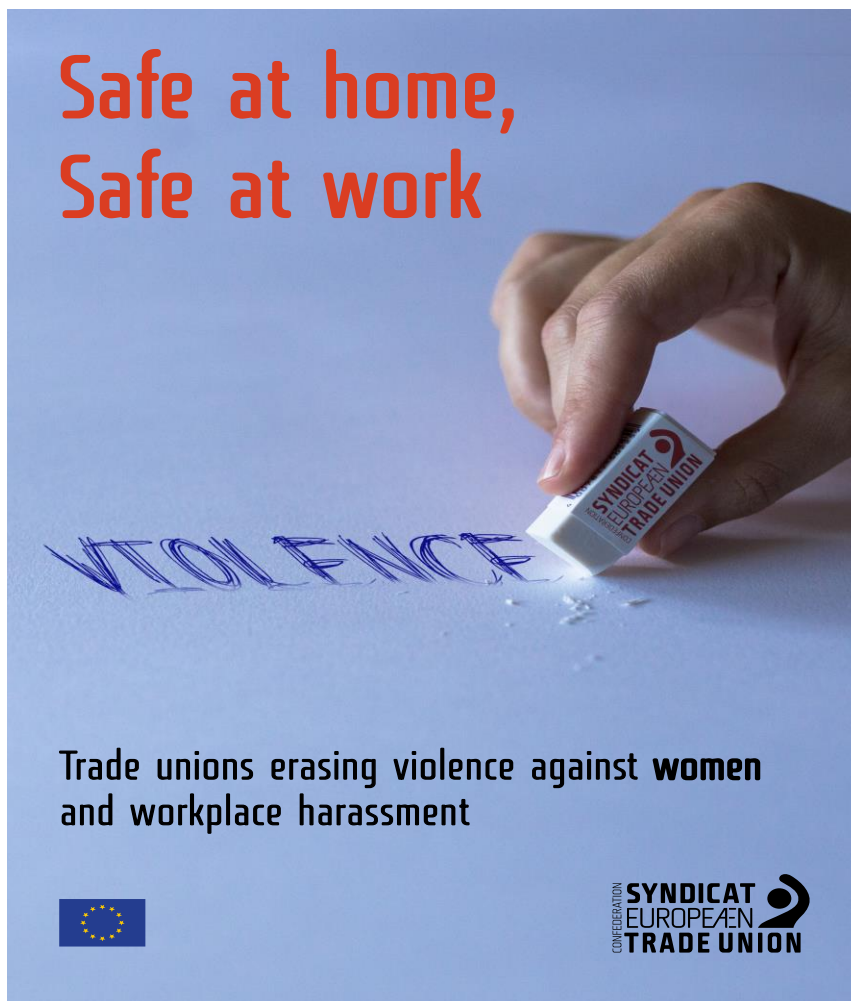


ETUC 'Safe at Home, Safe at Work'

# IRELAND<sup>1</sup>

## Country Case Study



by Jane Pillinger  
2017

<sup>1</sup> The report covers both jurisdictions on the island of Ireland, the Republic of Ireland and Northern Ireland. Although Northern Ireland is a devolved authority of the UK, the Irish Congress of Trade Unions (ICTU) covers both the Republic of Ireland and Northern Ireland.

# 1. Introduction

## 1.1 Overview

This report gives an overview of the Ireland country case study (covering the Republic of Ireland and Northern Ireland), which is one of eleven case studies prepared for the ETUC project 'Safe at Home, Safe at Work'. It documents examples of measures taken by trade unions to address gender-based violence at work. It covers two specific areas: a) gender-based violence in the workplace and b) domestic violence at work. Both aspects of the report are discussed in relation to the overall legal context, the role of collective bargaining and other union initiatives, as well as the challenges faced by unions and the recommendations made by unions for the future.

## 1.2 Methodology

As well as reviewing relevant literature and reports, interviews were held with the following people in Dublin and Belfast, 12-15 April 2016:

- David Joyce, Equality Officer, Irish Congress of Trade Unions (Republic of Ireland)
- Clare Moore, Equality Officer, Irish Congress of Trade Unions (Northern Ireland)
- Dr. Monica O'Connor, Gender Expert, University College Dublin
- Jacqueline Healy, National Women's Council of Ireland
- Alan O'Neill, Men's Development Network / White Ribbon

# 2. Context and legal background

## 2.1 Gender-based violence at work

In the **Republic of Ireland** there is a clear definition and prohibition of sexual harassment in the law. The definition of sexual harassment, as contained in S.23 of the Employment Equality Acts 1998-2011, includes any act of physical intimacy, request for sexual favours, and other act or conduct including spoken words, gestures or the production, display or circulation of written words, pictures or other material that is unwelcome and could reasonably be regarded as sexually offensive, humiliating or intimidating. The Employment Equality Act (S.32(5)) also contains definitions of harassment, which is similar to that of sexual harassment but without the sexual element (based on one of the discriminatory grounds: marital status, family status, sexual orientation, religious belief (or none), age, disability, race, colour, nationality or ethnic or national origin or membership of the Traveller community). Bullying that is not linked to one of the discriminatory grounds is not covered by the Act.

The Act specifies that sexual harassment and harassment are acts that are (a) Unwelcome conduct and (b) Sexually and/or otherwise offensive, humiliating or intimidating. To constitute sexual harassment or harassment under the Act the behaviour must also be reasonably regarded as offensive, humiliating or intimidating to the employee. Cases are investigated by the Workplace Relations Commission (formerly Equality Tribunal). However, there has been only a small number of cases of sexual harassment, compared to other forms of discrimination against women in the workplace.

The 2005 Act on Safety, Health and Welfare at Work Act 2005 states that 'Employers should adopt, implement and monitor a comprehensive, effective and accessible policy on bullying at work' aimed at preventing bullying in the workplace (Section 4). Section 20 obliges the employer to consider whether bullying is likely to be a hazard in the workplace and requires employers to identify risks and preventative measures.

Sexual harassment at work and in public spaces has received some media coverage and discussion. However, sexual harassment at work has a much lower profile, compared to generalized bullying at work, bullying and harassment of LGBT people and cyberbullying. The terminology of bullying is widely used, particularly in a school setting, there has been some focus given to sexualized forms of bullying, rather than sexual harassment *per. se*.

