

ETUC 'Safe at Home, Safe at Work'

SPAIN

Country Case Study



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2017

1. Introduction

1.1 Overview

This report gives an overview of the Spanish country case study carried out as part of the ETUC 'Safe at Home, Safe at Work' project. It documents the measures taken by Spanish unions to address gender-based violence at work. It covers two specific areas: gender-based violence in the workplace and the impact of domestic violence on the workplace. Both aspects of the report are discussed in relation to the overall legal context, the role of collective bargaining and other union initiatives, as well as the challenges faced by unions and the recommendations made by unions for the future.

The quest for equal treatment and opportunities for men and women, especially through the fight to eradicate sexual discrimination in the workplace has meant that the need for protection against gender-based harassment and violence has received a lot of publicity in recent years. These problems are widespread and they require the appropriate action to be taken in order to prevent, tackle and eradicate the effects these events can have on the health and professional development of those affected.

Trade unions have identified action to be taken in the workplace. They propose improving the working conditions of those affected as well as preventing incidents and raising awareness by showing the effects of these types of violence, above all through collective bargaining.

1.2 Methodology

In order to carry out this study and investigate how the prevention of and protection against gender-based harassment and violence is put into practice, interviews have been held with union representatives with proven experience in the field of gender equality and in particular, harassment and violence in the workplace. The following people were interviewed:

- CCOO (Comisiones Obreras): Raquel Gómez y Susana Brunel.
- ELA (Eusko Langileen Alkartasuna): Jone Bengoetxea.
- UGT (Unión General de Trabajadores): Elisa García y María Amor Vázquez.
- USO (Unión Sindical Obrera): Sara García.

2. Context and legal background

2.1 Gender-based violence at work: legal framework

There is currently no existing legislation dedicated to regulating workplace harassment. References to harassment can be found throughout Spanish legislation. We find it mentioned in Royal Legislative Decree 2/2015 from 23rd October which defines law on the statute of workers' rights (Real Decreto Legislativo 2/2015, de 23 de octubre, por el que se aprueba el texto refundido de la ley del estatuto de los trabajadores), in Organic Law 3/2007 from 22nd March regarding gender equality (Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres), in the Law 31/1995 from 8th November regarding occupational risks (Ley 31/1995, de 8 de noviembre, de prevención de riesgos laborales), in Royal Legislative Decree 5/2000 from 4th August, related to sanctions and violations of social order (Real Decreto Legislativo 5/2000, de 4 de agosto, por el que se aprueba el texto refundido de la ley sobre infracciones y sanciones en el orden social), and in Law 36/2011 from 10th October which regulates labour courts (Ley 36/2011, de 10 de octubre, reguladora de la jurisdicción social). Likewise, the penalisation of sexual assault at work is laid out in article 184 of the penal code.

Workplace harassment is considered to be an act which violates the professional dignity of an individual. This is referenced in labour law and is reflected in article 4.2 e) of the statute of workers' rights, which states that workers have the right, within their working relationships, to have their privacy respected and due consideration given to their personal dignity¹. This measure aims to combat cases of sexual and gender-based harassment. Regarding respecting the dignity of individuals, protection against harassment is extended to: situations where there is an attempt to control or observe the worker (articles 18 and 20 workers' rights statute), functional mobility (article 39 workers' rights statute) or substantial change to working conditions (article 50 workers' rights statute).

Along the same lines, Organic Law 3/2007 from 22nd March regarding gender equality in the workplace expands on the matter of protection against violent acts in the workplace to include measures to impede and tackle sexual and gender-based harassment (article 46). This law requires businesses to promote working conditions which prevent sexual or gender-based harassment as well as obliging them to put procedures into practice to deal with reports and complaints from victims (article 48).

In addition, Organic Law 3/2007 requires companies to provide representation for staff members in case of harassment proceedings. It stipulates that they should negotiate with workers' representatives. Furthermore, workers' representatives are required to contribute to the prevention of sexual and gender-based harassment in the workplace through awareness raising among staff members and management (article 48).

2.2 Domestic violence at work: legal framework

Organic Law 1/2004, of 28 December 2004, on protection against domestic violence seeks to combat acts of violence which are considered discriminatory, and includes measure to enable victims of domestic violence remain in work. This has resulted in many collective bargaining agreements, harassment and violence protocols and gender equality plans having provisions in place regarding both sexual harassment at work and domestic violence at work. The law regards acts of violence to be discriminatory, and arise from situations of inequality and involve relationships where men demonstrate power over women who are or have been their spouse, their partner or in a similar relationship but do not co-habit. The law details a combination of measures aimed at preventing, sanctioning and eradicating domestic violence. These measures include some workplace measures to make the working situation of a domestic violence victim more compatible with any extenuating circumstances they may have. They include change in working hours, change of workplace and work transfers, shortening, suspending or terminating the working relationships (article 21 Organic Law 1/2004).

Firstly, those considered to be victims of domestic violence have the right to the reduction of their working hours with a consequential reduction in salary or re-adjustment of their work schedule through flexible working hours or other methods used in the company. This measure aims to protect the worker's right to receive adequate social care (article 37.8 workers' rights statute).²

Secondly, victims of domestic violence who feel obliged to leave their job so as to fully benefit from adequate social care, have the right to take up an alternative position in the company with similar characteristics. This position can be wherever the company has a vacancy in any of their premises. The transfer or change of workplace has an initial duration of six months, during

¹ Similar terms are expressed in article 14. d) of the Royal Legislative Decree 5/2015 from 30th October approving the consolidated text of the Basic Statute of Public Employment.

² This measure applies to the public sector from article 49.d) of the Royal Legislative Decree 5/2015 from 30th October approving the consolidated text of the Basic Statute of Public Employment.

which time the company is required to hold the employees' previous position. At the end of this period of six months, the worker can choose whether to remain in their current position or to return to their previous one (Article 40.4 workers' rights statute).³

There is also a provision for victims of domestic violence to temporarily suspend their working contracts.⁴ The suspension period is for a maximum of six months except in cases where legal proceedings require the period to be extended further. In the second instance, a judge can extend the suspension in periods of three months with a maximum extension of eighteen months (Article 45.1n and 48.10 worker's rights statute).

Regarding the termination of contracts, absence from work due to physical or psychological stress caused by acts of domestic violence – that have been validated by the social or health services - should not be taken into account in cases of dismissal for objective reasons. Furthermore, the law expressly prohibits the dismissal of victims of domestic violence for exercising their rights to the reduction or modification of their working hours, for changing their workplace or suspending their working relationships (Article 55.5.b workers' rights statute).

National Strategy for the eradication of violence against women' (2013-2016)

The Spanish 'National Strategy for the eradication of violence against women' (2013-2016) is one of the most comprehensive strategies in Europe involving specific workplace measures, and identified roles for unions and employers in combating violence. It contains 284 measures that aim to contribute to a comprehensive approach in addressing violence against women. It includes a wide range of measures, including awareness raising and prevention, and makes several references to the role of companies, employers and trade unions in the workplace who can act as partners. The plan encourages the State to collaborate with employers and unions to disseminate information on labour rights of women workers in situation of violence, to promote social integration and employment of women who have suffered from violence and to encourage their recruitment. The box below lists the recommended measures for companies, employers and trade unions in the strategy.

