

Zero Tolerance! Recommendations

EFFAT takes a stand: Zero tolerance for sexual harassment and violence in the workplace - and beyond!

Zagreb, November 2019

Sexual harassment and violence at work

All workers have the right to work without facing sexual harassment and violence, but too many do not enjoy this basic human right, freedom and dignity. Many statistics show that [violence at work](#) affects a significant number of [workers in Europe](#), e.g. large-scale surveys in Sweden reveal that half of the workers covered by the Swedish Trade Union Confederation LO have been exposed to sexual harassment and violence 3-4 times over the past year, and in Belgium, ACV-CSC sent out 51,000 questionnaires to domestic workers, with more than 7,000 replying, pointing to 15 rape cases as well as other serious forms of sexual harassment and violence. Gender-based violence and harassment differs from other workplace issues, since it is a highly sensitive, often invisible and generally unreported issue.

EFFAT has been active on this issue on several fronts, including through campaigns such as [#weto](#) calling for an end to gender-based violence at work, and [#Fairhousekeeping](#) calling for negotiated measures to tackle sexual harassment which jeopardises housekeepers' safety and well-being at work.

EFFAT has also addressed sexual harassment and violence at work in the social dialogues of the Hotel and Contract Catering sectors. The issue forms part of the work programmes of the two European Sectoral Social Dialogues Committees, but more systematic evidence is needed before concrete joint steps can be undertaken by the social partners.

At global level, the fight against sexual harassment and violence at work is the subject of International Framework Agreements concluded between the IUF and transnational companies in the food and hospitality sector, such as Unilever, Sodexo, Meliá, Accor and Arla.

In 2019, EFFAT conducted a survey amongst its member organisations to collect more evidence on the forms and scope of sexual harassment and violence in the EFFAT sectors. Information about successful initiatives by EFFAT member organisations to fight sexual harassment and violence at work was collected, and examples of good practices were presented to the EFFAT Women's Conference 2019.

EFFAT believes that fighting sexual harassment and violence in the workplace

➤ **protects the human rights of workers and paves the way for equality**

The majority of workers experiencing sexual harassment and violence are women, as the structural nature of gender discrimination makes them more vulnerable. Although there are a series of UN Conventions protecting workers from violence and harassment (e.g. the UN Convention on the Elimination of All Forms of Discrimination Against Women ([CEDAW](#)), the Council of Europe [Istanbul Convention](#) on preventing and combating violence against women and domestic violence, [ILO Convention C190](#) concerning the elimination of violence and harassment in the world of work), they must find their concrete expression in the workplace in the form of a zero-tolerance policy.

➤ **vastly enhances the workplace**

Sexual harassment and violence have an enormous impact on workers' physical and mental health and lead to absenteeism, illness and even suicide. A workplace free from sexual harassment and violence is a necessary condition to enjoy one's work, be productive and develop one's full potential as an individual and a team worker. A workplace free from violence leads to greater job satisfaction, greater retention rates and better work performance overall. It has the potential to reduce absenteeism and improve overall cooperation and teamwork.

➤ **benefits society and the economy**

Addressing gender-based harassment and violence in the workplace can set progressive standards to end gender discrimination and promote cultural change. If respect and cooperation are practised at work, this can have a considerable spill-over effect for wider society and other parts of people's lives. Respect and cooperation not only lead to more productivity but bring with them an enhanced quality of life. Being safer and more secure also improves overall health and cuts healthcare costs.

EFFAT Recommendations to protect workers from sexual harassment and violence

These action points are based on the examples of successful initiatives to fight sexual harassment and violence at work reported by EFFAT affiliates, and they should provide inspiration for all member organisations to act on this issue.

- **Awareness Raising**

- Organise national awareness-raising campaigns
 - Such campaigns should particularly address gender-based violence making sure that the structural nature of gender-based violence is recognised and discrimination is acted upon, because tackling structural inequalities will reduce gender-based violence.
- Organise general campaigns to address gender-based discrimination and equal opportunities.
- Use social media and modern communication technologies to inform the general public about sexual harassment and violence at work.
- Organise national and regional conferences, seminars, etc. to inform workers and employers about sexual harassment and violence in the workplace. Such events should also provide ample information about existing Conventions (e.g. UN, Council of Europe, ILO) and national legislation as well as policies and programmes tackling sexual harassment and violence.
- Inform trade union affiliates about the commitments made in legislation, collective bargaining, policies and guidelines, and promote and disseminate this information widely.
- Gather good practices and disseminate widely.

- **Data and Statistics**

- Conduct surveys, e.g. large-scale (national), sectoral and company level, and collect data and evidence on sexual harassment and violence.
- Conduct and/or demand more research into the manifestation of harassment and violence in different sectors, and into factors which increase the risk of exposure to harassment and violence, such as being a worker with an atypical contract or a domestic worker, having precarious working conditions, or being economically vulnerable.

- **Collective Bargaining**

- At national and company level, negotiate collective agreements which incorporate specific clauses on prevention and measures to address sexual harassment and violence in the workplace.
- Develop and incorporate into collective agreements 'risk analysis' and 'well-being at work' clauses that enable workers to follow informal and formal complaint procedures.