In **Northern Ireland** the responsibility for employment and equality legislation is devolved to the Northern Ireland Assembly. All employers in Northern Ireland are obliged to comply with a number of laws that seek to promote equality of opportunity in employment by banning unlawful discrimination and harassment.<sup>2</sup> Together the laws ban discrimination and harassment in relation to the recruitment of new staff, opportunities for career development for current employees, the terms and conditions of employment, including pay, termination of employment and how workers behave towards one and other. The laws ban discrimination and harassment in employment on the grounds of sex, pregnancy and maternity leave, religious belief or similar philosophical belief, political opinion, race, colour, nationality, ethnic or national origins, sexual orientation and age. The laws also ban discrimination and harassment against people who are disabled; are married or who are in civil partnerships; and who have undergone, are undergoing or who intend to undergo gender reassignment.

On 6 April 2008, the Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2008 came into force in Northern Ireland. They introduced a number of important changes to the employment provisions of the Sex Discrimination (Northern Ireland) Order 1976, which affect employers in Northern Ireland. In particular, they changed the definition of 'sex harassment', in order to prohibit unwanted conduct that is 'related to' a woman's sex or that of another person; made it clear that employers must take reasonably practicable steps to protect their employees from harassment by third parties (such as clients or customers), where such harassment is known to have occurred on at least two other occasions, in amongst other areas.

Employers have a duty of care under the Health and Safety at Work (NI) Order 1978 to ensure, as far as is reasonably practicable, the health and safety at work of their employees. The Management of Health and Safety at Work Regulations (NI) 1992 requires employers to assess the risks of violence to employees and make arrangements for their health and safety by effective planning, organisation and control.

## 2.2 Domestic violence at work

In the **Republic of Ireland** there are no specific legal provisions related to domestic violence at work. The Domestic Violence Act 1996 and the Non-Fatal Offences Against the Person Act 1997 are the main legal instruments.

A paper by the Law Reform Commission on domestic violence harassment,<sup>3</sup> examined whether changes in the law were to protect victims of domestic violence from harassment and stalking (currently addressed under S.17 of the Domestic Violence Act 1996 and S.10 of the Non-Fatal Offences Against the Person Act 1997). This is relevant in the context of stalking and harassment of victims of domestic violence in the workplace. Section 10 of the 1997 Act defines harassment as "following, watching, pestering, besetting or communicating". The

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<sup>2</sup> Equal Pay Act (NI) 1970; Sex Discrimination (NI) Order 1976; Fair Employment & Treatment (NI) Order 1998; Disability Discrimination Act 1995; Race Relations (NI) Order 1997; Employment Equality (Sexual Orientation) Regulations (NI) 2003; Employment Equality (Age) Regulations (NI) 2006

<sup>3</sup> Law Reform Commission (2013) Issues Paper Number 2. Domestic Violence - Harassment (LRC IP 2-2013)

majority of section 10 prosecutions arise in the context of a domestic relationship that has broken down. Following the consultation, the Law Reform Commission recommended retaining existing rules on bail, including revoking bail, where a person is charged with breaching a domestic violence order; and that current law of harassment is sufficient to deal with stalking in domestic violence cases.

A new National Strategy on Domestic, Sexual and Gender Based Violence (2016-2021) was published in 2016 (for the Republic of Ireland). However, it makes little or no reference to the workplace or to the role played by unions and employers as stakeholders in eliminating gender-based violence. The introduction to the Strategy makes reference to violence disrupting "...the ability to concentrate and process information, which in turn can compromise a victim's ability to perform tasks in paid employment or to negotiate the criminal justice system." (p.5)

In **Northern Ireland** a new strategy was also published in 2016: 'Stopping Domestic and Sexual Violence and Abuse in Northern Ireland: A Seven Year Strategy'. It is a cross-departmental strategy and reference is made to 'effective workplace policies' as part of a range of measures to support victims and families affected by violence. A strong emphasis is placed on effective coordination of action and partnership working across relevant services, including in workplaces, as part of primary prevention and awareness raising. As the Strategy notes: "The costs in respect of both domestic and sexual violence and abuse greatly impact on the resources of statutory, voluntary and community sector organisations and employers and reflect the enormous burden on victims and wider society." (p.28)

## **2.3 Collective bargaining**

Collective bargaining in the Republic of Ireland and Northern Ireland is voluntary. It was put under severe strain during the economic crisis, when a halt was made to national social partnership agreements. However, the introduction of the Industrial Relations (Amendment) Act 2015 in the Republic of Ireland marked a significant change in Irish industrial relations, providing safeguards for workers whose employers do not recognise collective bargaining, and includes provision for Registered Employment Agreements and Sectoral Employment Orders. The Act introduced a new definition of collective bargaining, which comprises voluntary engagements or negotiations by an employer with either a trade union of workers or an "excepted body". In addition, any engagements or negotiations must have the object of reaching an agreement on wages or other conditions of employment. Such a referral cannot be substantively examined by the Labour Court where an employer engages in collective bargaining.

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

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

Trade unions have approached gender-based violence in two distinct ways, first, as a general issue of bullying at work, and, second, in relation to harassment and sexual harassment at work.

#### **Stress, bullying and harassment at work**

In 2010 the Irish Congress of Trade Unions (ICTU) formed an advisory commission on stress, bullying and violence at work to assess the effectiveness of prevention measures and the current legal framework, risk assessment and codes of practice on workplace bullying, stress and violence and identify any weaknesses in workplace procedures. The Commission's

objectives were to recommend improvements to the legal framework, codes of practice and dispute resolution procedures and identify specific measures that unions can take to intervene or respond to incidences of bullying and violence in the workplace and in respect of workplace stress.

### **Code of Practice on Sexual Harassment and Harassment at Work, Republic of Ireland (2012)**

The Code of Practice, prepared by the Equality Authority with the approval of the Minister for Justice and Equality and following, was agreed in consultation with IBEC (employers), ICTU (unions) and other relevant organisations representing equality interests.<sup>4</sup> The Code aims to give practical guidance to employers, employers' organisations, trade unions and employees on what is meant by sexual harassment and harassment in the workplace, how it may be prevented, what steps to take if it does occur to ensure that adequate procedures are readily available to deal with the problem and to prevent its recurrence.

The Code seeks to promote the implementation of policies and procedures in order to establish "working environments free of sexual harassment and harassment and in which the dignity of everyone is respected". The Code states that "An employer is legally responsible for the sexual harassment and harassment suffered by employees in the course of their work unless he/she took reasonably practicable steps to prevent sexual harassment and harassment from occurring, to reverse the effects of it and to prevent its recurrence".

