

ETUC 'Safe at Home, Safe at Work'

ITALY<sup>1</sup>

## Country Case Study



by Jane Pillinger

---

<sup>1</sup> I would like to thank Rosanna Ruscito, CISL and member of the ETUC 'Safe at Home, Safe at Work' Steering Committee, for all of her excellent work in organising the interviews in Rome, helping with information sources and background information, and commenting on the final case study report. Many thanks also to the interpreter Sara Esposito, who also assisted the translation into English of some of the key documents cited in this report.

2017



# 1. Introduction

## 1.1 Overview

This report gives an overview of the Italian country case study, which is one of eleven case studies prepared for the ETUC project 'Safe at Home, Safe at Work'. It documents the measures taken by Italian unions to address gender-based violence at work. It covers two specific areas: a) gender-based violence in the workplace and b) domestic violence at work. 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.

## 1.2 Methodology

The methodology for the country case studies included interviews with trade unions and women's organisations in Rome in 21-25 March 2016, as well as a review of relevant published and unpublished reports, collective bargaining agreements and papers. The following interviews were held in Rome:

- Rosanna Ruscito, CISL-RETI (Italy Coordinator)
- Deborah Del Fiacco, UILTEC, Office in charge of national energy and water sector CISL
- Maria Grazia Gramaglia, UILPA, National Secretary of UIL public administration sector responsible for equal opportunities and the mobbing counter
- Alesandra Menelao, UIL, National representative for UIL mobbing and stalking counters
- Raphaella Settee, Officer responsible for Equal Opportunities in the UILA Food and Agricultural Sector
- Maria Pia Mannino, UIL, National Officer Responsible for Gender Equality and Head of UIL Women's Committee
- Francesca di Felice, Officer responsible for the Women's Committee in the FIT-CISL transport sector
- Liliana Ocmin, CISL, Officer responsible for CISL Women's Committee and gender equality, migration and young people.
- Teresa Piccione, politician
- Gabriella Moscatelli, Telefono Rosa (NGO)
- Anna Letizia, CISL, Coordinator for Gender Equality, CISL Naples
- Mercedes Landolfi, Gender Officer, FILLEA CGIL (building and woodworking)
- Maria Trentin, FNP retirement section and Sofia Rossa, ANTEAS, retirement section
- Lorendana Taddei, CGIL National, Gender Equality, CGIL
- Ana Salfi, CGIL Women's Network, Emilia Romagna, CGIL

## 2. Context and legal background

### 2.1 Gender-based violence at work

Relevant legal provisions on gender-based violence at work include Legislative Decree No. 198/2006 (known as the 'Code of Equal Opportunities between Men and Women'), Law 183 of 2010 on gender equality and women's employment, and legislation introduced in 2013 imposing stricter penalties for perpetrators of domestic abuse, sexual violence, and stalking.

Article 26 of the Code of Equal Opportunities defines harassment as undesirable behaviour based on sex affecting the dignity of a worker and creating an intimidating, hostile, degrading,

humiliating or offensive environment. Sexual harassment is defined as a discrimination that takes the form of unwanted conduct based on sex which affects the dignity of a worker or creates an intimidating environment, and which is hostile, degrading, humiliating or offensive. Under the Code, Equality Advisers can assist victims of discrimination and act on their behalf. In some cases, prevention of sexual harassment is directed to National/Local Observatories or to Joint Equal Opportunities Commissions at national or local level.

These provisions have the same scope as the Equal Treatment Directive 2006/54/EC. The Directive defines 'persons' as victims of harassment, however, Article 26 of the Code refers to 'workers', thus excluding third party harassment. The Directive also specifies that "Collective agreements can provide for specific measures, such as codes of conduct, guidelines and good practices, in order to prevent all forms of discrimination on the grounds of sex, in particular harassment and sexual harassment in the workplace...". In the Italian context this puts emphasis on collective bargaining rather than on the employer's responsibility, which means that in practice sexual harassment and harassment has been left to collective bargaining.<sup>2</sup>

### *Stalking*

In addition to equality legislation, other provisions related to harassment/ sexual harassment exist in criminal law and labour law. In criminal law Act no. 38 of 23 April 2009 introduced the new crime of 'persecutory acts' (stalking). Stalking is defined as causing anxiety to the person, is oppressive behaviour and it is carried out more than once. There are higher penalties for minors, pregnant women and disabled people.

### *Mobbing and harassment*

Protection of workers against mobbing, harassment and violence are provided for under the Civil Code outlining general responsibilities of the employer with respect to the protection of workers' health. Italy has had a strong focus on tackling mobbing and harassment at work (which is defined of hostile acts that are verbal, physical and sexual) and which consists of persecutory treatment of an employee repeated over time, with the intention of inducing her/him to leave. Although mobbing is not defined in the law, Article 2087 of the Civil Code is relevant to damages where the moral personality of a victim has been harmed. Unions referred to the gap in legislation and argued that clearly defined legislation on mobbing was needed in order to give weight to the issue collective bargaining.

Harassment in relation to other grounds of discrimination (race/ethnic origin, religion, belief, disability, age or sexual orientation as regards employment and occupation) is set out in Decrees no. 215 and 216 of 2003 and Act no. 67/2006.

The government has issued a National Action Plan on Violence against Women and Stalking (2010-2013) and the First National Strategy for the prevention and the fight against discrimination on the ground of sexual orientation and gender identity (2013-2015).

## **2.2 Domestic violence at work**

Domestic violence at work is a relatively new issue that unions are bringing to the negotiation table, although women's sections of all three confederations have been campaigning and

---

<sup>2</sup> Numhauser-Henning A and Laulom S (2012) Harassment related to Sex and Sexual Harassment Law in 33 European Countries  
Discrimination versus Dignity. European Network of Legal Experts in The Field of Gender Equality.  
[http://ec.europa.eu/justice/gender-equality/files/your\\_rights/final\\_harassment\\_en.pdf](http://ec.europa.eu/justice/gender-equality/files/your_rights/final_harassment_en.pdf)

raising awareness about the impact of domestic violence at a societal level and in the workplace for many years.

The impetus for unions is the **2016 Jobs Act**, which aims amongst other areas to provide a single legal text related to motherhood and fatherhood and improving reconciliation of family life. An innovative provision in the legislation is that women victims of domestic violence are entitled to a maximum of three months paid leave, which can be taken flexibly over a three-year period. The Act states that women have the right to take leave if they have a 'duly certified gender based protection path' (protection order). The Act states that employers cannot reject the leave and that the right is granted to woman worker by law. During the three months leave they receive full pay, social security and holiday leave and other compensation provided by the employer, which are based on the same principles established for maternity leave. Employers, in their income statement, can deduct the amount paid from the social security contributions that they have to pay to the relevant social security institution. Workers also have the right to change from full-time to part-time work, or to take the leave on a flexible basis, for example, on a daily or hourly basis, over a period of up to three years. These requests must be negotiated in collective agreements and discussed with employers and social partners.

Interviews with unions in Italy showed some awareness of the legislation and plans were in being put in place to insert clauses into all new general collective agreements setting out these entitlements or in some cases extending leave entitlements further. This is discussed in more detail in Section 4 below.

### **2.3 Collective bargaining in Italy**

The three union federations, CGIL, CISL and UIL,<sup>3</sup> account for 12.5 million members, with an average union density of around 30 per cent. The unions are strongest in the service sector, which employs 70 percent of the total workforce. Unions have good representation in the energy sector, in metalworking/engineering, and in the public sector. The energy sector includes large formerly state-owned corporations (ENEL and ENI) where trade union structures are deeply rooted.

