



# SAFE AT WORK SAFE AT HOME SAFE ONLINE

*TACKLING GENDER-BASED VIOLENCE AND  
HARASSMENT IN A CHANGING WORLD OF WORK*

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# Introduction

This study explores the recent evolution of gender-based violence and harassment (GBVH) at work. In 2017, the ETUC published a report entitled *Safe at home, safe at work* (ETUC, 2017). The report described the legal and union responses to sexual harassment in the world of work across Europe, as well as the employment impact of domestic violence. On this basis, a series of recommendations was issued, including collective bargaining to address and prevent gender-based violence, gender mainstreaming, stronger legal frameworks and awareness-raising activities.

Five years on, the conclusions and recommendations of the ETUC report remain very valid. The world of work, however, has gone through significant shifts with an observed gender dimension. The COVID-19 crisis has accelerated several of these shifts. In particular, the transition to digital working methods creates specific risks to women. Furthermore, a rise in domestic violence as well as third-party violence against women workers has been observed both with a clear link to workplace issues.

It is therefore important to investigate the nature, conducive factors and most vulnerable groups of workers to the evolving forms of GBVH at work, until present largely defined within the confines of face-to-face workplace abuse. This study seeks to provide trade unions with an understanding of the recent evolution of the work-related GBVH by focusing on:

- domestic violence as a work-related issue;
- gendered nature of third-party violence;
- gender-based cyberviolence;
- gender bias in worker management by artificial intelligence and digital surveillance of workers.

The specific objectives of the study are to equip trade unions with the knowledge of the recent evolution of GBVH, review to which extent legal frameworks and union strategies need to be modified to adjust to these new developments, and to formulate relevant legal and strategic recommendations.

## Methodology

The analysis was aimed at exploring the nature of the recent evolution in work-related GBVH, screening of national legal provisions on the prevention of gendered workplace abuse, and trade union actions responding to the new challenges in GBVH. The study is built upon findings collected from desk research, a trade union survey, and a qualitative study conducted with trade union representatives, experts in women and gender equality.

The countries identified for this study are Belgium, France, Germany, Norway, Slovenia, and Spain. The core study countries were identified while taking into account the results of a quantitative survey carried out in January 2023 among 41 trade unions across Europe. The selection was made with the following criteria: the need for a balanced geographical coverage, active union involvement in addressing the issue and available legal frameworks.

In parallel to literature review, qualitative interviews were conducted with 16 trade unions in the respective countries between July – October 2023 (see Table 1). Additionally, trade unionists from Ireland and Italy were interviewed to gather insights on existing good practices.

The interview guide explored three main thematic areas:

1. The incidence, vulnerable workers and conducive environments of work-related forms of gender-based violence;
2. National legal frameworks addressing GBVH at work, including domestic violence as a work-related issue and laws on cyberviolence;
3. Trade union practices and needs in addressing the new forms of GBVH at work at workplace and policy levels.

Finally, the researchers built a small repository of collective agreements in order to provide concrete illustrations of existing trade union practices.

Country	Trade Union
Belgium	ACV-CSC ABVV - FGBT
France	CFDT CGT FO
Germany	DGB
Norway	LO UNIO YS
Slovenia	ZSSS
Spain	CCOO UGT
Ireland	ICTU
Italy	CISL UIL CGIL

Table 1 Trade unions participating in the qualitative study, July - October 2023

### Structure of the report

The first section provides an overview of the nature of the evolving forms of GBVH. The second section looks at conducive environments and documents the increase of incidents. Section three assesses to which extent existing global, European and national legal frameworks can address the emerging challenges in GBVH. Section four reviews existing

trade union practices and identifies common challenges. Finally, section five recapitulates the challenges linked to the recent evolution of GBVH and, on this basis, suggests a series of actions to further enhance social dialogue, legal frameworks and enforcement.

### At a glance: ETUC project "Tackling violence and harassment against women at work"

The ETUC project "Tackling violence and harassment against women at work" was designed to support ETUC affiliates in their actions to end violence and harassment at work.

Women working on the COVID front line, particularly carers, transport workers, shop assistants and cleaners, have faced increased face-to-face abuse during the crisis. As work moved into the home for many women workers, online workplace harassment, facilitated by intrusive monitoring tools, is a phenomenon on the rise. In the context of an increasingly digitalised world of work marked by the COVID-19 pandemic, the project's objectives were to identify how existing and new forms of violence and harassment are present, such as online violence and harassment and cyber bullying, the interconnectedness between domestic violence and telework, as well as gender-based third-party violence.

Safe workplaces free from violence and harassment is a priority of the European Trade Union Confederation. The project follows-up on important work that has been previously led by the ETUC, such as the "Safe at home, safe at work" project completed in 2017.

The project supported ETUC advocacy work towards ratification of ILO C190 and the draft Directive combating violence against women and domestic violence. A demonstration under the title "Safe all the way" was organised on 8 March 2023. On International Day for the Elimination of Violence against Women (25 November), ETUC campaigned to raise awareness on cyberviolence as a workplace issue and the need for increased action by EU policy makers to ensure that workplaces become safe spaces.

The project brought women trade unionist from across Europe together in a series of events: A webinar on campaigning for ratification of ILO c190 was organised in February 2022 and another webinar on cyberviolence was held in April 2023. ETUC organised a seminar on best practices tackling violence and harassment in the world of work in October 2023 in Vienna. The key outcomes of the project were discussed in a final conference in December 2023.

## Section 1.

# Setting the problem

### Key messages

While all forms of GBVH find their roots in patriarchal societies, new patterns have emerged as a result of recent shifts in the world of work

With the rise of telework and remote work, as well as economic dependency, domestic violence has become more than ever a workplace issue

Increased productivity requirements in women-dominated sectors have led to increased third-party violence

Digitalising working environments are a fertile environment for cyberviolence, including cyberharassment, violation of privacy and gender-based biases through reliance on AI

### 1.1 Material scope for this study

In agreement with the steering committee established for purpose of this project, it was decided to focus this study on domestic violence, third-party violence, cyberviolence and gender bias in algorithmic worker management and digital surveillance for the following reasons.

#### Domestic violence

The recent pandemic crisis has been a strong driver of a higher incidence of domestic violence. The introduction of lockdowns to contain the spread of the Sars-Cov-2 virus exposed women to an increased risk of domestic violence, particularly those who had already been exposed to intimate partner violence or intrafamily violence before the pandemic. Several studies have shown a direct relationship between forced coexistence with a

domestic violence perpetrator and the increase in domestic violence among women victims during the pandemic (Kourti et al, 2023; Beland et al., 2022; Drieskens et al., 2022; Gibbons, Murphy & Rossi, 2021).

The evidence shows that it was particularly the loss of employment among women victims of domestic violence, as many sectors were affected by the lockdown measures which was a significant factor in the increased incidence of domestic violence (Henke & Hsu, 2022; Beland et al., 2022). These studies show that the inability to meet financial obligations and the economic dependence on the perpetrator was a direct factor in the intensified experience of domestic violence in women who lost their employment.

It is important to note that the highest job losses during the pandemic were recorded among women employed in so-called "low-skilled", low-pay jobs in the sectors that were the hardest hit by the pandemic, i.e. accommodation and food services, household activities and retail trade (Eurofound, 2021). As such, the pandemic further exacerbated the vulnerability of those women workers who already had been in precarious livelihoods prior to the pandemic. Moreover, the economic dependency is expected to persist due to the recent energy crisis spiralling the cost-of-living crisis.

Furthermore, there could be a possible link between forced teleworking arrangements, which were introduced in many workplaces to contain the spread of the pandemic, and the exposure to domestic violence of women workers who teleworked. Women who had already been victims of domestic abuse were forced to remain home with the perpetrator in prolonged social isolation, which may have been a significant factor in exposing such victims to increased domestic abuse (ILO, 2021; EU-OSHA, 2023). However, so far there has been little research conducted to investigate this relationship and further studies should be conducted.



## Third-party violence

The recent pandemic crisis has further exposed the gendered nature of violence, including third-party workplace violence. Women are the predominant workforce in most public services which were at the forefront of the pandemic, including such sectors as the health sector, social care, domestic work, education and retail trade. These sectors are generally characterised by a higher incidence of third-party violence addressed at women workers (Escribano, Beneit & Garcia, 2019; Wilson, Douglas & Lyon, 2011; Newhill, 1996). This issue was further exacerbated during the pandemic crisis, whereby increased third-party violence has been observed in so-called essential women workers, particularly in the health and care sectors (Kafle et al, 2022; Balducci et al., 2020; Gilardi et al., 2020). The higher exposure of essential women workers to third-party violence was exacerbated by the pandemic due to insufficient staffing and material resources, which can be a factor in the occurrence of aggressive third-party behaviour, especially in situations where service users had intricate needs that were not adequately addressed (Jane Pillinger/EPSU, 2022).<sup>1</sup>

The implementation of austerity measures across EU Member States in the aftermath of the 2008 financial crisis to public services resulted in insufficient resources for staffing to the detriment of high-quality services. This was particularly visible in the health and care sectors, which were in high demand, leading to a notable rise in both the frequency and intensity of third-party workplace violence addressed at women workers.

According to Eurostat data in 2020, in the EU-27, 13% of women workers in all economic sectors experienced third-party violence compared to 8% of male workers (EU-LFS, 2020), although data by sector could provide more insight into the gendered nature of the issue.

With the underfunding of public services, and low paid essential sectors continuing to prevail in the post-pandemic world, the increased risk of third-party violence directed, particularly, to essential women workers, is therefore expected to remain a major gender-based workplace risk.

## Cyberviolence

Cyberviolence constitutes an evolution of psychological, verbal and physical GBVH in the world of work perpetuated with the use of ICT tools. The recently accelerated digitalisation of working environments, characterised by reduced face-to-face contacts at work, is a main factor behind the rise of cyberviolence. However, it should be noted that cyberviolence can occur anytime and anywhere, including traditional workplaces, and is often anonymous. Given the accelerated technological developments and changes in the world of work, cyberviolence has the potential to become a major form of GBVH in the world of work in the future.

The accelerated use of digital communication tools in the work processes, including remote working, has been associated with the emergence of new psychosocial risks at work such as workplace cyberviolence (Muhonen, Jönsson & Bäckström, 2017; Farley, 2015). It has recently been observed that certain forms of cyberviolence predominantly affect women compared to men, for example cyberharassment (Kocabaşoğlu, Özen, & Perrin, 2023). However, there are currently very few studies available which would investigate the gendered dimension of cyberviolence at work with the exception of university employees (Gosse et al., 2021).

The present study partially aims to fill this gap by exploring several types of cyberviolence and the extent to which these forms of violence impact workers in connection to gender. However, further quantitative research needs to be conducted to provide strong evidence for the gendered nature of cyberviolence in digitalised working environments.

<sup>1</sup> Dr Jane Pillinger: The role of social partners in preventing third-party violence and harassment at work. Available at: [Draft TPVH report and summary JP.pdf \(epsu.org\)](#)

## Section 1.2

# Definitions and main characteristics

### Domestic violence

Domestic violence has been approached in the study both as a gender-based and work-related issue. It has been defined in the Council of Europe's Istanbul Convention as: "all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim". (Council of Europe, 2014, Art. 3b) Furthermore, in the ILO Convention 190 on Violence and Harassment in the world of work, domestic violence has been acknowledged as affecting the employment, job performance, safety and health of the victims, including their working environment.

In the study, domestic violence is understood as an intimate partner or family violence that can take different forms such as psychological abuse, economic dependence, and physical or sexual violence. It is often perpetuated through coercive acts such as threats or control of the victim's economic or social autonomy, in which case it leads to isolation from friends and relatives, also including such acts as physical or cyber-stalking by a current or former partner, which can also spill over to the workplace (Hearn et al., 2023).

Domestic violence is connected with gender and unequal power relations and although not all victims of domestic violence are women and not all perpetrators are men, data collected for the past decades shows that women are predominantly victims of domestic violence. Women are also more likely than men to experience severe physical violence, which may culminate in femicide (Pillinger,

2017, EU-OSHA, 2023). As domestic violence is linked to issues of social domination and economic control, any successful response to domestic violence must deal with the power inequalities and stereotypes that underlie it.

### Third-party violence

In the present study, following the 2010 multisectoral guidelines to tackle third-party violence and harassment related to work<sup>2</sup>, it is understood that third-party violence and harassment can take the following forms:

- a. "Be physical, psychological, verbal and/or sexual
- b. Be one-off incidents or more systematic patterns of behaviour, by an individual or group
- c. Originate from the actions or behaviour of clients, customers, patients, service users, pupils or parents, members of the public, or of the service provider
- d. Range from cases of disrespect to more serious threats and physical assault;
- e. Be caused by mental health problems and/or motivated by emotional reasons, personal dislike, prejudices on grounds of gender, racial/ethnic origin, religion and belief, disability, age, sexual orientation or body image.
- f. 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 require the intervention of public authorities
- g. Deeply affect the personality, dignity and integrity of the victims
- h. Occur at the workplace, in the public space or in a private environment and is work-related.
- i. Occur as cyber-bullying/cyber-harassment through

<sup>2</sup> "Multi-Sectoral Guidelines to Tackle Third-Party Violence and Harassment Related to Work" (2010) signed by eight sectoral social partners (EPSU, ETUCE, UNI Europa, CEMR, EuroCommerce, CoESS, HOSPEEM, EFEE) and currently being renegotiated. <https://osha.europa.eu/en/legislation/guidelines/multi-sectoral-guidelines-tackle-third-party-violence-and-harassment-related-work> More information can be found on the website on the EU multisectoral social dialogue project on the role of social partners in preventing third-party violence and harassment at work involving nine EU sectoral social partners. The project led to the decision to revise the 2010 Multisectoral Guidelines on third-party violence and harassment to make the document more relevant to today's challenges regarding gender-based violence and digitalisation, among others. The negotiations to revise the Guidelines are expected to start in Spring 2024 with the support of the European Commission.

*a wide range of information and communication technologies (ICT)."*

Physical violence directed at men tends to take place towards those men who work in the most exposed occupations such as healthcare or teaching professionals, while women are predominantly the target of sexual harassment by third parties (Moon & McCluskey, 2020; Chakraborty, Mashreky & Dalal, 2022).

Sexual third-party violence can manifest through several forms, from acts of direct sexual assaults to sexual physical and verbal harassment. For example, domestic workers, care workers or room attendants in the hospitality sector, a predominantly women workforce, are at particular risk of sexual harassment by residents, exacerbated by work in isolation from their colleagues (Kensbock et al., 2015; Papadakaki et al., 2021).

Third-party violence can also take form of cyberharassment which has been observed an increasing phenomenon affecting teachers and perpetrated by pupils, students and parents (ETUCE, 2012; Gosse et al., 2021; NASUWT, 2023). Several interviewed trade unionists have confirmed that third-party sexual cyberharassment has also been observed as a growing phenomenon among women teachers as they become subject of sexual violence based on their physical appearance through offences such as "upskirting" or "downblousing" and dissemination of such content online by pupils or students.

Third-party violence can also take the form of verbal abuse perpetuated at women workers based on the grounds of gender. Several trade union experts have observed that the use of digital communications may be conducive to increased acts of violence against workers. For example, a Belgian interviewee has pointed out that it seems to be "easier" for clients of public services or customers to become aggressive via the internet or the phone: "When you're on the phone or online there's no longer any filter like when you're alone with customers or beneficiaries, and people let off steam and say anything. Whereas if you're face to face with them they wouldn't allow themselves to insult the workers in the same way as on the phone". (Gaëlle

Demez, ACV-CSC, Belgium)

The issue has also been observed in domestic and care workers and unions note the urgency of addressing it. Equally, trade union actions have been taken in the retail trade to protect women workers from sexual harassment by customers. Several trade unionists have also reported the need to tackle the issue among flight attendants, who experience frequent sexual harassment and violence from passengers.

## Cyberviolence

There is currently no single definition of cyberviolence and the many existing terms describing different types of cyberviolence relate to acts committed in the private or public sphere. Hence, there is no homogenous definition of workplace cyberviolence, including its gendered nature. The present study proposes to apply a comprehensive definition of gender-based cyberviolence, formulated in 2020 by the European Commission Advisory Committee on Equal Opportunities for Women and Men:

*"Cyberviolence against women is an act of gender-based violence perpetrated directly or indirectly through information and communication technologies that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering to women and girls, including threats of such acts, whether occurring in public or private life, or hindrances to the use of their fundamental rights and freedoms. Cyberviolence against women is not limited to but includes violations of privacy, stalking, harassment, gender-based hate speech, personal content sharing without consent, image-based sexual abuse, hacking, identity theft, and direct violence. Cyberviolence is part of the continuum of violence against women: it does not exist in a vacuum; rather, it both stems from and sustains multiple forms of offline violence." (European Commission Advisory Committee on Equal Opportunities for Women and Men, 2020).<sup>3</sup>*

Accordingly, this emerging issue has been acknowledged by the European Commission and has been included in its proposal for a Directive on combating violence against women and domestic violence.<sup>4</sup> The proposal distinguishes several types of cyberviolence:

<sup>3</sup> In European Parliament (2021). Combating gender-based violence: Cyber violence [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662621/EPRS\\_STU\(2021\)662621\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/662621/EPRS_STU(2021)662621_EN.pdf)

<sup>4</sup> At the time of finalising this report, a trilogue agreement has been concluded on the proposal for a Directive combating violence against women and domestic violence. Since its publication, the ETUC has made the case to strengthen provisions regarding the world of work in the Directive that acknowledge and underscore the key role of trade unions and social dialogue in making workplaces safe for women workers. Despite important advocacy work led by the ETUC Women's Committee, the agreement concluded on the Directive in February 2024 does not contain any improvements due to opposition of the Council. In this sense, the Directive is a missed opportunity for providing a legal framework that supports trade unions in making workplaces safer.

### > **Non-consensual sharing of intimate or manipulated material:**

- making intimate images, videos or other material depicting sexual activities, of another person without that person's consent accessible to a multitude of end-users by means of information and communication technologies;
- producing or manipulating and subsequently making accessible to a multitude of end-users, by means of information and communication technologies, images, videos or other material, making it appear as though another person is engaged in sexual activities, without that person's consent;
- threatening to engage in the aforementioned conduct to coerce another person to do, acquiesce or refrain from a certain act.

Accordingly, non-consensual sharing of intimate or manipulated material can take the form of:

- revenge porn (making intimate images, or videos or other material depicting sexual activities of a person without that person's consent accessible to other persons by means of ICT tools);
- upskirting (non-consensual making and sharing by means of ICT tools of images, or videos taken up a person's skirt);
- downblousing (non-consensual making and sharing by means of ICT tools of images, or videos taken down a person's top);
- deepfakes (producing or manipulating and subsequently making accessible to other workers, by means of ICT tools, images, videos or other material, making it appear as though another worker is engaged in sexual activities, without that person's consent).

While forms of cyberviolence are constantly evolving as new technologies emerge, it is important to allow a non-exhaustive catalogue of digitalised acts of violence.

### > **Cyberstalking:**

- persistently engaging in threatening or intimidating conduct directed at another person, by means of information and communication technologies, which causes that person to fear for their own safety or the safety of their dependants;
- placing another person under continuous surveillance, without that person's consent or legal authorisation to do so, by means of information and communication technologies, to track or monitor that person's movements and activities;
- making material containing the personal data of another person, without that person's consent,

accessible to a multitude of end-users, by means of information and communication technologies, for the purpose of inciting those end-users to cause physical or significant psychological harm to the person.

### > **Cyberharassment:**

- initiating or participating in an attack with third parties directed at another person, by making threatening or insulting material accessible to a multitude of end-users, by means of information and communication technologies, with the effect of causing significant psychological harm to the attacked person;

### > **Cyber incitement to violence or hatred:**

- intentional conduct of incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to sex or gender, by disseminating to the public material containing such incitement by means of information and communication technologies.

Our interviewees tend to perceive gender-based cyberviolence as a means of gender power struggle at the workplace to primarily diminish the professional achievements of women, using sexuality to undermine the confidence of women in the work setting or as a means to blackmail a worker to coerce her to certain actions. These observations are consistent with recent research findings on gendered cyberviolence, albeit very scarce, which frames gender-based cyberviolence as "economic vandalism" which "implies intent on the part of perpetrators, and is deliberate. It recognises that, in many instances, perpetrators state openly that their goal is to besmirch women's professional reputations, derail their careers, and/or have them fired from their jobs" (Jane, 2018, p. 3).

Similar findings have been reported by Citron & Franks (2014) on revenge porn directed at women workers, which resulted in the effective destruction of the victims' professional careers. Also, these insights converge with existing research on workplace gender-based violence as a means to maintain male dominance at work and in society. For example, a study examining the responses of men in situations threatening their patriarchal masculinity found that such men were more likely to engage in online sexual harassment towards women. In the study, this manifested through a non-consensual dissemination of pornographic or suggestive images (Maass et al., 2003).

The interviewed experts have observed that the recent digitalisation of work processes and the move to teleworking has coincided with women workers

being targets of sexual cyberharassment. "Remote work and digitalisation are factors involved in cyberbullying. Sending sexually explicit videos and messages are the main methods used by perpetrators." (Raquel Gómez Merayo, CCOO, Spain). These observations have also been confirmed by a French expert who has asserted that their union received increased number of complaints of sexual cyberharassment from women who teleworked:

"Particularly, as women teleworked during the lockdowns, we received complaints from women who received via the internet unsolicited pornographic photos or sexual content from male colleagues, including supervisors". (Frédérique Bartlett, CGT, France). However, it should be noted that sexual cyberharassment and all other forms of cyberviolence can equally be perpetuated in classical working environments.

### **Directive combating violence against women and domestic violence**

On 8 March 2022, the European Commission published a proposal for a Directive combating violence against women and domestic violence. The proposal aimed to prevent and combat violence against women and domestic violence through effective prevention, protection, access to justice, support and coordination. Importantly, the draft Directive as published by the European Commission proposed the criminalisation of certain forms of gender-based violence in an effort to introduce minimum harmonisation of offences across the European Union, notably:

- Rape based on the lack of consent;
- Female Genital Mutilation;
- Non-consensual sharing of intimate images;
- Cyber stalking;
- Cyber harassment;
- Cyber incitement to violence or hatred.