Spanish 'National Strategy for the eradication of violence against women' (2013-2016)

Specific recommendations are listed below (by relevant paragraph) in the national strategy on the role of companies, employers and trade unions in the workplace.

3. Carry out prevention and awareness-raising actions in the corporate sector through the initiative "Empresas para una Sociedad Libre de Violencia de Género" (Companies for a Society Free of Gender-based Violence).

6. Disseminate, in collaboration with trade unions and employer organisations, information on the rights of women victims of gender-based violence, with the aim of encouraging these women to break the silence - the accomplice to abuse.

102. Disseminate, in collaboration with trade unions and employers' associations, information on the labour rights of working women who are victims of gender-based violence.

104. Promote, in collaboration with trade unions, companies and non-profit entities, the implementation of training and social and labour-market inclusion programmes aimed at women who have suffered violence.

³ Article 82 of the Royal Legislative Decree 5/2015 from 30th October approving the consolidated text of the Basic Statute of Public Employment deals with the mobility rights of domestic violence victims. Resolution 25 from November 2015 establishes procedures to be followed in such cases.

⁴ Article 89 of the Royal Legislative Decree 5/2015 from 30th October approving the consolidated text of the Basic Statute of Public Employment, acknowledges leaves of absence due to domestic violence in the public sector.

181. Promote the inclusion of measures aimed at specifically responding to the needs of victims of sexual and gender-based harassment in the professional environment in the equality schemes of companies.

182. Promote the implementation of sexual and gender-based harassment prevention measures in the Central Administration and the Public Bodies attached to it.

229. Boost the initiative “Empresas por una Sociedad Libre de Violencia de Género” (Companies for a Society Free of Gender-based Violence) in collaboration with trade unions and employer organizations.

A ‘Network of companies for a society free of violence’ was established in 2012 under the former National Strategy for the eradication of violence against women (2013-2016). It involves eighty-five Spanish and international companies (e.g., BBVA, DANONE, PSA, Mango, etc.) and six public companies that collaborate with the Ministry of Health, Social Services and Equality. The network has two objectives to raise awareness about gender violence as part of the government campaign “Hay Salida” (Way out) and to support the socio-professional reintegration of women who have suffered gender violence. According to the ‘National Strategy for the eradication of violence against women’ (2013-2016) up to 31 December 2012, 3,687 women benefitted from subsidised employment contracts and 1,015 temporary employment contracts for victims of gender-based violence had been signed.

2.3 Collective bargaining

Collective bargaining is an effective way of enabling companies to adapt, establish working conditions and methods to boost productivity, raise profits, increase employment, improve quality and contribute to social cohesion. The establishment of criteria and shared guidelines helps companies through the process of collective bargaining in the best possible conditions, especially in the current economic climate and employment situation.

Organic law 3/2007, of 22 March 2007, on gender equality has paved the way in dealing with this subject in collective bargaining agreements. It has both forced companies with over 250 workers to devise gender equality plans dealing with the prevention of sexual and gender-based harassment (article 46) and, as it is directed specifically at collective bargaining, it aims to make companies responsible for applying principles of equal treatment and anti-discrimination between men and women in the workplace. (article 43).

Although collective bargaining agreements frequently contain measures for the promotion of equal opportunities between men and women, and through this to help to eradicate discrimination and champion equal treatment in the workplace, they do not always include specific references to violence and harassment.⁵

An agreement for Employment and Collective Bargaining (*Acuerdo para el Empleo y la Negociación Colectiva*), 2012–2014 (II AENC), signed by the CEOE, CEPYME, CCOO and UGT, lacks regulatory powers but includes criteria and guidelines for negotiation of CBAs – including gender equality and sexual harassment – that are compulsory for negotiators. This was updated under the No. III national agreement in Employment and Collective bargaining on 8th June 2015. The agreement deals with the issue of violence and harassment in detail and points out the need to address sexual and gender-based harassment through preventative measures such as the establishment of harassment protocols which help companies to eradicate acts of violence and harassment, and also change attitudes in the workplace. The agreement also addresses domestic violence stating that collective bargaining should facilitate the upholding of the rights of domestic violence victims in the workplace. This is part of Organic

⁵ http://www.empleo.gob.es/es/sec_trabajo/ccncc/D_AspectosNormativos/AcuerdosInterconfederales/.

Law 1/2004 from 28th December which deals with protection against domestic violence. Looking forward, trade unions have stipulated the need for collective bargaining to include measures against violence in the workplace.

Regarding the structure of collective bargaining in Spain, it has been dominated by sectoral collective bargaining agreements (on a national, regional and provincial level) rather than individual company agreements. Having said that, in order to facilitate flexibility and a company's ability to adapt, there are currently some areas where company agreements take priority over sectoral agreements. These include: a) amount of basic salary and bonuses, including those related to travel expenses and performance, b) overtime payments and shift-specific payments, c) working hours and timetables, shift patterns and yearly holiday planning, d) professional classification of employees, e) the adaptation of types of recruitment specified by the law to company agreements, f) measures to encourage an effective work-life balance, and g) other measures pertaining to inter-professional agreements.

3. Gender-based violence at work

3.1 Introduction: the role of unions in preventing and tackling gender-based violence at work

The fight against violence and harassment in the workplace is a core objective of trade unions. Unions have played a central role in identifying the different acts that constitute workplace violence (sexual harassment, gender-based harassment and moral harassment) as well as disseminating information regarding these types of workplace harassment. In fact, the work done by unions has influenced the development of legislation under labour, civil and criminal law to tackle these problems.

An additional item of note is the intervention of trade unions in their efforts to train workers and their representatives to disseminate information, take action through collective bargaining against workplace or institutional harassment and to act in specific cases, attending to victims, looking for solutions and demanding responsibility be taken.

Specifically, unions have put efforts into incorporating measures to identify and punish workplace harassment in existing agreements and in the elaboration of harassment protocols in individual companies. Unions have also incorporated criteria to assist negotiators in collective bargaining, and they have carried out training and raising awareness of negotiators in collective bargaining. Several unions have also drawn up information guides. There are many good practices reflected in union negotiated agreements and protocols.

3.2 Data and evidence

There are no existing official statistics regarding the number of workplace harassment cases. It is difficult to make an estimation as many cases are not made public and those that are reported are usually settled during informal proceedings which take place as part of established harassment protocols. It is possible to record harassment cases from the moment action is taken by work inspections⁶ or by the legal rulings that deal with such matters even if these only represent a small percentage of the number of incidents that actually occur in the workplace.

