Fighting sexual harassment and violence at work in the agriculture, food, tourism and domestic work sectors

Study carried out by Dr Barbara Helfferich and Dr Paula Franklin on behalf of the European Federation of Trade Unions in the Food, Agriculture and Tourism Sectors (EFFAT) in the context of a project co-financed by the European Union Grant Agreement VS/2019/0035
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Conclusions and Recommendations

Sexual harassment and violence are persistent problems in the world of work. The more we know about this and understand the causes, the better we are equipped to act and put in place workable, adequate and efficient measures to combat them. Surveys play an important role in bringing to light the real extent of the sexual violence and harassment that workers suffer. In the words of a woman trade unionist: “sexual harassment and violence are problems which we know exist, but so far have had little data on to inform specific action.” Surveys, such as this one, also provide unique opportunities to learn from each other about what works and what does not and provide inspiration, as well as practical guidance, for unions to work in this area.

Women experience violence and sexual harassment at work more often than men

It was no surprise that our survey reaffirmed the fact that women experience violence and sexual harassment more often than men. The survey also reflected the fact that men are more likely than women to commit sexual harassment, and co-workers and peers commit sexual harassment more often than superiors. Gender harassment (e.g. attitudes and behaviour that communicate that women do not belong or do not merit respect) is by far the most common type of sexual harassment. When an environment is pervaded by gender harassment, unwanted sexual attention and sexual coercion become more likely to occur. A further important lesson of this survey is that men and male colleagues can become an important agent in the fight against violence and sexual harassment. It is not only a problem for women, but rather an issue that all workers may face at one point or another. In this respect, the survey is also a reminder of the responsibility that employers have to provide a safe and quality workplace.

We need a more holistic approach to tackle violence and sexual harassment at the workplace

For social partners and policymakers to react adequately to a worker’s experience of sexual harassment and violence, they need to acknowledge that the manifestations of violence against women (and men) should be addressed taking into account their full complexity and through a holistic approach. There is little evidence so far in Europe that such an approach has gained much traction. Up until the “MeToo” movement, sexual harassment and violence were considered – by unions and employers in the EU alike - as the exception rather than the norm. In light of a growing number of surveys, studies and increasingly vigilant women’s committees in the trade unions, the scope and impact of violence and sexual harassment can no longer be ignored. Yet only a low proportion of companies have procedures or measures in place to tackle violence and harassment. A study by Eurofound (2015) discovered that in countries where violence and harassment are more clearly included in collective agreements or Occupational Health and Safety and employment legislation, there are also more companies with policies in this field.
We still do not know enough about the impact of policies on the scope of the problem

There is only limited evidence about the impact of existing policies on the scope of violence and sexual harassment at work. While the reasons for the significant under-reporting of incidents of sexual harassment and violence at work are complex, the type of reporting mechanisms in place play an important role in facilitating or discouraging reporting.

Comparability of the scope and policies across sectors and countries remains difficult, not least of all due to a lack of shared indicators. However, it was possible to discern differences between the EFFAT sectors, providing some evidence that the domestic workers’ sector reports many incidents of sexual harassment and violence, whilst lacking adequate and efficient policy responses.

The survey shows growing awareness of the impact of sexual harassment and violence on the workplace as a whole

The survey found that there is a wide consensus about the negative impact of sexual harassment and violence at work on mental health. There is, however, less awareness about the ways in which violence and sexual harassment impact on the whole organisation/company. The intuitive knowledge of the negative consequences, combined with the lack of data on sexual harassment and violence and information on policies and measures to combat it, explain the repeated calls for awareness-raising campaigns, which were also considered to be necessary by the respondents to this survey.

Legislation plays a central role in combatting sexual harassment and violence at the workplace

Recent European surveys on violence and sexual harassment, as well as relevant literature, confirm that legislation plays a pivotal role in effectively combating sexual harassment and violence at work by framing them (e.g. defining) and imposing obligations (including fines) on employers. It was, therefore, surprising that the majority of responses to this survey only attributed a minor role to legislation. While more investigation would be needed for a full explanation, it is true that legislation without proper implementation via a holistic approach will not deliver the desired outcome.

Responses to sexual violence and harassment must be tailored to the sectoral specificities

All sectors should strive for a zero tolerance approach to sexual harassment and violence. In the same vein, involving men in the fight against violence and sexual harassment at work should also be a policy applied horizontally in all sectors. However, as highlighted by the sectoral results of the survey, account needs to be taken of the sectoral specificities when designing policy approaches to combat sexual harassment and violence. For example, in the domestic workers sector, the workplace is often a private home, and in the tourism or catering sector, long working hours, shift work and customers who consume alcohol are common. Therefore, policies need to match the exigencies of the working conditions. In this respect, the survey points to the importance of information and awareness-raising campaigns which are sector specific, such as the campaign entitled “We are not on the Menu”. Similarly, federations such as EFFAT have taken on board the specific needs of the domestic workers sector and the fight against sexual harassment and violence.
Trade unions take centre stage in fighting sexual harassment and violence at work

The different actors – state and social partners – are not strategically aligned in their activities against sexual harassment and violence at work and this situation is particularly pronounced in the domestic workers’ sector. The EFFAT survey confirms that trade unions overall are more engaged than employers in developing policies and measures to combat violence and sexual harassment. For example, in the Scandinavian countries, the Netherlands and Spain, where employers are obliged by law to introduce policies to fight sexual harassment and violence, it is the trade unions that are taking centre stage in combatting this issue. It is clear from the survey that the driving force is often a women’s committee or another gender equality structure flagging the issues and demanding action.
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 sample 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.
## List of acronyms

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<th>Acronym</th>
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<tr>
<td>BPfA</td>
<td>Beijing Platform for Action</td>
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<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<tr>
<td>CESCR</td>
<td>UN Committee on Economic, Social and Cultural Rights</td>
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<tr>
<td>EIGE</td>
<td>European Institute for Gender Equality</td>
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<tr>
<td>EFFAT</td>
<td>European Federation of Food, Agriculture and Tourism Trade Unions</td>
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<tr>
<td>ETF</td>
<td>European Transport Workers’ Federation</td>
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<td>ETUC</td>
<td>European Trade Union Confederation</td>
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<td>Eurofound</td>
<td>European Foundation for the Improvement of Living and Working Conditions</td>
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<tr>
<td>EU-OSHA</td>
<td>European Agency for Safety and Health at Work</td>
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<td>EWC</td>
<td>European Works Council</td>
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<td>EWCS</td>
<td>European Working Conditions Survey</td>
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<td>FRA</td>
<td>Fundamental Rights Agency</td>
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<td>HORECA</td>
<td>Hotels Restaurant and Catering</td>
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<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<tr>
<td>ILO</td>
<td>International Labour Organisation</td>
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<tr>
<td>IUF</td>
<td>International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations</td>
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<tr>
<td>SSDC</td>
<td>Sectoral Social Dialogue Committee</td>
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1. WHAT THE STUDY SET OUT TO DO

The study addresses policies and actions to prevent and respond to sexual harassment and violence at work in the agriculture, food & drinks, hotels & restaurants (Horeca), contract catering and domestic work sectors. The aim is to increase knowledge about the scope of sexual harassment and violence at the workplace in the EFFAT sectors and collect information about policies and activities of national member organisations to fight sexual harassment and violence. Practices from other sectors and companies are also included. Finally, the study also serves to promote mutual and interactive learning. The conclusions, as well as the recommendations and references to good practices that the study provides, should serve to inspire and guide unions towards a more profound understanding of both the issues and ways to address them.

The study sets out specific recommendations, based on the findings and the evaluation of the survey data, on how to better tackle violence and sexual harassment at work with a view to including them in the discussions in the Sectoral Social Dialogue Committees (SSDC) with employers’ associations and the European Works Councils (EWC) of transnational companies.
The research reviewed published literature and evidence on sexual harassment and violence at work, including studies from the European Trade Union Confederation (ETUC), the European Transport Workers’ Federation (ETF) and EFFAT findings in the hospitality sector and contract catering. Specific issues regarding the four sectors addressed by the survey are highlighted. Reference is made to the survey on gender-based violence of the EU Fundamental Rights Agency (EU-FRA) and information provided by the European Institute of Gender Equality (EIGE). The literature review also takes into account the international and European policy frameworks (e.g. the Victims’ Rights Directive) on sexual harassment and violence, in particular the Council of Europe Convention on preventing and combating violence against women and domestic violence (i.e. the Istanbul Convention) and the 2019 International Labour Organisation (ILO) Convention on the elimination of violence and harassment in the world of work.

An organisational survey has been conducted to collect data from trade union women’s committees and/or other relevant bodies of worker-employer representation (e.g. health and safety committees, work councils in companies, etc) in the four sectors.

The online survey was designed to seek out information on the existence of policies that fight sexual harassment and violence at work, information on actions by different types of processes (e.g. public campaigns, information materials, guidelines, etc.) and structures (e.g. mechanisms to collect data/report incidents, etc.) and references to further information sources. This report presents the findings on the areas explored within the survey, the scope of sexual harassment and violence within the sectors, activities tackling the situations and information on incidents of violence and harassment in the workplace in the sectors.

