



# VIOLENCE AND HARASSMENT AGAINST WOMEN AND MEN IN THE WORLD OF WORK

TRADE UNION PERSPECTIVES AND ACTION

Dr. Jane Pillinger

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**Dr. Jane Pillinger**



# Glossary

<b>BWI</b>	Building and Wood Workers' International
<b>CBA</b>	Collective bargaining agreement
<b>GFA</b>	Global Framework Agreement
<b>GUF</b>	Global Union Federation
<b>ICN</b>	International Council of Nurses
<b>ILC</b>	International Labour Conference
<b>ILO</b>	International Labour Organization
<b>IndustriALL</b>	Global union in mining, energy and manufacturing sectors
<b>ITF</b>	International Transport Workers' Federation
<b>ITUC</b>	International Trade Union Confederation
<b>IUF</b>	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
<b>LGBTI</b>	Lesbian, gay, bisexual, transgender and intersex
<b>OSH</b>	Occupational safety and health
<b>PSI</b>	Public Services International
<b>UNI</b>	Global union in commerce, services and related sectors
<b>WHO</b>	World Health Organisation

# Summary

## 1. Introduction and overview

Violence and harassment against women and men in the world of work is an abuse of power. Violence and harassment particularly affect workers in the most vulnerable work situations who have poor access to labour rights such as freedom of association, collective bargaining, decent work, non-discrimination and access to justice. Some groups of workers, and particularly women, are disproportionately affected by violence at work, where unequal power relations, low pay, precarious working conditions and other workplace abuses expose them to violence.

This report provides a wealth of evidence of how trade unions can contribute to making real and positive changes in the workplace to protect workers, and particularly women workers, from violence and harassment. Through collective agreements, workplace policies and negotiations, campaigns and awareness-raising, trade unions have taken constructive steps to prevent violence and harassment in the world of work, often challenging institutional and structural forms of discrimination against workers. The case studies show that bargaining can be considerably strengthened when legislation provides a framework for collective negotiations in tackling violence and harassment at work.

This report has three related objectives: to show the role that trade unions play in preventing and addressing violence at work; to share learning, promote discussion and enhance the role of trade unions in taking a systematic approach to the prevention and elimination of violence and harassment at work; and to inform trade unions in building a strong position at the International Labour Conference in 2018 and developing a standard-setting item on violence against women and men in the world of work.

The report draws on information, including examples and case studies collated by six Global Union Federations (GUFs) and the International Trade Union Confederation (ITUC), on national and global advocacy, campaigns and priorities for addressing violence in the world of work. It presents 35 national case studies, spanning 25 countries, which have been carefully selected to reflect a range of sectors, countries and regions. Fourteen case studies are of trade-union strategies and actions to organize and represent workers in a range of sectors in Asia, five are from Africa, eight are from the Americas and four are from Europe. The case studies also focus on the sectors where workers face the greatest risks of violence: agriculture; labour-intensive manufacturing in global supply chains and export-processing zones; hotels, restaurants and retail; building, woodworking, fisheries and seafaring; and public services such as transport and health. In addition, the report draws on global advocacy, campaigns and positions formulated by the GUFs and the ITUC to address violence and harassment at work, including discussions held with the ILO Workers' Group prior to and during the Tripartite Meeting of Experts on Violence against Women and Men in the World of Work, held in Geneva from 3 to 6 October 2016.<sup>1</sup>

The issues/themes covered in the case studies are as follows:

- 12 case studies cover violence against all workers;
- 34 case studies are specifically focussed on gender-related violence (either stand-alone or

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<sup>1</sup> A draft version of this report was presented to and discussed with the Workers' Group preparatory meeting held in Geneva on 2 October 2016, in advance of the Tripartite Meeting of Experts. Very helpful feedback and comments were given by workers' experts and observers at the preparatory meeting, and during and following the Tripartite meeting, which have been fed into the final version of the report.



part of broader initiatives on violence against all workers);

- ❑ 8 case studies highlight measures to address the effects of domestic violence at work;
- ❑ 16 case studies refer to third-party violence in health care, transport, retail, restaurants, hotels, etc.
- ❑ 6 case studies highlight the risks faced by workers in travelling to and from work, a problem which affects the most vulnerable workers;
- ❑ 5 case studies refer to violence/harassment against trade-union activists and leaders in attempts to suppress trade-union organizing and activity.

Appendix 1 of the full report gives a one-page summary of each case study.

Many case studies cover the vulnerabilities of isolated and least-protected workers, and specifically workers in non-standard forms of employment, informal and casual workers, and workers who are affected by discrimination, lack of decent work, debt bondage, the risks of exploitation and trafficking, etc. Many of the case studies point to the problem of rising levels of violence and harassment at work, and a growing awareness of violence and harassment as a workplace problem to be tackled by unions. As awareness of violence and harassment has grown and union action to tackle violence and harassment at work has increased, there has been a parallel increase in the reporting of violence and harassment at work. Union action also reveals greater awareness of the interconnected nature of violence and harassment, the specificities of the psychosocial risks of violence at work, and the links between violence and HIV/AIDS.

The majority of case studies address gender-based violence. This reflects trade-union priorities and action on gender equality and gender-based violence, and recognition that women are disproportionately affected by violence because of unequal gender roles and relations, stereotypes and patriarchy. Some case studies refer to violence faced by migrant workers, black and minority ethnic and indigenous people, and other groups that face discrimination in the labour market, such as LGBT

workers. They point to the need for workplace measures to take account of discrimination-related harassment and violence, including multiple and intersecting forms of discrimination, with a focus on discrimination based on gender, maternity, race, ethnicity, gender identity, sexual orientation, disability and age. The needs of migrant workers and indigenous people, and particularly workers at risk of trafficking for forced labour and sexual exploitation, also need to be taken into account.

The case studies also illustrate different approaches to tackling violence against women and men in the world of work. On the one hand, awareness of gender-based violence at work and its causes has led to specific initiatives and union programmes designed to challenge unequal gender power relations, gender inequalities and discrimination against women workers. On the other, violence and harassment at work is increasingly approached as a core safety and health / well-being at work issue, taking into account the psychosocial risks faced by all workers, not only women (see, for example, the 2007 European Framework Agreement on harassment and violence at work).

In summary, the following main themes stand out from the case studies:

- ❑ There is a growing awareness of the problem of violence as a core occupational safety and health risk affecting workers' physical and psychological well-being.
- ❑ There is a strong connection between access to decent work, non-discrimination and being protected by a trade union in preventing violence against women and men at work.
- ❑ There is an awareness of the need to address the gendered dynamics of violence, on the basis that gender-based violence is closely connected to gender inequalities, discrimination and unequal power relations.
- ❑ Changing patterns of work, and particularly women's increased participation in the labour market, has in many cases been in non-standard and precarious forms of employment, typified by informal, low-paid and poorly protected work. This makes women especially

vulnerable to physical, verbal and sexual harassment and violence.

- ❑ At its worst, economic vulnerability and poverty locks workers into dependence on exploitative employers, unethical recruitment agents and traffickers, and has an impact on violence against women in the personal sphere.
- ❑ Trade union negotiations, campaigns and advocacy have a positive effect in reducing violence and harassment at work. The case studies underscore the critically important role of tripartite and bipartite social dialogue, and of well-functioning industrial relations.
- ❑ Unions have a key role to play in representing and organizing workers in non-standard forms of work, such as informal workers and workers without access to decent work and pay.
- ❑ Bargaining is considerably strengthened when legislation not only lays down an obligation to carry out collective negotiations and joint worker-employer initiatives, but also provides a backdrop and framework of rights and obligations that can be further reinforced and extended through collective bargaining.

## 2. Freedom of association and collective bargaining

The case studies underline the fundamental importance of effective social dialogue and fully functional industrial relations systems (the right to form and join a trade union, and negotiate collective agreements, as embodied in core ILO conventions). Five case studies from unions in various sectors in India, Indonesia, Zambia, South Africa and the Democratic Republic of Congo illustrate the roles played by unions, and the related challenges, in exercising freedom of association and the right to bargaining collectively in efforts to address violence and harassment at work.

Collective bargaining is the most important tool for preventing and combating violence and harassment at work. The report produces evidence from existing studies of collective bargaining and presents fourteen case studies of union efforts (in Bulgaria, Italy, Argentina, Papua New Guinea,

South Africa, Colombia, Korea, Brazil, Spain, Ghana, Sweden, the Philippines and Canada) to negotiate collective agreements on violence and harassment at work. Many of these agreements have a specific focus on sexual harassment. Appendix 2 of the full report lists examples of such agreements.

## 3. Violence and harassment at work as a safety and health issue

Four case studies, based on specific union programmes in Argentina, South Africa, the Philippines and Sweden, refer to violence and harassment at work as a safety and health issue. They show how violence and harassment at work has been addressed through actions such as the training of safety and health representatives, agreements to form safety and health committees, and workplace programmes to address violence as a safety and health issue. Key issues are raised by trade unions about the importance of safety and health representatives understanding the causes, consequences and ways of preventing discrimination-related violence and harassment at work, including intersectionality.

## 4. The role of legislation in addressing violence and harassment at work

Legislation is important in providing the regulatory framework, with obligations on employers and governments, for addressing violence and harassment at work. The case studies show that few countries have yet adopted legislation specifically addressing violence and harassment at work. Some case studies refer to the importance of a legal framework on sexual harassment (for example, as recently introduced in India, Bangladesh, Pakistan and Nepal) in opening doors for unions to participate in workplace solutions and company complaints committees, and thus organize workers. Unions note, however, that many workers are not covered by such legislation, either because the legal obligations do not cover small workplaces or because their work is of a non-standard kind. Five case studies of unions in Nepal, India, the Philippines, Honduras and Canada highlight the importance of an efficient industrial relations

system and legislation that places obligations on governments (labour inspection) and employers (workplace policies and procedures) to arrive at effective solutions through social dialogue and collective negotiation.

## 5. Specific themes and issues addressed in the case studies

**Trafficking for forced labour and sexual exploitation** are extreme forms of exploitation, carrying a significant risk of violence. These are covered by three case studies of union action in Myanmar, the Philippines and India.

**Migrant labour**, in particular the vulnerabilities faced by women migrant workers in agriculture and domestic work, are covered by four case studies of union action in India, Indonesia and Pakistan, highlighting the importance of unions working and organizing to protect migrant workers.

**Economic vulnerability, poverty and low pay**, particularly affecting women workers, are highlighted in many of the case studies. The risks of violence are increased when workers are economically vulnerable and this issue is closely connected to access to decent work.

**Non-standard work and precarious working conditions** is an issue raised in many case studies and by GUFs and the ITUC. Six case studies from unions in Sweden, Canada, Uganda, Zambia and Indonesia illustrate the risks of violence associated with non-standard and precarious forms of employment, including informal and casual forms of labour.

**Changes in work organization and work pressure** are seen by unions as growing psychosocial risks, leading to higher levels of stress and harassment at work. They encompass new forms of work organization, work pressures, unrealistic work targets, staffing shortages and stress at work, coupled with growing levels of technology-based workplace surveillance and performance monitoring.

**Third-party violence** is highlighted as a growing problem in services where there is customer/client contact, such as health, transport, retail, hotels, restaurants, etc. Three case studies show

how unions have tackled third-party violence in the **health sector** (in the Democratic Republic of Congo, the Philippines and Argentina), and how union negotiations have successfully helped to reduce third-party violence and harassment at work.

In the **transport sector**, third-party violence, particularly affecting female transport workers and workers travelling to and from work, is a serious problem when vulnerable workers are reliant on hitch-hiking or travelling on buses late at night. Four case studies, from South Africa, India, the Philippines and Uganda, highlight union action to address violence against transport workers, including women, and the risks associated with travelling to and from work.

**Domestic violence at work** is discussed in six case studies showing how unions have addressed this new negotiating issue. Studies of union action and negotiations in Australia, Canada, Spain, South Africa and Pakistan illustrate how domestic violence has been raised and addressed by unions as a workplace issue, for example through collective agreements providing for domestic-violence leave or individually negotiated solutions for counselling and support.

## 6. National and global union campaigns and advocacy on violence and harassment at work

Examples of national union campaigns and advocacy, some of which are linked to global campaigns organized by the UNI, PSI and the ITF, are contributed by unions in eleven countries (Argentina, Canada, Chile, India, Bulgaria, Brazil, South Africa, Nepal, Sweden, Myanmar and the Philippines).

Advocacy and awareness-raising campaigns carried out by GUFs and the ITUC often focus on specific groups of workers, principally women. In their campaigns, the ITF, IUF, UNI and BWI have a specific focus on gender-based violence at work and, in addition, PSI has prioritized campaigns to address third-party violence and violence and harassment at work as part of an effort to improve access to quality health care services. Other examples include specific work carried out by the ITF on the bullying and

harassment of road transport workers and seafarers, and violence and abuse directed at trade unions. GUFs and national unions are also participating in the ITUC's global 'Stop gender-based violence at work' campaign.

