

Gender Audit as a Tool for Eradicating Harassment and Ensuring Its Prevention in the Workplace

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Abstract

This article explores the critical role of gender audits in eradicating harassment and ensuring its prevention in the workplace in Uzbekistan. By examining the legal frameworks, methodologies, and outcomes associated with gender audits, the study highlights the significance of these audits as comprehensive tools for identifying, understanding, and addressing gender imbalances and discrimination in organizational settings. Through detailed analysis of policies, practices, and procedures, gender audits facilitate the development of targeted interventions aimed at promoting gender equality and safeguarding against harassment. The findings emphasize the importance of gender audits in fostering a culture of respect and equality, detailing the processes involved in conducting audits, and the impactful outcomes that can be achieved. The article further discusses the legislative context in Uzbekistan that supports gender audits, including specific laws and codes that frame the country's approach to gender equality and protection against harassment. By showcasing the effectiveness of gender audits in driving organizational change and enhancing workplace culture, the article advocates for their broader adoption and implementation as a key strategy in combating workplace harassment.

Keywords: *Gender audit, harassment prevention, workplace discrimination, gender equality, Uzbekistan, legal framework, organizational change, gender imbalances, equality of opportunity, protection against harassment.*

INTRODUCTION

In our country, strong legal foundations are being established to achieve equal rights and opportunities for both women and men. This includes ensuring their equal participation in managing society and public affairs, as well as providing social and legal support for women. Special strategies and programs are being adopted to guarantee the equal involvement of women and men in all aspects of our country's socio-political life, and mechanisms for ensuring gender equality are continually being enhanced.

The issue of gender equality extends beyond just women's organizations; it impacts the work of all organizations. It should be recognized that, in recent years, significant strides have been made to ensure gender equality in rights, increase the socio-political engagement of women, and broaden their participation in public administration.

The Republic of Uzbekistan has ratified several Conventions of the International Labor Organization, including 'On Equal Remuneration for Men and Women Workers for Work of Equal Value' (No. 100), 'On Maternity Protection' (No. 103), and 'On Discrimination (Employment and Occupation)' (No. 111). The adoption of a number of presidential decisions, as well as the laws 'On Guarantees of Equal Rights and Opportunities for Women and Men' and 'On the Protection of Women from Oppression and Violence,' has significantly enhanced the efficiency of efforts in this area.

Pursuant to the Law of the Republic of Uzbekistan 'On Amendments and Additions to the Law of the Republic of Uzbekistan "On Guarantees of Equal Rights and Opportunities for Women and Men"' dated December 15, 2022, No. LRU-809, the Federation of Trade Unions of Uzbekistan has been authorized to conduct a gender audit as part of the public oversight over the activities of governmental bodies and organizations.

MATERIALS AND METHODS

Gender audits are carried out according to a three-year plan approved by the Federation of Trade Unions of Uzbekistan in government bodies and organizations as part of public oversight. The gender audit is conducted based on a specific methodology, which takes into account the unique aspects of the activities of government bodies and organizations. Specialists with relevant knowledge and experience can be involved in conducting a gender audit on a voluntary basis. Information and proposals derived from the results of the gender audit are sent to the Republican Commission on Increasing the Role of Women in Society, Gender Equality, and Family within ten working days following the audit.

The Republican Commission on Increasing the Role of Women in Society, Gender Equality, and Family reviews the information and proposals from the gender audit within one month. Following this review, the Commission takes steps towards the gradual integration of a comprehensive gender approach into the operations of government bodies and organizations. This approach includes aspects of personnel policy and the monitoring of its implementation. Information about the outcomes of the gender audit is published on the official website of the Federation of Trade Unions of Uzbekistan

A gender audit is an assessment of compliance with legislative requirements regarding the guarantees of equal rights and opportunities for women and men, as well as the implementation of an integrated gender approach in the activities of government bodies and organizations, including in personnel policies.