An overview of the legislation in the area of sexual harassment and violence (e.g. Istanbul convention; ILO; etc.), available data (e.g. from EU-FRA; European Agency for Safety and Health at Work EU-OSHA, EU Member States, ETUC) and recent grey literature on sexual harassment and violence at the workplace, is provided. The report contextualises sexual harassment and violence at work within the human rights framework, as well as within the framework of health and safety at work and the negative health consequences associated with sexual harassment and violence at the individual level. Discussion is also included on the impact of this on society at large (Eurofound 2016). A compendium of good practices in other sectors and relevant companies is also part of the report. The compendium is based on robust desktop research of European and global reports, institutional publications and relevant initiatives/campaigns. Data derives, inter alia, from the ETUC 2018 report on Safe at Home - Safe at Work (available here).
Violence and sexual harassment at work affect many workers, across countries and sectors. “It is often the result of intersecting circumstances and risk factors that are closely connected to gender inequalities and rooted in gender-based forms of power and control.” Both violence and harassment represent serious threats to the safety and wellbeing of workers and are all too often under-reported. Violence, verbal aggression or threats that employees experience from superiors, co-workers, customers or suppliers are critical health and safety issues. They can have serious psychological consequences and lead to stress, long-term sick leave and even suicide. Possible economic consequences include higher staff turnover, increased sick absence, early retirement, reduced productivity and losses in competitiveness.

Sexual harassment and violence affect people regardless of gender, age, relationship, ability, physical appearance, background or professional status. It does not affect women alone, men can also be targets, particularly if they do not conform to society’s expectations of gender norms. It should also be noted that the harasser can be of the same sex as the victim. However, women are more vulnerable due to their position in the labour market and see harassment as a greater threat than men.

Although violence and harassment are common features of European workplaces, the response from organisations and governments is often felt to be inadequate. Furthermore, there seems to be a lack of recent statistics at EU level to allow comparisons between countries, sectors and workplaces.

All workers have the right to work without facing sexual harassment and violence, but too many workers do not enjoy this basic freedom, human right and dignity. The main responsibility for preventing any form of harassment and violence at work lies with employers, who have the duty to provide a safe working environment and safeguard the health and safety of their employees. Nevertheless, workers and their representatives have a role to play since, in many countries, they are involved in bodies dealing with health and safety at work. This is one of the reasons why trade unions and workers must be involved in this topic through social dialogue.
3.1 Gender equality and efforts to both respond to and prevent sexual harassment and violence at work by EFFAT

EFFAT perceives gender equality as an essential element of democracy in the workplace and in society. Since the early days of its creation, EFFAT has been striving for equal opportunities for women and men, through the inclusion of gender equality principles in the EFFAT Constitution, by implementing the EFFAT Work Programme on Gender Equality, by pursuing the incorporation of the dimension of equal opportunities and the gender perspective in EFFAT policy fields, by enhancing the participation of women in the EFFAT decision making bodies and by organising regular meetings of the EFFAT Women’s Committee. EFFAT has adopted an action plan on promoting gender equality in EWCs, has incorporated the gender perspective in the fight against precarious work and given support to the ILO Convention on Domestic Workers (2011).

EFFAT and its member organisations are committed to pursuing gender equality as part of their broader agenda for social justice, social progress and sustainability in Europe, and as one practical measure, adopted, as part of their Gender Equality Plan (2011-2014), a gender mainstreaming approach as an element of all their actions and activities, with an accompanying Action Plan for the Implementation of the EFFAT Gender Equality Plan (2012). This constitutes a clear commitment to incorporate the dimension of equal opportunities and of the gender perspective in all fields of policy planning and activity, and to recognise that this requires the development and adoption of tools, mechanisms and guidelines. Leading by example, EFFAT has a Policy on Mutual Respect (2016) (available here) stating that they “do neither condone nor tolerate any behaviour that undermines the dignity and the self-esteem of others, or creates an intimidating, hostile, abusive or offensive environment. This applies to all participants in EFFAT meetings, activities and social gatherings wherever they may take place.”

Violence towards women at the workplace is a well-known phenomenon across EFFAT sectors. Sexual harassment in the hospitality industry occurs on a daily basis, triggered by excessive alcohol consumption, irregular working hours and tipping. Being isolated and often invisible, domestic and agriculture workers are also often victims of sexual harassment and discrimination. EFFAT has been active on this issue on several fronts, including through the recent campaigns #wetoo (Nov 2018) that called for an end to gender-based violence at work and aimed at the introduction of an ILO Convention, and the Global Week of Action to call for #Fairhousekeeping! (Oct 2018), that also saw EFFAT address a letter to the CEO of Marriott, Arne Sorenson, expressing concerns about the state of labour relations at Marriott in many countries and suggesting that only through more dialogue could positive solutions be found, and strongly encouraging the company to move in this direction.
Furthermore, EFFAT has addressed sexual harassment and violence at work in the social dialogues of the Horeca and the contract catering sectors. In the Horeca sectors, several trade unions have provided evidence about the situation regarding sexual harassment and violence in the hospitality sector in their country, whilst in contract catering, the social partners looked into the experience of the transnational company, Sodexo, that had concluded a joint commitment with the Global Union Federation IUF to prevent sexual harassment. The issue is now part of the work programmes of these two SSDCs, although work is still in the initial stages and more systematic evidence is needed before joint concrete steps can be undertaken by the social partners. In the SSDC on agriculture and food & drinks and in the cooperation with the employers’ association in the domestic work sector, the questions of sexual harassment and violence at work have not yet been explicitly addressed, but various interventions from EFFAT affiliates show that these sectors are concerned as well.

The ‘Fighting sexual harassment and violence at work in the agriculture, food, tourism and domestic work sectors’ action (VS/2019/0035) is therefore a timely and necessary action to address the knowledge gap regarding policies and actions.
International bodies, such as the United Nations (CEDAW), UN WOMEN, the International Labour Organisation (ILO), the Council of Europe (Istanbul Convention), as well as the European Union, have taken great care to capture the range and impact of violence, gender-based violence and sexual harassment in their legal and conceptual approaches. These, in turn, have impacted on the range of policy approaches. However, these references are quite varied and can be very general, particularly around the issue of violence and sexual harassment at the workplace.

The European Commission defines work-related violence to include both physical and psychological violence: incidents where staff are abused, threatened or assaulted in circumstances related to their work, including commuting to and from work, involving an explicit or implicit challenge to their safety, well-being and health. The definition focuses on three important aspects that need to be taken into account:

- different forms of violence, abuse, threatening and physical attacks;
- acts of violence do not have to occur exclusively in the workplace, but in circumstances related to work, including commuting to the workplace or even while at home if the attack on a person there is related to their work;
- violence means a challenge to an employees’ safety, well-being and health.
According to the EU-OSHA, violence includes:

**Abuse:** Behaviours that depart from reasonable conduct and involve the misuse of physical or psychological strength. Abuse covers all forms of harassment, including sexual and racial harassment, bullying and mobbing.

**Threats:** The menace of death, or the announcement of an intention to harm a person or to damage their property.

**Assault:** Any attempt at physical injury or attack on a person including actual physical harm.

The European Social Partners’ Framework Agreement on Harassment and Violence at Work (2007) refers both to harassment and violence at work. According to the agreement, violence occurs when one or more workers or managers are assaulted in circumstances relating to work. Harassment occurs when one or more workers or managers are repeatedly and deliberately abused, threatened and/or humiliated in circumstances related to work. In its introduction, the agreement states that different forms of harassment and violence can affect workplaces. They can:

- be physical, psychological and/or sexual;
- be one-off incidents or more systematic patterns of behaviour;
- be amongst colleagues, between superiors and subordinates or by third parties, such as clients, customers, patients, pupils; and
- range from minor cases of disrespect to more serious acts, including criminal offences, which require the intervention of public authorities.

The framework agreement also states that harassment and violence may be carried out by one or more managers or workers, with the purpose or effect of violating a manager’s or worker’s dignity, affecting his/her health and/or creating a hostile work environment.

A recent report by the European Parliament on bullying and sexual harassment concludes that “... the action-oriented Framework Agreement on Harassment and Violence between the European Social Partners with its request for organisational policies and procedures, impartial investigation of complaints and social support to those affected, is particularly promising and its spread and uptake should be supported. To protect workers in non-unionised workplaces and to create a level playing field, the EU might consider turning it into a directive.”
Violence and Harassment at Work

For the purposes of this study, violence and harassment at work refers to a range of unacceptable behaviours and practices, or threats thereof, that aim at or result in, or are likely to result in physical, psychological, sexual or economic harm and include gender-based violence and harassment. They can occur at, or outside, the workplace and can range from threats and verbal abuse to physical assaults and homicide and are one of the leading causes of job-related deaths. Whichever way it is manifested, workplace violence is a growing concern for employers and employees. Increasingly, harassment takes place online.

According to the Fourth European Working Conditions Survey (EWCS) of 2005, 6% of workers from the EU-27 reported that they had been exposed to threats of physical violence either from fellow workers (2%) or from others (4%). In terms of occupation, almost all adverse social behaviours (ASB) are most commonly reported by service and sales workers (table 1). ASB is defined by Eurofound to include verbal abuse, unwanted sexual attention, threats, humiliating behaviour, physical violence, sexual harassment, bullying/harassment. Workers from this occupational group report - considerably more often than the average - being subjected to unwanted sexual attention (4%) and sexual harassment (2%). This happens partly because the service and sales occupations are dominated by women who, in general, tend to experience these behaviours more, and also because there is relatively higher exposure to third parties (such as clients). As many as 5% of workers from this group report having been subjected to physical violence at work in the previous 12 months and around 6% to bullying/harassment. According to the Sixth EWCS (2017), in Europe in general, violence and harassment have significantly increased over the long term.

Cross-national surveys, such as Eurofound’s European Working Condition Survey (2015) and EU-OSHA’s ESENER survey (2010), have tried to ensure the comparability of data through large scale external surveys. The EU Fundamental Rights Agency’s Survey on Violence against Women has also provided additional information on EU-wide violence at work. They have all contributed to making the problem more visible, but there is still a substantial lack of data. The latest cross-national study (October 2019) was conducted by IFOP, the French Institute for Public Opinion, for the Fondation Jean Jaurès and the Foundation for European Progressive Studies. The survey revealed that 6 out of 10 women have suffered sexual harassment and violence during their career.

