

GLOBAL DEMANDS ON MARRIOTT REGARDING SEXUAL HARASSMENT

With Marriott's acquisition of Starwood, Marriott has become the largest hotel company in the world with over 6,400 hotels in 126 countries, over 220,000 employees globally, and global profits of almost USD 1 billion. Marriott's growth continues with at least one new hotel opening each day.

Today, the world is focused on ending sexual harassment and gender-based violence at work. As affiliates of the IUF, the global union representing more than 10 million workers in sectors including hotels, restaurants and catering services, we call on Marriott to partner with us toward meeting that goal.

Marriott workers, surveyed by IUF affiliates around the world, were clear that sexual harassment is endemic in the hotel industry, and that existing measures to prevent or remedy the problem are inadequate. Their experience is affirmed by media reports (including in the *Guardian* and the *New York Times*); academic studies in publications such as the *Harvard Business Review*; non-profits such as the American Civil Liberties Union, and government agencies.

Definition of sexual harassment:

- Offensive verbal conduct, such as remarks, jokes or insults with sexual connotations;
- Offensive sexual remarks, sexual advances or requests for sexual favors, regardless of the gender of the individuals involved;
- Showing offensive visual material, including pictures, cartoons, drawings or photographs, videotapes, email, internet programs or websites;
- Offensive physical conduct, including touching, staring and blocking another person's way, regardless of the gender of the individuals involved;
- Threatening workers who refuse to respond to requests for sexual favors, or who want to report violations.

The IUF hopes to identify avenues for more global engagement with the company, to encourage it to be a leader on important labor and human rights issues. In particular, we would like Marriott to be a leader on ending sexual harassment in the global hotel industry by creating a safe work environment in all of its hotels around the globe. Our demands include the negotiation of measures to prevent or discourage sexual harassment, measures to respond to incidents of sexual harassment immediately, and measures to ensure that workers who have experienced incidents of sexual harassment are encouraged to come forward with complaints of sexual harassment, and that these complaints are dealt with fairly and promptly.

1. Measures to prevent or discourage sexual harassment

Workplace policy on sexual harassment that co-workers (including managers), customers and service providers are alerted to, and which is posted in visible areas and disseminated by other possible information channels within the hotel (eg. check-in).

Consultation at workplace level between local management and union representatives on workloads, working conditions and measures to prevent or discourage sexual harassment.

Regular training for all hotel employees on sexual harassment, with some training for women employees only.

Indirect and insecure employment increases workers' vulnerability, inhibiting the willingness of workers' to make complaints, for reasons including uncertainty about who is responsible for the violation, in the case of indirect employment, and fear of retaliatory termination that is particularly common where employment relationships are informal, part-time or temporary. Regular direct employment contributes to an environment where workers can resist and react appropriately to incidents of sexual harassment.

The presence of minors (workers under 18 years of age) is to be limited to those departments and duties that are not at risk of sexual harassment, and in any case minors should not be employed in jobs or tasks involving contact with customers, except in the presence of an adult colleague.

As a preventive measure, we call for:

- An end to working in isolation as hotel housekeepers often do;
- Regular trainings, developed in consultation with worker representatives;
- A predominance of direct and regular employment.

2. Measures to respond to incidents of sexual harassment immediately

Panic buttons which individual hotel workers can carry with them, and which immediately alert hotel security when pressed.

The right to leave a dangerous or uncomfortable situation without facing any penalties from the employer or management for not doing the work.

3. Measures to ensure that workers are encouraged and feel safe to come forward with complaints of sexual harassment, and that these complaints are dealt with fairly and promptly

An independent oversight body, composed of experienced investigators, representatives of women's organizations, and other individuals trained to handle sexual harassment issues, empowered to receive complaints, investigate them rigorously, and make binding recommendations to management. To ensure that the body has the trust of workers, the members of the body should be chosen through the union, if there is one, or nominated directly by workers in the absence of a union.

Written guarantees from the employer that there will be no retaliation against workers raising issues of sexual harassment, whether they complain to management or to the police.

Employer commitment that guests with a record of harassing or abusing workers will not be allowed to return to the hotel.

These measures should all involve enforceable commitments, with independent verification. Voluntary commitments and corporate self-policing will not work.

The situation is not unique to Marriott, but Marriott is uniquely placed to transform it, and set a new standard for the world's hotel industry. Established principles of global corporate accountability, as well as the company's own stated support for universally-recognized human rights norms, require that it develop a global solution for a global problem. Patchwork solutions are not enough.

Marriott must act within the framework of the UN Guiding Principles on Business and Human Rights to assess and address the situation within its operations around the world, and set an example for others to follow by:

- 1) Gauging and tracking human rights risks, as called for by the UN Guiding Principles on Business and Human Rights (UNGPs) 18(b) and 20 respectively. A generic policy will not work—hospitality workers have unique vulnerabilities and exposure to sexual harassment that can only be understood through **"meaningful consultation with potentially affected groups and other relevant stakeholders."**
- 2) Establishing "Legitimate processes" to provide for remedy, as described under UNGP 22. Again, this must be responsive to the actual experiences and perspectives of affected workers.
- 3) Operational-level mechanisms designed in consultation with unions and other stakeholders, as delineated in UNGP 31(h), based on the principle of **"dialogue as the means to address and resolve grievances."**

As the UNGPs make clear, a process that truly addresses the problems, as they are understood by stakeholders, requires stakeholder involvement and trust at every level.

Given the size of Marriott and its global reach, we—the affiliates of the IUF—believe that the only credible means of stakeholder engagement at this scale requires that Marriott partner with our Global Union. The IUF is best placed to draw on and represent the experience and expertise of hotel workers around the world.

