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***EUROPEAN TOOLKIT FOR THE EFFECTIVE IMPLEMENTATION OF POLICY TO
PREVENT AND HANDLE SEXUAL HARASSMENT IN THE WORLD OF WORK***

PREPARED BY

Cyprus Academy of Public Administration and

Hypatia Foundation Promoting Equality

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Erasmus+

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Section 1: Introduction

This European Toolkit on ending sexual harassment in the world of work provides guidance and best practices on implementing a transformative, comprehensive and multi-dimensional approach to ending sexual harassment in the world of work. It is intended to raise awareness, inspire action and new ideas, and provide practical tools to prevent and effectively handle incidents of sexual harassment in the world of work.

Overview of the Toolkit

This section sets the context and gives an introduction to sexual harassment, how it is defined and the extent and impact of sexual harassment in the world of work; the legal and policy context surrounding sexual harassment, and a brief overview of specific agreements and policies designed to end sexual harassment.

Section 2 introduces the framework for a comprehensive and transformative approach to ending sexual harassment in the world of work, covering tackling inequality, discrimination and harmful social norms; prevention and risk assessment; human resource policies and procedures; effective complaints procedures; support and remedies for victims/survivors; active bystander/upstander approaches; perpetrator accountability; and raising awareness and training. An important part of the framework is that all relevant stakeholders in the world of work, and particularly, employers, companies, unions and workers themselves, play an active and progressive role in ending sexual harassment.

Section 3 provides a model workplace policy and procedure, with guidance and checklists, to address sexual harassment in a comprehensive way, covering all forms of violence and harassment including domestic violence. It includes organisational commitment to ending sexual harassment and addressing wider gender inequalities and discrimination; inclusion gender-responsive risk assessment and prevention programmes; establishment of effective and trusted complaints and investigation systems, including learning from them; confidential advice and support from workplace advocates and ambassadors; active bystander/upstander approaches; support for victims/survivors; awareness raising and training; and perpetrator accountability.

The Toolkit draws on an extensive evidence base of effective strategies to end sexual harassment in the world of work. In addition to drawing on international best practice approaches, a survey by ASTRAPI project partners was carried out in Bulgaria, Cyprus, Greece and Spain; good practices were collected from partners; and consultations with employers, trade unions, government representatives, gender experts and NGOs were held in partner countries to test the Toolkit.

The #MeToo movement has raised awareness about the widespread and harmful impact of sexual harassment at work and in public places. It has helped to break the silence around sexual harassment and has empowered women to speak up about the problem in an unprecedented way. However, we are still a long way from ending the problem in the world of work.

The COVID-19 pandemic has revealed an alarming increase in levels of violence and harassment against women workers. In particular, the increase in domestic violence during confinement and lockdowns, has impacted on women working from home through tele-work and remote working.¹ Higher levels of sexual harassment have been reported against front-line and essential workers in health care and retail, and there has been increase in sexually harassing and hostile behaviours while at work, such as refusal of customers or clients to abide by regulations to minimize COVID-19 transmission, by refusing to wear a mask, maintain social distance, or minimize personal contact with employees. There have been added risks resulting in verbal sexual harassment and racist, sexist, homophobic, and transphobic comments. Groups of people, such as migrant workers, suspected of being carriers of COVID-19, have also been the target of increasing levels of discrimination and violence when carrying out their work. In addition, women workers are more likely to be at a greater risk of quid-pro quo sexual harassment as workers are threatened with being laid off and as companies commence restructuring or downsizing.²

Despite a comprehensive legal framework in EU member states, research evidence, and the research and consultations held by ASTRAPI project partners, shows a wide range of legal, practical and awareness problems and barriers to ending sexual harassment. Even before the COVID-19 pandemic sexual harassment was a major problem in the workplace. Specific barriers and problems include:

- Lack of awareness about and implementation of the law, including of obligations on employers to prevent sexual harassment.
- Lengthy and bureaucratic procedures for bringing cases to court, and stigma associated with making complaints. Difficulties have been encountered in establishing proof and evidence, including reversing the burden of proof in the context of cases of discrimination.
- Lack of awareness and priority given to the problem amongst the social partners, and a general limited understanding and lack of seriousness given to addressing sexual harassment in the workplace.
- In some sectors, employers lack awareness and do not fulfil their responsibilities to prevent sexual harassment. The lack of policies, procedures and complaints systems, including sanctions for perpetrators, remain significant obstacles in dealing with sexual harassment in the workplace.

¹ European Commission (2020) Summary reports on webinar series on gender-sensitive responses to the COVID-19 crisis, including domestic violence. https://ec.europa.eu/info/publications/webinar-series-gender-sensitive-responses-covid-19-crisis_en. UNFPA: https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_impact_brief_for_UNFPA_24_April_2020_1.pdf. DV@Work Network COVID-19 briefings: <http://dvatworknet.org/content/dvwork-covid-19-briefings>. UN Women (2020) UN Women brief: The COVID-19 Shadow Pandemic: Domestic Violence in the World of Work - A Call to Action for the Private Sector. <https://www.unwomen.org/en/digital-library/publications/2020/06/brief-domestic-violence-in-the-world-of-work>

² IFC (2020) COVID-19 and Gender-Based Violence: Workplace Risks and Responses. https://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/gender+at+ifc/resources/covid19+and+gender+based+violence+workplace+risks+and+responses. Business Fights Poverty, Business @ Covid-19: Action Toolkit Gender-Based Violence and Covid-19: <https://businessfightspoverty.org/articles/how-can-business-respond-to-the-increase-in-domestic-violence-during-covid-19/>

- A patriarchal culture persists and is reflected in a culture of male dominance and of sexism at work and in society.
- Sexual harassment remains a taboo subject and this means there is a silence and under-reporting on the issue. Victims do not report cases to their employers and even less take cases through the courts because they fear that there will be negative consequences for them.
- Discrimination and gender inequalities are faced by women working in the most precarious and insecure jobs, who are both the most vulnerable to sexual harassment and the least likely to report sexual harassment.
- Women working in precarious and insecure jobs are less likely to be able to access and maintain collective support structures, including representation and support from trade unions. This can increase the isolation of a woman experiencing sexual harassment and the sense of impunity of the harasser.
- New challenges exist in the changing world of work, resulting from COVID-19 pandemic, and from emerging forms of sexual harassment facilitated through online and ICT systems.

“There are a growing number of laws addressing sexual harassment, but they are often limited in their coverage and application. Women do not report sexual harassment for many reasons, including fear of reprisal, or concern that the matter will be dealt with ineffectively at best or, at worst, ignored or covered up. This has resulted in a culture of impunity for perpetrators. As the world of work changes, it is critical that women in non- standard forms of work and informal work are covered under legislation addressing sexual harassment and other forms of violence in the workplace, and that all women workers have access to remedies and justice should they experience sexual harassment, regardless of their contract type.”

Source: UN Human Rights Council, 2020, Women’s human rights in the changing world of work. UN General Assembly, 16 April 2020.

1.1 What is sexual harassment in the world of work?

Sexual harassment is a form of gender-based violence that involves sex-based behaviour that is unwelcome, offensive and violates a person’s dignity. It includes conduct that is physical, psychological, verbal and non-verbal and can include sexual violence, assault and rape; unwelcome requests for sexual favours and dates; unwelcome touching, leaning over or cornering a woman; stalking inside and outside of the workplace; making sexually-lewd comments; and unwelcome communications of a sexual nature, including displaying or sharing sexually abusive pictures and pornographic material.

Sexual harassment can affect any worker, although women are disproportionately affected. Women workers facing multiple forms of discrimination and insecurity at work are often at greatest risk of sexual harassment (see ‘intersectionality’ below).

Across the world one in three of all women experience physical and/or sexual violence in their lifetimes.³

According to the European Parliament's Resolution 2017 on combating sexual harassment and abuse in the EU "...sexual harassment is a form of violence against women and girls and is the most extreme yet persistent form of gender-based discrimination. Women are predominantly affected: 90 per cent of victims of sexual harassment are female and approximately 10 per cent are male."⁴

In the EU, the survey by the Fundamental Rights Agency (FRA) on violence against women carried out in 2014,⁵ found that one in three women have experienced physical or sexual violence during their adult lives. In relation to intimate partner violence, 22 per cent of women have experienced physical and sexual violence by a current or previous partner; 43 per cent have experienced psychological violence by a current or former partner and 18 per cent have experienced stalking by a current or former partner. Many of these women are also in work or have been prevented from working.

The FRA survey found that sexual harassment is the most prevalent form of violence against girls and women in the EU. Physical sexual harassment is the most commonly reported form of sexual harassment, followed by verbal and non-verbal sexual harassment. Just over half (55 per cent) of women have been sexually harassed at least once since the age of 15; 29 per cent of surveyed women in the EU had experienced "unwelcome touching, hugging or kissing"; 24 per cent had been subjected to "sexually-suggestive comments or jokes that offended them"; and 11 per cent to non-verbal forms including cyber harassment, such as "unwanted, offensive sexually-explicit emails or SMS messages, or offensive, inappropriate advances on social networking sites." Of those, 32 per cent identified somebody from the employment context – such as a colleague, a boss or a customer – as the perpetrator. Women in vulnerable forms of work, such as domestic workers are particularly vulnerable to harassment and violence in the course of their work. Being in a senior or professional position adds further risks, where the survey found that 75 per cent of women in professions requiring qualifications or top management jobs have been sexually harassed and 61 per cent of women employed in the service sector have been subjected to sexual harassment. In addition, age is also a factor when it comes to cyber harassment, with the survey showing that 20 per cent of young women (between the ages of 18 and 29) in the EU-28 have experienced cyber harassment, while one in ten women have been subjected to sexual harassment or stalking using new technology.

Despite the high incidence of sexual harassment, in practice in the workplace most victims/survivors do not report the problem, and bystanders and witnesses rarely come forward. In some countries and in some workplaces, there are no formal procedures for making complaints, or procedures are inadequate. In the EU FRA survey, most women who reported sexual harassment kept the incident to themselves, only 4 per cent reported it to the police, and only 4 per cent talked to an employer or manager about it.⁶

³ WHO data available at: <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

⁴ European Parliament Resolution: https://www.europarl.europa.eu/doceo/document/TA-8-2017-10-26_EN.html#sdocta4

⁵ Fundamental Rights Agency (2014) Violence against women: an EU-wide survey. Main results. FRA, Vienna. Available at: <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>

⁶ FRA (2014) *op cit*.

Evidence shows that victims/survivors are often dissatisfied with outcomes of complaints they make, some experience retaliatory action, loss of their jobs or are blamed for the problem.⁷ Some women are prevented from speaking out about their experiences because resolution of the problem includes signing confidential agreements / non-disclosure agreements.

Despite these problems, women are speaking out in unprecedented ways through the #MeToo and other feminist and worker’s movements across the world. The global campaign amongst workers organisations and NGOs for the adoption in June 2019 of a new ILO Convention No.190 on eliminating violence and harassment, including gender-based violence and harassment, is testimony to the need to address gender-based violence in all of its manifestations in the world of work (see summary of the Convention and Recommendation in Section 2). These movements have given women voice and agency, and women are demanding transformational change in the world of work that addresses unequal gender roles and the abuse of power that result in sexual harassment.

In addition, it is crucial that there is better understanding of how to implement practical workplace strategies and policies. This will equip world of work actors (employers, managers, trade unions, relevant government bodies covering labour and equality) with the skills they need to ensure that there is a gender-responsive approach to preventing and ending sexual harassment. This includes an approach where perpetrators are held accountable for their actions in the world of work, and that preventative work is carried out with perpetrators to stop them offending.

As Table 1 shows there are positive impacts for workers and employers if sexual harassment is tackled effectively in the workplace. Doing nothing means that there will be negative effects on workers’ health and wellbeing, and on workers’ motivation, performance and attachment to the workplace.

Table 1: The impact of sexual harassment in the world of work and the positive outcomes of addressing it ⁸

The impact of sexual harassment on workers	Positive outcomes for an employer if the problem is tackled effectively
<ul style="list-style-type: none"> • Workers’ psychological, physical and sexual health, dignity and self-esteem are affected. • Motivation, performance and attachment to the workplace are compromised. • Higher rates of absenteeism and higher turnover. • Severe harm and danger for victims and co-workers who may intervene to stop violence and harassment. • Negative impact on workplace relations, 	<ul style="list-style-type: none"> • The employer avoids negative publicity and sanctions, including having to pay compensation to the victim and in some cases fines for not taking measures to stop the harassment. • Days lost from sick leave will be reduced. • Contributes to a good working environment, benefitting workers’ health, safety and wellbeing.

⁷ ILO & UN Women (2019) Handbook addressing violence and harassment against women in the world of work. New York, UN Women. Available at: <https://www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work>

⁸ Source: ILO & UN Women *op cit.* p.10

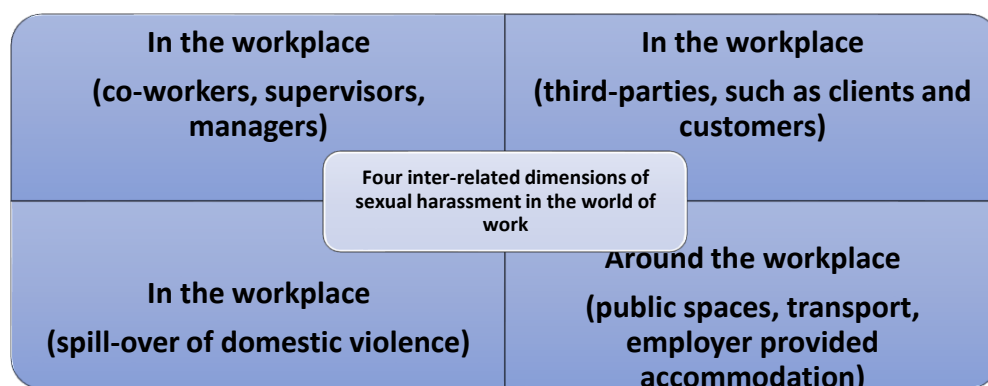
<p>team working performance and company reputation.</p> <ul style="list-style-type: none"> • Impact on the quality of services provided (e.g. to the public). • Victims’ capacity to carry out their job effectively or reaching their full potential at work is reduced. • Career chances are jeopardized, particularly if a victim leaves her work without a reference. • Ramifications beyond the workplace, including poor social functioning and harmful coping mechanisms (e.g. alcohol/ substance abuse). • Relationships with family, friends and partners will also be affected by stress and harm caused by workplace violence and harassment. 	<ul style="list-style-type: none"> • Companies have improved reputations, enabling them to attract and retain workers. • In the absence of violence and harassment, productivity of former victims and perpetrators, as well as bystanders, improves. • Workers’ satisfaction improves if they are able to talk to someone they trust and find trusted solutions to their problems. • There is a positive impact on the wider community and family relationships if violence and harassment at work is identified and stopped.
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The world of work and workplace settings where sexual harassment occurs

The world of work includes not just the physical workplace but also public and private spaces where work is carried out e.g. where a worker takes rest break or a meal, or uses sanitary and washing facilities; employer provided accommodation; commuting to and from work; work-related trips or travel, training, events or social activities; and work-related communications through email and cloud working (via the Internet). The world of work brings to the fore women’s safety in public spaces, transport, night work and when the home is the workplace.

In this Toolkit the guidance and information presented cover the full range of world of work settings where sexual harassment is perpetrated (see Figure 1).

Figure 1: Sexual harassment in different world of work settings



In addition, to sexual harassment taking place by co-workers and managers, Figure 1 also recognizes that sexual harassment may be perpetrated by current and former intimate partners, by third-parties in the workplace, and in public spaces and when women travel to or

from work. In addition, there are additional challenges arising from the changing world of work and new forms of work, e.g. in the gig economy, and where self-employment and precarious forms of work are more commonplace.

Sexual harassment is a form of discrimination on the ground of sex. It can include conduct that is based on quid pro quo (where a favour or advantage is granted and/or where sexual harassment is a condition of the job) and/or hostile work environment (actions or behaviour create an uncomfortable work environment).

“Sexual harassment includes such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.”

Source: UN Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), General Recommendation No.19, Violence against Women, para 18, XI session, 199.

Third-party violence and harassment

Sexual harassment is frequently perpetrated by third-parties such as clients, customers, students or other third-parties in health, retail, hospitality, education and transport sectors. It occurs in predominantly female occupations, such as shop assistants, bar and restaurant workers, teachers, nurses and social care workers. Third-party sexual harassment is work related conduct that can occur in the world of work, in a public space or in a private environment where work is carried out.⁹ It can involve physical, psychological, verbal and/or sexual forms of violence, and can involve a one-off incident or more systematic and repeated patterns of behaviour, by an individual or group, ranging from cases of disrespect to more serious threats, sexual violence, physical assault, and cyber-harassment.