The ETUC [welcomed](#) the proposal, while criticising that workplace measures had been largely overlooked in the proposal. The proposal failed to acknowledge the link between gender-based violence, in particular domestic violence, and the world of work, despite the fact that trade unions have come up with solutions to support and protect victims and survivors of domestic violence through collective bargaining agreements. In response to the proposal, the ETUC Executive Committee adopted a position, identifying four key areas to seek amendments: 1) To recognise the role of trade unions, 2) to protect victims of certain forms of cyber-violence against discrimination at work, 3) to oblige employers to update and implement policies to prevent violence and harassment and 4) to address domestic violence as a workplace issue. ETUC amendments were successfully taken on board in the European Parliament's mandate to the draft Directive, such as support for collective bargaining on workplace measures to prevent and address all forms of gender-based violence (including third-party violence and cyber-violence), express mention of the right to request short-term flexible working arrangement for victims and survivors of domestic violence or a stronger role for health & safety representatives. Despite important advocacy work led by the ETUC Women's Committee, the agreement concluded on the Directive in February 2024 does not contain any improvements due to opposition of the Council. In this sense, the Directive is a missed opportunity of providing a legal framework that support trade unions in making workplaces safer.

## > Gender bias and discrimination in algorithmic worker management

Additionally, the present study considers the potential of artificial intelligence algorithms used in the management of workers to exacerbate gender-based biases, which, in this study, is recognised as a form of gender-based discrimination at work, reproducing structural gender inequalities. We rely on the gendered conceptualisation of this issue developed by European Institute for Gender Equality (2021):

*– “biased data sets used to train algorithms to perpetuate historically discriminatory hiring practices. The biases and assumptions about gender, sex, race or disability embedded in the technical specifications of hiring tools can lead to biased evaluations of candidate performance in an interview or assessment. Similarly, the algorithmic scheduling used to optimise scheduling and task allocation has become popular in women-dominated fields, such as the retail and hospitality sectors. Algorithmic scheduling exacerbates the growing trend towards ‘just-in-time’ scheduling by allowing the allocation of shifts at short notice, worsening work and income uncertainty and increasing stress.*

*– with more people working from home due to the COVID-19 pandemic, the use of monitoring and surveillance tools has increased. These technologies allow employers to track workers’ activity in real time. However, many algorithmic monitoring and surveillance practices are highly invasive and potentially discriminatory. The use of surveillance technologies can penalise those workers who are teleworking and have to attend to their children or are interrupted by family members.” (EIGE, 2021b, p.12)*

This typology is applied to the current study, aiming to explore how these types of cyberviolence are occurring in the working environment with a gendered impact.

All the interviewed trade union experts have asserted that the growing use of AI algorithms in the worker management and the digital surveillance to measure the worker performance are powerful means to perpetuate structural social gender inequalities in the labour market. For example, a Belgian trade unionist has reported that an increased use of AI applications worker management has been observed in her country: “a survey by Ipsos commissioned by The Boston Consulting Group does show that Belgian workers are leaders in the use of AI at work. In that survey from 2019, nearly one in four Belgian workers (24 percent) indicated that they are already using AI-based applications at

work, a percentage which is higher than in France (16 percent), Germany (15 percent) or the United Kingdom (20 percent).” (Martine Vandevenne, FGTB-ABVV, Belgium)

The AI-based software can be used in the screening of job applications and the selection of candidates in the recruitment process, monitoring of workers’ performance and their appraisal, as well as shortlisting workers to be dismissed.

Although such AI-based worker management tools are portrayed by employers as a neutral software that is capable of making an impartial judgement, it has to be emphasised that such AI-based applications can perpetuate discrimination on the grounds of sociodemographic characteristics of workers. The software is developed according to customer, i.e. employer, specifications which can reproduce a hidden gender bias. As observed by a French trade unionist: “There are opinions that these tools can discriminate against women in a way that for example women are more often dismissed than men through these tools, or for example, women are more often monitored than men.” (Frédérique Bartlett, CGT, France)

Furthermore, the AI tools are likely to dismiss the structural elements of gender-based discrimination that disadvantage women in the labour market. As the same French expert pointed out: “Artificial intelligence tools are often not developed at all to take into account the particular conditions that women may experience as they are developed by men for men, so it’s unfortunately something that is discriminatory. However, it’s difficult to address this issue because workers are often not even aware of the fact that they are being monitored by their employer with algorithms. So that’s the problem, lack of this information or of worker’s consent is violence.”

Equally, the AI-based worker management has a potential to perpetuate gender bias in “learning” the dominant profile of a worker which can be skewed towards gender in jobs predominantly done by men or jobs predominantly done by women. As observed by an interviewed Spanish trade unionist: “Algorithmic systems focusing on human profiles create standards. The process of ‘personalisation’ that is exercised in the context of automation is a process that does not understand the individual, which eliminates its particularities. It is a ‘generic’ individual. All persons who do not correspond to the profiles that the specific algorithmic system become considered a ‘deviation’, an irregularity that, depending on the programming, will be marked as non-existent or suspicious.” (Raquel Gómez Merayo, CCOO, Spain)

Also there has been a shared growing concern among the interviewed trade union experts that workers can be monitored with digital surveillance software without their consent, including as a means to discipline and put pressure on women workers who are mothers or have care responsibilities, as they would tend to be perceived to be less committed at work or career-oriented. For example, a French unionist confirmed that, despite a law in France the employer cannot use permanent surveillance on workers, her union: "received reports of the following situations:

- A request from an employer to set up a videoconference throughout working hours to ensure that the employee is present behind the screen;
- Permanent screen sharing and/or the use of 'keyloggers' (software that records all keystrokes made by a person on a computer);
- Requiring employees to perform actions on a regular basis to demonstrate their presence behind the screen, such as clicking on an application every X minutes or taking photos at regular intervals." (Romain Lasserre, FO, France).

## Section 1.3

# New realities or more of the same problem?

Work-related GBVH is a well-recognised phenomenon. The ILO Convention 190 on violence and harassment defines GBVH as "violence and harassment directed at persons because of their sex or gender, or affecting persons of a particular sex or gender disproportionately, and includes sexual harassment." It should be noted, however, that the Convention makes no distinction between harassment and violence. This stands in contrast with some national laws which define sexual harassment as a one-off expression of abuse whereas moral harassment requires repetition of unwanted, hostile, abusive behaviour. This distinction or the lack thereof may be significant for trade union responses to GBVH.

Gender-based violence is a complex issue that scholars have been attempting to describe and explain, accounting for its evolving nature. Feminist theorists conceptualise gender-based violence as inherently rooted in the patriarchal culture and constituting a fundamental tool in asserting collective male dominance and power within every social institution (Firestone, 1972; Brownmiller, 1978).

More recently, researchers have revealed several shortcomings of this theory, emphasising the variety of gendered power dynamics, depending

on social norms of femininity and masculinity, arrangements and environments, class and ethnicity (Acker, 2006; Hunnicutt, 2009; Cannon et al., 2015; Morris and Ratajczak, 2019). Also, the social construction of gender, going beyond the heteronormative and binary construction of gender, has been underlined, including such aspects that may drive gender-based violence as hegemonic forms of masculinity, cisgenderism, white supremacy and diverse systems of oppression (Crenshaw, 1991; Hall, 1992; Gill, 2018). These observations call for an intersectional approach to gendered oppression and violence (Cho, Crenshaw and McCall, 2013; Crenshaw, 2017; Brubaker, 2021). They also call for closer examination of the extent to which even fewer men than women would report having been subject to violence as a sign of non-compliance with social expectations of manhood (Reidy et al., 2014). As those gender roles and norms are reproduced at work, they must be taken into account in trade union responses.

Yet, what remains central to all the concepts of gender-based violence is its structural nature, whereby gender is the "primary mechanism of difference and that violence is patterned along gender line" (Hunnicutt, 2009, p.556).

Therefore, in the scope of the feminist theory and research conducted so far, the current forms of GBVH prevalent in the world of work, which are investigated in the present study, constitute a continuum of patriarchal and therefore structural GBVH based on an unequal power relationship.

What is investigated as novelty is the evolution of the gendered nature and impact of workplace violence and harassment, following the disruptions in the world of work that result from the COVID-19 pandemic and digitalisation of the working environment.

## Section 1.4

# A workplace issue!

The "Safe at work, safe at home, safe online" project explores domestic violence, third-party violence, cyberviolence, and AI gender bias constituted as workplace issues. Accordingly, the recommendations developed in Section 5 address among other things employers' duty of care and social dialogue strategies.

It is important to recognise **domestic violence** as a work-related issue for several important reasons. Fundamentally, it must be stressed that domestic violence is not a private issue, even though it most often takes place in the private sphere. The issue should be treated as a political problem as it is the outcome of social norms, roles and expectations of masculinity and femininity, inducing structural gender power inequalities, permeating through all areas of social institutions, including the family as the basic unit of society. The experience of domestic violence has a strong impact on the working life of the victim and survivor. It can severely affect victims' and survivors' mental and physical health, leading to reduced job performance, poor career progression, and increased absenteeism or presenteeism, thus contributing to a lower income, frequent changes of jobs, increased likelihood of holding precarious job contracts or even long-term unemployment (Pillinger, 2017; EU-OSHA, 2023). The ability to remain in stable, good-quality employment is thus a crucial factor for the victims and survivors wishing to escape from a violent relationship.

Moreover, as mentioned earlier, the rise of teleworking during the COVID-19 crisis created a

direct link between domestic violence and work, as the home became the workplace for women at risk of violence from an intimate partner or family member. Work-from-home exposed victims to an unsafe working environment as they remained in prolonged confinement with an aggressive partner or family member, increasing the risk of violence. Also, many workers, particularly those employed in women-dominated sectors, lost their jobs during the pandemic, exacerbating their economic dependence on a violent partner.

There have also been observations of direct spillovers of domestic violence onto the workplace, whereby victims are prevented from leaving home for work. Victims may also be followed while commuting to or from the workplace, harassed through the use of ICT tools or physically stalked by the perpetrator at work. The workplace then becomes an unsafe place for the victim which demands employers' actions to protect the victims from domestic abusers at work. Additionally, the perpetrators may pose a risk to the victim's coworkers who accidentally come in direct contact with the aggressor. Such occurrences may demand employers to develop safety procedures to minimise the impact of domestic abuse on the workplace. Furthermore, as recently observed by ILO, "spillover can also go from work to home, when certain workplace environments - such as those that are violent or dangerous - condition workers to violence, making it more likely that they will commit violence at home." (ILO briefing note, 2021).



Domestic violence also brings with it significant economic costs. A global estimate of 2016 indicates that violence against women caused a loss of USD 1.5 trillion, which is around 2% of global GDP (UN Women, 2016), due to sick leave, absenteeism, reduced job performance and staff turnover. Whereas in Europe, the annual economic loss resulting from domestic violence is estimated at €336 billion (EIGE, 2021a). Countries around the world also estimate the costs at national levels. In Europe, estimates were conducted in the UK in 2016 indicating that “domestic abuse costs the UK economy £1.9 billion (€2.2 billion) in lost economic output every year as it leads to decreased productivity, increased absenteeism and increased employee turnover” (Pillinger, 2017, p. 55). These figures thus show that domestic violence perpetrated mainly against women is as much a work-related issue as a social problem which needs to be effectively addressed as such.

**Third-party violence** is perpetrated by persons outside of the work organisation. However, its nature as a work-related issue does not raise any doubts and it has been acknowledged as such. The European Framework Agreement on Harassment and Violence at Work of 2007 already recognised third-party violence addressed at workers as workplace violence and harassment, laying down principles of employer prevention, upon which the abovementioned 2010 Multisectoral Guidelines on external violence and harassment build further. However, it is important to stress that third-party violence includes a gender-based workplace vio-

lence which demands distinct policy actions, addressing the disproportionate exposure of women workers, particularly those employed in essential services, to acts of violence committed by the users, patients or clients of these services.

Likewise, **cyberviolence** addressed at persons in the world of work has been recognised as a workplace issue, such as the case of cyberbullying. Nevertheless, the plethora of gender-based cyberviolence needs gender-tailored policy measures for an effective tackling of this upcoming, major psychological risk in the working environment. Also, the potential of AI algorithms and digital surveillance to perpetuate structural gender inequalities in the labour market must be addressed as a form of workplace violence.

## Section 2.

# Incidence and conducive factors

This section describes the recent evolution of GBVH along with their characteristics, incidence, conducive factors and most affected groups of women workers.

### Key messages

**Unions report increases in domestic violence, third-party violence and cyberviolence.**

**Official data is very poor.**

**Economic dependency is conducive to domestic violence. The exact impact of telework must be further investigated.**

**The underfunding of public services, isolated work (e.g. domestic work) and night work or handling cash constitute risk factors for third-party violence.**

**The drivers of face-to-face violence and harassment are similar to those conducive to cyberviolence. Lack of regulation and absent social dialogue amplify the risks linked to AI and digital surveillance.**

**The conditions exacerbating the vulnerability are at the intersection of gender with other grounds of discrimination, such as migrant status, ethnicity, sexual orientation, gender identity, disability and, more broadly, precarious employment.**

### 2.1 Rising trends but poor official data

#### Domestic violence

The majority of the interviewed trade unionists have reported an observed increase in the incidence of domestic violence in recent years, particularly during the COVID-19 pandemic. There is usually some type of statistical data available to provide evidence of such an increase at the country level.

As such, in **Belgium**, the free helpline for victims of domestic violence “Écoute Violences Conjugales” reported a doubling of calls during the first months of the pandemic lockdown in the spring of 2020 in the French-speaking part of the country. Whereas in Flanders, the 1712 helpline number reported a 70% increase in calls in the fourth week of the lockdown compared to the first week.<sup>5</sup>

<sup>5</sup> Coronavirus en Belgique: les lignes d'écoute pour les victimes de violences conjugales sont saturées <https://www.rtbfb.be/article/coronavirus-en-belgique-les-lignes-d-ecoute-pour-les-victimes-de-violences-conjugales-sont-saturees-10477662>

In **Germany**, data on domestic violence for recent years also indicates a continuous increase in domestic violence. Of the total 157,818 victims recorded in 2022, victims of intimate partner violence were 126,349 (80.1%) women and 31,469 (19.9%) men. The number of women victims of intimate partner violence has increased compared to the previous year: 9.0% increase (2021: 115,954), male victims increased by 9.7% (2021: 28,683).<sup>6</sup>

Also, the incidence of domestic violence rose significantly in **France** already in the initial period of the pandemic outbreak. Data on police reports of domestic violence showed that by 1 April 2020, the number of reports had risen by 32% in the gendarmerie zone and 36% in the Paris prefecture zone.<sup>7</sup> Likewise, the year 2021 saw an increase of 20% in victims of femicide compared to 2020. In 2021 there were 122 women killed at the hands of their intimate partners, while in 2022 this number remained nearly at the same level, recording 118 cases of femicide in France.<sup>8</sup>

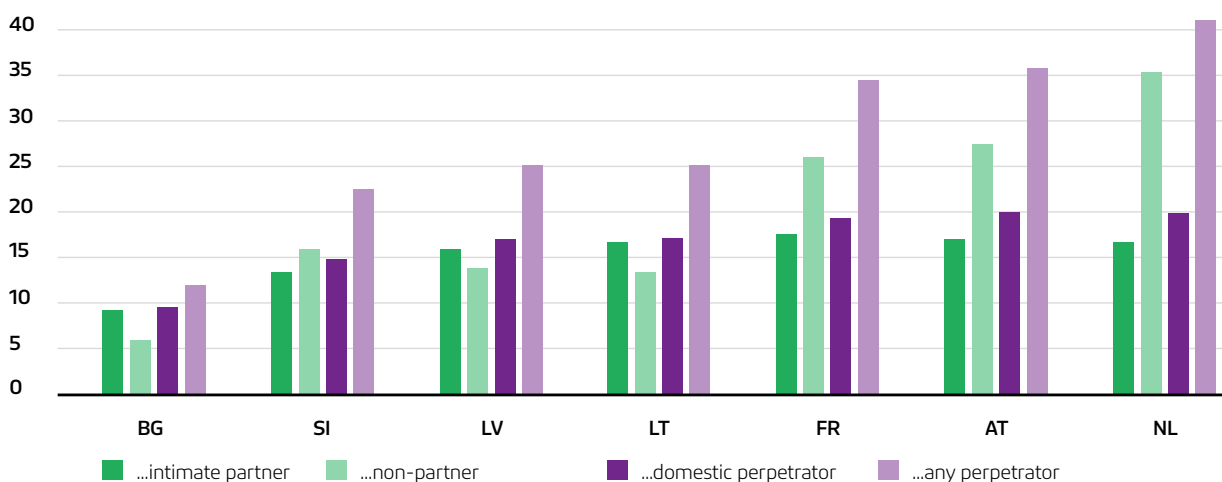
In **Spain**, the largest year-on-year increase in women victims of domestic violence was recorded in 2020. There were 5,082 women who suffered domestic violence that year compared to 4,748 in 2019, which is an increase of 7%. In 2021 there was a small decrease in women victims of domestic violence with 5,058 women reporting domestic abuse, while in 2022 this number dropped by 2% to 4,949 women victims of domestic violence.<sup>9</sup>

The rise in the incidence was also reported in **Slovenian** police statistics. The police dealt with a total of 1,346 criminal acts of domestic violence in 2020, for which criminal charges were filed, which is 12.9% more compared to the previous year when they dealt with 1,233 cases.<sup>10</sup> Also, the Slovenian trade unionist quoted police statistics of 13 victims of femicide in 2022 which was double the usual yearly average.

In European statistics on domestic violence, data has been collected for the years 2021-2023 in a gender-based violence survey (EU-GBV). According to this survey, in Slovenia 14% of women experienced intimate partner violence, and 15% suffered violence at the hands of a domestic perpetrator in 2021. In France, these figures were 17% and 19% respectively (Figure 1).

However, there is currently a lack of comparable national or European data to assess the evolution of domestic violence after the pandemic has ended. We can expect some figures at national level in 2024. Similarly, the Eurostat EU-GBV survey will be complemented with data collected in 2023 jointly by European Institute for Gender Equality and EU's Fundamental Rights Agency to cover the countries that have not participated in the EU-GBV survey. These statistics will also only be available in 2024.

Figure 1 Proportion of women (18-74) who have experienced physical violence (including threatened) or sexual violence during adulthood by type of perpetrator.



Source: EU-GBV survey, wave 2021

6 HÄUSLICHE GEWALT Lagebild zum Berichtsjahr 2022 [https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/HaeuslicheGewalt/haeuslicheGewalt\\_node.html](https://www.bka.de/DE/AktuelleInformationen/StatistikenLagebilder/Lagebilder/HaeuslicheGewalt/haeuslicheGewalt_node.html)

7 Déclaration du ministre de l'intérieur du 26 mars 2020 sur France 2, le ministre de l'Intérieur a indiqué qu'"en zone gendarmerie", ces violences ont augmenté de "32% en une semaine", a-t-il dit, et dans la zone de la préfecture de police de Paris, elles ont été en hausse de "36% en une semaine" <https://www.village-justice.com/articles/recrudescence-des-violences-conjugales-periode-confinement-comment-mieux,34456.html>

8 Annual report of the French Ministry of Interior [https://www.lemonde.fr/en/france/article/2022/11/19/protesters-march-in-memory-of-100-femicide-victims-killed-in-france-this-year\\_6004900\\_7.html](https://www.lemonde.fr/en/france/article/2022/11/19/protesters-march-in-memory-of-100-femicide-victims-killed-in-france-this-year_6004900_7.html)

9 Instituto Nacional de Estadística (2022). El número de mujeres víctimas de violencia de género. [https://www.ine.es/prensa/evdvg\\_2022.pdf](https://www.ine.es/prensa/evdvg_2022.pdf)

10 <https://www.drustvo-dnk.si/o-nasilju/statistika-o-nasilju.html#B>

## Third-party violence

All the interview participants reported a lack of data on the exposure to third-party violence at work by gender in their respective Member States. This lack of data makes it difficult to identify a precise increase in the incidence of this form of violence at work and estimate its gendered impact. Also, at the European level, the statistics on third-party violence at work are poor and currently available only for a limited number of Member States.

