



SAFE AT WORK SAFE AT HOME SAFE ONLINE

*A GUIDE FOR TRADE UNIONS TO ELIMINATE WORKPLACE
HARASSMENT AND VIOLENCE AGAINST WOMEN*

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1.

Why this guide?

Workplace violence and harassment against women is on the rise. While official data is incomplete, or even lacking completely, trade unions across Europe

have increasing concerns about unsafe workplaces for women as well as a surge in domestic abuse, with clear spillover effects on the world of work.

Box 1 How the lack of data is failing women

While the increase in domestic violence is relatively well documented, there is a lack of studies examining the relationship between teleworking and the experience of domestic abuse. Nor is there any systematic, comparable data measuring the gendered nature of third-party violence available. 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, no 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 gender-based violence and harassment at work is underestimated and insufficiently communicated upon. The relative inability to measure the evolution of cases also means that it is not possible to evaluate the real impact of prevention measures, both legal provisions and workplace policies.

More and more women are speaking up about the abuse they are experiencing, something they would not have envisaged doing a few years ago. Yet, legal provisions continue to be poorly enforced largely due to ineffective preventive and reporting mechanisms, leading to impunity for the perpetrators.

Importantly, the world of work is going through significant transformations as a result of digitalisation and the emergence of new forms of work. The gender dimension of these shifts has largely flown under the radar, and in particular the impact on women safety. Consequently, existing tools may no longer be sufficient to catch up with recent evolutions of gender-based violence and harassment.

In this context, this guide seeks to raise awareness on the recent evolutions of gender-based violence and harassment and to provide guidance on how to tackle them through social dialogue and trade-union-led strategies. The guide addresses trade unionists at all levels, including sectoral and workplace levels. It is largely based on an extensive ETUC study report, exploring recent trends in gender-based violence and harassment at work, applicable legal frameworks and related union strategies.

ETUC project "Tackling violence and harassment against women at work"

The present guide is a result of the ETUC project "Tackling violence and harassment against women at work" – a project designed to support ETUC affiliates in their actions to end violence and harassment at work.

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 unionists 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.

Box 2 Four reasons why violence and harassment against women matters to unions

i. A safe working environment is a basic worker's right

Violence and harassment is a serious workplace issue which has lasting impact on the dignity, employment and livelihoods of the victims. An unsafe workplace hinders not only career progression but also overall quality of life. It can lead to absenteeism, reluctance or inability to take on certain tasks or roles, or even force women to leave their jobs, thereby hampering their economic independence and professional development.

ii. Nobody is equal until everyone is equal

A workplace which tolerates violence and harassment against women is conducive to many other forms of discrimination. Violence and harassment against women is at the intersection of several other forms of oppression. While gender is a significant risk factor in the experience of violence and harassment, it becomes a particularly prevalent factor in combination with race, class, disability, sexual orientation, gender identity and other grounds of discrimination.

iii. Fighting for decent work also means fighting for gender equality

There is a strong connection between, on the one hand, precarious and badly paid jobs and, on the other hand, violence against women. Women in vulnerable situations are particularly exposed to violence and harassment at work. Economic dependency is also intertwined with domestic violence.

iv. Unions make a difference

In a context of ineffective legal and preventive and reporting mechanisms, trade unions have a crucial role to play in ensuring safe workplaces for all workers. They can in particular support victims of violence or harassment and negotiate policies and agreements that prevent, sanction and ultimately eradicate gender-based violence and harassment. This guide gives some examples of good practices.

2.

The gender dimension of a changing world of work

New patterns in workplace violence and harassment against women have emerged as a result of recent shifts in the world of work.

More than ever, domestic violence has spillovers into the workplace

Domestic violence increased during COVID-19 lockdown measures. It is now well established that the forced coexistence with a violent partner was a strong driver for this increase.

Looking ahead, rising levels of domestic violence are likely to become a form of gender-based violence directly linked to the world of work for at least two reasons.

Firstly, evidence shows that women in a situation of economic dependency are more exposed to risks of domestic violence. Stable and decent work is a crucial factor for the victims and survivors wishing to escape from a violent relationship. Economic dependency is high in feminised labour, where women are predominantly employed in low-pay, precarious, atypical work. In a context of energy and cost-of-living crises and austerity, economic dependency must be thoroughly addressed both as a root cause and as consequence of gender-based violence.