Collective bargaining takes place at three levels: national sector, workplace and territorial (local district). Labour relations involve a mix of national collective agreements, pacts, workplace agreements, laws, decrees and regulations. In the public sector there has been no national agreement since 2007.

The trilateral agreement of 2009, which the CGIL refused to sign, permitted decentralized bargaining enabling workplace agreements to undercut sectoral collective agreements. Under the national agreement of 28 June 2011 (passed into law as Article 8 of Decree 138/2011) the three main federations agreed a joint position with the employers' organisation, Confindustria, granting stronger control over workplace agreements.

Despite these developments and a severe economic crisis, Italian unions have succeeded in concluding a number of groundbreaking agreements at company level.

---

<sup>3</sup> CGIL (Confederazione Italiana Generale del Lavoro), CISL (Confederazione Italiana Sindacati Lavoratori) and UIL (Unione Italiana del Lavoro)

### **3. Gender-based violence at work**

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

Renewed attention has been given to violence and harassment at work since the signing of a national agreement, in 2015, transposing the 2007 European Autonomous Framework Agreement on Violence and Harassment at Work<sup>4</sup> (hereinafter referred to as the 2007 European Framework Agreement).

In recent years, unions have been focusing on how action to prevent gender-based violence can be mainstreamed into all levels of the union, particularly in safety and health initiatives. Unions in Italy are aware that there is potential to address gender-based violence and the consequent psycho-social risks in occupational safety and health risk assessments and in company policies.

An example of this approach is a CISL booklet<sup>5</sup> which set outs a gender-based approach to safety and health as a collective and shared responsibility to promote a culture of safety, and includes psycho-social risks and work-related stress, a gender-based approach to company risk assessments and a ten-point plan for workers in promoting safety and health at work (based on the legislative decree 81/08). Shifting the focus as an occupational safety and health issue has enabled unions to strengthen and mainstream violence against women throughout the union:

This topic is going to effect the whole organisation not just women. We are planning to start awareness raising campaigns across the union and with employers”. (Lorendana Taddei, National Officer Responsible for Gender Equality, CGIL)

#### **3.2 Collective agreements and workplace policies**

Clauses on preventing and tackling mobbing, harassment and sexual harassment are included in an increasing number of territorial, sectoral and company based agreements. Some of these early agreements include Codes of Conduct related to the dignity of women and men at work (based on the European Commission Recommendation of 27 November 1991 on the protection of the dignity of women and men at work (92/131/EEC). More recent sectoral and workplace agreements have adopted the wording and content of the national agreement on violence and harassment at work, which transposes the 2007 European Framework Agreement.

#### **National Framework Agreement on Harassment and Violence at work, 2015**

In 2016, after ten years of negotiation, the 2007 European Framework Agreement was transposed into a national framework agreement signed by the three confederations (CGIL, UIL and CISL) and the employer’s organization (Confindustria). The agreement adopts the

---

<sup>4</sup> BusinessEurope, ETUC, CEEP and UEAPME (2011) Implementation of the European Autonomous Framework Agreement on Harassment and Violence at Work. Final joint report by the European Social Partners adopted at the Social Dialogue Committee on 27 October 2011. Available at: [https://www.etuc.org/IMG/pdf/BROCHURE\\_harassment7\\_2\\_.pdf](https://www.etuc.org/IMG/pdf/BROCHURE_harassment7_2_.pdf)

<sup>5</sup> ‘Salute E Sicurezza Sul Lavoro in Ottica Di Genere’ (a cura di Cinzia Frascheri, CISL)



definitions and text of the 2007 European Framework Agreement in an annex. In the agreement the parties confirm the following:

- any action or behaviour of harassment and violence is unacceptable
- acknowledgement of the principle whereby the dignity of male and female cannot be violated by actions or behaviours that can be considered harassment or violence;
- any cases of workplace violence or harassment must be reported
- men and women workers and enterprises shall mutually collaborate to ensure that there is a working environment where everyone's dignity is respected and where interpersonal relations are based on the principle of equality and mutual respect;
- the parties shall widely disseminate the agreement, promote and identify the most appropriate management procedures at territorial level and implement the Annex B in all manufacturing sites.

It specifies that employers' associations and trade unions at territorial level will, within three months from signing this declaration, shall meet to identify if necessary procedures and identify what is the most suitable structures to provide support, including psychological and legal counseling to victims of workplace violence and harassment. In compliance with the agreement, a statement/declaration is annexed to the agreement that can be directly implemented at company level.

This approach, according to Cinzia Frascheri (CISL) who was one of the negotiators for the agreement was to ensure that all companies, including small companies signed a declaration:

We added an understanding which is the commitment of both parties – with the objective of doing something more than in agreement. Agreement states that procedures have to be identified to manage cases, 98% of companies have only an average of 4.2 employees. Many are micro enterprises. It was very difficult – we decided to add a form which is a declaration that an employer signs up to – and it contains a statement 'I am not going to accept violence in my company' to display on billboard.

On this basis it is up to every company to implement its own procedures and internal declarations in conformity with the contents of the agreement. According to Alessandra Menelao (UIL):

Violence against all workers is unacceptable, the agreement says that all violent behaviours must be reported, a statement is to be signed by the companies, a memorandum of understanding is to be drawn up defining harassment and formal procedures, and how companies will provide legal and psychological counselling.

It is important to note that the agreement was signed by health and safety department representatives from the three unions not the Women's Departments. Although this led to some frictions, it has been very important to take this approach across the whole union. As one union officer stated:

We want the agreement to be for everyone. Men and women workers, so that it covers all forms of violence, physical, sexual and also sexual differences. Increasingly violence and harassment in Italy is a safety and health issue. (Liliana Ocmin, Officer responsible for CISL Women's Committee and gender equality, migration and young people).

For the unions, the main priority is to engage in discussions with employers and raise awareness in order to get the employers to sign the agreement.

Sectoral and territorial agreements are currently being agreed to implement the national agreement. The most recent territorial agreements, between employers organisations and unions, were signed in 2016 in Vicenza and Sicily, and include a three-year plan of positive actions in the workplace. In Vicenza the signing of the agreement was a real victory for the trade unions as employers were reluctant initially to sign it. Other territorial agreements are currently being negotiated. For example, in Naples CISL has met with employers to raise awareness and ensure that companies enter into the agreement, and one company has already signed the agreement and developed a progressive workplace policy. Other companies are ready to sign. The union aims to build a network so that trade unions and employers associations have contact points at regional level to address violence and harassment at work. According to Anna Letizia, (Coordinamento Napoli, CISL):

There is a lot to do to persuade employers at the territorial level and we are very active now in getting as many employers to sign. We want to have multiple companies who can act as models for other companies.

However, unions spoke of resistance on the part of companies, particularly because they do not want to integrate sanctions. According to Maria Pia Mannino (National Officer responsible for equal opportunities and Head of Women's Committee, UIL):

Companies resist since they don't want to integrate sanctions, it is up to the employer to decide. Workers are scared they will lose jobs – this affects women and men, and also gay people – they are afraid. Many have fear of a bad reputation and loss of jobs – that is the main reason why it stays hidden.

Unions recognise that more needs to be done at company level to help workers report cases of violence and harassment. Some union representatives believe that the agreement is the first step in implementing stronger measures in the workplace:

The agreement sets out definitions regarding violence and harassment against women workers, but it is a very soft protocol and we need to do more to tackle the issue, by implementing sanctions and measures to prevent violence. (Maria Pia Mannino, National Officer responsible for equal opportunities and Head of Women's Committee, UIL)

### ***Collective agreements in the transport sector***

In the transport sector FIT-CISL has carried out substantial work on violence against women. The union has a department that deals with gender issues covering equal opportunities, prevention of discrimination, and violence and harassment in the workplace. A women's coordination mechanism and regional coordination centres on gender issues address violence and harassment at work through the national and local bargaining processes.