*“We really saw an increase in third-party violence in public administration workers (...) there are too few staff but when a worker on the front line is a woman, it deviates almost systematically on violence linked to her gender.”*

Gaëlle Demez, ACV-CSC, Belgium

For example, the interviewed German trade union expert reported a recent increase in third-party violence among all workers in public services who “are facing in general, much more violence and harassment from third parties, customers, also patients, clients but the data on third-party violence at work is not available by gender”. Similar accounts have also been shared by the interviewed trade unionists in Norway: “We don’t know if it has increased. We have no data on that. So we can’t say it has. We know of investigations that the teachers’ union is conducting on teachers being assaulted by pupils to the point that teachers are afraid to confront such pupils. The problem in this context is that we don’t know if it’s the woman teacher or the male teacher, no data available by gender.” (Nora Sørensen, UNIO, Norway). Whereas an interviewed French trade unionist observed that the recent rise in third-party violence may be a result of a raised awareness and number of cases reported:

“A large number of assaults are committed by people from outside the company (e.g. visitors, customers, suppliers, passers-by, strangers, etc.), However, we do not have the figures to know whether there has been an increase in third-party violence or a freeing up of the voice through greater awareness, or a mixture of the two.” (Frédérique Bartlett, CGT, France)

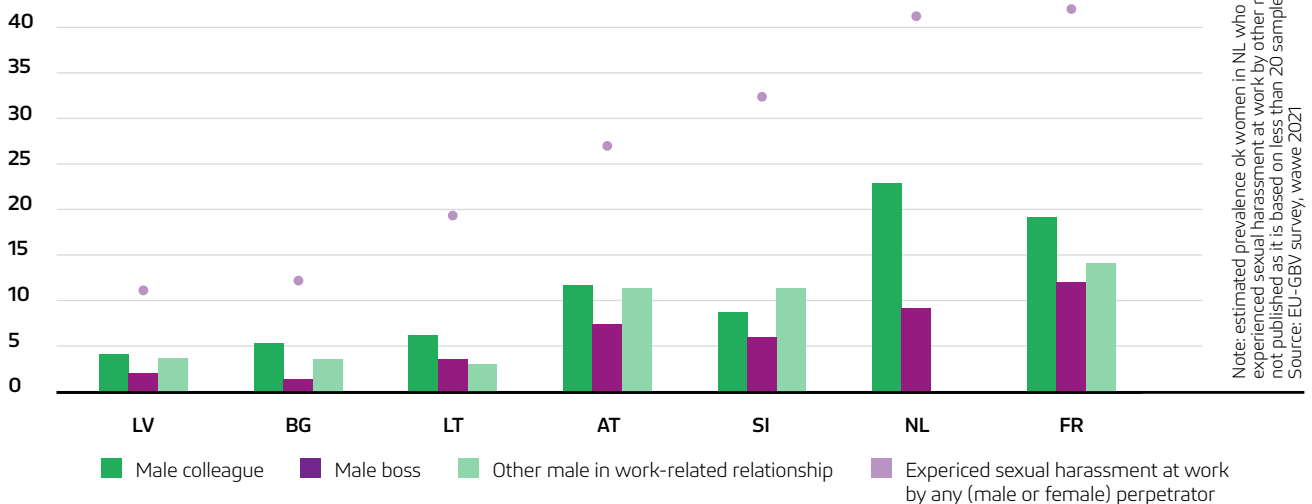
The EU-GBV 2021 survey is the only study collecting data on the exposure of workers by gender to some forms of third-party violence defined as sexual harassment experienced at work by other than a boss or colleague work-related male. However, the EU-GBV statistics are not available per economic sector or age group and by the type of perpetrator. Again, data for only 2 current study countries is available. In Slovenia around 11% of women declared an experience of sexual harassment by a third-party male, while in France this proportion of women is close to 15% (Figure 2).

Nevertheless, all interviewed trade unionists confirmed a recently observed increased incidence of third-party violence among women workers, particularly during the COVID-19 pandemic in the women-dominated sectors, such as the health sector, social care, education, public administration or retail trade.

In Slovenia, the interviewed trade unionist reported “we are noticing increased third-party violence directed at women in recent years, especially in front-line sectors such as the health and social care sector, retail and hospitality sector. There are not enough workers to do the job, so people are becoming abusive.” (Irena Štampelj, ZSSS, Slovenia)

Also, a Spanish expert confirmed that “Without official data, the increase in violence has occurred as a result of the pandemic. Women working in the front-line sectors have mainly reported third-party violence to which they have been exposed”. (Raquel Gómez Merayo, CCOO, Spain).

Figure 2 Proportion of working women (18-74) who have experienced sexual harassment at work by type of perpetrator



Note: estimated prevalence of women in NL who have experienced sexual harassment at work by other male is not published as it is based on less than 20 sample observations  
Source: EU-GBV survey, wave 2021

## Cyberviolence

Again, nearly all the interview participants reported a lack of any recent data on exposure to any type of cyberviolence at work or by gender in their respective Member States. This makes it difficult to estimate the increase in the incidence of the different types of cyberviolence at work, including its gendered dimension.

Belgium appears to be the only Member State where a national survey has recently been conducted on the experience of cyberviolence by the Institute for the Equality of Women and Men (2022). This survey, however, applies to the incidence in private life. Nevertheless, it provides some interesting insights into the gendered character of the different types of cyberviolence, such as revenge porn and cyberharassment.<sup>11</sup>

Nor is there any European data measuring the exposure of workers to cyberviolence, or accounting for gender differences in the incidence of workplace cyberviolence. Therefore, the current study presents solely a trade union qualitative assessment of the phenomenon.

The majority of the interviewed trade unionists (13) have confirmed that cyberviolence has been observed as a rising issue, particularly for women, in the workplace. However, due to the poor availability of data or trade union expertise on the issue, the interviewed experts have usually not commented any further on the incidence of cyberviolence in the work context.

<sup>11</sup> Institute for the Equality of Women and Men (2022). Revenge porn, harcèlement sexuel en ligne et autres formes de cyberintimidation [https://igym-iefh.belgium.be/sites/default/files/160\\_-\\_revenge\\_porn\\_youtoo.pdf](https://igym-iefh.belgium.be/sites/default/files/160_-_revenge_porn_youtoo.pdf)

## Section 2.2

# Conducive factors and environments

### Domestic violence

The main, common observation shared by the interviewed trade unionists pointed to the lack of any scientific evidence in their countries that the recent increase in domestic violence, particularly during the COVID-19 pandemic, has been directly connected with women victims teleworking. Although the surge in domestic violence coincided with the rise of imposed remote working during the pandemic crisis, which was observed in almost every Member State during the interviews, as well as observed by such bodies as EU-OSHA (2023) or ILO (2021), there is a lack of European or national studies exploring this relationship.

Yet, lockdowns during the COVID-19 pandemic were cited by all the interviewed participants as the principal factor contributing to the surge in domestic violence. The prolonged, enforced isolation with a violent partner or family member increased the probability for the victim to be abused (Drieskens et al., 2022). Indeed, the existing research on domestic violence indicates that isolation is a risk factor in the exposure to domestic violence (Stets, 1991; Lanier & Maume, 2009. Barbara et al., 2020).

Also, economic dependence has been noted as a significant factor conducive to the recent surge in domestic violence. This is also consistent with existing research on role of economic dependence in domestic abuse as a significant risk factor (Basu & Famoye, 2004; Bornstein, 2006; Postmus et al., 2020). One reason for this economic dependence has been identified during the interviews as feminised labour, whereby women are predominantly employed in low-pay, precarious, part-time jobs. Simultaneously, the pandemic-induced crisis hit hardest those sectors that relied on work predominantly done by women such as food services and accommodation, domestic work and retail trade (Eurofound, 2021).

Accordingly, the highest job losses during the COVID-19 pandemic were observed among women working in so-called low-pay jobs (ibid.). This loss of employment among women at risk of domestic violence who had already been in precarious live-

lihoods prior to the pandemic has been recognised by the interviewed experts as exacerbating the risk of domestic abuse at the hands of an intimate partner or other domestic abuser. This is also consistent with recent research which shows that the combination of economic stress and isolation during the COVID-19 has been a factor exacerbating the exposure to domestic violence (UN Women, 2020; Barbara et al., 2022). However, it should be noted that men can also be exposed to domestic abuse when they depend on women economically. While the power relation changes, violence continues to be perpetuated along gender and power axis.

Also, as mentioned earlier, ILO observes that violent working environments can be conducive to the spillover of workplace violence into the domestic sphere, whereby a violent work setting may influence the person and push him/her towards more violence at home (ILO briefing note, 2021).

### Third-party violence

The factors responsible for the recent rise in third-party violence and its gendered impact have been identified in the course of the interviews as resulting from the already described austerity measures and staff shortages which negatively impacted the quality of public services and other essential economy sectors, such as the retail trade. However, as there is insufficient data on the exposure to third-party violence by gender, it is difficult to identify the precise mechanism behind third-party violence addressed at women workers: whether women in these sectors are more exposed to third-party violence by virtue of gender, or by the fact that women are the predominant workforce in these sectors, or because of the degrading quality or accessibility of public services: "It's difficult to make a straightforward link to gender-based violence, because as women are the majority of workers, if there is violence, it's addressed at women, of course." (Hélène Ibanez, CFDT, France).

Yet, some interesting observations by the trade unions were shared during the interviews on the

gendered nature of third-party violence. For example, a Belgian trade unionist shared an insight on the recently exposed gendered nature of third-party violence among front-line workers: "Essential services have been experiencing increased aggression from usually male users, but working women are always disadvantaged by the gender factor. The irritation every time is belittling the woman, that the insults become very quickly of a sexual nature, which male workers don't experience as such, as men tend to be judged on their incompetence or the speed of the front-line service." (Gaëlle Demez, ACV-CSC, Belgium). The sexist culture was also identified by an Irish trade union expert as contributing to the rise of third-party violence addressed at women, described as a "general increase in misogyny across society, failure to properly address this either by government policy or by employers, and pressure on trade unions to deal with other pressing issues". (Clare Moore, ICTU, Northern Ireland)

Equally, women who work in isolation have been identified during the interviews as workers at a higher risk of third-party violence. As a Spanish trade unionist reported: "Domestic and care workers are the most exposed and vulnerable to violence in an area considered private, the labour inspectorate cannot act and this is one of the difficulties in adapting Convention 189 and 190 to our legislation. The care assistants are in the same situation and are harassed and assaulted by the family or the dependent person." (Alicia Ruiz Fernández, UGT, Spain). Indeed, the home setting as a patient risk factor is consistent with a vast body of research examining the exposure of domestic and care workers to third-party violence (Büssing & Höge, 2004; Campbell et al., 2014; Phoo & Reid, 2022). Also, workers providing care to patients in their home settings have recently been found to be more prone to experience sexual abuse from patients than in any other setting (Clari et al., 2020).

Additionally, night work, particularly in restaurants and bars, is a risk factor in GBVH. Research indicates that young women workers are particularly exposed to customer violence and abuse during night work (Ryu et al., 2018).

### Cyberviolence

During the interviews, the main factors contributing to the recent rise of gender-based cyberviolence have been identified as remote work, increased digitalisation of work processes, increased workloads, and work-related stress caused by psychosocial risks. Also, male-dominated working environments or male-dominated management

positions would be conducive to gender-based cyberviolence. Nevertheless, all the interviewed participants emphasised the lack of data to enable any estimates of the conducive factors that drive the risk of gender-based cyberviolence. There is also a lack of research on the impact of ICT on violence in blue collar jobs, which would tend to be jobs predominantly done by men.

A commonly shared view during the interviews was the comparison of cyberviolence to offline GBVH at work, where the interviewees pointed to the same drivers generating cyberviolence as the "classical" forms of gender-based violence addressed at women workers, however, perpetuated with the use of mobile devices and internet communication tools.

Several studies have investigated the likelihood of men to engage in sexual harassment at work. Some found that men tended to sexually harass their women colleagues when women gained a higher status in the workplace which was perceived as a threat to the masculinity of the perpetrators (Chamberlain et al. 2008; McLaughlin et al., 2012; Stainback, Ratliff, & Roscigno, 2011) Other studies showed that men who faced job insecurity tended to be violent or sexually harassed women at work (Cortina & Magley, 2009; Roscigno, Lopez, & Hodson, 2009). Equally, earlier research on sexual harassment at work showed that, contrary to popular belief that male supervisors sexually harass women workers as an expression of power due to power imbalance, women in supervisory positions can experience an even higher incidence of sexual abuse at work. This pattern is based on power-threat theory. The growth within a company of women managers was thus frequently met with violence of a sexual nature to diminish the reputation and confidence of such women. (McLaughlin, Uggen, & Blackstone)

There is little availability of studies investigating the incidence of cyberviolence in the world of work and its gendered impact. Nevertheless, some research points to masculinised working environments, such as the IT sector, which exposed women to cyberviolence, particularly sexual online harassment. A recent study on the gaming industry showed that women in gaming and professional players reported a significantly more frequent experience of sexual cyberharassment than their male counterparts. As the authors explain: "the more professional a video gamer becomes, the more they are exposed to hostile behaviours, and subsequently experience poor mental health outcomes (especially so for women)" (Trudgett-Klose & McLinton, 2023, p. 31). In the study, women in the gaming industry

reported high levels of cyberharassment perpetrated both by their co-workers and customers.

Another study showed that the increased use of new technologies in work organisation and internal company communication was linked with an incidence of various types of cyberviolence, including sexual harassment such as sending victims unsolicited or sharing of non-consensual sexual content involving the victim, cyberstalking or cyberharassment through threats of disclosing sexual content to other workers. Interestingly, the gender-based types of cyberviolence were only reported by women workers in the study, whereas male victims declared experiences of cyberbullying (D'Cruz & Noronha, 2013).

The interviewed experts also pointed to the absence of company / workplace policies and training of staff in zero tolerance to any form of violence, including sexism, which can be a factor "facilitating" the spread of cyberviolence at work.

Specifically in relation to AI management and digital surveillance, the interviewed trade unionists have commonly observed that two factors are conducive to gender-based discrimination: the lack of European or national laws regulating the use of AI algorithms at collective, workplace level and the absence of transparent workplace procedures on the use of algorithms and the way the algorithmic decisions are made. It has also been pointed out

that such rules need to be subject to collective bargaining in order to guarantee the protection from gender bias that can be inscribed into the AI algorithms and digital surveillance of workers.

The General Data Protection Regulation provides certain provisions applicable to the protection of abusive use of employee data. Article 22 of the regulation grants the individual the right not to be subject to a decision that solely relies on automated processing, such as profiling.<sup>12</sup> Nevertheless, the provision only applies at individual level and, as such, cannot be considered an empowering tool for the workforce to appeal against decisions made by algorithms.

The current regulatory void on the use of AI-based software in worker management thus potentially allows algorithms to perpetuate gender bias. This risk has been widely acknowledged by researchers and European bodies. As such researchers have called on the comprehensive regulation of the application of AI-based software in the working environment (de Stefano, 2021; Ponce del Castillo, 2021). In the same spirit, the European Commission has recently acknowledged the need to establish a legislative framework to regulate the use of algorithms for managing, monitoring and recruiting workers (Euractiv, 2023). Equally, the EU-OSHA has recommended workers' participation and enhanced social dialogue in the regulatory process (EU-OSHA, 2022).

12 Article 22 of Regulation (EU) 2016/679 of the European Parliament and of The Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)



## Section 2.3

# Most affected groups of women workers

*“Precariousness, in employment and /or in family situations (e.g. single parenthood) and belonging to a minority make women vulnerable to violence and harassment at work. Women workers are all the more at risk if they are young, urban, discriminated against because of their sexual orientation or religion, already victims of sexual violence, employed in a male-dominated work environment or forced to wear clothes that show their shape, breasts or legs. When it comes to sexual harassment, the situation of victims is often linked to their economic situation. They were often in a precarious employment or financial situation, or in an isolated or emotionally difficult personal situation.”*

Romain Lasserre, FO, France

The research on gender-based violence indicates that domestic or workplace abuse which disproportionately affects women needs to be studied with an intersectional approach. While gender is a significant risk factor in the experience of domestic or workplace violence and harassment, it becomes a particularly prevalent risk factor in combination with race, class (including immigrant status and precarious employment), and sexual orientation (Bogard, 1999; Cho, Crenshaw & McCall, 2013; Crenshaw, 1991; Gill, 2018; Sokoloff & Dupont, 2005; Villegas, 2019). This observation was also shared by the interviewed trade unionists.

The most vulnerable groups of women workers to domestic abuse and gender-based violence have been identified as young and junior workers, women with precarious job contracts, single mothers, ethnic minorities and immigrant workers, women with disabilities, women with lower educational attainment, domestic workers or LGBTIQ+ workers.

Several experts identified disability as an additional risk factor in the exposure to domestic abuse and GBVH at work. For example, women with disabilities are particularly exposed to intimate partner violence. Existing research indicates that women with physical impairments are more prone to experience domestic abuse than women without disabilities (Nosek et al., 1997; Curry, Hassouneh-Phillips & Johnston-Silverberg, 2001; Powers et al., 2002). The perpetrators tend to prey on lower sexual and body esteem of women with physical disabilities

compared to women without physical health impairments (Hassouneh-Phillips & McNeff, 2005) as well as the inability of women with a particular impairment to defend themselves against the abuser (Hague, Thiara, & Mullende, 2011). Also, a frequent lower material status of women with disabilities increases the risk of economic dependence (Powers et al., 2002) on the perpetrator, which is a significant factor in domestic abuse itself, as explained earlier in the chapter describing conducive factors in the rise of domestic violence.

Also, the migrant status of women is a significant risk factor in exposure to domestic violence which is closely linked with race, nationality and class. Research shows that immigrant women are particularly exposed to intimate partner violence because immigrant women more often tend to depend economically on their partners in a foreign country. This dependency induces dominance of the partner over the woman and forces her into compliance with a violent partner who exploits such an imbalance of power (Erez, Adelman, & Gregory, 2009; Moyce & Schenker, 2018). This is often tied to an unregulated residency status of immigrant women, which limits their access to the labour market and social services (Erez, Adelman, & Gregory, 2009; Ogunsiji et al., 2012; Holtmann & Rickards, 2018).

Some factors may also increase the risk of exposure to gender-based third-party violence. As observed during the interviews that the most vulnerable workers to gender-based third-party

violence are women employed in front-line services, in precarious employment, minority groups such as ethnic minority women, including young women, and LGBTQ+ workers. The essential characteristic of women in such vulnerable conditions are their lower bargaining power or employment in women-dominated occupations, which are historically underpaid and undervalued, thus often of a precarious nature. Particularly, the challenge of low unionisation rates in service occupations in the private sector contributes to an amplification of vulnerability and absent prevention and handling of third-party violence and harassment.

For example, research indicates that women workers in the accommodation and food services sector experience regular customer misbehaviour and sexual abuse (Booyens et al., 2022; Guerrier & Adib, 2000; Shaw, Hegewisch & Hess, 2018). Similarly, a meta-analysis study shows a higher incidence of customer verbal abuse and sexual harassment directed at women workers employed in other sectors with a high participation of precarious employment such as food services (including restaurant and bars), call centre employees, and retail trade (Yagil, 2008). Research also indicates that third-party violence in such sectors tends to increase in women workers with immigrant status. The combination of gender, race and low socio-economic status is a condition conducive to a higher exposure to customer GBVH ( Fitzgerald, 2020; Marín et al., 2021).

Also, some professions such as teachers, journalists and politicians are more prone to third-party violence which is perpetrated often with the use of mobile and internet devices taking the form of cyberviolence. For example, a study by Øistad (2015) noted that young women journalists were twice as likely to encounter cyberbullying and online threats compared to their male counterparts. Significantly, these women journalists were also more prone than their male colleagues to face a sexualised form of online bullying, often escalating into threats of sexual assault.

Also, a recent study by Savigny (2020) investigated the experience of cyberharassment in women academics. The research showed that the emerging job demand for academics to disseminate their works in social media outlets correlated with the experience of cyberharassment and sexual online threats aimed at controlling, silencing and dominating women academics. This was perceived as "patrolling gender boundaries" and keeping women "subservient in male-dominated" areas. (Kavanagh & Brown, 2020, p. 4).

Furthermore, a high incidence of various types of cyberviolence was identified in a study of women in precarious employment, mainly of intellectual, insecure, temporary nature, whereby women worked in such professions as freelance writers, lecturers, photographers, singers, IT specialists. Out of 52 study participants, 43 reported an experience of at least one type of cyberviolence such as: cyberhate, cyberharassment, or online sexual harassment. All the victims in the study reported a negative to devastating effect of cyberviolence attacks on their professional life. Some experienced reduced performance at work, and others considered changing their jobs and some withdrew from the profession. Also, victims commonly reported a downplaying of their experiences of cyberviolence when shared with colleagues or employers (Jane, 2018).

## Section 3.

# Applicable national legal frameworks

This section assesses to which extent global, European and national legal frameworks are adapted to tackle recent evolutions in GBVH.

### Key messages

**GBVH is widely addressed by global, EU and national legal frameworks as a face-to-face behaviour and are thus poorly adapted to a changing world of work.**

**ILO Convention C190 is particularly adapted to address recent evolutions of GBVH. It has not been ratified by all European countries. Implementation is key.**

**Domestic violence tends to be recognised by national laws as having spillover effects onto the workplace, with varying degrees of protection.**

**While third-party violence is addressed in national law, its gender dimension is usually not recognised.**

**France, Belgium and Spain have introduced specific provisions on some forms of cyberviolence. Digital surveillance and AI management are currently addressed in Belgium and Spain but without a gender dimension.**

### 3.1 General overview

In overall terms, global, European and national legal frameworks on the prevention of violence and harassment at work do not contain provisions on addressing the recent evolutions of domestic violence as a work-related issue, or gender-based third-party or cyberviolence and harassment at work. An overwhelming majority of current legal instruments address GBVH as only a face-to-face behaviour occurring at employer premises, perpetrated by supervisors or co-workers.

As far as face-to-face behaviours are concerned, there have been important advances in the legal approach in recent decades. The existing legal frameworks on the prevention of violence and harassment at work recognise that such behaviours are an outcome of unequal gender power relations

in societies as a whole. Furthermore, global and European legal frameworks on violence and harassment identify the intersectional nature of gender-based violence affecting women in private and public spheres. Legal instruments recognise that the experience of gendered violence can be exacerbated by a combined discrimination on the grounds of gender and other sociodemographic characteristics such as race, sexual orientation, class, migrant status, disability, precarious employment etc. Important global instruments aimed at tackling domestic violence as an issue that disproportionately affects women and children have also been put in place. Also, national laws contain substantial provisions on the prohibition of GBVH at work, often deemed discrimination in occupation, which are included in labour code provisions and/or separate anti-discrimination and gender equality acts.

However, trade unions often observe that current provisions are not sufficient or effectively implemented to prevent the incidence of GBVH at work, nor do they provide required protection measures for victims of such behaviours at work. Consequently, women, particularly the most vulnerable groups of women workers who become

victims of intersectional violence and harassment, are discouraged from reporting the issue. There is a common absence of support measures which would protect the employment of the victims who suffered GBVH. Consequently, it is considered that GBVH in the world of work are largely underestimated phenomena.

### Domestic violence



Figure 3 Domestic violence as a work-related issue

Our review of national frameworks indicates that domestic violence tends to be the most frequently addressed as a work-related issue in the studied countries. Some individual clauses on domestic violence that may be interpreted as making a reference to the employment of victims have been identified in France, Germany and Norway. For example, according to the French Decree on unemployment insurance scheme and Labour Code provisions, victims of domestic violence are entitled to unemployment benefits. In Germany, the 2011 Violence Protection Act prohibits the perpetrator from approaching the victim in places where she regularly stays, which can be interpreted as also including the workplace. In Norway, the Working Environment Act introduces a possibility for the employer to provide safety at work to victims of domestic abuse.<sup>13</sup>

The Slovenian Employment Relationship Act contains substantial workplace support measures for victims of domestic violence in the context of work-life balance such as flexible working time schedules, paid leave and the right to special protection in employment relationship. Similarly, the Spanish Organic Law 1/2004 of 28 December contains provisions granting a number of labour and social rights to women victims of domestic violence.