Sexual harassment in the transport sector

A survey of women transport workers experiences of violence and harassment in 24 European countries found that one quarter of women transport workers believed that violence against women is a regular occurrence in the transport sector.¹⁰ Just over a quarter of women transport workers believe that harassment is considered to be ‘part of the job’ in transport. The survey gave shocking accounts of verbal threats and intimidation, sexual harassment, and sexual and physical assault against women workers, often with devastating effects on women’s personal lives, their health and mental wellbeing, and their capacity to continue working. Many women stated that working in a male dominated industry was a significant factor increasing the risk of sexual harassment.¹¹

⁹ EPSU, UNI Europa, CSEE, HOSPEEN, CCRE, FEEE, Eurocommerce, CoESS. (2010) Multi-Sectoral Guidelines to Tackle Third-Party Violence and Harassment Related to Work. (Brussels, EPSU, UNI Europa, CSEE, HOSPEEN, CCRE, FEEE, Eurocommerce, CoESS).

¹⁰ European Transport Federation (2017) Violence against women transport workers: Summary report. ETF, Brussels.

¹¹ ETF (2017) *op cit*.

Women responding to the survey reported that violence and harassment from customers and passengers had worsened in recent years and new risks of violence were emerging in the sector resulting from changes in work organization, staffing shortages and job insecurity, which left women more vulnerable to attacks and sexual harassment. Less than one in six of respondents reported a recent incident of violence to a trade union, which is much lower than made to a colleague, employer or the police.

The following are a selection of quotes from women participating in the survey:

'Verbal attacks...sexual assaults and the like. Touching of the rear and breasts, threats on the part of superiors if I complain [I am told]: 'a woman must be able to cope when she works in a men's profession.' Railway worker, Germany (ETF Survey, 2017)

'I was an apprentice and one of the men on the course would always verbally harass me. At our work Christmas do I was surrounded by my male colleagues who whipped out their penises and trapped me and another girl in the circle.' Railway worker, UK (ETF Survey, 2017)

'I feel worse. I sleep worse. I have become afraid. I have not regained the energy I had before the sexual harassment ... and the constant harassment from passengers breaks you down. The great lack of support from the employers makes it sometimes very heavy.' Bus driver, Sweden (ETF Survey, 2017)

'Verbal abuses and insults related to the sexual sphere as 'suck me, bitch' etc., spitting in the face and shoving... I cannot any longer implement regulations for customers, and I often ignore any problems in order to prevent a confrontation.' Railway worker, Italy (ETF Survey, 2017)

Domestic violence and its impact in the workplace

Domestic violence carried out in the workplace through, for example, physical violence, sexual harassment and stalking by intimate partners or ex-partners, represents a serious form of workplace violence. Acts of domestic violence, including stalking, may also be committed by people in the same workplace who are in (or were previously in) an intimate relationship. It is an important issue for workplace policies and collective agreements on violence and harassment at work and an integral part of occupational safety and health measures since domestic violence can affect women's safety at work, productivity, attendance at work and ability to remain in work.

CEASE project - companies to CEASE gender-based violence

The CEASE project (involve companies to CEASE gender-based violence) has involved organisations and companies from France, Belgium, Greece and Italy) and is a good practice in addressing the impact of domestic violence in the workplace. The project was funded by the EU's Rights Equality and Citizens Programme (2014-2020).

In Greece, for example, the partner was CSR Hellas, which promotes CSR and responsible entrepreneurship amongst its 130 members from all economic sectors. The project has provided a range of resources including an action kit for companies, peer learning webinars, training courses and sensitisation materials. In addition, specific focus has been given to

addressing the impact of domestic violence in the workplace through a corporate network 'OneInThreeWomen' and companies from France, Belgium and Greece have signed a Charter of Engagement committing them to taking action to end gender-based violence.

A recent survey amongst six European companies by the 'OneInThreeWomen' corporate network¹² found that domestic violence had a significant impact in the workplace, not least that women survivors suffered consequences – including coercive control and financial abuse - that threatened their continued employment. Over one half (55 per cent) of those who had ever experienced domestic violence reported domestic violence had affected their work in at least one of the three ways - lateness, absenteeism or presenteeism (being at work but not being productive). In addition, 16 per cent of those who had ever experienced domestic violence had experienced domestic violence at (or near) their place of work. Overall 30 per cent of respondents who had ever experienced domestic violence feared that domestic violence had affected their job performance so much that they might lose their job. Few reported that they had spoken to someone about their experience of domestic violence.

Tackling the work-related effects of domestic violence in Denmark

The Danish government's National Action Plan against Violence in the Family and in Intimate Relations largely addresses support services for victims, family members and perpetrators. A proposed new law in 2020 gives women in shelters the right to psychological help.

FIU-Ligestilling (a network of trade unions working together on equality) and FH (the confederation of trade unions) cooperate with the confederation of women's shelters (LOKK) to prepare leaflets and tools for HR and shop stewards to combat domestic violence. It builds on several years of work carried out by FIU-Ligestilling on domestic violence at work,¹³ including training of shop stewards, the development of workplace policies on domestic violence and an annual awards scheme for best practice policies in the workplace.

Workplace policies and procedures can protect women workers from sexual harassment, threats, or stalking in the workplace by a partner or ex-partner. An increasing number of companies have introduced measures to mitigate the effects of domestic violence at work in collective agreements and workplace policies on violence and harassment. This signals that domestic violence is a safety issue in the workplace and that safety and support measures can contribute to creating a safe and respectful working environment. A key issue is retaining workers affected by domestic violence in their jobs and breaking the silence about the issue in the workplace.

1.2 Legal and policy framework on sexual harassment at work

International and European law and policy provide an important framework – and in some cases guidance - for laws and policies on sexual harassment at work which are implemented

¹² OneInThreeWomen survey held in 6 companies: "How does domestic violence impact the workplace?" Paris : Fondation FACE/OneInThreeWomen. Available at :

https://www.fondationface.org/wp-content/uploads/2019/11/FACE_-_ProjetOneInThreeWomen.210x297_UK.pdf

¹³ FIU booklet 'If your colleague is abused at home: dealing with domestic violence in the workplace': http://fiu-ligestilling.dk/tools_materials/if-your-colleague-is-abused-at-home-dealing-with-domestic-violence-in-the-workplace/

by States. In turn States' laws may specify more detailed specific measures in areas such as workplace policies, plans and training. Also, it must be remembered that proactive State laws can help to promote new European and international standards.

International and European provisions are summarized in this section.

International treaties

- The 1979 **United Nations (UN) Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)** requests that states address 'the social and cultural patterns of conduct of men and women with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.' (Article 5).
- The 1993 **UN Declaration on the Elimination of Violence against Women**, building on CEDAW, recognizes that gender-based violence is both a manifestation of gender inequality and a way in which discrimination, inequality, and gender injustice are perpetuated. Violence against women is defined as: "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women."
- The 1995 **Fourth World Conference on Women** and its **Beijing Declaration and Platform for Action** gave priority to the elimination of all forms of violence against women, calling on states, international organisations, and NGOs to prevent and combat violence against women.
- **Sustainable Development Goal SDG 5: Achieve gender equality and empower all women and girls**, has a target to eliminate all forms of violence against all women and girls in the public and private spheres including trafficking and sexual and other types of exploitation (Target 5.2).

ILO Convention No.190 on eliminating violence and harassment in the world of work

A ground-breaking development is the International Labour Organisation (ILO) Convention No.190 and accompanying Recommendation No.206 on eliminating violence and harassment in the world of work, agreed in June 2019. It sets out progressive, inclusive and historic labour standards that recognize that all workers have the right to work in freedom from violence and harassment, including gender-based violence. It is also inclusive of all types of work, with standards set in the wider context of gender equality, non-discrimination and fundamental rights at work, including the importance of freedom of association and collective bargaining, in eliminating violence and harassment.

The preamble to the Convention recognizes "...the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment." Gender-based violence is a central part to the Convention, acknowledging that women are disproportionately affected by violence and harassment in the world of work and recognizing that this is affected by social norms and unequal gender relations, and multiple and intersecting forms of discrimination:

Acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work. (C.190, Preamble)

Convention No.190 contains a comprehensive definition of violence and harassment, with a strong emphasis on eliminating all forms of physical, psychological and sexual forms of violence and harassment, including gender-based violence, in the world of work. Sexual harassment is one of the most common forms of gender-based violence at work. It includes in its scope the need to address **violence and harassment by third-parties**, such as, clients, customers, students, pupils and the public. This is important for workers in sectors such as health, hospitality, retail, education, transport and other customer facing services.

Domestic violence is a further form of workplace violence and harassment covered in the Convention and Recommendation. For example, this could be domestic stalking, harassment of a victim when she is at work, or physical violence affecting the victims and potentially colleagues in the workplace. Economic or financial violence can also impact on victim's financial independence and capacity to continue to work. As a result, support for victims of domestic in the workplace can ensure that victimized workers can stay safely in their jobs. Convention No. 190 sets out obligations on governments, who are requested to put duties on employers – and through social dialogue - to prevent violence and harassment, to protect workers, especially women and workers in vulnerable work situations, and to provide remedies for workers affected by violence and harassment.

ILO Convention No. 111 on discrimination¹⁴

The ILO also recognizes that sexual harassment is a form of sex discrimination. According to the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) ¹⁵ sexual harassment is defined as a form of sex discrimination, under the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Definitions of sexual harassment are defined to include both *quid pro quo* and *hostile environment* as elements of sexual harassment. *Quid pro quo* sexual harassment involves: (1) any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and (2) a person's rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person's job. This can occur if sexual harassment is conditional on making an appointment or promotion, salary increase or extending a contract. *Hostile work environment* involves conduct leads to a degrading, intimidating, or hostile work environment, such as telling jokes of a sexual nature, isolating a

¹⁴ ILO (2019) Eliminating Violence and Harassment in the World of Work. Convention No.190, Recommendation No.206, and the accompanying Resolution. Geneva, ILO. https://www.ilo.org/global/publications/meeting-reports/WCMS_721160/lang--en/index.htm. ILO (2020) ILO Standards on Violence and Harassment. What role for Workers' Organizations? Policy Brief. Geneva, ILO. https://www.ilo.org/actrav/info/pubs/WCMS_749786/lang--en/index.htm

¹⁵ ILO (1998) Equality in Employment and Occupation: General Survey of the Reports on the Discrimination (Employment and Occupation) Convention (No. 111) and Recommendation (No. 111), 1958, Report III (Part 4B), ILC, 75th Session, para. 45. ILO (2003) Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), ILC, 91st Session, p. 463.

woman in the workplace, making comments which interrupts with a person's ability to work, resulting in a hostile and humiliating working environment.

In its general observation in 2003 CEACR “urges governments to take appropriate measures to prohibit sexual harassment in employment and occupation” and notes that sexual harassment “undermines equality at work by calling into question integrity and dignity and the well-being of workers...[and]...damages the enterprise by weakening the bases upon which work relationships are build and impairing productivity.”¹⁶

European Union

Sexual harassment is included in the scope of directives on equal treatment between women and men. In particular, Directive 2006/54/EC¹⁷ on equal treatment in employment and occupation defines sexual harassment as “any form of unwanted verbal, non-verbal or physical conduct of a sexual nature [...] with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.” Under Article 26 (prevention of discrimination): “Member States shall encourage, in accordance with national law, CBAs or practice, employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment in the workplace, in access to employment, vocational training and promotion.”

The Victims' Rights Directive 2012/29/EU¹⁸ on common minimum standards on the rights, support and protection of victims, contains some important measures for women victims of violence. The Directive strengthens the rights of victims of crime so that any victim in the EU is entitled to a minimum level of rights, protection, support, access to justice, whatever their nationality and wherever in the EU the crime takes place. The Directive is particularly important in giving protection against retaliation and repeat victimisation, for example when a woman reports a crime, or initiates court proceedings, which could also potentially impact on the workplace. Victim support, however, remains a problem in many Member States, where there are insufficient resources and investment in mechanisms for the full implementation of the Directive.

European social dialogue

In the EU, European social dialogue is an important mechanism for agreeing EU-level legal provisions, guidelines and joint initiatives between European employers' and trade unions. At the cross-sectoral European level, four framework agreements have been agreed between the social partners and implemented by Council Directives. They include the parental leave directive (1996), a revised and extended parental leave directive (2009) providing four months parental leave, one month of which is non-transferable between parents; the part-time work directive (1997); and the directive on fixed-term contracts (1999). There are also

¹⁶ ILO (2003) Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), International Labour Conference, 91st Session. Geneva, ILO. p. 463.

¹⁷ Council Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast).

¹⁸ Council Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

'autonomous' agreements, whereby the social partners themselves take responsibility for implementing measures at national, sectoral and enterprise level. They include European Framework Agreements on telework (2002), work-related stress (2004), harassment and violence at work (2007) and inclusive labour markets (2010).

Sexual harassment has appeared in several sectoral social dialogue initiatives, for example, a joint ETF and European Community Shipowners' Association (ECSA) project on the eradication of harassment and bullying in shipping, leading to the development of a training video and workbook. In 2010 European social dialogue partners in services sectors have published multi-sectoral guidelines to tackle third-party violence and harassment at work (see below).

European Framework Agreement on Violence and Harassment at Work (2007)¹⁹

The **European Framework Agreement** was signed in 2007 by the European social partners, including Business Europe, the European Centre of Employers and Enterprises (CEEP), the European Association of Craft, Small and Medium-sized Enterprises (UEAPME) and the European Trade Union Confederation (ETUC). It acknowledges that "different forms of harassment and violence...can be physical, psychological and/or sexual" and that violence and harassment "can potentially affect any workplace and any worker, irrespective of the size of the company, field of activity or form of the employment contract or relationship." It includes violence and harassment occurring "amongst colleagues, between superiors and subordinates or by third parties such as clients, customers, patients [or] pupils."

The agreement also provides employers, workers and their representatives with "an action-oriented framework to identify, prevent and manage problems of harassment and violence at work." Progress in implementing the Framework Agreement was presented by the European social partners in a formal report in 2011,²⁰ showing that the agreement has led to the introduction of national and sectoral agreements, as well as legislation, to protect workers from violence and harassment, including sexual harassment.

Guidelines on third-party violence and harassment in service sectors²¹

In 2010, European social dialogue partners in services sectors developed the multi-sectoral guidelines to tackle third-party violence and harassment at work, which identified key elements of good practices, including: "a partnership approach; clear definitions; prevention through risk assessment; awareness raising, training; clear reporting and follow-up; and appropriate evaluation."²² The guidelines promote a "'holistic' approach, covering all aspects from awareness raising over prevention and training to methods of reporting, support for victims and evaluation and ongoing improvement."²³ They were drawn up as a response to growing levels of third-party violence in health care, education, local government, retail, commerce and private security.

¹⁹ BusinessEurope, ETUC, CEEP, UEAPME (2007) European Autonomous Framework Agreement on Violence and Harassment at Work. Brussels, BusinessEurope, ETUC, CEEP, UEAPME.

²⁰ BusinessEurope, ETUC, CEEP, UEAPME (2011) Implementation of the European Autonomous Framework Agreement on Harassment and Violence at Work. Final joint report by the European Social Partners. Brussels.

²¹ EPSU, UNI europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS (2010), *op cit.* EPSU-UNI (2009) Policies, strategies and implementation: How issues of third-party violence have been tackled in practice by social partners in the commerce, hospital, private security and local and regional government sectors.

²² EPSU, UNI europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS (2010), *op cit.*, p.2

²³ EPSU, UNI europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS (2010), *op cit.*, pp.3-4.

The guidelines fill a gap in knowledge and guidance on third-party violence, which is ‘sufficiently distinct from the question of violence and harassment (among colleagues) in the workplace’ and ‘sufficiently significant in terms of its impact on the health and safety of workers and its economic impact’. The guidelines are based on best practices identified through research and case studies and they list the many forms that third-party violence can take, ranging from ‘disrespect, to more serious threats and physical assault’ to ‘criminal offences’ or even ‘cyber-bullying/cyber-harassment’. Employers are encouraged to establish a ‘clear policy framework for the prevention and management’ of these phenomena and involvement of the social partners from the beginning is important. An evaluation of the implementation of the Guidelines shows some positive developments by the social partners, for example through agreements, workplace policies, training projects, awareness raising, seminars and campaigns.²⁴

In addition, trade unions at the European and national levels have initiated campaigns and negotiations to tackle sexual harassment at work. These were documented in the ETUC’s project and research *Safe at Home Safe at Work*, which has also produced guidelines on how to prevent, manage and eliminate violence and harassment against women (see below). European federations at the sectoral level, such as the European Transport Workers Federation,²⁵ have campaigns on ending violence and harassment against women at work.