- Drawing on C190 and R206 draft model collective agreements and collective-agreement clauses to combat sexual harassment and violence, e.g.:
 - all workplaces, including small and medium-sized enterprises, should develop policies to combat harassment and violence, with the full involvement of the trade unions (drawing up and implementing procedures for prevention, making complaints and addressing the consequences of sexual harassment and violence at work);
 - employers and trade unions must be obliged to undergo training on how to tackle sexual harassment and violence at work.
 - Ensure regular reviews of collective agreements.
 - Evaluate existing collective agreements, policies and protocols from the health and safety (sexual harassment and violence) perspective and demand/make changes if needed.
 - At European level, address sexual harassment and violence in the sectoral social dialogues and establish an explicit policy as social partners, containing e.g. prevention, complaint procedures, protection of complainants, redress, accountability.
 - Support the International Framework Agreements the IUF signed with TNCs, such as Unilever, Sodexo, Meliá, Accor and Arla, on tackling sexual harassment and violence and commit to their implementation at national level.
- **Policies, Guidelines and Protocols**
 - Develop and issue guidelines for trade union representatives, shop stewards and health and safety representatives, which are designed to provide a safe environment to report sexual harassment and violence, and which also address the improvement of communication and communication channels.
 - Develop a resource guide for each sector on what to do and where to turn to when sexual harassment and violence occur.
 - Monitor, evaluate and report on the effectiveness of policies and guidelines.
 - Mainstream sexual harassment and violence into health and safety at work, including psychological risks and work-related stress, and involve women workers in risk analysis.
 - **Legislation**
 - Work on better national legislation to address sexual harassment and violence.
 - Lobby national governments to ratify ILO C190, and strive for an improved legislation, in case governments are reluctant to ratify the Convention.
 - Lobby for an EU Directive combating sexual harassment and violence, also with a view to strengthening the implementation of the Istanbul Convention and C190.

- **Company Policies**

- All companies, including small and medium sized enterprises, must have a policy against sexual harassment and violence, and should be obliged to:
 - assess the workplace and working environment for risk factors relating to sexual harassment and violence;
 - develop a tailored policy to combat sexual harassment and violence involving workers/workers' representatives, trade unions and specialized NGOs;
 - have a clear code of conduct that everybody knows and understands;
 - design a policy together with workers and/or their representatives;
 - bring in external assistance to resolve sexual harassment and violence issues, if needed.

- **Workplace Policies**

- Evaluate existing policies as to their effectiveness in preventing/tackling sexual harassment and violence in the workplace.
- Evaluate the working environment with a view to preventing sexual harassment and violence.
- Develop clear and accessible mechanisms to provide information to workers.
- Strengthen the role of trade unions' women's committees in formulating and implementing policies to combat sexual harassment and violence.
- Promote a climate of respect and cooperation in the workplace.

- **Training**

- Provide training to workers and management, and in particular workers' representatives, on sexual harassment and violence.
- Conduct assertiveness training for vulnerable workers.

- **Domestic Workers - a particular sector which needs specific recommendations**

- Ensure that a proper gender perspective is applied to all policies and actions to prevent sexual harassment and violence against domestic workers.
- Create and widely disseminate contacts for confidential, fully staffed and freephone hotlines to receive reports of abuses against domestic workers.
- Develop protocols and train law enforcement officials on how to respond to domestic workers' complaints appropriately, and how to investigate and collect evidence in such cases.

- Prosecute perpetrators of psychological, physical and sexual violence.
 - Abolish or reform immigration policies so that domestic workers' visas are no longer tied to a specific employer.
 - Expedite criminal cases involving migrant domestic workers, who must often wait for a resolution for several months or years while confined to a shelter, and ensure they have legal authorisation to work in the intervening period.
 - Create comprehensive referral and support services, including healthcare, counselling, housing, consular services and legal aid.
- **For EFFAT in particular**
 - Lobby for EU legislation tackling sexual harassment and violence against women and for the proper implementation of the Istanbul Convention.
 - Lobby for the ratification of ILO Convention C190.
 - Provide guidance and good practice examples to assist trade unions in developing and implementing workplace policies and procedures, including a model workplace policy.
 - As sexual harassment and violence are often gender-based, provide guidance on mainstreaming gender equality and addressing violence against women in occupational health and safety initiatives, and raise awareness about the gendered nature of violence against women and the harm resulting from a culture of sexual harassment and intimidation at work.
 - Collect more good practices regarding collective agreements and/or policies adopted by trade unions and employers and disseminate them widely.
 - Encourage affiliates to engage in national and European training and awareness raising on the gendered nature of sexual harassment and violence and ensure that this is included in occupational safety and health training.
 - Draft Europe-wide guidelines on addressing sexual harassment and violence at work, with a strong focus on harassment and violence against women, drawing inspiration from [European Trade Union Federations in other sectors](#).
 - Develop an ambitious new project and seek funding in 2020 for a follow-up EFFAT project on sexual harassment and violence against women, to help raise awareness amongst affiliates, to continue collecting and disseminating good practices, and to implement the recommendations.