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## **The role of social partners in preventing third-party violence and harassment EPSU/HOSPEEM/CEMR/CESI/EUPAE/ETUCE/ETF/UITP/ETNO EC-funded project**

### **Report of Webinar 2: Third-party gender-based violence and harassment**

The webinar on gender-based violence was the second in the series of seven webinars, held on 24 September 2021, chaired by Leonardo Ebner of CEMR. It was organised under the auspices of the EU-funded social dialogue project on social partner responses to third-party violence and harassment. Nearly 70 participants from 19 European countries, representing national and European employer and trade union organisations, attended the webinar.

A brief overview of the first webinar (*Setting the scene*) and a progress report on the project's survey were presented by Jane Pillinger, research consultant. To date responses have been received from 120 national organisations (60% trade unions / 40% employers). Over half of respondents say that TPVH is an extremely serious or very serious problem, and one-third say that it impacted on the quality of the service provided. There are mixed responses on the impact of COVID-19, with 40% of respondents said that the pandemic had a big impact. Concerning the multisectoral guidelines, 60% of respondents were not familiar with the guidelines. However, the majority of respondents said that they wanted more detailed guidance and examples of what works in practice; while 40%, mainly for unions, said they wanted binding measures. The survey is still open and national union and employer organisations are encouraged to complete the survey, which has been disseminated via the respective European-level organisations.

A panel discussion followed, entitled: From theory to practice on gender-based violence (GBV), covering the ILO Convention 190, the pending proposal from the EU Commission for a directive on gender-based violence and harassment, and measures to support workers affected by domestic violence. An insightful presentation, by Manuela Tomei of the ILO, summarised the main features of ILO Violence and Harassment Convention No. 190 and Recommendation No. 206. She noted that the standards are described by many as being ground-breaking and historic. It is the first international treaty covering violence and harassment that is comprehensive, inclusive, and gender-responsive. It covers all forms of violence and harassment, including gender-based violence, which is pervasive in the world of work, and includes sexual harassment and domestic violence. These approaches are inclusive of violence and harassment from third-parties. The instruments refer to "persons", rather than specifically women, to broaden the concept of gender, compared to other international instruments. All workers are covered, regardless of their contractual status, including interns, trainees and job applicants. The world of work also includes public and private spaces, places where workers take a break or carry out work-related meetings and social activities and commuting to and from work. It puts obligations on governments, employers and workers to end violence and harassment in the world of work, and stresses the importance of social dialogue including collective bargaining.



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Employers are expected to take steps to prevent and address violence and harassment through OSH measures, risk assessments and workplace policies, amongst other areas.

To date, the Convention has been ratified by eight countries, including Greece, as the first European country to ratify. Many other countries have finalised the process or about to conclude the domestic ratification process; in Europe this includes Albania, France, Finland, Italy and Spain.

Karen Vandekerckhove (Head of Unit, Gender Equality, DG Just, European Commission) spoke about the European Commission work on GBV and the progress for a proposal for a new directive for preventing and combatting GBV and domestic violence, which is a high priority for the President of the European Commission. It is due to be presented at the end of the year. There is already a legal framework on sexual harassment by virtue of the recast Directive, and with regard to TPV the Directive on prohibition of discrimination in goods and services is relevant; including the risk of harassment in the new EU Strategic Framework on health and safety at work. These instruments acknowledge the role of social dialogue.

The proposal for a directive aims to present an overall framework for coherence of existing instruments and international standards, including the Istanbul Convention and the ILO Convention No. 190. In 2016 the European Commission proposed the EU's accession to the Istanbul Convention. In response to several Member States' refusal to support EU accession, a judgement of the European Court of Justice is pending, which will guide further actions in this area. It is hoped that in the proposed Directive some specific provisions will be included on GBVH at work, including harassment online and third parties. Although the main focus will be on a criminal law focus, a strong focus will be given to prevention, protection, support and access to justice. Discussions are ongoing, and social partners' roles will be important in implementing prevention, awareness-raising, and remedies in companies and public services.

Jane Pillinger gave an overview of the impact of domestic violence as a workplace issue, which is an important growing area of policy development and social dialogue for many organisations and trade unions. Domestic violence can have damaging consequences for the health and well-being of survivors, their capacity to work to their full potential, and sustain their employment. Work gives survivors the possibility to have financial independence, and financial abuse is an important issue affecting this. Estimates from across the world show that between 4% and 40% of working women are affected by domestic violence. The COVID-19 pandemic has led to a 70% increase in women seeking help from domestic violence helplines and supports, impacting on women carrying out telework.

Workplace impacts include arriving late at work, difficulties staying in the job, presenteeism effects with lower work quality, with risks of accidents at work. Safety issues may also occur in the workplace, where risks of violence arise through stalking and harassment online through abusive calls or emails, and in some cases assault and femicide in the workplace. Domestic violence can also impact on a survivor's career development and opportunities to take training and other opportunities to earn more, leading to a widening gender-pay gap. There are strong business reasons why employers should address the issue. Workplace solutions include action taken by workplace actors to recognise the problem, respond with appropriate workplace policies and supports, and refer to domestic violence experts for legal advice and specialist support.