## 7. Global Framework Agreements

A review of Global Framework Agreements (GFAs) carried out as part of this study found that nearly one quarter of GFAs refer, often in general terms, to harassment, sexual harassment and/or dignity at work. However, few have specific provisions for workplace procedures to prevent or address such violence and harassment. Ten GFAs do have a specific focus on violence, principally in relation to sexual harassment at work. A new challenge for GUFs is how to ensure that future GFAs include solutions for addressing violence and harassment at work, by introducing awareness-raising measures involving multinational companies and unions, and a specific ILO standard.

## 8. Key challenges raised by unions, GUFs and the ITUC

The case studies provide detailed evidence that violence and harassment at work is a growing problem, which trade unions are addressing in various ways. A theme running through most of the case studies is that new forms of work organization, and the growth of non-standard forms of employment, make workers especially vulnerable to violence and harassment. Economic vulnerability and poverty have enduring effects, not least in leaving workers vulnerable to repeated violence. Poverty prevents workers, and women in particular, from gaining economic independence. Without economic independence, it is very difficult for women to leave violent partners or to find alternatives to exploitative employers, unethical recruitment agents and traffickers.

The following summarizes the main challenges raised by national and global unions:

- The overall framework of collective bargaining is being weakened in many countries; unions foresee that this will reduce their capacity to negotiate at national/sectoral and company levels.
- The economic crisis has initiated a general trend towards a reduction in the number, coverage and influence of collective agreements. In some countries this is reflected in the decentralization of bargaining and greater difficulties in persuading employers to negotiate on key issues related to decent work. In some sectors, unions have been unable to conclude collective agreements.
- Where the law addresses violence and harassment, it is often done in a gender-neutral way. There is little understanding or awareness of gender-sensitive approaches, and little gender-based analysis of violence and harassment. One obvious problem is that CEDAW reports, the Istanbul Convention in Europe and the Belém Convention in Latin America, not to mention many national government actions plans to combat violence against women, give very limited focus to the workplace and the wider world of work.
- New forms of work organization, more isolated workplaces and an increase in non-standard work are major challenges for unions in organizing and protecting workers from violence and harassment. The increase in non-standard work, including informal work, zero-hours contracts, agency work and the use of casual labour in such sectors as technology, catering, trade, retail and services, is particularly affecting women and younger workers. Unions argue that there is strong connection between good quality working conditions and the dignity of workers.
- Unions report an increase in third-party violence and harassment in front-line services such as health, transport, education, catering, hotels, retail, etc., an issue which is rarely addressed in legislation. Inadequate funding for the provision of quality public services has led to increasing levels of violence and harassment at work.
- Many workers fear retaliation, such as the loss of their job, and further harassment if they report cases of violence and harassment at

work; in particular, there is a low level of trust that cases will be taken seriously.

- A further problem is that many women do not know that what they are experiencing is in fact sexual harassment and/or that they have rights of recourse in the workplace or through the courts.
- Several unions referred to the low levels of awareness of the gravity of the issue of violence and harassment against workers, especially women.

## 9. Recommendations and future priorities

These recommendations, for consideration by national unions, GUFs, the ITUC and the ILO Workers' Group, are based on issues raised by global and national unions in the context of the proposed ILO standard on violence against women and men in the world of work.

### a) The need for a robust ILO standard on violence in the world of work

The case studies are the first set of evidence-based contributions to be made available to the ILO workers' constituency. The proposed ILO standard on violence in the world of work is an opportunity to provide an agreed international definition of violence, including sexual harassment, and establish a framework within which governments, employers, companies and unions can take action to tackle the problem.

### b) Freedom of association and collective bargaining form an integral part of future national and international standards on preventing and combating violence and harassment at work

The case studies consistently recommend that effective social dialogue, freedom of association and the right to organize and bargain at sectoral and workplace levels are an essential part of an effective industrial relations system for addressing and preventing workplace harassment and violence.

### c) An enabling legal environment on violence and harassment at work is necessary to ensure efficient industrial relations systems

Alongside an effective industrial relations system, it is recommended that governments be obliged to introduce an enabling legal environment for preventing and tackling violence in the world of work. This includes the introduction of legal obligations incumbent on employers and partnerships between governments, employers and unions in raising awareness of the issue of violence and harassment at work.

To promote the adoption of a global standard, trade unions state that they will use the evidence collated in this and other studies to lobby national employers' organizations and governments, as well as launching national and regional campaigns.

### d) A gender perspective on violence at work

A consistent recommendation on the part of national and global unions is that gender-based violence needs to be given special attention in the proposed ILO standard, as women are disproportionately affected by violence in the world of work. All the global unions highlight the importance of addressing the root causes of violence, which requires a gender-sensitive approach to initiatives on well-being at work, health and safety, workplace relations and the working environment. Many case studies recommend that, as a priority, workplace measures should take account of multiple forms of discrimination.

### e) Address the growth of non-standard and precarious forms of employment and their consequences

Many of the recommendations made by national and global unions posit a link between the increase in non-standard and precarious forms of employment and growing levels of violence and harassment at work. They highlight the need to address the issues of unethical recruitment on the part of agencies and debt bondage, which have to be tackled



in parallel with initiatives to combat violence and harassment at work. In addition, unions suggest that attention needs to be paid to new and emerging risks in the workplace, such as work pressures, changes in work organization, surveillance and harassment by employers in the technology and digital sectors, long and unpredictable working hours in the service, manufacturing and agriculture sectors, and requirements for workers to be on call to respond to emails out of working hours. Unions also highlight the need to increase their own efforts through organizing, advocacy and representation of workers, particularly those in the most exploited, isolated and precarious work situations.

**f) Build awareness and introduce measures to prioritize the issue of violence and harassment at work in union policies and strategies**

Recommendations are consistently made for trade unions, employers and government to be pro-active in eliminating violence and harassment at work. They need to make this a priority in their policies, strategies, negotiations and collective bargaining claims, as well as monitoring and evaluating the outcomes of steps taken to address violence and harassment at work.

**g) Address the causes of violence and harassment at work, including third-party violence in front-line services**

Unions representing workers in front-line services, such as health care, transport and other service sectors, recommend that the proposed ILO standard should focus on third-party violence and, by this means, identify solutions to tackling the root causes of violence.

**h) Address the impact of domestic violence at work**

Several case studies refer to domestic violence at work as a world-of-work issue and suggest that it can be addressed through workplace negotiation. It is evident that domestic violence links the workplace and the home,

and unions argue strongly that the proposed ILO standard should take into account specific issues in relation to the workplace.

**i) Make violence and harassment at work visible (through the publishing of data, awareness-raising and information campaigns)**


Several global and national unions refer to the importance of introducing obligations on governments to collect systematic and comparable data on different types of violence and harassment at work, and to monitor trends over time. As well as union good practices identified in this report, several unions highlight the importance of capturing the voices and lived experience of workers who have suffered violence and harassment at work, particularly those in the most vulnerable and isolated employment situations in a range of sectors and in non-standard employment.

**j) Implement campaigns to raise awareness of violence and harassment at work**

Many case studies highlight the importance of awareness-raising, education and the training of employers, managers and workers and their representatives to ensure that they understand the causes and consequences of violence at work, and ways in which solutions can be jointly agreed and implemented. Unions suggest that this is important in fostering a culture of workplace democracy, necessary for tackling violence and harassment at work, and should be addressed in partnership with the media and through joint government/ employer/union campaigns.

**k) Make the issue of violence and harassment at work central to safety and health initiatives**

Global and national unions recommend that the issue of violence and harassment at work, including gender-based violence, should be an integral part of safety and health initiatives, prevention programmes and risk assessments. In their negotiations, employers and unions should include the issue of violence at work in



programmes to prevent HIV and AIDS and to promote safety and health.

**l) Ensure provision of professional and psychosocial support for victims of violence and harassment at work**

Employers and unions have a key role to play in instituting skilled professional psychosocial support and assistance for victims of violence and harassment at work.

**m) Tackling violence and harassment at work as a core obligation of labour inspection processes**

The labour inspection process has an important role to play in monitoring, tackling and raising awareness of violence and harassment at work. Inspectors need support and guidance from unions and employers in

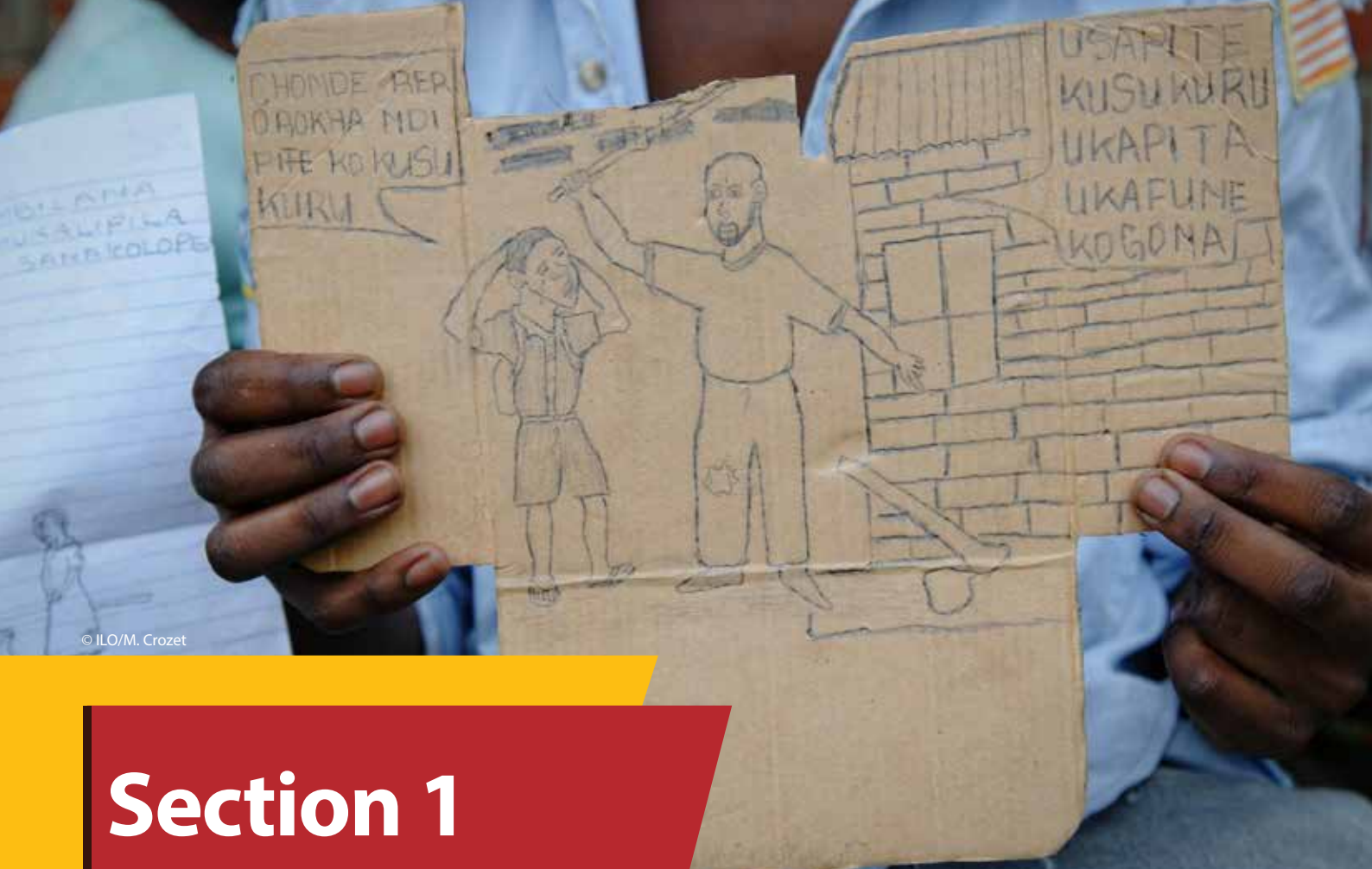
this area, as well as training on how to identify psychosocial risks, including the prevalence of sexual harassment in the workplace.

**n) Model good practice through shared learning, developing model clauses and disseminating effective solutions in guidance materials**

Global and national sectoral unions note the important role they can play in drawing up model clauses and model agreements that tackle violence and harassment at work. The case studies show that the exchange of good practice (global, national and cross-national) is very important for sharing and learning about ways in which violence can be tackled, what works, and the steps that unions have taken to conclude agreements with employers.







# Section 1

## Introduction

### 1.1 Overview

Violence and harassment against women and men in the world of work is an abuse of power. Violence particularly affects workers in the most vulnerable situations, who have limited access to their rights in areas such as freedom of association, collective bargaining, decent work, non-discrimination and access to justice. Some groups of workers, and particularly women, are disproportionately affected by violence and harassment at work, where unequal power relations, low pay, precarious working conditions and other workplace abuses expose them to violence.