‘Safe at Home, Safe at Work: Trade unions’ strategies to prevent, manage and eliminate workplace harassment and violence against women’

The ETUC’s ‘Safe at Home, Safe at Work’ project²⁶ identified up ten actions that trade unions and employers, can take to tackle sexual harassment at work:

- Prioritise social dialogue between employers and unions, in jointly agreeing policies, procedures and awareness raising amongst managers and workers.
- Ensure that women are in senior negotiating positions, as this has been shown to be critical to getting issues of violence against women and sexual harassment onto bargaining agendas, particularly in male dominated sectors.
- Produce guidance, model workplace policies and train workplace representatives to negotiate agreements and policies to tackle violence and sexual harassment at work and the prevention of domestic violence at work.
- Ensure that safety and health and wellbeing at work initiatives include a strong focus on the causes of and solutions to harassment and violence against women work, by taking into account gender inequalities and discrimination.
- Give information and support to workers experiencing sexual harassment and domestic violence.
- Work in partnership with NGOs and specialist violence against women organisations, for example, in carrying out campaigns in the workplace and community, promotional

²⁴ EPSU, UNI europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS (2013) Report on the follow-up and implementation of the multi-sectoral guidelines to tackle work-related third-party violence. Brussels, EPSU.

²⁵ European Transport Workers Federation (ETF), Stronger Together. Ending Violence Against Women in Transport: <https://www.etf-europe.org/activity/violence-against-women/>

²⁶ ETUC (2014) Safe at Home, Safe at Work. Trade union strategies to prevent, manage and eliminate workplace harassment and violence against women. Available in five languages. Case study reports are available from eleven countries (in English): https://www.etuc.org/documents/safe-home-safe-work-final-report#.WuZc0ldiP_Q.

materials and surveys to raise awareness about the extent and nature of violence against women at work.

- Encourage male trade union leaders, negotiators and men to publicly raise awareness and champion a zero-tolerance approach to violence against women.
- Highlight the economic and social case for tackling violence at work, including the business arguments that tackling violence against women can help to improve workplace relations, enhance wellbeing at work, retain workers, reduce absence from work, increase motivation and productivity.
- Lobby for the inclusion of measures to address sexual harassment and violence at work and domestic violence at work in government national actions plans on violence against women.
- Implement measures to address violence against women in European sectoral social dialogue agreements and joint statements.

Council of Europe - Istanbul Convention

The **Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)**, 2011, sets out a systematic framework for ending violence against women, including domestic violence, for monitoring progress. The workplace is a potential area for future monitoring under the independent inspection body, GREVIO.

The Istanbul Convention entered into force on 1 August 2014. To date it has been signed by all 27 EU Member States and ratified by all but six EU member states (Bulgaria, Czech Republic, Hungary, Latvia, Lithuania and Slovak Republic). The Convention sets out a framework for national laws and programmes to prevent and end violence against women through an integrated approach, with the overall objective of changing socially and culturally based attitudes and behaviour. It also introduces a set of obligations for States, in accordance with the due diligence principle, to take the measures necessary to prevent, investigate, punish and provide reparation for acts of violence against women. Specific reference is made to the workplace in relation to sexual harassment at work, and programmes on preventing sexual harassment and domestic violence can be construed as having a role for employers and the workplace. As Article 40 states:

Parties shall take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction.

Under Article 17(1), the private sector has an important role to play in prevention, with a role that could be interpreted to include policies and standards to prevent violence against women, including protocols or guidelines on, for example, how to deal with cases of sexual harassment in the workplace.

1.3 Towards a whole of society approach to ending sexual harassment

As a basis for an integrated and comprehensive approach to ending sexual harassment in the world of work it is important that all world of work actors play an active role in preventing and addressing sexual harassment.

As Figure 2 shows there are wide range of actors who can play their part in establishing legal provisions and their implementation, in development policies and procedures and a zero-tolerance approach in the workplace, and in providing support in the community. A crucial issue is that social norms change requires the wider involvement of opinion formers, media and education institutions, amongst others, who play a role in shaping stereotypes and perpetuating unconscious bias, inside and outside of the workplace.

Figure 2: Actors who play a role in ending sexual harassment in the world of work.



Section 2: A transformative approach to ending sexual harassment in the world of work

This section looks in detail at the ASTRAPI project’s eight-point framework for a transformative approach to ending sexual harassment in the world of work (Figure 3). Promoting an equal, welcoming, dignified and inclusive working environment helps to foster gender equality and non-discrimination, good workplace relations, team working among colleagues, and higher levels of innovation and satisfaction at work.

Figure 3: ASTRAPI framework for a transformative approach to ending sexual harassment at work



i) Tackling gender equalities, discrimination and social norms

Changing social norms and power relations in the workplace

The starting point for a transformative approach is to tackle gender inequalities, discrimination and social norms. This recognizes that sexual harassment is a human rights violation

'Inequality and discrimination are the foundation of the continuum of violence against women and girls, including sexual harassment. To achieve lasting and substantive change, we must begin by addressing the root causes of gender inequality and intersecting forms of discrimination. We need to challenge the stereotypes, beliefs, behaviours and attitudes that condone sexual harassment; we need to develop comprehensive policies and guidance that understand gender. All of these must be quickly implemented.'

Source: Phumzile Mlambo-Ngcuka, Executive Director UN Women, Forward to UN Women (2019) What Will It Take? Promoting Cultural Change To End Sexual Harassment.²⁷

Sexual harassment at work is an abuse of power. It is sustained and reinforced by a culture of unequal power relations between women and men, and beliefs, attitudes and behaviours that result in gender inequality. This is reflected in cultural and social norms that perpetuate a tolerance of sexism and sexual harassment and where silence and victim blaming are the norm. As a result, many workers do not report sexual harassment in the workplace because they believe they will be blamed for it and not believed.

As a result, it is crucial that workplace strategies to end sexual harassment address harmful social norms, through attitudinal and behaviour change, challenging embedded stereotypes, addressing toxic and harmful forms of masculinity, and by addressing gender and power inequalities. Social norms also affect men where pressures to be 'masculine' are associated with being 'tough' and 'strong', which can lead to pressure to carry out risk-seeking or aggressive behaviour. Changing culture enables men to have better quality lives and family relationships, and for women and men to live and work with equality.

How can the workplace be a point of entry for social norms change? Modelling decent and dignified work and a culture of equality and respect in the workplace has the potential to spill-over into the wider community and in family relationships. Some examples are given in this Toolkit of practical ways in which social norms change is taking place through awareness raising and tackling unwelcome behaviour in the workplace.

Social norms change requires transformations in gender norms, roles and relations in all areas of life connected to the workplace – in the family, in the community, in public spaces, in politics, as well as the world of work. The sexual division of labour needs to be tackled, for example, through measures to improve the social value associated with care work, by addressing structural inequalities in the workplace such as occupational segregation and the

²⁷ UN Women (2019) What will it take? Promoting cultural change to end sexual harassment. New York, UN Women. Available at: <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/discussion-paper-what-will-it-take-promoting-cultural-change-to-end-sexual-harassment-en.pdf?la=en&vs=1714>

undervaluing of women's work, and in ending discrimination and ensuring women have improved access to senior and leadership positions, as well as in non-traditional and STEM professions.

Tackling institutional sexism

Institutional sexism both reflects and perpetuates gender unequal societies and a tolerance of sexual harassment. Societal institutions, including the workplace, frequently tolerate different opportunities or advantages for one sex over the other. Government authorities, employers, public service providers in areas such as education, health, city planning and policing all have a role to play in helping to shift the responsibility from an individual to that of an institution or organisation in ending sexual harassment. Challenging institutional sexism means that decision-makers take the responsibility to act upon and change unequal gender norms, roles and relations. It also means addressing the subtle and systemic ways that sexism runs through an organisation's culture, policies, processes and structures. Addressing the problem of institutional sexism in laws, policies and in access to services means recognizing that they are embedded in patriarchy, multiple layers of inequality, and cultural and social norms that perpetuate gender inequality and violence against women.

Multiple discrimination and intersectionality

Preventing sexual harassment in the world of work is closely linked to ending discrimination and this needs to take account of the intersection of different grounds of discrimination, and such as gender, race, age, disability, migration status, sexual orientation and gender identity. Other forms of discrimination may exist because of maternity or family responsibilities.

For instance, a black or minority ethnic woman may experience harassment because she is a woman, but also because of her race or ethnicity and/or migrant status. Migrant women, for example, are more vulnerable to discrimination and violence due to their undeclared or temporary migration status and economic position, as well as the vulnerabilities they face from perpetrators in the host country. Migrant and refugee women may experience sexual harassment as care workers and/or nurses in private households, as informal workers in agriculture, hospitality or domestic work, and they may also experience economic violence inflicted through low wages.

According to UN Women: "Those women and girls who are furthest behind often experience multiple inequalities and intersecting forms of discrimination, including based on their sex, age, class, ability, race, ethnicity, sexual orientation, gender identity and migration status."²⁸ For example, in on the grounds of age, the EU FRA survey²⁹ shows how young women are especially at risk of sexual harassment. More than one in three women (38 per cent) aged between 18 and 29 years experienced at least one form of sexual harassment in the 12 months before the survey, including through the Internet and social media.

In Europe, the EU's European Institute for Gender Equality (EIGE) applies an intersectional analysis to its Gender Equality Index, including analysis in the domain of violence against

²⁸ UN Women (2017) Turning Promises into Action: Gender Equality in the 2030 Agenda. Summary Report. UN Women, New York. P.6.

²⁹ FRA (2014) *op cit*.

women.³⁰ This has helped to build awareness of how multiple discrimination shapes the forms of violence that women experience and in other core areas of gender inequality such as work.

LGBTI+ people

LGBTI+ people experience high levels of discrimination and sexual harassment, related to a person's sexual orientation, gender identity, gender expression and sex characteristics.³¹ Survey reports on homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity³² show there are still worrying levels of discrimination, violence and abuse in the workplace from co-workers and unequal treatment by employers in areas such as promotion and training. Trans persons (male and female) experience the highest levels of discrimination, harassment and violence amongst all LGBT groups. Even in countries where there is good legal protection, many LGBT people continue to face violence and harassment at work and in their private lives. A report by the TUC³³ in the UK found that seven out of ten LGBT workers experienced at least one type of sexual harassment at work and nearly one in eight LGBT women reported being seriously sexually assaulted or raped at work; few reported cases to employers for fear that they would 'outing' themselves at work. On a positive note, many large companies have introduced inclusion and diversity policies and programmes that promote LGBTI+ inclusion in the workplace, and an increasing number of trade unions have addressed LGBTI+ discrimination and violence at work in negotiations for workplace policies and collective agreements.³⁴

Women in vulnerable work situations

Although all women are potentially at risk of violence and harassment at work, women in vulnerable work situations – such as women working in precarious, low paid, temporary, seasonal and undeclared work – face some of the greatest risks of sexual harassment. Employment insecurity makes it difficult for women claim their rights, complain and gain redress, and to enjoy the benefits of social protection. Women in these situations often have limited bargaining power and/or representation from unions. Some women workers face additional risks of sexual harassment, such as women migrant workers working as care workers or domestic workers. Women migrant workers with an undeclared status are often in extremely precarious situations making them at significant risk of sexual harassment, with no protection from the law. In Cyprus, for example, there is indirect exclusion of domestic workers and migrant women from the law on Equal Treatment in Employment and Vocation Training (2005(1)2002) when their employer is a woman. This means that these women have no legal protection and can only have recourse via the police under criminal law, where they

³⁰ EIGE (2019) *Intersecting Inequalities: Gender Equality Index 2019*.

<https://eige.europa.eu/publications/intersecting-inequalities-gender-equality-index>

³¹ International Commission of Jurists (ICJ) (2007) *Yogyakarta Principles – Principles on the application of international human rights law in relation to sexual orientation and gender identity*, March 2007. <http://www.refworld.org/docid/48244e602.html>

³² See for example: FRA (2011), *Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the EU Member States. Summary of findings, trends, challenges and promising practices*, Luxembourg, Publications Office. OHCHR (2015) "Discrimination and Violence against Individuals based on Sexual Orientation and Gender Identity" (A/HRC/29/23, May 2015).

³³ TUC (2019) *Sexual harassment of LGBT people in the workplace*. London, TUC.

³⁴ See for example Pillinger, J (2016) *op cit*. The Spanish union confederation CC.OO has drawn guidance on collective bargaining and a specific protocol for action against sexual violence and harassment on the grounds of sexual orientation, gender identity and/or gender expression.

lose their right for the reversal of the burden of proof. Many of these women face exploitation and greater risks of all forms of violence and abuse at work from other men in the household.

Women in senior and non-traditional occupations

Women in senior and leadership positions are often a target of sexual harassment – this sends a powerful message that women are not welcome in predominantly male leadership positions. The EU FRA survey found that 75 per cent of women in management and higher professional positions experienced sexual harassment, compared to 61 per cent of women in service sector occupations.³⁵ Women in traditionally male occupations also face higher levels of sexual harassment, as was found in the transport sector across Europe.³⁶ Promoting gender equality entails sending a strong message that women are valued in the workplace in all occupations. In addition, male and female leaders have a key role to play in making a commitment to ending violence against women in the workforce, in modelling appropriate behaviour, challenging social norms, and promoting leadership that is inclusive of women.³⁷

Women's voice and agency

Many women in vulnerable situations do not speak out about sexual harassment at work. Many fear that there will be retaliation, that they will be bullied and victimized and that this will lead to them losing their jobs. Finding effective ways to consult with women is crucial to finding solutions that work in the long term. If sexual harassment is to be tackled seriously, it is imperative that women's voices are heard in a meaningful way through participatory consultations and research, and through women's representation in the formal structures that exist for social dialogue between employers and unions in the workplace or at the sectoral level. Empowering women and other discriminated groups to have the right to voice their boundaries through practical initiatives can be a crucial step forward.

Men as allies in ending sexual harassment

Engaging men as allies in ending gender inequalities and sexual harassment at work is essential. In the business sector, initiatives to engage men as allies include global campaigns such as UN Women's #HeforShe Corporate Impact Champions,³⁸ the company network UNstereotype Alliance³⁹ and company commitments under the UN's Women's Empowerment Principles.

According to the publication by Business Fights Poverty 'Gender Equality is Everyone's Business: Engaging men as allies to advance gender equality across the value chain'⁴⁰ engaging men requires transformative strategies. These exist at four levels: individual, organizational, culture and societal. At the individual level this involves creating spaces for safe and open conversations in the workplace, building men's confidence to act and make it personal, and to highlight the benefits of gender equality for men in their work and personal lives. At the organizational level this includes ensuring that gender equality is at the centre of

³⁵ FRA (2014) *op cit*.

³⁶ ETF (2017) *op cit*.

³⁷ ILO & UN Women (2019) *op cit*.

³⁸ <https://www.heforshe.org/en>

³⁹ <https://www.unstereotypealliance.org/en>

⁴⁰ <https://businessfightspoverty.org/articles/report/how-can-business-tackle-gender-based-violence-in-the-world-of-work-a-toolkit-for-action/>

an organisation's business strategy, collection of disaggregated data and making a public commitment to change. At the level of culture, this includes modelling inclusive behaviour, creating inclusive networking and committing to making everyday changes to help shift the culture of an organisation. Finally, at the societal level employers and companies can take action to end harmful gender stereotypes, engage business partners and advocate to governments and other companies to enable more men to become allies for gender equality.

Men in trade unions can also be powerful allies in promoting a work culture of respect and dignity, modelling appropriate behaviour in the workplace, and ensuring that action is taken at all levels to end sexual harassment. In addition, engaging with egalitarian men in associations of men committed to changing social norms and ending violence against women can be a positive way to help model respectful behaviour at a societal level and promote new role models in the workplace.