In the national bargaining process reference is made to prevention of violence and a large number of company based agreements have been signed on the issue. The union's women's coordination mechanism supports the bargaining process and draft documents are prepared for negotiations on prevention of violence and harassment. According to national officer with responsibility for the national women's coordination for the trade union in the transport sector, Francesca di Felice (FIT-CISL):

The men who are involved in the bargaining process actively involve us and we have been successful in signing a lot of agreements with transport companies. We make

reference to national legislation and persuade companies to draw up procedures to tackle violence against women.

An increase in women bus and train drivers and conductors in recent years has led to a much greater focus on women's safety, particularly when women work around the clock. The issue of third-party violence and harassment against women has become increasingly important. The union argues that it is crucial to involve men in awareness raising activities in order to promote a culture of respect in work and social contexts.

A survey carried out by FIT-CISL on violence and harassment against women in the transport sector revealed high levels of violence against women in the sector, and painted a picture of negative and sexualised attitudes towards women in the sector.

The findings from the survey showed that the incidence of harassment and sexual harassment is very high. It is especially high when violence is used as a form of blackmail, if you want a job or if you want promotion. In the companies that are shedding staff or closing down, the companies are using blackmail. And we also found high levels of violence by transport users. Women suffer a greater impact because women are seen as weaker and stepping out of their traditional roles, and we see more aggressive behaviour against women. (Francesca di Felice, FIT-CISL)

The three confederations in the transport sector are currently drawing up a single protocol with actions for each transport sub-sector. In the future the union has a priority to use collective bargaining to develop company based procedures for confidential reporting, carrying out investigations, managing cases, addressing the consequences of violence and preventing safety risks (by introducing SOS systems, enclosed work stations, guards on duty in waiting areas). At the territorial level the objective is to address safety in public spaces and in neighbourhoods and suburbs that pose danger for women workers at night. FIT-CISL has prioritised meetings with managers to raise awareness of violence and harassment against women and the need for a change in culture. The union is aware that many male managers do not recognise that their behaviour is unwelcome.

One question in the survey asked if a husband hits his wife, is this violence? Some men responded that this was normal, not violence. I would like to see as many actions as possible to tackle cultural change. Education, with children adolescents and more attention to be paid to resources for this issue. We have taken some steps and changes are visible but much remains to be done. Some men are taking the issues on board, the secretariat of union are all men, and we have good support from men in the Federation – we have successfully involved male trade unionists. Unprecedented success to get these agreements. (Francesca di Felice, FIT-CISL)

In the transport sector two innovative national agreements on gender-based violence in the workplace have been signed:

- An agreement with ANAS (the national road management authority) sets out a commitment to prevent and address workplace harassment through an agreed protocol that specifies that the company shall undertake actions and procedures to identify if cases have occurred, to guarantee confidentiality to victims and to provide health and other support to victims through the company's Committee on Equal Opportunities.
- An agreement with ENAV (the national air traffic controllers organisation) sets out the principle that employment relations have to take place in suitable environment, with methods and conditions to guarantee equal dignity between women and men, to identify

cases of harassment, to change behaviour and correct attitudes that may jeopardise the development of good relationships in the workplace.

Company based agreements in the transport sector have been signed to prevent harassment and violence in the workplace. The unions identified three good practice examples:

- In the freight sector the company TNT agreed a declaration of accountability (based on the 2007 European Framework Agreement) signed on 25 January 2016.<sup>6</sup> It uses the language of the 2007 European Framework Agreement notably that the company “consider unacceptable any harassment or violence in the workplace and will implement appropriate measures against those that perpetrate the actions”. It specifies that the company will promote a work environment where the dignity of everyone is respected based on principles of equal opportunity.
- In the air transport, the airline Easyjet signed an agreement on 4 March 2015 on the protection of worker’s dignity and prevention of sexual harassment. The agreement states that sexual harassment and mobbing is a disciplinary infringement and that it is illegal to sanction actions that have not occurred simply to damage someone or obtain any benefit at work. Cases of sexual harassment reported to the company must implement timely, unbiased and confidential procedures.
- An agreement with Busitalia signed on 18 February 2015 is based on the principles set out in the national agreement and parties commit to implement equal opportunities and positive action measures, prevent, eliminate and sanction any undesired behaviours which offend people’s dignity and which can be defined as harassment, including sexual harassment (in accordance with the legislative decree 198/2006). The agreement also covers other forms of violence, including psychological violence.

### ***Collective agreements in the energy and water sectors***

Agreements at national and local levels have had a specific focus on reconciliation of work and family life and the issue of violence against women has recently become an important negotiating issue. Ethical codes, drawn up as part of CSR policies to link sustainability provisions to gender equality and dignity at work for women, have been implemented in most of the larger companies in the sector.

A good example is the CSR Code developed by the water company in Rome (ACEA), which specifies “Equal Opportunities within ACEA shall be guaranteed by means of a Regulation for the protection of men and women’s dignity and an external consultant in charge of collecting reports on cases of discrimination, sexual harassment and mobbing and solving them.” ACEA has also funded a project on gender-based corporate social responsibility. A sustainability balance sheet is set out on the company’s web site which gives a snapshot of information for the general public.

The recent renewal of the main agreements, covering 30 different contracts, have the objective to extend legislative provisions that in force. The agreements refer to the role of the National Committee on Equal Opportunities, reconciliation of work and family life, violence at work and the protection of dignity of women and men in the workplace.

---

<sup>6</sup> TNT Global Express S.p.A, FILT-CGIL, UIL Trasporti, p.le OO.SS. Territoriali/RSA. 25 gennaio 2016. DICHIARAZIONE “ai sensi dell’Accordo quadro sulle molestie e la violenza nei luoghi di lavoro” del 26 aprile 2007

- In the gas and water sectors, national agreements with six employers' associations that were amended in 2010 remain in force. The agreements set out the roles of the national industrial relations observatory which have the role in monitoring the implementation of agreements, including the principle of non-discrimination and violence at work.
- In the energy and petrol sector the national agreement includes a section on "Protection of men and women's dignity in the workplace". It specifies that "Actions will be promoted to prevent any behaviours which may jeopardise men and women's dignity at work. The parties hereby commit themselves to implementing prevention and information policies on discrimination and sexual harassment, stating the right for both, men and women workers, to live in a safe work environment that also encourages human relations, while respecting the dignity of men and women workers who are carrying out their tasks"
- The platform for negotiation of the renewal of the gas and water agreement (2016-2018)<sup>7</sup> includes provisions for training plans containing sessions aimed at disseminating the gender culture and respect, with the aim of preventing abuse and harassment against women, and the possibility for women who were victims of violence, to break down the leave period so that it can be taken flexibly.
- The bargaining proposal for the renewal of the national electrical agreement (2016-2018) makes reference to workplace harassment and violence, specifying that all companies are requested to sign a public "intolerance" statement.<sup>8</sup>
- In the energy sector the national agreement for energy and oil principally covers the energy company ENEL, which has adopted an ethical code on equal opportunities, women's career paths, and prevention of violence and harassment. The national agreement refers to 'equal dignity to prevent sexual harassment and limitation on one's freedom; safeguard the dignity of men and women in the workplace'. A 2012 report by ENEL's National Committee on Equal Opportunities for Promoting Equality, Diversity and Respect sets out objectives to further promote equality and dignity at work, which are currently being discussed under ENEL's 'Policy Project for Diversity'.
- The national agreement in the gas and water sector is under discussion for review, and includes training aimed as disseminating a gender specific culture in order to prevent violence and harassment against women. According to Deborah Del Fiacco (UILTEC, Officer in charge of national energy and water sector): "This is a good practice as it emphasizes the need to change culture and promote respect for all workers, including women. Training is essential to enable people to become more sensitive and avoid harmful behaviours."