Stronger provisions can be found in Ireland and Italy, which address domestic violence as a work-related issue. The Irish Work-Life Balance Act entitles victims of domestic abuse to 5 days of paid leave per year to enable her to seek legal and psychological help or geographical relocation. In Italy, the Italian Jobs Act 2016 has introduced a protection programme for survivors of domestic violence, along with entitlement of 90 days of paid leave.

13 Chapter 4 Section 4-3 (4) of the Working Environment Act

### Third-party violence

Third-party violence has been addressed in national laws as a gender-based issue in four of the six countries analysed in this report. The French Penal Code contains provisions on third-party violence which can also be perpetrated on the grounds of gender, however, they are limited to several occupations in the public sector.

The Belgian Well-Being Act introduces employer obligation to prevent third-party violence which can be perpetrated on the grounds of gender. As for Germany and Norway, the General Equal Treatment Act and the Equality and Anti-Discrimination Act, respectively, recognise third-party violence as a form of gendered violence.



Figure 4 Gender-based third-party violence at work

### Cyberviolence

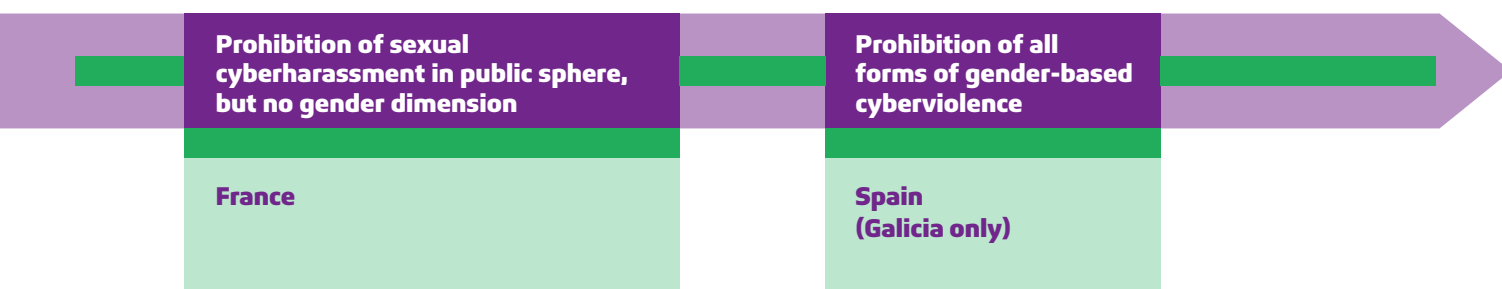


Figure 5 Gender-based cyberviolence

France and Spain are the only countries with legal provisions addressing cyberviolence, including its gendered dimension. The French Penal Code contains provisions on prohibition of sexual cyberharassment, however, it is only applicable to public services workers, with several occupational groups excluded. Whereas the Spanish Galician Organic Law 11/2007 on Gender Equality prohibits all forms of cyberviolence, including its gendered nature, **and also in the workplace context**. It is only, however, applicable in the autonomous community of Galicia.

The least addressed issue in national legal frameworks is the gender bias in the AI worker management and digital surveillance. Belgium is a country with two collective bargaining agreements on the use of new technologies and camera surveillance at work, however, they do not account for the potential to discriminate on the grounds of gender in the use of these tools. Similarly, the Spanish Workers' Statute contains a provision on the use of digital surveillance which emphasise the workers' rights to privacy regarding the use of video surveillance and geolocation devices, however, it does not mention the gender dimension in the use of digital surveillance at work.

## Section 3.2

# Global instruments

### Istanbul Convention

The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence Of 2011, known as the Istanbul Convention, has now been ratified by 21 EU Member States, including the five countries studied in this report. The countries that are pending the ratification are Bulgaria, Czech Republic, Hungary, Latvia, Lithuania and Slovak Republic. The Istanbul Convention has also recently been ratified by the EU where the treaty came into force on 1 October 2023.

The ratification of the Istanbul Convention introduces an obligation on the governments, including on the EU itself, to implement the Convention's provisions addressing gender-based violence against women. Accordingly, the ratifying country must complete legislative changes, policy adjustments, and practical measures to enhance protection and support for victims. An independent group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) has been established under the Istanbul Convention to evaluate the implementation of its measures to prevent and combat violence against women and domestic violence. These recommendations serve as valuable insights and suggestions to improve and strengthen efforts in addressing such issues at the national level.

The Convention is thus a legally binding international treaty designed to address and prevent violence against women and domestic violence. It provides a structured approach for national laws and programmes with a goal of tackling social and cultural factors that are conducive to gender-based violence.

Although not explicitly, the Convention can be interpreted to be applicable to the workplace too. In her analysis of the applicability of the treaty in the work context, Dr Jane Pillinger (2017a) provi-

ded insights on those provisions that could make a reference to employer obligations in preventing gender-based sexual harassment at work and addressing domestic violence as a workplace issue. As such, Article 12 on general obligations in the prevention of gender-based violence and domestic abuse could introduce employer obligations to promote women's equality and measures to tackle gender-based violence at work. Next, Article 17 (1) mentions private sector obligations to participate in the development and implementation of policies preventing gender-based violence, where these provisions can directly apply to private enterprises. Also, Article 20 on support measures addressed at victims of gender-based violence includes services facilitating women's access to employment. Accordingly, the aforementioned provisions contained in the Istanbul Convention could apply to the prevention of all forms of GBVH at work, including third-party violence and cyberviolence. Furthermore, the provisions could be applicable to domestic violence as a workplace issue, as this type of gender-based violence impacts women's access to employment.

It is also worth mentioning that the Convention proposes a comprehensive approach of addressing gender-based violence as a structural phenomenon rooted in cultural gender stereotypes which produce gender power inequalities in private and public spheres.

In summary, the Istanbul Convention provides a comprehensive framework for combating violence against women, emphasising the need for a collective and integrated approach at the national level. The inclusion of the workplace dimension highlights the importance of addressing violence against women in work settings and recognises the potential role of employers in preventing and responding to domestic violence.

## ILO Convention 190

The ILO Violence and Harassment Convention No. 190 (C190) is the first global instrument to eliminate violence and harassment in the world of work, including gender-based violence. C190 and its accompanying Recommendation (No. 206) were adopted at the Centenary Conference of the ILO on 21 June 2019. The ratification of C190 imposes a binding obligation on the respective government to implement laws and policies to prevent and address violence and harassment in the world of work.

The Convention C190 came into force on 25 June 2021 and has now been signed or ratified by the following 13 European countries (8 EU Member States): Belgium, Germany, Greece, France, Ireland, Italy, Norway, Spain, Portugal, Albania, North Macedonia, San Marino and United Kingdom. Slovenia is the only country studied in this report which has not ratified it.

Whereas the European Union cannot ratify the Convention itself, the ratification of European Member states of the Convention has been hampered with and delayed due to a lengthy process of legal assessments regarding EU competences. At the time of finalising this report, the procedural deadlocks are finally solved, with the European Parliament consenting to a Council decision inviting Member States to ratify the Convention.

The ratifying party must amend or create provisions preventing and protecting victims of work-related, gender-based violence, including the spillover of domestic violence into the workplace, as laid down by the Convention. The implementation by the ratifying government of the Convention's provisions follows the revision process by ILO, whereby it periodically requires the ratifying government to provide a detailed report on implementation of specific provisions. ILO issues binding recommendations where the implementation has not been satisfactory,

C190 is a comprehensive international treaty aimed at preventing workplace violence and harassment, recognising the problem of women being disproportionately affected by violence and harassment at work. The Convention constitutes an integrated and gender-responsive approach to addressing violence and harassment in the world of work. As such, in its Preamble, the instrument acknowledges that tackling the root causes of gender-based violence is essential in the effective prevention and ending of violence and harassment in the world of work. Fundamentally, the underlying risk factors

have been identified as inherent to the patriarchal culture: "gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations". Moreover, C190 is the first instrument that explicitly recognises domestic violence as a work-related issue admitting its strong impact on the employment, job performance, safety and health of the victims and the important role of employers and trade unions in addressing the employment and labour market consequences of domestic violence.

Most importantly, C190 is adequately suited to addressing the evolution of GBVH in the world of work. Primarily, it is applicable to a broadly defined workplace as "including public and private spaces where they are a place of work". As such, the instrument recognises that the home can become the workplace when the provision of work tasks involves teleworking. This has important consequences for addressing domestic violence as a work-related issue when women who telework experience domestic abuse.

Secondly, the instrument acknowledges that violence and harassment at work can arise from: "work-related communications, including those enabled by information and communication technologies" which asserts that workplace violence and harassment can be perpetuated with the use of mobile and ICT tools, which are thus conducive to the emergence of cyberviolence at work.

Equally, the Convention emphasises that violence and harassment at work can be committed by third parties, which demands a uniform and all-inclusive approach to prevention and tackling this form of work-related violence and harassment at company / workplace and policy levels. As highlighted by the ETUC initiative "[Safe all the way](#)" on 8 March 2022, the Convention also provides for protection during commutes from and to work, as per its comprehensive definition of the world of work (Article 3).

Lastly, the instrument acknowledges that violence and harassment at work constitute a psychosocial risk to the safety and health of workers and it should be addressed as an occupational safety and health issue. The framing of GBVH as a psychosocial risk factor introduces legally binding principles of OSH risk prevention which also need to be applied to the psychosocial working environment. Given the current lack of regulations on psychological risk factors in the EU or national OSH legislation, this is a very important milestone for addressing psychosocial risks, including their gendered nature, as an occupational safety and health issue, with all the employer obligations that this entails.

## Section 3.3

# EU acquis and initiatives at EU level

In recent decades, the European Union has issued several important instruments in addressing gender inequalities, discrimination and harassment of women in the private and public sphere, also addressing the intersectional dimension. This broad legislative framework has already been comprehensively reviewed to assess its applicability in the world of work and the results of this work remain largely up to date (Pillinger, 2017a). The aim of the present section is to single out the EU instruments in terms of legislation and social partner agreements and initiatives which can address the challenges arising from the recent evolution of GBVH in a changing world of work.

### **European Social Partners' Autonomous Framework Agreement on Violence and Harassment at Work (2007)**

An overarching framework on violence and harassment, which has framed a large number of collective bargaining agreements across Europe, is the 2007 autonomous "Framework Agreement on Harassment and Harassment at Work" (hereinafter referred to as the 2007 European Social Partners' Framework Agreement), signed by the European social partners (BusinessEurope, ETUC, CEEP and UEAPME) in 2007. The framework agreement applies to all workplaces and all workers, irrespective of the form of employment contract or relationship. A useful definition of violence and harassment at work is found in the agreement, encompassing physical, psychological and/or sexual dimensions, whether in one-off incidents or more systematic patterns of behaviour. It states that violence can be perpetrated among colleagues, between supervisors and subordinates or by third parties (e.g. customers, clients, patients, pupils), and that harassment and violence can be carried out by one or more managers or workers with the objective of creating a hostile work environment. According to the final joint report by the European Social Partners on the implementation of the agreement, it has led to the introduction of a substantial number of national-level and sectoral-level agreements, as well as legislation, to protect workers from violence,

including harassment and sexual harassment (BusinessEurope, ETUC, CEEP and UEAPME, 2011).

### **Directive 2011/99/EU on the European Protection Order**

The directive is an important tool in protecting migrant women workers from violent partners or family members and can be interpreted as recognising domestic violence as also a workplace issue. The directive sets out rules for protecting persons in danger of grievous harm committed by another person, such as women at risk of domestic violence, who are under protection from the perpetrator in their Member State of residence or under the same protection when they travel abroad. The protection applies to all places or defined areas where the protected person resides or visits, including the workplace, and the communication channels the protected person uses, including those at work.

### **Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence of 8 March 2022**

The proposal aims to lay down rules to prevent and combat violence against women and domestic violence. It can potentially be considered an important tool in making necessary advances in the protection of women from violence at home and work, including cyberviolence.

However, the proposal has several major shortcomings in the application of the provisions to the world of work. Primarily, it fails to include trade unions, particularly OSH representatives in the prevention of workplace violence through social dialogue and collective bargaining. Secondly, it does not recognise domestic violence as a work-related issue, impacting the workplace safety of the victim or her employment. Furthermore, it fails to specifically include third-party violence as a significant form of violence directed at women workers which needs urgent, specific prevention provisions. Also, the proposal does not contain any provisions on the



prohibition of employer retaliation against victims reporting the experience of cyberviolence. A thorough, detailed trade union critique has been presented in the ETUC position on the proposal for a Directive on combating violence against women and domestic violence of 6 December 2022. At the time of finalising the present study, a trilogue agreement has been concluded on the draft Directive combating violence against women and domestic violence. Despite important advocacy work led by the ETUC Women's Committee, the agreement concluded on the Directive in February 2024 does not contain any improvements due to opposition of the Council. In this sense, the Directive is a missed opportunity of providing a legal framework that support trade unions in making workplaces safer.

### **OSH Framework directive (89/391/EEC)**

The directive constitutes an overarching instrument for ensuring minimum safety and health requirements at work. The directive lays down detailed employer obligations on the prevention and elimination of occupational risks, including those present in the psychosocial working environment (Article 6(2) (g)). It also provides for workers' consultation rights on health risks assessments.

The OSH Framework Directive introduces an obligation for the Council to adopt individual directives on the prevention of specific occupational hazards in the working environment. So far, 19 individual OSH directives have come into force, all laying down principles of prevention of occupational risks pertaining to the material working environment, and none addressing the psychosocial risk factors, indicated in the directive.

Nevertheless, the instrument establishes employers' obligation to prevent occupational risks arising from psychosocial factors, including the organisation of work and the use of new technologies, working conditions, and social relationships at work, which all present a ground for the emergence of GBVH at work, perpetuated face-to-face and with the use of ICT tools.

An important weakness of the OSH Framework Directive must be mentioned. The directive is not applicable to domestic workers (Article 3 (a)). This exemption constitutes a major impediment in the effective tackling of gender-based third-party violence and harassment in the domestic services sector, to which women domestic workers are particularly exposed. Furthermore, domestic work and care services are sectors with racialised labour, where immigrant women workers often find employment. The conditions are particularly prone to the emergence of racialised third-party violence

directed at women workers at the intersection of race, gender, origin, and social status. As such, the combination of such factors is conducive to a particularly high exposure to the risk of GBVH among domestic and care workers.

### **EU anti-discrimination Directives: Directive 2006/54/EC, Directive 2004/113/EC, Directive 2000/78/EC**

Directive 2006/54/ EC defines sexual harassment as "any form of unwanted verbal, non-verbal or physical conduct of a sexual nature [...] with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment." Under Article 26 (prevention of discrimination): "Member States shall encourage, in accordance with national law, CBAs or practice, employers and those responsible for access to vocational training to take effective measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment in the workplace, in access to employment, vocational training and promotion". In addition, sexual harassment is part of the scope of Directive 2004/113/EC on equal treatment in goods and services and Directive 2000/78/EC on equal treatment on the grounds of religion or belief, disability, age or sexual orientation in employment and occupation, as well as in Directive 2010/41/EU on equal treatment in self-employment.

### **Multi-Sectoral Guidelines on Tackling Third-Party Violence and Harassment at Work**

In 2010, The Multi-Sectoral Guidelines on Tackling Third-Party Violence and Harassment at Work were adopted by EU social partners in public and private service (for health care EPSU and HOSPEEM, for education ETUCE and EFEE, for local and regional government EPSU and CEMR-Employers, for commerce UNI-Europa and EuroCommerce and for private security UNI-EUROPA and CoESS). The Guidelines were adopted in 2018 by central government administrations social partners, EPSU-led TUNED and EUPAE. Between 2021 and 2023, the two-year multi-sectoral project, funded by the European Commission, on the role of social partners in preventing third-party violence and harassment at work, explored the implementation of the guidelines and a possible revision of the guidelines. The project involved social partners, signatories and non-signatories to the Guidelines, from six sectors in in local and regional government, central government services, hospitals, education and urban public transport, and one private sector employer partner (telecoms). These partners are for the employers, CEMR, HOSPEEM, EUPAE, UITP and ETNO, and for the trade unions EPSU, CESI, ETF and ETU-

CE. The project concluded to revise the 2010 Multisectoral Guidelines on third-party violence and harassment to make it more relevant to today's challenges regarding gender-based violence and digitalisation, among others. The negotiations to revise the Guidelines are expected to start in Spring 2024 with the support of the European Commission<sup>14</sup>.

### **EU Cross-Sectoral Guidelines on Violence and Harassment at Work**

The EU Cross-Sectoral Guidelines on Violence and Harassment at Work have been developed within the framework of the UNI Europa project "Eliminating violence and harassment in the world of work"<sup>15</sup>. They are the result of an extensive documentary research, and EU-wide survey among trade unions and employers and consultations with the members of the service sectors covering Telecoms, Gaming, Graphic Design and Packaging, Finance and Commerce. The Guidelines aim to tackle violence and harassment and specifically target domestic violence in the context of the workplace, third-party violence, and the psychosocial risks associated with telework. To address these issues, UNI Europa identified a need for a strong response from social partners, and joint actions and commitment to achieve a violence-free and harassment-free environment in the service sectors.

Workplace health and safety must include strong protection against discrimination, violence and harassment. The Guidelines therefore support action(s) by employers, workers, and their representatives/trade unions to prevent, reduce and mitigate the consequences of DV, TPV and risks of telework.<sup>16</sup>

### **Proposal for a directive on digitalisation in the sector of central governments**

The EU social partners in the sector of central government administration negotiated an agreement on digitalisation that includes a number of provisions to gender equality regarding access to and equal treatment when teleworking, right to disconnect. Its health and safety section contains provisions on violence and harassment at work including the need to take measures to mitigate the consequences for the victims of domestic violence. It is the first social partner agreement at EU level, which recognises the workplace dimension and gendered nature of domestic violence. The agreement was signed on 6 October 2022 and is currently awaiting the European Commission's decision on whether to implement it by a legislative proposal for Council adoption in line with TFEU Art 155.2.<sup>17</sup>

### **EU strategic framework on health and safety at work 2021-2027**

This strategic document is an important recommendation to tackle psychosocial hazards, also those arising from teleworking and the digitalisation of the working environment. It is important to note that all forms of violence and harassment at work, as well as discrimination, are considered psychosocial hazards which yet at present have not been recognised in their entity as occupational risk factors in a respective OSH legislation at EU or Member State level.

Therefore, the Commission's commitment to addressing psychosocial risk factors in the current strategic OSH framework constitutes a crucial step towards regulating the principles of prevention and tackling psychosocial risks at work in an EU directive as called for by the ETUC.

14 More information can be found here: [Third-party violence and harassment \(TPVH\) | Multi-sectoral Guidelines \(thirdpartyviolence.com\)](#)

15 More information can be found under: [Eliminating violence & harassment Archives - UNI Europa \(uni-europa.org\)](#)

16 [EU-Cross-Sectoral-Guidelines-on-Violence-and-harassment-at-work\\_Official.pdf \(uni-europa.org\)](#)

17 <https://www.epsu.org/article/eu-social-partners-signed-new-agreement-digitalisation-central-government>

## Section 3.4

# National law

### Belgium

**Work-related domestic violence** is not currently addressed by any specific provision that would consider domestic abuse as having an impact on the employment of the victims.

Gender-based violence and harassment at work has been addressed since 2014 by the Act on Wellbeing at Work. The Act expressly addresses the issue of third-party violence as prohibition of violence and harassment applies to employers, workers as well as third-party persons who come into contact with workers during the performance of their work. All those listed parties are required to refrain from any act of violence or moral or sexual harassment at work.<sup>18</sup>

Specifically in relation to third-party violence, the employer is required to carry a risk assessment accounting for the exposure of workers to psychosocial risks, including violence and harassment, that may arise from the contact of workers with persons outside of the work organisation. Following the risk assessment, the employer is also obliged to determine prevention measures protecting workers from psychosocial risks perpetuated by third parties.<sup>19</sup>

The current law can be interpreted as also covering **cyberviolence**. Belgium's legislation indeed gives a wide definition to violence, moral or harassment at work, which are understood as any situation in which a worker is threatened or physically or psychologically assaulted in the course of work.

Certain aspects of cyberviolence such as the **algorithmic worker management and digital surveillance** have been addressed by two collective bargaining agreements, which have been negotiated between social partners and constitute universally applicable agreements across sectors.

Accordingly, CBA no. 39 on information and consultation on the social consequences of the introduction of new technologies introduces employer obligation, where the employer has decided to invest in a new technology and where it has important consequences for the working conditions, to provide information on the nature of the new technology, the factors justifying its introduction and the nature of the social consequences it entails, and to consult with employee representatives on the social consequences of the introduction of the new technology. The employer is required to provide such information and consult workers on technical and social consequence of the new technology no later than three months before the start of the implementation of the new solutions.

The agreement constitutes an important advancement as it was negotiated between social partners across all sectors and is universally applicable. However, there seems to be a shortcoming to the agreement in the prevention of gender bias in the use of digital surveillance and AI algorithmic worker management as there are no provisions on addressing the discriminatory potential of new technologies based on sociodemographic characteristics of workers. Also, the agreement applies only to enterprises with at least 50 employees.

Also, CBA no. 68 on the protection of the privacy of workers with regard to surveillance cameras in the workplace introduces the employer's obligation to inform in workers in advance (collectively and/or individually) of planned camera surveillance. The information must cover all the aspects of camera use, including its purpose and retention of personal data. The camera surveillance can only be used in four instances: to ensure health and safety, protection of company property, control of production process and employee's work performance.