The report provides a wealth of evidence showing how trade unions can contribute to making real and positive changes in the workplace to protect workers, and particularly women workers, from violence. Through collective agreements, workplace policies and negotiations, campaigns

and awareness-raising, trade unions have taken constructive steps to prevent violence in the world of work, often challenging institutional and structural forms of discrimination against workers. The examples and case studies presented in this report show that bargaining to address violence and harassment at work can be considerably strengthened when legislation provides a framework for collective negotiations, and unions point to the importance of an ILO standard in this regard.

This report has three related objectives:

- ❑ To show the role that trade unions can and do play in preventing and addressing violence and harassment at work, by documenting how the issue is featuring in national union policy and bargaining agendas, collective agreements and campaigns, as well as in Global Framework Agreements (GFAs);
- ❑ To share learning, promote discussion and enhance the role of trade unions roles in taking a systematic approach to the prevention and elimination of violence and harassment at work;
- ❑ To inform trade unions in building a strong position at the International Labour Conference in 2018 and in developing a standard/ standards on violence against women and men in the world of work.

Through national and global examples and case studies, the report provides a wealth of evidence showing how trade unions can contribute to making real and positive changes to protect workers, and particularly women workers, from violence and harassment at work. The examples and cases studies from trade unions at global, regional, national, sectoral and workplace levels show how unions have sought to prevent and address violence and harassment through collective bargaining, advocacy, awareness-raising and campaigns, and by making clear the connection between the lack of decent work and precarious working conditions, on the one hand, and rising levels of violence in the world of work, on the other. The examples and case studies illustrate the added contribution that effective social dialogue and efficient industrial relations, combined with a supportive legal

framework, can play in preventing and combating violence against women and men in the world of work.

The report draws on information, examples and case studies produced by six Global Union Federations (GUFs) and the International Trade Union Confederation (ITUC) relating to national and global advocacy, campaigns and priorities to address violence and harassment at work. It presents 35 case studies, spanning 25 countries, which have been carefully selected to reflect good practice in a range of sectors, countries and regions. In addition, the report draws on global advocacy, campaigns and positions formulated by GUFs and the ITUC to address violence and harassment at work, including discussions held with the ILO Workers' Group prior to and during the Tripartite Meeting of Experts on Violence against Women and Men in the World of Work, held in Geneva from 3 to 6 October 2016.

All of the examples and case studies presented in this report reflect a growing awareness of the incidence and severity of violence in the world of work, highlighting the fact that violence and harassment at work is a violation of human rights and human dignity, and an issue closely connected with unequal power relations. As this report will show, women are the most at risk of violence, and certain groups of women face significant risks, in particular migrant workers, domestic workers, dependent family workers and informal workers, who are least likely to be covered by collective bargaining agreements and/or legislation.<sup>2</sup>

Although violence and harassment at work is not a new issue, the case studies show that unions are increasingly aware that violence is both a core safety and health issue, and an issue of sexual discrimination. In recent years, there has also been a noticeable shift in focus, whereby violence is recognized as a psychosocial risk in safety and health and wellbeing-at-work policies. For example, evidence from the 2005–2010 European Working Conditions Surveys show that although physical violence has declined, other forms of violence and harassment, such as threats, intimidation, bullying,

<sup>2</sup> Cruz, A., & Klinger, S. (2011). *Gender-based violence in the world of work: Overview and selected annotated bibliography*. Geneva, International Labour Organization.

harassment and unwanted sexual attention are still prevalent forms of violence at work.<sup>3</sup>

Global and national unions cite a range of data showing that violence can adversely affect profitability, productivity and the reputation of a business. Violence affects workers' performance, motivation, loyalty, quality of work, and the quality of the services they provide. It can lead to workplace conflict, failure to retain workers and high worker turnover. As the ITUC argues, discrimination and violence at work "stifles opportunities, wasting human talent needed for economic progress, and accentuates social tensions and inequalities." In addition, discrimination makes workers more vulnerable to exploitation, instability and forced labour. In this context harassment, violence and discrimination frequently involve an abuse of power, risking the safety and health of both male and female workers.

## 1.2 ILO labour standards and violence and harassment at work

In the absence of an international standard on violence and harassment at work, trade unions have used existing ILO international labour standards to inform action to eliminate violence, particularly where such violence affects vulnerable groups, domestic workers, indigenous peoples, child labourers, rural workers and migrant workers. Of key importance is Convention No. 87 on collective bargaining, which many unions argue provides the framework and bedrock for collective bargaining to address violence in the world of work. Although there is currently no single agreed definition of violence and harassment at work, existing ILO labour standards have addressed the issue in various ways:

- ➔ Convention 189 Domestic Workers Convention (2011) requires ratifying States, along with trade unions and employers' organizations, to take

action against any form of violence, abuse or harassment at work.

- ➔ The 2014 ILO Protocol on Forced Labour specifies that States should take measures to support due diligence by the private and public sectors to respond to the risk of forced labour and to protect workers, in particular migrant workers, from abusive and fraudulent recruitment practices.
- ➔ Recommendation 200 on HIV and AIDS and the World of Work (2010) sets out steps and "ensuring actions to prevent and prohibit violence and harassment in the workplace".
- ➔ Recommendation 204 concerning the Transition from the Informal to the Formal Economy (adopted by the International Labour Conference at its 104th session on 12 June 2015) requires Member States to ensure that an integrated policy framework is included in national development strategies or plans. "This framework should address [...] the promotion of equality and the elimination of all forms of discrimination and violence, including gender-based violence, in the workplace.

In addition to projects aimed at raising awareness and preventing violence, and the production of guides on sexual harassment at work, the ILO's decent work mandate requires it to act to combat and prevent violence and harassment at work and to foster workplace environments based on decent work, gender equality and respect.

ILO Convention No. 111 has also been particularly important, enabling the ILO to promote the systematic integration of a gender dimension,<sup>4</sup> including measures to address sexual harassment and violence, in collective bargaining. The 2009 Resolution on 'gender equality at the heart of decent work', states that, "Collective bargaining

<sup>3</sup> Eurofound (2015) Violence and harassment in European workplaces: Causes, impacts and policies. Dublin, Eurofound.

<sup>4</sup> The 2003 and 2009 reports of the ILO Committee of Experts on the Application of Conventions and Recommendations both noted that in the absence of a specific international standard on addressing sexual harassment, Convention 111 should include measures to address the issue, on the basis that sexual harassment is a form of sex discrimination. In recognition of this, the ILO Conference Committee on Gender Equality (2009) has stated that sexual harassment and violence against women "should be addressed through social dialogue, including collective bargaining, where applicable, at the enterprise, sectoral or national level".

can ensure the systematic integration of gender dimensions into labour market and macroeconomic policies in general, and address specific issues such as the gender pay gap, enhanced protection against discrimination, work–family measures and childcare infrastructure, sexual violence and harassment, and the promotion of female employment.” (para. 37).

The issue of violence and harassment at work has also been raised by the ILO Committee of Experts on the Application of Conventions and Recommendations when examining ILO member States’ reports on Convention No. 111. The Committee has expressed its view that sexual harassment is a form of sex discrimination and should be addressed within the requirements of the Convention. The Committee has noted that sexual harassment undermines equality at work by calling into question integrity, dignity and the well-being of workers. Sexual harassment also

damages an enterprise by weakening the bases upon which work relationships are built and impairing productivity. In its 2003 General Survey of Convention No. 111, the Committee “urged governments to take appropriate measures to prohibit sexual harassment in employment and occupation”.<sup>5</sup> It also highlighted the definition most commonly used by the ILO:

- 1) **(quid pro quo):** any physical, verbal or non-verbal conduct of a sexual nature and other conduct based on sex affecting the dignity of women and men, which is unwelcome, unreasonable, and offensive to the recipient; and a person’s rejection of, or submission to, such conduct is used explicitly or implicitly as a basis for a decision which affects that person’s job;



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<sup>5</sup> ILO (2003) Equality in employment and occupation, General Survey of the Committee of Experts on the Application of Conventions and Recommendations, International Labour Conference, 91st Session, Report III (Part 1A). Geneva. p.463.



- 2) **(hostile work environment):** conduct that creates an intimidating, hostile or humiliating working environment for the recipient.

The 2009 report of the ILO Committee of Experts on the Application of Conventions and Recommendations noted that there was a continuing implementation gap where sexual harassment at work is concerned.<sup>6</sup>

In addition, the ILO has drawn up two specific codes of practice which set out explicit measures to tackle violence and harassment at work:

- The ILO Code of practice on workplace violence in services sectors and *measures* to combat this phenomenon (adopted by the Governing Body in 2003). This is a non-binding instrument giving guidance for addressing workplace violence in these sectors.
- The ILO Code of practice on safety and health in Agriculture, which includes sexual harassment and a model sexual harassment policy. The aim is to raise awareness, prevent sexual harassment and promote positive behaviour in the workplace.

### 1.3 Definitions of violence and harassment at work

Definitions of violence in the world of work include a wide range of violent acts:<sup>7</sup> *physical violence* leading to death, injury and assault; *psychosocial/psychological violence* resulting from bullying, harassment and mobbing; and *sexual harassment, sexual violence and abuse*. It can also include the impact of *domestic violence* on the workplace.

In this report, the term ‘violence and harassment’ is used to cover a wide range of different types

of violence. This reflects the conclusions of the Meeting of Experts on Violence against Women and Men in the World of Work, held in Geneva from 3 to 6 October 2016 and adopted by the ILO Governing Body (27 October–10 November 2016).<sup>8</sup> In this context it was agreed that ‘violence and harassment’ be used as an overarching concept, in lieu of ‘violence’, in order to define a range of unacceptable behaviours, including gender-based violence:

The experts recognized that terminology might vary across countries, but that the rubric of “violence and harassment” was helpful in understanding a continuum of unacceptable behaviours and practices that are likely to result in physical, psychological or sexual harm or suffering. Within this continuum, there was particular focus on gender-based violence. The experts agreed on the importance of distinguishing between various forms of violence and harassment, and understanding the context in which they occur, as responses would vary accordingly. (para. 7)

Throughout this report, different definitions of violence and harassment are referred to in order to reflect the different and/or specific ways in which unions in different countries or sectors have defined violence and harassment. Although these definitions of violence and harassment at work differ from one region or country to another, GUFs and the ITUC have adopted an integrated and wide-ranging approach to violence in the world of work that takes into account these various dynamics. This approach is rooted in a shared understanding that violence and harassment are an abuse of power and arise from unequal power relations at work, in the family and in society. It is recognized that violence and harassment at work encompasses:

- Physical assault and violence, as well as a range of psychosocial risks such as verbal or non-verbal threats and abusive behaviours, which are often sexualized and rooted in unequal power relations. These are referred to

<sup>6</sup> ILO (2009) General Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), 98th Session of the International Labour Conference.

<sup>7</sup> For further discussion of definitions of violence at work see: ILO (2016a) Background paper for discussion at the Meeting of Experts on Violence against Women and Men in the World of Work (3–6 October 2016). Geneva, ILO. Available at: [http://www.ilo.org/wcmsp5/groups/public/--dgreports/--gender/documents/meetingdocument/wcms\\_522932.pdf](http://www.ilo.org/wcmsp5/groups/public/--dgreports/--gender/documents/meetingdocument/wcms_522932.pdf)

<sup>8</sup> ILO (2016b) Report of the Director-General, Fifth Supplementary Report: Outcome of the Meeting of Experts on Violence against Women and Men in the World of Work. ILO Governing Body, 328th Session, Geneva, 27 October–10 November 2016. Available at: [http://www.ilo.org/wcmsp5/groups/public/--ed\\_norm/--relconf/documents/meetingdocument/wcms\\_533534.pdf](http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--relconf/documents/meetingdocument/wcms_533534.pdf)



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in different national contexts as unwelcome psychological or moral harassment, bullying or mobbing with the aim of demeaning, embarrassing, humiliating or abusing a person.

- ❑ Discrimination-related violence, affecting workers in the most vulnerable situations, including women, LGBT workers and racialized workers. Women who experience multiple discrimination are disproportionately affected by violence and harassment at work. They include hotel workers, barmaids, waitresses, nurses, social care workers, teachers and teaching assistants, and shop workers.
- ❑ Violence in the world of work includes violence that takes place away from the traditional workplace, for example at social events, conferences, training courses or meetings related to work, in the home of clients or when work takes place away from the workplace and involves contact with the public. It also includes travel during business hours and travel to and from work.
- ❑ Working with clients or the public exposes some workers to a higher risk of violence, e.g. working in night-time services such as bars and cafes where alcohol is consumed, in policing or criminal justice operations, in front-line first responder emergency services, in situations where money or prescription drugs are handled, where care and education services

are provided, and where work is carried out in isolated locations, at unsocial hours or in mobile locations.

