contact information/

<sup>20</sup> See Attachment/ contact information of the court

the working conditions were changed and the employee was dismissed without sufficient cause, or in violation of laws, then the violated rights of the employee must be restored and the employee must recover the average amount of salary for the entire period of performing a lower-paid job. The average wage is calculated through multiplying the amount of his average daily wage of the employee with the number of corresponding days.<sup>21</sup>

The court may also establish that the employee may not be reinstated in his former position due to economic, technological, organizational or similar reasons or impossibility to restore former employer-employee relationship. Hence, the court must oblige the employer to pay compensation equal to average monthly wage of the employee for the idle time unless the decision of the court enters into force. In this case the employment contract shall be considered terminated starting the date, when the legal decision of the court becomes effective.<sup>22</sup>

All court expenses of labor disputes shall be made in order established by the law in accordance with Article 266 of the Labor Code.<sup>23</sup>

To provide an anecdotal analysis a great effort was made to get cases of sexual harassment from the First Instance Court, Appellate Court of the Republic of Armenia, Ombudsman's office, "Women's Rights" NGO, "Sociometr" NGO, "Women's Forum", etc. However the noted institutions could not assist due to lack of the requested information.

### **International Best Practice**

This section will provide the summary of key features of international best practice with respect to sexual harassment issues. The summary is based on analyses on how these issues are regulated in common and civil law countries such as the United States of America and France, as well as in developing country such as China.

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<sup>21</sup> Article 265.1/ RA Labor Code/

<sup>22</sup> Article 265.2/ RA Labor Code/

<sup>23</sup> Article 266/ RA Labor Code/

Today, most industrialized countries provide legal means to fight sexual harassment, although not all have specific legislation on the matter. Labor, Civil and Criminal law are used to respond to the lack of specific rules.<sup>24</sup> Sexual harassment in the workplace, as a separate distinct offense, is now recognized in France and in the United States, although common law concerning the problem is much more important in the United States, than in France. This results from the fact that the recognition of sexual harassment as a problem in society is very recent in Europe.<sup>25</sup>

In the United States sexual harassment as a form of discrimination is prohibited under Title VII of the United States Civil Rights Act of 1964 and US Sex Discrimination Act (SDA) of 1975. The Equal Employment Opportunity Commission (EEOC) is the federal agency that enforces the federal law. The EEOC's guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made an implicit or explicit condition of employment;
- Submission to or rejection of such conduct affects employment opportunities; or
- The conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment<sup>26</sup>

Based on EEOC guidelines, the courts identify two types of sexual harassment. One is quid pro quo sexual harassment and another is hostile work environment both having been defined in the first section of this study. Within the framework of public policy the State and Territory equal opportunity agencies are responsible for the establishment of effective complaint or grievance mechanisms as well as organization of sexual harassment trainings and educational programs.

In the United States at the Federal level, the plaintiff can either take action personally or through the EEOC. After a charge is filed on the basis of an unlawful employment practice, the EEOC makes an investigation. If the Commission establishes that there is no reasonable cause, it dismisses the charge. On the contrary, if there is a reasonable cause, the Commission tries to

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<sup>24</sup> [www.http.nla.org/library/](http://www.nla.org/library/)

<sup>25</sup> *Id.*

<sup>26</sup> [www.http://www.eeoc.gov/types/sexual\\_harassment.html](http://www.eeoc.gov/types/sexual_harassment.html)

reconcile the parties. If the Commission fails, the plaintiff may bring a civil action against the employer.<sup>27</sup>

Currently there are three laws applicable to sexual harassment in France: The Criminal Code, the Labor Code and the Civil Code.<sup>28</sup> Article 222-33 of the French Criminal Code defines sexual harassment as: "The fact of harassing anyone using orders, threats or constraint, in order to obtain favors of a sexual nature, by a person abusing the authority conferred upon him" Besides, the Criminal Code contains several rules that may be used as a cause of action, such as: certain acts concerning obscene materials, battery, exposure of sexual organs, unnatural and lewd acts, and discrimination based on sex.<sup>29</sup> The Labor Code contains several provisions on the consequences of sexual harassment on the employer-employee relationship. For example, under Article L122-46 of the French Labor Code, the employee, who suffered or refused to suffer harassment from his employer, a representative of the latter, or any other person, abusing of his authority to demand sexual favors, cannot incur any sanction or layoff if he comes forward.<sup>30</sup> In France criminal and labor laws are only applicable to the *quid pro quo* harassment. Other tort claims are possible under the Civil Code, although until now no Court has ruled in such a case.<sup>31</sup>

In France every person is subject to the Criminal Code and no respondent superior theory is applicable. Therefore, an employer, a colleague or a non-employee, such as a client or a passerby, is responsible for his acts. The same is true of the Civil Code. Pursuant to Article L 122-48<sup>32</sup> of the French Labor Code, company directors have to take appropriate measures to eliminate sexual harassment. Otherwise they will be liable for the acts of their subordinates.

