



**APPENDIX TO THE IUF/COLSIBA AND CHIQUITA AGREEMENT
JOINT UNDERSTANDING ON SEXUAL HARASSMENT**

Chiquita operations will continue fostering a safe environment for women workers so they can carry out their work in a space free from all forms of harassment, bullying or discrimination due to their condition or gender.

Chiquita, IUF and COLSIBA agree to work on developing a joint understanding on sexual harassment, so that this kind of harassment will not be tolerated in the workplace. This joint work includes the creation by mutual agreement of training strategies and sharing of examples of good practice aimed at personnel, for the prevention of sexual harassment situations.

To that purpose, every workplace must take the necessary measures to ensure that man and women workers have access to information about their rights in the workplace. The measures must take into consideration the laws (and relevant particularities of each country where Chiquita operates). Laws usually constitute minimum and not maximum standards. Where the provisions of law and this agreement address the same subject, the standard which provides the best protection to workers should be applied.

A sample text that could serve as a guide for collective labor agreements can be found in Annex VII of "Code of practice - Safety and health in agriculture" ILO, 2011. A copy is attached.

On behalf of the parties, March 27, 2013:

**Ron Oswald
General Secretary**

**Iris Munguia
COLSIBA**

**Manuel Rodriguez
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Appendix VII "Code of Practice - Safety and health in agriculture" ILO, 2011
(http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/normativeinstrument/wcms_160706.pdf)

Sample sexual harassment policy

1. Company X prohibits sexual harassment of its employees and applicants for employment by any employee, non-employee or applicant. Such conduct may result in disciplinary action up to and including dismissal.
2. This policy covers all employees. The company will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, or other non-employees who conduct business with the company.
3. Sexual harassment is any behaviour that includes unwelcome sexual advances and other verbal or physical conduct of a sexual nature when:
 - submission to, or rejection of, such conduct is used as the basis for promotions or other employment decisions;
 - the conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile or offensive work environment.

Company X employees are entitled to work in an environment free from sexual harassment and a hostile or offensive working environment. We recognize sexual harassment as unlawful discrimination, as is conduct that belittles or demeans any individual on the basis of race, religion, national origin, sexual preference, age, disability, or other similar characteristics or circumstances.

No manager or supervisor shall threaten or imply that an employee's refusal to submit to sexual advances will adversely affect that person's employment, compensation, advancement, assigned duties, or any other term or condition of employment or career development. Sexual joking, lewd pictures and any conduct that tends to make employees of one gender sex objects are prohibited.

4. Employees who have complaints of sexual harassment should (and are encouraged to) report such complaints to their supervisor. If this person is the cause of the offending conduct, the employee may report this matter directly to [specify various officials (e.g. Director of Human Resources, designated contact manager, etc)]. Your complaint will be promptly and thoroughly investigated. Confidentiality of reports and investigations of sexual harassment will be maintained to the greatest extent possible.
5. Any manager, supervisor or employee who, after appropriate investigation, is found to have engaged in sexual harassment of another employee will be subject to disciplinary action, up to and including dismissal.
6. If any party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his or her written comments to [specify official (e.g. Gender Committee, contact manager)].

7. The Company will not in any way retaliate against any individual who makes a report of sexual harassment nor permit any employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for reporting sexual harassment will be subject to appropriate disciplinary action, up to and including dismissal.

Source: This guidance was developed by the Ethical Trading Initiative in consultation with its tripartite membership. It is extracted from a training manual for supervisors and managers which aims to assist employers and unions in tackling sexual harassment in agriculture.
<http://www.ethicaltrade.org/in-action/projects/eti-supervisor-training-project>. These training materials can be accessed freely at www.ethicaltrade.org/resources/key-eti-resources/supervisor-training-programme-materials#downloads