## 1.4 Introduction to the case studies

The Global Union Federations (GUFs), the International Trade Union Confederation (ITUC) and their national affiliates were asked to collate information, good practices and case studies on trade union action to eliminate violence and harassment at work from a sectoral and confederal perspective, and to make recommendations in relation to the proposed ILO standard on violence against women and men in the world of work. Each GUF and the ITUC was provided with a template and guidance on what to include in the case studies, and careful attention was paid to selecting case studies from a cross-section of regions, countries and sectors.

The countries, sectors and main themes addressed in the case studies is summarized in **Table 1**.

**Table 1:** Summary of case studies by country, sector and type of violence addressed

COUNTRY	SECTOR	VIOLENCE AGAINST WOMEN AND MEN	VIOLENCE AGAINST WOMEN / SEXUAL HARASSMENT	DOMESTIC VIOLENCE AS A WORLD OF WORK ISSUE	THIRD-PARTY VIOLENCE
<b>Europe</b>					
Bulgaria	IFT (transport)	x	x	x	x
Italy	BWI (woodworking)		x		
Spain	UNI (various)		x	x	
Sweden	IUF (hotels)	x	x	x	x
<b>Americas</b>					
Canada	ITF (transport)		x	x	
Canada	BWI (steel)		x	x	
Argentina	BWI (construction)		x		x
Argentina	PSI (health)	X	x		x
Brazil	UNI (banking)	X	x		x
Colombia	IUF (agriculture)	X	X		x
Chile	ITUC (cross-sectoral)		X		x
Honduras	ITUC (various)		X		
<b>Africa</b>					
Uganda	ITF (transport)		X		x
Ghana	UNI (commerce)		X		
South Africa	UNI (commerce/ food)	x	X	x	x
South Africa	IUF (agriculture)		X	x	x
Zambia	IUF (agriculture)		X		
DRC	PSI (health)	x	X		x
<b>Asia</b>					
India	ITF (transport)		X		x
India	IUF (agriculture)		X		x
India	BWI (construction)		X		x
India	UNI (banking)		X		
Nepal	UNI (various sectors)	x	X		x
Malaysia	IndustriALL (electrical)		X		
Myanmar	IUF (agriculture)		X		
Myanmar	IndustriALL (mining)		X		
Pakistan	IUF (agriculture)		X		
Philippines	IUF (food and beverages)	x	X		x
Philippines	BWI (various)		X		
Philippines	PSI (health)	x	X		
Philippines	IndustriALL (various)		x		
Korea	IUF (various)		X		
Papua New Guinea	IUF (agriculture and fisheries)	x	X		
Indonesia	ITUC (food, domestic workers)	x	X		
Australia	ITUC (cross-sectoral)			x	

Of the thirty-five case studies from twenty-five countries, seventeen are concerned with trade-union action in countries in Asia, while six are from Africa, eight from the Americas and four from Europe. The case studies focus on the sectors where workers face the greatest risks of violence: agriculture; labour intensive manufacturing in global supply chains and export processing zones; hotels, restaurants and retail; building, woodworking, fisheries and seafaring; and public services such as transport and health.

Twelve case studies focus on violence and harassment affecting both women and men, while thirty-four address violence against women / sexual harassment, either as specific initiatives or as part of broader studies of violence and harassment at work. Eight case studies illustrate union action to prevent and address the impact of domestic violence at work. Sixteen focus on the issue of third-party violence and harassment, for example in relation to the risks faced by workers in transport, health, retail, restaurants and hotels, or by workers travelling to and from work. A large proportion of the case studies highlight the vulnerabilities of isolated and least-protected workers, such as migrant workers, workers affected by debt bondage and workers in non-standard forms of employment. A further six case studies illustrate the risks faced by workers travelling to and from work, a matter of concern for the most vulnerable workers, while five refer to violence/harassment against trade-union activists and leaders in attempts to suppress trade-union organizing and activity.

 **A one-page summary of each case study can be found in Appendix 1.**

The case studies are supplemented by additional shorter examples provided by national unions, GUFs and the ITUC, as well as members of the ILO Workers' Group represented at the Tripartite Meeting of Experts on Violence against Women and Men in the World of Work, held in Geneva from 3 to 6 October 2016. The examples reflect a wider range of promising practices and different approaches to tackling violence against women and men in the world of work.

The case studies, examples and discussions with GUFs and the ITUC provide evidence of significantly rising levels of violence against women and men in the world of work. They show that, across the world, trade unions are involved in campaigns, advocacy and collective bargaining at national, sectoral and company levels to combat violence in the workplace. The following main themes stand out:

- ❑ There is a greater awareness of the problem of violence as a core occupational safety and health risk affecting workers' physical and psychological well-being.
- ❑ The case studies reflect a wide range of world-of-work issues that connect violence and harassment in the workplace with travel to and from work, public spaces and the family/community.
- ❑ There is a strong connection between access to decent work, non-discrimination and being protected by a trade union and the prevention of violence against women and men at work.
- ❑ There is an awareness of the need to address the gender-related dynamics of violence, whereby gender-based violence is closely connected to gender inequalities, discrimination and unequal gender roles, norms and relations.
- ❑ Changing patterns of work, and particularly women's increased participation in the labour market, have in many cases led to non-standard and precarious forms of employment, typified by informal, low-paid and poorly protected work. This makes women especially vulnerable to physical, verbal and sexual harassment and violence. At their worst, economic vulnerability and poverty lock women into dependence on exploitative employers, unethical recruitment agents, and traffickers, and have an impact on violence against women in the personal sphere.
- ❑ Trade union negotiations, campaigns and advocacy are having a positive effect in eliminating violence and harassment at work. The case studies underscore the critically important role of tripartite and bipartite social dialogue, and of good industrial relations.



- Unions have a key role to play in representing and organizing workers in non-standard forms of work, such as informal workers, and workers without access to decent work and pay.
- Bargaining is considerably strengthened when legislation not only lays down an obligation to conduct collective negotiations and joint worker-employer initiatives, but also establishes a backdrop and framework for rights and obligations that can be further reinforced and extended through collective bargaining.

Millions of women worldwide today face physical and mental aggression and brutality – domestic violence and abuse, sexual assault, sexual harassment, violence at work, economic violence and human trafficking. This is a denial of their human rights and fundamental freedoms. They need to know that unions believe women’s rights are human rights, and that trade unionists stand together against violence against women.” (Diana Holland, Chair of ITF Women’s Committee)

The case studies reflect how trade unions have responded to the consequences of rapid and uneven globalization, and changes in the organization and location of work and production. They show that violence and harassment at work is increasing as a result of new forms of employment, work organization and work practices in global labour markets. In particular, increasing levels of psychosocial harassment<sup>9</sup> are closely connected with factors such as work insecurity, work pressures, stress and workplace surveillance. Changing patterns of employment and work organization, such as work in isolated or mobile locations, or the shift of production of goods and services to low-income countries (for example, through global supply chains and in Export Processing Zones), also have implications for rising levels of violence.

The data shows that violence and harassment at work is a major and growing problem.<sup>10</sup> For example, data from the Advisory Office on Workplace Violence (OAVL) in Argentina shows that since 2007 complaints regarding workplace violence have increased by between 15 per cent and 30 per cent year on year. In 2015, the OAVL received more than 9,000 reports of mobbing (86 per cent concerning physical violence), nearly 70 per cent of the victims of which were women.<sup>11</sup> A TUC survey in the UK found that 12 per cent of workers have experienced work-related violence, for example being pushed or spat on, or being punched or stabbed.<sup>12</sup> Data on gender-based violence is presented in section 1.6 below.

## 1.5 Sectors covered in the examples and case studies

The case studies provide examples of how unions have addressed violence and harassment in agriculture, manufacturing, building and woodworking, retail and other services, including transport and health.

The IUF has collected extensive evidence of violence in the **agriculture and food sectors**. The IUF states that in the agriculture, food and beverages sector, the absence of a living wage increases vulnerability and the risk of violence. IUF case studies, for example of unions working to end violence and harassment at work in India, Pakistan, the Philippines and Myanmar, highlight the additional vulnerabilities faced by women, including working in isolation in male-dominated workplaces often managed by male supervisors, working alone in fields/plantations, or as sales personnel on the road visiting homes/offices. A further issue raised by the IUF is that travel to and from work exposes women workers to violence; a lack of transport

<sup>9</sup> EU-OSHA (2011) Workplace violence and harassment: A European Picture <https://osha.europa.eu/en/tools-and-publications/publications/reports/violence-harassment-TERO09010ENC/view>

<sup>10</sup> See for example, EU-OSHA, 2011 op. cit.; ILO, 2016a op. cit.; ILO 2016b op. cit.

<sup>11</sup> Cited in BWI Case Study 4: Unión Obrera de la Construcción Argentina (UOCRA) (Argentina)

<sup>12</sup> <https://www.tuc.org.uk/industrial-issues/workplace-issues/health-and-safety/violence/one-eight-people-experience-violence>



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often forces women to hitch-hike or walk long distances to and from the fields. To quote one example, women contract workers run the risk of rape and other forms violence while hitch-hiking to a remote plantation in India.

Violence and harassment in **labour-intensive manufacturing industries** (e.g. garment-making, textiles, electronics) arises because of the presence of large numbers of young, inexperienced, migrant women from rural backgrounds working under the supervision of few men, high levels of production pressure, and abusive disciplinary practices. Violence and abuse directed at the predominantly female workforce is further fueled by a workplace culture of harassment, low levels of unionization and a lack of decent work.<sup>13</sup> According to UN Women: "...the industry has created tragically unsafe, exploitative and dangerous workplaces where women workers face poor pay, inequality, harassment and violence."<sup>14</sup> In particular, women's employment in

global supply chains in sectors such as electronics, agriculture, tourism and apparel, while providing access to formal work, is typified by non-standard forms of employment, long and unpredictable working hours, and pressure to meet production targets. Reinforced by difficulties in joining trade unions and lack of protection under collective bargaining agreements (CBAs),<sup>15</sup> these practices perpetuate a climate of workplace harassment and violence.<sup>16</sup> This issue was discussed at the 2016 ILC in the context of decent work in global supply chains. According to the Resolution adopted at the time:

In many sectors, women represent a large share of the workforce in global supply chains. They are disproportionately represented in low-wage jobs in the lower tiers of the supply chain and are too often

<sup>13</sup> See: Morris, J., and Pillinger J., (2016) Gender-based violence in global supply chains: Resource Kit. ITCILO.

<sup>14</sup> UN Women. (2015). Progress of the World's Women. Transforming Economies, Realizing Rights. New York, UN Women. p.59. Available at: <http://progress.unwomen.org/en/2015/download/index.html#report>

<sup>15</sup> ILO (2016) Decent Work in Global Supply Chains. International Labour Conference, 105th Session, 2016. Para. 4, page 2. Available at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_468097.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_468097.pdf)

<sup>16</sup> Staritz, C., and Guilherme Reis, J. (eds.) (2013) Global Value Chains, Economic Upgrading, and Gender: Case Studies of the Horticulture, Tourism, and Call Center Industries. World Bank; Christian, M., Evers, B., and Barrientos, S. (2013). Women in value chains: making the difference; Capturing the Gains Summit, Cape Town: Revised Summit Briefing, No 6.3.; Morris and Pillinger, op cit.

subject to discrimination, sexual harassment and other forms of workplace violence.<sup>17</sup>

In the **service sector**, particularly in retail, hotels and restaurants, workers providing front-line services, particularly if they are female, are frequently at risk of violence and harassment. In addition, long working hours, often extending into the night, make travel to and from work dangerous. In these sectors, non-standard forms of employment often mean that workers suffer violence in silence, and many are unable to complain, or fear making complaints, in case they lose their jobs. Research carried out by Nordic unions on sexual harassment (verbal and non-verbal harassment, threats and physical violence) in the hotel, restaurant and tourism industry<sup>18</sup> shows that sexual harassment is pervasive and has serious and damaging consequences for workers and their families, as well as employers. A major problem is the high level of third-party sexual harassment, particularly against women and young women with insecure jobs. In tourism, alcohol consumption, the tipping culture, irregular working hours, the notion that the customer is always right and that harassment is part of the job all contribute to a culture of third-party harassment. The social partners should be playing a key role in challenging and addressing endemic sexual harassment in the sector.

In the **building and woodworking sector**, the BWI notes that violence and harassment at work particularly affects informal and migrant workers. Although it is a male-dominated sector, women's participation has grown, but they are yet to achieve equal opportunities at work and are affected by deep-seated gender stereotypes and unequal

gender relations.<sup>19</sup> In the workplace, the main form of discrimination reported by the BWI<sup>20</sup> is 'sexist practices' and jokes, which in some cases affects the seriousness with which the union movement has dealt with sexual harassment issues.