<sup>18</sup> Art. 32bis of the Act on Wellbeing at Work of 28 February 2014, supplementing the Law of 4 August 1996, amended by the Act of 7 April 2023

<sup>19</sup> Art. I.3-3.- § 1er. of the Title 3 on the prevention of psychosocial risks in the workplace, of Book I of the Code on well-being at work - "Titre 3 relatif à la prévention des risques psychosociaux au travail, du livre Ier du code du bien-être au travail"

Again, the agreement was negotiated between social partners across all sectors and is universally applicable. Yet, a shortcoming to the agreement in the prevention of gender bias in the use of digital surveillance is the lack of gender-based approach. However, the law provides a degree of protection from abusive or discriminatory use of digital surveillance which can only be implemented with workers' knowledge and consent, and cannot be used to film the worker at all times when teleworking, as this would constitute an intrusion into the private life of workers. Moreover, such an invasive use of digital surveillance would be contrary to the guarantees of the GDPR, which is directly applicable in all EU Member States.

In Belgium, although the conventional framework relating to telework is entirely based on the principle of non-discrimination (teleworkers must be treated as employees in their own right and must therefore benefit from the same rights and the same training and career opportunities as other comparable employees), there is at no point any specific provision for adopting a gender analysis.

## France

France addresses **domestic violence** as a work-related issue insofar as victims are entitled to unemployment benefits and early release of employee savings schemes, provided they submit proof of the complaint with their application.<sup>20</sup> French law, however, does not lay down an employer preventive framework. As such there is no duty of care on the employer to provide for the safety of victims of domestic abuse, especially where home is becoming the workplace.

**Third-party violence** is addressed as physical violence by the Penal Code when directed at numerous groups of public services workers, including on the grounds of gender insofar as it is punishable by three years' imprisonment and a fine of €45,000. (Article 222-13 of the Penal Code). Private sector workers are not concerned by this provision.

Like Belgium, the French labour code relies on a definition of harassment which can also extend to **cyberviolence**. The law introduces employer obligation to put in place a prevention plan. Employers are also prohibited from punishing victims and witnesses.<sup>21</sup> Additionally, the Penal Code contains provisions prohibiting sexual exhibition in the public

sphere which could be perhaps stretched to apply to sexual cyberharassment, i.e. sexually charged content, real or simulated, publicly disseminated (using ICT tools). The provision states that sexual exhibition imposed in public view, even not exposing a naked part of the body or a simulation of such, in a place accessible to the public is punishable by one year's imprisonment and a fine of €15,000.<sup>22</sup>

The French Penal Code also includes provisions prohibiting sexual **cyberharassment such as upskirting and downblousing** in the public sphere, whereby public sphere could also be interpreted as including the workplace. Specifically, the law states that the act of using means to view person's private parts that the person, by virtue of their clothing or presence in an enclosed space, has concealed from the view of third parties, when committed without the person's knowledge or consent, is punishable by one year's imprisonment and a €15,000 fine. Moreover, such acts are punishable by two years' imprisonment and a €30,000 fine if committed e.g. by a person who abuses the authority conferred by his or her position, when the victim is pregnant or has disabilities, when committed in public transport (which could then constitute a form of third-party violence addressed at a public transport worker), and when the images are fixed, recorded or transmitted.

However, the law does not make an explicit reference to the gender-based nature of this type of cyberviolence or the working environment.

Regarding the gender bias in the **algorithmic worker management or digital surveillance** at work, there are currently no laws in France addressing this form of discrimination in the employment, least of all its gendered nature.

## Germany

Work-related **domestic violence** is addressed by the 2011 Violence Protection Act, albeit to a very limited extent. The Act prohibits the perpetrator, upon the victim's request, from approaching places where the victim usually stays, which can be interpreted as including the workplace. No further employer obligations to protect the victim of domestic violence have been established.<sup>23</sup>

20 Decree no. 2019-797 of 26 July 2019 on the unemployment insurance scheme and art. R3324-23 of the Labour Code.

21 Article L4121-1 - L4122-2 of the Labour Code

22 Article 222-32 of the Penal Code

23 §1 (1) of the 2011 Violence Protection Act

Gender-based **third-party violence** is addressed by General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz - AGG). The aim of the Act is to prevent and eliminate discrimination on grounds of racial or ethnic origin, gender, religion or belief, disability, age or sexual identity. Third-party violence is perceived as workplace harassment or sexual harassment which constitutes a discriminatory practice in employment. Employers have a duty to protect employees from discrimination in the performance of their duties by third parties on the grounds specified in the Act, including gender or sexual identity.<sup>24</sup>

The applicable definitions of harassment are broad enough to potentially cover cyberviolence. If the employer does not take any measures or takes obviously inappropriate measures to stop harassment or sexual harassment at the workplace, the employees concerned are entitled to stop working without loss of pay, insofar as this is necessary for their protection (§4).

The role of ICT in perpetuating GBVH at work is not specifically addressed in the legislation. However, there is a Law against Digital Violence being drafted by the Federal Ministry of Justice. The Law aims to tackle “the infringements of rights in the digital space” by compelling online platforms to take stronger actions against hate speech. The proposal includes the ability to block user accounts for serious violations of personal rights, particularly when there is a risk of repetition. The proposal emphasises the need for swift action, allowing district courts to issue temporary injunctions for account blocking in urgent cases. Nevertheless, the current proposal does not specifically address work-related cyberviolence or its gendered dimension, which has been the subject of trade union criticisms, according to the German interviewed trade union expert.

## Norway

Work-related domestic violence is addressed to a certain extent as a work-related issue in Norway. The Working Environment Act requires employers to provide a safe and secure working environment for their employees. This includes protection from various forms of harm, which can extend to situations where domestic violence affects an employee's safety at work.<sup>25</sup>

The Act obliges employers to take measures to prevent harassment and other forms of harm in the workplace. While this primarily refers to workplace-related harassment, it can also encompass addressing harassment or threats that result from domestic violence issues spilling over into the workplace.<sup>26</sup> Additionally, some employers in Norway offer Employee Assistance Programs (EAPs) that can provide support and assistance to employees dealing with domestic violence. EAPs may include counselling services and resources for employees.

Gender-based **third-party violence** is addressed within the primary legal framework for gender equality in Norway, which includes the Gender Equality Act of 1978 (Lov om likestilling mellom kjønnene) and the Equality and Anti-Discrimination Act of 2017 (Diskriminerings- og likestillingsloven). The Gender Equality Act, now largely incorporated into the Equality and Anti-Discrimination Act, promotes gender equality in various aspects of society, including employment. It prohibits discrimination based on gender and requires employers to actively work to prevent gender-based violence and harassment in the workplace. The act explicitly states that employers are responsible for ensuring that employees are not subjected to gender-based harassment or violence in the workplace. These provisions can be interpreted to extend to situations of gender-based violence and harassment perpetuated by third parties. Employers and the management of organisations and educational institutions must, within their area of responsibility, prevent and seek to prevent harassment and sexual harassment. Such efforts shall encompass the areas of recruitment, pay and working conditions, promotion, development opportunities, accommodation and the opportunity to combine work with family life.<sup>27</sup> Moreover, employers have a duty to analyse the causes of identified risks conducive to gender-based violence and harassment.<sup>28</sup> Specifically in relation to **cyberviolence**, there are currently no provisions in Norway addressing the GBVH at work that can be perpetuated with the use of ICT tools. Nor are there any laws in place addressing the discriminatory potential of the algorithmic worker management and digital surveillance at work, least of all its gendered nature.

24 §12 (4) of the General Equal Treatment Act (Allgemeines Gleichbehandlungsgesetz - AGG)  
25 Chapter 4 Section 4-3 (4) of the Working Environment Act  
26 Chapter 3 Section 1-3 of the Working Environment Act  
27 Section 26 of the Equality and Anti-Discrimination Act of 2017  
28 Ibidem

## Slovenia

Work-related **domestic violence** is addressed in legal frameworks as an issue having an impact on the employment of the victims.

The Employment Relationship Act (Zakon o delovnih razmerjih) allows employees to request flexible working arrangements or changes to their work schedule in cases where they are affected by domestic violence. This may include adjustments to working hours (the right to request part-time work; overtime, unequal distribution or temporary distribution of working time or night work can be assigned to this worker only with his or her prior written consent) to ensure safety and well-being. The Act also allows for up to 5 days of paid leave in calendar year to address personal and legal matters or seek medical treatment or counselling related to domestic violence. This provides employees with the necessary time to cope with their situation. Victims of domestic violence have the right to special protection in employment relationship, and in case of dispute the burden of proof is on the employer's side. Gender-based **third-party violence** is not explicitly addressed in the legislation regulating employment in Slovenia. While harassment and sexual harassment, including on the grounds of gender, are prohibited by the Employment Relationship Act, the law introduces the employer's obligation to provide a working environment in which no worker is subjected to sexual or other harassment or ill-treatment by the employer, supervisors or co-workers, and not accounting for protection against harassment by persons outside of the workplace.

However, legislation on occupational safety and health contains provisions on the protection of employees from third-party violence. As such, the Occupational Health and Safety Act (Zakon o varnosti in zdravju pri delu) obliges employers to identify and mitigate risks to the safety and health of their employees, which can include addressing harassment and threats from third parties.<sup>29</sup> In workplaces where there is a greater risk of third-party violence, the employer must provide workplace layout and equipment that minimises the risk of violence and allows access for assistance to the workplace at risk. Also, the employer must plan procedures for cases of violence, including by third parties, and make them known to workers in such workplaces.

Gender-based **cyberviolence at work** is not specifically addressed by any legislation in Slovenia. There is a comprehensive framework on the prohibition of harassment on the grounds of gender and sexual harassment which may be applicable to a limited extent in addressing gender-based sexual harassment and cyberharassment.

Employers are obliged to ensure equal treatment of workers during the employment relationship and in connection with the termination of the employment contract, irrespective of nationality, racial or ethnic origin, national and social origin, sex, colour, medical condition, disability, religion or belief, age, sexual orientation, marital status, trade union membership, property status or other personal circumstances.

There is no law addressing the discriminatory potential of the **algorithmic worker management and digital surveillance at work**, least of all its gendered nature.

## Spain

Work-related **domestic violence** is addressed as a workplace issue in the scope of The Organic Law 1/2004 of 28 December (Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género), which constitutes a comprehensive legal framework addressing domestic violence understood as gender violence perpetuated by intimate partner and rooted in the patriarchal dominance of men over women: "as a manifestation of discrimination, the situation of inequality and the power relations of men over women, is exercised over them by those who are or have been their spouses or those who are or have been linked to them by similar emotional relationships, even without cohabitation." (Article 1).

The Law also grants a number of labour and social rights to women victims of domestic violence such as reduced or flexible working time arrangements, geographical mobility or change of the workplace, adaptation of the employment to individual factors impacting on the job, suspension of the employment contract with a right to keep the job, or termination of the employment contract with a right to unemployment benefits. Also, absences or lack of punctuality at work resulting from the physical or psychological situation caused by gender violence will be considered justified and will be remunerated. The Law also entitles self-employed women of gender violence who had to cease their activity as a protection measure to temporarily suspend

their social security contributions for a period of six months, which will be considered as effective contributions for the purposes of the Social Security benefits (Article 21).

Gender-based **third-party violence** is not explicitly addressed in the Spanish legislation, however, there are several anti-discrimination and gender equality provisions that could be applied to the protection of workers from harassment perpetuated by third parties. The provisions apply generally to the protection of workers from workplace gender-based harassment, and third-party violence in the work-related context can be considered as such.

GBVH at work are widely addressed by the gender equality in employment legislative framework in Spain. There are employer obligations in place to promote working conditions that prevent sexual harassment and harassment based on sex and establish prevention and complaints procedures.<sup>30</sup>

Gender-based **cyberviolence** at work is comprehensively addressed in the Spanish autonomous community of Galicia. The Galician Law 11/2007 on Gender Equality ("Ley Gallega para la Igualdad Efectiva de Mujeres y Hombres") Galician Law 11/2007 enacted on 27 July, focuses on addressing and providing comprehensive prevention measures of gender-based violence and has been amended to encompass cyberviolence, **applicable also in the workplace context**. Remarkably, this makes it the first law in Spain to comprehensively address this phenomenon in such a broad scope, including gender-based cyberviolence perpetuated in the working environment. Other Spanish autonomous communities laws on gender-based violence also establish comprehensive definitions of gender-based cyberviolence, however, these provisions do not explicitly apply to the working environment, as does the Galician Law.

In the Law, cyberviolence has been defined as a form of gender-based violence consisting of "online violence against women, which includes any act or conduct of gender violence committed, instigated or aggravated, in part or in whole, by the use of new information and communication technologies (ICT) such as the Internet, social media platforms, messaging and email systems or geolocation services, with the purpose of discriminating, humiliating, blackmailing, harassing or exercising dominance, control or interference without consent in the privacy of the victim; regardless of whether or not the aggressor has a marital, partner or similar emotional relationship in the present or in the past,

or a relationship with the victim. Likewise, acts of digital violence against women will be considered those carried out by men in their family, social, professional or academic environment." (Article 3)

The Law entails the promotion of dedicated awareness campaigns targeting digital gender-based violence and collaboration with social media platforms to establish swift and urgent mechanisms for reporting and removing content related to this specific form of gender-based violence.

**Digital surveillance** at work has been addressed in Workers' Statute. The law contains provisions which emphasise the protection of workers' right to privacy and the right to disconnect when using digital devices made available to them by the employer, as well as in the employer use of digital surveillance and geolocation devices to monitor the workers, which shall be regulated according to the GDPR regulation.<sup>31</sup>

Additionally, the right to worker's privacy in the use of digital surveillance is provided by the Organic Law 3/2018, of 5 December, on the Protection of Personal Data and the Guarantee of Digital Rights which also stipulates that the worker must be notified by the employer of the use of such tools. This is regarded as fulfilling the worker's right to information, however, no workers' consent for the use of digital surveillance is required by law.

There is, however, a fundamental weakness to these provisions as they do not constitute a collective law, placing the emphasis on the protection of individual rights of workers to privacy, corresponding to the individual rights of the GDPR regulation.

More importantly, no gender dimension corresponding to gender bias in the use of digital surveillance has been addressed by those provisions. Nor is the discriminatory potential of the algorithmic worker management, least of all its gendered impact, currently covered by any laws in Spain.

30 Article 48 of The Organic Law 3/2007 on Effective Equality between Women and Men  
31 Article 20 bis. of Workers' Statute

### **Box 1 Good practices - Legally granted paid "Domestic Violence Leave" in Ireland and Italy**

Ireland and Italy are the only two countries with a legal right to paid leave for victims of domestic violence. Italy has been the European leader in the policy supporting victims of domestic abuse in the world of work. The legally granted paid leave amounts to 90 days and can even be increased to more days in collective negotiations.

#### **Italy:**

The Jobs Act 2016: implements a protection programme for survivors of domestic violence who are entitled to paid leave of up to 90 working days, which can be taken over a period of three years, and is paid as maternity leave. The leave can be taken as flexible working time arrangements subject to trade union negotiations.

#### **Ireland:**

Work-Life Balance Act: An employee shall be entitled to leave with pay of up to 5 days in a 12-month consecutive period from his or her employment, where an employee or a relevant person has experienced in the past, or is currently experiencing, domestic violence, and the purpose of the leave is to enable the employee in relation with domestic violence to seek medical, psychological, relocation, legal help or complete administrative procedure.



## Section 4.

# Trade union practices

Building on our qualitative interviews, this section explores trade union practices and needs.

### Key messages

**Unions address GBVH mainly as a face-to-face behaviour. Gender-based third-party violence and work-related domestic violence have been addressed.**

**Unions engage in awareness-raising actions. Domestic violence as a work related issue is also addressed in collective agreements.**

**Unions face numerous workplace and cultural obstacles to effectively tackle GBVH and its evolution.**

**Enhanced capacity, workplace measures, change of discourse, and legal changes are the most frequently cited needs to address the issue.**

### 4.1 Forms of GBVH addressed by trade unions

The results of the qualitative study indicate that all 16 trade unions from 8 European countries have a history of active engagement in addressing GBVH perpetuated as a face-to-face behaviour by a supervisor or co-worker. However, the recent evolution of GBVH has not been addressed equally in its scope nor evenly across the studied countries.

### Front-line work: gender-based third-party violence is recognised as a priority

While violence and sexual harassment perpetrated on women at work remains central to the action of the interviewed trade unions, other growing forms of violence are also recognised. The recent rise in third-party violence directed at women, particularly those working in public services and domestic and care work which have been at the forefront of the COVID-19 pandemic, has been observed as an increasingly important issue to be addressed in trade union actions. The interviewed trade unionists expect that the issue will continue to affect women workers in essential services due to lasting staff shortages. Accordingly, the majority of the interviewed trade unions have already made efforts to tackle gender-based third-party violence or have declared it a priority in the near future.

## **Domestic violence is not yet commonly treated as a work-related issue**

A majority of trade unions interviewed for this study report indicate that actions on domestic violence as a work-related issue are still underway.

Obstacles for unions to address the issue in the work context ranged from the union not having a developed official position, difficulty in establishing employer obligations for violence that is perpetuated outside the workplace or lack of trade union expertise.

For example, the interviewed German trade unionist stated that her union addressed domestic violence as an issue disproportionately affecting women, particularly during the COVID-19 pandemic, just not in the workplace context as yet. "We are aware that ILO C190 defines domestic violence as a workplace issue so, yes, we are working on that, we are talking about the issue as such, but we have not made up our own position on this yet." (Christina Stockfisch, DGB, Germany)

As for the Slovenian interviewed expert: "the awareness of domestic violence as a work-related issue has been growing recently, next to sexual harassment and third-party violence which are definitely recognised as work-related issues." (Irena Štamfelj, ZSSS, Slovenia)

In Norway: "In our confederation, discussions have revolved around determining the extent of employer responsibility for workers' well-being, especially when incidents of violence occur outside working hours. We had previously raised awareness on the negative impact of domestic violence on employment of victims. However, the issue is not currently widely regarded as a workplace concern. But with the rise of teleworking and the employer responsibility for workers' safety, there is optimism that it will become recognised as a workplace issue." (Hege Herø, YS, Norway)

Importantly, four trade unions, from France and Spain, have been active in addressing domestic violence as a work-related issue, primarily by negotiating collective agreements at company / workplace level providing various employment protection measures for the victims of domestic violence. These experts recognised the impact of domestic violence on the employment of victims, whereby the abuse affects the victim's presence at work, punctuality, job performance, or a simple need to relocate, all leading to either resignation from the current the job or resulting in dismissal. As such, these trade unionists reported the primary need to provide measures guaranteeing a safe and stable employment to the victims so that they can break the cycle of violence.

## **Gender-based cyberviolence**

Based on the interviews, cyberviolence perpetrated on women workers has been the least addressed issue by trade unions. Only two out of six core study countries' trade unions declared that they "addressed all types of GBVH at work".

The overwhelming majority of the interviewed trade unionists declared that their unions were not currently addressing cyberviolence, mainly due to the lack of knowledge, awareness and expertise on how to address the issue in the workplace.

As the Norwegian trade union testified: "I think some of the main challenges are that we don't have this awareness and we don't have this knowledge about what actually can qualify as cyberviolence. And especially in working life, we haven't talked anything about it because it's all about the private life when things like revenge porn and stuff like that occur." (Nora Sørensen, UNIO, Norway). Another Norwegian trade unionist reported similar challenges with addressing cyberviolence at work: "We have a lot of co-workers that don't know the nature of cyber violence. I think it's the main challenge in the prevention of the issue, our lack of focus on the issue. I don't think we have regarded this as integrated into all work we do. Like if this actually had been a natural part of the shop stewards' responsibilities, this wouldn't have been a problem. But it's an addition to the main agenda for the shop stewards." (Linn Andersen, LO, Norway).

Equally, a Belgian expert declared: "We've been working on the issue of violence and harassment for a very long time but when it comes to cyberviolence or the impact of domestic violence on work, this is something we still really need to improve on. The union has much less expertise on these issues because these are new phenomena and we are yet to develop our knowledge on them." (Gaëlle Demez, ACV-CSC, Belgium)

## **Gender bias in AI management and digital surveillance**

The potential of the AI worker management and digital surveillance tools to discriminate against workers on the grounds of gender has so far been unaddressed. None of the interviewed trade unionists has declared that their union has approached the issue. However, all the experts have observed that this is a growing problem and needs to become an area of upcoming trade union action and strategy. Yet, all the interviewed trade unionists have declared that their unions currently lack any expertise to address the gender bias in the algorithmic worker management processes or digital surveillance of workers and their performance.

## Section 4.2

# Union activities



Figure 6 Tool developed by the French union CGT to measure violence at work

The following chapter provides details on trade union actions tackling GBVH at work, in the order of their frequency, from the most frequent to least frequent. While all unions address GBVH as a general issue, not all activities listed below address recent evolutions.

### Information and awareness-raising materials & campaigns

All the interviewed trade unions have declared that they are primarily active in the area of education and raising awareness among workers, and trade union delegates. These types of actions are dictated by the fact that there is a low awareness among workers of what acts constitute GBVH, as well as the issue tends to be overlooked by trade union members themselves.

The interviewed trade unions often reflected on the culture in their organisations and observed that there still tends to be a tolerance for a degree of sexist behaviour, manifested in sexist jokes or display of sexually charged content and downplaying of such acts as gender-based harassment, which needed to be tackled in educational campaigns.

The interviewed trade unions engage in the dissemination of posters, leaflets, and information materials on how to recognise and act in case of GBVH, the rights of the victims and witnesses, the laws that prohibit GBVH at work or comprehensive trade union guides containing recommendations for addressing the issue at the workplace level.

An example of a successful tool in raising awareness of the nature of gender-based violence has been the “Violentomètre” developed by the French union CGT, which presents in a simple and graphically accessible manner gender-based harassment and sexist behaviours on the scale of severity (Figure 6).