### ***Collective agreements in the building and woodworking sector***

In this male dominated sector there have been some success stories and a long history of union activity to address gender based violence partly driven through the union because a woman heads up the bargaining team and there is an active women's network in the sector. Women represent 30% of workers in the woodworking sector, whereas in the building sector women are 10% of workers. In the restoration and archaeology sector 80% of workers are women, many are young women and professionally qualified.

One of the most innovative and detailed agreements on sexual harassment and mobbing in Italy is found in this woodworking sector. The success of this agreement, signed in 2015, is evidence of the importance of having key women in negotiating positions who have driven the issue as a key priority in the union and with employers. The agreement includes a detailed

<sup>7</sup> FILCTEM CGIL, FEMCACISL, UILTEC "Piattaforma per il rinnovo del CCNL Gas-Acqua, 2016-2018.

<sup>8</sup> FILCTEM CGIL, CISLReti, UILTEC "Piattaforma per il rinnovo del contratto del settore elettrico 2016-2018

Code of Conduct on sexual harassment and mobbing (see Appendix 2), with definitions and formal/informal procedures to be implemented. It is widely viewed as being a good model for agreements in other sectors. Following the success of this agreement the union is currently working towards agreements in the building sector. In every bargaining proposal the union includes the same code and language with a view to it being accepted in all building sectors. As the head of bargaining, Mercedes Landolfi, says:

We decided to have a hands on approach in the bargaining process. Our work started many years ago and we have had recommendations and clauses included in most agreements. It has been simpler to have this code accepted in a sector like woodworking as this is a sector where there are many women. We collected data showing cases of harassment, violence and discrimination against women – the conditions they work under are challenging. It is a unique agreement, in Italy these codes are usually used at 2<sup>nd</sup> level bargaining, but this is a national agreement. We are the first sector in Italy to do this.

It is interesting to note the process that was put in place to reach an agreement started with research to see if there were any other examples at national/European level. It was agreed that a simple, but comprehensive, Code of Conduct was needed, that also spelt out the definitions and solutions that could be implemented. According to the head of bargaining it made a lot of sense to draw up an agreement that employers would find acceptable: “It was important to have something easy to be implement – it would make no sense to have a complex code as it would never have been accepted by the employers.”

The Annex to the four year agreement establishes a committee of union and employer representatives who are tasked with raising awareness amongst employers and employees. A key issue for the union is to convince women to make complaints. The agreement requests companies to commit to signing the Code in one year after the establishment of the committee.

The union is now prioritising work to implement territorial and company level agreements, and to engage in dialogue with companies. As the head of bargaining argues this focus is crucial in the light of the economic crisis:

The territorial company level is the next focus as the economic crisis has led changes in work organisation and more violence. Dialogue is ongoing and we have understood that it is key to keep the enterprises involved, it is not rewarding to argue with companies, we don't want the women workers to be forced to choose, if they are forced to choose, at a time of economic crisis like this one we know women workers they will choose to stay at work and their job. So we are bypassing in a way the problem by keeping the enterprises involved. They have to know it is a matter of CSR and good for companies image and reputation, especially when they are listed in the stock exchange. However, it will more difficult in the small companies. There is a macho approach, this is difficult because you are talking to male dominated sectors. (Mercedes Landolfi, Head of Bargaining)

### ***Collective agreements in the food and agriculture sectors***

In the food and agriculture sector unions are involved in negotiating agreements at all bargaining levels on violence and harassment. This role has been driven by the union's coordination mechanism on equal opportunities.

#### *Food sector*

On 5<sup>th</sup> February 2016 a national agreement was signed for the food sector on the prevention of discrimination (between the unions FAI-CISL, FLAI-CGIL, UILA-UIL and 15 employer's

associations from the employers' body Confindustria). The agreement sets out a memorandum of understanding 'Joint Statement' (see box below) based on the National Framework Agreement on violence and harassment at work signed by the three main trade union federations. It also includes a clause setting out the legislative provisions for three months paid leave for victims of domestic violence, with an additional three months leave period, which is in addition to the three months leave in the legislation (See Section 4).

**Joint statement on discrimination prevention in the food sector FAI-CISL, FLAI-CGIL, UILA-UIL (unions) and 15 employers' associations from the food sector of CONFINDUSTRIA, 5 February 2016**

The parties, on the basis of the recent framework agreement on harassment and workplace violence, signed by Confindustria, CGIL, CISL, UIL on 25-01-2016, hereby mutually acknowledge and recognise the importance of the fact that the relations between the Company and the employees should be inspired by principles of civil coexistence and mutual respect and respect for the person's rights and professional qualities. The Parties consider discrimination for reasons like race, religion, language, gender, political belief or trade union membership unacceptable and intolerable.

The Parties hereby commit themselves to drawing up and finalising a national behavioural code against sexual harassment and mobbing

Unions in the sector want to encourage more women to report cases of sexual harassment and violence and see the agreement as one way to encourage them to do so. There is a lot of anecdotal evidence of sexual harassment and violence against women in the food sector, much of which is psychological harassment and closely connected to stress for workers and issues such as forced night work and work shift changes. Unions are of the view that negotiators at workplace level will need to be trained on how to implement the agreement and unions have begun a process of informing women of their rights. The agreement has been discussed at trade union meetings in all food companies and each company has had to approve the statement of intent by 27 March 2016. It is anticipated that by the end of March all companies and unions will have discussed the signed document.

*Agriculture sector*

In the agriculture sector it has been much harder to bring issues of violence and harassment to the negotiating table. In this sector there is a great deal of anecdotal evidence of harassment, sexual harassment and violence against women, particularly of migrant women working in the fields.

Data collected by a recent UIL survey<sup>9</sup> shows that there are 909.528 workers in the agriculture sector (61.64% men, 38,36% women). However, the data underestimates the actual level of employment owing to extensive illegal recruitment and illegal work. Organising is difficult as there are many small farms. However, in some parts of agriculture, for example, in the poultry sector there is a national labour agreement.

The issue of sexual harassment and violence in the workplace is rarely discussed and women rarely complain because of the precarity of their employment situation – in some cases there are extreme forms of violence and rape perpetrated against women which occasionally receive media attention. Many agricultural workers are organised by gang masters and it is a sector where many young women have experienced violence and harassment (Puglia and Calabria

---

<sup>9</sup> Elenchi Anagrafici Braccianti Agricoli (2014) Elaborazione degli elenchi anagrafici pubblicati dall'Inps a cura della Fondazione Argentina Altobelli. UILA UIL.



are two regions where there are high rates of illegal recruitment). For this reason unions have concentrated in campaigning for improved legislation that addresses gang masters, illegal recruitment and trafficking. The union has discussed this issue with the Minister of Agriculture where the issue of violence against women has been raised in the sector.

### ***Collective agreements in the public sector***

Progress has come to a halt in the public sector, where there has been no national agreement for seven years. According to Maria Grazia Gramaglia (UILPA, National Secretary of the UIL public administration sector responsible for equal opportunities):

Harassment is increasingly a problem of changes in work organisation, people are experiencing great discomfort and we are finding that men exploit their power over women. Performance bonuses are granted by the managers (male) and are often used as a blackmail tool. If a woman accepts sexual harassment as part of the performance bonus, the woman's dignity is affected. Women are the biggest victims. The professional path of women is also an issue in public administration – very few women earn as much as men. Very few women benefit from performance bonuses and career progression and are stuck in admin positions. We have fewer people working in the public administration, these are leaner times, working conditions are worse and work organisation is creating problems. This is not helped by widespread corruption in public administration.