In the **health sector**, there has been an increase in the incidence and severity of violence in the workplace for two main reasons. On the one hand, austerity measures have resulted in inadequate staffing and poor levels of service, leading to third-party violence by patients and their families, who often have to endure long waiting times and poor access to treatment. This inflicts significant stress on health workers, contributes to a culture of co-worker violence and harassment and leads to reduced staff morale and, ultimately, to workers leaving their jobs. On the other hand, health care is a largely feminized sector, and unions have highlighted gender-based violence against nurses in particular. Research and guidelines drawn up by PSI, the global public-service union federation, in conjunction with the ILO, the ICN and the WHO<sup>21</sup>, show that workers in the health sector are at increased risk of violence and harassment because of the characteristics of the services delivered and the existing work environment. PSI reports that austerity, and the resulting social inequality, has led to a rapid spread of violence in the sector. An increase in the incidence of domestic violence, a culture of violence, and social and political violence in some countries, also impact on the workplace. Violence

<sup>17</sup> ILO Resolution concerning decent work in global supply chains. International Labour Conference, 105th Session, 2016. Available at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_497555.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_497555.pdf)

<sup>18</sup> HRCIT (2015) Report on Sexual Harassment: Overview of Research on Sexual Harassment in the Nordic Hotel, Restaurant and Tourism Industry. Available at: [http://nordichrcit.org/~media/Files/temaer\\_3f\\_dk/www\\_nu\\_hrct\\_dk/Report\\_on\\_Sexual\\_Harassment\\_Eng.pdf](http://nordichrcit.org/~media/Files/temaer_3f_dk/www_nu_hrct_dk/Report_on_Sexual_Harassment_Eng.pdf)

<sup>19</sup> The proportion of women construction workers ranges from 2 per cent in North America to 23.5 per cent in Kazakhstan, 22.9 per cent in Singapore, 21.1 per cent in Mongolia and 17.8 per cent in Ethiopia. The nature of female work in construction varies according to region. In South Asia, however, women represent an important proportion of the on-site construction workforce. In the case of India, women may represent up to 50 per cent of the workforce on some sites. The majority of these female workers are engaged in load-carrying and other forms of semi-skilled work, such as plastering or concrete mixing. The Self-Employed Women's Association (SEWA) in India reports that 93.6 per cent of the women workers are casual labourers. Recent trends in women's participation in the industry have been mixed. Source: ILO (2015) Good Practices and Challenges in Promoting Decent Work in Construction and Infrastructure Projects, Sectoral Policies Department. Geneva, ILO.

<sup>20</sup> BWI (2014) Building Women Power through Trade Unions, Research Study on Women in the BWI Sectors. Geneva, BWI.

<sup>21</sup> Public Services International (PSI), International Labour Office (ILO), the International Council of Nurses (ICN), the World Health Organization (WHO) (2002) Framework Guidelines for Addressing Workplace Violence in the Health Sector. Available at: <http://apps.who.int/iris/bitstream/10665/42617/1/9221134466.pdf>



affects the delivery of services and the quality of care provided, as many workers do not want to work in conditions where violence is commonplace. This, together with reduced funding, further threatens access to good quality health care.

In all countries, we need a strong commitment from governments to address the deeply rooted causes of violence against women: inequality and discrimination. States must introduce adequate measures to prevent violence and protect threatened women, as well as prosecutions, counselling and education to change the mentality of people. Shelters for abused women should be provided and it is unacceptable that, under austerity policies, those services are abolished in many countries. Governments also need to provide safe havens for refugees and ensure that the needs of women and girls are taken into account. (Rosa Pavanelli, PSI General Secretary)

In the **transport sector**, workers and passengers regularly encounter violence. The ITF reports that transport workers, men and women, work in a high-risk industry when it comes to violence and the threat of violence. Women are disproportionately affected by violence on the basis of their gender. The ITF believes women transport workers need to be recognized as a high-risk group in the proposed ILO instrument on violence against women and men in the world of work. Women constitute a small but growing percentage of the transport workforce and face significant gender-based stereotyping, discrimination and stigmatization. The ITF believes violence against women in transport workplaces is not an inevitable part of the job and trade unions have a unique opportunity, and a human rights obligation, to support women transport workers in breaking the silence that surrounds their experiences of violence and harassment at work. In addition to significant risks of violence for **transport** workers who come into direct contact with the public, in some countries women transport users also face significant risks.

The ITF has highlighted the extreme forms of violence faced by **seafarers**. One of the problems is that workers on ships are often without national and international protection because they are flagged

in one country, crew from another country and are in the waters of yet another. The ITF cites the high-profile case of a woman who was raped and thrown overboard, but no country wanted to get involved because it was not 'our responsibility'. In June 2016, delegates at the International Labour Conference voted to approve amendments to the Maritime Labour Convention 2006 to better protect seafarers against shipboard harassment and bullying. The amendment refers to the Guidance on Eliminating Shipboard Harassment and Bullying drawn up by the IFT and the International Chamber of Shipping,<sup>22</sup> which recognizes that "harassment and bullying on board ships can have serious consequences for the physical and emotional health of seafarers, lead to decreased motivation and increased sickness and can compromise cohesive and effective teamwork. It can also have negative effects for companies, resulting in a deterioration of working conditions and potential organisational, economic and legal consequences." The amendment links to guidance on identifying and reporting complaints, hearings and resolution of cases, as well as awareness-raising measures to eliminate bullying and harassment.

The UNI reports on increasing levels of employment in the **technology and digital sectors**<sup>23</sup> and associated new patterns of work that are having an impact on well-being and dignity at work. For example, an increase in the use of surveillance technology has led to growing levels of control and harassment, resulting in stress as workers feel they are constantly being monitored. In addition, long working hours, the intensification of work, greater pressure to reach targets, cloud working and expectations that workers will be 'on call' to respond to emails 24/7 present further psychosocial risks for workers. In this context, the boundaries between work time and personal time become blurred. The UNI reports that some governments and employers have taken steps to tackle this problem. Legislation agreed in France in 2016 allows workers to disconnect from e-mail services, and some employers now switch off servers at the

<sup>22</sup> The project involved young women workers from Zimbabwe, South Africa, Angola, Mozambique, Zambia, Brazil, Indonesia, India, Belarus, Kazakhstan, Azerbaijan and Ukraine: <http://www.itfglobal.org/media/1279810/harassment-guide.pdf>

<sup>23</sup> See ILO 2014 World of Work Report

end of the working day. The UNI's work on new communication and web-based technologies shows that employers are increasingly monitoring work performance, a phenomenon that has recently been extended to professional, managerial and service-related employment.

## 1.6 A focus on gender-based violence and multiple discrimination in the world of work

Violence can affect any worker, although some groups are disproportionately affected by violence because of unequal power relations. Violence may often occur because of inequality and discrimination on the grounds of gender, race, ethnicity, socio-economic status, HIV-AIDS status, sexual orientation and gender identity, migrant status or age, and so on. For example, Inuit women in Canada working in mines in remote and isolated locations experience high levels of sexist and racist forms of workplace violence, high rates of domestic violence in the family, and poor access to support services.<sup>24</sup> Workplaces where the predominant workforce is of one gender or one ethnicity may be more hostile to workers not conforming to established gender norms or individuals coming from under-represented groups.

Furthermore, the risk of violence is exacerbated where there were multiple and intersecting forms of discrimination. This could, for example, be related to a worker's gender, race, disability, age or immigration status. GUFs and the ITUC have highlighted the importance of taking into account the risks and vulnerabilities faced by women who experience multiple and intersecting forms of discrimination, for example, migrant ethnic-minority women working in domestic service or in agriculture. Workplace risk factors and vulnerability

are compounded for people with multiple and intersecting identities.

Trade unions also highlight the need for greater attention to be paid to the experiences of younger workers, particularly as they are more likely to work in casual and non-standard forms of employment, in both the public and private sectors, where they are more likely to be at risk of harassment and violence. Young women workers participating in the ITUC 'Decision for Life' project identified violence and harassment as one of the core issues affecting their daily lives.<sup>25</sup>

As PSI and other unions argue, workers in the most vulnerable and least secure work situations, including women, LGBT, racialized and indigenous workers, and workers with disabilities, are disproportionately affected by the public-sector austerity measures and the trend towards privatization and casualization. Many of these workers see harassment as part of the job. Lower levels of staffing, changes in work organization and the introduction of new 'public management' systems are additional factors that have led to increasing levels of stress and work pressure and to higher levels of harassment at work, particularly among front-line health and social care workers.

It is also important to note that there is still a low level of awareness among trade unions, as well as employers, about intersectionality and discrimination-related harassment. This is particularly relevant as the prevention of violence becomes increasingly located within the framework of well-being at work and occupational health and safety. Health and safety representatives, particularly in small workplaces, as well as labour inspectors, often lack training or experience in identifying and tackling sexual harassment, which may result in the issue being invisible in the workplace. However, the establishment of joint safety and health committees can play a positive role in addressing prevention, at the same time uncovering some of the root causes of violence. In future, unions can be expected to play a key role making intersectionality and discrimination-related harassment a core aspect of safety and health programmes aimed at prevention.

<sup>24</sup> Pauktuutit, Canada's Inuit Women's Association (2014) The Impact of Resource Extraction on Inuit Women and Families in Qamani'tuaq, Nunavut Territory. Available at: <http://pauktuutit.ca/wp-content/blogs.dir/1/assets/Final-mining-report-PDF-for-web.pdf>

<sup>25</sup> [https://www.ituc-csi.org/IMG/pdf/ITUC-Decisions\\_for\\_LifeWEB.pdf](https://www.ituc-csi.org/IMG/pdf/ITUC-Decisions_for_LifeWEB.pdf)

## Gender-based violence

Gender-based violence means any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. (UN Declaration on the Elimination of Violence Against Women, 20 December 1993)

The examples and case studies pay special attention to gender-based violence. GUFs and the ITUC provide examples of extensive sexual, physical and psychological harassment by managers, supervisors, co-workers and third-parties, which may take the form of forced pregnancy tests, dismissal of pregnant women, violations of sexual and reproductive health and rights, rape and sexual assault, and beatings. According to the ITUC, up to half of all women have experienced unwanted sexual harassment, sexual advances or physical assault. There is extensive national and global evidence of the extent of violence against women, some examples of which are given below:

- ❑ The WHO reports that more than 35 per cent of women worldwide have experienced physical and/or sexual violence.<sup>26</sup>
- ❑ Between 40 and 50 per cent of women in the European Union experience unwanted sexual advances, physical contact or other forms of sexual harassment at and outside of work.<sup>27</sup>
- ❑ Studies in Japan, Malaysia, the Philippines and South Korea show that 30 to 40 per cent of women suffer workplace sexual harassment; In Nairobi, 20 percent of women have been sexually harassed at work or school; in the United States, 83 percent of girls aged 12 to 16

experience some form of sexual harassment in public schools.<sup>28</sup>

- ❑ The National Institute for Women (INMUJERES) in Mexico reports that 46 percent of women employed in the formal economy (15 million) suffer from some type of sexual harassment.<sup>29</sup>
- ❑ In Uganda, a survey carried out in over 2,910 organizations indicated that 90 per cent of women had been sexually harassed at work by their male seniors.<sup>30</sup>
- ❑ In Ecuador's export-oriented flower production industry, over 55 per cent of flower workers have suffered some form of sexual harassment; and for younger workers aged 20-24 the figure was as high as 70 per cent.<sup>31</sup>
- ❑ According to the Fair Wear Foundation, at least 60 per cent of Indian and Bangladeshi garment factory workers report experiencing harassment at work.<sup>32</sup>
- ❑ In a baseline survey by Better Work Indonesia, 85 per cent of female workers reported that they were concerned with sexual harassment.<sup>33</sup>
- ❑ A survey published on 10 August 2016 by the TUC and the Everyday Sexism Project in the UK found that, of the 1,533 workers who responded to the survey, more half of all women and nearly two-thirds of women aged

<sup>28</sup> UN Women <http://www.endvawnow.org/en/articles/299-fast-facts-statistics-on-violence-against-women-and-girls.html>

<sup>29</sup> Cited by Verité: [https://www.verite.org/sites/default/files/images/Verite%20Works\\_Capacity%20Building%20for%20Women%20in%20Mexico.pdf](https://www.verite.org/sites/default/files/images/Verite%20Works_Capacity%20Building%20for%20Women%20in%20Mexico.pdf)

<sup>30</sup> ITUC. [https://www.ituc-csi.org/IMG/pdf/iwd\\_2014\\_final.pdf](https://www.ituc-csi.org/IMG/pdf/iwd_2014_final.pdf)

<sup>31</sup> Mena, N., and Proaño, S. (2005) Sexual Harassment in the Workplace: The Cut Flower Industry (Case Study: Northern Sierra of Ecuador) for the International Labor Rights Fund, April 2005. Available at: <http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1488&context=globaldocs>