Understanding power, inappropriate and unwelcome behaviour at work: the issue of consent

Transformational strategies to prevent and address sexual harassment in the workplace necessitate an understanding of the interplay between unequal power relations at work and the issue of consent. Unequal gender power relations may make it difficult for a woman to refuse abuse or to say no, and in particular to take account of the “coercive context in which consent is given.”⁴¹ As a result, submitting to sexual harassment should not be interpreted as an indication that it is either wanted or desired. Sexual harassment is a form of sexual discrimination, and unless consent is understood in the context of gender inequalities, “Yes can be coerced. It can be the outcome of forced choices, precluded options, constrained alternatives, as well as adaptive preferences conditioned by inequalities.”⁴² It is therefore important to recognize the concept of unwelcome sexual conduct in the world of work comes in two types: 1) an environmental workplace condition, made up of persistent or pervasive conduct or a single serious incident, or 2) proposal or execution of an exchange of workplace benefit or absence of workplace detriment for sexual compliance.⁴³ Therefore by taking power relations into account it may not be possible for a woman to give consent, rather it is important to understand the coercive context in which the consent is given and that the intent of the perpetrator is irrelevant if the sexual conduct is unwelcome.

Consent is a crucial issue when it comes to understanding sexual harassment and sexual assault in the workplace. Consent is the voluntary agreement to engage in sexual activity, meaning that a person must actively and willingly give consent to sexual activity. One of the problems in recent court cases is that consent is assumed because a woman did not say ‘no’, rather her silence or the absence of a ‘no’ was presumed to be consent, even if her body language or judgement was impaired by fear, alcohol or drugs. As a result, it is important that all forms of verbal and non-verbal communication are taken into account.

It is important that managers, supervisors and workers understand consent and that consent is not given in any circumstance when a perpetrator uses force, harassment, threat of force,

⁴¹ O'Connor, M. (2017). Consent, agency, choice and coercion: Complex issues in the lives of prostituted and trafficked women. *UK Women's International Studies Forum*. Volume 62, May–June 2017, pp. 8-16.

⁴² MacKinnon, C.A. (2005) *Women's lives, men's laws* (Cambridge MA and London, Belknap Press of Harvard University). p.246

⁴³ UN Women (2018) *Towards an End to Sexual Harassment: The Urgency and Nature of Change in the Era of #MeToo*, p.8.

threat of adverse personnel action, coercion, or when the victim is asleep, incapacitated, or unconscious. Consent should never be assumed or implied. For example, unwanted sexual advances towards a woman, such as groping a woman or touching her breast or buttocks in the workplace without her consent is defined as a criminal act in some countries punishable by imprisonment or a fine.

The role of social dialogue

Social dialogue between employers' and workers' organisations / trade unions can play a crucially important role in changing social norms and promoting gender equality at work, particularly for women in the most marginal and precarious forms of employment. Social dialogue is a formal or informal dialogue between employers and workers. This can take place at an informal or formal level in the workplace and has proven to be an effective way to find practical solutions problems identified by workers who have raised concerns.

Social dialogue, involving workplace cooperation and collective bargaining, is widely recognized as an important tool and method for preventing and addressing sexual harassment at work.⁴⁴ The principle is firmly embedded in ILO Convention No.190 on eliminating violence and harassment in the world of work.⁴⁵

In **Cyprus**, social dialogue plays an important policy setting role in the sphere of work and in the social sector, and best practice shows that when the principle of trust and consensus-based policy formulation is implemented it can have positive outcomes. However, in Cyprus, the social partners have been very slow to incorporate provisions and protocols on sexual harassment into collective agreements. In 2018, the Ministerial Board approved a Code of Conduct on sexual harassment for public sector. The Code was prepared by the Ombudswoman Office and the Gender Equality Committee in Employment and Vocational Training. Also, a voluntary Code of Conduct was drawn up for the private sector in 2019 and it is anticipated that it will be included in the collective agreements between workers and employers as soon as they come up for renewal. The Code was drafted and signed by biggest trade unions SEK, PEO and the Employers and Industrialists Federation (OEB) (Not all the trade unions and employers' organizations).

In **Denmark**, approximately 80 per cent of workers are covered by national sectoral-level collective bargaining. CBAs cover all areas of working life, including gender-based violence at work. At the highest level the Danish Confederation of Trade Unions and the Danish employers' organisation sets rules through general agreements and cooperation agreements. This sets out the frameworks for companies to draw up policies and agreements. Unions in Denmark have been very active in initiating campaigns and information. This includes a union taskforce on fighting sexual harassment established between Danish trade unions, which has raised awareness about sexual harassment in the

⁴⁴ Pillinger, J. & Wintour, N. (2019) Collective Bargaining and Gender Equality. Newcastle, Agenda Publishing. Pillinger, J., Schmidt, V., & Wintour, N. (2016) Negotiating for Gender Equality. Labour Relations and Collective Bargaining. ILO Issue Brief No. 4. http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_528947.pdf. ILO / OECD Global Deal (2019) The Contribution of Social Dialogue to Gender Equality. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_679957.pdf

⁴⁵ See ILO Policy Brief, ILO Violence and Harassment Convention No. 190 and Recommendation No. 206 (with a specific focus on workers' organisations, available in English, French and Spanish: https://www.ilo.org/actrav/info/pubs/WCMS_749786/lang--en/index.htm

workplace, including a successful campaign to increase fines for employers under the Equal Treatment Act.

In **Greece**, the presence of trade unions has significant value in workplaces and is especially important in sectors dominated by women. Their presence can have a strong preventative role. For example, the Federation of workers in the banking sector has established a Secretariat for Gender Equality, to which cases of sexual harassment can be reported. However, there have been very few cases of sexual harassment reported to the secretariat or via the union in specific banks. At the level of collective bargaining there has been very little attention given to sexual harassment. A Collaboration Protocol for the promotion of equality opportunities for men and women in employment was signed by the social partners in 2006. However, there is no information available about concrete outcomes related to sexual harassment.

Trade unions in **Bulgaria** have been very active in initiating campaigns and agreements on ending sexual harassment at work. Best practice approaches in collective agreements can be found in the transport sector where the 2012-2014 collective agreement contains a special chapter on 'Protection against violence in the workplace and gender equality' which includes a zero-tolerance approach, prevention, procedures and support for employees, amongst other areas. However, trade unions in Bulgaria face a number of persistent challenges. These range from cultural and social norms that need to be tackled as they permit a culture of sexual harassment in the workplace. New ways of tackling the problem need to be identified and workers should be able to talk about violence and harassment. In addition, measures are needed to integrate sexual harassment into all collective bargaining agreements. Finally, the vulnerability of workers who work in sectors where there is precarious work, poor working conditions and low pay needs to be tackled, as sexual harassment is more common in these sectors.

Campaign for safe work and violence free workplaces for women transport workers in Bulgaria

The Bulgarian transport union, FTTUB's has actively campaigned to end violence against women workers in transport. This started with a survey of women workers 'Someone to share with', which was based on self-administered anonymous questionnaires left in designated places in the workplace. Women workers responding to the survey highlighted high levels of risk of physical and psychological violence, the majority of which was third-party violence. The survey provided an important evidence based to inform FTTUB's subsequent campaigning, advocacy and negotiation of collective agreements on violence in the workplace. Following the campaign, transport companies began introducing safety measures for women bus and tram drivers. Four landmark municipal agreements were negotiated, leading to improved safety measures, awareness raising amongst the public, employers and workers, and improved safety measures and facilities for women.

The FTTUB's violence against women programme, 'Agreements into Actions', includes project work, a training programme on preventing violence against women, and follow up work on the implementation of the four existing municipal agreements on ending violence against women. FTTUB has linked gender inequalities and gender segregation in the workforce, including their participation in the International Transport Federation's campaign 'Strong unions need women', to their work on violence prevention.

At a formal level bi-partite social dialogue includes workplace negotiations for collective bargaining agreements and workplace policies. In addition to bi-partite social dialogue, governments, employers and workers sometimes take part in a formal tri-partite dialogue on violence and harassment at work. Multinational companies and global/national unions also conclude Global Framework Agreements covering several countries and across global supply chains (See example below). Increasingly, social dialogue has become a tool for achieving gender equality in the workplace, and has been used as a basis for forging agreements and the framework for workplace or sectoral policies and codes of practice on ending sexual harassment at work.

Example: Global Framework Agreement to fight sexual harassment

Danish multinational food company Arla Foods (ARLA) and the International Union of Food, Agriculture, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) signed an agreement to fight sexual harassment on 27 September 2019.⁴⁶ The agreement will be implemented in all of Arla's operations.

The agreement recognizes that sexual harassment is a form of sex discrimination. It defines sexual harassment as unacceptable behaviours of a sexual nature which are offensive to the person to which the behaviour is directed. It notes that sexual harassment can be perpetrated by colleagues, supervisors and managers but also by subcontractors, suppliers or third-parties providing goods or services to Arla facilities.

The agreement calls for a zero-tolerance approach to sexual harassment and commits the parties to develop concrete actions, based on good practices, to prevent and end sexual harassment in the workplace. Training and awareness raising activities will be held. A gender aware procedure regarding sexual harassment in the workplace will be drawn up, with a victim-centred approach and an effective system for reporting and resolving incidents of sexual harassment, including investigations that are treated with confidentiality and neutrality. The agreement states that perpetrators will be held accountable and that there will be no retaliation or threats against people who report sexual harassment. The implementation of the agreement will be monitored on a regular basis.

ii) Comprehensive prevention activities in the workplace

The second part of the transformative framework is to have a strategic and planned approach to preventing sexual harassment in the workplace. This has to be underpinned by gender equality and can be implemented through gender-focused occupational safety and health programmes, risk assessments and prevention strategies.

Workplace prevention programmes typically cover three main areas:

- Primary prevention, stopping violence and harassment before it begins through awareness raising and changing workplace culture;
- Secondary prevention, through training and awareness raising;

⁴⁶ <http://www.iuf.org/w/sites/default/files/ArlaIUFagreementToFightSexualHarassment-e.pdf>

- Tertiary prevention, through effective human resource policies and complaints systems.

This section discusses primary prevention, with a specific focus on gender equality. Secondary prevention and tertiary prevention are discussed in more detail in subsequent parts of the Toolkit.

Changing the culture of an organisation

Overriding all prevention activities is the need to change the culture of an organisation. This requires a gender-responsive and whole-of-organisation approach:

- Bringing gender equality and non-discrimination to the centre of all prevention activities, with an emphasis on changing social norms and gender stereotypes that presume male control and entitlement;
- High-level commitment to ending sexual harassment, with zero-tolerance to sexual harassment communicated throughout the organisation;
- Transparency in developing and implementing sexual harassment procedures and complaints systems that workers trust, implemented through a victim-centered approach;
- A willingness to implementing cultural change, including continuous learning from cases of sexual harassment and collection of disaggregated data on complaints;
- Ensuring that everyone takes a role in ending sexual harassment and by encouraging active bystander (upstander) approaches in the workplace.

Implementing prevention through occupational safety and health risk assessments

One important way to end sexual harassment is to ensure it becomes a core occupational safety and health risk. This recognizes that sexual harassment may result in physical and/or psychological health problems that affect work performance and participation in work.⁴⁷

ILO Convention No.190 requires governments to spell out duties on employers to prevent violence and harassment through workplace policies and occupational safety and health measures:

- a) adopt and implement, in consultation with workers and their representatives, a workplace policy on violence and harassment;
- b) take into account violence and harassment and associated psychosocial risks in the management of occupational safety and health;
- c) identify hazards and assess the risks of violence and harassment, with the participation of workers and their representatives, and take measures to prevent and control them; and

⁴⁷ For further information see: Eurofound and EU-OSHA (2014) Psychosocial risks in Europe: Prevalence and strategies for prevention. Luxembourg, Publications Office of the European Union; and WHO Healthy workplace framework and model. WHO, Geneva. https://www.who.int/occupational_health/healthy_workplaces/en/

- d) provide to workers and other persons concerned information and training, in accessible formats as appropriate, on the identified hazards and risks of violence and harassment and the associated prevention and protection measures. (C190, Article 9)

In preventing sexual harassment, occupational safety and health programmes can provide important points of entry for discussing gender equality and social norms change. Although sexual harassment at work is not a new issue in the workplace, it is increasingly being defined in relation to psychosocial forms of violence at work that are connected to adverse working conditions, such as stress, work pressures, insecurity at work and changes in work organization.

Adverse working conditions disproportionately affects women workers in sectors where they are most at risk of sexual harassment. For example, workplace stress threatens workers' physical and psychological safety and exposes workers to other work hazards. An intersectional approach is relevant because workers who are marginalized and face multiple discrimination often disproportionately experience sexual harassment. Adverse working conditions are referred to in ILO Convention No.190 as occupational risks that need to be tackled through occupational risk assessments and prevention programmes (see box below).

Psychosocial risks in the management of occupational safety and health

ILO Convention 190 highlights ***psychosocial risks in the management of occupational safety and health and workplace risk assessments.***

Occupational risk assessments as set out in the Convention 190 and detailed further in the Recommendation 206, should also contribute to changing attitudes by taking into account factors that increase the likelihood of violence and harassment (such as gender, cultural and social norms).

In relation to the workplace risk assessment (referred to in Article 9(c) of the Convention), particular attention is given to risk factors that increase the likelihood of violence and harassment, including psychosocial risks and hazards. The Recommendation states that account should be taken of risk factors that:

- (a) arise from working conditions and arrangements, work organization and human resource management, as appropriate;
- (b) involve third parties such as clients, customers, service providers, users, patients and members of the public; and
- (c) arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.

In some countries in Europe this approach has been implemented in the law. An example of this approach is the Belgian 2014 Act on Wellbeing at Work, whereby sexual harassment and violence are addressed as psychosocial risks in the workplace. As a result stress, psychological harassment and sexual harassment at work can result from workers being exposed to an aspect of the work environment or behaviour over which the employer has

some control (e.g. work organization, work content, working and living conditions at the workplace or interpersonal relationships).⁴⁸

Ensuring that employers take responsibility for preventing sexual harassment

Taking responsibility to prevent sexual harassment should rest on the employer as part of the employer's duty of care towards their employees to create a safe and healthy working environment. An example of this obligation would be to provide for risk assessments on violence and harassment at work as an important part of this preventative action.

In some EU Member States, such as Belgium, employers have the responsibility set out in the law to provide a work environment that does not discriminate against workers and is free from sexual harassment. This means if they have not taken all reasonable steps to prevent and address sexual harassment in the workplace the employer may be liable for sexual harassment, even if they were unaware that sexual harassment existed in the workplace. However, this approach has not been implemented in all European countries, for example, in Denmark and Greece, there is no legislation putting an obligation on the employer to implement measures to prevent sexual harassment in the workplace.

In a changing world of work, outsourcing of services and sub-contracting is can also affect job stability and working conditions, and hinder actions to prevent sexual harassment. In this context, measures on prevention, detection and action against sexual harassment should be applied to both the company and its sub-contractors.

Sexual harassment prevention measures in occupational safety and health

- Ensure that occupational safety and health programmes address the needs and concerns of women in the workplace (i.e. that they are gender-responsive).
- Occupational risks assessments take account of the multiple risks faced by women in the world of work, including women who work in the most insecure or precarious work situations and women who experience multiple forms of discrimination.
- Establish a joint (employer-union) safety and health committee that has the objective to implement gender-responsive prevention measures in the workplace.
- A proactive prevention role can be implemented if it anticipates, identifies and acts on risks in advance. These risks should identify work situations and work organization factors that make women unsafe.
- Draw up gender-responsive guidelines and checklists, and training, to enable workplace safety representatives to identify risks that are gender-related.

Carrying out a workplace risk assessment

Potential risks of sexual harassment in the world of work need to be identified through a gender-responsive approach that recognizes the different and inter-related dimensions of sexual harassment in the workplace. These notably include sexual harassment perpetrated

⁴⁸ ETUC (2016) *op cit.*

by managers, supervisors and colleagues; by third-parties (customers, clients, patients etc.); and from intimate partners who perpetrate domestic violence and abuse against their partners and ex-partners in the workplace. Although each of these dimensions of sexual harassment relate to a different context, they are all part of wider inequalities and social norms that perpetuate gender inequalities, sexism and sexual harassment.

A workplace risk assessment will assess the risk or potential risk of sexual harassment, which is followed by a prevention strategy to mitigate actual or potential risks in three main areas, that arise (as provided for in Convention No.190):

- From working conditions and arrangements, work organization and human resource management, as appropriate;
- Third parties such as clients, customers, service providers, users, patients and members of the public; and
- Discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.