At this time collective bargaining, harassment protocol and plans promoting equality advise companies to create databases to record any harassment cases which arise. These should be

⁶ Work inspections have intervened in 689 sexual harassment cases which resulted in 8 sanctions and in 239 cases of gender-based harassment which have not resulted in any sanctions.

categorised by type (by sexual harassment, gender-based harassment of workplace harassment), outcome and the number of reports filed per centre of work.⁷ In this way it will be possible to better gauge the extent of harassment cases per business sector or geographical area and this, in turn, will enable us to more effectively evaluate if the practices proposed by collective bargaining are indeed being put into practice.

Research by the Women's Institute (Instituto de la Mujer, 2006) the gender equality body under the Ministry of Employment and Social Affairs, found that nearly 15% of Spanish women reported some form of sexual harassment at work during 2005. Sexual jokes, as well as inappropriate compliments and comments were the most common type of harassment reported. The report was based on a survey of 2,007 women aged between 16 and 64 years in employment.

3.3 Collective bargaining agreements and workplace policies

The practical regulation of violence in the workplace is detailed in collective bargaining agreements, harassment protocols and plans promoting gender equality in the workplace. In general, the majority of collective bargaining agreements or equality plans state their commitment to the establishment, promotion and set-up of measures which promote the equal treatment and opportunities for men and women and never to discriminate in any aspect of the working environment. This particularly applies to areas related to sexual, gender-based or workplace harassment.⁸

CCOO's analysis of 266 sectoral agreements shows good progress in including sexual harassment and sex based harassment in collective agreements.⁹ Of the agreements evaluated, 207 (77,8%) had clauses on sexual harassment, 101 (38%) had clauses on harassment based on sex, and 64 (24%) had protocols on sexual harassment. However, this is a low level given that the protocols against sexual harassment and harassment based on sex are mandatory for all companies, and each company must have its own protocol. CCOO argues that it is a good practice that in the negotiation of sectoral agreements, companies are made aware of the requirement to draw up a protocol. Of the 207 agreements on sexual harassment, 86.9% include sanctions. Over half of the agreements (56%) give detailed definitions of what is sexual harassment, which has been a useful tool to raise awareness. Of the 101 agreements on sex based harassment, 60.4% have introduced sanctions and only 44.5% define sexual harassment.

In addition, there are some specific examples of negotiated clauses on violence and harassment. The harassment protocol of Paradores de Turismo defines different situations of violence in the workplace as well as detailing which types of behaviour are punishable.¹⁰ This is very significant as collective bargaining should make clear exactly what constitutes sexual,

⁷ Decathlon España's equality plan (BOE 22 enero 2014), Informática El Corte Inglés' equality plan (BOE 21 enero 2016), Telecom's equality plan (BOE 16 mayo 2016), Paradores de Turismo de España's equality plan (BOE 8 junio 2016), Supersol Spain, Cashdiploy Superdistribución Ceuta's equality plan (BOE 20 junio 2016), Gate Gourmet Spain's equality plan (BOE 6 julio 2016), Severiano Servicio Móvil's equality plan (BOE 1 junio 2016).

⁸ Ticketbis' collective agreement (BOE 23 mayo 2016).

⁹ CCOO (2014) Guia Sindical sobre violències masculistes a la feina (by Morrerres, S, Garcia A and Sandalinas L). Secretaria de Política Territorial i Barcelonès de CCOO de Catalunya. Available at: http://www.ccoo.cat/pdf_documents/2015/201501_guiaViolenciaMasclista_interior_web.pdf

¹⁰ Mantequeras Arias' equality plan (BOE 24 julio 2015), Emulsa's equality plan (https://cuidadoambiental.gijon.es/multimedia_objects/download?object_id=188286&object_type=document), Paradores de Turismo's harassment protocol (http://www.feteugt cyl.es/sites/default/files/Protocolo_Acoso_Paradores.pdf), Compañía Transmediterránea's equality plan (BOE 16 abril 2016).

gender-based or moral harassment and exactly which types of behaviour should be punished. Along the same lines, the collective bargaining agreement of Telefonica Ingeniería de Seguridad includes the sanctioning of the use of electronic devices to cause or incite sexual, gender-based or workplace harassment.¹¹

Both collective bargaining agreements and equality plans include objectives to educate workers about sexual and gender-based harassment. Some agreements include the provision that training should be given to all staff, including management, workers' representatives, health and safety delegates as well as any other people involved in processing workplace violence.¹²

Some collective bargaining agreements such as that of the energy company Endesa, which deal with the matter of violence in the workplace as a health and safety issue. Endesa has committed to safeguarding their working environment so that workers' psychological health is never at risk. As a result special attention is paid to detecting and evaluating possible psychosocial risk factors as well as applying preventative and/or corrective measures.¹³

In some companies, such as Endesa, victims of sexual harassment are granted paid leave of absence. This is offered to victims for as long as is necessary while they undergo psychological treatment or legal proceedings.¹⁴

Another measure of note is the creation of specialised bodies or 'courts' who work as 'harassment prevention agents'¹⁵ or 'mixed commissions' made up of management and staff representatives whose main aim it is to ensure gender equality is respected in the workplace and to try to prevent any cases of harassment from occurring.¹⁶

Apart from legal action, collective bargaining also covers harassment protocols which include different stages, including in some cases informal and formal procedures, in resolving cases of violence and harassment.¹⁷ Collective bargaining agreements such as that of Renault España, differentiate between formal and informal procedures. Informal procedures enable the concerned party to explain to the person who has committed an offence exactly what aspect of their behaviour was found to be offensive or uncomfortable and that it interfered with their work, with the aim of putting an end to the matter. This process can be carried out, if the concerned party desires, by the company's workers' representative, a union representative, their line manager or an HR representative. A formal procedure starts with a written report where all incidents are documented by the claimant and addressed to either an HR representative or a company manager. If the worker decides, a copy of the letter can be given to the company's union representative. The presentation of the report will trigger the opening of a case file leading to interviews with all concerned parties. If the claimant does not object, a union representative will be present who will apply due diligence to investigate the accusations. While this process is ongoing, the workers involved will be offered, if possible, a different position in the company until a verdict is reached.¹⁸

¹¹ Endesa group's collective bargaining (BOE 13 febrero 2014), Telefónica Ingeniería de Seguridad's collective bargaining (BOE 28 junio 2016).

¹² III State collective bargaining agreement regulating working relationships between producers of audiovisual material and the actors that work with them (BOE 16 May 2016).

¹³ Endesa group's collective bargaining (BOE 13 febrero 2014).

¹⁴ Endesa group's collective bargaining (BOE 13 febrero 2014).

¹⁵ Mantequeras Arias' equality plan (BOE 25 julio 2015).

¹⁶ Site Logistic's collective bargaining (BOE 18 mayo 2016).

¹⁷ Similar terms are expressed in The action protocol in cases of workplace harassment in the public domain, Resolution of the 5th May 2011.

¹⁸ Renault España's collective bargaining (BOE 18 abril 2013), State collective bargaining agreement of the industry of metalwork and the production of metal containers (BOE 11 August 2015), Saint Gobain

Vodafone workplace policy

A good practice workplace policy negotiated with Vodafone covers both sexual harassment at work, and leave and support for victims of domestic violence. The No.III national agreement in employment and collective bargaining, signed by the social partners on 8 June 2015, signalled the need for gender-based harassment to be addressed through preventative measures such as the setting up of protocols which help businesses to eradicate these types of acts and attitudes in the workplace.