<sup>32</sup> Fair Wear Foundation. (2013). Standing Firm Against Factory Floor Harassment: preventing violence against women garment workers in Bangladesh and India. Amsterdam: Fair Ware Foundation. [http://www.fairwear.org/ul/cms/fckuploaded/documents/fwfpublications\\_reports/StandingFirmReportFWF2013.pdf](http://www.fairwear.org/ul/cms/fckuploaded/documents/fwfpublications_reports/StandingFirmReportFWF2013.pdf)

<sup>33</sup> Better Work. (undated). Indonesia Guidelines on the Prevention of Workplace Harassment: Guideline for Employers. Available at: [http://betterwork.org/indonesia/wp-content/uploads/Guidelines-on-the-Prevention-of-Workplace-Harassment\\_ENG-3.pdf](http://betterwork.org/indonesia/wp-content/uploads/Guidelines-on-the-Prevention-of-Workplace-Harassment_ENG-3.pdf)

<sup>26</sup> WHO data available at: <http://www.who.int/mediacentre/factsheets/fs239/en/>

<sup>27</sup> EU Fundamental Rights Agency. (2014). Violence against women: an EU-wide survey. Main results. Available at: <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>

18 to 24 said they have experienced sexual harassment at work.<sup>34</sup>

The problem of violence and harassment is increasingly being addressed in production workplaces worldwide, where labour abuses and sexual harassment are commonplace. This work is often carried out through joint initiatives and projects involving trade unions and women's organizations, or through Multi-Stakeholder Initiatives involving unions, employers and other stakeholders (e.g. the Fair Wear Foundation and the Ethical Training Initiative). The Fair Wear Foundation has developed a programme to prevent the gender-based violence which predominantly affects women at the lower end of the apparel supply chain.<sup>35</sup>

Global and national unions highlight the need for a gender perspective on violence and harassment at work as women workers are disproportionately affected by violence perpetrated by men, in particular sexual harassment, rape when travelling to and from work, domestic violence, and the commodification of women's bodies.

→ **Example:** The IUF's Asia-Pacific regional report on violence against women<sup>36</sup> highlights the fundamental importance of gender relations and gender inequalities in understanding why women disproportionately experience violence and harassment at work. The IUF argues that it is critically important that an international labour convention address male violence against women as a structural pandemic and that patriarchy be understood as a cross-cutting structure of oppression that targets women because of their sex. The IUF underscores the need for unions to revisit the United Nations Declaration on the Elimination of Violence against Women which

recognizes that "violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men." The IUF goes on to emphasize the UN Declaration's stated concern "that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, female children, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence."

The case studies show that gender-based violence – including physical, verbal, sexual harassment and abuse - differs from other workplace issues because it is often an invisible, very sensitive and widely unreported issue. A large number of case studies show how unions have played a key role in raising awareness about sexual harassment among their members and in negotiating policies and agreements that establish procedures for making and processing complaints, as well as preventing sexual harassment. From trade-union work on gender-based violence, we can also learn how to integrate issues of gender-based violence into core union programmes on safety and health at work and violence-prevention for all workers. This is particularly important in deepening knowledge and understanding of how all forms of violence and harassment at work can be progressed at a global level and in relation to an ILO standard on violence against women and men in the world of work.

Global unions emphasize the importance of global action and lobbying to eliminate and prevent all forms of violence against women and girls. Such action led to the adoption by the 57<sup>th</sup> Session (2013) of the United Nations Commission on the Status of Women (UNCSW57) of a paragraph giving unions legitimate stakeholder rights in addressing discrimination, exploitation and violence in the workplace. This groundbreaking statement also

<sup>34</sup> TUC and Everyday Sexism Report (2016) Still just a bit of banter? Sexual harassment in the workplace in 2016. London, TUC.

<sup>35</sup> For further information see: Fair Wear Foundation. (2013). Standing Firm Against Factory Floor Harassment: preventing violence against women garment workers in Bangladesh and India. Amsterdam: Fair Wear Foundation. [http://www.fairwear.org/ul/cms/fckuploaded/documents/fwpublications\\_reports/StandingFirm\\_ReportFWF2013.pdf](http://www.fairwear.org/ul/cms/fckuploaded/documents/fwpublications_reports/StandingFirm_ReportFWF2013.pdf)

<sup>36</sup> IUF Regional Report (2016) Trade Union Actions on Violence Against Women, compiled by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), Asia Pacific.



recognizes that custom, tradition or religious consideration should play no part in denying women equal rights or in justifying violence against them, and affirms that governments have a responsibility to:

take measures to ensure that all workplaces are free from discrimination and exploitation, violence, and sexual harassment and bullying, and that they address discrimination and violence against women, and girls as appropriate, through measures such as regulatory and oversight frameworks and reforms, collective agreements, codes of conduct, including appropriate disciplinary measures, protocols and procedures, referral of cases of violence to health services for treatment and police for investigation; as well as through awareness-raising and capacity-building, in collaboration with employers, unions and workers, including workplace services and flexibility for victims and survivors.<sup>37</sup>

## Violence and harassment against LGBTI workers

Violence and harassment against lesbian, gay, bisexual and transgender (LGBT) workers is commonplace,<sup>38</sup> and an increasing number of trade unions across the world are addressing the issue through awareness-raising, campaigns and collective bargaining. Homophobic and transphobic attitudes, coupled with a lack of legal protection against discrimination on grounds of sexual orientation and gender identity, result in LGBT people being at risk of discrimination and violence, including harassment, bullying, physical attacks and death. Despite legal obligations on States to protect the human rights of LGBT people, the UN Human Rights Council finds that today as many as seventy-seven countries have discriminatory laws criminalizing private, consensual same-sex

relationships, and in at least five countries the death penalty is applicable.<sup>39</sup> Even in countries where there is good legal protection, many LGBT people continue to face violence and harassment at work and in their private lives. Violence and discrimination against LGBT people is regarded as a breach of human rights and has been given unprecedented attention by the UN Human Rights Council in recent years.<sup>40</sup>

→ **Example:** The UIF reports growing levels of sexual harassment and sexual assault, including rape, against lesbians in South Africa. It cites a case in Worcester, Western Cape, where shop stewards filed a grievance against a team leader who sexually harassed a member, who was also a lesbian. The outcome of the grievance was that the perpetrator got a 12-month final warning, not the required sanction of dismissal as provided for in the company policy, whereby sexual harassment is a dismissible offence. The shop stewards and the member believed that if this offence had been committed against a heterosexual worker, the team leader would have been dismissed.

Draft guidance for businesses on promoting human rights and tackling discrimination against lesbian, gay, bisexual, transgender and intersex people (LGBTI) has been produced by the UN High Commissioner for Human Rights (OHCHR) and the Institute for Human Rights and Business OHCHR,<sup>41</sup> based on the UN Guiding Principles for Business and Human Rights.<sup>42</sup> Amongst its recommendations is

<sup>37</sup> UN (2013) Agreed conclusions on the elimination and prevention of all forms of violence against women and girls. Para. (yy). E/2013/27 E/CN.6/2013/11. Available at: [http://www.un.org/womenwatch/daw/csw/csw57/CSW57\\_Agreed\\_Conclusions\\_\(CSW\\_report\\_excerpt\).pdf](http://www.un.org/womenwatch/daw/csw/csw57/CSW57_Agreed_Conclusions_(CSW_report_excerpt).pdf)

<sup>38</sup> See for example, European Union Agency for Fundamental Rights (2013) EU LGBT Survey: Results at a Glance. Available at: [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance_en.pdf); and April Guas (2012) Gay in Britain: Lesbian, Gay and Bisexual People's Experiences and Expectations of Discrimination. London, Stonewall.

<sup>39</sup> OHCHR (2012) Born Free and Equal. OHCHR booklet.

<sup>40</sup> See for example, Resolutions of the Human Rights Council 17/19, adopted in June 2011, and 27/32 adopted in September 2014, and the first UN report on the issue prepared by the Office of the High Commissioner for Human Rights (A/HRC/19/41), which led to an intergovernmental panel discussion in March 2012. A public information campaign was launched by the UN in 2013 ([www.unfe.org](http://www.unfe.org)). A more recent report is OHCHR (2015) "Discrimination and Violence against Individuals based on Sexual Orientation and Gender Identity" (A/HRC/29/23, May 2015). Available at: <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNReports.aspx>.

<sup>41</sup> Office of the High Commissioner for Human Rights (OHCHR) (2016, draft) Proposed Guidance for Business on Tackling Discrimination Against Lesbian, Gay, Bi, Trans and Intersex People: Background Paper.

<sup>42</sup> The UN Guiding Principles call upon the state to *protect* human rights, the companies to *respect* human rights, and where protection and other gaps exist, to provide *remedies*. [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf).



one concerning harassment and violence, which states that: “Companies should take active steps to eliminate discrimination, harassment, potential or actual violence, including bullying, directed against LGBTI individuals. Companies should protect LGBTI staff from external harassment and ensure their security and safety travelling to and from work and at work.” The draft guidance refers to good practices including the French ‘Charte d’engagement LGBT’, which French companies can sign to publicly commit to equality for LGBT employees, and the Dutch ‘Declaration of Amsterdam’, whereby companies commit to ten steps aimed at addressing the unfair treatment of LGBT workers.

Where efforts to combat violence and harassment against LGBT people are concerned, GUFs report a range of ways in which trade unions have advocated for laws, policies and practices to reduce violence and harassment at work, in particular through awareness-raising and training for staff and managers on anti-bullying initiatives in workplaces and schools, recognition of same-sex relationships and attitudinal change at societal level. The following are selected examples of union action

to prevent and address violence and harassment against LGBT workers:

→ **Example:** In Canada, unions have been supporting lesbian, gay, bisexual, transgender and queer (LGBTQ) rights at work since the 1970s, in the courts, in the community and through inclusive language in collective agreements to promote equality and protect workers from discrimination. Many of these rights and benefits are now standard. The Canadian Labour Congress’s Fairnesswork campaign<sup>43</sup> provides guidance on how unions can cooperate with civil society organizations in advocating for LGBTQ rights and freedom from discrimination, use the law, advocacy and meetings to ensure fairness and equality in fighting violence and harassment at work, and negotiate agreements for LGBTQ workers and advocate for these rights to be adopted in broader employment law to benefit all Canadian workers. The CUPE’s Equality Branch issued a report on transphobic harassment and discrimination in employment and health



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<sup>43</sup> Fairnessworks: <http://www.fairnessworks.ca/lgbtq-rights/>

care in 2013,<sup>44</sup> outlining the different forms of harassment and discrimination faced by Canadian transgender and transsexual (trans) workers.

- **Example:** A recent UK audit of trade-union action on equality found that half of UK unions had up-to-date materials on bargaining issues related to LGBT workers.<sup>45</sup> Examples include the public-service union, UNISON, which has a rulebook provision for LGBT workplace equality representatives. UNISON has provided extensive advice and guidance to union representatives on how to tackle discrimination and violence against LGBT workers. In recent years, greater attention has been paid to the rights of transgender workers, including guidance for negotiators on supporting trans members.<sup>46</sup> The GMB union has produced a guide for its workplace representatives on how to address LGBT domestic violence and abuse.
- **Example:** The Spanish union CC.OO has drawn up guidance on 'Collective Bargaining and Equality'; with detailed information about implementing equality in local agreements and company equality plans. The guidance includes a specific protocol for action against sexual violence and harassment on the grounds of sexual orientation, gender identity and/or gender expression. The main objective is to achieve an inclusive work environment that allows LGBTBI people can "come out of the closet" without fear of discrimination and / or harassment. A range of measures are proposed to prevent harassment on the grounds of sexual orientation, gender identity or gender expression, including the negotiation of dedicated procedures and protocols, identifying LGBTIphobia as a psychosocial risk,

raising awareness and providing support to LGBTI workers.

## Racialized workers

Racialized workers experience higher levels of exposure to violence or harassment at work than do white workers. They are more likely than white workers to report high levels of exposure to workplace harassment and having their work duties made difficult by others. Racialized workers are often bullied by reference to their personal characteristics,<sup>47</sup> and black women report more frequent incidents of unwanted sexual attention and sexual coercion than do white women.<sup>48</sup> GUFs and the ITUC highlight the importance of understanding the dynamics of racially motivated forms of violence and harassment at work. They also emphasize the need to recognize that higher rates of harassment of immigrant and racialized workers is partly a reflection of their over-representation in high-risk and insecure occupations, for example in health, education and social services, as shown in research by the Canadian CUPE union.<sup>49</sup> In the UK, black and minority ethnic workers and migrant workers who have been targeted in racist attacks often work in high-risk employment, in particular in the burgeoning night-time economy, e.g. in taxi-driving and in fast-food outlets, which increases the potential for racial violence.<sup>50</sup> Since 1993, there have been twenty cases of people being killed while working as taxi-drivers, shopkeepers or at pubs and clubs in the UK (based on data collected by the Institute of Race Relations relating to cases where there was a suspected racial motive for an assault resulting in death).