Employers are encouraged to take steps to prevent sexual harassment or harassment and to reverse the effects of it and to prevent its recurrence. Part 4 of the Code states that "Employers should adopt, implement and monitor a comprehensive, effective and accessible policy on sexual harassment and harassment". Guidelines are provided on drawing up effective policies and procedures to deal with sexual harassment and harassment, which should be agreed by the employers with the relevant trade union or employee representatives. In so far as practicable, clients, customers and business contacts should also be consulted.

### **3.2 Data and evidence**

There have been no recent systematic studies on gender-based violence in the workplace. For this reason, the **EU-FRA survey** was particularly important in Ireland, because of the absence of other national data on violence against women (including sexual harassment). The survey interviewed 42,000 women across the EU, who were asked about their experiences of physical, sexual and psychological violence, including incidents of intimate partner violence ('domestic violence'). There was a high level of media interest and NGO mobilisation around the survey results in Ireland. The relevant data is replicated here as it has been one of the most important sources of data on sexual harassment in Ireland, and has been used extensively by advocacy groups in Ireland.

- 48% in Ireland, against the EU average of 55%, had experienced any form of sexual harassment since the age of 15 years (based on a full set of 11 items measuring sexual harassment in the survey). This rose to 65%, against an EU average of 69%, for women with tertiary education.
- 19% in Ireland, against the EU average of 21%, had experienced any form of sexual harassment in the previous 12 months (based on a full set of 11 items measuring sexual harassment in the survey).

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<sup>4</sup> The Code was implemented through S.I. No. 208/2012 - Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2012.

- 25% in Ireland, against the EU average of 29%, had experienced unwelcome touching, hugging or kissing since the age of 15.
- In Ireland 11% of 18-29 year olds have experienced cyberstalking (more than twice the national average of 5%) and 15% of 18- 29 year olds have experienced offensive or threatening communications.
- In Ireland 34% of women, against the EU average of 28%) who have experienced sexual or physical violence reported loss of self–confidence as a long term impact (compared to 21% EU) and 47% had long term feelings of vulnerability.
- Fear affects women in Ireland more than the EU average - 69% of women in Ireland say that they sometimes avoid certain areas or situations for fear of physical or sexual assault (compared with 53% EU) and 52% avoid certain streets or areas for fear of being assaulted (compared with 37% EU average) of being assaulted.

**Say Something: A Study of Students' Experiences of Harassment, Stalking, Violence and Sexual Assault (2013).** The research carried out by the Union of Students in Ireland (USI) is the first study of its kind in Ireland. It was carried out in 2013 with over 2,750 third level students responding online. 1,811 of the respondents described themselves as 'women', 926 as 'men' and a further 15 described themselves as the 'other' option. The research covered: unwanted sexual experiences, physical mistreatment, harassment, obsessive behaviour and information on Campus.

- 1 in 5 women experienced an unwanted sexual experience; 11% experienced unwanted sexual contact;
- 1 in 4 LGBT respondents reported experiencing such behaviour, compared to 16% of non-LGBT students;
- Only 3% of respondents who had an unwanted sexual experience reported it to the police
- In over 60% of cases, victims estimated that the perpetrator was under the influence of alcohol, and most victims identified the perpetrators as being "acquaintances";
- Cyber harassment: 19 % of men and 17 % of women have been photographed or filmed without their consent. Over 10% of men and 8% of women have had photographs or videos circulated online without their consent;
- Sexual harassment: 9% of women students experienced comments with a sexual overtone. Over 30% of women or other respondents reported feeling harassed or intimidated while at their current institution;
- One in eight of women and other respondents experienced having their bottom groped, pinched or smacked without consenting to this while in their Students' Union or Student Centre, with 11% of them experiencing this in other areas of their campus;
- 7% of women and other recorded that they had their breasts groped without their consent.

The research findings suggest a lack of shared understandings among students about acceptable language and dialogue around sex and sexuality and a failure on the part of some students to recognise that what they say, and how they say it, impacts on their peers. A serious issue raised in the research was the prevalence of social media and modern technology as a means through which obsessive behaviour is carried out.

An Irish study on **psychosocial risks by the Economic, Social Research Institute**<sup>5</sup> has analysed psychosocial risks (which include bullying and harassment), showing the importance of addressing these risks in occupational safety and health at work. This is in line with OSHA's work on a gender perspective on occupational safety and health, including the impact of sexual

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<sup>5</sup> Watson D, Maître B, Russell H (2015) Workplace Risks and Worker Outcomes in Ireland from a Comparative Perspective: An Analysis of the European Working Conditions Survey, 2005 and 2010. Economic and Social Research Institute, Dublin

harassment. The study found that workers in Ireland exposed to bullying and harassment show high levels of mental distress, ill health and injury. The study drew on Irish data from the 2005 and 2010 European Working Conditions Surveys:

- Psycho-social risk (identified as one of four health and safety risks) involves unwanted sexual attention, physical violence in the last 12 months or bullying or harassment in the last 12 months. Ireland ranked 6th in 34 countries regarding the level of exposure to psycho-social risk. There was a fall in exposure to psycho-social risk in Ireland.
- 2.3% of employees in Ireland had experienced unwanted sexual attention (in the last month) and 5.5% had experienced bullying and harassment (in the 12 months).
- Negative outcomes were more frequent among older workers (poor health, mental distress), younger workers (injury) and women (mental distress).
- High levels of mental distress is associated with psycho-social risk, but the relationship between psycho-social risk and the other outcomes (general health and injury) were also very strong. Although exposure to unwanted sexual attention, physical violence, bullying or harassment is rare (with an average score ranging from 0.05 to 0.5 on the ten-point scale), the findings suggest a strong potential for negative outcomes.

The authors conclude that there is a need to take this form of workplace risk as seriously as the physical hazards that have been the more traditional focus of health and safety policies. A study carried out by the University of Limerick<sup>6</sup> in conjunction with the nurses and midwives union, the **INMO**, of 2,929 nurses and midwives in 2010 identified bullying to be a large problem at work. A significant minority of respondents believed bullying to be a problem at work and had experienced bullying in the previous six months and 80% of respondents indicated that they had observed bullying. The survey did not capture the extent to which bullying took the form of sexual harassment, although this is a highly feminized sector. In July 2014, the INMO in partnership with NUI Galway undertook a second large-scale survey of 2,442 nurses and midwives in Ireland on the issue of workplace bullying, updating the first survey. The survey found that there had been an almost 14% increase in the number of reported cases of bullying over the last four years and that 6% of respondents said they were bullied on a daily basis. According to the INMO bullying has increased because of increased pressure on staff in the sector and cuts in service, which are both having an adverse effect on affecting workplace behaviour.<sup>7</sup> Respondents consistently reported that cut-backs in the health sector generally (over-crowding of wards etc.) and associated staffing cut-backs in recent years had exacerbated stress-levels amongst staff and they indicated this has contributed to bullying. Government cut-backs are likely to be an important explanation for the significant rise in reported bullying between 2010 and 2014. The survey identified negative consequences of bullying in the workplace personally and professionally, and included higher levels of sickness leave, decreased job satisfaction and increased stress, which affected work performance and the quality of care provided to patients.