A good practice workplace agreement with Vodafone arose after shop stewards in the company denounced sexual harassment suffered by colleagues. This led to conclusion of an agreement for the inclusion of a Protocol on Sexual Harassment and Harassment for Sexual Reasons within the company's Equality Plan. The Vodafone Equality Plan contains a range of measures to encourage the reconciliation of work and family life, the prevention of any form of discrimination and/or harassment, expansion and enhancement of the participation of women at work, promotion of the effective implementation of the principle of equality between men and women, and ensuring of equal opportunities. The separate protocol on sexual harassment sets out the additional instruments that the Company will implement to detect evidence of harassment and/ or discrimination among its staff, including a fact-finding phase and disciplinary measures or dismissal for a harasser. Since Spanish legislation permits legal proceedings regardless of the settlement within the enterprise, the harassed woman worker can also lodge a complaint in court. A woman is awaiting a ruling in one case, supported by the FSC union. In addition, the plan contains measures to improve the situation of victims of domestic violence in the workplace.

Furthermore, some key points of harassment protocols are that both the complainant and the accused can request the assistance of staff representatives or of another person they trust within the company.¹⁹ In sexual harassment cases, the claimant may request their hearing to be with a person of the same sex.²⁰ These are ways of ensuring confidentiality is respected during such cases. The gender equality plan of Alcatel-Lucent stipulates that all those who intervene in such cases must adhere to strict confidentiality agreements. The real names of the involved parties are replaced by pseudonyms in order to respect their privacy and confidentiality at all times during the investigation process.²¹

Some harassment proceedings end with the complainant leaving their place of work. Regarding such instances, the collective bargaining agreement of Refresco Iberia specifies that punishment must never be given to the victims of workplace or sexual harassment and that reprisals should never be taken against these people or those who testify in their cases. This aim is to minimise victim-blaming by supporting the victims at all times and advising them of possible legal action available to them. If the acts of harassment are confirmed to have taken place, they are considered to be a very serious offence and the person responsible is punished by dismissal (article 58 workers' rights statute).²²

As today's business environment is largely characterised by decentralisation the collective bargaining agreement of Endesa extends its rules regarding sexual, gender-based and

Isover Ibérica's collective bargaining (BOE 2 febrero 2016), State collective bargaining agreement of the catering sector (BOE 22 March 2016).

¹⁹ Primark's equality plan (BOE 30 enero 2013).

²⁰ Mantenimiento y Montajes Industriales' collective bargaining (BOE 29 abril 2016).

²¹ Alcatel-Lucent Transformation Engineering & Consulting Service Spain's equality plan (BOE 21 enero 2016).

²² Refresco Iberia's collective bargaining (BOE 2 mayo 2016).

workplace harassment to all staff including those who have temporary contracts through employment agencies and contractors.²³

3.4 Union awareness raising, campaigns and training programmes

Trade unions in Spain have a long history of campaigning and raising awareness to protection for workers in cases of workplace harassment through campaigns on International Day for the Elimination of Violence Against Women, International Day of Action for Women's Health²⁴ and International Women's Day.²⁵ In addition, other national initiatives which aim to raise awareness about violence in the workplace include "Equal Treatment, No Discrimination" (UGT),²⁶ and regional plans such as "Don't let it happen" (CCOO),²⁷ and "No means no, including at work" (CCOO).²⁸

Spanish unions have drawn up a range of guidance materials for workplace representatives with the aim to inform, educate and raise awareness about violence in the workplace. Examples include resources produced by UGT entitled 'For a Dignified Job'; guidance on 'Workplace Violence: New Preventative Measures'; a UGT study on the 'Analysis of Measures and Gender Equality Plans in Collective Bargaining'; and UGT guidance on 'Detection of Risk Factors due to Workplace Violence'. CCOO has produced guidance and information in the form of a booklet on 'Gender Equality in Collective Bargaining Agreements'; and research on 'Collective Bargaining in Spain: An Interdisciplinary Focus and Collective Bargaining in Spain: A Critical Guide'. CCOO has also produced a guide on 'Union Action against Sexual Harassment' and a further guide on 'Women, Work and Health'. ELA has issued a guidance booklet 'Union Guide of Gender Equality Plans in Businesses' and USA has issued guidance 'Working Risks Prevention Guide'.

CCOO has also drawn up guidance on 'Collective Bargaining and Equality', with detailed information about implementing equality in local agreements and company equality plans. The guidance includes a special protocol for action against sexual violence and harassment on the grounds of sexual orientation, gender identity and/or gender expression. The main objective is to achieve an inclusive work environment that allows LGBTI people can "come out of the closet" without fear of discrimination and / or harassment. A range of measures are proposed to prevent harassment on the grounds of sexual orientation, gender identity or gender expression, including the negotiation of dedicated procedures and protocols, identifying LGBTI phobia as a psychosocial risk,

3.5 Links and cooperation with civil society and women's organisations

Cooperation between trade unions, civil society, women's associations and gender equality campaigners can be seen in the organisation of educational conferences and through the support of promotional campaigns.

Trade unions frequently participate in educational conferences and courses related to violence in the workplace and organised by women's associations. One example is the "Training the

²³ Endesa group's collective bargaining (BOE 13 febrero 2014).

²⁴ http://www.ccoo.es/Mujeres_e_Igualdad/D%C3%ADas_Internacionales.

²⁵ http://www.ccoo.es/Mujeres_e_Igualdad/D%C3%ADas_Internacionales.

²⁶ <http://www.ugt.es/SitePages/NoticiaDetalle.aspx?idElemento=1967>.

²⁷ http://www.castillayleon.ccoo.es/webcastillayleon/Areas:Mujer_y_Políticas_de_Igualdad:Actualidad:911315--CCOO_pone_en_marcha_una_campana_para_sensibilizar_contra_el_acoso_sexual_y_por_razon_desexo_en_las_empresas.

²⁸ http://www.extremadura.ccoo.es/webextremadura/Areas:Mujeres:Campanas:288951--CAMPANA_TAMBIEN_EN_EL_TRABAJO_NO_ES_NO.