<sup>44</sup> CUPE (2013) Backgrounder on transphobic harassment and discrimination in employment and health care. CUPE Equality Branch. Available at: [http://cupe.ca/sites/cupe/files/transphobia\\_backgrounder\\_en.pdf](http://cupe.ca/sites/cupe/files/transphobia_backgrounder_en.pdf)

<sup>45</sup> TUC (2016) TUC Equality Audit 2016. Available at: [https://www.tuc.org.uk/sites/default/files/Congress\\_2016\\_TUC\\_per\\_cent20Equality\\_per\\_cent20Audit\\_Digital.pdf](https://www.tuc.org.uk/sites/default/files/Congress_2016_TUC_per_cent20Equality_per_cent20Audit_Digital.pdf)

<sup>46</sup> UNISON Gender Identity: an introductory guide for trade union reps supporting trans members

<sup>47</sup> See for example, Lewis, D., and Gunn, R. (2007) Workplace Bullying in the Public Sector: Understanding the Racial Dimension. *Public Administration* 85 (3): 641–65; Okechukwu, C. A., et al., (2014) Discrimination, Harassment, Abuse, and Bullying in the Workplace: Contribution of Workplace Injustice to Occupational Health Disparities. *American Journal of Industrial Medicine* 57 (5): 573–86.

<sup>48</sup> Einarsen, S., Helge Hoel, Zapf, D., and Cooper, G. (eds.) (2010) *Bullying and Harassment in the Workplace*. CRC Press.

<sup>49</sup> CUPE Equality (2014) Workplace harassment and mental injuries: Examining root causes. Available at: [http://cupe.ca/sites/cupe/files/harassment\\_and\\_mental\\_injuries.pdf](http://cupe.ca/sites/cupe/files/harassment_and_mental_injuries.pdf)

<sup>50</sup> Institute of Race Relations (2013) *The new geographies of racism*: Peterborough. London, Institute of Race Relations.

Unions in many countries have campaigned against racial discrimination and violence at the societal level. For instance, US unions and the AFL-CIO's Coalition of Black Trade Unionists (CBTU) have supported the Black Lives Matter movement at a time of rising levels of violence perpetrated by law enforcement agents against black people on the streets.

▣ **IndustriALL Case Study 3**, from the Electrical Workers Union (EIWU, Malaysia), highlights the problems of racial discrimination and racialized forms of violence, which particularly affect workers who migrate to work in Malaysian cities. The union believes that low wages, and other related psychosocial effects on workers, should be treated as workplace violence.

Race-related violence and harassment at work is documented in a survey carried out in 2015 by the TUC in the UK, where racially motivated harassment and bullying at work is prevalent. More than a quarter (28 per cent) of all black and minority ethnic employees (BAME) reported having witnessed or experienced racial harassment or bullying from managers in the previous five years; and 32 per cent of BAME employees had witnessed or experienced racially motivated harassment from colleagues in the previous five years. Thirty per cent of workers who had witnessed or experienced racial harassment or bullying from managers, colleagues, customers or suppliers reported that it has occurred in the past year alone. The survey recommended that more needed to be done by managers and employers to create workplaces free from racial harassment, while also pointing to the value of workplace diversity to businesses.

→ **Example:** In the UK, several unions have prioritized action to promote race equality and end racism at work, for example by issuing guidance to negotiators on race equality.

Examples include Unite's 'Race Equality' guide for negotiators, which includes guidance on bargaining in relation to recruitment and selection, career development, equal pay, health, redundancy and retention, caring responsibilities and homeworking, cultural needs, negotiating for race equality in the public-sector union representation, immigration document checks and workplace raids. The UNISON guide for workplace reps, entitled 'Challenging Racism in the Workplace: a practical guide for UNISON branches', gives advice on negotiating race-equality schemes (as provided for under equality legislation) and carrying out equality-impact assessments on a range of workplace issues. After a ten-year campaign, the creative industry union BECTU has been successful in addressing the decline of BAME employment in the industry, leading to the development of a ground-breaking diversity action plan for the theatre industry.

→ **Example:** In response to growing levels of race-related hate crime, abuse and harassment in the UK, especially since the June 2016 referendum on EU membership, the TUC produced a guide to support union reps in combating racist abuse in the workplace.<sup>51</sup> This comes as the Metropolitan Police reported a 50 per cent increase in recorded incidents in the week after the referendum, and within a month of the referendum more than 6,000 reports of hate crime had been reported to the police. In the workplace, similarly increases in violence and harassment have been identified in research by the Health and Safety Executive, amounting to 569,000 incidents of work-related violence in 2014/15. These include being assaulted or spat on, or being threatened with violence.

<sup>51</sup> TUC (2016) *Combating racist abuse in the workplace – a TUC guide*. Available at: <https://www.tuc.org.uk/equality-issues/combating-racist-abuse-workplace-tuc-guide>







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## Section 2

# Freedom of association and collective bargaining

## 2.1 Freedom of association and the right to negotiate collective agreements

According to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the right to freedom of association and collective bargaining is not honoured in many countries, and this is especially true for workers in the most vulnerable situations, e.g. workers in global supply chains, informal workers, migrant workers, domestic workers and so on:

In many cases, States fail to protect or enforce these fundamental rights and often do not create an enabling environment for even the minimum exercise of those rights, disenfranchising millions of workers. This exacerbates global inequality, poverty, violence, child and forced labour, and directly

contributes to problems such as human trafficking and slavery.<sup>52</sup>

The UN Special Rapporteur goes on to say that it is harder for women and other groups facing discrimination or marginalization to exercise their rights:

Women in the global economy are often relegated to low-paying, low-skills jobs. Persistent gender-based violence suppresses the individual and collective assertion of their rights to resist exploitative/abusive employers or State authorities. Further, certain groups of workers – including women; internal and external migrants; racial, ethnic, religious and sexual minorities; dispossessed rural workers and others – are often disenfranchised from the start by their status, making it more difficult to assert rights.<sup>53</sup>

The case studies underline the fundamental importance of effective social dialogue<sup>54</sup> and effective industrial relations systems in preventing and addressing violence and harassment in the world of work. Freedom of association, including the right to form and join a trade union and negotiate collective agreements, as embedded in fundamental labour rights,<sup>55</sup> is widely viewed by national and global unions as being central to tackling violence and harassment at work (and of proven effectiveness).

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**52** UN Special Rapporteur (2016) p.4.

**53** UN Special Rapporteur (2016) p.6.

**54** Social dialogue is defined by the International Labour Organization as including “all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy. Social dialogue is the ILO’s best mechanism in promoting better living and working conditions, as well as social justice. It is an instrument, a tool of good governance in various areas and its relevance is not just related to the process of globalization but in general to any effort to make the economy more performing and more competitive and to make society in general more stable and more equitable.” (ILO. Social Dialogue: Finding a Common Voice. Available at: <http://www.ilo.org>)

**55** ILO Convention 87 on Freedom of Association and Protection of the Right to Organise (1948) and ILO Convention 98 on the Right to Organise and Collective Bargaining (1949)

## Violations of freedom of association and use of violence to suppress trade union activity

However, there is continued and widespread abuse of workers’ rights, including violations of the right to freedom of association, in sectors such as agriculture, retail, garment-making and textiles, building and woodworking. Suppression of trade-union activity and strikes, arrests of trade unionists and instances of violence against them are well documented:

- ❑ According to the UN Special Rapporteur’s 2016 report on freedom of association and collective bargaining, violence is both a cause and an effect of the global weakening of workers’ rights to freedom of association: “Violence by State and private actors against trade unionists, rights activists and peacefully striking workers often deals the final blow to workers’ attempts to exercise their assembly and association rights.” (p.6)
- ❑ Suppression of freedom of association and violence against trade unionists are covered by Convention No.87 and have been repeatedly addressed in observations by the ILO Committee on Freedom of Association (CFA) and the Committee of Experts on the Application of Conventions and Recommendations (CEACR).<sup>56</sup>
- ❑ Violence is often perpetrated with impunity, with devastating effects on the lives of trade unionists, which in turn severely deters freedom of association. In 2015, trade unionists were murdered on account of their activism in eleven countries (Chile, Colombia, Egypt, El Salvador, Guatemala, Honduras, Iran, Mexico, Peru, South Africa and Turkey);<sup>57</sup> in Honduras,

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**56** For further information see CFA: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang-en/index.htm> CEACR: <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-of-experts-on-the-application-of-conventions-and-recommendations/lang-en/index.htm>

**57** See [http://www.ituc-csi.org/IMG/pdf/survey\\_ra\\_2016\\_eng.pdf](http://www.ituc-csi.org/IMG/pdf/survey_ra_2016_eng.pdf)

62 trade unionists have been murdered since 2008.<sup>58</sup>

- The ITUC reports that violence is perpetrated against union organizers and activists, impacting on freedom of association and the right to organize.<sup>59</sup> The ITUC cites examples of physical assault and murder, sexual intimidation, threats and dismissal of workers in many countries across the world.
- **ITUC Case Study 1** shows how, since 2012, women and men have struggled to form a union at Samsung Indonesia; of the 22 unions of Samsung subcontractors, only two remain today. The majority of members were women whose jobs were terminated after they joined the union. The Indonesian trade-union confederation, KSPI, is campaigning to combat violence in the workplace, including gender-based violence, and union busting, to win the right to organize at Samsung, and to negotiate minimum wages and social protection. Several GUFs refer to violence perpetrated against trade-union activists and leaders in attempts to suppress union action and organizing.
- **IUF Case Study 5** gives examples of action taken by IUF-affiliated unions in the agricultural sector in India to protect the rights of workers who face precarious working conditions and violence and harassment at work. Union representatives have been intimidated, and workers and union representatives have been threatened with dismissal. However, through union organization and action, backed by a global IUF campaign, some progress has been made in winning rights for workers and in gaining recognition of the right of unions to engage in collective bargaining.

## The importance of freedom of association in addressing violence and harassment at work

The existence of non-unionized sectors and resistance to collective bargaining on the part of employers is evident in a large number of case studies. In particular, workers in non-standard and precarious working conditions and in informal work are the least protected and the most at risk from violence and harassment. This has led unions to engage in a range of strategies to organize informal workers and advocate for their union representation. Tackling violence and harassment at work is one way in which unions have sought to engage in social dialogue with employers, and is potentially a good avenue for recruiting and organizing workers.

PSI, along with other global unions, stresses the importance of an enabling legal environment and effective industrial relations systems at national, sectoral and workplace levels. In the health sector in the Philippines, PSI reports that workplace cooperation is now understood as a broad concept encompassing mutual commitment between labour and management to “working together and working smarter.” PSI argues that the goal should be for management and workers to act as full partners in identifying problems in the workplace, crafting solutions to those problems and implementing solutions. In this context, governments, employers, workers and their representatives are vital in promoting workplace practices that help to eliminate violence and harassment at work and in developing and implementing appropriate policies and procedures to eliminate or minimize the risk of such violence and harassment.

The following is a selection of case studies that highlight the role that unions have played, and the challenges they have faced, in addressing violence and harassment at work through freedom of association and the right to collective bargaining:

- **ITF Case Study 2 (India)** shows how the MSTKS transport union engaged in advocacy after a growing number of women members reporting sexual harassment and other forms of violence. As a result, management has begun to respond to union complaints, and social dialogue between the union and management

<sup>58</sup> See: <http://www.solidaritycenter.org/central-american-trade-unionists-increasingly-targeted/>

<sup>59</sup> ITUC (2015) Global Rights Index: reports of violation of freedom of association. Available at: <http://www.ituc-csi.org/ituc-global-rights-index-2015>



has led to investigations and discussion of the role of complaints committees. This focus on violence and harassment at work has had a big impact on the recruitment of women to the union, and for the first time women are in leadership positions.

- ❑ **ITUC Case Study 1 (Indonesia)** highlights the critical importance of building sound industrial relations, under government supervision, to guarantee the fundamental and basic right to organize. This has been shown to have a significant impact on unions' ability to represent workers who experience violence and harassment.
- ❑ **IUF Case Study 2 (Zambia)** gives details of an IUF project to create workplaces free from sexual harassment. It shows that, in the absence of effective industrial relations systems, management intimidated both workers and shop stewards. This was to a large extent due to the precarious forms of employment prevailing in the companies, which made all workers and union

representatives vulnerable as they feared retaliation and dismissal. In addition, unions in Zambia note that employers and workers have only limited knowledge of laws and regulations, and few workers report cases of violence and harassment as this would lead to retaliation from employers and a negative impact on their work and family relations.