A **national survey on workplace bullying**,<sup>8</sup> was conducted in Ireland in 2007 and a new survey carried out in 2016 is due to be published soon (*data will be update when the report is published*). The 2007 survey found that 7.9% of workers reported bullying in the workplace in the previous six months and that women were more at risk of bullying (nearly 11% women, compared to nearly 6% of men). The highest rates of bullying were found in the public sector in education, public administration, health and social work and transport and communications. Perpetrators of bullying were colleagues (39%), and by clients (35.2%). In particular, workers

<sup>6</sup> McMahan, J et al. (2013) Report on the extent of bullying and negative workplace behaviours affecting Irish nurses. Available at: <https://inmo.ie/tempDocs/University%20of%20Limerick%20Report%20April%202015.pdf>

<sup>7</sup> INMO (2015) Executive Summary: INMO Workplace Bullying Survey Findings Over the Past 4 Years (2010-2014). Available at: <https://www.inmo.ie/Home/Index/217/12310>

<sup>8</sup> Economic and Social Research Institute (2007) Bullying in the Workplace: Survey Reports 2007. Available at: <http://workplacebullying.ie/wp-content/uploads/2012/11/Bullying-and-harassment-ESRI-2007.pdf>

in organisations undergoing change were found to be more likely to experience bullying, and a higher incidence of bullying was found for workers on casual contracts (14%) and temporary contracts (9%), compared to workers in permanent employment (7.6%).

The 2007 survey found that public sector organisations were more likely to have a formal policy on 'dignity at work /workplace bullying operating in their organisation (81.9%) in the public sector reported having a formal policy, as opposed to 36.9% in the private sector. The number of organisations with such a policy was reported to have increased in the 2009 Workplace Survey (covering 95% of public sector employees and 76% of private sector employees).<sup>9</sup>

Further analysis of the survey on the impact of high performance work practices on employee well-being found that 'progressive HR policies', anti-bullying and equality policies, are associated with higher earnings and reduced work pressure.<sup>10</sup> Equality and anti-bullying policies often go hand in hand with a range of employee-centred practices such as consultation and employee participation in decision-making. The evidence suggests that the presence of an equality policy is associated with more equal treatment and less inequality and discrimination. Typically, these policies are also associated with increased well-being, particularly for minority or vulnerable groups. Although the current recession has had a very damaging effect on the Irish labour market, the study found no evidence that workplaces had responded by curtailing formal equality policies. The study shows that equality policies are associated with better outcomes for employees (such as lower work pressure and reduced work–life conflict) as well as better organisational outcomes (such as increased job satisfaction).

### 3.3 Collective agreements and workplace policies

In Ireland, a specific focus has been given to workplace bullying,<sup>11</sup> which includes the issue of sexualised bullying. Irish employers and unions appear to use the language of bullying more frequently than harassment or sexual harassment.

In discussion with the ICTU Equality Officers for the Republic of Ireland and Northern Ireland, both indicated that the issue of sexual harassment at work continues to be an area of concern.

In the public sector and large companies, workplace agreements and policies are commonplace. Most follow the structure of the legislation and workplace employee advisors provide confidential advice and support on bullying, harassment and sexual harassment. In most cases unions are involved in negotiations with employers to agree a workplace policy.

In the **Civil Service**, an Anti-Bullying, Harassment and Sexual Harassment Policy– A Positive Working Environment, was negotiated in 1999 and was the first policy of its kind in the civil service in Ireland. It put an obligation on employers to have a clear, strong, robust policy in place to deal with complaints of bullying, harassment and sexual harassment. A review of the policy in 2005 put greater emphasis on mediation as a means of resolving the complaint.

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<sup>9</sup> Cited in Watson D, Maître B, Russell, H. (2015) Workplace Risks and Worker Outcomes in Ireland from a Comparative Perspective: An Analysis of the European Working Conditions Survey, 2005 and 2010. Economic and Social Research Institute, Dublin

<sup>10</sup> Russell, H., & McGinnity, L. (2011) Workplace Equality in the Recession? The Incidence and Impact of Equality Policies and Flexible Working. Dublin, Equality Authority.

<sup>11</sup> This was recognised by the Government in the Taskforce on the Prevention of Workplace Bullying in 1999 and the Expert Advisory Group on Workplace Bullying in 2004. This led to the commissioning of two surveys by the Economic and Social Research Institute (ESRI) on the issue of bullying in the workplace. A Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work, was produced by the Health and Safety Authority in 2007.



However, an Equality and Diversity survey carried out by the civil service union, CPSU, in 2015 found that 95% of respondents had never used the Anti-Bullying, Harassment and Sexual Harassment Policy and 86% said they would not know what to do if they had a complaint to make.

The review took account of a range of problems associated with the implementation of the policy and agreed on the need to deal with workplace conflict in an efficient manner. This included clearly defined roles for managers and early intervention, ensure information and support is available, wider use professionally qualified mediators, have realistic timeframes for mediation and investigations, and a Review/Appeals mechanism. As an outcome of consultations and negotiation a new policy **Dignity at Work – An Anti-Bullying, Harassment and Sexual Harassment Policy for the Irish Civil Service**<sup>12</sup> was agreed setting out four stages for complaints. The objective is to promote dignity and respect at work for all staff. Where conflict, as defined in this Policy arises, the informal resolution methods and/or mediation should be used as often and as early as possible so as to bring the matter to a conclusion. If the issue is not resolved then it will proceed to investigation which will take place within a specific timeframe. The Policy also includes details of the supports that are available to the parties of a complaint.

An Anti-Bullying, Harassment and Sexual Harassment Policy and Procedure in the **Irish health service** recognizes the right of all employees to be treated with dignity and respect and is committed to ensuring that all employees are provided with a safe working environment which is free from all forms of bullying, sexual harassment and harassment. The Dignity at Work policy covers sexual harassment and harassment as outlawed by the Employment Equality Acts and reflects the experiences of both employers and union representatives in dealing with complaints of bullying and harassment. The revised Dignity at Work Policy for the Health Service was produced on a partnership basis by a Working Group comprising representatives from the HSE, Voluntary Hospitals and Intellectual Disability sectors, health service unions, HSE-Employers Agency and IBEC. In the health service confidential support persons who are employed and trained by the HSE provides confidential support and information to victims of bullying, harassment and or sexual harassment.