The public administration union, UILPA, anticipate that a process of bargaining will commence soon to include provisions on sexual harassment in all collective agreements in public administration. According to the report on the implementation of the 2007 European Framework Agreement, the social partners in the public sector agree that the framework agreement is taken into account in National Collective Agreements for the public sector since 2003. Collective agreements address these issues from the perspective of psychological mobbing and includes the establishment of Joint Committees on Mobbing, which have the role to prevent and resolve harassment and violence at work. Agreements also address the issue of sexual harassment and sexual violence through a model 'Behaviour Code against Sexual Violence at Work', for implementation across the public sector. One good practice in the public sector is that 'Advisors' have been appointed at workplace level to provide advice and help to victims of violence.

### ***Domestic workers***

Precarious work and a high rate of unemployment in the domestic work sector means that women are very vulnerable to violence, many do not report violence as they have no source of income. This is a sector where is very hard for unions to organise women and conclude collective agreements (disparate and fragmented workplaces, no employers' organisation to negotiate with). In addition, where women have made complaints of violence, they tend to withdraw them. The ratification of the ILO Convention on Domestic Workers is viewed as an important mechanism to protect the rights of domestic workers. CISL, for example, provides support to domestic workers through a solidarity social insurance fund. Specific union activities include implementation of the Convention, prevention of slavery and trafficking, and lobbying to improve conditions of work and agree a professional qualification and training framework for domestic workers.

### 3.4.1 Union action to prevent and tackle mobbing at work: the role of ‘mobbing and stalking counters’

In Italy mobbing is recognized as an urgent health and safety risk in the workplace, resulting in physical, psychological strain and suffering. It is a growing problem related to changes in the organisation of work and increases in work demands. Several unions spoke about the danger that mobbing is increasingly seen as a gender neutral issue, although in practice the majority of cases of mobbing are against women, and often take the form of sexual harassment. As Mole (2012)<sup>10</sup> argues workers are not viewed as sexualized or gendered subjects, which results in limiting the understanding of the issue as a form of gender discrimination and unequal gender relations.

The state agency INAIL (Occupational Health and Workers Compensation Authority) is responsible for addressing occupational safety and health and has established assistance to workers who have been mobbed and harassed through a network of mobbing counters. The counters provide information and advice to victims, and collect evidence of mobbing and issue medical reports of the physical and psychological damage caused with a view to resolving cases and winning compensation for victims. Unions have also established mobbing and stalking counters across the country to provide advice, support, information and informal and formal resolution of complaints made by victims of mobbing.

The person responsible for the mobbing counters in INAS (Carla D’Amato, Sportello Mobbing INAS) spoke of the growing problem of mobbing at work, including sexualised forms of mobbing:

In my experience women more than men experience sexualised forms of mobbing. Sexual harassment is a tool used by men to mob women. For women, pressures of work take peculiar forms – stress higher for women to stop women’s professional growth and career. Also women attack other women, referred to as envy syndrome. Mobbing affects women in middle positions – white collar employees and lower workers. And it affects the worker and her relationship with her family. Many victims do not realise that they are victims of the mobbing.

INAS is of the view that unions have a crucial role to play in helping and supporting workers to make complaints. However, in the absence of specific legislation defining mobbing the burden of proof rests on workers and it has been difficult to place obligations on employers, particularly in deal with perpetrators. In addition, many companies in Italy are small companies without HR departments.

Unions have played an active role in preventing and tackling mobbing through the establishment of ‘mobbing counters’. An example of a good practice centre is the dedicate mobbing and stalking counter in Naples, where a network of psychologists, mediators, lawyers and police have the objective to reduce violence and mobbing. This network, according to Anna Letizia (coordinamento donne Napoli, CISL) “plays a pragmatic role and through the network they help us, along with municipal social workers to make the best possible decisions for victims.”

---

<sup>10</sup> Mole J N (2012) Labour Disorders in Neoliberal Italy: Mobbing, Well-being and the Workplace. Indiana University Press

The Counter was established in 2010 and is run by volunteer workers, lawyers and psychologists. It is led by an energetic and committed women's officer, who has built a network with all sectors – health, education, social work, police, lawyers, courts – to ensure that service providers are aware of the needs of women experiencing violence. The counter deals with violence against women and stalking (as the majority of cases are women) and counter staff support and accompany women to court and help them to make decisions. Since 2010, approximately 100 cases have been reported to the police. Ongoing support is offered to women as investigations are carried out. In 80% of cases where support has been given by the counter, women have experienced domestic violence. Sexual harassment at work are the other common type of cases reported to the counter, including cases where managers tell women that if they don't have sex with them they will lose their job. Another typical case is of stalking of women, primarily from ex-partners. The Naples counter disseminates leaflets, carries out awareness raising and training with judges, lawyers associations and court personnel.

Another good example is from the public administration sector, where UILPA opened its first mobbing counter in Rome in 2011. Today mobbing counters exist in all towns and regions in Italy as demand has been high and because more and more women felt that there was a need for a response. The counters are funded by UIL with the objective to raise awareness and disseminate information to promote a change in culture of non-violence. UILPA has drawn up guidelines on how to address violence and harassment, information about different forms of violence and a dedicated union web site and newsletter. In 2015 approximately 80 people used the service, where the objective is to stop an incident and to work with the perpetrator of violence and harassment, with a view to resolving the problem. Legal advice and psychological support, including counselling, are provided to victims.

According to Maria Grazia Gramaglia (UILPA, National Secretary of the UIL public administration sector responsible for equal opportunities and the mobbing counter):

From a trade union point of view, we examine all options and support the person through the whole process; a psychologist helps understanding of the psychological aspects of the problem and we have a lawyer if legal action is to be taken.

In practice, the majority of cases reported by women and sexual harassment is identified as a specific problem and growing problem in the workplace (of which 80% of reported cases are of sexual harassment). UILPA anticipate that the national agreement on violence and harassment at work will increase demand on the services provided by mobbing counters, for example, for legal and psychological support.

### **3.5 Union awareness raising, campaigns and training programmes**

Unions in Italy have a long history of campaigning for and raising awareness about all forms of gender-based violence, including the impact of domestic violence in the workplace and gender-based violence at work. The women's departments of the three confederations have actively engaged with women's and feminist organisations in the community. The following are examples of union awareness raising, union campaigns and training:

- The three Italian confederations have been active for many years in running meetings, seminars and training on violence against women at local and national levels. In addition, the unions have regularly published articles on violence against women in union journals and newsletters, as well as in national newspapers, and has circulated flyers and campaign materials on violence against women. Unions also hold annual national,

regional and local events to raise awareness on International Day for the Elimination of Violence Against Women.