In the United States the causes of action based on criminal infractions follow the same theory as in France regarding individual responsibility. As to Civil claims, the United States have the respondent superior legal theory based on the principle of "vicarious liability", according to which employers shall be liable for the actions of their employees.<sup>33</sup>

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<sup>27</sup> [www.http.nla.org/library/](http://www.nla.org/library/)

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> [www.http.legifrance.gouv.fr](http://www.legifrance.gouv.fr)

<sup>33</sup> [www.http.nla.org/library/](http://www.nla.org/library/)

In contrast to United States, France does not have any specialized Commissions like EEOC to represent the victims of sexual harassment. Thus, the victims can either lodge a complaint at the police station of the workplace or before the French Court (Tribunal de Grande Instance) in accordance with French Criminal Law or file a complaint before the "Tribunal des Prudhommes" in accordance with to the French Labor Code.<sup>34</sup>

In both countries, the compensation that a victim can expect is pecuniary. However the amounts granted in the United States are considerably higher.<sup>35</sup>

Although developed countries such as United States and France have greater resources, established practices and appropriate institutions to handle sexual harassment, developing countries also undertake practical measures to combat sexual harassment. For example, in China the victims of sexual harassment after years of having suffered in silence are finally allowed to speak freely if sexually harassed at the workplace. The recent survey of 8,000 women showed that approx. 80 % had been sexually harassed and only 10 cases had gone to court since 2001.<sup>36</sup> Under the amended national legislation passed by the top lawmaking body, the Standing Committee of the National People's Congress, gender equality is designed as one of the country's basic national policies. The newly adopted law obliges all companies and government agencies to take all steps to prevent the occurrence of sexual harassment cases.<sup>37</sup> Although in Armenia the incidence of sexual harassment is almost the same as in China the latter has taken practical steps towards the elimination of the problem despite deeply ingrained attitudes towards women that go back over two thousand years.

### **Procedure Evaluation**

As it has already been mentioned, Armenia does not have specific legislation on sexual harassment. Unlike other countries where sexual harassment is defined as a unique and distinct offence punishable by Labor, Criminal or Civil law, in Armenia the provisions of both Criminal and Labor laws applicable to the matter are not sufficiently precise and clear. For example, the RA

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<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> <http://www.Allheadlinenews.com/articles/>

<sup>37</sup> *Id.*

Labor Code<sup>38</sup> refers to sexual harassment of colleagues, subordinates or beneficiaries as a gross violation of labor norms and imposes disciplinary sanctions in case of violation but it fails to provide a general definition of

what constitutes sexual harassment. It is the same with the Art. 140 of the Criminal Code<sup>39</sup> which addresses abuse of authority (blackmail, threat) to demand sexual favors but still fails to explicitly define sexual harassment as one amongst the listed acts. Thus, one of the basic failures of the law is that there is no legal definition of sexual harassment that makes the existing provisions inappropriate for the victims and very prone to evade. On the other hand the law is also inefficient because there is no legally defined criteria of sexual harassment that makes the misconduct almost impossible to prove, hence, prone to circumvention.

Contrary to international best practice, in Armenia there are no legally mandated harassment trainings and educational programs. Non-mandatory educational and information programs and campaigns to raise public awareness are only organized by NGOs and international organizations.<sup>40</sup>

Unlike the United States, Armenia does not have any specialized institutions like EEOC to support the victims of sexual harassment. Preventative policies within organizations and complaints mechanisms also do not exist.

Further complicating the problem, there are no coordination institutions or governmental bodies charged with implementation of measures to combat sexual harassment.<sup>41</sup> Judicial and investigative officials are not adequately trained in dealing with cases of sexual harassment that result in victims' disinclination to report cases to police.<sup>42</sup>

## **Reccomendations for Reform**

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<sup>38</sup> Article 221/RA RA Labor Code/

<sup>39</sup> Article140/RA RA Criminal Code/

<sup>40</sup> Fact Sheet 2006, Open Society Institute

<sup>41</sup> *Id.*

<sup>42</sup>[http:// www.astra.org.pl/sexual](http://www.astra.org.pl/sexual) abuse, violence and trafficking in women

As it has already been mentioned above, Armenia has neither specific policies nor laws governing sexual harassment. In addition, ignoring such a serious problem Armenia also fails to fulfill its' obligations against international Human Rights instruments concerning prevention of Sexual Harassment. The Council of Europe, the European Union and United Nations have taken significant steps through treaties, directives and resolutions to ensure that their member states take all necessary measures to prevent sexual harassment and to enable and encourage victims of sexual harassment to seek redress for the misconduct.<sup>43</sup>

Pursuant to Directive 2002/73/EC of the European Parliament and the Council of the European Union of 23 September, 2002 all Member States of the European Union shall adopt laws on sexual harassment, or amend existing laws to comply with the Directive by October 2005.<sup>44</sup>

Council of Europe: Recommendation (2002)5 of the Committee of Ministers to member states on the protection of women against violence states that it is the responsibility and in the interest of states as well as a priority of national policies to safeguard the right of women not to be subjected to sexual harassment and thus states may not invoke custom, religion or tradition as a means of evading this obligation.<sup>45</sup> The UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted General Recommendation No 12 and No 19 which recommend that states' reports to the Committee include information about legislation in force to protect women from gender-specific violence, such as sexual harassment in the workplace.<sup>46</sup>