Risk assessments should take into account the full range of risks that may lead to sexual harassment in the workplace. The following is a non-exhaustive list of what can be covered in a risk assessment:

- Assess how the organisation currently deals with and responds to complaints, investigations and whether there has been learning from previous cases.
- Identify and document the location and circumstances under which sexual harassment has typically taken place by consulting with women workers e.g. isolated workplaces, lone working, safe parking, transport home from work;
- Address risks in the workplace over which the employer has some control and can have an impact, for example, from work organisation, work content, working conditions and interpersonal relationships at work.
- Assess risks of violence against women and a hostile working environment when:
 - women work in male dominated sectors or in male dominated workplaces;
 - women work alone or in isolation;
 - women work in jobs where there are interactions with customers, clients, the public in customer facing services or with contractors;
 - women work behind closed doors and where labour inspection is infrequent, affecting women working as domestic or care workers;
 - women travel to and from work is carried out during unsocial hours and in the dark, including risks in car parks or walking to bus stops;
 - women do not have access to safe sanitary facilities or changing facilities.
- Risks associated with a woman's vulnerability in the labour market because of ethnic origin, gender identity, sexual orientation, disability or other characteristics.
- Conditions of economic crisis and rising unemployment, including the consequences of the COVID-19 pandemic, which may deter women from filing complaints.

- Risks associated with the status of the perpetrator in a company's hierarchy, in companies and in the private sector, which may mean that a 'high value' or 'senior' manager is protected by the organisation.

Drawing up a comprehensive gender-responsive prevention strategy in the workplace

A workplace gender-responsive prevention strategy is an important part of a transformative approach. Particularly important is that it addresses risk factors associated with social norms, unequal power relations and gender inequalities.

These risk factors are often embedded in the organizational culture (as discussed above).⁴⁹ Changes in organizational culture require a short- and long-term approach and can be achieved by creating a diverse, inclusive, and respectful working environment, where women are present in senior and leadership positions. This also means having transparent and accountable policies and procedures for addressing and learning from complaints.

A workplace prevention strategy should include the full range of occupation safety and health measures, including issues to include in risk assessments (identified above). The objective is to ensure that sexual harassment is prevented at an early stage. For example, prevention measures may include effective forms of work organization, and the allocation of work tasks and responsibilities. Consulting with women workers can help in identifying problems and risks, including aspects of organisational culture that lead to sexual harassment. Training and awareness raising is an equally important part of prevention in creating a respectful working environment and a culture of learning to end sexual harassment.

5 Steps to take in drawing up and implementing a comprehensive and gender-responsive prevention strategy

Step 1: Consult women workers. Ask women what is appropriate to include in a prevention strategy. This will make it relevant to worker's lives. Give priority to actions to implement a positive workplace culture and working environment by asking workers for their views and listening to their experiences, ideas and suggestions of what needs to change.

Step 2: Carry out a confidential and anonymous annual climate survey. This will help to identify key issues in the working environment, how workers feel about their safety in the workplace, whether they feel confident to file a complaint and if not why not, whether they feel they would be believed and if not why not, and whether they are treated equally and if not why not. Ensure that there is transparency so that workers know how the data will be used and how results will be made available. Use the results of the survey to inform prevention measures.

Step 3: Provide training for all workers, supervisors and managers. Training programmes must be evidence-based and where possible have shown prior social impact in reducing sexual harassment. This should cover how to prevent sexual harassment, and an understanding of and strategies to address wider gender inequalities and social norms, how to effectively receive and handle complaints, and implementing a victim-centred approach.

⁴⁹ UN Women (2019) *op cit.*

Step 4: Build a work environment of trust, dignity and respect among workers. Ensure that this is modelled in all workplace relations, such as the work of teams and negotiations between workers and management. Take active steps to reduce potential work conflicts, incivility, disrespectful behaviour, negativity and stress in the workplace, including the organisation of work processes. If these are not addressed, they may lead to sexual harassment. Use team approaches to rebuild damaged relationships in the workplace based on mutual trust, for example, through restorative justice programmes in the workplace.⁵⁰

Step 5: Implement practical and preventative measures. Implement practical and preventative measures in consultation with women workers, for example, on how to reduce risks of sexual harassment, how to increase security by identifying areas of the workplace where women may work in isolation and where there is greater risk of sexual harassment. Practical measures can include ‘sexual harassment safety walks’, making resources available if needed for alarms, ID keys, passcodes, as well as provision of self-defence training. For example, a safety walk through a workplace can enable women to identify parts of the building, work processes or aspects of work organization that pose risks for women’s safety. It is important to avoid ‘victim blaming’ or to put the onus on women to make changes in the workplace.

Step 6: Include provisions related to domestic violence at work. Ensure that workers who are concerned about risks of domestic violence in the workplace, and/or workers who have taken out restraining or protection orders against a partner or former partner, are assisted with practical safety planning, e.g. a safe parking space or temporarily reallocating work tasks. These can be important prevention measures for victim/survivors of domestic violence, as can information about specialist services and support (discussed below).

Monitoring and enforcement through equality bodies and Ombuds offices⁵¹

Legislation on equality and non-discrimination is often used to address harassment at work, particularly sexual harassment. State-funded gender equality or anti-discrimination bodies and Ombuds offices also have a key role to play in identifying, raising awareness and proposing solutions to end violence and harassment against women in the world of work. Sometimes, equality bodies directly address cases of discrimination and violence at work. They also take a range of preventative actions, including training for police and public bodies; preparing codes of practice on violence at work; undertaking awareness-raising; as well as supporting litigation regarding sexual harassment in the workplace.⁵²

Gender-responsive labour inspection

Labour inspectorates play an important role in monitoring and implementation of labour laws and occupational safety and health measures. They are increasingly taking a role in promoting gender equality and in preventing, monitoring and tackling sexual harassment in

⁵⁰ For further information see UK Restorative Justice Council: <https://restorativejustice.org.uk/resources/building-restorative-relationships-workplace-goodwin-development-trust's-journey>

⁵¹ These are State funded agencies whose functions are mandated in national legislation. Their functions vary but they can provide legal advice, promote equality and non-discrimination, carry out investigations and provide impartial conflict resolution. In Greece, for example, these functions are carried out through a network of 63 supporting structures supervised by the General Secretariat of Family Policy and Gender equality.

⁵² See for example Equinet (2015) Discrimination, harassment and inequality for women. The work of equality bodies informing a new European commission strategy for Gender Equality. Brussels, Equinet.

the workplace.⁵³ It is crucial that labour inspection systems are gender-responsive and that inspectors have the training to identify the range of risks of sexual harassment in the workplace.⁵⁴ The ILO has made a number of suggestions for gender-responsive labour inspection systems, including having more women labour inspectors, promoting awareness of gender and the introduction of gender equality indicators for inspection and training to enable inspectors to identify and address violence and discrimination.⁵⁵ In Europe, some countries, such as Cyprus, the Netherlands and Spain, have already taken steps to include gender equality in labour inspection systems.

This is an issue contained in ILO Convention 190 on eliminating violence and harassment in the world of work, which states that labour inspectorates and other relevant authorities, as appropriate, are empowered to deal with violence and harassment in the world of work. (C.190, Article 10) This also includes undergoing gender-responsive training on violence and harassment, including psychosocial hazards and risks, gender-based violence and harassment, and discrimination against particular groups of workers. (R.206, para. 20)

In addition, national bodies responsible for labour inspection, occupational safety and health, and equality and non-discrimination, including gender equality, should include prevention of sexual harassment in their mandate.

iii) Workplace policies, procedures and practices

The third dimension of the transformative framework is the development of effective workplace policies and procedures, embedded in human resources management and social dialogue, with procedures developed that are trusted by workers. As well as covering all workers who experience sexual harassment, workplace policies, prevention programmes and complaints systems need to include second-order sexual harassment experienced by workers who give support to survivors in the workplace.⁵⁶ Weak human resources management and an absence of policies and procedures can contribute to the risk of sexual harassment.⁵⁷ This section looks at how effective human resources policies and procedures can contribute to a transformative approach.

ILO Convention No.190 requires that governments should put a duty on employers to draw up a workplace policy. The accompanying **ILO Recommendation No.260** suggests that laws and regulations should specify that workers and their representatives be involved in the design, implementation and monitoring of the policy, and that the policy should include the following:

⁵³ ILO (2014) Labour inspection, gender equality and non-discrimination in the Arab states: Guide book. Geneva, ILO.

⁵⁴ ILO (2018) Ending violence and harassment in the world of work, Report V(1), International Labour Conference, 108th Session. Geneva, ILO).

⁵⁵ ILO (2012) Gender equality and labour inspection manual. Geneva, ILO. pp. 27-28. ILO (2006) General Survey on Labour Inspection (Chapter V), states that "...it is to be hoped that more steps will be taken to encourage the recruitment, training and promotion of women inspectors and to ensure that there is greater gender awareness throughout the inspection system." p.60

⁵⁶ Vidu, A., Valls, R., Puigvert, L., Melgar, P., & Joanpere, M. (2017). Second Order of Sexual Harassment - SOSH. REMIE. *Multidisciplinary Journal of Educational Research*, 7(1), 1–26. <http://doi.org/10.17583/remie.2017.2505>

⁵⁷ ILO (2016) Final Report, Meeting of Experts on Violence against Women and Men in the World of Work (3-6 October 2016), Conditions of Work and Equality Department. Geneva, ILO. p.40

- (a) state that violence and harassment will not be tolerated;
- (b) establish violence and harassment prevention programmes with, if appropriate, measurable objectives;
- (c) specify the rights and responsibilities of the workers and the employer;
- (d) contain information on complaint and investigation procedures;
- (e) provide that all internal and external communications related to incidents of violence and harassment will be duly considered, and acted upon as appropriate;
- (f) specify the right to privacy of individuals and confidentiality, as referred to in Article 10(c) of the Convention, while balancing the right of workers to be made aware of all hazards; and include measures to protect complainants, victims, witnesses and whistle-blowers against victimization or retaliation. (R206, para. 7)

Workplace policies and/or sectoral or workplace collective bargaining agreements on ending sexual harassment at work send a strong message that violence and harassment will not be tolerated. Collective agreements that span a whole sector can play an important role in setting the framework for policies and procedures in all workplaces in a sector.

In particular, policies should be explicit in describing conduct or behaviours that are unacceptable in the workplace, and in reinforcing the importance of gender equality and social norms change in the workplace. It is important to ensure that policies and procedures are written in the languages understood and used by workers in the workplace. Steps should be taken to make the policy available on the company's web site or Intranet, in staff handbooks and induction manuals for new staff, and displayed on all relevant notice boards and other sources of company information. Information about the policy is also made available in accessible formats, such as video, for workers with low literacy.

A starting point is that the policy makes a commitment to a **working environment free from sexual harassment**. This includes a clear definition of sexual harassment and that it is understood by everyone. It should specify the full range of measures that will be implemented to ensure a working environment free from sexual harassment. This should include a requirement that senior managers take the lead by modelling appropriate behaviour. For example, this can take place by consulting regularly with staff about their concerns and in identifying parts of the workplace or working day where women feel unsafe; removing offensive, pornographic or sexually explicit materials from the workplace; providing well-lit work areas; alarm systems; and gender-balanced interview teams.

Cyprus: Code of Conduct on Preventing and Combating Harassment and Sexual Harassment in Public Service

The Code of Conduct provides guidance on how to prevent and deal with sexual harassment in the Cypriot civil service. It was published in 2018 by the Ombudswoman in cooperation with the Gender Equality Committee in Employment and Vocational Training. The Code was approved by the Ministerial Board by a Decision,

The Code provides for informal and formal methods to investigate complaints (with the informal process aimed at addressing improper behaviour before it spirals into sexual harassment). The Code requires that each supervisor, each competent authority and the public administration in general, must understand that harassment and sexual harassment at

the workplace constitute gender discrimination and gender-based violence forbidden by law, and that they have the legal responsibility to ensure a safe, dignified, healthy and friendly work environment. If employers do not take action, they are legally responsible for the harassment, along with the perpetrator. It is recommended that Gender Equality Committees be established in each public administration and that they receive training about the implementation of the Code. The training is being carried out by the Cyprus Academy of Public Administration, in close cooperation with the Gender Equality Committee and the Ombudswoman Office.

The Code includes a brief introduction, the legal base and useful terms and concepts. The Code explains what constitutes such behaviour and gives instructions to employees on how to prevent it, and what to do if it takes place. It lists myths and stereotypes about harassment. It also lists the responsibilities of each authority, including how to prevent harassment, and how to provide support to a victim of harassment. Cases are to be dealt with discreetly. It contains also the duties and responsibilities of Competent Authority, their obligation to ensure a Decent Work Environment, measures of Competent Authority to Prevent Harassment and Sexual Harassment and measures of Competent Authority to Address Harassment and Sexual Harassment / Harassment.

Policies need to clearly state that **sexual harassment is prohibited in the world of work**. Often workers are unclear about what conduct is prohibited, in which case it is important to give clear definitions and examples of physical, verbal, non-verbal and sexual forms of violence and sexual harassment, including sexual harassment and harassment through digital and social media. It should refer to the prohibition of violence and harassment by third-parties. A warning to third-parties that sexual harassment will not be tolerated can be communicated through the display of signs in company premises e.g. on buses, in railway stations or in hospital or waiting rooms, in bars and restaurants. These should state that any form of sexual harassment is not tolerated and is treated as an offence with serious penalties.

The policy must be championed by leaders and senior managers so that all workers know that the company is serious about ending sexual harassment. A statement is made that there is a zero-tolerance approach to sexual harassment in the workplace and that the company/employer promotes a workplace culture based on dignity and respect. Giving profile to the policy is important, for example, whereby the CEO or senior managers officially launch the policy in workplace. If relevant, a statement is made that the organisation has a duty of care to protect its workers from third-party violence. The company or organization states that it will make all efforts to reduce risks faced by workers, including carrying out regular risk assessments that take into account different occupations, locations, work organization and working practices that may put workers at risk.

A further element of the prevention of sexual harassment is that **procedures are in place for recruitment and promotion**, thereby avoiding 'quid pro-quo' forms of sexual harassment occurring as a condition of recruitment or promotion. By putting in place recruitment and promotion procedures it will be possible to prevent sexual harassment occurring during an interview for a job or promotion. This ensures that interviews focus on qualifications and competencies to do the job and not on personal matters. This ensures that interviews focus on qualifications and competencies for the job and not on personal matters. Gender-balanced interview teams can help ensure that procedures are followed.

Sexual harassment protocols in Spain

Rates of reporting sexual harassment have improved in Spain as a result of compliance with the legislation designed to improve systems for prevention and evaluation of psychosocial risks and training for trade union representatives and other stakeholders.

In Spain, sexual harassment protocols, implemented in large companies, have been an important tool against sexual harassment. They are mandated under Organic Law 3/2007 on gender equality in the workplace and include measures to prevent and tackle sexual and gender-based harassment (article 46). However, the vast majority of workers are in small and medium sized enterprises which are not covered by the legislation.

This law requires businesses to promote working conditions which prevent sexual or gender-based harassment as well as obliging them to put procedures into practice to deal with reports and complaints from victims (article 48). Sexual harassment protocols are policies that set out a procedure for companies to follow, including formal and informal complaints system, and provision of support for victims. Many of these protocols are agreed through collective bargaining. In addition, some collective bargaining agreements such as that of the energy company Endesa, deal with the matter of violence in the workplace as a health and safety issue. Endesa has committed to safeguarding their working environment so that workers' psychological health is never at risk, resulting in special attention being paid to detecting and evaluating possible. Vodafone workplace policy

A good example Vodafone's No.III national agreement on employment and collective bargaining, signed by the social partners on 8 June 2015. It covers prevention of gender-based harassment and establishing protocols to eliminate sexual harassment. A Protocol on Sexual Harassment and Harassment for Sexual Reasons was agreed as part of the company's Equality Plan. It sets out the additional instruments that the Company will implement to detect harassment and/ or discrimination, including a fact-finding phase and disciplinary measures or dismissal for a harasser.

Sex disaggregated data in the workplace

Generally there is limited data held on the prevalence of and types of cases of sexual harassment in the workplace. Data on sexual harassment, disaggregated by gender/gender identity, age and occupation of the victim and the perpetrator, will go a long way in tracking and showing trends in cases of sexual harassment. Holding data on anonymous reporting and complaints will also be important as this will help to build understanding of the circumstances, situations and prevalence of sexual harassment. Broadly this data can help to identify problem areas in the workplace, including where resources need to be allocated for training, awareness and prevention initiatives.

With adequate data it will be possible to learn from previous cases of sexual harassment and how they were dealt with, including third-party violence and harassment and domestic violence perpetrated by an intimate partner that takes place in the workplace. This learning, including review of incidents can help in drawing up and implementing prevention measures and organizational changes. This is particularly important for cases of third-party sexual harassment where the perpetrator may not be known and where cases have not been formally investigated.