- CISL drew up a Platform on the prevention of violence against women and children in 2011 with recommendations on how to jointly address the problem.
- In 2012 the three confederations drew up a joint proposal and protocol to improve understanding and to tackle violence against women, which was presented to the Ministers of Labour, Equal Opportunities and Internal Affairs Ministers a plan and protocol for combating violence against women. It was submitted to the Ministry of Labour as part of lobbying for an agreement on violence against women in the workplace. The proposal covers preventing and combating violence against women; trafficking, slavery and exploitation; domestic workers; workplace violence mobbing, stalking, connected to stress on the workplace; and violence against children. Although the confederations believed they were well ahead of time, the document was a very powerful way to highlight the problem of violence against women and children and raise awareness. This joint work resulted from a network established between the three confederations aimed at developing national and local level strategies and agreements in partnership with law enforcement, health and education agencies and providers. For example, cooperation with the education system aims to improve awareness and promote, tolerance respect and dignity with children in primary schools.
- CGIL in partnership with NGOs has held a national campaign “Vive le Donne” on violence against women and femicide.
- A CISL campaign has recently been launched to implement the national agreement on violence and harassment at work. The campaign: “Together we are happy at work” aims to convey a modern message and seeks to raise awareness and carry out ongoing monitoring.
- One of UIL’s awareness raising initiatives included funding a DVD on violence and stalking that was produced by a centre for abused women in Bologna, and distributed through a national supermarket chain.
- CISL produced a short handbook that was disseminated to supermarkets and factories explaining stalking in very simple terms.
- UIL drew up a list of criteria related to ‘no to violence against women’ which was circulated in the form of posters and postcards to all trade union offices and the media as an awareness raising tool to change culture within the organisation. Union members were asked to send the postcards as confirmation that the union was doing to address violence against women.
- All three confederations have organised speakers, seminars and events on International Day Against Violence Against Women. Examples include a roundtable held at the UIL national office in 2011 on violence against women and girls with stakeholders (police, health, women’s associations, women legal experts and members of parliament) to discuss what is being done at the institutional level. A further event organised in 2013 focussed on how violence against women can be addressed as a safety and health issue in the workplace, and was attended by national experts, representatives from the health sector, law enforcement agencies, universities and women’s associations. In 2015 a roundtable attended by academic experts, government ministries, women’s associations, Interpol, inland revenue, police and the national statistics institute, discussed a range of needs and strategies in relation to violence against women and trafficking.

## **Other union initiatives with the government**

The three confederations UIL, CISL and CGIL have actively campaigned for and participated in the parliamentary hearings held prior to the adoption in 2012 of a law on gender violence. The unions also took part in the task force set up by the Department for Equal opportunities

with a view to combating violence and discrimination against women, in particular domestic violence, physical, psychological and moral violence as well as moral and sexual harassment.

In 2000, jointly with the Labour Ministry, UIL proposed the establishment of a Supervisory Authority against violence in the workplace, which is now envisaged within the so-called Single Guarantee Committees created in 2010. This Authority will replace the old Equal Opportunities Committees and Bullying Committees for more incisive action to combat any form of discrimination against women in public companies. At regional level, a draft protocol of agreement was negotiated to create a regional observatory on gender violence and promote shared strategies to combat violence against women in the Friuli Venezia Giulia Region. The Lombardy region established a permanent group on violence against women which involves social partner organisations together with local authorities.<sup>11</sup>

The UIL National Officer Responsible for Equal Opportunities (Maria Pia Mannino) is the Vice President of the Ministry of Labour's tripartite committee on gender parity. She has been involved in drawing up an official document of the Ministry on dealing with sexual harassment and violence against women, with a specific focus on women's entry to labour market. Three months previously the Committee advised the Ministry of Labour on a Code of conduct on prevention and combatting of violence and sexual harassment in the workplace, which also led to seminars and conferences to promote the issue. Maria Pia Mannino argues that more needs to be done to change gender culture: "here is a sexist culture in Italy – education is really important to changing culture. There is a project with the Ministry of Education and the union has called for all levels of education to discuss gender differences and discussion on cultural difference (as well as religious differences). (Maria Pia Mannino, National Officer responsible for equal opportunities and Head of Women's Committee, UIL) "

### **3.6 Links and cooperation with civil society and women's organisations**

As well as cooperation and events held with women's organisations described in the last section, there is one good example of a partnership with a women's domestic violence organisation in the transport sector.

In the transport sector FIT CISL partnered with the national association 'Volontarie Nazionali del Telefono Rosa', a women's association that established in 1988. Today it provides legal and psychological support through female lawyers, banking consultants, psychologists and cultural mediators. In addition to a telephone help line, and shelters for victims of violence and their children (as explained by the president Gabriella Moscatelli).

Telefono Rosa started to cooperate with the three trade union confederations many years ago, with campaigns and conferences to draw attention to the issue of violence. A training program in schools was already implemented in 2012.

A psychologist and lawyer has worked in collaboration with FIT-CISL at the national level through training courses, meetings with trade unions and recommendations for women on how to defend themselves. According to the unions and Telefono Rosa this initiative had an impact on how male colleagues see women in the workplace and has increased their awareness

---

<sup>11</sup> Cited in ETUC (2014) 8th March Survey. Available at:  
[https://www.etuc.org/sites/www.etuc.org/files/other/files/etuc\\_8th\\_march\\_survey\\_2014\\_en\\_eh.pdf](https://www.etuc.org/sites/www.etuc.org/files/other/files/etuc_8th_march_survey_2014_en_eh.pdf)

about violence against women and the impact of certain behaviours on women. The project involved the following initiatives:

- Telefono Rosa provided training for FIT-CISL members and members of the women's coordination unit on gender-based violence. This was delivered through a three module training path.
- Meetings were organised with national and regional managers and workers in the transport sector in order to promote a culture of respect, dignity and non-violence.
- The lack of an evidence based led FIT CISL to carry out a survey on gender based violence in the transport sector, based on 1000 completed questionnaires. The results, which pointed to systematic sexual harassment and negative attitudes to women, were presented to national assembly of FIT. This was the starting point to draw up a proposal document – involving other trade union confederations – with the aim of promoting national and sectoral level bargaining to combat violence against women. In addition, a survey in the air transport sector provided evidence for a series of agreements on gender based violence.

### 3.7 Challenges faced by unions

Unions in Italy highlighted a labour market typified by small companies and an increase of non-standard and precarious employment relationships in the private sector.<sup>12</sup> This, they argue, has led to greater risks of sexual harassment. Some of the highest risks of sexual harassment exist in the agricultural sector and in domestic work – these are sectors where many migrant workers are employment and are often poorly protected by trade unions.

- One of the main challenges raised by interviewees is the challenge of a creating a pervasive culture of sexual harassment in the workplace. Sexual harassment has increased in the private sector and has been used as a tool to blackmail and lay off workers. This is the issue affecting women in small companies and migrant women.
- Union spoke of the lack of awareness of anti-discrimination legislation in Italy, and a reluctance on the part of victims of sexual harassment to make complaints to their employers. Fear of losing a job, fear of retaliation and lack of knowledge of the law are all seen to impact on the low number of cases before the courts.
- In male dominated sectors it has been hard to identify sexual harassment - there have been no formal complaints of sexual harassment, even though unions know of many cases of psychological harassment against women by their bosses. "Women are often bullied in this sector, often locked in an office without change of promotion or advancement – physical and mental discomfort rather than violence." (Deborah Del Fiacco, UILTEC, Officer responsible for the national energy and water sector)
- All unions spoke of the importance of raising awareness with men in the unions and for men to be champions for challenging gender-based violence.
- A further challenge is the resistance, within unions and amongst employers, to seriously address violence against women as an issue related to gender discrimination and unequal gender relations.

---

<sup>12</sup> Around 90 percent employ fewer than sixteen workers and are exempt from the provisions of the Statuto dei Lavoratori. Between 70 and 80 per cent of private-sector hirings are atypical employment relationships. ISTAT estimates that there are currently about four million workers in precarious employment, or 17.2 per cent of all employed. Most of them are under 35 years of age.

### 3.8 Recommendations from unions

Unions made a number of recommendations about how to address violence against women in the workplace.