Hence it is primarily necessary to amend national legislation and adopt appropriate policies that would specifically address the problem of workplace sexual harassment consistent with the principles underlying above listed directives and recommendations. For this purpose a specific article on sexual harassment should be included in the RA Labor Code, Chapter 21 on Labor

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<sup>43</sup> [http://www.stopvaw.org/Law\\_Policy.html](http://www.stopvaw.org/Law_Policy.html)

<sup>44</sup> EU Directive 2002/73/ / Official Journal L 269 , 05/10/2002 P. 0015 - 0020

<sup>45</sup> [http://www.coa.int/t/e/human\\_recouces](http://www.coa.int/t/e/human_recouces)

<sup>46</sup> [http://www.stopvaw.org/UN\\_Conventions.html](http://www.stopvaw.org/UN_Conventions.html)

Discipline. The article should consist of the following parts which cover essentially the same forms of undesirable conduct as in US:

### ***Part 1/ Concept***

When establishing or refuting the existence of workplace sexual harassment, a clear understanding of the meaning of the words becomes essential for all parties involved.<sup>47</sup> Therefore the formal legal definition of sexual harassment should be drafted in line with the principles of precision and simplicity and should include the following critical components:

- The word “unwelcome”;
- The concept of dignity (the purpose or effect of violating the dignity of a person);
- The notion of an abusive work environment (“creating an intimidating, hostile, degrading, humiliating or offensive environment”).<sup>48</sup>

### ***Part 2/ Criteria satisfying sexual harassment***

The victims of sexual harassment should be required to satisfy the following criteria in order to establish that the conduct is unwelcome:

- a. emotional distress;
- b. deteriorating job performance;
- c. he/ she avoided the harasser;
- d. he/she told friends and/or family of the harassment;
- e. he/ she told the harasser or other company representative of the harassment;<sup>49</sup>

### ***Part 3/ Liability.***

In this part it is recommended to apply the principle of “vicarious liability”, according to which employers shall be liable for the actions of their employees and hence will be more concerned to maintain harassment free environment.

Within the framework of this chapter it would also be desirable to impose a duty on employers to adopt a code of practice on measures to combat sexual harassment in the workplace. As

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<sup>47</sup> <http://www.csuchico.edu/~jowens/articles/employeerelations.pdf>

<sup>48</sup> *Id.*

<sup>49</sup> [http://www.eeoc.gov/types/sexual\\_harassment.html](http://www.eeoc.gov/types/sexual_harassment.html)

part of a legally binding code of practice policy statements should include definition of sexual harassment, an inventory of rights and duties of employees and employers, as well as the complaint procedures employees should follow in order to lodge a complaint or seek assistance with the process.<sup>50</sup> The range of disciplinary sanctions and amounts of compensation should also be clearly specified in the policy.

### **Reform Implementation**

International bodies such as Council of Europe in coordination with local NGOs which have researched, identified and analyzed the problem, should work to influence the RA Government and the President to fulfill international obligations by amending national legislation and adopting policies to protect employees and establish a harassment free workplace.

A specialized Commission consisting of the representatives of Ministry of Justice, Human Rights Defender and NGOs, dealing with sex discrimination issues should be established and charged with the implementation and enforcement of the amended law. Like in the US, the victims of sexual harassment will be encouraged to take actions through the Commission, which will be authorized to initiate appropriate investigations and reconcile disputes.

Within the framework of public policy the Commission will be responsible for the implementation of harassment trainings and education programs for employees and employers.

Experienced overseas experts will also be invited to conduct special harassment trainings with local judicial and investigative officials.

Simultaneously a special monitoring group accountable to the Council of Europe should be formed to assess the performance of the Commission and effects of the new law and policy on victims of sexual harassment. Monthly reports and recommendations should be submitted to Council of Europe for consideration.

Presumably there will be certain difficulties that might hinder the efficiency of the proposed reforms in the initial stage of implementation. Time will be needed to raise societal awareness to the existence of a new law, and great efforts must be made to help the society break down deep-rooted prejudices. In this regard it is important to encourage dialogue with non-governmental organizations

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<sup>50</sup> <http://www.csuchico.edu/~jowens/articles/employeerelations.pdf>

that have a legitimate interest in combating workplace discrimination based on sex.<sup>51</sup> Government, international organizations, mass media, and the public at large must also take critical steps in widening the awareness and understanding of this issue. Various campaigns, educational programs and trainings, seminars, round tables and other activities should be implemented in the city and all Armenian regions.

### **Conclusion**

The objective analyses of the current situation in respect of sexual harassment in Armenia have been indicated in the foregoing pages; and most problematic sides have been identified. The recommendations given are aimed to provide economically and administratively practical solutions to workplace harassment that would balance the duties and rights of both employees and employers; and this is only achievable if concerted efforts of society are made.

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<sup>51</sup> <http://www.csuchico.edu/~jowens/articles/employeerelations.pdf>

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