

‘Safe at home, safe at work’ Project findings from eleven Member States

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Presentation to ETUC European Conference

‘Safe at Home, Safe at Work’,

Madrid, 24-25 November 2016

Violence at work: a trade union issue

Violence at work, including the effect of domestic violence at work, are core trade union issues:

- Violence affects the safety, health and wellbeing of workers
- A major and persistent barrier to achieving equality at work and in society
- It impacts negatively on job performance and productivity, retention of workers, absenteeism, as well as the overall climate of workplace relations and the working environment
- Rising levels of violence and harassment are directly related to the growth in non-standard forms of employment e.g. casual work, temporary work, involuntary part-time work, zero hours contracts etc. particularly affecting sectors where women and young people work

Combating sexual harassment and violence at work is one of five objectives in the ETUC Action Programme on Gender Equality (2016-2019), adopted at the Executive Committee 7-8 June 2016:

- To contribute to eliminate gender-based violence and harassment at work through adequate measures and actions protecting those people (most usually women) and those sectors mostly exposed to violence and harassment, also by third parties. Continue to make the link between domestic violence and work-level protection.

Aims of the 'Safe at home, safe at work' Project

- Improve trade union knowledge, collective negotiations and involvement in social partner initiatives to address and prevent gender-based violence at work
- Integrate a gender perspective into trade union actions to address and prevent violence at work
- Make recommendations for affiliates, for the ETUC and European institutions, including for the proposed ILO standard on violence at work

Eleven country case studies:

Belgium, Bulgaria, Denmark, France, Germany, Italy, Ireland, Netherlands, Slovenia, Spain, UK

How do we define violence at work?

There is no one agreed European or international definition of violence at work (or gender-based violence) and definitions vary (EU, ILO, WHO, UN). There are two main approaches in Europe.

- **Dignity harm approach: often defined legally in a ‘safety and health/wellbeing at work’ framework to encompass physical, psychological and sexual dimensions of violence:**
 - See for instance, legislation in Belgium, Slovenia, Netherlands, Bulgaria, France etc. that takes precedence over equality/non-discrimination legislation as the overriding framework on violence at work.
 - See also 2007 European Framework Agreement on Violence and Harassment at Work.
 - Concerns by some unions that this approach has resulted in invisibility of gender-based violence and a process of de-gendering.
- **Gender/sex discrimination approach: usually defined legally in a gender equality framework, sometimes with other protected grounds:**
 - See for instance the gender discrimination focus of the UN Declaration on the Elimination of Violence Against Women, (20 December 1993); CEDAW General Recommendation No. 19 (interpreting CEDAW article 11) states that sexual harassment in the workplace is a form of gender-specific violence and a factor impairing equality in employment.
 - EU 2002/73/EC amending the Equal Treatment Directive and the subsequent Recast Directive 2006/54/EC state that ‘harassment related to the sex of a person and sexual harassment is contrary to the principle of equal treatment between women and men’.
 - In some Member States equality legislation is the main framework used, where harassment and sexual harassment covers gender as one of several protected grounds in legislation e.g. UK and Ireland.

United Nations Declaration on the Elimination of Violence against Women

“Violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men.”

Intersectionality and multiple forms of discrimination

- Women, as well as racialised workers and LGBTI workers, are disproportionately affected by violence because of inequality, discrimination and unequal power relations.
- The risk of violence is exacerbated where there are multiple and intersecting forms of discrimination e.g. related to a worker's gender, race, disability, age or immigration status.
- Workplaces where the predominant workforce is one gender or one ethnicity may be more hostile to workers not conforming to established gender norms or individuals coming from underrepresented groups.
- It is important to take account of the risks and vulnerabilities faced by women who experience multiple and intersecting forms of discrimination, for example, migrant, black and ethnic minority women, older or younger women, disabled women.

We as young people see more objectification of women in our everyday life. It affects your career and your education. We are expected to dress and think in a particular way and it is everywhere.

“...you are most vulnerable to abuse where you lack power, women in flexible and insure forms of employment are of the least unionised.”

1. Gender-based violence at work

“[V]iolence against women” is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life[.]

(Art. 3 a, Council of Europe Convention on preventing and combating violence against women and domestic violence)

Gender-based violence work - overview

- The 2007 'Framework Agreement on harassment and violence at work' (ETUC, BusinessEurope, CEEP and UEAPME) has given an important focus to workplace negotiations:
 - e.g. national framework agreements signed in France and Italy; ZSSS in Slovenia and CITUB in Bulgaria drew up model agreements based on the 2007 European agreement, which the employers have refused to sign.
- In recent years sexual harassment has come back onto negotiating agendas – *“the problem never went away”, “we took our eye off the issue”, “we need to get the issue back onto bargaining agendas”*.
- Some unions pointed to the problems of de-gendering violence and to the importance of raising awareness that the problem is connected to sex discrimination / unequal power and gender relations.
- Mainstreaming the issue into safety and health and work environment policies is a strategic way to ensure that it is taken seriously in workplace bargaining.
- Collective agreements often follows what is in the legislation, sometimes enhancing or further defining legal provision - importance of a strong enabling legal framework.