Another example is a comprehensive guide developed by the French union CFDT reviewing all legal and practical tools that can be used in the prevention of gender-based violence and harassment at work.<sup>32</sup>

Equally, the interviewed trade unions regularly engage in wider, sometimes joint social campaigns aimed at increasing social awareness of gender-based violence and its impact on the employment of women. These actions are focused on bringing attention to the root causes of gender-based violence, pointing to the structural gender inequalities that need to be fundamentally tackled to put an end to violence directed at women at home and at work.

### National and workplace surveys & studies

The second most frequent measure declared by the interviewed trade unionists are worker surveys and other studies aimed at the assessment of the incidence and risk factors of GBVH at work.

The surveys have been conducted at workplaces as well as single professional groups, whereas studies tend to have a national scope. This type of action has been declared by French, Belgian, Spanish and Slovenian trade unions.

The main rationale behind trade unions engaging in such research is the common lack of data measuring the incidence of GBVH at work, and in specific occupational groups. In spite of their gravity, and unlike other occupational hazards, such risks are monitored in the working environment.

In the absence of data informing on the exposure of women to violence and harassment at work, trade unions find it necessary to conduct such studies on their own behalf, often addressing those occupational groups that have been particularly affected by GBVH. The evidence collected in the studies is considered paramount for informing trade unions on the size of the problem and policy advocacy measures.

#### *Box 2 Survey on third-party violence and harassment in cleaning and domestic services staff by ACV-CSC, Belgium*



### ENQUÊTE Violences sexuelles envers les nettoyeuses et les aides familiales au travail

In 2017, a large national survey was conducted by the Belgian union ACV-CSC among 51,000 cleaning and domestic services' workers, identified as particularly vulnerable to violence and sexual harassment due to the isolated nature of their work. The results showed that 31.7% of cleaners had been victims of sexual harassment at work. Respondents also reported accounts of sexual violence. These findings enabled the CSC union of cleaning and domestic services' workers to identify the size of the issue in their sector and develop adequate prevention measures and policy demands.

#### *Box 3 Survey on the incidence of sexual and other harassment and ill-treatment in the workplace by ZSSS, Slovenia*



In 2022, ZSSS conducted an online survey on the incidence of harassment and ill-treatment at work. 497 workers responded to the survey in total, 70% of them women and 30% men. The results indicated that more than one-third of the respondents experienced ill-treatment at work and 6% experienced sexual harassment at work. The perpetrators were mainly supervisors or middle/senior management, followed by coworkers and third parties. Victims of workplace harassment suffered a range of negative effects, from anxiety and body pains to depression or even suicidal thoughts. Gender differences were noted, with men more prone to anger and guilt, while women were more likely to experience exhaustion, depression, and insomnia. A third of respondents were uncertain about the existence of formal company measures, and 40% lacked awareness of informal measures, highlighting a need for improved measures to combat workplace harassment and increase employee awareness of available resources.

## Victim support measures

Several trade unions participating in the present study have reported on support measures offered to victims of work-related gender-based violence, including domestic violence. Among such aids, the most frequently declared was:

- *facilitated access to psychological help, either by covering the cost of the counselling by the union, or arranging for employer-paid help, or through cooperation with a non-governmental organisation providing psychological help to victims of GBVH;*
- *facilitated access to legal help, either through a dedicated trade union fund for covering legal cost, or providing legal services by the trade union legal advisers;*
- *establishing a trade union fund for victims of domestic violence to cover the costs of relocation;*
- *initiating negotiations with the employer on the introduction of protection measures for the victims, such as paid leave and isolation from the perpetrator;*
- *training of trade union delegates on encouraging the reporting of violence and harassment, offering the assistance to the victims, and mediation of disputes.*

## Policy advocacy

Several trade unions are actively engaged in policy advocacy and entering into negotiations with national governments on the introduction of improved provisions preventing GBVH and protection of the victims. For example, the German DGB union has developed a comprehensive set of demands on the adoption of gender perspective in the prevention of violence and harassment and other forms of discrimination directed at women in the changing world of work (Box 4).

### Box 2 Survey on third-party violence and harassment in cleaning and domestic services staff by ACV-CSC, Belgium

22nd DGB Statutory Federal Congress  
Berlin, 8–12 May 2022



#### Application A002: CHANGE IS FEMALE – firmly establishing the gender perspective in transformation!

Applicant:	DGB Federal Women's Committee
Status:	Adopted as amended
Recommendation of the	Adopt as amended
Subject matter:	A – Democratic and economic awakening – trade unions shape the future

The union has put forward such demands as: a call for a digital workplace with equal opportunities for women and men; reducing discrimination in the use of new technologies at work; improving platform work through clear rules addressing discrimination of women in digital jobs; applying gender-perspective in climate change policy; address the issue of unpaid labour invested in care and household duties by women and gender-pay gap; higher investments in gender equitable organisations.

On the basis of this position, DGB has been engaged in negotiations on the proposal of law against digital violence by the Federal Ministry of Justice, advocating for the inclusion of trade unions as frequent victims, granting powers to trade unions in taking legal actions for violating the law on cyberviolence, as well as allowing wider access to personal data on citizens collected in the digital sphere.

The Belgian ACV-CSC union has also been active in addressing sexual violence and harassment perpetrated on public railway transport staff. Following the reports the union received from women rail staff of frequent experience of sexual violence and harassment by passengers, the union carried out a survey among rail workers and the results informed of acts of sexual harassment, sexual assault and even cases of rape experienced by the railway staff.

The data gathered in the survey was subsequently presented to the Ministry of Labour and advocated for creating a policy addressing third-party sexual violence and harassment among railway workers. These efforts culminated in November 2022 with a proposal for a parliamentary resolution comprehensively tackling sexual violence and harassment on public railway transport.

#### *Box 5 Proposal for a parliamentary resolution on combating sexual violence and harassment in public railway transport (Belgium)*

The proposal for a parliamentary resolution combating sexual violence and harassment on public railway transport is a comprehensive plan addressing sexual violence and harassment perpetrated by passengers on the general public and railway workers. The proposal has been informed by the Belgian Institute for Equality between Women and Men and widely consulted with Belgian railway trade unions.

It proposes a national action plan that involves cooperation with all stakeholders. The plan encourages regional authorities to support public transport companies in conducting awareness campaigns, informing the public and staff about relevant legislation, promoting respect, and providing support information. The proposal includes provisions for a coordinated safety awareness strategy, emphasising the gendered nature of sexual violence and harassment, incorporating discreet reporting mechanisms like online applications, a toll-free number, and onboard alarm buttons. Additionally, it calls for the adoption of a GBVH policy by public railway operators, including preventive measures and support procedures for affected staff and passengers. The document also advocates for streamlined access to incident reporting registers, anonymous reporting mechanisms, and specific guidelines for victims. Improved data collection through annual surveys and the publication of an annual report on complaints related to sexual violence and harassment are key components of the proposal.<sup>33</sup>

#### **Collective bargaining agreements and social dialogue practices**

Unions are mostly engaged in tackling face-to-face gender-based violence and harassment through collective bargaining at workplace level. Domestic violence has been the most frequently addressed in collective bargaining agreements concluded at company / workplace level. Gender-based third-party violence has also been tackled, yet to a lesser extent. While gender-based cyberviolence and gender

bias in algorithmic worker management & digital surveillance of workers are yet to become the subject of future collective bargaining.

The following are selected examples of collective bargaining agreements concluded by the trade unions in the six core study countries and addressing the recent evolution of GBVH at work. Several agreements and other negotiated internal codes of conduct tackling face-to-face GBVH are also highlighted as interesting practices that could inspire future policies.

## Collective bargaining agreements addressing domestic violence as a work-related issue

### *Box 6 Collective Bargaining Agreement for gender diversity and professional equality of energy workers, 2021-2025 at EDF SA (France: CFDT, CFE-CGC, CGT, CGT-FO)*

The CBA on gender diversity and professional equality concluded between energy operator EDF and major French trade unions in the energy sector establishes provisions for ensuring gender equality in working conditions and pay, as well as measures on combating gender-based and sexual violence and harassment in the company.

The agreement applies a gender dimension in the prevention of occupational risks. Key indicators in the area of OSH (accidents, absenteeism, occupational illnesses) are to be monitored by gender. Moreover, the agreement envisages company support measures for victims of domestic violence, emphasising the company's awareness of the impact of domestic violence on the employment of victims. As such, the company has entered into a partnership with an NGO combating GBVH (FIT – une Femme un Toit) to help develop victim support measures such as: flexible working time arrangements, financial and social assistance, emergency or long-term accommodation, mobility, workplace safety, administrative and banking assistance, suspension and smooth return to employment, awareness raising campaign on the issue of domestic violence affecting women, also in the labour market, among others.

### *Box 7 Collective Bargaining Agreement for gender diversity and professional equality of railway workers, 2021-2024 at SNCF (France: CGT, UNSA-Ferroviaire, SUD-Rail, CFDT)*

The CBA on gender diversity and professional equality concluded between public railway operator SNCF and major French trade unions in the railway sector establishes provisions for ensuring gender equality in working conditions and pay, as well as measures on combating GBVH in the company. The company envisages worker' training on the company's policy addressing GBVH (prevention measures, protection of victims, sanctions on the perpetrators of violence), as well as online dissemination of educational materials on GBVH, addressed to all workers (Article 4.1).

The company also commits to fulfilling its legal obligations imposed by Article L-4121-2 of the French Labour Code, establishing employer obligations to ensure the health and safety of the employees in the workplace. Crucially, SNCF also commits to a wide support of workers who are victims of domestic violence by offering the following aids: public display of helpline numbers for victims of domestic violence, authorisation of 3 days of paid leave for victims to enable legal or medical consultations, awareness raising and training of supervisors, HR managers on the impact of domestic violence on victims' job performance and employment, facilitating access to alternative accommodation, flexible working time arrangements and geographical mobility, guarantee of confidentiality, cooperation with social workers and psycho-social centres on assisting victims of domestic violence, accompanying managers in a better understanding and support of the victims.

## Box 8 Other collective agreements addressing domestic violence

### 1. Agreement on Professional Equality between Women and Men and Work-Life Balance within Orange S.A. 2018 – 2020 signed by FO, CFDT, CGT, CFE-CGC, SUD

Support measures for workers victims of domestic violence included in the agreement:

- Possibility of requesting by the company the support of social services in assisting the victim in external procedures dealing with reported acts of domestic violence;
- Possibility of mobility, arranging for an emergency shelter for the victim and children;
- Specific emergency rehousing scheme subject to the filing of a complaint within the framework of "Action logement" – arranging for a safe accommodation for victims, facilitated by social workers.

### 2. Diversity and Inclusion Agreement - METRO France signed on October 1, 2020 by CFTC - CGT-FO - CFE-CGC:

Support measures for workers victims of domestic violence included in the agreement:

- Facilitated access to geographical mobility for workers who are victims of domestic violence;
- Facilitating a financial support to workers who are victims of domestic violence of a sum exceeding €1,000 paid out by the National Social Fund;
- Coverage of up to 3 months' rent for emergency housing granted to victims upon presentation of supporting documents (court decision, filing of complaint).

### 3. Agreement on professional equality between women and men – U Enseigne cooperative signed on 30 June 2021 by FO and the CFE-CGC:

Assistance for employees who are victims of domestic violence:

- Flexible working schedules;
- Emergency geographic mobility solutions;
- Emergency housing assistance;
- Administrative support;
- Childcare support;
- Training of HR managers on the impact of domestic violence on the employment of victims;
- Prevention and awareness-raising actions within the Company, developed both for managers and for all employees: poster campaign, distribution of information leaflets, display of emergency numbers, information meetings, organisation of conferences on the subject, etc.

### 4. Petit Bateau teleworking agreement signed by FO and the CGT on 22 November 2021:

The agreement offers support measures to workers in telework at risk of domestic violence formulated as:

- In order to take into account situations where the transition to mandatory teleworking exposes or would expose the employee to a risk of domestic or intra-family violence, the company undertakes to facilitate contact with the professionals concerned (police, specialised associations, etc.);
- As soon as the employer is informed of the situation, it undertakes, at the request of the victim, to remove the notice period from the reversibility clause, to immediately put an end to teleworking from home or to organise it in a third place.

### 5. La Poste agreement on professional equality signed on 21 July 2022 by FO, CGT, CFDT, CFTC, UNSA:

Support measures for victims of domestic violence, physical and psychological:

- Support in finding a suitable housing solution;
- Geographical mobility solutions in the event of exceptional situations;
- Three special authorisations for absences to carry out the required administrative procedures.



## Collective bargaining agreements addressing gender-based third-party violence at work

### *Box 9 Collective Bargaining Agreement clauses addressing gender-based third-party violence at work concluded by CCOO, Spain*

Prohibition of harassment under any circumstances, including third-party violence

*"The prohibition of all behaviour of harassment and violence at work in the workplace must be respected regardless of who commits it (whether managerial or ordinary staff of the companies themselves, as well as employees of temporary employment agencies, suppliers, customers, contractors or visitors) and whether they are committed in the workplace or in any other work environment outside the usual workplace in which they are located for work reasons (travel, meetings, parties, events or any other circumstances with a work connection, including the times and places of travel from home to any work destination and vice versa)".*

### *Box 10 Sectoral Collective Bargaining Agreement clauses addressing any forms of violence and harassment for the Hospitality and Tourism Industries, Slovenia*

*"The employer adopts and implements measures to reduce the risk of violence by third parties. The employer adopts and implements measures to protect workers from violence, mistreatment and harassment at the workplace by the employer, superiors or colleagues."*

## Other good practices

### Workplace procedures for reporting and investigating GBVH at work

#### *Box 11 Collective Bargaining Agreements clauses addressing work-related gender-based violence concluded by CCOO, Spain*

Guarantee of the safety of workers who may be involved in different ways in the investigation process that is carried out in a situation of harassment:

*"The Company shall ensure that workers who believe they have been harassed, who make a complaint about harassment or who assist in any process, for example by providing information or acting as a witness, will not be subject to intimidation, persecution or retaliation. Any action in this regard shall be considered as a matter subject to disciplinary sanction."*

Establishment of precautionary measures:

*"In cases of complaint of sexual harassment and until the closure of the procedure, and provided that there is sufficient evidence of the existence of harassment, the Equality Committee shall request as a precautionary measure the separation of the victim and the alleged harasser, as well as other precautionary measures that it deems appropriate and proportionate to the circumstances of the case, including those provided for in Organic Law 1/2004 of 20 December, on comprehensive protection measures against Gender Violence (Art. 21.1), by means of a letter addressed to the Department of People and Values of the company. These measures, in no case, may cause the victim any harm or impairment in his or her working conditions, or substantially modify them."*

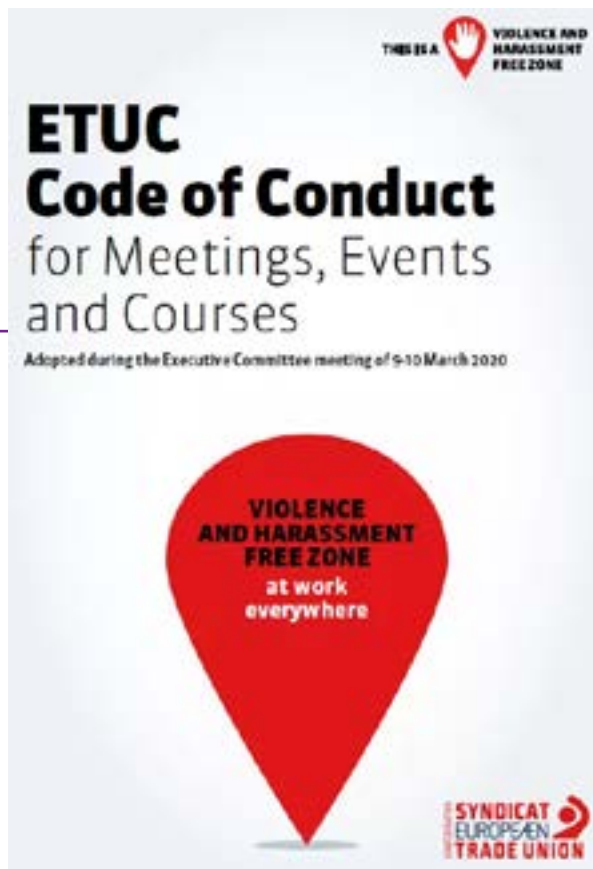
Protection of the victim:

*"The punishment can never fall on the victim, nor can it be retaliated against, or against the people who testify. Their guilt will be avoided by supporting them at all times and informing them of the existing resources in the signatory trade union centres in the event that they wish to take legal action."*

### Sanctions on the perpetrator of GBVH at work

#### *Box 12 Collective Bargaining Agreements clauses addressing work-related gender-based violence concluded by CCOO and UGT trade unions in Spain*

Collective agreements negotiated in the sectors of chemicals, cement derivatives, hairdressing salons, beauty institutes and gyms foresee disciplinary measures against the perpetrator in case of grave misconduct.



In 2020, the ETUC has adopted a [Code of Conduct for Meetings, Events and Courses](#), affirming a zero tolerance approach for any type of violence and harassment including sexual harassment, aiming to prevent incidences of violence, harassment and sexual harassment. The policy defines expected – and prohibited conduct and presents the complaint process and procedure including outcomes and remedies.

*Box 13 Code of Practice on Sexual Harassment and Harassment at Work in Ireland*



Colmislún na hÉireann um Chearta an Duine agus Comhlonannas  
Irish Human Rights and Equality Commission

The document has been developed by the Irish Human Rights and Equality Commission under the auspices of the Minister for Children, Equality, Disability, Integration and Youth and in consultation with trade unions. The code provides comprehensive and advanced best practice guidelines on preventing workplace sexual harassment and harassment

at work. Employers in Ireland are legally obliged to take measures to prevent and address harassment in the workplace, and failure to do so may result in legal consequences. This code serves as a valuable resource to help employers and employees meet these obligations and create a safe and respectful work environment.

## Section 4.3

# Obstacles

The following section outlines major workplace and cultural obstacles that prevent trade unions from effectively addressing GBVH at work. These accounts are based on the opinions of trade unionists shared in the course of the qualitative study.

### Workplace obstacles

#### **GBVH is not recognised as a systemic issue by employers**

During the interviews, trade union experts shared a common view that employers were the largest impediment to the prevention of GBVH at work. This is mainly due to the lack of recognition by employers that structural inequalities are present in every sphere, including private life, access to public services, labour market and terms and conditions of employment. Employers tend to view sexual violence and harassment perpetrated on women workers as individual acts of workplace misconduct, most likely a matter of a personal conflict between the workers involved.

This perception of the issue not only denies the nature of the problem but also favours victim blaming, implying that she was also the one responsible for the violence.

#### **Lack of workers' involvement in defining prevention measures**

Another observation shared by the interviewed trade union experts pointed at the failure of employers to consult workers in the development of GBVH prevention measures. Despite the fact that European and national legal frameworks place an obligation on employers to enable workers or their representatives' participation in discussions on all questions relating to safety and health at work, including the psychosocial risks, which GBVH certainly are, employers in all the interviewed countries have been reported as reluctant to fulfil this obligation. The prevention measures, if

introduced, tend to be a "unilateral decision of the employer" without carrying out any consultations with workers. Trade unions are thus regularly left out of the development of GBVH measures, which may be the most important reason why the prevention plans have not been successful in preventing the increase of violence against women.

#### **Tolerance for gender-based violence**

Workers commit acts of GBVH because there is a culture of tolerance for sexism in the workplace. Norway has been referred to as the only country where such a culture has been eradicated with gender-neutral social policies, which are aimed at fostering a safe and inclusive working environment irrespective of workers' gender. However, the gender-neutral policies (as opposed to gender-sensitive policies) were also described as ignoring important gender differences, which can induce a hidden gender discrimination. The Norwegian trade unionists reiterated that gender perspective and women's rights are disappearing in gender-neutral laws, and have been concerned that the Norwegian gender-neutral approach to public policy is not a guarantee of gender equality between women and men. As a Norwegian trade union expert stated: "UNIO trade union wants to emphasise that the gender-neutral approach in all policymaking in recent years is one of the main reasons why the efforts to combat violence and harassment lack a gender perspective, and why there is so little data." Accordingly, Norway has been repeatedly criticised by the UN Committee on the Elimination of Discrimination against Women for not having a gender-sensitive approach when developing policies and measures. For example, the lack of gender-sensitive measures in Norway has been identified as conducive to "systematic discrimination against women and men in the healthcare system because we have overlooked the significant differences between the genders", as explained by Nora Sørensen of the UNIO trade union, citing a report by Women's Health Committee.<sup>34</sup>

34 Women's Health Committee (March 2023). "The Big Difference" ("Den store forskjellen")

The phenomenon of tolerating gender-based violence has been commonly reported by the interviewed experts across the EU. As such, sexist jokes or sexually charged content displayed by workers in workspaces is tolerated or people pretend not to notice it. According to the Slovenian trade unionist: "People tend to normalise unwanted behaviours at workplaces, and also women tend to rationalise sexist jokes to avoid talking about it with colleagues for fear of inciting interpersonal conflicts at work. I think it's very interconnected with the social inequalities around gender and power and we, as a society, need to do more about it." (Irena Štamfelj, ZSSS, Slovenia).

Such tolerance for sexist behaviours has also been observed even within the trade union organisations, so the unions recognise that they also need to undertake greater, continuous efforts on raising the issue in the trade union debate.

#### **Lack of knowledge or training on GBVH**

A possible explanation for the tolerance culture for GBVH at work may be the commonly identified lack of knowledge among workers and employers alike on what type of acts constitute sexist behaviours. This is one of the main reasons why all the interviewed trade unions invest substantial resources in educational and awareness-raising campaigns and training of trade union delegates. As workers do not have sufficient knowledge of the nature of GBVH, they are more prone to commit such behaviours and the victims are less likely to recognise they have been subjected to derogatory behaviour on the grounds of gender. As the Slovenian expert asserted: "I think that a lot of violence that is done, despite all the trainings and awareness raising activities, is not recognised and not reported. People are not well enough aware about the forms of GBVH at work and how to cope with them." (Irena Štamfelj, ZSSS, Slovenia)

The lack of knowledge on the nature of GBVH at work becomes even more acute in the light of the emerging cyberviolence as workplaces are transitioning to digital processes and forms of communication. Similarly, there is a very little knowledge among workers and trade unionists alike on how the gender bias is perpetrated in the AI tools used to manage and monitor workers, and the ways it can be collectively tackled.

