

# **MELIÁ-IUF Joint Commitment on preventing sexual harassment**

## **Annex to the MELIÁ-IUF international framework agreement of December 9, 2013**

### **Preamble**

Preventing sexual harassment in the workplace is an indispensable condition of respect for fundamental human rights and also reflects the importance attached by Meliá and the IUF to health and safety at work.

According to the ILO, sexual harassment is a form of discrimination under one of the core ILO conventions, Convention 111 concerning Discrimination in Respect of Employment and Occupation. This Convention states that all human beings, irrespective of their race, beliefs or gender have the right to seek their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

The ILO Committee of Experts on the Application of Conventions and Recommendations has defined sexual harassment as a particular form of sex discrimination, and has specified that both quid pro quo and sexual harassment in a hostile work environment should be included in its definition. The "quid pro quo" dimension of harassment is defined as "any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job". And the "hostile work environment" consists of "conduct that creates an intimidating, hostile or humiliating working environment for the recipient".

Within the framework of this commitment, Meliá recognises the obligation to respect the laws and regulations of the countries in which it operates. Certain provisions contained in the commitments agreed to between Meliá and the IUF may be more favourable than those in certain countries' national legislation. In that case, Meliá shall seek, through dialogue, to promote the most favourable principles recognised in this commitment to combat sexual harassment in the workplace, both in its centres and corporate offices and in the establishments where it operates under its brand names.

### **Declaration of intent**

This commitment is based on the work of Meliá and the IUF on diversity and inclusion to foster the career development of all individuals irrespective of their gender, age, ethnic origin, disability or sexual orientation.

This also forms part of the determination of Meliá and the IUF to protect the dignity of everyone who works at Meliá, as well as their rights relating to their physical and moral integrity and non-discrimination.

For this reason, it is appropriate for both parties to address sexual harassment at the workplace

on the basis that it is not allowed.

Sexual harassment can cause deep distress and can affect a person's health. Sexual harassment can disrupt the working lives of its victims. It can also result in the victims leaving their jobs if the harassment occurs at the workplace.

Sexual harassment is a form of physical or verbal violence which at the workplace disproportionately affects women. However, we must ensure that sexual harassment against men or harassment because of sexual orientation are also taken into account and dealt with in the same way, regardless of the staff position of the worker or the nature of their contractual relationship with Meliá, bearing in mind that harassment can take place in different situations, including those involving customers or suppliers.

Sexual harassment in the workplace can have aggravating circumstances when it occurs in a situation where it is a precondition to hiring, or a condition to keep a job and a factor influencing working conditions and/or career development.

Meliá and the IUF wish to ensure that all employees are aware of what constitutes sexual harassment, fully understand what is expected of them, know how to report any problem and are able to report alleged abuses in total confidence by contacting Meliá through its own dedicated reporting channel, as one of the means of prevention.

Meliá and the IUF have jointly identified the actions and best practices that must be communicated, including to affiliated organisations, to allow concrete actions and follow-up.

### **Principles, procedures and processes to prevent sexual harassment in the workplace**

The procedures agreed between Meliá and the IUF are based on the following principles:

- sexual harassment is the subject of zero tolerance by Meliá and the IUF and its affiliated organisations;
- sexual harassment is an offence which, if proven, will result in the maximum disciplinary sanctions in accordance with the relevant local regulations;
- in cases of sexual harassment, when the perpetrator is a Meliá staff member, it is the perpetrator who will, where necessary, be redeployed or subject to any other penalty, including dismissal from the company, in accordance with the legislation of the country, this irrespective of their position in the company;
- Meliá shall ensure that all of its workers receive information about this policy and about their rights and responsibilities, and may also arrange training on this subject;
- False accusations of sexual harassment shall result in the same consequences as mentioned above;
- IUF-affiliated trade unions representing Meliá employees shall be able to ensure awareness-raising and training activities for their own members.

Meliá recognises the importance of implementing a protocol for local action regarding sexual

harassment in the workplace, to be known by the employees, and specific to each country and its legislation, in order to report incidents of sexual harassment and allow such incidents to be investigated and treated with complete confidentiality and neutrality. Information collected under this procedure shall be handled by trusted persons with specific training in this area, so that they can carry out a reliable and fair investigation of reported cases.

Meliá will not tolerate reprisals against or victimisation of an employee who observes and reports problems concerning sexual harassment in any of its forms, or who reports and/or participates in procedures concerning an alleged case of sexual harassment, provided that the person acted in good faith and based on real facts.

Meliá will work with representative trade unions affiliated to the IUF to ensure that their commitment to preventing harassment is well understood.

In countries where there are no IUF affiliates and Meliá operates, this Joint Commitment shall serve as a benchmark for implementing measures to prevent sexual harassment.

Meliá shall use its influence to resolve any case of sexual harassment that might arise in the framework of its relations with franchisees, subcontractors, suppliers of goods or services or any other type of business relationship that operates with or under its brands.

Meliá likewise undertakes to make its policy known to each and every one of its stakeholders, including customers, through the most appropriate information channels, irrespective of the measures that may be applicable in accordance with the local laws where the reported situation occurred.

Meliá will make explicit its policy of zero tolerance for sexual harassment as a cornerstone of its CSR policy and one of the guiding principles of Meliá's Human Rights Policy.

### **Next steps**

Meliá and the IUF believe that concrete actions are necessary to prevent sexual harassment in the workplace. Meliá welcomes the involvement of the IUF in implementing its commitments and in sharing best practice, raising awareness and monitoring progress.

To ensure effective measures to prevent workplace sexual harassment in each country and to ensure that the above principles are known, the parties shall agree regular review procedures to evaluate the progress of their actions (annual meeting).

Signed on January 17, 2019 in Palma de Mallorca.

IUF  
Sue Longley  
General Secretary

MELIÁ Hotels International  
Gabriel Escarrer  
Chief Executive Officer

*The Spanish version of this agreement shall be the point of reference.*