Secondly, time spent on telework and remote work is on the increase. This has blurred the traditional boundaries between the home and the workplace. Yet in many cases, the employers' duty of care to secure safe and healthy workplaces has not been extended to telework. This does not mean that telework/remote work should be reconsidered. For many workers, telework and remote work might offer interesting prospects for a better work-life balance, including the potential of an improved sharing of caring responsibilities, as long as they remain voluntary and reversible. Preventive and supporting measures are however lacking.

Third-party violence is on the rise in work predominantly done by women

Third-party violence occurs at the workplace but is perpetrated by persons who are not part of the workforce. The pandemic has shed light on third-party violence in the context of frontline work. In the health sector for example, staff and material shortages and rising health needs created frustration with patients who then became abusive. As many essential services are female-dominated sectors, women are highly affected by third-party violence.

While official data is not collected, the increase in third-party violence is a serious concern for trade unions. Staff shortages, the underfunding of public services, largely driven by austerity measures and privatisation, and unrealistic productivity requirements are conducive to the increase in violence.

Cyberviolence has the potential to become a major form of violence and harassment against women at the workplace

When digitalising working environments, violence and harassment should no longer be considered as mostly a face-to-face behaviour. It is increasingly perpetrated directly or indirectly through information and communication technology.

Cyberviolence has for instance been taking the following forms.

Non-consensual sharing of intimate or manipulated material by means of ICT tools:

- *revenge porn/image-based sexual abuse (making material depicting sexual activities of a worker accessible to other workers);*
- *upskirting and downblousing (images or videos taken up a female worker's skirt or down a female worker's top);*
- *deepfakes (producing or manipulating images, videos or other material, making it appear as though the victim is engaged in sexual activities).*

Stalking, harassment, incitement to violence or hatred by means of ICT tools:

- *Persistent threatening or intimidating conduct;*
- *Continuous surveillance to track or monitor movements and activities;*
- *Making personal data of a worker accessible to a multitude of end users and inciting them to physical or psychological harm;*
- *Incitement to violence or hatred on the basis of gender.*

These are just a few examples of recent trends. It is important to understand that forms of cyberviolence are constantly evolving as new technologies emerge.

Here again, there is no official data documenting the evolution of the phenomenon. We must not, however, underestimate the importance of the problem. Given the accelerated technological changes in the world of work, cyberviolence has the potential to become a major form of gender-based violence and harassment.

Artificial Intelligence and digital surveillance exacerbate gender-based biases

Artificial intelligence-based applications are increasingly relied upon at work. Algorithms can be used in the screening of job applications and the selection of candidates in the recruitment process, the monitoring of workers' performance and their appraisal, as well as the shortlisting of workers to be dismissed.

Although algorithms are portrayed by employers as a neutral software, they are actually gender-blind, if not gender-biased. If a gender-responsive lens is not applied, it has to be emphasised that artificial intelligence ("AI") reproduces and amplifies hidden gender biases. For instance, AI can "learn" the dominant profile of preferred workers and skew a recruitment process towards gender.

Aside from AI, the use of monitoring and surveillance tools has also increased, partly due to the rise in telework and remote work. These technologies track workers' activity in real time. In general, trade unions have a number of concerns about the invasion of workers' privacy. But there is also a gender dimension. Unions have for instance received complaints about digital surveillance being used disproportionately on working women who are mothers or have care duties, as they tend to be perceived to be less committed at work or career-oriented.

The use of spyware is also a key enabler of cyberstalking.

Box 3 Situations presenting high risks of gender-based violence and harassment

- *Unbalanced workforce (highly feminised workforce or, conversely, masculinised working environment).*
- *Precarious work, poor wages.*
- *Staff shortage, unrealistic productivity requirements, underfunding of services.*
- *Telework, remote work.*
- *Intersectional discrimination.*
- *Human resources management by AI.*
- *Digital surveillance of workers.*
- *Isolated work (for example domestic work) and night work.*

3.

Good practices for trade unions

Update workplace policies

Trade unions should engage with employers to underline the importance of a zero-tolerance policy towards violence and harassment in general, and in particular against women. A strong policy at the workplace should be introduced and appended to employment contracts to send a clear message to all workers that gender abuse will not be tolerated and that the organisation is committed to creating an environment where everyone feels respected and valued.