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1 The survey used a self-administered online questionnaire from 11 to 15 April 2019 among a sample of 5,026 females aged 18 years and over, resident in Italy, Spain, France, Germany and the UK.
Figure 1. Proportion of people subjected to Adverse Social Behaviour (ASB), by sector (%)
4.1.1 Gender-based violence (Violence against Women)

The United Nations’ Declaration on the Elimination of Violence against Women (CEDAW – 1992) defines violence against women 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, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”24 CEDAW’s General Recommendation No. 19 identified specific forms of gender-based violence in the workplace, including sexual coercion, gender-based workplace discrimination, stigmatisation and social exclusion, sexual harassment and sexual exploitation and abuse. It concluded that gender inequalities result in a greater risk of being exploited, sexually exploited, trafficked or being in forced labour. Recommendation No. 19 was historic as it clearly framed violence against women as a form and manifestation of gender-based discrimination used to subordinate and oppress women. It thus helped ensure that violence against women is recognised as a human rights violation. It helped to bring violence outside of the private sphere and into the realm of human rights. On 14 July 2017, the CEDAW Committee adopted General Recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19.

The CEDAW General Recommendation No. 35:

- recognizes that the prohibition of gender-based violence has become a norm of international customary law;
- expands the understanding of violence to include violations of sexual and reproductive health rights;
- stresses the need to change social norms and stereotypes that support violence, in the context of a resurgence of narratives threatening the concept of gender equality in the name of culture, tradition or religion;
- clearly defines different levels of liability of the State for acts and omissions committed by its agents or those acting under its authority - in the territory of the State or abroad - and for failing to act with due diligence to prevent violence at the hands of private individuals and companies, protect women and girls from it, and ensure access to remedies for survivors;
- unequivocally calls for the repeal of all laws and policies that directly and indirectly excuse, condone and facilitate violence; and
- emphasizes the need for approaches that promote and respect women’s autonomy and decision-making in all spheres of life.

In addition, Recommendation No. 35 stipulates that States should encourage corporate responsibility and associated mechanisms, as well as the engagement of the private sector, including businesses and transnational corporations. It also underlines that protocols and procedures addressing violence against women in the workplace should be adopted to ensure effective and accessible internal complaints procedures for the victims and survivors.
4.1.2
Sexual Harassment

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favours and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual;
- such a conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Unwelcome behaviour implies “involuntary.” A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable. Therefore, sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. Whether the person in fact welcomed a request for a date, sex-oriented comment or joke, depends on all the circumstances.25

A survey undertaken by the European Transport Workers’ Federation (ETF) in 201826 (available here) revealed a pervasive culture of sexual harassment and sexual intimidation in the workplace by colleagues, supervisors and managers. Women workers reported hostile and offensive verbal, non-verbal and physical forms of violence, including sexual harassment. Some workers spoke of sexist jokes being common and said that inappropriate calendars and posters continued to be displayed in the workplace. As such, sexual harassment is one aspect of violence at the workplace affecting women workers in particular.

The European Parliament, in its 2018 report on sexual harassment27 (available here), points out that “sexual harassment is a form of violence and is the most extreme, yet persistent, form of gender-based discrimination.” Referring to a study by the European Fundamental Rights Agency28 (FRA), it notes that some 90% of victims of sexual harassment are female and approximately 10% are male, one in three women have experienced physical or sexual violence during their adult lives, up to 55% of women have been sexually harassed in the EU, 32% of all victims in the EU reported that the perpetrator was a superior, colleague or customer and, overall, 5-10% of the European workforce is, at any one time, being subjected to bullying at the workplace.
4.1.3
Third Party Violence

Third-party violence is a form of violence and harassment. EU-OSHA defines third party violence as “physical violence, verbal aggression, or the threat of physical violence where the aggressor is not a work colleague, e.g. the person, customer, client or patient receiving the goods or services.”

Violence towards a teacher by, for example, a student or parent, would therefore be considered to be third party violence. Third-party violence could be a one-off incident or a more systematic pattern of behaviour, perpetrated by an individual or group, originating from the actions or behaviour of clients, customers, patients, service users, pupils or parents, members of the public or the service provider. It can be motivated by emotional reasons, personal dislike, prejudices on grounds of racial or ethnic origin, religion and belief, disability, age, sexual orientation and body image. It can constitute criminal offences aimed at the employee and his/her reputation or the property of the employer or client, which may be organised or opportunistic, and which requires the intervention of the public authorities. It can deeply affect the personality, dignity and integrity of the victims and occur at the workplace, in the public space or in the private environment and is work related.

Third-party violence is estimated to affect between 2% to 23% of all workers. This figure increases to 42% for those workers, many of them women, who work in direct contact with the public. A specific feature of third-party violence is that the risk is substantially higher in some occupational sectors, such as healthcare and social work, education, commerce, transport, public administration and hotels and restaurants. Women encounter violence most often in healthcare, education and shops, whereas men encounter it most in police and security work and transport. In these sectors, many of the features of work and the work environment shown to be risks for violence by third parties are present.

The risks of violence increase when a woman works alone and when she is customer facing, for example, checking tickets, driving a bus or tram alone, or working alone in a ticket office. The ETF survey showed that sexual propositioning, sexual innuendo, lewd comments about a woman’s body and breasts and sexual comments are commonplace.

The individual consequences of third-party violence are both physical (bruising or wounds, even death) and psychological (anxiety and fear, sleeping problems and post-traumatic stress disorder).
Impact of sexual harassment and violence in the workplace

Work-related violence is a serious health and safety issue. It is also important to keep in mind that all kinds of work-related violence also indirectly or even directly affect the families and friends of victims. All in all, the consequences of work-related violence are as wide as the whole framework of risks related to it. Eurofound, in its 2015 study on violence and sexual harassment, notes that victims of violence and harassment at work display behavioural changes at work. They are scared to go to work and try to avoid contact with the perpetrators and therefore they report higher levels of illness at work. Furthermore, due to the violence and/or sexual harassment, concentration levels may be lower and this may lead to more accidents. Recent studies (UN Women 2016; World Bank 2018; Eurofound 2018) have produced eye-opening data and figures regarding the problem and reveal that beyond the unacceptable violation of human rights, violence in all its forms entails tremendous economic costs for individuals, companies, countries and regions.
4.2.1 Inequalities and gender-based violence and harassment

Inequality plays a significant role in how violence at work affects women. Gender-based violence results from an unequal balance of power and responsibilities in relationships between women and men and has strong links to patriarchy and persisting gender-based discrimination. According to the EU-FRA 2014 EU-wide study “Violence against Women”, one in three women have experienced physical or sexual violence during their adult lives and 55% of women have been sexually harassed, of which 32% reported the perpetrator to be a superior, colleague or customer. The study also revealed that 61% of women working in the service sector have been subjected to sexual harassment. Overall, 90% of victims of sexual harassment are women. Violence against women and sexual harassment in the workplace have far-reaching consequences for women and impacts on their safety, well-being and health (both mental and physical). All too often, it also negatively impacts on their participation at work. Several studies by Eurofound emphasise that violence and harassment at work is a major psychosocial problem and show the tangible consequences of violence and sexual harassment perpetrated not only against women, but also on the workplace itself.
5. WHAT IS BEING DONE TO COMBAT SEXUAL HARASSMENT AND VIOLENCE AT WORK

5.1 The International Context

Since the Fourth World Conference on Women in Beijing in 1995, the world has increasingly taken notice of the fact that women experience gender-based violence at all levels and at all stages of their life. The Beijing Platform for Action (BPfA 1995) laid the foundations for many of the subsequent commitments, documents and policy approaches aimed at eliminating gender inequalities. The BPfA gave new momentum to the implementation of the CEDAW.

General comment No. 23 (2016) of the UN Committee on Economic, Social and Cultural Rights (CESCR) states that ensuring a violence-free environment is a prerequisite for the respect of the right to just and favourable conditions of work as defined under article 7 of the International Covenant on Economic, Social and Cultural Rights. Other international conventions, such as the ILO Discrimination (Employment and Occupation) Convention, ILO Maternity Protection Convention and ILO Domestic Workers Convention, provide further guidance for the prevention of, and the protection against, violence in the workplace.

In March 2019, the CoE Committee of Ministers adopted a Recommendation CM/Rec (2019)1 to Member States on preventing and combating sexism; it clearly addresses workplace sexism and reminds employers and managers, union representatives and other relevant personnel of their obligation to eliminate workplace sexism and of the remedial action available for victims.36
5.1.1
The Council of Europe Convention on preventing and combating violence against women and domestic violence (The Istanbul Convention)

Violence, including crimes that disproportionately impact women, such as rape, stalking and domestic violence, is a clear violation of human rights and damages human dignity, gender equality and self-respect. Such gender-based violence has been a focus of international attention for several decades. However, although countries in Europe had enacted legislation on violence against women prior to 2014, there was no comprehensive European framework setting out standards on prevention, protection, prosecution and adequate provision of services to respond to the needs of victims and those at risk. The Council of Europe Istanbul Convention, which was adopted in 2011 and entered into force in 2014, now provides such a framework.