**Teachers unions** in Ireland have been involved in discussions with employers about addressing bullying and sexual harassment in schools. For example, teachers' unions participated in the Anti-bullying Forum and an Anti-Bullying Working Group, established in 2012 by the Department of Education and Skills and the Department of Children and Youth Affairs. A public consultation with stakeholders and the wider community informed a new Anti-Bullying Action plan and with the objective to "identify priority actions that can encourage schools to develop anti bullying policies and in particular strategies to combat homophobic bullying to support students". Specific attention is given in the strategy to sexualized forms of bullying.

The **Irish Human Rights and Equality Commission** has introduced a range of practical resources to raise awareness amongst employers. The Equality Benefits Tool (2010)<sup>13</sup> gives specific guidance to public and private sector employers on creating equality and a positive working environment, including the prevention of harassment and sexual harassment and to enable public and private sector organisations to realise the benefits "of investing in equality for your employees".

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<sup>12</sup> <http://cpsu.ie/equality-report-to-adc-2015/>

<sup>13</sup> <http://www.ihrec.ie/download/pdf/employment.pdf>

It sets out tools to develop best practice at three levels, which are included as part of a model for Employment Equality Audits. With regards to sexual harassment and harassment, this includes the following examples of good practices at three levels:

- Level 1: A code of practice to prevent harassment and sexual harassment is in place with clear guidelines as to how staff should behave and how allegations will be investigated and proven cases addressed.
- Level 2: Personnel with responsibility for implementing the code of practice receive equality training. The number of allegations, if any, is monitored across some of the equality grounds
- Level 3: The number of allegations, if any, is monitored across most of the equality grounds. Management make a clear statement that harassment and sexual harassment will not be tolerated.

There has been no evaluation of how the tool has been implemented.

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

Bullying, harassment and sexual harassment are regular items on the agendas of union congresses. For example:

- The ICTU Biennial Women's Conference passed a motion in 2013 (Motion 4) on Commission on Bullying, Stress and Third Party Violence at Work. It welcomed the establishment of the ICTU Commission on Bullying, Stress and Third Party Violence at Work. In particular, the motion states: "Noting the high level of complaints lodged by women workers, Conference calls on the Executive Council to ensure that the Commission examines the issue of gender specific bullying in the workplace, having particular regard to the need for best practice guidelines for the investigation of complaints. (National Union of Journalists)
- ICTU Women's Conference 2016 called on the ITUC Executive Council to: "Campaign to introduce legislation similar to the Violence against Women and Girls Act in Wales which places a positive duty on Ministers and public bodies to introduce, monitor and evaluate strategies to tackle Violence Against Women and Girls; and work with affiliates and employers to develop workplace policies on domestic violence and introduce it as part of the bargaining agenda.
- A motion passed at the SIPTU National Delegate Biennial Conference in 2015 called for a review of protections for workers from violence and aggression in the workplace, particularly in relation to increasing levels of third-party violence and aggression in the health sector.

ICTU runs 3-day national **training courses for workplace representatives on bullying and harassment** several times a year. The courses set out the legal framework on bullying and harassment and how to negotiate and implement workplace procedures for dealing with bullying and harassment. Courses on bullying and harassment are also run by the Education, Training and Organisational Services (ETOS) which is the training provider for the Technical, Engineering Union (TEEU) and by the Trade Union Skillnet, which is a network of ICTU affiliates in the private sector. The latter run regular one-day courses with a focus on how to act assertively and deal effectively with unwanted behaviour, how to communicate effectively and deal with difficult people and situations, and how to manage and prevent aggression and violence.

In 2014 a joint campaign by ICTU and BeLonGTo, the national youth organization for LGBT people, was launched - **Stand Up At Work!** - to combat homophobia and transphobia in the

workplace against young LGBT people. The campaign encourages people in the workplace to take a stand against homophobia and transphobia. A specially commissioned video shows young LGBT people speaking of the difficulties they have experienced in the workplace. The campaign video and posters were distributed online to trade unions, employment services and training centres across Ireland.<sup>14</sup>

### 3.5 Links and cooperation with civil society and women's organisations

There are very good links between trade unions and civil society/women's organisations.

See Section 4 for examples of links and cooperation that have covered all forms of gender-based violence. Challenges faced by unions

- Unions argue that the economic crisis had had an effect on union negotiating agendas, and although there is a great deal of anecdotal evidence that workplace violence and harassment increased during the economic crisis, the main focus has been on protecting jobs and pay.
- There is a concern that the focus on bullying and harassment as a workplace issue has led to a gender-neutral approach, whereby sexual harassment and sexualised forms of bullying have a low profile.
- There still exists a general reluctance on the part of trade unions to address structural gender inequalities and unequal gender relations, which it is argued has led to sexual harassment disappearing from trade union and workplace agendas.
- An increase in casualisation of work, zero hours contracts and temporary work, particularly in female dominated sectors, is resulting in worker vulnerability to harassment and violence at work.
- There has been no monitoring of how the Code of Practice on Sexual Harassment and Harassment at Work (2012) has been implemented by employers and there has been an absence of a momentum to engage unions and employers in discussions about its implementation.

### 3.6 Recommendations from unions

- A renewed emphasis should be given to sexual harassment at work and to implementing the guidelines contained in the Code of Practice on Sexual Harassment and Harassment at Work.
- Research and monitoring of workplace policies, including documenting good practices agreements and policies in the workplace, is needed to help raise awareness.
- Training programmes on bullying and harassment must ensure that there is a gender-dimension that addresses the causes and impacts of sexual harassment at work.
- It is important that sexual harassment is identified as a core workplace health and safety risk, and that training is provided to negotiators and workplace representatives on how to prevent and tackle sexual harassment at work.

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<sup>14</sup> <http://www.youtube.com/watch?v=IfesuQLnzw&feature=youtu.be>

## 4. Domestic violence at work

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

Unions in Ireland have begun to address the issue of domestic violence at work, and there are some good practices of workplace policies identified in Northern Ireland.

### 4.2 Data and evidence

(See data in Section 2 from the EU-FRA study).

A landmark study carried out in the Republic of Ireland in 2002 (SAVI report), found that over 40% of women and 28% of men reported some form of sexual abuse or assault in their lifetime and 10% of women had been raped at some time during their life.<sup>15</sup> Violence against women groups in Ireland have been campaigning for a new national study on sexual violence as a follow up to the 2002 study.