Where they already exist, policies most likely need to be reviewed in the light of the recent evolutions described in the above section, including at the very least:

- ✓ recall the employer's duty to ensure safe workplaces. This duty of care must also apply to victims of domestic violence;
- ✓ apply a broad understanding of violence and harassment, ensuring that it encompasses face-to-face behaviours as well as reliance on ICT means;
- ✓ guarantee systematic reporting and sanctions in case of inappropriate conduct, including termination of employment;
- ✓ establish an independent workplace complaint mechanism (see Box 4 The alpha and the omega of workplace complaint mechanisms);
- ✓ guarantee that victims and witnesses will be protected from retaliation, breaches of their privacy or any adverse actions taken as a result of their involvement in the complaint process;
- ✓ provide guidance for employees facing violence and harassment;

- ✓ introduce key performance indicators ("KPIs") to collect data, measure the evolution of the problem and assess the effectiveness of preventive measures. Unions should be associated to the monitoring process;
- ✓ be extended to all workers present at the workplace, direct employees or not, and regardless of the employment status. This is particularly important as workers in precarious jobs and atypical work are the most exposed to gender-based violence and harassment at work.

Box 4 The alpha and the omega of workplace complaint mechanisms

- *The complaint mechanism is independent from management.*
- *Victims and witnesses are guaranteed complete confidentiality.*
- *Victims and witnesses can be accompanied by union representatives if they so wish.*
- *Every report of gender-based violence and harassment is subject to impartial investigation.*
- *Every report of retaliation measures against a victim or a witness is subject to impartial investigation.*
- *Every case of violence, harassment or retaliation will trigger the application of sanctions. The severity of the sanctions should be enough to deter future misconduct.*

Request gender-sensitive OSH risk assessments

Trade unions should request from the employer gender-sensitive risk assessments¹ to account for the specific ways in which violence and harassment affects workers based on their gender. Risk assessment involves identifying, evaluating and addressing risks and hazards in a manner that takes into account the specific needs and vulnerabilities of different genders.

A gender-sensitive risk assessment should in particular:

- ✓ Identify specific work situations more prone to gender-based violence and harassment. For example, women in isolated workstations or in customer/service user-facing roles need to have strengthened protection;
- ✓ Assess the extent to which psychosocial risks such as harassment, violence, discrimination, cyberviolence may disproportionately affect women;
- ✓ Consider the specific risks and challenges faced by pregnant women, those with family-related responsibilities and ageing women;
- ✓ Consider the increased risk for women having multiple potential grounds of discrimination (intersectionality).

As a result of gender-sensitive risk assessments, employers should implement solutions to eliminate the risks at source. Furthermore, health and safety training should become gender-sensitive and take into account the different physical abilities and needs of workers.

The European Agency for Safety and Health at Work has produced a factsheet providing guidance on [including gender issues in risk assessments](#) including on [domestic violence](#).

Include preventive and supporting measures in collective agreements

Social partners can agree on a series of measures in their collective agreements to prevent gender-based violence and harassment and to support the victims.

Supporting victims of **domestic violence** in the workplace is crucial to ensuring their safety, well-being, and ensure they can break economic dependency. To this end, social dialogue at all levels could explore the following:

- ✓ Additional paid leave, flexible working time arrangements and withdrawal of disciplinary measures for being late or absent from work;
- ✓ Remuneration arrangements, guarantee to keep the job;
- ✓ Geographical mobility, support in accessing alternative accommodation.

Measures to prevent third-party violence and cyberviolence can include:

- ✓ the right to withdraw from work in case of unsafe work (as provided for in the EU OSH Framework Directive);
- ✓ clear protocols to protect workers from all forms of gendered cyberviolence as well as third-party abuse;
- ✓ worker mobility and isolation measures applying to the perpetrator (except for cases of domestic violence where geographical mobility might apply to the victim).

¹ Naturally, this does not exclude mainstreaming the gender dimension in all risk assessments

Box 5 Examples of collective agreements

As part of a French collective agreement in the energy sector, a company has entered into a partnership with an NGO combating domestic violence (FIT – une Femme un Toit) to help develop specific victim support measures. These measures include 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 and an awareness-raising campaign on the issue of domestic violence affecting women.

That same 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.

A Spanish collective agreement foresees the establishment of precautionary measures in cases of complaints. These measures include the separation of the victim and the alleged harasser. These measures, in no case, may cause the victim any harm or impairment in his or her working conditions, or substantially modify them.