Feedback from ASTRAPI project partners on data limitations

Data limitations exist in all project countries. First, there is significant under-reporting of sexual harassment at a workplace and institutional level. Second, where there has been an informal settlement in the workplace or a trade union may have handled the case this may not have been recorded in HR or other reporting systems. Third, some cases are subject to 'non-disclosure agreements' which keep the issue hidden and no information will be available about how the issue was resolved. Furthermore, surveys often do not ask detailed questions about sexual harassment and data is not always disaggregated by sex, nor does data measure the event, victim and perpetrator or whether there is a pattern.

As Walby and Towers⁵⁸ suggest there are four gender-related dimensions that should be included in data on violence against women, notably the sex of the victim; the sex of the perpetrator; the relationship between perpetrator and victim (intimate partner or other family member; acquaintance; or stranger) and whether there is a sexual aspect (a possible fifth dimension is whether there is an identifiable gender motivation). No country has implemented this framework.

iv) Effective complaints procedures

Effective complaints procedures are those that are robust and trusted by workers, forming an important part of the transformational approach. The complaints system needs to be victim-centred, trusted by workers and through a supportive environment where workers feel safe to report sexual harassment. This is reiterated in ILO Convention 190 which states that victims of gender-based violence and harassment in the world of work have effective access to gender-responsive, safe, and effective complaint and dispute resolution mechanisms, support, services, and remedies. (C.190, Article 10b)

These measures are important because the reality is that many women do not report sexual harassment at work because of stigma, because they have no trust that the complaint will be dealt with seriously or effectively, or because they fear loss of their job, further victimisation or other forms of retaliation. This is why it is important for **complaints to be made through a variety of routes**, including through informal and formal complaints procedures in writing or in person to a manager, or via anonymous complaints made in writing, through an Internet tool, a specially designated hot line, or via a trade union representative. Even though it may not be possible to carry out a formal investigation where anonymous complaints are made, it is important to monitor all complaints made anonymously and address areas of concern. There may be important learning about workplace culture that can be acted upon or parts of the working environment that pose specific risks. Therefore, the culture of an organisation should be to ensure there is responsibility to and actively welcome complaints through multiple routes to enable it to monitor and intervene to prevent situations that may lead to sexual harassment.

It is important that a complainant is asked how they would like the problem to be dealt with, as some complainants want to make follow an informal procedure that leads to a

⁵⁸ Walby, S. and Towers, J. S. (2017) Measuring violence to end violence: mainstreaming gender. *Journal of Gender-Based Violence*, 1(1), pp. 11-31. doi: 10.1332/239868017X14913081639155.

conversation with the accused about their conduct. It may result the accused apologising and learning about the consequences of their misuse of power.

When an employer becomes aware of an incident of violence and harassment, a response is given to the worker setting out what options are available (normally within five days). Full resolution, including an investigation and disciplinary or other procedures are set out (should normally be completed within six months).

In addition, trade unions can play an important role in helping to develop a complaints system that will be trusted by workers, and they can also help build confidence amongst workers in making complaints, giving workers support and information in making complaints. Trade unions are particularly well placed to train their workplace representatives and officers to take account of the reasons why workers do not report sexual harassment, what organisational or other barriers women face that the organisation needs to overcome. In some cases it may be possible for complaints to be made via the trade union.

A further important issue is guaranteeing that there is confidentiality and **informed consent**. This means providing support to the victim/survivor in helping them to decide on what action to take and when. Complainants and the accused are also provided with information that they can be supported by a colleague, friend or trade union representative during the complaints process. Complaints systems will be effective when they enable victims/survivors, and witnesses and bystanders to make a **complaint confidentially and safely**.

A key issue in building trust is that workers who make complaints, who provide information related to complaints, and those supporting complainants, are assured that they will be **protected against retaliation**. It is imperative that this is written clearly into the policies and procedures to reassure workers that their complaints will be taken seriously and without retaliation.

Good practices in complaints handling suggest the need to ensure an **early resolution of the complaint**, with efforts made to deal with complaints promptly and within realistic timeframes. There should be steps to resolve an incident informally, before commencing on a formal procedure that involves a more-lengthy process and an internal or external investigation. An **open and transparent process** is vitally important so that complainants know what happens during and after the complaints process, including what happens after a complaint is made, who will be told about the complaint, the timeframes involved, whether an investigation takes place, what is included in the investigation and the outcomes of an investigation.

Making complaints: formal and informal procedures

An **informal procedure** can have the advantage of a fast resolution for the victim/survivor. A victim/survivor may just wish to have an apology and for accused to be aware that their conduct is unacceptable and for it to stop. It does not preclude a complainant from following a formal procedure. It is important to gain the consent of both parties before proceeding with the informal procedure. The person accused of sexual harassment is approached and given reasons why the behavior is viewed as unacceptable and why it gives rise to concern. All informal consultations are confidential, unless there is concern that the safety or wellbeing of staff could be affected. The informal procedure can result in discussion between both parties

and resolution that is acceptable to the complainant. If the issue is referred to a mediator in the company it is important to take account of the fact that gender power imbalances may exist in mediation. If there is resolution, it will be important to regularly check that the unwanted conduct has stopped.

If a resolution is not reached through the informal procedure, a **formal procedure** involving an investigation can be implemented. The victim may want to follow the formal procedure from the outset. The first step is to commence the formal complaint mechanism by informing both parties of the process and expected timeframes. The second step is to refer the complaint to the CEO and the senior HR manager, and if it exists to the complaints committee. The third step is to carry out an internal or external investigator (see further information below on carrying out investigations).

Victims/survivors should also be informed about their rights under the law and that they can **lodge the complaint outside of the company**, which can be investigated by the state equality body (such as the Ombuds Office), and/or by the police. In serious cases, HR managers or trade union representatives may advise that an external investigation by a state equality body be instituted, in which case the same procedures for carrying out investigations, outlined above, are observed.

Reversing the burden of proof

Making the complaints system effective and victim-centred requires that the burden of proof does not rest with the complainant – this is crucial if people are to be supported in making complaints of sexual harassment.

Reversing the burden of proof is one of the provisions contained in EU recast Directive 2006/54/EC⁵⁹ on equal treatment, where EU-wide rules on the burden of proof are applied in sex discrimination cases. This means that the victim will only need to present facts about their experience of sexual harassment and that the accused has to prove that his/her actions did not constitute such sexual harassment.

Carrying out investigations

If a complaint follows a formal procedure, the first step is to inform the parties about the procedure and how an internal or external investigation will be carried out. There are some key steps that need to be followed in carrying out investigations, including the skills that investigators should hold.

1. Investigations are carried out in a gender-responsive way, taking account of social norms, gender inequalities in the workplace and the specific vulnerable situations and risks that women face in the workplace.
2. There should be no restrictive statutes of limitations setting out timeframes for when a complaint can be made and an investigation held. While it is important for complaints to be handled and resolved quickly, it is important to recognize that cases of sexual harassment may date back over many years.

⁵⁹ <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A31997L0080>

3. A clear process exists for holding independent internal or external investigations. Ideally, investigations should be carried out by independent and qualified experts in the field. If there is an internal investigation a committee should provide oversight in tracking and monitoring the investigation and its outcomes. Investigators are trained to understand sexual harassment, the role of social norms in perpetuating victim-blaming, and in carrying out investigations in a gender-neutral way.
4. Investigations are carried out in a thorough, objective, transparent and clear way, documenting all steps taken, who is interviewed and with the main findings and recommendations set out in a written report.
5. It is imperative that the findings and recommendations of the investigation are treated seriously by senior managers and that recommendations are fully acted upon. Investigations should continue to be held even if the victim or the perpetrator has resigned, as there may be important learning for the employer about causality.
6. Confidentiality and privacy of the parties involved in the investigation is crucial. However, complete confidentiality or anonymity may not be possible, for example, when carrying out interviews with the complainant, witnesses and the person alleged to have carried out sexual harassment. Where possible, the reporting of investigations should protect the anonymity of witnesses.

Establish a sexual harassment committee or sub-committee

A further enabling mechanism is to establish a workplace committee with responsibility for overseeing the drawing up and implementation of workplace policies, information, training, complaints processes and investigations, and providing support and guidance for workers. They can also give oversight to prevention activities and the implementation of prevention strategies.

Some larger companies establish a sexual harassment committee or sub-committees of other committees, such as the occupational safety and health committee. It is important that there are consultations with women workers, trade unions and local women's organizations prior to setting up the committee, and that there is gender-balanced membership.

Countering sexual harassment in universities

In recent years there has been a lot of attention given to ending sexual harassment in the university sector. In Greece, Gender Equality Committees have been established in some universities for this purpose, for example, in the Aristotle University of Thessaloniki and the University of the Aegean. In Spain, some positive examples exist, but there is still a culture of silence on the issue, as shown below.

In Spain, there has been a 'law of silence' perpetuating a culture of violence against women in universities. Research found that amongst the respondents, 91 per cent of victims/survivors of sexual harassment did not report cases and 92 per cent of university students did not know that their university had a service for victims/survivors of sexual harassment. In Spain, sexual harassment in universities is exacerbated by the predominance

of unequal power structures, hostility towards victims/survivors, tolerance of violence and harassment and sexist stereotypes.⁶⁰

Further research carried out in Spain⁶¹ identified three fundamental issues relevant to ending sexual harassment by universities. First, is recognition of the problem by institutions and overcoming resistance from universities. Second, is support for survivors from a bystander intervention perspective; a recognized good practice is a peer support network in Spain 'Solidary networks of victims of gender violence in universities.' Third, is protection for those who support the victims through recognition and action against the second order sexual harassment (SOSH), which has been used by universities to attack those that support victims.

In Spain these measures are deemed essential in changing organisational cultures. Frequently there is a denial that the problem exists and the system penalises those that make complaints and those that support complainants. Exclusionary rather than transformation actions pervade in the sector. These are often designed to avoid reputational damage and are sustained by gender power inequalities.

The issue is also dealt with in the 2017 State Pact on Violence Against Women, which is a high-level government commitment to address violence against women. It includes measures to end sexual harassment in universities by requiring university Equality Units to carry out campus-based prevention campaigns and address sexual aggression.

There are some good practices in universities through the establishment of Equality Units in some Spanish universities, with a remit to draw up policies and procedures to encourage more complaints and to change culture. Some Equality Units have launched campaigns on their campuses to give visibility to the sexual harassment protocols and the measures introduced in the university community (for example, University of Girona, Autonomous University of Barcelona and the University of Vic).

Good practices from the implementation of anti-sexual harassment policies in Spanish universities include:

- Zero tolerance towards gender violence in the university.
- Support and solidarity with victims.
- Protect second order victims.
- Guarantee professionalism and scientific rigor in the investigation and settlement of the cases.
- Create confidential spaces where survivors and witnesses can report sexual harassment.
- Inform, through different channels (brochures, posters, etc.) the services available at the university and break the silence on this issue, creating awareness.

⁶⁰ Valls, R., Puigvert, L., Melgar, P., & Garcia-Yeste, C. (2016). Breaking the silence at Spanish universities: findings from the first study of violence against women on campuses in Spain. *Violence against women*, 22(13), 1519-1539.

⁶¹ Puigvert, L., Valls, R., Garcia Yeste, C., Aguilar, C., & Merrill, B. (2017). Resistance to and Transformations of Gender-Based Violence in Spanish Universities: A Communicative Evaluation of Social Impact. *Journal of Mixed Methods Research*. doi: 10.1177/1558689817731170

v) Support and remedies for victims/survivors

An important part of the transformational approach is the victim-centred approach. Implementing a victim-centred approach will ensure that victims/survivors receive effective remedies and support, that they are listened to and that their concerns and needs are acted upon. This is an important part of an employer's duty of care towards their employees. Providing a supportive environment for reporting also means that there is no possibility of retaliatory action and that victims/survivors are not penalized for reporting. The provisions on support are also contained in ILO Convention No.190.

There is no one blueprint in providing support for victims/survivors, as support needs to be tailored to each individual's needs and requests. Support measures may include counselling, paid leave or measures to support a woman's reintegration into work if she has taken leave, providing financial compensation, which may be particularly relevant in cases where a woman's career development has been affected if has been overlooked in promotion, or has lost her job because of the sexual harassment she endured.

Support can be provided internally, for example, by a colleague, union representative, occupational health practitioner or workplace advocate. It can also be provided externally if an employer has a developed a partnerships with an NGOs, trade union and specialist women's organization to provide counselling and support. In Belgium, legislation provides for the appointment of workplace 'persons of confidence' who ensure confidential support to victims/survivors of violence, often providing an important prevention role. In other countries, workplace advocates have been trained to provide confidential support, information and advice in the workplace.

A further issue relevant to promoting a workplace culture based on respect and dignity that encourages prevention, reporting and learning from complaints, is that there is protection for workers who support victims without retaliation or further harassment. The concept of second order sexual harassment (SOSH) recognizes that supporters – work colleagues, supervisors or managers - may also face retaliation and experience victimisation when they offer support to colleagues experiencing sexual harassment. This means ensuring that there is no recourse to **second order sexual harassment (SOSH)**, which is all too common. SOSH is sexual harassment that is perpetrated against a person who gives support to a victims/survivors of sexual harassment. This acts as a powerful way to keep supporters, bystanders and witnesses silent in the workplace. Therefore, SOSH needs to be recognized and named in policies and procedures, and prevention programmes need to tackle the issue.

In contrast, organisations seeking to change culture will encourage supervisors and co-workers to speak out about sexual harassment and support victims/survivors in the workplace. Often colleagues and supervisors remain silent as they do not know how to approach the issue with a colleague and they may be worried about doing the wrong thing. This can be rectified through training.

For many victims/survivors, sexual harassment is a traumatic and distressing experience that can cause a loss of confidence, anxiety, sleep problems, depression, anger, isolation and withdrawal from work colleagues, friends and family members. Many feel shame and guilt and may blame themselves for allowing it to happen. It is important to show empathy when supporting and talking to victims/survivors. It is therefore crucial to have listening and other

skills in communicating with someone who has had a difficult experience of sexual harassment.

An important starting point is to validate the victim/survivor's experience and to listen and talk to them sensitively. This means learning skills of listening and empathy. Key to this is helping the victim/survivor to make their own decisions. It is crucial not to judge or blame the person for what happened. The victim/survivor may just need someone to be there for them and it is important that what they say is believed and taken seriously. For some victims/survivors, it may take time for them to feel able to talk about their experiences of sexual harassment.

vi) Active bystander and upstander approaches

An important approach to preventing sexual harassment and supporting victims/survivors in the workplace is to encourage bystanders who witness sexual harassment to intervene in a proactive way. Often bystanders are passive, they may not recognise that sexual harassment is taking place or they may feel it is not their place to intervene. Moving from being a passive to an active bystander means that a worker becomes an 'upstander' in challenging sexual harassment.

Bystander intervention programmes encompass training, support and encouragement for employees to notice the signs of sexual harassment and prepare them for how they can intervene to prevent it or stop it. Bystanders can play an important proactive role in intervening to prevent sexual harassment and supporting the person who is being targeted with sexual harassment in the workplace. In particular, bystander interventions are effective ways to enable colleagues to take supportive roles in the workplace.⁶² This can have a positive impact on workplace culture and the work environment, including a culture of openness that 'breaks the silence' and encourages workers to disclose, discuss and intervene in ending sexual harassment. Through these programmes, workers can be empowered to know when and how to stand up to the perpetrator, tell them that their behaviour is not appropriate, and/or report the conduct to management. This active approach will work if workers and managers are confident that they will be supported to take an active role.

Bystander intervention programmes, including training, are becoming increasingly common in university campuses and in helping students to intervene before, during or after an incident of sexual harassment. However, tried and tested bystander intervention programmes stress the importance of ensuring that bystanders receive training on how to intervene safely and appropriately. Promising initiatives can be found in the university/college sector, which could provide a model for bystander intervention programmes to be replicated in the workplace. This approach in the workplace is being promoted as part of the transformative approach to ending violence against women.⁶³

Bystander intervention programmes

⁶² For further information see: ILO/UN (2019) *op cit.*; and UN Women (2019) What Will It Take? Promoting culture change to end sexual harassment. <https://www.unwomen.org/-/media/headquarters/attachments/sections/library/publications/2019/discussion-paper-what-will-it-take-promoting-cultural-change-to-end-sexual-harassment-en.pdf?la=en&vs=1714>

⁶³ ILO / UN (2019) *op cit.*

In **Spain** there are some promising initiatives in the universities sector involving bystander intervention programmes, which could be replicated across workplaces. An example of the bystander approach is the peer support network in Spain ‘Solidary networks of victims of gender violence in universities’.⁶⁴ This platform aims to support victims of gender-based violence in universities and to raise awareness of the problem by organizing public events and direct action. The network has been included in the ‘good practices’ database of the Spanish Observatory of Gender Violence.