Trainers: Gender Equality Plans and Sexual Harassment” course by THEMIS (A Jurist Women’s Association)²⁹, or the CEDAW conference entitled “Before the Elections on 20D: a Commitment to Eliminate all Forms of Discrimination against Women”.³⁰

Other training activities take place which are organised by trade unions and civil society. There are conferences organised in universities and other public institutions both nationally and internationally. They study aspects of violence in the workplace both in general and within specific sectors. Some recent examples are: “Feminist Seminars” in Barcelona,³¹ “Gender Equality and Sexual Harassment Seminar” in association with Gijón City Hall³² and “Respectable Work and Gender Politics Seminar” carried out by the ILO and political parties³³ Lastly, the “Violence within the Health Sector Seminar” which was organised by the National School of Occupational Medicine – Carlos III School of Health examines the impact of violence in the workplace on this productive sector.³⁴

Trade unions also support initiatives devised by organisations that promote gender equality. For example, they have backed the campaign devised by the organisation “Impacto de género ya” (Gender Equality Now) by signing the feminist manifesto about the State budget (which this organisation designed), where they argue that “the general budget is not moving forward in terms of gender equality”³⁵ and that economic cuts made by the government have also meant a cut in gender equality related policies.³⁶

Moreover, trade unions also collaborate with associations that defend the working conditions of specific groups such as domestic workers³⁷ or the police.³⁸

3.6 Challenges faced by unions

Unions are faced with the challenge of promoting an international mandate regarding violence against women in the workplace. As more women enter the workplace, unions must pay more attention to violence in the workplace so as to better protect their freedom, right to equal treatment and dignity.

Although some progress has been made in addressing LGBT violence and harassment and discrimination, unions recognise that this is an area for union programmes in the future. Unions point to the challenges of the high incidence of precarious work and in-work-at-risk-of poverty, which has been exacerbated since the crisis by the growth of temporary and insecure work. According to Eurostat (2015) more than one in five employees in and Spain (20.7%) had a temporary contract.

²⁹ <http://www.uso.es/uso-participa-en-el-curso-sobre-igualdad-de-la-asociacion-de-mujeres-juristas-themis/>.

³⁰ <http://www.uso.es/jornadas-plataforma-cedaw-sombra-espana/>.

³¹ <http://www.ccoo.cat/noticia/201857/jornades-feministes-2016#.V4Es0PmLSUJ>.

³² <http://www.uso.es/jornadas-igualdad-y-acoso-laboral-de-uso-asturias/>.

³³

http://www.1mayo.ccoo.es/nova/NNws_ShwNewDup?codigo=4793&cod_primaria=101782&cod_secundaria=101782#.V4IOQvmLSUk.

³⁴

<http://madrid.ugt.org/Publicaciones/Jornadas%20Violencia%20Interna%20en%20el%20C3%81mbito%20Sanitario.pdf>.

³⁵ <http://www.uso.es/uso-exige-al-gobierno-unos-presupuestos-en-igualdad/>.

³⁶ <http://impactodegeneroya.blogspot.com.es/2015/08/manifiesto-feminista-sobre-los.html?spref=tw>.

³⁷

http://www.1mayo.ccoo.es/nova/NNws_ShwNewDup?codigo=4835&cod_primaria=101782&cod_secundaria=101782#.V4IO5PmLSUk.

³⁸ http://elpais.com/diario/2006/08/24/andalucia/1156371728_850215.html.

A further issue highlighted by unions is that the majority of women work in small companies or in family-related enterprises which fall out of the scope of provisions in the equality legislation requiring companies to draw up equality plans.

QUOTE “The current economic crisis and consolidation of neoliberalism greatly hinder the fight for equality and the elimination of violence against women. The combination of crisis and austerity policies of involution increase social rights situations of inequality and of discrimination based on sex and gender at the same time make it difficult to prevent and eradicate violence against women and girls. Economic pressure, job insecurity, the dismantling of the welfare state, the impact of poverty and the growing risk of social exclusion are the ideal framework for situations of sexual harassment or violence against women - psychological, physical, economic and sexual.” (Alba Garcia, Women’s Secretary, CCOO, Catalonia (quoted from forward to CCOO: Trade Union Guide on Violence Against Women, CCOO, 2014)

An issue raised by CCOO is that the contents of the protocols agreed between unions and management at company level is that gender-based definitions of violence and harassment are not always used, despite the fact that sexual harassment and harassment on the basis of sex are clearly defined in the Law on Equality between Women and Men. Therefore, the union has had to ensure that the protocols against sexual harassment and for reasons of sex are differentiated from other types of harassment (e.g. moral harassment).

3.7 Recommendations from unions

- Unions recommend the following steps be taken:
- Promote public policies regarding employment and social wellbeing that will improve living and working conditions and above all, that work towards eliminating violence in the workplace in all its forms.
- Encourage the implementation of preventative practices in all parts of business organisation.
- Deal with workplace violence across the board, including preventing occupational risks and examining business organisation.
- Incorporate the concepts of sexual harassment, gender-based harassment and workplace violence in the agreements
- Drive collective bargaining reforms dealing with violence in the workplace. This is crucial to bring about change to gender discriminatory practices in businesses.
- Increase training in equality and against gender violence, for those who negotiate agreements and equality plans.

4. Domestic violence at work

4.1. Introduction: the role of unions in addressing gender-based violence at work

Trade unions are organisations dedicated to the fight to eradicate inequality, injustice and discrimination and as such must take action against a problem as widespread in our society as domestic violence.

Victims of domestic violence suffer repercussions in their workplace. These include their work performance being compromised, prolonged absences, lateness and sick leave. All of these points seriously affect their professional development. Trade unions support domestic violence victims, inform them of their rights and strive to introduce specific measures in collective bargaining agreements in order to give such women more options in these situations without the risk of losing their jobs.

4.2. Data and evidence

The main statistics about domestic violence are taken from the annual reports recorded in the “Observatorio Estatal de Violencia sobre la Mujer” (state watchdog against domestic violence) carried out by the Ministry of Health, Social Security and Equality³⁹. Between 1 January 2003 and 31 December 2012, 658 women were killed by a partner or ex-partner, the level of which has been falling in the last few years. According to these reports a total of 1,052,177 cases of domestic violence were reported between 1/1/2007 and 31/12/2014. In 2008, 142 cases were reported, the highest number in this period.

In the aforementioned period a total of 497 lost their lives at the hands of their actual or ex partners. Again, the highest number of victims occurred in 2008 with 76 deaths registered. In contrast, the lowest amount of deaths recorded was in 2012 (52 deaths) and 2013 (54 deaths).

The highest number of reports both presented in court and reported to the police were registered in Andalucia with 19,345 reports in 2014 and 158,268 reports in the whole period from 2007-2014. In addition, Valencia is the region where the most reports are registered from statements written following police intervention, by assistance services and by third parties in general. 3971 reports were filed in 2014 and 31350 in the period of 2007-2014. The majority of reports filed as a result of injuries registered in hospitals also come from Andalucia with 3939 filed in 2014 and 32074 in the whole period of 2007-2014.

Surveys conducted in 1999, 2002 and 2006 by the Women’s Institute and in 2011 by the Government Delegation against Gender-based Violence, with the cooperation of the Sociological Research Centre, found that the number of women who feel abused by their ex-partner/ ex-spouse has doubled increased from 3.6% in 2006 to 7.2% in 2011. The surveys have consistently shown that domestic violence significantly affects women’s health and wellbeing (susceptibility to infections and colds, poor sleep, anxiety, low self-esteem and confidence).

4.3. Collective agreements and workplace policies

Collective bargaining agreements, harassment and violence protocols and gender equality plans have provisions in place regarding domestic violence. These are clauses aim to inform domestic violence victims of their rights, and to ensure that measures are introduced by companies to prevent domestic violence through training, reorganising the working day by offering flexible working hours, paid and unpaid leave and by taking social or economic measures.