Collective bargaining

- Unions see collective bargaining as the most important and effective way to address gender-based violence at work; however, some unions report on a low level of awareness of sexual harassment and some resistance.
- The structure of bargaining impacts on how unions negotiate on this issue, and has been affected by more fragmented and decentralised bargaining since the crisis.
 - National framework and sectoral agreements in some countries have been important in setting out principles for lower level bargaining
 - Importance of workplace level agreements in setting out more detailed codes of practice and workplace procedures to prevent and tackle sexual harassment.
- Over 55 agreements (national, sectoral and workplace) collected addressing violence at work, the majority include sexual harassment as part of a broader approach to violence.

Examples of good practices

- **Bulgaria:** in the transport sector FTTUB signed agreements with four municipal authorities as part of a campaign on violence against women in the transport sector. A special chapter on 'protection against violence at the workplace and gender equality' is included in the 2010-2012 sectoral agreement, with joint actions by employers and unions to prevent violence and a zero-tolerance approach.
- **Italy:** 2015 national framework agreement to transpose the 2007 European agreement on violence and harassment at work provides a framework for sectoral and territorial agreements. A good practice agreement on sexual harassment exists in the woodworking sector signed by the three unions in the sector (Feneal-UIL, Filca-CISL, Fillea-CGIL) – the agreement is detailed and includes a Code of Conduct which is now being implemented in companies and at the territorial level.

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- **Slovenia:** A good practice agreement in the banking sector addresses employer's responsibilities to prevent mobbing and sexual harassment and provides for paid leave for workers affected by violence at work. The ZSSS retail union signed an agreement for a workplace policy with the Mercator supermarket chain on zero-tolerance on harassment and sexual harassment, with detailed procedures to address and prevent violence at work.
- **France:** sexual harassment has been included in a large number of agreements on professional equality, setting out obligations on employers, procedures for dealing with cases and prevention measures. Good practices exist in the public sector and in companies such as La Poste, the defence company SAFRAN.

Union efforts to raise the visibility of sexual harassment at work

1. Improve the evidence base

- A key priority for unions has been to provide an evidence base to raise awareness about growing levels of sexual harassment, as well as barriers faced by women in taking cases and claiming their rights.
- UK TUC survey received significant media coverage, and gave evidence of pervasive sexual harassment at work, and the negative impact of the introduction of fees to take cases to tribunals. Similar union surveys in the university sector and in the creative arts/entertainment sector have also helped to show the impact of casualisation in these sectors.

2. Upscale awareness raising

- Unions have collaborated in Denmark to form a Joint Task Force and campaign to fight sexual harassment (3F, HK, Service Forbødn and the Technical Staff Union) with the aim to create common union strategies to significantly increase awareness and visibility of sexual harassment in unions, general public and the media.

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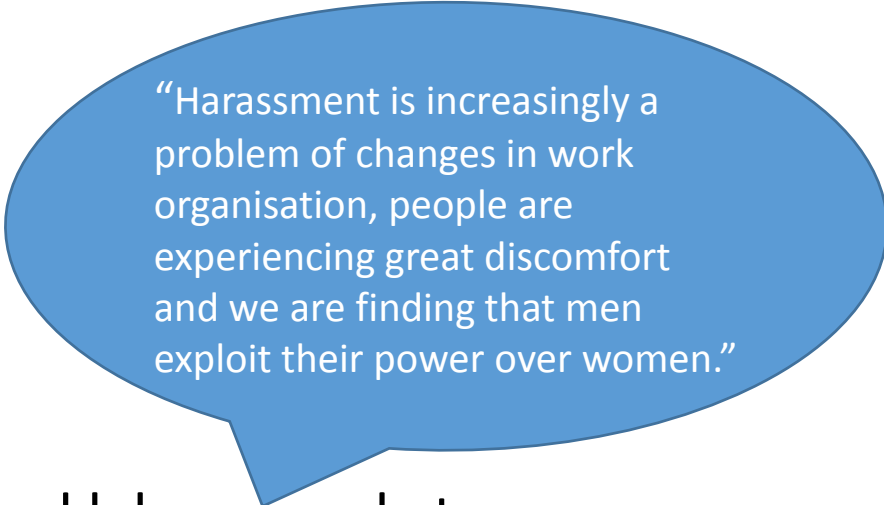
3. Union campaigns

- Campaigns have been carried out in most Member States often connected to 25th November; FTTUB campaign 'No to Violence against Women'; campaigns by UK unions e.g. Unite on violence in the hotel sector; campaigns to fight gender stereotypes and harassment of girls by teaching unions in several Member States

4. Guidance for negotiators

- Confederations and sectoral unions in the UK, Slovenia, Italy, Denmark, France, have produced bargaining guidance, model agreements and training for negotiators on how to negotiate agreements on sexual harassment and other forms of violence at work.

Key challenges



“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.”