#### **Prioritising GBVH in trade union action**

The interviewed trade unionists indicated that the issue of GBVH is often not a top priority issue for their organisations. Given the very limited personnel and financial resources that unions have to operate with, they decide to invest them to respond to other urgent problems that emerge on a regular basis. Naturally, unions tend to be particularly engaged in pay issues, terms and conditions of employment, and responding to unlawful dismissals, or group redundancies.

#### **Complicated investigation procedures**

Lastly, trade union experts have pointed to complicated workplace procedures in the investigation of reported acts of GBVH. Often, there are no clear, openly available guidelines on the steps involved in the reporting of GBVH, which discourages victims from exposing the issue. The victims are uncertain about what actions the procedure entails and are afraid of being exposed to victim-blaming which would only aggravate their situation. However, it is the frequent absence of workplace measures that would protect the victim from retaliation, further discrimination in employment or dismissal that successfully discourages the victims from undergoing the investigation of reported acts of sexist behaviour.

#### **Attacks on trade unionists**

Several trade unionists have also pointed out that an active engagement of trade unionists in the fight against workplace GBVH is met with repercussions by employers. Trade unions observe intimidation of members active on the issue as they face workplace bullying and attempts by employers to dismiss such workers under often false pretexts. Strategies of violating labour rights, union busting and failing to respect the right of the unions to participate in the shaping of working conditions at the workplace are precisely geared towards undermining the union's strength in collective action aimed at putting an end to workplace violence and harassment, particularly those on the grounds of gender.

## Main obstacles in trade union efforts to tackle the issue

### Victims perceived as the cause of violence

*"I think that the root cause of this whole harassment, violence, gender-based, is in the gender stereotypes and gender inequality and, essentially, the patriarchal culture. Could we get rid of gender-based violence at work if we don't get rid of the patriarchal gender inequalities in society? No, overall I don't think we can.*

*I think gender-based violence, male violence against women and girls, workplace, and sexual harassment all are rooted in a culture where women are still unequal. So, there are still gender inequalities in the labour market. And so, it is a core part of trade union business to campaign for gender equality in society and in the labour market."*

Clare Moore, ICTU, Northern Ireland

Among the most important factors hindering trade union efforts in putting an end to workplace GBVH has been cited the culture of victim blaming. The process of re-victimisation is not unique to the workplace, it is actually embedded in the cultural, patriarchal expectations on gender roles.

### The lengthy court proceedings

Likewise, the interviewed experts often mentioned the strenuous court proceedings for victims of sexual harassment or gender-based discrimination. All the European countries that were represented in the study have legal provisions placing the burden of proof on the victims in the court proceedings investigating the reported act.

This is viewed as a major obstacle in reporting and taking workplace GBVH to court. Victims, who have already undergone trauma as a result of experiencing violence, are subjected to yet another strain linked with the struggle to prove they suffered assault or harassment in court. This factor is perceived by the experts as a fundamental problem in the underreporting of acts of sexual violence and harassment, contributing to the maintenance of a culture of sexual violence, as the perpetrators often go unpunished.

### A structural phenomenon which can only be resolved collectively

As already mentioned, the fundamental problem lies with the individualisation of acts of sexual violence and harassment, both in the workplace by employers, and society as a whole that perpetuates victim blaming, failing to recognise the issue as a structural problem rooted in the patriarchal culture perpetuating unequal gender power relations. The perception of gender-based violence as a problem pertaining to particular individuals applies an ontologically incorrect discourse which needs to be fundamentally tackled to effectively end the gender power dynamics sustained by violence and perpetuating the gender inequalities.

## Section 4.4

# Trade union needs

### Strengthened trade union capacity and collective bargaining

All the interviewed trade unionists have voiced the primary need of enhanced trade union capacity to address GBVH, including its evolving forms, at workplace and policy levels. Trade unions need to be empowered by making the prevention of gender-based and sexual violence a subject of negotiations at all workplace levels, with an obligation for employers to do so.

The interviewed trade union experts have also unanimously expressed the need for updated and quality training. The understanding and the expertise of the newly evolved, work-related GBVH needs to be increased. Substantial efforts need to be invested in building trade union knowledge and strategy in addressing gender bias in the AI tools used to manage and monitor workers, which is an upcoming priority for the unions, also a subject of a wider social campaign. To this end, studies and surveys assessing the discriminatory potential of such tools are needed.

Workplace trade union representatives who have been dedicated to assist workers experiencing GBVH should be more empowered to take preventive and supporting measures. To achieve this, they need to have extended powers in taking action on behalf of the victim, mediating the dispute, and assisting the victim in the entire investigation process, also facilitating contacts with social services or psychological and legal aids. Equally, the same level of support needs to be granted to workers in small enterprises.

Concerning domestic violence, the experts have pointed out that the solution should not be to limit remote working as such, as this is a way of reconciling work and care responsibilities for many women workers. Instead, measures should be undertaken to provide safe working conditions for persons suffering domestic violence while working from home. However, some trade unions

raised concerns during the interviews that the use of remote working as a means to combine work with family duties may reinforce the stereotypical gender norms, whereby women are viewed as the primary caregivers. "No one argues that men should have flexibility in their jobs with remote work so they can contribute more at home and achieve a better balance between work and domestic obligations. Moreover, the struggle for the right to full-time work for economic independence and freedom [of women] is precisely part of the discussions around the invisibility and lack of investment in women who often work part-time because they are not present and available in the same way as full-time [male] colleagues." (Linn Andersen, LO, Norway). Therefore, the development of remote work provisions should become an important area of union strategies, backed by data from studies further exploring the impact of teleworking on domestic violence.

### Structural approach

All the interviewed experts have emphasised the fundamental need to change the approach to addressing GBVH at work from an individual to collective issue. It has been commonly reported during the interviews that although the laws tackling the issue are in place, their implementation at the workplace level tends to be framed as measures preventing individual workers from committing the abuse. This approach fails to address the issue comprehensively. Focusing on GBVH as an individual problem of workers only conceals its structural nature and diverts the prevention from tackling the root causes of the problem. Furthermore, it is not uncommon to observe victim blaming at workplaces, where it is the victim of the gender-based abuse who is considered as the cause of the problem and faces further discrimination and even retaliation by the perpetrator or employer. Accordingly, there is a strong need to approach the issue as a collective problem embedded in the patriarchal culture,

which drives gender inequalities and violence, also manifested in the labour market.

### **Strengthened prevention measures and culture**

There has also been voiced a general need for policies enabling a strengthened prevention of GBVH at work, fostering a non-tolerance, safety culture. The aim is to foster stronger legal obligations on employers to prevent the issue, treating it as an occupational safety and health hazard, with enforceable sanctions for non-compliance. There is also a need for an improved enforcement of existing and future laws preventing the issue, including its recent evolution. The prevention measures also need to be extended to domestic workers and other vulnerable groups in non-standard forms of employment who are particularly exposed to GBVH at work, such as by third parties, yet are left without any protection measures. The awareness-raising actions at company/workplace level must also be fostered at all times to maintain an up-to-date knowledge of the problem among workers and managers alike. Workplaces should integrate the prohibition of GBVH curricula into training plans and foster a gender-equal workplace culture.

### **Protection of victims and facilitating procedures**

All the interviewed experts have advocated for the need to secure employment and protection of victims of domestic violence and GBVH at work through various measures. These include an immediate entitlement to sick leave, the right to flexible working arrangements, shift work, paid leave, and the option for voluntary or geographical mobility. Additionally, victims must be entitled to free medical, social, and psychological care. To ensure job security for women victims of domestic violence, the trade unions have suggested measures prohibiting dismissal of victims, and guaranteeing their safety at work, where domestic violence spills over to the workplace. The protection should be extended to witnesses of GBVH, with clear workplace-level reporting procedures. Several experts have also expressed the need for initiating the investigation, irrespective of whether an official written or just a verbal complaint has been made. This is to ensure that a formal complaint is not the sole requirement for launching an investigation. Adequate compensation for victims of GBVH at work and the removal of obstacles to reporting, coupled with a shift in the burden of proof, are essential components of such a protective framework.

### **Support from public authorities**

The experts have also frequently voiced a need for an enhanced support of public bodies in trade union efforts aimed at ending gender inequalities and gendered abuse in the labour market. To this end, public institutions should initiate a cooperation with trade unions in social awareness-raising campaigns, particularly informing themselves on the recent evolutions of gender abuse in the world of work. There is also a need for an enhanced social dialogue around policy changes, and enforcement of legal provisions. Such measures may include actions like identifying a dedicated national body to build policy addressing the GBVH in the world of work across all sectors and company sizes. Public authorities also need to become involved in the quantitative and qualitative assessment of existing prevention measures to identify their applicability in tackling the evolution of GBVH at work, and crucially, to oversee the implementation of the ILO Convention 190. There is also a need to approach the problem within a comprehensive national action plan, involving all social partners, and integrate work-related GBVH into social policy frameworks.

### **Legal changes**

Equally, the interviewed trade unionists have commonly advocated for numerous changes to existing legal provisions. The experts have also emphasised the need for an action plan with specific deadlines for transposing directives or conventions. The suggestion has been to classify sexual harassment and gender-based harassment within a sanctioning regime, considering different levels of severity, and explicitly stating that such conduct may warrant disciplinary dismissal. This would entail an introduction of clear legal clauses prohibiting all forms of GBVH at work, categorising them as very serious offences. The overall goal has been to integrate GBVH into legal policy frameworks.



## Section 5.

# Policy Recommendations

This section puts forward policy recommendations to tackle the evolution of work-related gender-based violence, building upon both the conducted interviews and a discussion with trade union experts held during the ETUC Women's Committee workshop in Vienna on 26-27 October 2023.

### Key messages

**Increasing work precarity, sweeping digitalisation in a legal and policy vacuum and the lack of data exposing the size of the problem are clear drivers for increased GBVH at work.**

**Unions can achieve substantial progress by negotiating company / workplace policies, supportive measures in collective agreements and awareness-raising activities.**

**Social dialogue can be reinforced by updated legal frameworks that should account for recent shifts in the world of work and support for collective bargaining. The implementation of ILO C190 appears essential in this regard.**

**Enforcement of legal rights is critical.**

### 5.1 Overview of challenges

The present study has highlighted a number of challenges caused by recent changes in the world of work.

First, it is important to approach the evolution of work-related GBVH within a broader socio-economic context. A gender reading must be applied to the underfunding in public services and deterioration of employment conditions across public and private sectors. Temporary, short-term and precarious job contracts, particularly in women-dominated work, perpetuate the structural gender inequalities.

The recent COVID-19 crisis has particularly exposed the dire consequences of the austerity measures. The understaffing in the delivery of public services has been exacerbated by the pandemic-induced staff shortages, resulting in increased job strain of workers trying to respond to the increased demand

for healthcare and social services. Those front-line women workers employed in women-dominated sectors have been particularly exposed to gender-based third-party violence from patients, their families, users of public services, students, pupils, etc.

Furthermore, precarious and badly paid jobs in feminised sectors translate into economic violence. Women in vulnerable situations and/or belonging to groups possibly facing multiple discriminations are particularly exposed to violence and harassment at work. Economic dependency (for both genders) exacerbates domestic violence and makes it much more difficult to put an end to it.

Both the austerity measures and the reduced employment protection of women workers in the public and private sector are expected to remain dominant policies as the economies currently are dealing with the effects of the pandemic and energy crisis amid the war in Ukraine.

Second, the sweeping digitalisation of work processes and communications channels in both new forms of work and traditional workplaces has been the breeding ground for the emergence of cyber-violence and gender bias in algorithmic worker management and digital surveillance of workers. It has been observed that GBVH has been perpetuated with the use of ICT tools, as an expression of gendered inequalities, imbalances and power struggle, when physical contacts at work are reduced.

The interviewees unanimously report that these shifts in the world of work have been conducive to the increase in GBVH at work.

Third, the increase in GBVH is difficult to quantify due to the lack of official data.

While the increase in domestic violence is relatively well documented, there is a lack of studies examining the causal relationship between (sometimes forced) teleworking and the experience of domestic abuse. Nor is there any systematic, comparable data measuring the gendered nature of third-party violence available. Yet, according to our interviews, the gender dimension of third-party violence is significant both because of large representation of women in underfunded services and because violence against a women worker almost systematically deviates to gender-based abuse. Similarly, there is a paucity of data assessing the exposure of workers to cyberviolence, least of all its gendered nature. National surveys have been conducted on the experience of sexual cyberharassment in the general public, however, very few such studies have been carried out in the workplace context. Equally, it is difficult to quantify the exposure of women to the discrimination in the use of AI tools in the management and monitoring of workers. Although there have been figures available on the use of AI tools in the labour market in some Member States, there has not been any attempt to investigate the gender bias in these tools yet.

As a result of this lack of data, the recent evolution in GBVH at work is underestimated and insufficiently communicated upon. The relative inability to measure evolution of cases also means that it is not possible to evaluate the real impact of prevention measures, both legal provisions and workplace policies.

Finally, the lack of data, and thus awareness of the issue, is probably one of the reasons why legislative frameworks tend not to keep up with latest evolutions in the world of work. The majority of current instruments address GBVH at work only as face-to-face behaviour.

However, even though legal provisions are currently in place prohibiting face-to-face gendered abuse at work, there are serious problems with the enforcement of these laws. This challenge is an old one and by no means specific to the recent evolutions in GBVH at work. Examples of obstacles to the enforcement cited in our research include reluctance to report the experience of the abuse at work by fear of not being believed and/or of retaliation, and isolation of victims. Overall, there is a general lack of trust in the justice system.

While third-party violence and sexual harassment (in its "traditional" form) are largely recognised as workplace issue, this is less the case for domestic violence and cyberviolence. In practice, this means that employers are not recognising that their duty of care also applies to domestic violence and cyberviolence. This is a major obstacle to trade unions trying to negotiate preventive measures in collective agreements and other forms of joint actions. The gender dimension of AI management and digital surveillance also remains insufficiently addressed.

In the light of these multiple challenges, recommendations are threefold: strengthening trade union and social dialogue strategies at all levels including EU level, strengthening enforcement of legal rights, and addressing the weaknesses of the legal frameworks. While indispensable, changes in legal frameworks and their effective enforcement are unavoidably time-consuming and will require significant and sustained engagement from unions and their allies in policy advocacy. Successful social dialogue strategies can therefore be considered as a means of rapidly addressing new challenges at the workplace. For this reason, we will look at this first. For legal frameworks and enforcement, many of our recommendations are already well known and not specific to recent evolutions. They aim to increase legal protection of victims and secure access to justice.

## Section 5.2

# Social dialogue strategies

Social dialogue strategies specifically aimed at addressing GBVH must be read in the context of broader union actions centred on the elimination of precarious jobs in particular in women-dominated sectors.

### Negotiate new or updated workplace/sectoral policies

Company / workplace level policies to prevent and eliminate GBVH need to be included in contracts to raise awareness and to underscore that there is a zero-tolerance policy in the respective workplace or sector, including sanctions. Workplaces or sectoral policies to prevent GBVH should contain several components.

- *Employer's duty of care*

It is crucial that employers officially acknowledge and fulfil their duty to prevent GBVH at work as they have a legal and ethical responsibility to provide a safe and harassment-free working environment on several grounds, including gender. Such an acknowledgment can contribute to a cultural shift within the workplace. It sends a clear message to workers that any form of GBVH will not be tolerated and that the organisation is committed to creating an environment where everyone feels respected and valued.

Crucially, the employer's duty of care has to account for the recent evolutions in GBVH. The prevention measures must encompass the employer's responsibility for ensuring workplace safety for victims of domestic violence and their coworkers. Employers also need to recognise that domestic violence has an impact on the employment of victims who under no circumstances may be penalised for reduced work performance in such situations. Equally, the gendered nature of third-party violence has to be acknowledged, and specific policies need to be introduced to protect women workers from gendered abuse by third parties. Likewise, the

gendered dimension of cyberviolence in all its forms must be acknowledged and preventive measures applied. Employers also need to acknowledge and prevent the potential of gender bias in the use of AI tools in the management and monitoring of workers' performance.

The employer's duty of care has to be extended to all workers, regardless of the type of employment or contract. This is particularly important as these are workers in precarious jobs who are most exposed to gendered violence and harassment at work. These workers are deprived of the bargaining power to defend themselves against the abuse and it should be the employer's responsibility to guarantee the protection from the gendered abuse for the most vulnerable workers.

- *Workplace complaint mechanism*

The establishment of a workplace complaint mechanism is essential for addressing and resolving issues related to GBVH and ensuring a safe and inclusive work environment. Confidentiality is a fundamental aspect of a workplace complaint mechanism. It ensures that workers who come forward with complaints related to GBVH can do so without fear of retaliation or breaches of their privacy. Confidentiality helps build trust in the system and encourages victims and witnesses to report incidents.

Just as in whistleblower protection, it is also crucial to protect the rights and employment of victims and witnesses of GBVH. This protection can include measures to shield them from retaliation, harassment, or any adverse actions taken as a result of their involvement in the complaint process.

All complaints of GBVH must be subject to systematic and impartial investigation. This means that there should be a standardised and fair process in place for investigating complaints, which

may involve gathering evidence, interviewing relevant parties, and reaching conclusions based on facts and evidence.

The existence of clear and dissuasive sanctions for perpetrators of GBVH is essential. This means that individuals found responsible for such behaviour should face appropriate consequences, which can include disciplinary actions, training, or even termination of employment. The severity of the sanctions should be enough to deter future misconduct.

Involving trade unions in the complaint mechanism is crucial for guaranteeing its effectiveness. Trade unions can represent the interests of victims and witnesses of GBVH and ensure that their voices are heard during the complaint process. Trade unions also have experience and expertise in dealing with workplace issues, including GBVH, and can provide valuable guidance and assistance. Furthermore, trade unions can facilitate mediation between the parties involved in a dispute, which can be an effective way to resolve conflicts.

As part of the complaint mechanism, there must be joint monitoring by employers and unions to ensure that data is collected and to measure the evolution of the problems. A systematic approach must be implemented to collect data related to complaints, investigations, and resolutions. Equally, the data collection methods should ensure the respect for the confidentiality of workers involved in the complaints.

Key Performance Indicators ("KPIs") could be set to measure the effectiveness of the complaint mechanism. KPIs might include the number of reported incidents, resolution timelines, and victim and witness satisfaction with the process. The complaints data should also be analysed to develop adequate prevention measures which should also be the subject of victim's review included in the KPIs. The complaint trends should also be analysed over time to identify the evolution of issue within the workplace and recognise patterns that may indicate persistent issues or emerging challenges that need attention.

### **Request gender sensitive risk assessments**

Gender-sensitive risk assessment must be carried by the employer to account for the specific ways in which violence and harassment affects workers based on their gender. It involves identifying, evaluating, and addressing risks and hazards in a manner that takes into account the specific needs and vulnerabilities of different genders.

For example, since domestic violence disproportionately affects women in society,

this factor should be included in the workplace safety procedures addressed to women workers, recognising the higher risk of women workers being affected by domestic abuse, which would have an impact on their employment. Likewise, there are differences in the manner third-party violence is perpetuated at women and men at work, which demands distinct prevention measures. As observed, women workers tend to be victims of gender-based harassment and sexual harassment, while male workers tend to experience physical violence by third parties. Similarly, certain forms of cyberviolence, such as sexual cyberharassment, may be predominantly perpetuated at women or non-binary workers. Or AI management and digital worker surveillance may disproportionately be used to monitor work performance of certain groups of women workers, such as mothers of young children.

As such, gender-sensitive risk assessment should account for such aspects as:

- *Considering how the physical workplace may affect different genders. For example, employers have to ensure that women in customer-facing roles need to have a strengthened protection from sexual abuse by third parties.*
- *Assessing psychosocial risks such as workplace harassment, bullying, or discrimination, cyberviolence, use of AI tools that may disproportionately affect or discriminate against women or non-binary workers.*
- *Considering the unique risks and challenges faced by pregnant women, those with family-related responsibilities and ageing women. Implement policies and accommodations to support their needs.*
- *Ensuring that health and safety training is gender-sensitive and takes into account the different physical abilities and needs of workers.*
- *Systematic monitoring and review of gender-sensitive risk assessment to evaluate its effectiveness and introduce corrective measures.*

### **Include supporting measures in collective agreements**

Supporting victims of domestic violence in the workplace is crucial to ensuring their safety, well-being, and continued employment. Various measures can be explored to provide assistance to victims of domestic violence, including paid leave,

remuneration arrangements, worker mobility, access to alternative accommodation, flexible working time arrangements, guarantee to keep the job, withdrawal of disciplinary measures for being late to or absent from work. Specific support measures have to be provided for workers who are victims of internal workplace GBVH, including gender-based cyberviolence.

In such situations, it is essential to prioritise the victim's safety and well-being while holding the perpetrator accountable for their actions. It is crucial to isolate the perpetrator from the victim. As the victim cannot be held accountable for the abuse, it is the aggressor who should be moved to a different position or, preferably, location. It is essential that the victim feels supported at work and is not penalised for the harassment or violence she has experienced. Protection measures such as prohibition of ensuing retaliation, discrimination, dismissal of the victim or witnesses should be introduced. An open and confidential communication should be established with the victim to understand her concerns and needs. A dedicated trade union delegate should assist the victim, whenever possible.

Victims should also have access to paid leave or flexible working arrangements to seek psychological help, which should also be facilitated and financed by the employer.

Also, whistleblowing and coworkers witnessing the gendered violence and harassment should be encouraged to actively address any potential abuse. Both, the victims and witnesses need to be ensured that they can report any incidents without fear of reprisals.

### **Ensure gender mainstreaming in all collective bargaining**

Trade unions need to ensure that the gender dimension is mainstreamed into all collective bargaining, and in particular in collective agreements on telework arrangements and the use of AI tools in the management and digital surveillance of workers.