Unlike other international treaties for tackling gender-based violence, the Istanbul Convention provides for the implementation of comprehensive and coordinated policies between national and governmental bodies involved in prevention, prosecution and protection activities. The Convention defines and criminalises various forms of violence against women, including physical, sexual and psychological violence, stalking, sexual harassment, female genital mutilation, forced marriage, forced abortion and forced sterilisation. Furthermore, it sets out to prevent violence by obliging parties to invest in awareness-raising campaigns and education, training for experts in close contact with victims, and treatment programmes for perpetrators, and to address the role of the media in eradicating gender stereotypes. It protects victims by obliging states to establish appropriate support services, such as a free national telephone hotline, shelters, medical, psychological and legal counselling and requires them to help with housing and financial issues. The Convention also sets an obligation for parties to collect data on gender-related crimes and to adopt specific measures to addresses asylum and migration, since it requires gender-based violence to be recognised as a form of persecution when establishing refugee status. Article 11 of the Istanbul Convention also requires relevant disaggregated data to be collected for all types of violence against women covered in the convention: psychological violence, stalking, physical violence, sexual violence, forced marriage, female genital mutilation, forced abortion or sterilization and sexual harassment. This data is needed in order to form an accurate understanding of the scope of the problem which, in turn, allows for a better development of policies to prevent and combat such violence. The collection of administrative data on violence against women requires a coordinated and integrated approach, involving all stakeholders and governmental bodies.

It is noteworthy that the international instruments (CEDAW; BPfA; Istanbul Convention) did not take specific note of the situation of women at work. Therefore, the 2019 ‘ILO Convention on the elimination of violence and harassment in the world of work’ opens up new avenues to eliminate the entrenched mechanisms that allow violence and sexual harassment to persist in the world of work.
5.1.2
Long-awaited: An ILO Convention Concerning the Elimination of Violence and Harassment in the World of Work

The new convention recognizes that violence and harassment in the world of work “can constitute a human rights violation or abuse” and “is a threat to equal opportunities, is unacceptable and incompatible with decent work”. It defines “violence and harassment as behaviours, practices or threats that aim at, result in, or are likely to result in physical and psychological, sexual or economic harm.” It reminds Member States that they have a responsibility to promote a “general environment of zero-tolerance”. The new international standard aims to protect workers and employees, irrespective of their contractual status, and includes persons in training, interns and apprentices, workers whose contract has been terminated, volunteers, jobseekers and job applicants. It recognizes that “individuals exercising the authority, duties or responsibilities of an employer” can also be subjected to violence and harassment (available [here](#)).
5.2 The European Level

Since the 1990s, the European Union has made a substantive contribution to fighting violence against women. Directive 2002/73/EC was the first European instrument to define sexual harassment: “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.”

The European Union’s interventions on safety and health risks (including harassment) include the development of international and national statutory regulation and legislation and national policy, the specification of best practice standards at national or stakeholder levels, the signing of stakeholder agreements for a joint strategy and declarations at the European or international levels. They oblige and encourage employers and other responsible actors to take action for the prevention of health and safety risks.

The Charter of Fundamental Rights (2000/C 364/01) and the Framework Directive on Occupational Safety and Health (89/391/EEC) constitute important references in this regard. The Charter of Fundamental Rights of the European Union became legally binding when the Treaty of Lisbon entered inviolable. It must be respected and protected (Article 1). Every worker has the right to working conditions which respect his or her health, safety, and dignity” (Article 31(1)). Moreover, the Directive aims to establish an equal level of safety and health for the benefit of all workers and obliges employers to take appropriate preventive measures to make work safer and healthier. The directive introduces, as a key building block, the principle of risk assessment and defines its main elements (e.g. hazard identification, worker participation, introduction of adequate measures with the priority of eliminating risk at source, documentation and periodical re-assessment of workplace hazards). According to the directive, employers have ‘a duty to ensure the safety and health of workers in every aspect related to work’. Psychosocial risk management, including bullying and harassment, falls under employers’ responsibilities (EU-OSHA 2012).
A commitment to gender equality and prevention of sexual harassment are at the centre of several EU-level directives. Directive 2006/54/EC is designed to ensure the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. The Directive defines sexual harassment as ‘any form of unwanted verbal, nonverbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment’. The directive contains provisions to implement the principle of equal treatment in relation to access to employment, including promotion and vocational training, in relation to working conditions including pay, and in relation to occupational social security schemes. It also contains provisions to ensure that such implementation is made more effective by the establishment of appropriate procedures. (Sexual) harassment is considered in several directives on equality and on equal treatment/non-discrimination in employment.  

The autonomous Framework Agreement on Harassment and Violence at Work was signed in 2007 by the European social partners ETUC, BUSINESSEUROPE, UEAPME and CEEP. The aim of the agreement is to increase awareness and understanding among employers, workers and their representatives of workplace harassment and violence, and to provide employers, workers and their representatives at all levels with an action-oriented framework to identify, manage and prevent problems of harassment and violence at work. According to the agreement, enterprises need to have a clear statement emphasising that harassment and violence will not be tolerated. Procedures outlining how to deal with individual cases, should they arise, should also be included with the right to have one’s complaint impartially investigated without undue delay.  

On 30 September 2010, the European Social Partners from the education, local governments, hospital, private security and commerce sectors, represented by ETUCE, EFEE, EPSU, CEMR, UNI-Europa, HOSPEEM, CoESS and EuroCommerce, signed the Multi-sectoral Guidelines to Tackle Third-Party Violence and Harassment Related to Work. The guidelines propose practical steps that can be taken by employers, workers and their representatives or trade unions to reduce, prevent and mitigate problems. (available here).  

A follow-up report on the progress of the implementation of The Autonomous Framework Agreement on Harassment and Violence at Work by the European Social Partners in 2011 concluded that it had brought real added value in terms of raising awareness and better equipping employers and workers to deal with situations of harassment and violence in the workplace (including bullying). The key to this is the flexible nature of the agreement which, despite causing some challenges in terms of its implementation, may be tailored to the different national, sectoral and company realities. More specifically, overarching agreements have been entered into by social partners (in some countries also including representatives of the state as signatories) in seven countries, in six countries national social partners have jointly agreed or unilaterally developed guidance, in four countries national social partners have made a joint declaration or statement and in three countries national social partners have integrated elements of the framework agreement into existing social partner agreements. Complementary measures, including research, training, communication activities and events were reported in eleven countries.
The European Commission published a report in 2016 aimed at assessing the framework agreement on harassment and violence at work adopted in 2007 by the European social partners. The document reports wide disparities between countries regarding the implementation of the agreement and its real impact at company level. It concluded that there were few legally binding instruments and noted that the 2007 framework agreement has led to the adoption of legally binding instruments in a very limited number of countries. In five countries (Cyprus, Denmark, France, Luxembourg and Spain), the national social partners have transposed the European framework agreement into collective agreements. In France and Luxembourg, these were subsequently declared universally applicable by the government, whereas in Denmark, the agreement applies only to the public sector. In Slovenia, the national legislation on health and safety at work was amended to address the issues raised in the agreement. However, in most of the EU Member States, the agreement has been implemented via non-binding actions, such as the adoption of recommendations, strategy papers, declarations and other information tools. In six countries, the implementation process was limited to the translation of the text of the agreement into the national language.

In 2017, the European Parliament, the European Commission and the Council signed a joint statement committing themselves to zero tolerance of violence against women. This statement came in the wake of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The three institutions pledged to ratify the Convention and to fully implement it. They also made it quite clear that the definition of gender-based violence is the violence that happens to women because they are women. On 26 October 2017, the European Parliament resolution stated that ‘sexual violence and harassment in the workplace is a matter of health and safety and should be treated and prevented as such’. It highlighted the many advantages of regulation and legislation in this area: making the problems of violence and harassment at work more visible, increasing the awareness and recognition of the problems and encouraging and increasing discussion in organisations. Laws increase workers’ feeling of security, they oblige organisations to take action to prevent and handle the problems related to violence and provide justification for different kinds of activities in the workplaces. They also provide authorities with a tool to oblige organisations to take the first step in the process of taking action against harassment and violence. The European Parliament’s resolution of 11 September 2018 specifically discussed “Measures to prevent and combat mobbing and sexual harassment at the workplace, in public spaces, and political life in the EU”. It noted that the phenomenon of sexual harassment and violence is evolving over time and specially highlighted the role of technological developments.
6. TRADE UNIONS FIGHTING SEXUAL HARASSMENT AND VIOLENCE AT WORK

This chapter provides a brief overview of initiatives undertaken by trade unions to collect data on sexual harassment and violence at work, to address the issue through joint commitments with social partners and to provide guidelines and recommendations for further actions. The list of initiatives is non-exhaustive and it aims to highlight which policies and actions are considered important to preventing and responding to sexual harassment and violence at work in the sectors covered in the study.

**Tourism sector**

**IUF and AccorInvest Agreement on measures to combat sexual harassment in the workplace (2019)**. This agreement adopts a zero-tolerance policy on harassment and recognises the indispensable role of trade unions and collective bargaining to eliminate violence from the workplace.

**IUF and Sodexo International Agreement on Preventing Sexual Harassment in the Workplace (2017)**. This agreement sets out a policy and procedures for ensuring zero tolerance and recognises that sexual harassment is a human rights violation and that women working in the service sector are exposed to high levels of risk. It has been implemented through different measures at the European, Member State (FIN, IT) and company levels, and also includes an international review procedure (the policy and guidance document are available [here](#)).