The main objectives of a gender audit are:

- To study the ratio of the number of women to men in government bodies and organizations;
- To evaluate the extent to which government bodies and organizations implement an integrated gender approach in their activities;
- To assess the state of implementation of legislation aimed at ensuring equal rights and opportunities for women and men;
- To develop proposals to ensure equal rights and opportunities for women and men.

Gender audits are especially important for eliminating harassment in the workplace. Therefore, when considering measures to prevent harassment in the workplace, special attention should be paid to the issues of conducting a gender audit.

DISCUSSION

Gender audits play a key role in combating discrimination and harassment in the workplace. They are tools aimed at identifying, understanding, and ensuring equality of opportunity for all employees, regardless of their gender. Therefore, when considering measures to prevent harassment in the workplace, special attention should be paid to the issue of conducting gender audits.

Eliminating harassment in the workplace is one of the key objectives of conducting a gender audit in Uzbekistan, as in many other countries. A gender audit is a comprehensive review of policies, practices, procedures, and data designed to identify and address gender imbalances and discrimination in the workplace. In the context of Uzbekistan, where there is an active effort to improve gender equality and strengthen women's rights, this process assumes particular relevance.

Conducting a gender audit can and should be an important means of eliminating harassment in the workplace. During a gender audit, it is important to pay special attention to issues of preventing harassment in the workplace. This includes determining:

- Whether employees face cases of harassment in the workplace;
- To what extent employees are informed about measures to protect against harassment in the workplace;
- What preventive measures have been taken to protect against harassment in the workplace;
- What measures are in place in case of harassment in the workplace to protect all categories of workers, including those in the informal sector;
- What measures are provided to protect vulnerable categories of workers (for example, migrants);
- Whether workplaces and working conditions are monitored for compliance with legislation against harassment in the workplace.

These issues should be reflected in a set of questions for individual meetings as part of a gender audit. A separate section of the questionnaire should be devoted to issues related to the prevention of harassment in the workplace.

During the gender audit workshop, it is necessary to familiarize employees with the provisions of national legislation on protection against harassment in the workplace. A separate session of the workshop can be devoted to preventing harassment in the workplace, particularly focusing on the relevant provisions of the Laws of the Republic of Uzbekistan: 'On Guarantees of Equal Rights and Equal Opportunities for Women and Men' and 'On the Protection of Women from Harassment and Violence'.

Law on 'Guarantees of Equal Rights and Equal Opportunities for Women and Men', Article 21: Guarantees of Equal Rights and Opportunities for Women and Men in Labor Relations

To realize equal rights and opportunities for women and men in labor relations, the employer ensures the prevention of unacceptable treatment that leads to the degradation of the dignity of individuals in labor relations or the creation of discriminatory working conditions.

Law on 'The Protection of Women from Harassment and Violence', Article 9: Powers of Labor Authorities in the Field of Protecting Women from Harassment and Violence

Labor authorities:

- Participate in the development and implementation of state and territorial programs, as well as legislative acts aimed at protecting women from oppression and violence;
- Implement measures to register unemployed women, ensure their employment, and provide social support;
- Carry out preventive measures in organizations, regardless of their ownership form, to prevent cases of harassment and violence in the workplace against women and to improve the culture of relationships with women;
- Take measures to ensure employment and provide professional guidance to women seeking work who find themselves in difficult social situations, including those facing family problems and violence.

Code of Administrative Responsibility of the Republic of Uzbekistan:

Article 41¹. Sexual Harassment

Sexual harassment, defined as committing against a person one-time rude or repeated actions of a sexual nature that are unwanted by him or her and degrade his or her honor and dignity, expressed through descriptions of his or her appearance or physique, gestures, touching, calling, or exhibiting a sexual inclination, entails a fine of two to five basic calculated values or administrative arrest for up to five days.

The same offenses committed repeatedly within a year after the imposition of an administrative penalty will entail a fine of five to seven basic calculated values or administrative arrest for up to fifteen days.