In 2014 ICTU participated in a survey on the impact of domestic violence in the workplace (along with UK unions from England, Scotland and Wales, TUC, STUC and WTUC).<sup>16</sup> In both jurisdictions (Republic of Ireland and Northern Ireland) there were nearly 2000 responses to the survey. Results of the survey revealed that one-third of respondents had experienced domestic violence; nearly 20% knew someone in employment who had experienced domestic violence; nearly all respondents (94%) said they thought that domestic violence can have an impact on the work lives of employees. The effects of domestic violence at the workplace included threats (70.2%), physical injury or restraint (66.5%), refusal to show up to care for children prevented them attending work (28.7%), partner hid / stole car keys or money (26.1%), partner hid or stole personal documents (16.5%). Nearly 90% said that they were harassed at work through phone calls or email messages. The survey was launched at a seminar in Belfast in November 2014.

In Northern Ireland it is estimated that the direct cost of domestic violence to services and lost economic output is estimated to amount to £180m each year.<sup>17</sup>

### 4.3 Collective agreements and workplace policies

#### *Republic of Ireland*

It is not known if or how many workplace policies contain clauses on domestic violence at work. This issue has not been reviewed in academic or trade union research.

Informal discussions have been held ICTU and IBEC about publishing a model workplace policy, and there appears to be interest in progressing this in the future.

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<sup>15</sup> H. McGee et al, The SAVI Report, Sexual Abuse and Violence in Ireland, The Liffey Press and Dublin Rape Crisis Centre, 2002, available at: <http://www.drcc.ie/about/savi.pdf>

<sup>16</sup> ICTU (2015) Domestic Violence and the Workplace: Irish Congress of Trade Unions: Findings from a survey.

<sup>17</sup> Cited in presentation by NIPSA 'Campaigning on behalf of all victims of Domestic Violence at work or at home' at Northern Ireland conference 'Domestic Violence and Abuse: a Workplace Issue', 3 March 2011. Available at: [http://www.setrust.hscni.net/pdf/a\\_workplace\\_issue.pdf](http://www.setrust.hscni.net/pdf/a_workplace_issue.pdf)

ICTU has no knowledge about how the ICTU Guidelines on how to negotiate a workplace policy and a model agreement and policy have been used by trade unions.

### **Northern Ireland**

In Northern Ireland, there has been some good progress in negotiating domestic violence workplace policies since ICTU issued guidelines:

- The **Bakers, Food and Allied Workers Union** has been actively looking at how it can progress workplace policies with employers in the food sector, using the Guidance document produced by ICTU.
- In October 2012 Belfast City Council agreed a '**Workplace Policy on domestic violence and abuse**', agreed with the four main trade unions (NIPSA, UNITE, GMB and SIPTU). NIPSA report that they have tabled a request to review and update the policy, and have discussed other actions that Belfast City Council can agree in order to raise awareness of the issue of domestic violence amongst employees and the public. It appears that the policy has not been used by the unions representing members in the Council and because of confidentiality no formal records or statistics are kept by the Council on the number of types of cases. On a few occasions discretion was shown by not issuing warnings because of domestic abuse related absence, but no formal records or statistics are held in BCC. In addition, Belfast City Council has a Women's Network for employees and a presentation was recently given on the issue of domestic violence at work by an active NIPSA representative, who has also raised the issue with in her capacity as Chair of the NIPSA's Equality Committee and Public Officers' Group, to ensure that every workplace has a domestic abuse policy in place.<sup>18</sup> At the last NIPSA Equality Committee meeting it was agreed to update the NIPSA Domestic Violence Policy, which has been completed and issued to branches. NIPSA has also organised a training event for branch representatives and has held several Dignity at Work events on Domestic Violence.
- **Belfast City Council** won a gold award in 2015 in recognition of its commitment to supporting employees who have been affected by domestic violence.<sup>19</sup> This is part of the Workplace Charter on Domestic Violence awards, which are hosted by the specialist training agency Onus, to recognise organisations that have fulfilled a number of criteria including effectively communicating to staff on its workplace policy, assigning a designated spokesperson in the organisation to receive specialist training as well as having sufficient employees trained across the organisation ensuring adequate support within the workplace for employees.<sup>20</sup>
- A policy has been agreed between **Belfast Health and Social Care Trust and unions** 'Domestic Violence and Abuse in the Workplace Policy' (2008). ICTU is currently discussing with the Trust the need for a review and update of the policy, which was signalled for 2015. The policy has a good focus on partnership working and engagement with unions. It states that: "Employers and Trade Unions are committed to responding sensitively and effectively to those needing help and support as a result of Domestic Violence" and "Employers and Trade Unions will take all reasonable steps to deal with domestic violence/abuse through the creation of a safe and supportive environment within the workplace".

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<sup>18</sup> Email correspondence from Alanagh Rea, NIPSA, 24 January 2017.

<sup>19</sup> <http://www.belfastcity.gov.uk/News/News-44413.aspx>

<sup>20</sup> For further information on the award criteria see: [www.onustraining.co.uk/safe-employer](http://www.onustraining.co.uk/safe-employer)

- The Belfast Health and Social Care Trust has also established a ‘**Domestic abuse: Confidential Support for all Trust Staff**’, which was developed in 2008. It is a specific domestic abuse service in the Trust, which identifies support available to victims. The leaflet providing information about the support service states that it is a confidential service that offers “...support and information about domestic abuse for all Trust Staff, irrespective of gender, sexual orientation, background or position in the Trust.” Designated support officers, across different services and from staff side organisations (unions), have been trained to offer informed, non-judgmental support and information to victims, including emotional support, practical information, liaison with line managers, and give help for family members. The service can be contacted through a line manager, occupational health service or from a union representative. Unions report that there has been training and paid release for 30 members to support victims of abuse by sign-posting them to relevant support organisations such as Women’s Aid. Because of the confidential nature of the service and the various means of accessing it, it is difficult to quantify how many staff members have benefitted from the service, although it is estimated that between 10 and 15 people who avail of support each year.<sup>21</sup>
- **Unions with Translink**, the publicly owned bus and rail operator in Northern Ireland have been involved in a range of awareness raising campaigns that take place during the annual 16 days of action on violence against women.