**The Nordic Union for Workers in the Hotel, Restaurant, Catering and Tourism Sector (HRCT)**, which brings together EFFAT affiliates in Finland, Iceland, Norway, Sweden and Denmark, published an *Overview of Research on Sexual Harassment in the Nordic Hotel, Restaurant and Tourism Industry* in 2016. The main findings were that the HRCT industry is highly exposed to sexual harassment by customers: 25-40% of all women in the hospitality sector experienced sexual harassment and young women and part-time workers are the most vulnerable. It was reported that many workers experience violence and abuse more than once a month, that sexual harassment causes absenteeism from work and that many victims never report sexual harassment because of their precarious work status.
Recommendations for employers:

- express zero-tolerance of sexual harassment in the establishment;
- communicate this policy during the induction training of new workers;
- establish clear guidelines about how to manage sexual harassment cases;
- train all staff, including managers, on what is considered sexual harassment and how to address it; and
- companies in the hotel and restaurant industry need to have clear policies on alcohol and drugs and on how to deal with intoxicated customers.

Action points for workplaces:

- map what risks exist at the workplace and implement preventive measures;
- develop common rules for behaviour in the workplace and inform all employees about them;
- design clear policies on how to report sexual harassment and how the incidents should be handled and inform all employees about these policies;
- violation of policies and guidelines should lead to consequences for those who perpetrate the harassment (co-workers, guests, customers);
- it must be clear who is responsible for preventing and dealing with sexual harassment complaints; and
- employers and employees should talk about sexual harassment and harassment at the workplace.

And for trade unions:

- seek to influence governments and other public authorities and encourage them to review existing sexual harassment legislation, exposing inconsistencies and gaps in implementation;
- take sexual harassment cases to court;
- raise awareness and train trade union representatives on preventing sexual harassment at work.

Following the report, in 2017 the Nordic Union HRCT organised the #notonthemenu campaign to raise awareness of the scale of sexual harassment in their sectors and promote zero tolerance at the workplace.43
**Food sector**

**Unilever, IUF[^3] and IndustriAll Joint Commitment on preventing Sexual Harassment (2016)**[^44].

The joint statement outlines the following principles, procedures and processes for stopping sexual harassment in the workplace:

− Ensuring that all employees, including employees provided by third party labour suppliers, are aware of what constitutes sexual harassment and that they understand fully what is expected of them, know how to raise a potential issue and feel confident to report any alleged abuses;
− Cases of sexual harassment will be investigated and handled confidentially;
− The company will train all staff and managers on the policy and their responsibilities under it;
− The company will monitor cases of sexual harassment to identify where further action might be appropriate;
− The company will work with legitimate trade unions to ensure that the existing processes can be fully used and that additional channels can also be opened where existing processes prove inadequate;
− The trade unions will advise their members of what constitutes sexual harassment in the workplace, work on awareness-raising and training and assist employees/members to raise complaints and issues.[^45]

**IUF and Arla Foods Agreement on measures to protect workers against sexual harassment in the workplace (2019)** acknowledges sexual harassment as a form of gender-based violence and gender discrimination. It contains a definition and a statement of intent, along with principles, procedures and processes for putting an end to sexual harassment in the workplace. The agreement provides for negotiation between Arla and IUF affiliates for local implementation.[^46]

**Agriculture sector**

Women migrants work predominantly in unregulated sectors, such as agriculture and domestic work, in which labour standards are usually weak or non-existent and the risks of discrimination, exploitation and abuse are compounded by the absence of social security access, health coverage and other social protection provisions, such as maternity protection.[^47] There are various forms of exploitation of migrant wage-workers reportedly occurring in the agriculture sector in Europe and women workers are particularly vulnerable to violence, sexual harassment and rape.[^48] In 2011, the ILO adopted the Code of Practice for Safety and Health in agriculture, which also addresses workplace violence, harassment and bullying.

**The Italian unions in the agriculture sector (FAI-CISL, FLAI-CGIL, UILA-UIL)** have begun organising workers and informing women of their rights and UIL has discussed violence against women in the sector with the Minister of Agriculture[^49]. The Italian unions stress that negotiators at workplace level will need to be trained on how to implement the national agreement on violence and harassment.

[^3]: EFFAT is the regional organisation of the IUF, for which preventing and responding to sexual harassment and other forms of gender-based violence at the workplace has, for many years, been one of the priorities worldwide. [http://www.iuf.org/w/?q=node/5840](http://www.iuf.org/w/?q=node/5840)
Domestic work sector

The ILO Domestic Workers Convention, 2011 (No. 189) clearly states that each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence. However, migrant women working in domestic services are at risk of exploitation and discrimination by their employers, whilst many face multiple forms of discrimination and prejudice, in addition to sexual violence and harassment. Domestic workers, particularly those who are undocumented migrants, often carry out their jobs without proper pay, holidays or any possibility to report exploitation and abuse. Their status and precarious employment situation leave them unable to access the same rights as other workers and places them at a greater risk of exploitation, violence and abuse.

Unions have highlighted that many domestic workers live in the home of their employers and for this reason should have the right to access domestic violence support services and should be entitled to benefit from domestic violence leave provisions.

The Dutch migrant and domestic workers’ union (MDW-FNV) is fighting for the recognition of the thousands of undocumented migrant domestic workers who live and work in the Netherlands. This makes the FNV the first trade union federation worldwide to recognize undocumented domestic workers, many of whom experience the whole gamut of sexual harassment and violence in an unprotected workplace.

UNITE in the UK has raised awareness of violence and sexual harassment as one of many occupational safety issues faced by domestic workers. Many domestic workers are in precarious work and are vulnerable to violence; many are isolated and do not report violence as they have no source of income at all because they have been trafficked. It is a sector of disparate and fragmented workplaces, where it has been hard for unions to organise women and to conclude collective bargaining agreements.

The Italian confederation CISL provides support for domestic workers through a solidarity social insurance fund and has been lobbying to improve conditions of work, pay and access to a professional qualification and training framework.

EFFAT has co-signed, in 2018, a document about shared concerns and joint recommendations on migrant domestic and care work, coordinated by PICUM, with a focus on migrant workers from third countries.
Other relevant initiatives carried out by trade unions

The European Transport Workers’ Federation (ETF) conducted a study in 2017 on Violence against women at work in transport, which produced highly alarming results: of the 1,444 women responding to the survey, over half (n=911) disclosed that they had experienced violence at work, some more than once. Nearly half (49%) of the incidents of violence reported in the survey were perpetrated by customers. Many women respondents to the survey also spoke of a pervasive culture of sexual harassment and sexual intimidation in the workplace by colleagues, supervisors and managers. The survey also found that few women workers knew about their company’s policy and procedures on sexual harassment and violence, and when women did know that the policies or procedures existed, it was often the case that women did not know how to use them, or that they had no confidence or trust in the policies or procedures.

The ETF has also addressed harassment and bullying on board ships and shore-based workplaces with the European Community Shipowners’ Associations (ECSA). They have developed guidelines (2003 and 2014) that aim to assist companies in recognising examples of harassment and/or bullying, identifying incidents through the use of effective grievance procedures and eliminating harassment and bullying in a way that clearly shows the benefits to all parties concerned of a harassment and bullying-free workplace. The guidelines include the following aspects, which are both relevant and applicable to other sectors:

- Companies should draw up a written statement stating that harassment and bullying are not acceptable;
- Companies should establish a policy on eliminating harassment and bullying;
- Companies should consider running workshops and/or seminars to ensure smooth implementation and acceptance of the policy;
- Senior Management should commit to the policy of eliminating harassment and bullying from the workplace;
- Companies should designate a director or appropriate member of the senior management as the person with overall responsibility for the policy;
- Companies should establish clear procedures for the reporting and handling of complaints of harassment and bullying in which all members of staff have confidence;
- Companies should arrange for all new and existing staff to participate in educational programmes making clear the undesirable effects of harassment and bullying and setting out the company’s policy;
- The educational programmes should also set out clearly the company’s procedures for the reporting of incidents;
- Companies should use different communication and awareness raising materials and mediums, such as briefings to employees and trade union representatives, posters, notices on staff notice boards, a section in the staff handbook, management guides, employee guides, advisers who can guide employees through the policy and procedures, articles in the staff magazines, inclusions in briefing meetings, inductions.

VIDA, the Austrian transport and service union, launched the “Crime Scene Workplace - Give No Chance to Violence in the Job!” initiative. It is about raising awareness and developing measures to protect workers. Together with the opinion research institute IFES, VIDA conducted a large survey in 2009. Nearly 2,000 employees from over 50 companies were surveyed. Based on the results, an action package for members and works council members was developed. VIDA was also successful in helping to push for a reform of Austrian legislation. For example, Austrian criminal law has been tightened in relation to attacks on public transport workers. In 2019, VIDA started another survey of its membership to gather more information on the scope and forms of violence and sexual harassment in the VIDA sectors.
In 2016, a British survey by the Trade Union Congress (TUC) revealed that more than half (52%) of the respondents had experienced some form of sexual harassment sometime during their life. In addition, 35% of women had heard comments of a sexual nature being made about other women in the workplace. About 8% reported unwelcome jokes of a sexual nature, 6% comments of a sexual nature about their body and/or clothing and 4% unwanted touching in the last twelve months. In most of the cases (54%), the perpetrator was a male colleague and in 17% a manager or someone else in a position of authority.

The TUC is leading the #ThisIsNotWorking alliance, which is a coalition comprised of over 30 trade unions, women’s rights organisations, NGOs and business-led membership organisations. As an alliance, they are calling for a new, easily enforceable legal duty that would require employers to take all reasonable steps to protect workers from sexual harassment and victimisation. The #ThisIsNotWorking alliance petition, launched on 26 June 2019, garnered over 10,000 signatures in its first 48 hours and calls on government to introduce a new preventative duty on sexual harassment.

A 2014 survey launched by the trade union confederation CFTC in France revealed that 22.3% of employees reported suffering from violence and sexual harassment at work in 2010, compared to 17.3% in 2003. 85.6% of victims stated that the perpetrator was employed by the company. The survey also revealed that 35% of employees lack clear information and training to support colleagues or otherwise deal with issues of violence and harassment. The Spanish trade union confederation CCOO has published a guide addressing all forms of violence and harassment at work in order to provide information and support actions of redress.