As a result, unions in Spain have ensured that the majority of CBAs, harassment and violence protocols and gender equality plans have provisions in place regarding domestic violence. Some agreements and gender equality plans have improved on existing legal measures and most agreements provide information about specialist services, as well as social and psychological support to domestic violence victims. Clauses range from informing domestic violence victims of their rights, preventing domestic violence through training, reorganization of the working day by offering flexible working hours, paid and unpaid leave and a range of other social or economic measures.

The Spanish CCOO union’s analysis of 266 sectoral agreements published in 2014, found that only 110 (41.3%) referred to measures to protect working women from domestic violence at work. However, CCOO state that there has been a big increase in agreements in recent years

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<http://www.violenciagenero.msssi.gob.es/violenciaEnCifras/observatorio/informesAnuales/home.htm>.

as a result of the obligations on employers to implement workplace measures under the 2004 Act on the protection to women victims of domestic violence. Of the 110 agreements, 75.4% define specific measures on domestic violence at work, including paid leave of absence. 20.9% have introduced new measures, beyond what is provided for in the law.⁴⁰

Regarding working hours, collective bargaining includes special leave arrangements for domestic violence victims. El Corte Inglés gender equality plan offers 4 days paid leave per year to domestic violence victims when they have to move house (for this reason) or they have young or disabled children (with a disability of 65% or over) in their care.⁴¹ Other collective bargaining agreements, such as that of Grupo Zena, offer paid leave to victims for doctors' visits or to go for some form of treatment if social services or the health service deem it necessary.⁴² As regards long-term leave, the collective bargaining agreement of LIDL supermarkets offers an extraordinary leave of absence of up to 3 years for domestic violence victims with the right to re-incorporate at the same professional level, if the problem is ongoing and more than 18 months have passed.⁴³

As regards long-term leave, the CBA of LIDL supermarkets offers an extraordinary leave of absence of up to 3 years for domestic violence victims with the right to re-incorporate at the same professional level, if the problem is ongoing and more than 18 months have passed. The agreement of the energy company, Endesa, enables victims of domestic violence to work continuously with a short lunch break, and Aqualia's gender-equality plan enables domestic violence victims to vary their holiday period to any time of the year.

Some companies in cooperation with unions have produced information booklets for workers experiencing domestic violence as part of their gender equality plans, as is the case of the companies Securitas Seguridad España and Aqualia.⁴⁴ Some gender equality plans, for instance that of Iberdrola, provide training to workers to prevent domestic violence. Emulsa's gender equality plan rewards the completion of their domestic violence training courses with points that are recorded as professional training courses which are taken into account for internal promotion processes.⁴⁵ Some gender equality plans, for instance that of Iberdrola⁴⁶, are forward-thinking enough to provide training to workers to prevent domestic violence⁴⁷. Similarly, Emulsa's gender equality plan rewards the completion of their domestic violence training courses with points, the same way as they would give points for professional training courses which are taken into account for internal promotion processes.

Similarly, the collective bargaining agreement of Endesa determines that victims of domestic violence who normally work a split timetable (morning and afternoon with a long 2 or 3 hour break for lunch), can, during the period that a court order of protection is in force temporarily modify their timetable to a continuous timetable (just half an hour or an hour for lunch).⁴⁸ Regarding holidays, Aqualia's gender-equality plan states that domestic violence victims can

⁴⁰ CCOO (2014) Guia Sindical sobre violències masclistes a la feina (by Morrerres, S, Garcia A and Sandalinas L). Secretaria de Política Territorial i Barcelonès de CCOO de Catalunya. Available at:

http://www.ccoo.cat/pdf_documents/2015/201501_guiaViolenciaMasclista_interior_web.pdf

⁴¹ El Corte Inglés' equality plan (BOE 6 agosto 2015).

⁴² Zena group's collective bargaining (BOE 3 marzo 2016).

⁴³ LIDL Supermercados' collective bargaining (BOE 8 junio 2016).

⁴⁴ Securitas Seguridad España equality plan (BOE 5 julio 2016), Aqualia equality plan (http://www.igualdadenlaempresa.es/redEmpresas/distintivo/docs/Aqualia_PdI.pdf).

⁴⁵ Emulsa's equality plan

(https://cuidadoambiental.gijon.es/multimedia_objects/download?object_type=document&object_id=188286).

⁴⁶

<http://ugtiberdrola.es/Documentacion/Ugt/2009%2003%2012%20CC%20CEE%20Plan%20de%20Igualdad%20de%20Iberdrola%20Grupo.pdf>.

⁴⁷ ICSE's equality plan (http://www.igualdadenlaempresa.es/redEmpresas/distintivo/docs/icse_plan_lgu.pdf).

⁴⁸ Endesa group's collective bargaining (BOE 13 febrero 2014).

vary their holiday period to any time in the natural year, providing there is a justifiable and accredited reason.⁴⁹

Collective bargaining agreements and gender equality plans often seek to improve on existing legal measures for domestic violence victims, such as those concerning transfer requests. For example, they aim to increase the length of job transfer periods to one year while maintaining the original post. Leroy Merlin's gender equality plan states that when this period has ended, the victim can choose between going back to their original position or continuing in their new post.⁵⁰ Moreover, some companies like Decathlon help to cover travel and moving costs⁵¹ and Mahou's gender equality plan confirms that should a transfer be necessary, the company will pay the victim's rental costs during a period of six months, paying a maximum of 1000 € per month.⁵²

It is a common measure among collective bargaining agreements to provide health and social support to domestic violence victims. In some cases, agreements are signed with public or private bodies who employ experts in domestic violence.⁵³ Other collective bargaining agreements, such as those of Repsol and Endesa, detail specific social care offered such as psychological treatment (treatment, information and family support), medical care (recommended treatments including psychiatry) and legal aid (specialised legal help to deal with processes regarding protection orders such as restraining orders, attribution of the family home, child custody, food payments, organising loans or social care to name a few).⁵⁴

It is also worth mentioning some measures that are related to economic issues. Some collective bargaining agreements, especially in the banking sector, offer zero interest loans to cover the necessary expenses of employees who are victims of domestic violence.⁵⁵ Other agreements specify economic help for necessary expenses such as rental costs or help to purchase a house. In the case of rental aid, this will be given during the transfer period requested by the victim. As regards house purchase costs, some agreements offer grants with sunk costs and bridging loans to help the victim buy a home when they believe this solution is the best way to remedy their situation.⁵⁶

Endesa's economic provisions for domestic violence victims stands out by offering the following types of financial aid for a maximum period of 6 months:

- When domestic violence victims have to abandon the home they share with the attacker, the company will pay 50% of home rental costs (maximum 360 euros a month).
- Up to 50% of necessary expenses is offered, always when the expenses are justified, accredited and for the purposes of personal security such as changing the school of young children (for registration fees, books and uniforms).⁵⁷

⁴⁹ Aqualia's equality plan (http://www.igualdadenaempresa.es/redEmpresas/distintivo/docs/Aqualia_PdI.pdf).