More national and EU examples can be found on the ETUC repository or the EPSU-led project on third-party violence².

Ensure gender mainstreaming in all collective bargaining

As trade unions are increasingly addressing digitalisation through social dialogue, it is vital to ensure that the gender dimension is mainstreamed in all collective negotiations. To this end, having women in negotiating teams is vital for understanding the challenges women face regarding violence and harassment at work, including its recent evolutions.

When negotiating collective agreements on telework and remote work, unions should account for the potential incidence of domestic violence affecting women workers in telework. Telework agreements must also anticipate the risk of gender-based cyberviolence. A key principle is the voluntary nature of telework as provided for in the European social partner agreement on telework³. In addition, useful clauses can thus include:

- ✓ the possibility for the worker to request an immediate return to the physical workplace or to relocate to an alternative telework location to ensure their safety;
 - ✓ employer support in contacting and working with law enforcement or domestic violence support agencies;
 - ✓ Strengthened cybersecurity protocols to protect remote workers from all forms of gendered cyberviolence.
- Trade unions should address the issue of potential gender bias in their broader negotiations on AI management and digital surveillance. Negotiated clauses could cover the following:
- ✓ complete transparency on introduction of AI and digital surveillance;

² [It's not part of the job | EPSU](#)

³ [Teleworking | EUR-Lex \(europa.eu\)](#)

- ✓ require employers to conduct gender-sensitive risk assessments when implementing AI and digital surveillance systems to identify and rectify potential biases;
- ✓ established procedures for correcting gender bias in AI and digital surveillance systems, such as retraining algorithms or adjusting data inputs;
- ✓ development of ethical guidelines for the use of AI and digital surveillance;
- ✓ a regular review process on the impact of AI and digital surveillance on employees, with a focus on gender-specific effects. The review process is done with the participation of trade unions.

Box 6 Example of gender mainstreaming in a teleworking collective agreement

A collective agreement on teleworking concluded at a French retail company offers support measures to workers in telework at risk of domestic violence. The company undertakes to facilitate contact with the professionals concerned (police, specialised services, 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.

Raise awareness...

... at the workplace

Awareness-raising on ending gender-based violence and harassment at work has long been on the agenda of trade unions. These activities need to be updated to recent evolutions so that they continue to be relevant. In particular, posters, leaflets, and information materials on how to recognise and act in case of misconduct should be updated to include cyberviolence, the importance of digital safety and respectful online behaviour.

... and inside trade unions

Trade unions need to continue increasing their own knowledge, in particular when it comes to the impact of digitalisation on gender-based discrimination, violence and harassment at work. Unions can engage experts in fields such as digital technology, cybersecurity, gender studies, and workplace psychology to provide insights and analysis on the impact of digitalisation on gender-related issues. The expertise gathered can be used to negotiate collective agreements with effective solutions.

It is important to note that trade unions, like every organisation, are not free from perpetrators of gender-based violence. In addition to a zero-tolerance policy towards gender-biased inside trade unions, specialised units or working groups to alert on gender-based violence and to assist victims/survivors or witnesses of gender-based violence in

trade unions have been set up. Training modules for trade union representatives and trade union leadership are also an important strategy to prevent and combat gender-based violence, in particular sexual harassment, inside our organisations.

Reflect on 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 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.

Annex.

Safe at work, safe at home, safe online - a union checklist

Does my workplace have a clear policy on gender-based violence and harassment?

Does my workplace policy address face-to-face misconducts as well as abuse via ICT means?

Does my employer recognise that it has a duty of care for victims of domestic violence?

Has my workplace put in place an effective workplace complaint mechanism?

Does my workplace collect, jointly with trade unions, data on the evolution of gender-based violence and harassment?

Does my workplace carry out gender-sensitive risk assessments?

Do collective agreements include supportive measures for workers who are victims of domestic violence?

Do collective agreements include a chapter dedicated to gender-based violence and harassment?

Do collective agreements on telework/remote work foresee strengthened cybersecurity protocols?

Do collective agreements on AI and digital surveillance contain gender-specific clauses?

Do existing awareness-raising activities include recent evolutions in gender-based violence and harassment?

Do I need to update my own knowledge on the gender impact of digitalisation?

Am I aware of my union's policy on litigation?



