
기업과 인권 실무그룹 질의 답변

Question

3. How to address sexual harassment and sexual or physical violence suffered by women in the business-related context, including at the workplace, in supply chains and in surrounding communities? Please share any good practices which have proved to be effective in dealing with sexual harassment and violence against women.

Answer

The government of the Republic of Korea takes sexual harassment and violence in the workplace very seriously, sternly addressing this issue. The government made it mandatory for employers to carry out prevention education programs on sexual harassment in the workplace on a yearly basis while monitoring the implementation of this education program during the labor supervision of businesses.

Employers are required to immediately investigate sexual harassment cases as soon as they realize the occurrence of sexual harassment in their workplace. If the investigation proves the occurrence of sexual harassment, the employer needs to take measures for the victims, such as relocation of the victim upon request, or paid leaves to the victim, while taking disciplinary action against the perpetrator. Besides, it is necessary that the employer properly handle grievances filed by those sexually harassed by customers and others; and the employer's failure to do so will carry fines or other administrative penalties.

In addition, employers may face imprisonment if they treat unfairly employees who have reported or suffered from workplace sexual harassment.

It is recommended that companies install a cyber reporting center that encourages workers to report sexual harassment and violence and receive counseling without any burden, as well as a system of direct report to the CEO to prevent the cover-up of these cases. Furthermore, the Ministry of Employment and Labor operates the reporting system in which anonymous reports alone can initiate administrative guidance by labor supervision officials. In the cases of government agencies and public institutions, the Ministry of Gender Equality and Family is running a temporary reporting center for sexual harassment and violence in 2018, which receives reports and provides protection services for victims and requests the agency in question to take recurrence-prevention measures. Furthermore, specialized consultants will be dispatched to private or public organizations when they request for a consulting service in their attempt to improve their organizational culture.

Labor supervision officials dedicated to the work related to sexual harassment and gender equal employment will be placed for intensive supervision so that secondary damage can be prevented during the investigation of sexual harassment in the workplace. At the same time, job competency training programs are provided to labor supervision officials to promote their gender awareness.

This year, legal punishment on sexual violence crime abusing hierarchy and authority has been strengthened in a bid to strictly address sexual offenses using superior positions. In particular, public officials who are sentenced to a fine of 1 million KRW or heavier penalties for committing crimes of sexual violence will be dismissed *ipso facto* by applying the principle of zero tolerance, according to the newly revised State Officials Act and Local Public Officials Act.

The government covers the cost of medical and psychological treatment for sexual violence victims while providing support for

psychological therapy for victims' families, if necessary. Furthermore, financial assistance is provided to sexual violence victims who need legal counseling for civil and criminal lawsuits.

The government also commissions 38 hospitals nationwide with full financial support to operate Sunflower Centers, where the workforce of police officers, nurses, counselors, and psychotherapists are placed to swiftly assist sexual violence victims with collecting evidence, counseling and investigation. In addition, 104 government-supported private counseling centers for sexual violence victims are in place.

Changes are made to the prosecution's investigation manuals this year, which requires prosecutors to halt the investigations of counter-accusations against sexual violence victims over false accusations or defamation, until the investigation of the original sexual violence case is completed.

In addition, the guidelines to prevent secondary damage such as a revelation of victims' information to the media are set out and distributed, while carrying out education programs for journalists in cooperation with press associations. Moreover, the government has launched cyber investigations and taken other strict measures against malicious online comments toward sexual violence victims as a way to prevent secondary damage.