- Growth of non-standard work and increasing casualised labour market.
- Problems of addressing the issue in small workplaces where there is low union coverage - most best practice approaches, including well-defined workplace policies and procedures, exist in large companies.
- Key problems identified in mainstreaming gender-based violence into safety and health / work environment policies and agreements.
- Difficulties in convincing some employers and union officials (often because of competing priorities) of the economic and social case for addressing gender-based violence in collective bargaining.
- The economic crisis has made it difficult to get gender-based violence onto bargaining agendas – at the same time unions in several countries identified increasing incidence of harassment and violence in the light of the crisis.

“This is an important new area of work for us, we will look at model agreements and learn about how we can develop new work on this issue. This is a challenge for our unions but should be a priority for us in the future.”

Domestic violence at work: a new negotiating issue

“It is in the public interest that we put domestic violence on our agenda and that we take this into a public discussion...It will also send a message to our members, some of who commit violence, that domestic violence is unacceptable and that it is a union issue in the workplace.”

The impact of domestic violence and abuse at work

Domestic violence and abuse has devastating effects for victims; at work it can lead to:

- High levels of sick leave, absenteeism and being forced to leave work
- Reduced work performance, difficulties in concentration and isolation from work colleagues
- Difficulties in access to work because of coercive control of money, clothing, transport to and from work, socialising with work colleagues, participating in training events etc.
- Harassment, violence and stalking by abusers in the workplace
- There is a wider impact on the working environment, team working and workplace relations

For employers and the economy:

- Domestic abuse costs the UK economy £1.9 billion (€2.2 billion) in lost economic output every year and leads to decreased productivity, increased absenteeism and increased employee turnover. (There are similar estimates from other countries)

The impact of domestic abuse and violence on victims at work

- High levels of sick leave, absenteeism and being forced to leave work
- Reduced work performance, difficulties in concentration and isolation from work colleagues
- Access to work affected where there is coercive control of money, clothing, transport to and from work, socialising with work colleagues, participating in training events etc.
- Harassment, violence and stalking by abusers in the workplace
- Has a wider impact on the working environment, team working and workplace relations

What can trade unions do?

The project has collected some good examples of how unions can approach domestic violence at work:

1. Negotiation of workplace policies and clauses in agreements: good examples of union negotiations from UK, Spain, France, Germany and Denmark. Unions in the UK (TUC, UNISON, USDAW) have drawn up model workplace policies and guidance.

2. Inclusion of domestic violence clauses in company equality plans: examples include negotiation of clauses in company equality plans in Spain and in agreements on professional equality in France.

3. Training of shop stewards: innovative shop stewards training, annual conference and awards scheme run by unions in Denmark (through FIU Equality, a training organisation established by three trade unions).

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4. Awareness raising of union members, officers and women workers: through posters, leaflets, campaigns, training and information sessions by unions in most Member States, often with a focus on 25 November.

5. Collection of evidence of the impact of domestic violence at work: examples include workplace surveys carried out by unions in the UK and Ireland.


6. Working in partnership with domestic violence organisations: evidence from the UK and Denmark of close collaboration with domestic violence organisations, and more widely with the global network DV@WorkNet.

7. Lobbying for a legal framework on gender-based violence at work.

Domestic violence at work: challenges

- Unions in Belgium and Netherlands speak of the difficulties in bringing 'private' and 'family' issues into the workplace.
 - In Belgium a precedent has been established in a national agreement that addresses the impact of drugs and alcohol on the workplace, which union suggest could form the basis for a similar agreement on domestic violence at work.
- Some unions (and employers) do not see the issue as a priority, at a time of many different competing demands.
- Low level of awareness of the problem / resistance to recognising it as a trade union issue.
- Austerity measures have impacted on social services and NGO support services for victims of domestic violence.

Conclusions and recommendations



“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.”

Conclusions: critical success factors

- Presence of women in senior and negotiating roles ensures a gender perspective in collective bargaining on violence:
 - Bargaining successes in male dominated sectors, for example, in Slovenia and Italy.
- Support for and awareness raising of negotiators, including model agreements, detailed guidance on workplace procedures.
- Making a strong business case of the economic impact of gender-based violence at work.
- Importance of an enabling legal framework with clear duties on employers and governments (e.g. for collective bargaining; requirements for workplace/sectoral policies to address and prevent violence at work).
- Linking violence at work to wider gender equality policies and actions, including gender mainstreaming.

Recommendations: 10 things unions can do to tackle gender-based violence

1. Promote social dialogue and jointly agreed policies and procedures
2. Ensure women are in senior negotiating positions
3. Produce guidance and model workplace policies
4. Include a strong focus on gender inequalities and discrimination
5. Provide information and support to workers affected by violence at work and domestic violence
6. Establish partnerships with specialist NGOs and women's organisations
7. Encourage men to take a stand on violence against women
8. Show the economic, business and social case for workplace measures
9. Lobby for the workplace to be included in legislation and national action plans on violence against women
10. Implement measures on violence against women in European sectoral social dialogue agreements

Recommendations for the ETUC

1. Ensure that violence is a high priority in work and policy of ETUC and affiliates, and that it contains a strong gender dimension.
2. Draw up best practice guidance and model agreements.
3. Include violence against women at work in ETUI training programmes and training materials.
4. Establish European and national objectives for addressing violence against women at work in the ETUC Women's Committee and the ETUC Collective Bargaining Committee.