In Denmark, FIU-Ligestilling has promoted changes in the culture of work and for colleagues to speak out against sexual harassment and contribute to a work culture free of sexual harassment – the basis is that everyone benefits and employees can still have fun at work without resorting to sexist jokes. A booklet ‘Sexual Harassment: Also a colleagues responsibility to speak out’⁶⁵ has been drawn up to equip colleagues to speak out and help to develop an environment free of sexual harassment. It also discusses the dilemmas that can often arise when someone witnesses sexual harassment and sexist behaviour, and how you they can be tackled. It gives tips on how to speak out as a colleague.

What does being an active bystander/upstander mean in practice? The following are some practice tips on what co-workers, supervisors and others in the workplace can do:

- Challenge sexism in the workplace e.g. inappropriate sexual comments or jokes in person or online.
- Support is given to develop skills to approach the perpetrator sensitively and tell them what they have witnessed and that it is wrong.
- Disrupting a situation in the workplace can be another effective way to intervene e.g. when there is verbal sexual harassment by intervening in and changing a conversation.
- Call on others for support which can help to stop a situation where there is sexual harassment.
- Discuss the actions taken with colleagues in the workplace and encourage others to take an active bystander/upstander approach.
- Give support to the victim/survivor by letting them know that what they experienced was not their fault, that support services are available and that it is possible to make complaints.
- Document any bystander interventions taken, as these may later be needed for evidence.

Bystander training is important in building the workers or supervisors to play an active bystander role to help them understand when it is appropriate to step in and/or divert attention from a potentially harmful situation and when to stand back. Some training programmes include training that raises awareness about social norms and unconscious bias.⁶⁶

A menu of bystander interventions: UN Women⁶⁷

⁶⁴ Puigvert, L., Valls, R., Garcia Yeste, C., Aguilar, C., & Merrill, B. (2017) *op cit*.

⁶⁵ FIU-Ligestilling (2019) Sexual Harassment – also a colleague’s responsibility to speak out. http://fiu-ligestilling.dk/tools_materials/sexual-harassment-how-to-speak-out-as-a-colleague/

⁶⁶ See ILO & UN Women (2019) *op cit*. for further research and good practices on bystander intervention training.

⁶⁷ UN Women (2019) *op cit*.

Support – being in contact with the target of sexual harassment, including at a later time. Ask how they are, if they want support, someone to talk to.

Delegation – engage other people in a response. In a workplace this might be informing a supervisor or other colleague; in a university other students or staff can be approached to step in or in other ways offer support or sanction.

Distance – being in contact with the harassed person at a later time for example to check on how they are, share resources. Likewise, if judging it to be safe, the harasser can be approached at later time, for example to express concern at what happened.

Document – having a record of an incident is always helpful in monitoring the culture and behaviour in an organisation. It can also support any report that might follow. Those who are caught up in such an event may not have the time or ability to make a record at the time so any form of documentation (including photographs, screen grabs) may be useful. Ensure victim-survivor permission for any visual record.

Distraction – speaking or acting so as to draw attention to something else. It can diffuse an incident through, for example, dropping papers, spilling a drink, walking between the abuser and the victim-survivor.

Direct interventions – an approach to the perpetrator can involve, for example, a very short and clear statement such as ‘I’m uncomfortable with what you are doing’. This can be difficult especially if a junior person is witness to prohibited behaviour by a senior person, with a risk of escalation or being targeted, so should not be undertaken lightly. It can be received as confrontation or insubordination.

vii) Perpetrator accountability

The next part of the transformational approach is to ensure that perpetrators are held accountable for their actions, and that this is built into the prevention of sexual harassment and an ending of a culture of serial sexual harassment. Perpetrators need to know that the company or organisation takes the issue seriously, that their actions are wrong and that disciplinary measures exist. Workplace policies and procedures need to clearly state that sexual harassment is a form of workplace misconduct and that there are investigative and disciplinary procedures for addressing it. This will send a clear message sexual harassment is not acceptable and perpetrators will always be held accountable for their actions. Informal and formal disciplinary procedures should be clearly set out, including the types of disciplinary action or sanctions (such as verbal or written warnings, dismissal, perpetrator treatment/counselling or ongoing supervision).

It is crucial that disciplinary action is carried out in a way that is proportional to the severity of the misconduct. It is also important that disciplinary action is implemented in a consistent way across the workplace, for example, by ensuring that senior managers or ‘high-value’ employees are treated in the same way as all other employees who are found to perpetrate sexual harassment. There may be reputational damage to a company or organisation if the issue is not dealt with seriously.

Perpetrator treatment and counselling programmes may also play a role changing perpetrators' use of and attitudes towards violence. Evidence in Europe shows some positive results from perpetrator programs in changing behaviour and reducing the severity and frequency of violence. Some countries are now putting greater resources into identifying best practice approaches to perpetrator treatment programmes and tailoring programmes to different perpetrator typologies.⁶⁸ Perpetrator programmes are most effective when they are part of coordinated, inter-agency interventions at societal, institutional, community and individual levels, as recommended under the Istanbul Convention. In all cases, and particularly where violence and harassment has been persistent and serious, caution is recommended and close monitoring of perpetrators is needed.⁶⁹

viii) Raising awareness, training, workplace guidance and campaigns

The final part of the transformational approach is to ensure there is continuous awareness raising, training and workplace campaigns to end sexual harassment. Some of these initiatives may be taking place nationally through information campaigns run by NGOs, employers' and workers' organisations, state agencies, equality bodies and labour inspectorates, amongst others. Training and awareness raising should be supported at the highest levels, for example, a senior leader who is present to open and attend the training session sends a strong message that violence and harassment training is important.

On the one hand, these initiatives need to focus on wider gender inequalities and social norms. This will enable actors to better understand the inextricable link between gender power inequalities and sexual harassment, and enhance their capacities to challenge stereotypes, address attitudes such as 'victim blaming' and promote positive masculinity. On the other hand, they need to give workplace actors the skills to effectively implement workplace policies and procedures, victim-centred approaches, identification of risks from a safety and health perspective, and implementation of relevant remedial measures in response. An important outcome is that workplace actors learn ways to prevent and act upon sexual harassment, by understanding what is achievable and relevant to their roles and responsibilities.

It is crucial that ending sexual harassment in the world of work is part of a multi-dimensional approach. As this Toolkit has shown ending sexual harassment is complex and needs to be embedded in transformational approach, with a strong emphasis on prevention. Governments, employers, unions, NGOs, opinion formers in the media and other societal institutions, education and sporting bodies all have a role to play in ending a culture of sexual harassment.

The **Danish Working Environment Authority** recently collaborated with unions and employers' organisations to launch a new campaign on sexual harassment. "Hvor går grænsen?" (Where do we draw the line?). In addition to a film describing sexual harassment

⁶⁸ European Commission, Summary report of Mutual Learning Programme in Gender Equality, Preventing domestic violence with men and boys: Challenges and Opportunities, Sweden - 16-17 September 2019. https://ec.europa.eu/info/publications/eu-mutual-learning-programme-gender-equality-preventing-domestic-violence-men-and-boys-challenges-and-opportunities-sweden-16-17-september-2019_en

⁶⁹ Hennessy, D. (2018). Steps to Freedom: Escaping intimate control. Liberties Press, Dublin.

and where to draw the line, dialogue cards depict different situations, where the players must decide how to respond. The cards are intended for starting a dialogue about the working environment.⁷⁰

Promoting a good psychological work environment with a focus on well-being and openness is a form prevention against sexual harassment. Recommendations are formulated in a ten-point plan on 'A Good Psychological Working Environment: Ending Sexual Harassment' were drawn up jointly by the Danish social partners and the Labor Inspectorate, and was based on partners' working environment knowledge on the prevention and management of sexual harassment in working life.⁷¹

Information and awareness campaigns have also been carried out by **trade unions in Denmark**, including #notonthemenu in the restaurant sector⁷²; as well as various information leaflets produced by FIU-Ligestilling, amongst other trade unions. FIU-Ligestilling has developed a report highlights the importance of discussions to change workplace culture.⁷³ The 'Crossing the Line' (OverStregen) campaign has created dialogue cards for an interactive game in English and Danish to raise awareness about appropriate and inappropriate behaviour in the workplace and to prompt colleagues at work to discuss respectful work culture. It has been drawn up as a 'kickstarter' kit for the campaign 'Crossing the Line'⁷⁴ to put sexual harassment on the agenda and to allow for a discussion about when a line has been crossed.

In **Cyprus**, awareness raising actions have been put in place by the government. Examples include the Gender Equality Committee's publication of a study on Cypriot case law on sexual harassment,⁷⁵ various promotional materials in Greek and English such as bookmark: '*Are you a victim of sexual harassment at work? Your employer is legally responsible for you. REPORT IT!*',⁷⁶ a promotional brochure on sexual harassment⁷⁷ and a sample of sexual harassment code.⁷⁸ A video produced by the Gender Equality Committee aims to raise awareness about making complaints of sexual harassment to the Committee and its role in accepting complains and providing legal assistance to the victims.⁷⁹ The Ombudsperson's Office and the Labour Department of the Ministry of Labour, Welfare and Social Insurance have also carried out similar activities to prevent sexual harassment.

⁷⁰ <https://amid.dk/emner/psykisk-arbejds miljoe/seksuel-chikane/viden-om/hvor-gaar-graensen/viden-om/om-kampagnen/>

⁷¹ https://www.amr.dk/Files/Dokumenter_per_cent20og%20publikationer/Forebyg%20seksuel%20chikane/seksuel_chikane_pjece_maj_2019.pdf

⁷² 3F #notonthemenu: Fagforening vil stoppe sexchikane mod tjenere: <https://www.dr.dk/nyheder/regionale/hovedstadsomraadet/notonthemenu-fagforening-vil-stoppe-sexchikane-mod-tjenere>

⁷³ FIU- Ligestilling (2020) Prevent sexual harassment – talk about boundaries and culture. <http://fiu-ligestilling.dk/wp-content/uploads/preventing-sexual-harassment.pdf>

⁷⁴ FIU-Ligestilling Crossing the Line campaign / OverStregen <http://fiu-ligestilling.dk/news/over-stregen-crossing-the-line/>

⁷⁵ [http://www.eif.gov.cy/mlsi/dl/genderequality.nsf/5A8EA302041882A1C22579BA00371ABC/\\$file/KYRPIAKH%20NOMOTHESIA%20KAI%20NOMOLOGIA.pdf](http://www.eif.gov.cy/mlsi/dl/genderequality.nsf/5A8EA302041882A1C22579BA00371ABC/$file/KYRPIAKH%20NOMOTHESIA%20KAI%20NOMOLOGIA.pdf)

⁷⁶ [http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/All/B3844358A4B4E32BC22580A50026B975/\\$file/Sexual%20harassment.pdf](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/All/B3844358A4B4E32BC22580A50026B975/$file/Sexual%20harassment.pdf)

⁷⁷ [http://www.eif.gov.cy/mlsi/dl/genderequality.nsf/5A8EA302041882A1C22579BA00371ABC/\\$file/TPIPTYXO%20ΣΕΞΟΥΑΛΙΚΗΣ%20ΠΑΡΕΝΟΧΛΗΣΗΣ%20ΕΙΦ.pdf](http://www.eif.gov.cy/mlsi/dl/genderequality.nsf/5A8EA302041882A1C22579BA00371ABC/$file/TPIPTYXO%20ΣΕΞΟΥΑΛΙΚΗΣ%20ΠΑΡΕΝΟΧΛΗΣΗΣ%20ΕΙΦ.pdf)

⁷⁸ [http://www.eif.gov.cy/mlsi/dl/genderequality.nsf/5A8EA302041882A1C22579BA00371ABC/\\$file/TPIPTYXO%20ΣΕΞΟΥΑΛΙΚΗΣ%20ΠΑΡΕΝΟΧΛΗΣΗΣ%20ΕΙΦ.pdf](http://www.eif.gov.cy/mlsi/dl/genderequality.nsf/5A8EA302041882A1C22579BA00371ABC/$file/TPIPTYXO%20ΣΕΞΟΥΑΛΙΚΗΣ%20ΠΑΡΕΝΟΧΛΗΣΗΣ%20ΕΙΦ.pdf)

⁷⁹ Gender Equality Committee, Video: Sexual Harassment at Work: <https://vimeo.com/201674314>

Section 3: A best practice workplace policy on preventing and ending sexual harassment at work

This final section draws together best practice guidance of what can be included in a model workplace policy designed to end sexual harassment in the world of work. It draws on the contents of the Toolkit, evidence of what works from across the world, and includes checklists of relevant issues to include in a policy. It can be used as a tool to inform workplace policies and procedures, and can be adapted to different national contexts and sectors.

Heading	Best practice guidance of what to include in the policy
<p>1. Statement of commitment to ending sexual harassment</p>	<ul style="list-style-type: none"> • Description of the role and purpose of the policy (e.g. preventing and prohibiting sexual harassment at work, contributing to a working environment based on respect and dignity of all workers, a zero-tolerance approach and that sexual harassment is a core gender equality issue). • Give data and a brief explanation of why sexual harassment needs to be tackled (e.g. national data can be drawn from the EU FRA survey or draw on available research at the national level). • A clear and comprehensive definition of sexual harassment is provided (physical, verbal, non-verbal and sexual forms of violence and harassment, as well as sexual abuse, threats of violence and harassment, stalking and cyber-violence) and the different dimensions of this (see definitions in S.1 of this Toolkit). Examples are given of inappropriate conduct such as the sharing of sexually explicit material online or in text, posters etc. • Both sexual harassment and second order sexual harassment (SOSH) are covered. This expands the concept of victim/survivor by including those who have suffered direct sexual harassment and those who have been harassed for providing support to the survivors. • A statement is made showing a strong commitment from the CEO and senior managers that the policy is of vital importance in creating a working environment that is free from sexual harassment, with the aim to contribute to the wellbeing, safety and health of the workforce, based on the dignity, respect and equal value of working women and men.
<p>2. Scope of the policy</p>	<ul style="list-style-type: none"> • Sexual harassment takes place in the world of work during work hours (including during work-related travel, business trips and meetings outside of the workplace, and work-related social events etc.). • Sexual harassment that occurs outside of work hours, where it involves workplace resources such as email, internet, mobile

	<p>phones etc.</p> <ul style="list-style-type: none"> • Inclusion of all workers, full- and part-time employees, interns, contractors, volunteers, or temporary workers engaged by the company or in any workplace location. • Third-party sexual harassment e.g. from customers, clients, patients. • Sexual harassment / violence and abuse from current and ex-intimate partners in the workplace. • The company recognizes that sexual harassment is an abuse of power in the workplace, for example between a manager and an employee.
<p>3. Address the full range of risks of sexual harassment faced by workers</p>	<ul style="list-style-type: none"> • A gender-responsive approach is implemented to identify risks of sexual harassment, by ensuring that risk assessments and health and safety measures are inclusive of women’s concerns, taking account of multiple and intersecting inequalities and the risks faced by LGBTI+ workers. • The employer, with union representatives and in consultation with women and other workers experiencing discrimination, will draw up a comprehensive strategy to prevent and end sexual harassment in the workplace. • The prevention strategy will take into account the workplace risk assessment, measures to address and mitigate any risks identified, and additional prevention measures, such as training, information and awareness raising about violence and harassment in the world of work, and about the policy.
<p>4. Workplace committee to prevent and address sexual harassment</p>	<ul style="list-style-type: none"> • Prior to setting up a workplace committee, consultations are held with workers, trade unions, gender experts / local women’s organizations, and to receive guidance on how to deal with the sensitive of sexual harassment. • Create gender balanced membership, with a committee membership that is predominantly female, and include (senior female) managers and workers, and trade union representative. If no trade union is recognized it is recommended that a local trade union, gender expert or women’s organization is invited to join the committee. • The committee role is to monitor the implementation of the policy, oversee prevention initiatives, run awareness and training programmes, and have the responsibility to handle complaints and investigations, and provide information about and ensure that there is compliance with legal duties, for example, obligations to report and act on a complaint. • Oversee prevention activities, including risk assessments, and carry out practical prevention measures such as workplace safety walks with women workers. • The committee members will receive training and draw up guidance to ensure that committee members understand how to