- A starting point is to have a good legal framework to tackle the issue and ensure that it is integrated into collective bargaining.
- The potential of an ILO Convention and an EU legal framework on the issue is seen as important to ensuring government commitment to a strong legal framework.
- All unions recommended a systematic and ongoing campaign of awareness raising, so that male workers and trade unionists, and employers, understand the gendered nature of violence against women. This is particularly important in the implementation of the national agreement on violence and harassment at work in company level bargaining and workplace policies.
- It is important that unions lead the way in developing best practice workplace policies that not only set out clear definitions, but also contain concrete measures for prevention, effective and confidential complaints procedures, and sanctions against perpetrators.
- Unions have an important role to play in raising awareness amongst women workers about their rights and how they can make complaints and be supported by a trade union representative.
- Workplace union representatives also need training in how to support victims of violence and press for effective forms of prevention and procedures at workplace level.
- An important starting point for unions is to focus on precarious work, worker exploitation and the growing incidence of illegal workers, as these are the groups of workers that are most at risk of violence and abuse.
- Violence against women is an issue of gender segregation and gender inequality and this needs to be tackled in an integrated way.
- It is important to focus on violence connected to prostitution and trafficking, including the incidence of disappearing children.
- A further issue is that violence against women in the workplace needs to be tackled in the broad context of all forms of violence against women. Unions need to raise awareness about all forms of violence against women. In particular, if a culture of zero tolerance and dignity at work exists, this will have a spill-over effect in the community and in the family.

## 4. Domestic violence at work

### 4.1 Introduction: the role of unions in addressing domestic violence at work

Since the enactment of the 2016 Jobs Act (described in Section 1) unions have started to become active in examining the implications of the legislation and how the domestic violence leave provisions can be negotiated into collective agreements. Although a new issue for union negotiators, many campaigns and awareness raising initiatives on domestic violence have been held by women's departments of the three confederations.

The 2016 Jobs Act was the outcome of a sustained campaign over many years by unions and women's associations. According to Lorendana Taddei, National Officer Responsible for Gender Equality, CGIL:

The provisions in the Jobs Act are unprecedented in giving leave of up to three months for women who have suffered domestic violence; this is a new and very important development. We will work hard now to ensure that this norm is enforced. We got the

provision into the legislation after many years of lobbying of the government by women's and feminist associations and unions. We have had a continued dialogue about violence against women... For a long time we have been saying that domestic violence is not the only type of violence and that there is also violence at work. Eventually the eventually the message got through.

Since the enactment of legislation in 1996 (Law 66/1996) defining sexual violence as a 'crime against the person' there have been a range of enactments, including the 2001 law on domestic violence (154/2003) which covers all family members (husbands, wives cohabiting partners, children and parents) who are subjected to physical as well as psychological violence. The victims can ask and obtain from the courts a 'protection order' which obliges the offender to leave the family home. In 2006 a national hotline for victims of violence was established (1522 toll free number available 24-hours a day). It operates as a hub transferring calls to a national network of local hugs across the country. As of 2014, there were still many areas of the country not covered by the service.

On 19 June 2013 the Council of Europe Convention on 'Preventing and combating violence against women and domestic violence' (Istanbul Convention) was ratified by Italy.

The government's National Action Plan on Violence against Women and Stalking has been widely criticised for the lack of consultation held during the draft of the Plan, which is seen to lack clear objectives and a focus on prevention.

In Italy there is a well-established network of anti-violence centres that are funded and promoted by civil society organisations and linked to the Italian women's movement. The network of anti-violence centres, coordinated by the Italian women's movement demonstrates good practice in providing services, exchanging experiences and in creating dialogue and partnerships with public authorities at national and local levels.

## 4.2 Data and evidence

There has been little or no data collection or research studies on domestic violence at work, although national data shows high levels of domestic violence in Italy. A telephone survey of 25,065 women in 2006 found that 32% of women had experienced physical violence, sexual violence or threats by a partner or a non-partner since the age of 16 years.<sup>13</sup> In the FRA survey, 29% of women in Italy have experienced physical and/or sexual violence or threat by a partner or a non-partner since the age of 15. According to the EIGE Gender Equality Index<sup>14</sup> 17% of Italian women suffered physical violence by a partner since the age of 15 and 7% suffered sexual violence. Overall, 51% of women surveyed stated that they had experienced sexual harassment (at work and other locations).

It is of interest to note that women who are victims of domestic violence are the largest share of users of services in the union run mobbing counters. For example, in the UIL mobbing counter, around 80% of users who contact the centre for help are women (45% request help because of domestic violence and problems of stalking by ex-partners).

---

<sup>13</sup> ISTAT (2008), *La violenza contro le donne*, Rome, ISTAT, p. 13.

<sup>14</sup> <http://eige.europa.eu/sites/default/files/documents/MH0215178ENN.pdf>. P. 54

### 4.3 Collective agreements and workplace policies

Interviews with unions in Italy showed a good awareness of the legislation and plans were being put in place to insert clauses into all new general collective agreements, setting out the domestic violence leave entitlements, and in some cases extending leave entitlements further.

Unions argue that it should be possible to persuade employers as models of leave exist for other groups of work (such as reconciliation of work and family life, leave for older people and leave for marriage). However, there was criticism of the law as it excludes domestic workers, who are particularly at risk of violence. Many domestic workers live in the home of their employers and unions argued that women domestic workers should have access to domestic violence support services and have entitlements to the domestic violence leave provisions.

Unions highlighted the importance of negotiators being informed and aware about the nature of domestic violence and control over women's mobility and access to employment. In many cases violence is perpetuated over a long period of time, resulting in a woman losing her job or it becoming impossible for women to seek employment. Unions recognise the crucial role that the workplace can have on economic independence, which make may it easier for a woman to leave a violence and coercive relationship. As one union leader stated: "We have to make sure women have jobs – if they can leave the house and if they can reconcile work-family life and have a fair salary they may be less dependent in a violent relationship."

The following are example of agreements that have included clauses on domestic violence at work.

#### *Food sector*

In the **food sector** the joint statement by unions and employers on discrimination prevention in the food sector (5 February 2016) sets out provisions of leave for women who are victims of gender violence.<sup>15</sup> The agreement states that: 'The Parties, in compliance with article 24 of the Legislative Decree dated 15 June 2015, agree that the women workers who meet the legislative criteria are entitled to an extension, up to a maximum of 3 months, of the paid leave, to be paid for by the company in accordance with the methods and time frames indicated in the above-mentioned legislation.'

In the **transport sector** an objective has been set for all new agreements to incorporate the three months leave entitlement. Unions want to see the legislation enforced and for it to be utilised on an hourly basis. One of the issues raised is that it is important to keep women in the workplace and for women to have access to flexible forms of leave, for example, for police or court appointments or for counselling. However, unions are concerned that changes in work organisation and greater pressures at work may mean that employers will not implement the procedures.

In the **national energy and water sector** reference is being made to the law in all collective agreements. As soon as the Jobs Act was enacted the unions in these sectors immediately incorporated it into all agreements in order to enforce legislation at workplace level. The key challenge is getting companies to comply with the legislation. In these sectors bargaining has

---

<sup>15</sup> Joint statement on discrimination prevention in the food sector FAI-CISL, FLAI-CGIL, UILA-UIL (unions) and 15 employers' associations from the food sector of CONFINDUSTRIA, 5 February 2016

led to calls for the paid leave to be flexible and for it to apply for up to six months. Women may resort to leave, and we apply for this leave period of 3 months to last for longer (to be able to split it) up to six months. Unions are putting a great deal of effort into creating a single agreement with a dedicated section on specifying that women who are victims of domestic violence are entitled to leave’.