Criminal Code of the Republic of Uzbekistan:

Article 121. Forcing a person to engage in sexual intercourse

Forcing a person to have sexual intercourse or to satisfy sexual needs in an unnatural form by a person in relation to whom the victim was in official, financial or other dependence - is punishable by compulsory public works from three hundred to four hundred and eighty hours or correctional labor from two to three years, or restriction of freedom from one year to three years or imprisonment from one year to three years.

These standards therefore provide the legal foundation for protecting employees from harassment in the workplace.

Gender audits play an important role in combating discrimination and harassment in the workplace. They provide a systematic and independent review of work processes, policies, and procedures from a gender equality and non-discrimination perspective. Let's look at the key areas in which a gender audit can be particularly effective:

1. Identifying Problems and Biases: A gender audit helps to identify instances of gender discrimination and harassment that may not be obvious or ingrained in the company culture. This includes an analysis of salaries, promotions, distribution of responsibilities, and access to professional training.

2. **Education and Awareness:** The audit raises awareness among employees and management about the importance of gender equality. Educational programs and training developed based on audit findings can help change attitudes towards gender issues in the organization.
3. **Development and Implementation of Policies:** Based on the results of a gender audit, companies can develop and implement policies aimed at eliminating discrimination and harassment. This includes establishing clear grievance and handling procedures, a zero-tolerance policy against harassment and discrimination, and measures to ensure equal opportunity for all employees.
4. **Monitoring and Evaluation:** A gender audit also includes monitoring and evaluation of implemented changes, allowing organizations to track progress and make adjustments if necessary.
5. **Improving Corporate Culture:** In the long term, gender audits help create a more inclusive and respectful work environment, which has a positive impact on the overall company culture and increases employee satisfaction.

Gender audits are therefore an essential tool not only for identifying and eliminating gender discrimination and harassment but also for promoting a culture of equality and respect in the workplace.

CONCLUSION

The problem of protection against harassment in the workplace requires an integrated approach to solving it. A comprehensive strategy is needed to combat violence and harassment in the workplace, including measures to improve legislation, mechanisms for filing complaints and investigations, holding perpetrators accountable and compensating the victim of harassment, raising awareness and monitoring. It is important to involve all government agencies, civil society institutions, the media, educational institutions, and the private sector in the implementation of the strategy. Stereotypes that hinder the effective fight against harassment in the workplace must be eradicated. Measures to combat harassment must be taken in all institutions and organizations, at all levels. It is important to ensure zero tolerance for all forms of violence, including harassment¹.

The relevant sections may define harassment and harassment in accordance with the approach of the international labor organization, it may proclaim zero tolerance for any manifestations of discrimination, violence, harassment and harassment; it seems appropriate to describe the procedures that could be used by persons faced with such practices, as well as the procedure for electing/forming a body authorized to resolve such situations, with the mandatory inclusion of representatives of trade unions and student associations in its composition; guarantees of confidentiality for persons who use existing procedures. Organizational administrations may have obligations to inform employees and managers about the zero-tolerance policy towards harassment and harassment. In the absence of the possibility of concluding a collective agreement, trade unions can develop and propose a system of measures to maintain a safe working environment and minimize gender-based harassment, which can be included in the texts of other local acts of organizations.

¹ Alieva Kamola. (2022). THE CASES OF SEXUAL HARASSMENT AGAINST WOMEN IN THE WORKPLACE IN UZBEKISTAN: THREAT TO ENSURING GENDER EQUALITY. *World Bulletin of Management and Law*, 12, 130-134. Retrieved from <https://scholarexpress.net/index.php/wbml/article/view/1181>

It is important to regularly monitor the effectiveness of anti-harassment measures in the workplace. This monitoring can be carried out as part of a gender audit. Gender audit can and should become an effective mechanism to eradicate and prevent harassment in the workplace.

A gender audit not only identifies issues of discrimination and harassment in the workplace, but also serves as a basis for creating a fairer and safer work environment for all employees, regardless of their gender. Effective implementation of audit recommendations requires management commitment and the active participation of the entire team.

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