Relevant activities by companies include the CEASE project (available here), which aims to raise the awareness of employers, create tools and publicly advocate the importance of the concrete commitment of employers on the topic of domestic violence. Focusing on the impact of domestic violence in the professional sphere will also allow us to feed the reflections on the management of violence against women within the company (harassment and aggression in particular). Both topics reinforce each other.

The CEASE project has drafted a Charter of Engagement of employers committed to the fight against violence against women, that each company wishing to join the network will have to sign to formalise their commitment. The signing of the document enables companies to engage in the network’s activities (e.g. peer-learning webinars, training for HR and managers) and to actively collaborate with other members.
7. **SCOPE OF SEXUAL HARASSMENT AND VIOLENCE AT WORK**

5-10% of the European workforce is at any one time subjected to bullying at the workplace.\(^{58}\)

Violence in the world of work refers to work-related physical and psychological violence, including mobbing and bullying. It also includes sexual violence and harassment, as well as harassment based on maternity, medical conditions or on the family responsibilities of female workers. It occurs in all jobs, occupations and sectors and takes various forms - from verbal and physical abuse to sexual assault and even murder.

Though violence affects all workers, women are more exposed to it than men due to unequal status and power relations and because women work more often in the informal sector with either no, or limited, labour and social protection. Regardless of their job, sector or employment status, women often experience violence from their co-workers, employers and even customers. Some sectors can be more at risk than others, notably the informal sector and sectors such as hospitality, entertainment and service workers. Manufacturing and agriculture are also sectors which are prone to gender-based violence.\(^{59}\)

Violence against women in the workplace is often the result of intersecting circumstances and risk factors. Discrimination based on factors such as race, social origin, migration status, disability, maternity, family responsibilities, contractual status, sexual orientation and gender identity, amongst others, may expose women to increased risks of violence. Violence is most often experienced either in the physical workplace or while attending work-related events, travelling to and from work, being in employer-provided accommodation or using technologies such as mobile phones, computers and email or social media. Sometimes, violence encountered in private life may spill over into the workplace, particularly in the case of domestic violence.
An unsafe working environment impinges on various human rights of women workers. These include, but are not limited to, equal rights to economic resources, as well as the right to physical integrity and the right to public participation. It can also have devastating effects on women's safety, health and well-being, with substantial economic costs for employers and society at large.

Despite its prevalence, women victims of violence in the workplace are too often afraid to speak out, as they do not necessarily receive appropriate protection and remedies when they complain. For example, even when survivors obtain legal remedy, the negative social impacts they face may exceed the benefit of the remedy they receive. They may lose their job, be stigmatized, or be socially ostracized both in the public and private domains.

Recent robust data on the scope of violence and harassment in the European context is not readily available. EFFAT's survey fills an important gap here, albeit only partially, given budgetary limits and a tight timeframe. It is thanks to trade unions or trade union federations such as EFFAT, as well as a few EU Member States, that some data have been collected so far. However, this is still far from being enough, as the results of this current survey show. It is, however, true that there has been an increasing interest in understanding violence and sexual harassment at work in recent years. This has been attributed in no small part to the success of the #MeToo movement, the pressure applied by the women's committees of trade unions and a growing understanding on the part of employers that violence and sexual harassment at work is counterproductive to profit-making in a working environment.

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4 The #MeToo movement provided evidence of the pervasiveness of sexual harassment, becoming the largest social movement related to sexual harassment in history, with 12 million Facebook posts and 15 million impressions (the number of times the content was displayed) within 48 hours of its inception.
The online survey data were collected between June-August 2019. Questionnaires were sent out to EFFAT member organisations in 5 languages. In total, 104 questionnaires were completed and submitted: EN (41), IT (38), ES (12), DE (7), FR (7). Some organisations submitted more than one reply; this was the case when answers were reported at the regional level for specific sectors (e.g. tourism and agriculture in Italy).

EFFAT’s members are 110 national trade unions in 36 European countries. Survey questionnaires were submitted from 45 organisations, in 23 countries, making the organisational response rate 41%, which is higher than the common average rate.

Figure 2. Responses by sector (n=104)
### 8.1 Mechanisms to collect data in the EFFAT sectors

Data collection is an essential tool to uncover the many hidden dimensions of violence and sexual harassment at work.

Data collection is a first and necessary step to understand the scope of the problem of violence and sexual harassment at work. Data collection mechanisms can be embedded into a general policy of zero tolerance, a collective agreement, or a one-off trade union or employer driven exercise. The survey set out to ascertain how many workplaces have mechanisms to collect data and what these mechanisms are.

More than half of the respondents (54) in the EFFAT survey indicated that there were mechanisms to collect data on violence and sexual harassment in their organisation. Two respondents did not know, while 48 reported no mechanism at all. Of the 31 respondents in the food sector, 20 reported mechanisms to collect data on violence and sexual harassment; 10 said that there were no policies and one person did not know. For the agriculture sector (44 respondents), 17 reported a mechanism, 26 said that there were no mechanisms to collect data and one did not know. For the tourism sector, 13 reported data collection, while 9 said that such a system does not exist.

Finally, for the domestic work sector, 4 respondents identified a data collection mechanism, while the other three participants did not. It is worth noting that the agriculture sector reported a significantly lower number of data collection mechanisms than the other EFFAT sectors. This requires further investigation to understand whether or not this limited survey mirrors a general problem in the agriculture sector. And if it does, an explanation would be urgently needed.

<table>
<thead>
<tr>
<th>Q: Does your organisation have mechanisms to collect data on sexual harassment and violence at work?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>54</td>
</tr>
</tbody>
</table>

**Figure 3.** Mechanisms to collect data on sexual harassment and violence.
Table 1. Does your organisation have mechanisms to collect data on sexual harassment and violence?

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>YES</th>
<th>NO</th>
<th>DON’T KNOW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food (n=31)</td>
<td>20</td>
<td>10</td>
<td>1</td>
</tr>
<tr>
<td>Agriculture (n=44)</td>
<td>17</td>
<td>26</td>
<td>1</td>
</tr>
<tr>
<td>Tourism (n=22)</td>
<td>13</td>
<td>9</td>
<td>-</td>
</tr>
<tr>
<td>Domestic Workers (n=7)</td>
<td>4</td>
<td>3</td>
<td>-</td>
</tr>
</tbody>
</table>

Those who reported having a mechanism also provided information on the type of mechanism. Ten distinct mechanisms were described by the respondents:

- **Large scale (internal and external) surveys** can provide important information. This is the case for the domestic work sector in Belgium. A survey sent to 51,000 persons generated 7,400 replies, including the reporting of 15 cases of rape, among other serious forms of sexual harassment. Likewise, a large scale survey in Sweden by the Swedish Trade Union Confederation (LO) revealed that 26% of women and 14% of men have experienced some type of unwanted sexual behaviour in their workplace.

- **Trade Union Women’s Committees** tend to constitute “A network of support and a space for discussion amongst women, which has been one way of ensuring that confidence is built, and voices are heard. Women’s sense of exclusion within the union can be recognised and brought into the open. Women workers know best what their needs and priorities are.” (ITUC 2008) Women’s committees in trade unions also play an important role in oversight using different reporting systems e.g. signalling systems in relation to violence and sexual harassment to report to the national equal opportunities commission.

- **Shop Stewards** were identified as having an important role in identifying cases of sexual harassment and violence at the workplace. However, unless shop stewards are guided by policy or trained in recognizing and responding to cases of violence and sexual harassment, they often find it difficult to provide an adequate reaction when confronted with a complaint.

- **Work Councils** are, in principle, tasked with addressing the issues but often fail to tackle the problem comprehensively unless there is a clear policy of data collection.

- **Case Management (Confidential Data Collection)** is an important tool but has its limitations for research purposes.

- **State Agencies established to collect data** (e.g. Work Environment Agency, Sweden) can be very helpful in guiding data collection, making it possible to collect comparative data across sectors and companies.

- **Company reporting systems** can be quite effective, e.g. under the Equality Plans (ES), where policies against violence and harassment are part of the Equality Plan structure.

- **Protocols for the prevention of violence and sexual harassment** which are implemented when a case arises. Also, through protocols that are implemented in the companies, accompanying the Equality plans (ES).

- **Collection by Oversight Committees**, for example the Committee for Prevention and Safety at Work (Belgium, Domestic Workers).

- **Collection of data by a legal service**, inside or outside a company, trade union or organization.
Reporting harassment or violence is the result of observable offensive acts that cause the victim to perceive that they are being degraded and that there is a lack of respect for their personal dignity/mental and physical well-being. The way it is experienced and reported is influenced not only by personal perception, but also by how it is defined in the cultural context and the level of individual awareness. There are various methodologies for reporting and data collection, depending on what the data will be used for.62

The case of undocumented domestic workers in the NL

“We have no idea about the figures behind individual reports. We estimate that there are around 75,000 undocumented domestic workers in the Netherlands. We have good reason to believe that there is a significant number of harassed, abused and heavily traumatised female workers among them.

To give you an idea: there is a piece of advice commonly given to domestic workers, particularly to young women: ‘Don’t take a job in a family where the woman is pregnant because the husband will so often try to get his way with you...’...”
8.2 Policies, implementation and monitoring of policies to both prevent and respond to sexual harassment and violence at work

Organisational level data on specific policies to prevent and respond to sexual harassment and violence at work are scarce. The EFFAT survey found that 65% of the respondents reported an existing policy on preventing and responding to sexual harassment and violence, 24% did not have such a policy, while 21% were not aware of a policy. Over 50% of the policies which were reported had been in place for more than 5 years.