The **electrical collective agreement** currently includes reference to violence against women in a section on women’s rights. According to Deborah Del Fiacco (UILTEC) a great deal of effort is being given to extending the leave provisions in the law, which resulted in a bargaining demand to extend the three month leave provisions in the Jobs Act to six months:

This issue is being integrated into national collective agreements and this is why we have to negotiate it and extend it for up to six months – but companies are not interested in it because it is a cost. It’s a give and take process in bargaining – we will try to bargain for it. In addition, we will push for the principle of lending hours / leave for people in need, where women victims of violence can borrow leave time, which is similar to a time bank but goes further as they can borrow time from others.

In the **chemical sector** several agreements have been signed on reconciliation of personal and professional life, which includes a leave period for victims of violence, and right to switch between part-time and full-time work. Because the national agreement in the Chemical sector was up for review in 2016, the union added a new section for the introduction of company based observatories for improvement of performance, reconciliation, smart working/flexible working hours, new work organisation models, and compliance with gender issues. It gives specific attention to mothers and fathers and includes the principle that ‘if you are well at home you will feel well at work’. This is seen as a very important approach to make the connection between balancing work and professional life with gender-based violence.

#### 4.4 Union awareness raising, campaigns and training programmes

CGIL has had sustained campaigns on violence against women, including a banner on the façade of the CGIL headquarters that reads ‘Violence against women is a defeat for all’ (La violenza contro le donne è una sconfitta per tutti).

CGIL awareness raising activities have engaged a wide range of stakeholders to raise awareness about how to address domestic violence, including the police force. Training has also been carried out with police representatives, with a view to raising awareness amongst the police about the reasons why women do not approach the police and why women do not trust the police because of a male culture.

CGIL campaigns on violence against women have shifted focus in recent years from images of women as weak, frail and needing protection to one of women brave and able to make change.

We wondered is this an acceptable way to talk about women, and what image are we giving to our teenagers, are they going to be frail people? So we decided to change our communication approach. We have no more campaigns of women hiding in the corner with bruises and blood, instead we have an image of bold brave women in communication style. In addition we started to talk to men as we wanted to talk to who is responsible for the crimes (Lorendana Taddei, National Officer Responsible for Gender Equality, CGIL)

In Emilia Romagna, the three union federations have been working in partnership with unions from other regions and countries. This started with a training programme in 2007 and a specific mainstreaming project, awareness raising materials and work on the 2009 joint statement setting out joint actions against violence against women.

An innovative training programme was run by CGIL in 2012 in Emilia Romagna included training materials and a DVD 'One thousand faces of violence'. It explored different approaches to addressing violence against a mother and violence against a young woman. It helped to engage the union in addressing violence against women in collective bargaining with a focus on all forms of violence against women, including domestic violence, violence in public spaces and in the workplace.

On 10 March 2016 a CGIL Emilia Romagna conference actions to be carried out to address gender-based and sexist advertising, which often display violence against women. The union campaigned for the withdrawal of a university of Bologna advertisement displaying women in 'provocative' positions, which was seen to perpetuate a culture of women's inequality and a message that it is acceptable to violate women.

#### **4.5 Links and cooperation with civil society and women's organisations**

All unions spoke of good connections made with women's organisations and the sharing common objectives to eradicate violence against women. Activities include joint meetings, press conferences and campaigns to pressure the government to change the law, an example of which is the 2016 Jobs Act.

At the territorial bargaining level in Emilia Romagna, for example, there has been good collaboration between unions, women's associations and municipalities, including discussion of strategies to combat all forms of violence against women. The three confederations successfully collaborated to recommend changes to the regional law and guidelines to prevent gender-based violence. On 20 July 2015 CGIL, CSIL and UIL with the employers and civil society entered into a labour agreement for integrated multi-level plans at regional level, with reference to implementing and elaborating on the guidelines established, following the enactment of the 2013 legislation on gender-based violence approved at regional level, and this led unions to organise awareness raising (in schools, in the media etc.).

#### **4.6 Challenges faced by unions**

Unions interviewed identified the need to do more specific awareness raising at company level and to ensure that domestic violence at work is included in company level bargaining, so that the workplace can be a supportive environment for victims of domestic violence. Trade unions also identified the need to draw up trade union implementation plans to address cases of domestic violence that are reported in the workplace.

We have to establish cooperation with companies as part of the whole wellbeing of an organisation. And we need to change gender culture in the workplace, which can be a trigger for change in society. (Maria Pia Mannino, National Officer responsible for equal opportunities and Head of Women's Committee, UIL)

However, several unions highlighted the absence of measures built into the law to support women, and particularly to ensure they are safe when they return to work after a period of leave. This is particularly an issue as women's organisations report reduced resources to support victims of domestic violence since the economic crisis. Informing trade union

representatives about the provisions, and how they can play a sensitive and supportive role, as well as ensuring that women workers know their rights, are other key challenges that need to be addressed.

Trade unions recognize that it is important to build on the provisions in the Jobs Act to ensure that there is support for a woman after the three months leave entitlement has ended. A further issue is that the legislation fails to address how employers can deal with the issue of the perpetrator of violence works in the same workplace as the victim. In this context, employers should have the responsibility to prevent and address domestic violence, and where necessary and possible relocate a woman to another work site where she will be safe.

In an Italian context, the wider organisation of protection and services for victims of domestic violence needs to be rethought. Two interviewees highlighted the good practice Scottish inter-agency model, which has an integrated approach of collaboration between agencies.

Unions and women's organisations are critical of the lack of a comprehensive and coordinated approach to service provision and partnership amongst public actors as set out in the Istanbul Convention. Challenges include the availability of resources and coordination amongst public actors in the provision of services, as well as the uneven distribution of responsibilities amongst different levels of governance (regions, provinces and local municipalities).

Unions spoke about challenge of enforcing the legislation and the need for awareness raising and detailed guidelines to be drawn up for employers about implementation.

Unions also raise the challenge of ensuring that the government fully implements the Istanbul convention and for there to be an integrated framework to tackle violence against women. However, the provisions contained in the national plan on violence against women (issued in April 2015) have been criticised by unions and women's associations for failing to fully implement the Istanbul convention, particularly in relation to prevention. The plan refers to resources being allocated to regional governments, which the unions argue will lead to improvements in resources for services for victims of domestic violence. However, there allocation of resources from regional to local level is very slow and there is a complicated system of financing. CGIL are currently monitoring the steps to allocate resources locally. To date the union reports that there is a resistance at a regional level to reporting how resources are being allocated. CGIL report that many anti-violence centres are closing down due to a lack of funding.

One issue raised by the CGIL is the introduction by the government of the so-called 'pink code' legislation, which puts a statutory responsibility of mandatory reporting on hospital emergency department staff. However, CGIL has argued that this is not an effective model because it could be counter-productive and may lead to women not going to hospital if they have experienced violence.

#### **4.7 Recommendations from unions**

- Ensure that the domestic violence leave provisions in the Jobs Act are integrated into all national and workplace agreements, and where possible extend the leave provisions and build in support and other services for victims of domestic violence.
- There is a need for a multi-level intervention through bargaining agreements at national and company level, along with union awareness raising and prevention campaigns at municipal and regional government level.

- Continue cooperation with women's domestic violence organisations and shelters, and draw up agreements with domestic violence organisations and shelters so that there is also a focus on workplace issues and keeping women in work.
- Engage in sustained awareness raising and training for workers, and particularly to inform women and empower them to take up their rights and know that they can be protected and supported in the workplace.
- Implement better awareness amongst the police and judiciary about domestic violence – often the police do not intervene because they see domestic violence as a marital problem and do not treat it seriously.
- It is important to highlight the problem of violence against older women and older women's vulnerability, as many older women are being cared for in their own homes.