⁵⁰ Leroy Merlin's equality plan (http://www2.ccoo.es/comunes/recursos/1/doc148729_Plan_de_Igualdad_de_trato_y_oportunidades_entre_mujeres_y_hombres_Leroy_Merlin_Espana_.pdf).

⁵¹ Decathlon España's equality plan (BOE 22 enero 2014).

⁵² Mahou's equality plan (http://www.igualdadenaempresa.es/redEmpresas/distintivo/docs/Mahou_PdI.pdf).

⁵³ Leroy Merlin's equality plan (http://www2.ccoo.es/comunes/recursos/1/doc148729_Plan_de_Igualdad_de_trato_y_oportunidades_entre_mujeres_y_hombres_Leroy_Merlin_Espana_.pdf).

⁵⁴ Endesa group's collective bargaining (BOE 13 febrero 2014), Repsol group's collective bargaining (BOE 13 noviembre 2014).

⁵⁵ State collective bargaining agreement of banking (BOE 15 junio 2016).

⁵⁶ Repsol group's collective bargaining (BOE 13 noviembre 2014).

⁵⁷ Endesa group's collective bargaining (BOE 13 febrero 2014).

El Corte Inglés' gender equality plan considers the possibility of offering bonus pay in advance to domestic violence victims.⁵⁸ El Corte Inglés' gender equality plan also includes a very significant measure which affects the social benefits that victims receive in case of temporary sick leave. It declares that all leaves of absence caused by domestic violence will be remunerated in full. That is to say they receive 100% of their salary for these absences instead of the standard percentage received for ordinary sick leave.⁵⁹

4.4. Union awareness raising, campaigns and training programmes

Trade unions demonstrate their opposition to domestic violence on International Day for the Elimination of Violence Against Women.⁶⁰ Union campaigns have come about from this day which affirm that "unions say NO to violence against women and children" (UGT)⁶¹ and "Punches aren't the only things that hurt" (CCOO)⁶² and they demand "No more sexist violence" (CCOO).⁶³

A detailed and comprehensive CCOO trade union guide from Catalonia sets out practical guidance on tackling domestic violence at work (see Box below).

CCOO: Trade Union Guide on Violence Against Women. (Guia Sindical sobre violències masclistes a la feina)

The guide drawn up by CCOO (Catalonia) aims to raise awareness and give practical tools to address violence against women in the workplace. It states that male violence against women is structural and based on patriarchy and male cultural and economic power over women, which makes it impossible for women to exercise their basic rights and fundamental freedoms. The guide proposes that the eradication of violence requires the involvement of the whole of society to achieve a real change in attitudes and values and where the principle of equality is a reality and where there is an end to impunity for gender-based violence. The guidance provides practical information about the legal framework on violence against women, and best practices for trade union action and collective bargaining about domestic violence at work. Examples are also given of how to give support and care to victims in the workplace. The guide is aimed at workers, trade union representatives and lawyers, amongst others. The guide builds on CCOO's work to eliminate direct or indirect discrimination against women at work, including the fight against sexual harassment and gender-based violence. CCOO believes that collective bargaining is one of the best tools to fight and prevent gender-based violence in the workplace. Collective bargaining can play an important role in awareness, prevention, training and in agreeing interventions in the company. However, the guide states that it is important to be well prepared and informed, and to include a wide definition and scope to violence against women when negotiating collective agreements, equality plans and protocols of sexual harassment and harassment based on sex, so that

⁵⁸ El Corte Inglés' equality plan (BOE 6 agosto 2015).

⁵⁹ El Corte Inglés' equality plan (BOE 6 agosto 2015).

⁶⁰ See for example UGT:

http://madrid.ugt.org/Publicaciones/Informe%20UGT%2025%20de%20noviembre%202014_dia_elimination_violencia_mujer_UGT.pdf; <http://usocanarias.es/?p=6950>. See for example: CCOO (2016) No A Les Violències Masclistes, Volem ser Lliures. CCOO Informe 25 de Novembre de 2016. Elaboració Alba García, Lidia Sandalinas, Gina Argemir, Mar Meneses, Isabel Ortega. CCOO secretaria de la dona.

http://www.ccoo.cat/pdf_documents/2016/informe_25N2016_CCOO.pdf

⁶¹<http://portal.ugt.org/actualidad/2008/noviembre/a18112008.html>;

<http://www.ugt.es/SitePages/NoticiaDetalle.aspx?idElemento=1500>; <http://www.uso.es/wp-content/uploads/2015/12/Bolet%20C3%ADn-de-Igualdad-N%20BA25.pdf>.

⁶² [http://www2.ccoo.es/comunes/recursos/1/pub106923_Trabajadora,_n._48_\(noviembre_de_2013\).pdf](http://www2.ccoo.es/comunes/recursos/1/pub106923_Trabajadora,_n._48_(noviembre_de_2013).pdf).

⁶³<http://www.ib.ccoo.es/webbaleares/Arees:Dona:Actualitat:998963-->

[CCOO_SE_SUMA_A_LA_CONCENTRACION_CONTRA_LA_VIOLENCIA_DE_GENERO; http://www.andalucia.ccoo.es/webandalucia/Conoce_CCOO:Uniones_Provinciales:Sevilla:Actualidad:999178--CCOO_de_Sevilla_muestra_su_total_repulsa_al_asesinato_machista_ocurrido_junto_al_aeropuerto.](http://www.andalucia.ccoo.es/webandalucia/Conoce_CCOO:Uniones_Provinciales:Sevilla:Actualidad:999178--CCOO_de_Sevilla_muestra_su_total_repulsa_al_asesinato_machista_ocurrido_junto_al_aeropuerto)

become effective tools to tackle all forms of violence against women, including domestic violence at work, and with attention to the needs of victims.

The following actions are proposed for prevention strategies and awareness:

- Provide training and awareness raising with union representatives and officers.
- Promote internal discussions to define action strategies and proposals for collective bargaining.
- Draw up brochures and other educational materials to prevent violence against women and raise awareness.
- Carry out specific campaigns to sensitise workers and union representatives about gender violence at work.
- Disseminate information about the obligations of Article 48.1 of the law 3/2007 on the legal representation of workers, which "will help prevent sexual harassment and harassment based on sex in the workplace through awareness of workers who are faced with these facts, and inform the company management behaviors or behaviors..."