- *Collective agreements on telework and remote work*

Collective bargaining needs to account for the potential incidence of domestic violence affecting women workers in telework. Examples of possible clauses include the possibility for the worker to immediately return to the physical workplace or to relocate to an alternative telework location to ensure their safety. As described above, supporting measures can also usefully be integrated into telework agreements. The agreement should also include provisions for employers to support

employees in contacting and working with law enforcement or domestic violence support agencies

Telework agreements must also anticipate the risk of gender-based cyberviolence by establishing cybersecurity protocols to protect remote workers, and those working in physical workplaces using digital forms of communication, from all forms of gendered cyberviolence, such as sexual and other forms of cyberharassment, cyberstalking or cyber incitement to hatred or violence on the grounds of gender or threats of gendered cyberviolence. The agreements should also ensure clear and confidential reporting mechanisms for incidents of gendered cyberviolence, along with a commitment to address them promptly.

- *Negotiating AI and digital surveillance*

Trade unions should address the issue of potential gender bias in their broader negotiations on the use of algorithmic worker management and digital surveillance. The negotiated clauses should require employers to conduct gender-sensitive risk assessments when implementing AI and digital surveillance systems to identify and rectify potential biases. Likewise, the agreements should ensure transparency in AI algorithms used for surveillance, including regular audits and reviews with the participation of trade unions to detect and correct gender bias. There should also be established procedures for correcting gender bias in AI and digital surveillance systems, such as retraining algorithms or adjusting data inputs.

Equally, non-discrimination clauses should be included that explicitly prohibit discrimination based on gender or any other protected characteristic in the context of AI and digital surveillance. Also, clear grievance mechanisms for employees who believe they have been affected by gender bias or other discriminatory practices related to AI and digital surveillance should be established.

The negotiated clauses should also specify that AI and digital surveillance systems should assist, not replace, human decision-making. Humans should have the final say in matters related to surveillance. Employers should be to provide training to employees and AI operators on recognising and addressing gender bias in surveillance systems.

Equally, development of ethical guidelines for the use of AI and digital surveillance should be encouraged. The data collected through digital surveillance must be handled in compliance with data privacy regulations and guidelines. Lastly, a regular review process for the impact of AI and digital surveillance on employees, including a focus on gender-specific effects should be established.

## Awareness-raising

*“Algorithms and artificial intelligence are becoming increasingly important in people’s daily lives, so having more diverse teams working on the development of these technologies could help not only identify biases, but also prevent them. In addition to increasing the number of women programmers and software development specialists, gender training for ICT professionals is essential to this task. After all, both men and women use digital technologies and need to be involved in building their digital future.”*

Raquel Gómez Merayo, CCOO, Spain

Trade unions should continue to increase their knowledge, in particular when it comes to the impact of digitalisation on gender-based discrimination, violence and harassment in the world of work. Unions can engage experts in fields such as digital technology, cybersecurity and gender studies to provide insights and analysis on the impact of digitalisation on gender-related issues. These experts can help unions better understand the challenges posed to workplace gender equality by digitalisation. The expertise gathered can be used to negotiate collective agreements that address digitalisation-related issues, with a focus on eliminating gender-based discrimination and cyberviolence. The expertise should also be disseminated to workers and employers alike. It can be used to develop and deliver training programmes for union members, workers, and employers on recognising and addressing gender-based discrimination, violence, and harassment in digital working environments.

Existing information, initiatives and tools on the nature of GBVH should be adjusted to recent evolutions. For example, the present barometers should be updated to include cyberviolence (See for instance the above Figure 6).

Awareness activities and campaigns with employers and the entire workforce should be fostered in order to inform them of the nature of gendered cyberviolence and the importance of digital safety and respectful online behaviour. Equally, trade unions should engage with employers in actions promoting the ethical use of AI and digital surveillance, including gender-related considerations.

## Coordinate all levels of collective bargaining

Coordinating collective bargaining at multiple levels (workplace, sectoral and national) is essential for addressing the diverse needs and challenges faced by workers. It enables tailored solutions at the workplace level, sets common standards at the sectoral level, and establishes legal and regulatory frameworks at the national and European level. Some issues are so specific that they are better negotiated at the workplace, for instance on the introduction of new digital tools. For smaller working places or where trade union representation is weak, negotiations can only take place at sectoral and national level. Overall, there is a need for coordination at all levels to ensure strong measures with a coverage that is as wide as possible. This approach ensures that the evolution of GBVH is addressed comprehensively and that the bargaining process is responsive both to specific workplace issues and to broader societal developments.

## Ensure that women are in negotiating teams

The inclusion of women in negotiating teams addressing GBVH is not only a legal and ethical imperative but also a practical necessity for creating safer and more equitable workplaces. Women’s inclusion in negotiating teams brings a gender-specific perspective that is vital for understanding the unique challenges women face regarding violence and harassment at work, including its recent evolution. Equally, women’s voices and experiences must be heard and considered in the negotiation process to develop effective policies and strategies.

Including women in the negotiating process enhances the credibility of the team and builds trust among women workers who may be hesitant to report incidents of violence or harassment. It also signals the company’s commitment to addressing these issues seriously.

Consideration should also be given to the intersectionality of gender with other factors such as race, ethnicity, sexual orientation, or disability. A diverse negotiating team that represents various aspects of gendered identities can better address the unique experiences of different groups of women workers.

## Section 5.3

# Towards stronger legal frameworks

### Implementation of ILO C190 through a Directive or include it in the revision of the framework social partners agreement on violence and harassment (2007)

The implementation of ILO Convention 190 (C190) through a directive could be a significant step towards addressing the evolution of GBVH in the workplace on a global scale. ILO C190, adopted in 2019, is a groundbreaking international labour standard that specifically addresses GBVH at work, recognising the spillover of domestic violence into the workplace, is applicable to the private spheres where employees perform their work duties, and acknowledges that GBVH can be perpetuated with the use of ICT tools at work.

As such, a translation of the principles of ILO C190 into an EU directive would introduce the provisions of C190 across all Member States.

This directive could come into being on the initiative of the European Commission or on the initiative of the EU cross-sectoral social partners, as part of the revision of the framework agreement on violence and harassment (2007). The ETUC Action Programme adopted in Berlin in 2023 indicates the possibility of revising the agreement and the ETUC Women's Committee expressed its intention to explore this initiative within the ETUC social dialogue instances.

Moreover, ILO C190 emphasises the protection of all workers, regardless of their employment status, which includes employees, temporary workers, interns, volunteers, and job applicants. An EU directive should similarly ensure broad coverage. The directive could specify legal remedies and sanctions for non-compliance, ensuring that there are consequences for employers who fail to address GBVH effectively. The directive is also a tool to establishing mechanisms for monitoring and evaluating the implementation of its provisions in Member States.

The directive should consider the intersectionality of violence and harassment by recognising that it can particularly affect workers at the intersection of gender identities, sexual orientation, race, ethnicity, migrant status, class, or precarious employment and that such workers require specific protections.

It should be noted that the Directive combating violence against women and domestic violence provides for an assessment *“whether further measures at EU level are necessary to effectively tackle sexual harassment and violence in the workplace taking into account applicable international Conventions, the EU’s legal framework in the area of equal treatment of men and women in matters of employment and occupation and the legal framework on occupational safety and health”* by five years at the end of the transposition period at the latest<sup>35</sup>.

### Recognise GBVH as a psychosocial OSH risk factor

*“When an employer draws up an occupational safety and health action plan in accordance with the Occupational Safety and Health Act, (s)he must also observe procedures in the event of harassment or sexual harassment. As well as covering the internal functioning of the work community, these procedures must include guidelines for dealing with harassment from customers.”*

Service Union United, PAM, Finland

GBVH at work are part of the psychosocial working environment. While all the occupational risk

35 [Provisional agreement on the Directive combating violence against women and domestic violence CJ01\\_AG\(2024\)759029\\_EN.docx \(live.com\)](#)

hazards belonging to material working have been thoroughly regulated in legal frameworks, the psychosocial risks at work are yet to be recognised as occupational hazards. However, the introduction of employer legal obligations to prevent occupational hazards constitutes the cores of occupational safety and health policy. It holds the employer responsible for the assessment of occupational risk factors, development of adequate prevention measures and their implementation.

More importantly, the employer's legal OSH obligations are subject to enforcement. As such, they have been an effective tool in significant gains in OSH over decades.

Psychosocial risk factors, where GBVH are the most extreme psychosocial workplace hazards, have to be regulated in the same, comprehensive manner as material occupational risk factors, so that they can be effectively prevented and subject to employer compliance. Already the European OSH framework directive lays down the ground for the regulating the psychosocial working environment. The current EU strategic framework on health and safety at work 2021-2027 also defines the psychosocial factors as one of the priority areas for EU action. It is in this context that trade unions should use the momentum and advocate for the comprehensive regulation of GBVH as part of the European legislation addressing psychosocial OSH risk. Some Member States, such as Finland, already recognise GBVH as an OSH risk in their legal framework.

Recognising GBVH as an OSH issue would not only introduce binding employer obligations to introduce comprehensive prevention measures, it would also address the risk of GBVH in occupational training. It is important to observe that psychosocial risk factors follow primary prevention methods, targeting the root causes of the risk, which in the case of GBVH will ultimately need to tackle the unequal gender power relations enshrined in the patriarchal gendered norms and expectations.

Equally, the OSH provisions should encompass domestic workers who are currently excluded from the OSH framework directive. Women workers employed in domestic work and care are perhaps the most vulnerable occupational group exposed to gender-based violence harassment at work. The exposure occurs particularly at the intersection of gender and migrant status, undeclared work and precarious contracts. This mechanism further exacerbates the risk of violence to women workers who are already isolated and exposed to third-party abuse. The protection of domestic workers and their inclusion in the OSH legal frameworks should become a priority area for national governments and trade union action.

## **Recognition that GBVH is a workplace issue**

While GBVH perpetuated as a face-to-face behaviour has been largely addressed as a workplace issue in legal frameworks, both European-level and national-level regulations are yet to explicitly acknowledge that third-party violence and its gendered nature, as well as gendered cyberviolence, are equally work-related risks. Moreover, the gender bias in the algorithmic worker management and digital surveillance must be recognised as gender-based discrimination in employment and legally addressed as such.

Domestic violence also has to be considered as a work-related issue and legally accounted for in harmonised provisions across Europe. The spillover of domestic violence into the workplace poses a direct hazard to the victim's and her coworkers' safety at work, which needs to be addressed in OSH provisions. Also, domestic violence has a devastating impact on the employment of victims, and measures such as paid leave enabling the victim to keep the job should be made universally available to women.

## **Definitions of sexual harassment and violence must be adjusted to account for an increasingly digitalised world of work**

The current definitions of sexual harassment and violence included in the provisions aimed at ensuring gender equality in employment need to be updated to account for the role of digitalisation in perpetuating GBVH. The use of ICT tools to perpetuate the workplace gendered violence and abuse need to be included in the definitions of GBVH. As such, legal definitions should explicitly include gender-based cyberviolence, which encompasses various forms of online abuse, sexual harassment, and threats targeted at workers based on their gender, sexual orientation, or other protected characteristics.

Equally, the definition of discrimination perpetrated on the grounds of gender has to be adjusted to include the gender bias in the AI worker management and digital surveillance of workers, which can discriminate against women and other workers based on their gender traits. A legal definition of AI gender bias, as biased data sets used to train algorithms perpetuate historically discriminatory hiring practices, should be provided. Likewise, digital surveillance as potentially used to penalise workers based on their gender characteristics should be legally formulated.



## **Define and enforce employers' legal obligations**

Obligations and legal incentives for employers to enter into a genuine social dialogue with trade unions at workplace and sectoral levels would strengthen trade unions' ability to address GBVH. The significance of these obligations lies in social partners' ability to negotiate tailor-made solutions that are best able to create safer, more inclusive, and supportive work environments.

Accordingly, it is essential to create stronger employer obligations to negotiate the required prevention, support, conflict resolution and monitoring mechanisms with trade unions.

## **Ensure legal rights to victims including paid leave**

Ensuring legal rights for victims of GBVH to access support measures is a crucial step in helping the survivors to mitigate the impact of GBVH on their employment and livelihoods. Legal frameworks should be updated with specific social and labour rights to victims of work-related GBVH, including domestic violence.

Victims should be granted a legal right to direct access to social benefits in case the employment cannot be maintained, or alleviation of the cost of counselling, legal aid or geographical relocation.

Equally, employment support measures should be legally provided to victims of work-related gendered violence and harassment, such as the right to flexible working arrangements, and crucially, paid leave to victims of domestic violence and/or internal workplace violence and harassment to allow them time to deal with the consequences of the abuse.

Italy is an example of a country where trade unions have negotiated with the government the right to 90 days over a 3-year period for survivors of domestic violence, which can also be used as flexible working arrangements. The leave is paid according to maternity benefit and can be even further extended to encompass more than 90 days in collective agreements.

## **Periodic evaluation of the effectiveness of legal frameworks**

Periodic evaluation of the effectiveness of legal frameworks addressing GBVH is indispensable to ensure that these frameworks remain responsive, relevant, and capable of effectively addressing the evolving nature of GBVH. Evaluation helps identify gaps, weaknesses, and areas where legal frameworks may fall short in addressing GBVH effectively. This information is crucial for making necessary improvements. Furthermore, it helps ensure that legal frameworks are in compliance with global and European standards. The evaluation also allows for input and feedback from social partners, survivors, law enforcement, legal professionals, and the judiciary, to inform necessary changes.

Effective evaluation can only be performed if it is informed by relevant data. Accordingly, gender-specific data on the incidence of all forms of work-related violence and harassment should be systematically collected. The relevant data should be gathered from various sources, including government agencies, law enforcement, courts, NGOs, and survivors themselves. Both quantitative and qualitative data are important for a comprehensive assessment. This can involve surveys, interviews, focus groups, and case studies.

## Section 5.4

# Enhancing enforcement

### Access to justice

#### • *Reversing the burden of proof*

In discrimination cases, including GBVH at work, there is often an inherent power imbalance between the victim and the employer. The reversed burden of proof helps rectify this by placing the onus on the more powerful party, the employer, to demonstrate that the gendered violence or harassment did not occur. Victims of gendered violence and harassment at work, especially those in marginalised or vulnerable groups, may find it challenging to gather evidence or assert their rights. Shifting the burden of proof can provide them with a fairer opportunity to seek justice.

The reversed burden of proof would only require victims to initially present enough satisfying evidence to suggest that discrimination may have occurred. This often involves showing that they were treated differently due to a protected characteristic, such as gender, and that they suffered adverse consequences as a result. Once this primary evidence has been established, the burden of proof shifts to the employer. The employer must then provide a legitimate, non-discriminatory reason for the alleged discriminatory action. This reason should be unrelated to the protected characteristic and should justify the action taken. The victim then has the right to refute that explanation by demonstrating inconsistencies in the employer's rationale or presenting additional evidence of discriminatory intent.

#### • *Dissuasive sanctions against perpetrators*

Implementing dissuasive sanctions against perpetrators of GBVH at work is a critical component of efforts to prevent and address such behaviours effectively. These sanctions are designed to discourage workers from engaging in GBVH and to hold them accountable for their actions. Dissuasive sanctions provide a sense of justice and security for victims, assuring them that the legal system takes their grievances seriously and will take action against those who harm them. Such measures also help establish and reinforce workplace culture that fosters gender equality and zero tolerance for gendered violence and harassment.

Dissuasive sanctions can take various forms. These can be criminal penalties, such as imprisonment and fines, for convicted perpetrators. These penalties should correspond to the severity of the abuse. Also, issuing a restraining order against perpetrators, which prohibits them from contacting or approaching victims, can be a dissuasive measure to protect victims from further harm. Employers can take disciplinary action, including termination, against employees found guilty of GBVH, which can also serve as a dissuasive measure. Courts can order perpetrators to compensate victims for medical expenses, therapy, and other costs associated with their victimisation. Laws can allow for enhanced sentencing for repeated offences or violence against vulnerable women workers. Some professions and industries can impose disqualifications or restrictions on individuals with GBVH convictions, limiting their future employment opportunities.

## Measures protecting victims and witnesses

The reporting of incidents of gendered violence and harassment at work must guarantee a full protection of the victim and witnesses from any further retaliation or discrimination. The laws on the protection of whistleblower workers could serve as a guidance for initiating procedures investigating the reported cases of GBVH at work.

Mirroring the whistleblower laws, workers reporting an act of gendered violence or harassment should have the guarantee of full confidentiality and, in case of the witness, also anonymity to the greatest possible extent, allowing them to report concerns without fear of exposure. But most importantly, whistleblower laws prohibit employers from taking adverse actions against whistleblowers, such as termination, demotion, harassment, or discrimination, in response to their disclosures. These provisions should be reflected in the protection of victims and witnesses of workplace gendered violence and harassment to guarantee them full protection from retaliation by the employer. This retaliation could be manifested in such actions as further harassment and discrimination in employment, or even termination of the job contract. Introducing the confidentiality and prohibition from retaliation are thus essential measures to fight against sexist misconduct at work and promote a workplace culture of zero tolerance for gendered abuse.

## Gender mainstreaming

Gender mainstreaming should be applied to public and social policy of rolling back of the welfare state. In particular, the following must be systematically documented:

- *the gender impact of austerity measures, and privatisation of public services;*
- *the gender impact of policies aimed at providing more flexibility in employment protection legislations;*
- *the gender impact of outsourcing and subcontracting labour.*

Secure jobs and decent working conditions are probably one of the best preventive measures in addressing work-related gendered violence and harassment. Good quality employment translates into financial stability and raised social status which both act as a shield against vulnerability to domestic and workplace gendered abuse.

## Strategic litigation

Trade unions should reflect on how best to use litigation in support of the gender equality agenda. A strategic approach would involve setting some criteria to prioritise or foster some litigation activities. With a view to achieving concrete change, it may for instance be beneficial to coordinate multiple legal actions in the multinationals or sectors with a record for repeated misconduct. Another approach could be for unions across ETUC membership to systematically bring to court the most serious cases of violence and harassment.

Whichever criteria are used, the overall objective should be to bring more visibility to the increase in violence and harassment against women and to start building a case law that is more protective of women's rights.

ETUC may consider using its [strategic litigation network](#) to foster such a coordinated strategic approach among its affiliates, targeting Courts at international, European and national levels.

A strategic litigation by unions is bound to raise some questions about ethics and internal commitment. Some questions may for instance be raised as to what union policy should be in the (frequent) case that both the perpetrator and the victim are union members. In the course of our research, several organisations have underlined that their union has adopted an unambiguous internal policy of zero tolerance for GBVH.

# Conclusions

This report has explored the recent evolution of GBVH in the changing world of work. It has also discussed legal frameworks and trade union strategies addressing the issue.

The study results suggest that the recent pandemic and economic crises, together with the emergence of digital capitalism, have contributed to the exacerbation of GBVH and its impact on the employment of women. The growth of non-standard, temporary, part-time employment among women-dominated occupations and sectors translates into precarious work and livelihoods of women. Such a vulnerability has exposed women to increased risk of domestic violence and GBVH at work, including the rise in third-party violence and addressed at women workers.

The study also demonstrates that sweeping digitalisation of work processes has been conducive to the emergence of gendered cyberviolence at work, i.e. forms of GBVH perpetuated online with the use ICT technologies. Equally, the accelerating adoption of AI tools in the management of workers and job performance has been observed as a significant risk in perpetuating gender inequalities in the labour market.

The final section of this study lists a number of strategies that trade unions could adopt at various levels with a view to negotiating tailor-made solutions for the prevention of GBVH at work. The employer's duty of care can be negotiated in company workplace policies. In addition, a number of provisions should be introduced in collective agreements with a view to better protect and support women in vulnerable positions and to foster a zero-tolerance culture.

In addition, the observed evolution risks in the GBVH should be urgently tackled at policy level. However, the analysis of legal frameworks shows that the existing European and national laws on GBVH at work are yet to be adjusted to address the recent evolution of GBVH and its impact on women workers. The only current instrument that accounts

for the recently exacerbated risks in GBVH at work is the ILO Convention C190.

ILO C190 constitutes a groundbreaking legal instrument recognising domestic violence as a work-related issue. The Convention also acknowledges that GBVH at work can be perpetuated with the use of internet communication technologies, i.e. including AI algorithms and the digital surveillance of workers. The ratification of ILO C190 and its effective implementation should therefore remain the main focus area of trade union policy advocacy at EU and national levels.

Legal frameworks also need to be improved to include victim support and protection measures to expose the issue, prevent victim blaming and ensuring the safety of victims. The paramount aim should be the shift to the practical accountability for the acts of workplace GBVH from the victim to the perpetrator.

Importantly, domestic violence has to be addressed as a work-related issue in all its aspects. Legal social and labour rights need to be introduced for victims of domestic violence that guarantee the protection of the employment and workplace safety. Victims must be empowered in their financial stability and career progression to be able to end the cycle of domestic abuse. This requires legal victim support measures both at work and in access to social services.

At the same time, trade unions must be more empowered to tackle the evolution of GBVH at work, at company/workplace and sectoral levels. Trade unions also need to grow their expertise to address the evolution of GBVH efficiently. This is particularly the case in the understanding of the nature and incidence of gender-based cyberviolence and gender bias in AI algorithms and digital surveillance of workers. Trade unions are yet to build their knowledge on the ways in which GBVH is perpetuated with the use of these tools, in cooperation with technology experts, research

institutes and NGOs active in the area of GBVH. The lack of official data measuring the evolution of GBVH also has to be addressed at policy level. An improved, gender focused, public data collection in all forms of work-related GBVH is urgently needed at European and national levels.

Equally, social dialogue on GBVH with trade unions has to be strengthened. This requires not only actions at policy level, addressing the employer obligation to effectively enter into negotiations with trade unions, but also increased powers of trade union representatives in the prevention and supporting of victims at company / workplace level.

Most importantly, however, the structural, collective nature of GBVH in the world of work has to be recognised by employers, and society as a whole, to fundamentally challenge the patriarchy and its unequal gender power relations as the root causes of GBVH occurring in the labour market.

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