The existence of a specific policy highlights not only an awareness of violence and sexual harassment at the workplace and commitment to fighting it, but constitutes an important tool for its eradication. However, whilst such policies may exist, they are not necessarily implemented or even monitored as to their effectiveness.

Responses to the survey from the different EFFAT sectors show that all of those who reported the existence of a policy also reported implementation mechanisms and monitoring. More than three quarters of all respondents from the agriculture, tourism and domestic workers sectors identified such policies (table 2). Of the 31 respondents from the food sector, only 13 identified a specific policy. However, all 13 policies were also implemented and monitored, demonstrating a more comprehensive approach to fighting violence and sexual harassment than those workplaces which had a policy which was either not implemented or monitored or both.

Q: Does your trade union have an established POLICY on preventing and responding to sexual harassment and violence at work?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>11</td>
<td>24</td>
<td></td>
</tr>
</tbody>
</table>

Figure 4. Trade union polices

Q: Is the policy monitored/evaluated?

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>62</td>
<td>38</td>
<td></td>
</tr>
</tbody>
</table>

Figure 5. Monitoring policies
Table 2. Does your organisation have an established policy on sexual harassment and violence? Is it implemented? Is it monitored/evaluated?

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>DOES YOUR ORGANISATION HAVE AN ESTABLISHED POLICY ON SEXUAL HARASSMENT AND VIOLENCE?</th>
<th>IS THE POLICY IMPLEMENTED?</th>
<th>IS THE POLICY MONITORED/EVALUATED?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Food (n=31)</td>
<td>Yes=13</td>
<td>Yes=13</td>
<td>Yes=9</td>
</tr>
<tr>
<td>Agriculture (n=44)</td>
<td>Yes=26</td>
<td>Yes=18</td>
<td>Yes=23</td>
</tr>
<tr>
<td>Tourism (n=22)</td>
<td>Yes=19</td>
<td>Yes=15</td>
<td>Yes=12</td>
</tr>
<tr>
<td>Domestic Workers (n=7)</td>
<td>Yes=5</td>
<td>Yes=4</td>
<td>Yes=3</td>
</tr>
</tbody>
</table>

How are the policies implemented?

Policies which were reported in the survey were implemented, though little is known about their effectiveness, which is best determined through regular monitoring. The survey revealed that about 90% of the policies addressed four forms of violence and sexual harassment (verbal abuse, threats and intimidations, sexual assault and physical violence), between 60% and 80% of the policies included sanctions, while redress was not as frequently included (only about 40%). Risk assessments, prevention policies and codes of conduct were far less common across the sectors and countries that the survey covered (around 9%). Policies addressing homophobia, for example, are scarce, although they are more present in the Spanish and German speaking contexts.

Apart from specific policies against violence and sexual harassment, the survey highlights the importance of collective agreements in the fight against them. Collective agreements in almost all sectors are the main instruments to tackle sexual harassment and violence, followed by company agreements. All other instruments, such as national laws, discrimination acts or legal services, play a much lesser role (less than 10% of all other reported measures). Therefore, trade union commitment and action are the key for addressing sexual harassment and violence in the world of work.

Likewise, the implementation of collective agreements, company policies or other measures to address violence and sexual harassment at work is “union business” according to the results of the survey. It also indicates very strongly that policies and measures are mainly communicated to the workers via trade union representatives, very often through organised trade union seminars and conferences and less so via staff handbooks, management guides or the like. Electronic communication and social media play a less important role in this context than in society in general.
The survey includes examples from Spain which point to sexual harassment protocols, mandated by Spanish law via equality plans for all companies with more than 50 workers. Specific modes of implementation include training and awareness-raising campaigns, risk evaluations and the widespread distribution of information material regarding violence and sexual harassment at the workplace. In Turkey, for example, the implementation of policies is guided by presidential decree and/or collective agreement. The German speaking respondents to the survey (Austria, Germany, Europe) refer to a broader set of implementation/enforcement measures including, in particular, equality advocacy and stronger punitive measures.

Trade unions also assume a great deal of responsibility for the monitoring and evaluation of the policies. The situation is, however, different in Austria and Germany according to the German-speaking representatives of the trade unions who took part in the survey. In Austria, in particular, the equality commission (Gleichbehandlungskommission) assumes an important role in monitoring and evaluation.

Excerpt from the European Social Partner’ Framework Agreement on Harassment and Violence at Work

“Enterprises need to have a clear statement outlining that harassment and violence will not be tolerated. This statement will specify procedures to be followed where cases arise. Procedures can include an informal stage in which a person trusted by management and workers is available to give advice and assistance. Pre-existing procedures may be suitable for dealing with harassment and violence. A suitable procedure will be underpinned by, but not confined to, the following: It is in the interest of all parties to proceed with the necessary discretion to protect the dignity and privacy of all. No information should be disclosed to parties not involved in the case. Complaints should be investigated and dealt with without undue delay. All parties involved should get an impartial hearing and fair treatment. Complaints should be backed up by detailed information. False accusations should not be tolerated and may result in disciplinary action. External assistance may help. If it is established that harassment and violence has occurred, appropriate measures will be taken in relation to the perpetrator(s). This may include disciplinary action up to and including dismissal.”
The EFFAT survey has clearly shown that despite the many differences between sectors and countries, **trade unions and their representatives are key to developing, implementing, monitoring and evaluating policies and measures to address sexual harassment and violence at work**. The state and employers do play a less important role according to the survey. It is also evident that the European Social Partner Agreement on Sexual Harassment (2007) sent a strong signal to employers and encouraged trade unions to take a centre-stage role in its implementation. The agreement, though general, serves as an important framework to bring sexual harassment and violence at the workplace to the attention of employers and unions alike.

**Forms of violence and sexual abuse reported in specific cases**

Sexual harassment and violence come in many guises, some of which are to be expected, whilst others are still to be understood, as in the case of violence via digital/electronic means. For example, it was reported that a chef had harassed a waitress with sexual comments at work on several occasions and had also sent violent messages to her phone.

The results of the survey undertaken by EFFAT, which has reached out to all its sectors and member organisations, provide a snapshot of the various forms of violence and their expressions that women and men experience at the workplace. Respondents to the survey reported stalking (at home and at work), calling and emailing, the use of abusive language and physical encounters which may end in victims being cornered in less frequented places. An example of third-party harassment was described as unwelcome verbal sexual advances in a spa from a client.

Blackmailing is also high on the list of incidents reported, including making career progression dependent on sexual “favourites”, spreading gossip or threatening to spread gossip, sexualizing parts of the work uniform, as well as verbal sexual advances from clients, e.g. comments about looks.

Survey responses also included more physical and graphic forms of harassment and violence, including rape, touching, masturbation in front of the worker, as well as displays of pornographic images. For example, it was reported that a section chief used to delay the departure of female workers in the evenings so that they would miss the bus. He would then offer to take them home in his car in order to sexually abuse them.

There was also evidence of physical and verbal abuse, particularly of homosexual men. The issue of economic violence, which most commonly takes the form of the victim being threatened with dismissal if they do not give in to sexual advances, was also reported.

So-called ‘diffuse’ verbal abuses between colleagues and superiors, with the aim being to make it look like “normal communication” or ‘light’ communication were reported in all four sectors with equal intensity.

Seasonal workers reported a particular set of forms of violence. Their situation – with less union coverage than the other three EFFAT sectors – was extremely vulnerable to any form of violence and sexual harassment. How does a worker respond, react, feel and follow-up on a comment like?

*What a nice ass you have!*
8.3 Types of sexual harassment and violence reported

The survey mapped out the reporting of sexual harassment and violence in the four sectors. While the results highlight some sector specific findings, it is imperative to remember that cases of sexual harassment are significantly underreported with many victims, bystanders and witnesses afraid or reluctant to come forward or unsure about how to do so. Underreporting of sexual harassment is due to low social awareness of the issue, fear and shame associated with talking to other people about the topic, fear of dismissal, difficulties in obtaining evidence, insufficient reporting, monitoring and victim-protection channels and the normalisation of violence. Where victims do complain, many face ineffective systems or procedures, experience retaliatory action, or further violence and harassment, or lose their job. It was recorded in the survey that a worker had been dismissed because she had reported a sexual assault.

A recent survey (October 2019) to measure the extent of sexist or sexual violence suffered by women in Europe in their workplaces, found that women who have talked to a person in their organisation who may help to solve a sexual harassment or violence problem - a supervisor or trade unionist - remain the exception, as only 9% to 16% report incidents.

Q: What, in your opinion, is the degree of sexual harassment and violence in the EFFAT sector you are reporting on (1= no sexual harassment and violence.. 5= very high degree)

Figure 7. Degree of sexual harassment and violence
Against that backdrop, the perceived degree of sexual harassment and violence in the EFFAT sectors, ranging from 2.22 to 3.68, indicates that there is awareness of the situation, but perhaps not the extent of it.

The main findings of the survey on different types of sexual harassment and violence reported within the past 24 months are:

- The EFFAT sectors are exposed to all types of sexual harassment and violence;
- Women had reported more types of sexual harassment and violence within the past 24 months across agriculture, food and domestic work sectors than men;
- In the tourism sector, both women and men had reported all the types of sexual harassment and violence;
- Women and men had reported sexual harassment and violence by a superior, colleague or third party in the agriculture, food and tourism sectors;
- In the domestic work sector, women had reported sexual harassment and violence by all three categories of perpetrators, while men had only reported a superior.