Source: CCOO (2014)

The issue of domestic violence has also been approached from the perspective of both the integration of women in the workplace and the precarious nature of women's working relationships. This is because it is understood that women are much more exposed to sexist violence and they have much less capacity to stand up to such acts when they do not have economic independence. Obtaining this independence is impossible if the woman in question is not working or if their working situation is precarious. Therefore work, in these cases, means autonomy.⁶⁴

The CCOO Teaching Federation has campaigned against sexist violence in the education system and has sought to collaborate with teachers in infant, primary and secondary schools by providing teaching materials for classroom activities. (Propuestas educativas contra la violencia machista para trabajar en las aulas de Infantil, Primaria y Secundaria, CCOO).⁶⁵

Unions have carried out research and guides to inform, train and raise awareness about domestic violence. Among them are the following examples: "Gender Inequality and Sexist Violence: An Inescapable Problem" (ELA), "A Union Mediator's Guide to Domestic Violence" (UGT) or "Violence against Women. Legal Rights and Social Security of Female Victims of Domestic Violence" (CCOO). The Federación de Servicios a la Ciudadanía de CCOO (FSC), has been running training courses on gender-based violence for more than 10 years through its "social intervention to stop violence against children and women" programme. The union's work on violence has included the publication of a document entitled violence against women: a political Issue. It also publicises men's participation in initiatives to promote equality. Every year, on 25 November, FSC campaigns against gender-based violence, producing a poster, publishing a manifesto and organising a talk or conference.

⁶⁴<http://www.ela.eus/es/precariedad/noticias/lurdes-garcia-precariedad-y-lucha-de-las-mujeres;>
<http://www.mrafundazioa.eus/es/centro-de-documentacion/biblioteca-basica-de-formacion/emancipacion-sin-feminismo-transitar-de-la-marginalidad-a-la-centralidad-del-feminismo-en-las-organizaciones-mixtas;>
[http://www.pikaramagazine.com/2012/03/por-una-vida-digna-%C2%A1las-mujeres-a-la-huelga/;](http://www.pikaramagazine.com/2012/03/por-una-vida-digna-%C2%A1las-mujeres-a-la-huelga/)
<http://www2.mundubat.org/archivos/201107/ddhhmujeres01web.pdf?1;>
[http://www.mrafundazioa.eus/es/articulos/irantzu-varela-la-violencia-simbolica-contra-als-mujeres.](http://www.mrafundazioa.eus/es/articulos/irantzu-varela-la-violencia-simbolica-contra-als-mujeres)

⁶⁵ http://www2.fe.ccoo.es/ensenanzaasturias/Areas_Comunes:IGUALDAD:ACTUALIDAD:916243--Contra_la_violencia_machista,_coeducacion__Propuestas_educativas_contra_la_violencia_machista

4.5. Links and cooperation with civil society and women's organisations

The collaboration between unions, civil society, women's associations and those implicated in the fight for equal treatment of men and women is demonstrated through supporting campaigns that publicise said organisations.

Trade unions back initiatives set up by organisations committed to promoting gender equality. For example, they supported the jurist women's association THEMIS when the latter petitioned on behalf of a domestic violence victim. The victim wanted protection from the Constitutional Court to get the state to claim responsibility for the murder of her daughter by her husband during a visitation period.⁶⁶ Trade unions also attend a "men's circle" organised by AHIGE (Men's Association for Gender Equality) and held every October against domestic violence. This event pays homage to victims of domestic violence and sends the message that men also find these acts unacceptable.⁶⁷

In a similar way, trade unions have supported press releases from feminist organisations which criticised political parties for their electoral messages which they felt dealt irresponsibly with the issue of domestic violence.⁶⁸

Unions also collaborate with external organisations to give training and talks about domestic violence such as a workshop entitled "Violence against Women in the Media" held in the Loyola de Palacio Senior Citizens' Municipal Centre in Usera, Madrid.⁶⁹

In addition, trade unions along with national and local feminist and domestic violence organisation across Spain participate in the 7N Feminist Platform, which on 7th November 2016 organised a national 'March Against Male Chauvinist Violence' in Madrid.⁷⁰

CCOO is an active and vocal member of the State Observatory against gender violence. The Observatory is run by the government's National Delegation on Gender Violence, with representatives of women/s associations, local entities, Ministries, Attorney General, NGOs, etc. It was created in 2006 for the collection, analysis and dissemination of data to inform policy and the monitoring of policy outcomes.

4.6. Challenges faced by unions

- Trade unions are currently working towards reforming Law 1/2004 regarding the working rights of domestic violence victims to make it easier for victims to re-organise their working timetable or have the possibility of a transfer.

⁶⁶http://www.laindependent.cat/index.php?option=com_content&view=article&id=838%3Acomunicat-de-themis-asociacion-de-mujeres-juristas-davant-lassassinat-duna-nena-pel-seu-pare-quant-complia-regim-visites&catid=166%3Acomunicats&Itemid=268&lang=ca.

⁶⁷http://www.fsc.ccoo.es/webfsc/Actualidad:Titulares:529899--Ruedas_de_hombres_contra_la_violencia_de_genero;

http://www.fsap.ccoo.es/pv/menu.do?Accio_del_sindicat:dona_:actualitat:410912;
http://www.antiguahombresigualitarios.ahige.org/index.php?option=com_content&view=article&id=801:ugt-se-une-a-la-rueda-de-hombres-contra-la-violencia-machista&catid=59:prensa&Itemid=61;
<https://www.facebook.com/asociacion.ahige/photos/a.10150556608638230.384994.99042143229/10152466611463230/?type=1&theater>.

⁶⁸[http://www.ccoo.es/cms/g/public/o/9/o61900.pdf;](http://www.ccoo.es/cms/g/public/o/9/o61900.pdf) <http://www.mujeresjuristasthemis.org/prensa/noticias/149-organizaciones-feministas-tachan-de-irresponsables-los-mensajes-electorales-del-pp-sobre-violencia-de-genero>.

⁶⁹<http://www.uso.es/uso-imparte-el-taller-violencia-contra-la-mujer-en-los-medios-en-el-centro-de-mayores-loyola-de-palacio/>.

⁷⁰ <http://marcha7nmadrid.org/en/>

- Although unions view the Law 1/2004 as a very positive development, the main challenge has been the implementation of the law which has been impeded by a lack of resources and a lack of political will. Coupled with this is that domestic violence organisations have been negatively affected by austerity measures, with substantial cuts in services impacting on the safety and security of victims of domestic violence.
- Unions in Spain have highlighted the very negative impact of austerity cuts on resources to combat domestic violence, and have supported community based campaigns to end cuts in services.

4.7. Recommendations from unions

Unions recommend the following steps be taken:

- That the government improves the efficiency and the amount of social care support available to women.
- End austerity cuts to services and resources that have the objective to combat domestic violence.⁷¹
- Encourage the employment of female domestic violence victims.
- Union representatives should be trained in the matter of domestic violence.
- Ensure that collective bargaining agreements include clauses on domestic violence at work.
- Introduce i collective bargaining negotiations guarantees of work protection for victims of gender-based violence, such as psychological, medical and legal specialist support, as well as paid leave to avoid a loss of income.
- Ensure that situations resulting from gender-based violence, such as absences or medical leave, do not cause economic losses for women workers.
- Negotiate protocols of action and specific protection measures for workers, who are victims of gender-based violence and who have not denounced their aggressor.
- Ensure that victims of gender-based violence are specifically considered in the training programs and employment workshops of the various Autonomous Communities.

⁷¹ http://www.acsur.org/IMG/pdf/MANIFIESTO_MAREA_VIOLETA.pdf.

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