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

ICTU Biennial Women’s Conference 2013 passed a motion on domestic violence (Motion 11) stating that: “Conference recognises that domestic violence is still endemic to society both in the Republic of Ireland and Northern Ireland and calls for renewed efforts to eradicate violence in all its forms throughout the island. Conference welcomes the publication of ICTU’s revised set of guidelines on Domestic Abuse and calls upon all affiliates to press urgently both public and private sector employers to introduce workplace policies and procedures which will contribute to the overall campaign against domestic violence as well as providing a safe and supportive working environment to the victims. We also call on Congress to press the Governments North and South to recognise its responsibility to protect its citizens and bring forward proposals to address the issue of access to legal aid for vulnerable families and the provision of properly funded services for victims, such as healthcare through GPs, and support through the police, social services, the criminal justice system, Women’s Aid and other relevant support agencies and community organisations in their campaigns and work in tackling domestic violence.” (Northern Ireland Public Service Alliance)

Unions in Northern Ireland have used an award winning video ‘Leaving’ at training and other events to raise awareness about domestic abuse.<sup>22</sup>

#### **ICTU Guidelines for trade unions**

On UN International Day on the Elimination of Violence against Women (25th November 2009), ICTU launched a revised set of guidelines for trade unions with advice about how women who experience domestic violence can be assisted at work.<sup>23</sup> The guidelines identify the workplace as having a key role in raising awareness about and preventing domestic violence. The guidelines give practical give information, suggestions and contacts for union

<sup>21</sup> Information provided by email from Orla Barron, Belfast Health and Social Care Trust, 30 January 2017.

<sup>22</sup> <http://www.socialfilmdrama.com/projects/domestic-violence/leaving/>

<sup>23</sup> ICTU (2009) ICTU Domestic violence – is a workplace issue. Issued by ICTU Women’s Committee. Available at: [http://www.ictu.ie/download/pdf/ictu\\_vaw\\_guidelines.pdf](http://www.ictu.ie/download/pdf/ictu_vaw_guidelines.pdf)

representatives in the workplace, as well as a model workplace policy, key negotiating points and actions that can be taken by trade union branches. The objective is to give consistent and effective assistance to those suffering domestic abuse.

### ***Partnerships with unions in Northern Ireland***

In Northern Ireland, ICTU has built good relationships with women's/community organisations working on domestic violence, and has campaigned alongside a range of civil society organisations and partnerships, such as Women's Aid Federation NI and the Belfast Area Domestic Violence Partnership. In Northern Ireland, ICTU is an active partner in the Belfast Area Domestic Violence Partnership, with partners from social services, police, probation, women's aid, voluntary organisations, men's projects and trade unions. The Partnership works together to produce resources and guidance, and there is a determination in the partnership to continue to drive the importance of workplace policies to prevent domestic violence.

ICTU Northern Ireland (NI) has actively campaigned to end violence against women and has been involved in discussions for a new Stopping Domestic and Sexual Violence and Abuse strategy. ICTU NI made a submission to the draft Strategy based on a focus group convened for the Department of Justice during the preparation of the Strategy. The focus group was well attended by a cross section of trade unions and included representatives from other ICTU Equality Committees including the LGBT committee. Officials from the Departments of Health and Justice were also in attendance. The submission gave evidence about the economic and other social impacts in the workplace and pointed to an absence of a focus on the workplace. In addition, no reference is made to trade unions:

We are also disappointed that there is no reference to trade unions in the consultation document. Trade Unions have played a vital role in developing both strategic and workplace policy. The role of the trade union representative is vital in the context of the workplace and trade unions have an important part to play in terms of working with employers to negotiate, develop and implement workplace policies. We believe that the strategy should include reference of the many excellent policies which have been negotiated by unions and employers, Belfast City Council is such an example. We also believe that policies on Domestic Violence should be mandatory across all of the public sector.

ICTU has expressed disappointment at the outworkings of the strategy, which according to Clare Moore, ICTU's Equality Officer, "makes virtually no mention of the workplace". Work is ongoing with the Departments of Justice and Health to ensure that tackling domestic and sexual violence is recognised as a workplace issue and that this theme is included in year two action plans. Clare Moore has been appointed to represent ICTU on the Stakeholder Assurance Group which has a role in overseeing the implementation of the Strategy. Following the publication of the Strategy, ICTU NI organised a roundtable meeting with the Department of Justice and trade unions as an opportunity to outline ICTU's position about workplace policies and the importance of employer engagement.

### ***Northern Ireland guidelines on domestic violence at work***

Guidelines for employers on developing workplace policies were issued in 2006 by the Regional Steering Group on Domestic Violence, which represents 30 members from statutory and voluntary.<sup>24</sup> They provide information about domestic violence and the impact in the workplace, guidance on what a workplace policy should cover, including the role of HR and

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<sup>24</sup> Northern Ireland Office and the Department of Health, Social Services and Public Safety in (2008) Developing a Workplace Policy on Domestic Violence and Abuse: Guidance for Employers

line managers, help and support for victims, what other employees can do, and how to deal with perpetrators of domestic violence in the workplace. The guidance acknowledges the role that unions can play in supporting their members, and states that “Employers should give serious consideration to operating a policy in partnership with trade unions to help support staff experiencing domestic violence”. Reference is made to good practice in the partnership between South and East Belfast Health and Social Services Trust and the trade union Unison of “how a good partnership approach can benefit all parties”. The ICTU ‘Guide for Negotiators on Domestic Violence and the Workplace’ are referred to as providing clear practical steps for unions and employers.

ICTU NI is currently in discussion with the Departments of Health and Justice with a view to updating the guidelines. Although they are regarded by ICTU to be very comprehensive and inclusive of the role of trade unions, they need updating in relation to the current legal context and in relation to the 2016 strategy on violence against women and girls.

### ***Awareness raising***

ICTU NI runs regular awareness raising events on violence against women, including a planned event for the 2016 International Day of the Elimination of Violence Against Women. One speaker at the event will be the domestic violence champion from Wales, a Ministerial appointment, who has a responsibility under the Welsh law on Violence Against Women and Girls to implement and monitor workplace policies in public authorities. ICTU NI is particularly interested to learn about how another ‘devolved authority’ has approached the issue and to engage Ministers and trade unions in a discussion about domestic violence at work. Together with WAFNI and The Belfast Area Domestic Violence Partnership, ITUC is planning a seminar on domestic violence and the workplace, including how trade unions, employers and statutory agencies can work together.

ICTU’s Executive Council trade union leaders have attended various White Ribbon events,<sup>25</sup> and has collaborated with Safe Ireland in the launch and dissemination of the ‘Man Up’ campaign.<sup>26</sup> David Begg, the then General Secretary of ICTU spoke at the launch of the ‘Man UP’ campaign on 22 October 2014, stressing the importance of domestic violence being seen as a workplace issue. One particularly innovative partnership with trade unions are YouTube clips of trade union leaders making public statements on zero tolerance to violence against women.