	<p>detect gender-related risks of sexual harassment and implement gender-responsive actions and solutions.</p> <ul style="list-style-type: none"> • Assess and review prevention measures from a gender perspective, for example, through risk assessments; reviewing past incidents to inform new prevention measures and implement organizational change that promotes women’s safety. • Provide committee members with specialist training on sexual harassment and procedures for implementation of prevention measures, the effective handling of complaints, including an agreed confidential procedure for documenting complaints of sexual harassment to the Committee. • Document all decisions, including with confidential minutes of all meetings.
<p>5. Encourage a culture of confidential reporting and disclosure of sexual harassment</p>	<ul style="list-style-type: none"> • Victims/survivors are encouraged to confidentially disclose sexual harassment, even if they do not want to make a formal complaint. • Efforts will be made to build the trust of the victim/survivor and provide them with victim-centered safety and support measures. • Systems are in place for making confidential anonymous complaints, including when perpetrated by third parties, and implement systems for learning from and identifying patterns of sexual harassment arising from anonymous complaints. • People receiving disclosures from workers experiencing sexual harassment (e.g. supervisors, managers, trade union representatives, workplace advocates) will receive training in appropriate communication, listening and skills of empathy, how to respond and progress a complaint, including relevant information about referrals specialist services in the community.
<p>6. Complaints procedures for handling complaints and carrying out investigations</p>	<ul style="list-style-type: none"> • The complaints procedure is fair, understandable and trusted by all workers, as well bystanders and witnesses. • Priority is given to timely responses through early detection of problems, early resolution of complaints and early intervention to prevent recurrence of violence against women. • Clear and reasonable timeframes are given to each stage of the complaints procedure. • There will be no retaliation, threats or reprisals against a complainant, witness or bystander. • Formal and informal complaints procedures allow complaints to be made confidentially to the employer through multiple routes. • Systems are in place for making confidential anonymous complaints, including sexual harassment by third parties. • The complainant’s informed consent is given before information is shared about a complaint or an investigation is held. • The complainant is consulted about whether she wishes the matter to be resolved informally or prefers formal disciplinary action to be taken. There shall be no pressure on anyone to

	<p>accept one or the other option.</p> <ul style="list-style-type: none"> • The informal procedure will aim for an early resolution, before any formal procedure is opened. • Inform workers about available support from workplace representatives and trade unions during the complaints process. • Shift the burden of proof from the woman to the alleged perpetrator. • No-one will be asked to sign a confidential/non-disclosure agreement as part of the resolution of a complaint; however, a woman's right to confidentiality, where possible, will be respected.
<p>7. Objective and transparent investigation of complaints</p>	<ul style="list-style-type: none"> • Investigations are gender-responsive and take account of the situations of vulnerability and risks faced by workers. • Allegations of sexual harassment will be dealt with seriously, expeditiously, sensitively and confidentiality. • The above-named workplace committee on sexual harassment will be responsible for handling and managing the investigation of all complaints. • Cases of sexual harassment dating back over many years will not be subject to statutes of limitations and can still be heard and investigated. • Ensure that investigators are independent and that investigators have expertise in handling investigations relating to sexual harassment and violence against women. • The investigative process will be carried out within a reasonable timeframe, and information will be given about how long the investigation will take. • When relevance, feedback will be provided throughout the investigation processes and both parties have the right to appeal. • The complainant and the accused both have the right to representation by a trade union, friend or lawyer.
<p>8. The role of confidential workplace advocates / ambassadors</p>	<ul style="list-style-type: none"> • Each workplace will have a named workplace representative/advocate/ambassador who has been nominated by the employer and/or trade union. • They will receive training on how to provide confidential information, advice and support for victims/survivors of sexual harassment. • Their names and contact details will be publicized in the workplace. • Provide resources for training of workplace advocates and agreement for them to provide advice and support as part of their regular job.
<p>9. Promote active bystander approaches in</p>	<ul style="list-style-type: none"> • Encourage and support workers to take on the role of active bystanders by challenging practices and cultures in the workplace that they witness and that contribute to violence against women

<p>the workplace</p>	<p>and sexual harassment.</p> <ul style="list-style-type: none"> • Strong encouragement for everyone – women and men – as employers, in unions, and as workers and as active bystanders, to be proactive and to play their active part in creating a respectful workplace culture and ending sexual harassment. • Help colleagues work together to challenge inappropriate behaviour and to empower them to take appropriate action – and in particular encourage men to play an active role. • Encourage male and female workers to participate in active bystander training so that they can develop skills to identify inappropriate behaviour in the workplace and workplace attitudes that contribute to a culture of gender inequality. • Raise awareness by asking managers, unions and workers to ‘take a stand against violence against women in the workplace’ and by asking them, ‘What will you do as an active bystander to end sexual harassment and to help create a work culture of dignity and respect?’ • Provide resources and training on how to be an active bystander and to engage in non-confrontational behaviour change.
<p>10. Ensure that recruitment and promotion procedures are non-discriminatory</p>	<ul style="list-style-type: none"> • Establish transparent and non-discriminatory recruitment and promotion procedures. • Implement gender-balanced selection committees, that also reflect the diversity of women and other groups facing discrimination, including LGBTI+ workers. • Ensure there are appropriate and gender-neutral interview questions and that there are no questions that are perceived to be quid pro quo sexual harassment.
<p>11. Working together: training of social partners, managers, supervisors and workers</p>	<ul style="list-style-type: none"> • Training will be provided for workers, managers, social partners, especially members of negotiating teams, on discrimination, gender equality and sexual harassment. • The aim will be to achieve a common vision for ending sexual harassment that takes into account gender inequalities, harmful social norms and workplace culture. • Training will be provided for managers, supervisors and workers on the complaint procedure, the handling of complaints and how to effectively respond; complaints handling training is provided at the level at which complaints should be dealt with.
<p>12. Provision of information and support for workers affected by sexual harassment</p>	<ul style="list-style-type: none"> • Information will be widely disseminated about the company policy and complaints procedures, and advice will be given about seeking support from a trade union representative or a workplace advocate. • Information will be given about how a complainant can access support when making an informal or a formal complaint, including the right to be accompanied by a support person or trade union

	<p>representative during the informal or formal process.</p> <ul style="list-style-type: none"> • Affected workers and witnesses will be given support during the complaints process, with access inside and outside the workplace to legal, medical and financial support. • Access to counselling, paid for by the employer, will be provided if requested, to enable a victim to recover from the negative impact sexual harassment. • Medical support from within the company or referral to a specialist will be paid for by the company. • Advice and information will be provided about specialist organisations e.g. victim support organisations, specialist support services on violence against women, and legal advice. • Temporary adjustments in a woman's work schedule or work tasks, and shorter/flexible working hours or paid leave, will be offered to enable a woman to recover from the effects of sexual harassment. <p><i>Victims/survivors of domestic violence</i></p> <p>Victims/survivors of domestic violence whose work or safety is affected by domestic violence can also avail of information, safety measures and support in the workplace including:</p> <ul style="list-style-type: none"> ○ Safety and security planning in the workplace, including reassignment of work duties or location. ○ Information and referrals to specialist domestic violence organisations including safe accommodation, legal assistance and counselling. ○ 10 days paid leave per year – to enable a survivor to access support from a domestic violence organisations, have counselling, attend court, police or other appointments, move home or settle children into a new school (provided in addition to existing leave entitlements and extended if there are exceptional circumstances). ○ Flexible work arrangements agreed for a defined period of time and reviewed periodically. ○ Emergency financial assistance if financial abuse has occurred.
<p>13. Awareness raising in the workplace</p>	<ul style="list-style-type: none"> • All workers, including those in part-time or temporary positions, trainees, interns and contractors, will be fully informed of the policy and its provisions. • Regular awareness raising and information campaigns will be held in the workplace on implementing a zero-tolerance approach to sexual harassment. • Staff are encouraged to hold conversations about and discuss what is appropriate behaviour and language in the workplace, and these principles should be include in training to promote a work culture of respect and dignity. • Display signs to that effect on notice boards and newsletters in

	<p>the workplace.</p>
<p>14. Perpetrator accountability</p>	<ul style="list-style-type: none"> • There is a consistent approach to holding perpetrators accountable and no protection or special treatment will be given to 'high value' or senior managers. • Informal and/or formal disciplinary measures are implemented, including disciplinary action/sanctions, verbal or written warnings, dismissal, mediation, counselling or ongoing supervision. • Disciplinary action will be proportional to offence and consistent with previous cases. • The perpetrator is made aware that the company has a zero-tolerance approach to sexual harassment during and outside of work hours, including where workplace resources such as mobile telephone, tablet or computer are used. • Measures are in place to ensure that a perpetrator does not go on to reoffend, for example, through referrals to perpetrator treatment programmes and counselling. • Where relevant, there may be reassignment of work tasks or the work location of the alleged perpetrator, or temporary suspension from work during the handling of a complaint and investigation. • Victims/survivors are consulted and informed about disciplinary or other measures put in place.
<p>15. Implementation, review and monitoring of the policy</p>	<ul style="list-style-type: none"> • The policy will be reviewed every three years and amended, if relevant in line with best practice developments. • Consult with workers about the policy and its implemented. • The senior management of the company is responsible for ensuring that the policy is fully implemented, and adequate resources are in place to ensure this. • Confidential gender-disaggregated records/data will be held and reviewed on disclosures and complaints from survivors, witnesses, trade union representatives, workplace advocates and bystanders, recording the action taken and learning implemented. • Data will also be collected and reviewed on the situations where sexual harassment occurs and where an incident took place (e.g. in the workplace from co-workers and managers, in the workplace perpetrated by third-parties, domestic violence at work etc.). • Data will be collected anonymously and disaggregated by gender/gender identity, sexual orientation, age, race/ethnicity and occupation of the victim and the perpetrator. • All data on complaints and reports of sexual harassment will be reviewed regularly in order to regularly track and assess trends in complaints, including how they were handled e.g. through informal and formal procedures, what learning there is from the complaints and action that should be taken, and their outcomes. • Keep a record of perpetrators who have committed sexual harassment and review data regularly.

	<ul style="list-style-type: none">• Ensure privacy and the confidentiality of the data collected and that it fully meets GDPR requirements.
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Glossary

Bystander	A bystander is someone who passively witnesses sexual harassment. Becoming an active bystander who can intervene to end sexual harassment requires that a worker is trained, supported and encouraged to notice the signs of sexual harassment and intervene to stop it. As a result, active bystanders can play an important role in intervening to prevent sexual harassment and supporting the person who is being targeted with sexual harassment in the workplace. Training can help to empower work colleagues to intervene to prevent violence and harassment from occurring. Building skills to be active bystanders helps employees to recognize violence and harassment and to know when it is appropriate and safe to intervene. (See also 'upstander')
Coercive control	A systematic pattern of behaviour designed to undermining a victim and create fear. It often involves threats, humiliation and intimidation and depriving an individual of support and independence. It is a psychological or emotional form of abuse that is used to control and limit the freedom of an intimate partner and create fear.
Cyber-harassment	Control and threats in the form of harassment and stalking carried out virtually through email, text messages, telephone messages etc.
Discrimination	Article 10 of the EU Treaty (TFEU) requires the EU to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, when defining and implementing its policies and activities. EU Directives on non-discrimination and equal treatment outlaw workplace discrimination on the grounds of age, sex, disability, ethnic or racial origin, religion or belief, or sexual orientation. This provides minimum levels of protection for everyone working in the EU.
Financial / economic abuse	Control of finances to prevent women from having financial independence, ranging from having money to pay for transportation to get to work or to purchase suitable clothing for work to theft from a bank or savings account and running up debts in the victim's name. Without financial independence and/or access to resources it can be very difficult for a victim to leave a violent or abusive relationship.
Gender	Socially constructed characteristics of women and men. If individuals or groups do not 'fit' established gender norms they may face stigma, discrimination and social exclusion. Gender is influenced by gender norms and relations, which include stereotypes, values, attitudes, assumptions and activities that society deems appropriate for women and men. These are not fixed roles and change over time, and from one society or culture to another.
Gender equality	Equal chances or opportunities for women and men to access and control social, economic and political resources, including protection under the law.
Gender expression	Each person's manifestation of their gender identity, and/or the one that is perceived by others.

Gender identity	A person's internal and individual experience of gender, which may or may not correspond with the sex assigned at birth, including the person's sense of the whole body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender including dress, speech and mannerisms.
Gender norms	Attitudes and beliefs about women and men that result from socialisation – they change over time and vary in different societal or cultural contexts. Gender norms result in inequality when they reinforce and perpetuate power differences.
Gender relations	Social relations between and among women and men (based on gender norms and roles). Gender relations may create unequal power between women and men in the family, in the community, in the workplace and in political representation.
Gender responsive	Actions, plans or service provision that take account of and address gender inequalities.
Gender roles	The roles that are expected of men and women in the family, community or workplace.
Gender stereotypes	Images, beliefs, attitudes or assumptions about women and men – they are often reductive / limiting / negative and based on learned or assumed gender norms, roles and relations.
General Data Protection Regulation (GDPR).	A Europe-wide framework on data protection. GDPR provides for a more uniform interpretation and application of data protection standards across the EEA. The GDPR came into force across the EEA on 25 May 2018. GDPR introduces new accountability requirements and new mandatory consent conditions.
Intersectionality	Multiple discrimination and intersection of different grounds of discrimination, and such as gender, race, age, disability, migration status, sexual orientation and gender identity.
Intersex	A person born with gender features which are indeterminate or ambiguous or who was born with characteristics of more than one gender.
LGBTI+	Lesbian, gay, bisexual, transgender and intersex. This relates to a person's sexual orientation, gender identity, gender expression and sex characteristics (each defined in this glossary).
Perpetrator	Someone who commits an act of violence, abuse or harassment.
Physical violence	Physical violence can result in injury resulting from hitting, punching, kicking, burning, stabbing and shooting leading to injury and in the worst cases death.
Policy	A clear statement of intent about how an organisation will behave in relation to certain issues.
Procedures	A written statement that describes the way in which a policy will be implemented.
Protocol	A protocol is a written plan that specifies procedures to be followed in defined situations; it describes an intervention or set of interventions. Protocols are more explicit and specific in their detail than guidelines, they specify who does what, when and how.
Psychological / emotional violence	A form of abuse that is designed to undermine a victim, affecting their confidence and self-esteem. It may involve a range of behaviours such as control over social interactions and autonomy, or undermining of the role of a victim as a parent.
Risk assessment	A process for assessing actual or potential risks that may occur in the workplace. In particular, occupational risk assessment is a method for estimating risks that may impact on health and

	wellbeing in the workplace as a result of being exposed to violence and harassment. It is risk management that aims to eliminate, control, and reduce/mitigate risks. Under European safety and health laws, all employers are required to carry out risk assessments. Risk assessments are most an important part of risk management in occupational safety and health.
Second-order sexual harassment	SOSH is sexual harassment that is perpetrated against a person who gives support to victims/survivors of sexual harassment.
Security or safety plan	A plan put in place in consultation with relevant staff, including security staff, to protect against security and safety risks. Usually this follow a risk assessment.
Sex	Different biological and physiological characteristics of males and females, such as reproductive organs, chromosomes, hormones, genetic conditions etc. Sex defines whether a person is biologically male or female.
Sex characteristics	The chromosomal, gonadal and anatomical features of a person. These include primary characteristics such as reproductive organs and genitalia, chromosomal structures and hormones and secondary characteristics such as muscle mass, hair distribution, breasts and/or physical structure.
Sexual harassment	EU Gender Equality Directives set out sexual harassment as a specific type of discrimination, where the unwanted 'verbal, non-verbal, or physical' conduct is of a 'sexual' nature (Gender Goods and Services Directive, Art. 2 (d); Gender Equality Directive (recast), Art. 2 (1) (d)).
Sexual orientation	Sexual orientation defines who a person is attracted to and wants to have a sexual relationship with. Common sexual orientations include gay, lesbian, straight/heterosexual and bisexual.
Sexual violence	Unwanted sexual attention and sexual abuse, including rape.
Stalking	Unwanted and/or repeated surveillance of a person. Workplace stalking often results in the perpetrator following a victim to and from their place of work or hanging around the workplace entrance.
Third party	A person or organisation that interacts with the worker or organization – this can include customers, clients, patients, pupils/students.
Transgender man	A person having a male gender identity who was assigned a female sex at birth.
Transgender women	A person having a female gender identity who was assigned a male sex at birth.
Upstander	Someone who takes an active role to prevent and end sexual harassment by deciding to intervene when they witness inappropriate language, jokes or other sexually harassing conduct in the workplace. The term active bystander is often used to describe an upstander.
World of Work	The world of work goes beyond the physical workplace to include all places where business is conducted, worksites and accommodation, work-related travel, transport provided by the company, business trips and meetings outside of the workplace, and work-related social events, client entertainment events.

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