A range of good practices included in collective bargaining agreements (CBAs) and workplace policies, cover paid domestic violence (10 days), flexible work arrangements, reorganisation of work tasks or work location, protection from dismissal and financial support. Holding perpetrators accountable, training of workplace managers and union reps to provide confidential support, and domestic violence risk assessment and safety planning are other examples of issues included in jointly agreed policies and agreements.



ILO Recommendation No 206 sets out a framework for this. Examples were given of social partner initiatives. They range from training of shop stewards in Denmark; agreements and training in French companies including through the OneInThreeWomen network of companies; confidential support service from advocates in the health sector as part of a workplace policy in Northern Ireland; ETF guidance on domestic violence policies and risk assessment in the transport sector; paid leave and financial support in workplace protocols in companies and in local government in Spain; and integration of domestic violence paid leave in a recent sectoral agreement on wellbeing at work as part COVID-19 responses in Italy.

In the discussion, the following points were raised:

- Several participants referred to agreements in their sectors. A CBA in the education sector in Italy was introduced three years ago to provide for one month paid leave for domestic violence and the right to move to another job. There is a similar CBA covering health workers.
- Unison in the UK has carried out a survey of nurses, revealing high levels of sexual assault and harassment against mainly female nurses. People were often reluctant to report violence, either because they thought nothing would be done or they did not know who to report to. It affected performance and heightened levels of stress and anxiety. The workplace culture is the most difficult thing to address.
- Increasingly violence and harassment is seen as being part of the job and there is a normalising of a culture of inappropriate touching and sexual harassment.
- Tools are needed to address this issue of inappropriate work culture. It is clear that there is a need for a policy that certain behaviours will not be tolerated, but it is also important to raise awareness about what is appropriate and inappropriate and abusive behaviour. It is critical to have a system in place to report confidentially and to have trust in the system and its follow-up.
- The proposal for a Directive on GBV is an excellent opportunity to bring together into one legal text the line with the framework set out in the Istanbul Convention and the ILO Violence and Harassment Convention. There is a danger that if the Istanbul Convention is the main framework, we could lose the opportunity to have an integrated approach that includes the ILO Convention, making it possible to bring in initiatives on domestic violence at work.
- Manuela Tomei noted that policy coherence is important as ILO member states are also EU member states, and it is important to ensure that violence and harassment at work is not separated from other forms of violence and harassment in the family/home.
- The ILO and European Commission hold regular high-level meetings where this issue has been raised. This could also help to bring leverage for the social partners and other labour market institutions to maximise their impact, and is an excellent opportunity that we should not lose.
- Asked about the role of occupational health and safety in tackling GBV, the European Commission said its main aim is for a Directive encompassing all forms of GBV, including anti-trafficking, asylum, cyber security, and highlighting all relevant sectors. The main difficulty is that this has to be on a single legal basis, which is the criminal law, and this poses some constraints in the way that the Commission works.

In the second part of the Webinar discussion took place about examples from social partner organisations and the Multisectoral Guidelines, including if it is appropriate for the guidelines to be updated:

- A representative from the health sector in Denmark spoke of an initiative in mental health services, covering six hospitals. Guidelines have been drawn up on preventing and addressing incidents of violence and harassment, including sexual harassment and sexism, inside and outside of working hours. Surveys are carried out regularly to identify risks and types of violence and harassment.



- A transport union representative from the UK raised the problem of social media harassment and the need for actions to address dignity at work and end degrading behaviour. He highlighted the importance of confidentiality, for there to be no repercussions for them, and for counselling to be available.
- Updates of the guidelines and local practical solutions in the Local and Regional Government sector were discussed in a recent social dialogue seminar held by EPSU/CEMR. The social partners concluded on the need to update and refresh the guidelines, include online/digital violence and the impact of digitalisation, cover risk assessment, and revise the wording in line with the definitions and language in ILO Convention No. 190.
- It is important in the guidelines to have a balance between control and a culture of trust for employees. Responses in the project's survey have identified the need for more detailed practical guidance, for example, on effective complaints systems, or conversations about sensitive topics. There could also be the possibility for further more detailed checklists and guidance on issues about how to tackle TPV from a gender perspective or how to carry out gender-responsive systems for dealing with TPV.
- Differences between the sectors make it difficult to generalise to all sectors.
- We should refer back to the 2013 implementation report on how the guidelines have been used.
- Furthermore, not all signatories of the guidelines are part of the current project, and if the guidelines are updated, it will be necessary to involve all signatories.
- Discussion on updating of the guidelines should be on the agenda for the mid-term conference to be held in November, including taking into account GBV and domestic violence, and responses to the pandemic. This also means ensuring that all social partners know about the guidelines, so that they can have a positive impact.

The seminar closed with thanks to speakers and participants. The next webinar will be held on 25 October, facilitated by HOSPEEM, with a focus on risk assessment.