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

The National Women’s Council of Ireland (NWC), which includes members from the main trade unions in Ireland,<sup>27</sup> has carried out many campaigns on violence against women. Part of this work derives from the NWC’s role as chair of the Irish Observatory on Violence Against Women, which enables its member organisations and NGOs to work to eliminate all forms of violence against women. On a quarterly basis the NWC monitors progress on violence against women in Ireland, which is used as a platform to lobby the government.<sup>28</sup> The National

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<sup>25</sup> <http://www.ictu.ie/equality/2014/12/04/16-days-campaign/> and [http://whiteribbon.ie/images/wr\\_ambassadors\\_reception\\_2015\\_full.pdf](http://whiteribbon.ie/images/wr_ambassadors_reception_2015_full.pdf)

<sup>26</sup> <http://www.ictu.ie/equality/2014/10/23/congress-partners-with-safe-ireland-on-man-up-camp/>

<sup>27</sup> Trade union members include: Association of Secondary Teachers in Ireland; Association of Teachers of Home Economics; Civil & Public Service Union CPSU; Electricity Supply Board Officers Association ESBOA, Impact, Irish Federation of University Teachers, Irish National Teachers Organisation, Irish Nurses & Midwives Organisation, Mandate, Teachers Union of Ireland, Unite Women’s Committee and SIPTU National Women’s Committee

<sup>28</sup> See: NWC/Irish Observatory on Violence Against Women (2013) Violence Against Women: An Issue of Gender.



Women's Council of Ireland has, along with trade unions, highlighted the impact of the economic crisis on access to services for victims of domestic violence. This was recently highlighted by the UN Committee on International Covenant on Economic, Social and Cultural Rights, which criticised the State's record on responding to violence against women. The committee highlighted the legislative gaps in investigating and sanctioning perpetrators, and in providing services to survivors of violence due to funding cuts. The committee highlighted the legislative gaps in investigating and sanctioning perpetrators as well as the inadequate protection and assistance given survivors due to funding cuts.<sup>29</sup>

An interview with Jacqueline Healy of the National Women's Council, identified good links with trade unions, particularly in campaigns for childcare. She highlighted the potential for the National Women's Council to work on domestic violence in the workplace in the future. As she stated:

There are good partnerships between the NWC and trade unions in Ireland and we have worked together on different campaigns. It would be very important in the future to look more deeply into the issue of domestic violence at work with our trade union members, and to give support in raising awareness about how domestic violence can be prevented.

The National Women's Council of Ireland has drawn up a **Charter of Zero Tolerance on Violence against Women**<sup>30</sup> which it is currently disseminating to organisations, including employers and trade unions, schools, public bodies and other large organisations, to show their commitment to tackling all forms of violence against women in Ireland. By signing the Charter organisations will commit to a set of principles that reject all forms of violence against women. It aims to enhance public awareness of the causes and repercussions of the issue and contribute to a shift in culture in Irish society, acknowledging that violence against women is unacceptable.

Unions have worked in partnership with the White Ribbon Campaign to raise awareness amongst men, and to get men to become champions who speak out against violence against women. One way that this has been progressed is to identify 'White Ribbon Ambassadors' in trade unions. In 2015, ICTU held a white ribbon ambassadors' reception, with representatives of government departments, employers, NGOs and media personalities. In Northern Ireland, UNITE members organised to ensure that all bus drivers in the Belfast area wore a white ribbon during the 16 days of action campaign in 2015.

Trade unions participated in a seminar hosted by NWC, SAFE Ireland, Rape Crisis Network Ireland, on violence against women to communicate the results of the EU-FRA survey.<sup>31</sup>

Each year the national campaign '16 Days of Action' (to mark UN International Day of Elimination of Violence against Women and UN Human Rights Day) has been used an opportunity to have a series of consistent campaign messages and actions to end all forms of violence against women, with a specific focus on domestic violence. In addition, Women's Aid has a One in Five campaign to end domestic violence.

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[http://www.nwci.ie/images/uploads/002594\\_NWCI\\_volence\\_booklet\\_20pp\\_mat\\_lam\\_320gsm\\_cover\\_120gsm\\_silk\\_booklet\\_lo\\_res\\_FA.pdf](http://www.nwci.ie/images/uploads/002594_NWCI_volence_booklet_20pp_mat_lam_320gsm_cover_120gsm_silk_booklet_lo_res_FA.pdf)

<sup>29</sup> UN Committee monitoring compliance with the International Covenant on Economic, Social and Cultural Rights, report of 22 June 2015.

<sup>30</sup> [http://www.nwci.ie/images/uploads/Zero\\_Tolerance\\_on\\_Violence\\_Against\\_Women.pdf](http://www.nwci.ie/images/uploads/Zero_Tolerance_on_Violence_Against_Women.pdf)

<sup>31</sup> survey. For further information see: <http://www.safeireland.ie/2014/violence-against-women-every-day-everywhere/>

Various campaigns against gender-based violence, including the 'Manu', 'White Ribbon', and 'We Don't Buy It' campaigns in have aimed to change men's awareness of the harmful effects of gender-based violence. Several campaigns have used social media, such as "We Don't Buy It" (campaign targeted at men and boys, under the REACH project).<sup>32</sup>

A long-standing campaign in Ireland, 'Turn off the Red Light', a coalition of women's organisations, trade unions and community organisations, has sought changes in the law on prostitution and trafficking. This has led to the introduction of new legislation based on the "Nordic model", under the Criminal Law (Sexual Offences) Bill.

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

Trade unions raised a number of challenges including a lack of awareness of and reluctance on the part of employers and unions to negotiate policies and the problems associated with tackling the issue at a time when priorities have shifted to tackling the economic crisis.

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

- Carry out awareness raising campaigns with union leaders, workplace union representatives, employers and employers' organisations about the economic and social benefits of tackling domestic violence as a workplace issue.
- Give greater priority to disseminating ICTU's guidelines and model agreement on domestic violence at work.
- Carry out a project in partnership with women's organisations, and seek external funding for this, to develop best practice workplace policies.
- Put pressure on the national statutory agencies in the Republic and Northern Ireland that are responsible for implementing the new strategies and action plans on gender based violence / violence against women to give a greater focus to preventing domestic violence at work.
- Make a case for domestic violence at work to be included in workplace psychosocial risk assessments and policies.

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<sup>32</sup> <http://wedontbuyit.eu>