Sector specific data are as follows;

The data on the food sector highlights that women are often the main victims of all types of sexual harassment and violence. In the EU, of those women who have experienced sexual harassment at least once since the age of 15, 32% indicated a colleague, a boss or a customer as the perpetrator(s). The survey results also underline this in terms of the different categories of perpetrators. In this sector, men had reported different types of verbal harassment and threats and physical violence, but no physical sexual harassment or violence.

FOOD
SEXUAL HARASSMENT AND VIOLENCE REPORTED WITHIN THE PAST 24 MONTHS BY WOMEN AND BY MEN

<table>
<thead>
<tr>
<th>Type of sexual harassment and violence</th>
<th>By superior</th>
<th>By colleague</th>
<th>By third party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Displays of offensive and visual materials in the workplace</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Verbal abuse</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments of a sexual nature about body and/or clothes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unwelcome verbal sexual advances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unwanted touching (e.g. placing hand on lower back or knee)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serious sexual assault</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Threats/Intimidation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical violence</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 3. Food sector, reported incidents

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5 Due to data confidentiality issues, the survey did not collect information on the number or other details of the reported incidents.
The types of sexual harassment and violence reported within the past 24 months in the agriculture sector highlight that women reported all types by a superior and colleague, and most types by a third party. In the agriculture sector, previous reports have found a high prevalence of violence and harassment against women, including women migrant workers. Women agriculture workers often also work in the informal economy, which makes them vulnerable to abuses. In this sector, men had also reported being exposed to several types of harassment and violence, both verbal and physical.

**AGRICULTURE**

**SEXUAL HARASSMENT AND VIOLENCE REPORTED WITHIN THE PAST 24 MONTHS BY WOMEN AND BY MEN**

<table>
<thead>
<tr>
<th>Type of sexual harassment and violence</th>
<th>By superior</th>
<th>By colleague</th>
<th>By third party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Displays of offensive and visual materials in the workplace</td>
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<tr>
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<td></td>
<td></td>
</tr>
<tr>
<td>Serious sexual assault</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Threats/Intimidation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical violence</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Table 4. Agriculture, reported incidents**
In the tourism sector, both women and men had reported all the types of sexual harassment and violence by all perpetrator categories over the past 24 months. Previous studies have shown that sexual harassment is endemic across the restaurant industry and is experienced by both women and men, but that the heaviest impact is borne by women, transgender people and tipped workers. Sexual harassment, including unwanted attention or intimidation of a sexual nature, is experienced widely in the industry.

**TOURISM**

**SEXUAL HARASSMENT AND VIOLENCE REPORTED WITHIN THE PAST 24 MONTHS BY WOMEN AND BY MEN**

<table>
<thead>
<tr>
<th>Type of sexual harassment and violence</th>
<th>By superior</th>
<th>By colleague</th>
<th>By third party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Displays of offensive and visual materials in the workplace</td>
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<td></td>
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<tr>
<td>Verbal abuse</td>
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<tr>
<td>Comments of a sexual nature about body and/or clothes</td>
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<tr>
<td>Unwelcome verbal sexual advances</td>
<td></td>
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<tr>
<td>Unwanted touching (e.g. placing hand on lower back or knee)</td>
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<td></td>
</tr>
<tr>
<td>Sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serious sexual assault</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Threats/Intimidation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical violence</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Table 5. Tourism, reported incidents*
The survey results for the domestic work sector concur with the findings of other international studies. Women domestic workers had reported all types of sexual harassment and violence by a superior and third party within the past 24 months. The survey results also showed that women had reported being subjected to different types of verbal sexual harassment by their colleagues.

### DOMESTIC WORK

**SEXUAL HARASSMENT AND VIOLENCE REPORTED WITHIN THE PAST 24 MONTHS BY WOMEN AND BY MEN**

<table>
<thead>
<tr>
<th>Type of sexual harassment and violence</th>
<th>By superior</th>
<th>By colleague</th>
<th>By third party</th>
</tr>
</thead>
<tbody>
<tr>
<td>Displays of offensive and visual materials in the workplace</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Verbal abuse</td>
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<td>Comments of a sexual nature about body and/or clothes</td>
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<td>Unwelcome verbal sexual advances</td>
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<td>Unwanted touching (e.g. placing hand on lower back or knee)</td>
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<tr>
<td>Sexual assault (e.g. unwanted touching of the breasts, buttocks or genitals, attempts to kiss)</td>
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<td>Serious sexual assault</td>
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<td>Physical violence</td>
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**Table 6. Domestic work, reported incidents**

The domestic work sector is characterised by considerable feminisation; according to the ILO, the majority of workers employed in the domestic work sector are women, accounting for 83% of the global domestic workforce. In the EU, the workforce consists of 2.5 million people, 88% of them being women. In most EU Member States, domestic work is carried out as undeclared work in the framework of the informal economy, allowing for unequal and abusive treatment or harassment, since these workers are ‘invisible’ and isolated from others performing similar duties and tasks. Evidence indicates that domestic workers face significant risks of violence and harassment, isolation and lack of recourse to protection. Studies reveal that domestic workers are vulnerable to violence and harassment at work, including verbal abuse, insults, threats, sexual harassment, accusations of theft, insufficient provision of food, inhumane accommodation and excessively long work hours with no rest. The relationship that exists between an employer and a female employee in a domestic setting is of a particular nature, because the female employee often works, and sometimes lives, in the employer’s home and this can increase the risk of abuse. One of the survey respondents described the situation of a female domestic worker who was sexually abused and kept imprisoned by her male client for over 10 years. She was locked indoors to do household tasks for his family and her passport was taken from her. Being undocumented made it impossible for her to flee. She was liberated by a shop steward and is now in a safe house.
Survey on Belgian Domestic Workers

A large-scale survey, 51,000 questionnaires, was sent out by the CSC trade union to the domestic work sector (titre-services) in Belgium in 2017. Responses were received from 7,363 workers and revealed:

- 15 rape cases and other serious forms of sexual harassment;
- Touching (touching breasts, genitals, “stolen” kissing) imposed pornography, nudity and masturbation in the presence of the worker, and numerous attempts at touching;
- 30% of the acts of violence suffered were verbal, such as verbal invitations with a sexual connotation.
8.4 Assessment of impact of sexual harassment and violence at work in the EFFAT sectors

Sexual harassment is a severe social stressor and is costly for organisations. It is linked to physical and mental ill health, reduced job satisfaction, lower organisational commitment and withdrawal from employment.

Women tend to report more negative effects of sexual harassment than men, with men generally finding it less stressful and upsetting compared to women; a possible explanation for this is that women experience more severe and physical forms of sexual harassment, with men possibly perceiving their experience as less threatening and primarily seeing it as bothersome. Perpetrator status also plays a role; harassment from someone in a higher status position is linked to greater experience of fear and distress.\textsuperscript{76} Women are much more likely to be victims of sexual harassment because they lack power more often than men and are in more vulnerable and insecure positions. Being sexually harassed causes women to avoid certain work situations and makes them feel less confident at work. It also has an impact on women’s mental health, leaving them feeling more stressed, anxious and depressed.\textsuperscript{77}

Where the problem is ongoing or when it is not being addressed by employers, the victim’s commitment to the organisation may suffer, with quitting being a likely outcome. This results in loss of earnings and can have long-term consequences on the victim’s career. People who have experienced sexual harassment and violence at work may deliberately search for jobs which are considered safe/safer with possible negative impacts on career trajectories, as well as their long-term financial wellbeing.
The survey respondents reported a high negative impact of sexual harassment and violence on health. The impact on mental and physical health was specifically severe and included:

- physical somatic symptoms/sickness
- stress
- anxiety
- anguish
- helplessness
- feeling of worthlessness
- loss of sleep
- being afraid of going to work
- low self-esteem
- self-blame
- feeling of isolation
- reduced social life
- lack of motivation
- low work satisfaction
- mental trauma
- burnout
- depression
- thoughts of suicide and suicide.

Q: In your assessment, what is the level of IMPACT of sexual harassment and violence at work on WORKERS’ HEALTH? (1=No impact... 5=Very high impact)

![Figure 8. Impact on health](image)

In terms of organisational outcomes, sexual harassment and violence at work causes increased withdrawal, absenteeism and turnover with related costs. The survey respondents particularly highlighted that: “If other workers learn that there is sexual harassment and violence at work, it can change viewpoints and trust about the workplace”. This can lead to the “breakdown of relationships between workers and between workers and employers, because when a worker is faced with this issue, the others begin to be afraid of facing the same situation.” Such organisational culture “inhibits growth” and “worsens business climate.”
The reported range of consequences of sexual harassment and violence for the organisations included:

- Absenteeism
- Quitting work
- Job loss
- Accidents at work
- Lower work performance
- Difficulties in relating to the working environment and in interacting with it

Q: In your assessment, what is the level of IMPACT of sexual harassment and violence at the WORKPLACES IN GENERAL? (1=No impact... 5=Very high impact)

Figure 9. Impact on workplaces

“Sexual harassment and violence at work will affect work performance and it can be harmful for employees and employers both. Loss of attention will cause work accidents. It will threaten work safety and ruin work peace between employees.”(HORECA)

In addition to causing individual suffering and a negative organisational culture, sexual harassment and violence against women has a high economic impact on society at large. In 2011, the annual cost to the EU of gender-based violence against women was estimated at EUR 228 billion (i.e. 1.8% of EU GDP), of which EUR 45 billion a year was in public and state services, and EUR 24 billion of lost economic output.”
# ANNEX I List of participating trade unions

*affiliations disclosed by the respondents

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<th>NATION</th>
<th>TRADE UNION</th>
<th>NUMBER OF RESPONSES</th>
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