- ❑ **IUF Case Study 3 (South Africa)** documents some of the challenges faced by IUF affiliates in the food and beverage sector (FAWU and NUFBWSAW) with regard to non-respect of freedom of association and the union's access to farms in the agricultural sector. The unions argue for the need to raise awareness of gender-based violence at work and to ensure that relevant and reliable grievance structures are in place and familiar to all workers and management. A recurrent issue is that victims do not dare to report violations and lack confidence in existing grievance mechanisms. The union also notes the importance of ensuring there is no retaliation against victims.



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□ **BWI Case Study 1 (India)** details the problems faced by informal brick-kiln workers. Despite the enactment of legislation on sexual harassment at work, many workplaces fail to offer protection for women workers. BWI affiliates in India have implemented strategies to address the high levels of violence and harassment faced by women working in the informal sector, and the unions have engaged in dialogue with a number of brick-kiln owners regarding decent wages and the provision of proper living and working conditions. This is one area of the building and construction sector in which the union has been able to engage in some form of social dialogue.

□ **IUF Case Study 5 (India)**, from the Imsofer Manufacturing Workers Union, documents the refusal of management to negotiate and accept the union's collective bargaining demands, although some small improvements have been achieved through negotiation. Workers on one tea plantation were locked out after they formed their own independent union. Their struggle to win the right to organize was supported by the Progressive Tea Workers' Union (PTWU) and the IUF, which resulted in the company reopening the plantation and respecting the union and workers' rights. In another situation, violence against members of the PTWU erupted after workers protested about the death of a pregnant woman working on a tea estate. A lockout was declared by the employer and criminal charges were pressed against the permanent workers.

□ **PSI Case Study 1 (Democratic Republic of Congo)**, from the Solidarité Syndicale des Infirmiers du Congo (SOLSICO), shows how union organizing and social dialogue have been crucial in protecting and supporting nurses who are subjected to significant levels of violence and harassment at work from patients, patients' families and doctors. The union has challenged a culture of sexual violence, perpetuated through armed conflict and war. Despite problems in concluding collective agreements, the union has been successful in negotiating measures to tackle

violence and harassment at work with hospital administrations, and in supporting workers affected by violence. SOLSICO has developed a comprehensive plan to influence government policy on health and safety issues and violence and harassment at work. The union is building a large network of civil society organizations that support its demands for quality public health care services.

## 2.2 Collective Bargaining Agreements

Collective bargaining remains the most effective tool for preventing and combating violence and harassment at work. There is significant evidence of the role that collective bargaining can play in reducing gender inequalities and in tackling violence and harassment.<sup>60</sup> The case studies show that many unions have secured collective bargaining agreements (CBAs) with employers to address violence and harassment at work, many of which take into account the psychosocial aspects of violence and sexual harassment. Good practice agreements have typically committed employers to develop policies and procedures for dealing with and preventing violence. These include the training of managers and workplace representatives in identifying signs of violence and harassment, data collection and monitoring of incidents of violence and harassment, and the provision of practical health-care and psychological support for workers experiencing such violations. Increasingly, victims of domestic violence are also covered by these agreements.

<sup>60</sup> Dickens, L. (1998). *Equal Opportunity and Collective Bargaining*, Volume 4: *Illuminating the Process*. Dublin, European Foundation for the Improvement of Living and Working Conditions; Pillinger, J. (2014). *Bargaining for equality: How collective bargaining contributes to eliminating pay discrimination between women and men performing the same job or jobs of equal value*. Brussels, ETUC; Wintour, N. & Pillinger, J. (2016). *The role of collective bargaining in enhancing gender equality*. ILO, unpublished working paper; Pillinger, J., Schmidt, V., & Wintour, N. (2016) *Negotiating for Gender Equality*. Labour Relations and Collective Bargaining. Issue Brief No. 4. Geneva, International Labour Office; International Trade Union Confederation (ITUC). (2016). *ITUC Labour Rights for Women project (2012-2015) Main findings related to gender clauses in CBAs and participation of women workers in collective bargaining teams*. Brussels, ITUC.



The case studies provide examples of CBAs reflecting a range of approaches, from statements of principle and requirements to be elaborated in workplace or sectoral policies and agreements to detailed provisions defining different elements of violence and harassment, and specifying prevention programmes, awareness-raising, workplace procedures, employers' responsibilities, and psychological and other types of support for victims. Some collective agreements focus on all forms of violence (physical, psychosocial and sexual harassment), while others address the specific problem of sexual harassment. Collective bargaining also provides a powerful and effective model for addressing the societal issue of family and domestic violence, and employers are increasingly recognizing that the workplace can play a role in supporting workers to stay in their jobs, which enables them to stay in their homes and their communities.

**Appendix 2 lists a selection of CBAs that have addressed violence and harassment at work, including agreements cited in the national case studies.**

GUFs and the ITUC have played an important role in promoting collective bargaining to ensure that issues of dignity at work and decent work are included in workplace and sectoral policies. They have also supported their affiliates' efforts to engage in collective bargaining. For example, an IndustriALL-supported programme to combat sexual harassment at work run by the Associated Labor Unions in the Philippines has achieved some very positive outcomes, including the negotiation of eight CBAs with anti-sexual harassment provisions. Global unions have also helped to raise awareness of the importance of social dialogue and collective bargaining among affiliates at country level and through ILO policy and global programmes. In its work on women and decent work, for example, the ITUC has documented an alarming increase in gender inequality, precarious work and gender-based violence in the workplace,

mobilizing to respond to this situation through the ITUC-led annual World Day for Decent Work. As Section 7 shows, GUFs have concluded a range of global framework agreements with multinational companies, some of which have focused explicitly on dignity at work and the prevention of violence and sexual harassment.

In Europe, a strong framework for preventing and addressing violence and harassment at work exists in the shape of the 2007 European 'Framework agreement to prevent, manage and eliminate violence at work', negotiated and signed by the European Trade Union Confederation (ETUC) and European employers' organizations (BUSINESSEUROPE, UEAPME and CEEP).<sup>61</sup> This has led to the introduction of a substantial number of agreements at the national and sectoral levels, as well as legislation to protect workers from violence, including harassment and sexual harassment. The framework agreement applies to all workplaces and all workers, irrespective of the form of employment contract or relationship.

As a result, national social partners have reached new agreements or inserted new elements into existing collective agreements at sectoral or company level, as well as drawing up jointly agreed guidance, declarations or statements. Examples of agreements include a sectoral agreement in Luxembourg, signed in 2009, which defines 'moral' harassment (which is a form of bullying) and sets out rules for prevention, counselling services and resolution in the banking and insurance sector. The agreement came at a time of growing concern about the impact of the economic crisis, increasing job complexity and insecurity caused by a higher level of 'moral' harassment in the workplace, which is particularly prevalent in the banking sector.<sup>62</sup> In France, in March 2010 employers and unions concluded a national agreement on harassment at work, which applies to all companies in France and

requires employers to establish measures to prevent and address harassment at work, in consultation with workers and their representatives. In Italy, a national framework agreement signed in 2015 by the three confederations (CGIL, UIL and CISL) and the employer's organization (Confindustria) has fully transposed the 2007 European Framework Agreement. This development has refocused attention on violence and harassment at work, and the agreement is currently providing a basis for a wide range of new sectoral and territorial agreements.

The European framework agreement has also exerted pressure for violence and harassment at work to be included in European sectoral social dialogue guidelines and joint statements. In July 2010, for example, the social partners from the commerce, private security, local government, health and education sectors (EPSU, UNI EUROPA, ETUCE, HOSPEEM, CEMR, EFEE, EUROCOMMERCE, COESS) agreed on guidelines to tackle third-party violence and harassment at work, from customers, clients, patients and members of the public.<sup>63</sup> Other sectoral agreements have been signed at the European level, including an agreement between the European social partners in the maritime sector – the European Transport Workers' Federation (ETF) and the European Community Shipowners' Associations (ECSA) – which in 2013 launched a project aimed at eradicating harassment and bullying in the maritime industry.

In Europe, a growing number of trade unions are addressing the issue of gender-based violence as part of equality bargaining and gender mainstreaming strategies, in recognition of the fact that sexual harassment and violence are discrimination-based violations of women's rights.<sup>64</sup> This has resulted in the introduction of clauses on violence against women in collective agreements at national, sectoral and company levels, and specific provisions and procedures for dealing with cases and preventing their recurrence. Currently, the ETUC's 'Safe at Home, Safe at Work' project is collecting examples of union actions

<sup>61</sup> BusinessEurope, ETUC, CEEP and UEAPME (2011) Implementation of the European Autonomous Framework Agreement on Harassment and Violence at Work. Final joint report by the European Social Partners adopted at the Social Dialogue Committee on 27 October 2011. Available at: [https://www.etuc.org/IMG/pdf/BROCHURE\\_harassment7\\_2\\_.pdf](https://www.etuc.org/IMG/pdf/BROCHURE_harassment7_2_.pdf)

<sup>62</sup> <http://www.uniglobalunion.org/news/luxembourg-bank-sector-agreement-moral-harassment-signed>

<sup>63</sup> BUSINESSEUROPE, ETUC, CEEP and UEAPME, 2011

<sup>64</sup> See the ETUC's 8<sup>th</sup> March Survey (2014); Pillinger (2014)



and bargaining to address the twin dimensions of violence against women at work and domestic violence. It has identified collective agreements, as well as union-organized awareness-raising and training programmes, to address violence against women at work, compiled as part of eleven country case studies produced for the research. The issue has been dealt with through agreements on well-being and safety and health at work, or more specifically in agreements on equality and non-discrimination. The results of this research will be published in 2017.

In Latin America, a range of collective agreements and clauses in such agreements have been negotiated regarding violence and harassment at work, including sexual harassment. The UNI reports on a ground-breaking collective agreement, signed by more than 70 unions and the Ministry of Labour in Argentina, to prevent and deal with violence and harassment at work. The agreement condemns all forms of violence and harassment at work and promotes collective bargaining as a means of establishing policies and measures to end such behaviour. With this in mind, many unions are currently establishing offices to deal with violence in the workplace. The partners to the agreement have been meeting frequently to discuss, implement and plan appropriate strategies.<sup>65</sup> The General Collective Agreement for the National Public Administration in Argentina has established a Commission for Equal Treatment and Opportunities, the role of which is to formulate detailed guidelines and policies to prevent and combat violence in the workplace.

A model collective agreement in the Dominican Republic is the Vista Sol Punto Cana 2014-2017 agreement.<sup>66</sup> With the objective of preventing the occurrence of sexual harassment, it confirms that no sanctions will be taken against a worker who makes a complaint and stipulates sanctions against the aggressor. Another trend in Latin America is the inclusion in some collective agreements, for example in Paraguay, Brazil and the

Dominican Republic, of clauses expressing a joint union-employer commitment to prevent sexual harassment by, for example, organizing awareness-raising activities and providing counselling services.<sup>67</sup> In Brazil a collective agreement in the banking sector, signed in 2011, sets out procedures for internal complaints committees, the handling of complaints and prevention measures.<sup>68</sup>

In East Africa, the ITUC has supported unions with advocacy and capacity-building programmes, leading to the negotiation of clauses in collective agreements providing for the establishment of sexual harassment committees and occupational health and safety (OHS) committees. In Tanzania, for example, in 2015 the CHODAWU (Conservation, Hotel, Domestic and Allied Workers Union) successfully negotiated a new collective agreement which included a clause on sexual harassment.<sup>69</sup> In Uganda, one widely documented success in addressing significant levels of sexual harassment is the 2010 CBA, alongside wider advocacy by trade unions and national and international NGOs.<sup>70</sup> The agreement focuses on the priorities of women working in the Ugandan cut-flower industry, where sexual harassment is a major problem, both on the farms and in travelling to and from work. The agreement, negotiated between the Uganda Flower Exporters Association (UFEA) and the two national trade unions representing floriculture workers (UHAWU and NUPAWU), covers all workers, including non-union members. Organizing from the bottom up, with support from women's organizations, an employer's organization and the government, the union was able to negotiate two separate agreements, including a policy and procedure for dealing with sexual harassment on the flower farms. This stipulates that a sector-wide sexual harassment policy must be put in place in all enterprises that employ more than 25 workers. The CBA includes definitions of the different types

<sup>65</sup> <http://www.uniglobalunion.org/news/argentinian-unions-work-together-end-violence-workplace>

<sup>66</sup> TUCA/ILO ACTRAV/ILO. (Forthcoming). *Negociación Colectiva Y Promoción de la Igualdad de Género en América Latina*. Informe elaborado por: Rebeca Torada Máñez, Luis Miguel Monge Gutierrez.

<sup>67</sup> TUCA/ILO ACTRAV/ILO, *ibid.*

<sup>68</sup> TUCA/ILO ACTRAV/ILO, *op cit.*

<sup>69</sup> ITUC (2016) *ITUC Labour Rights for Women project (2012-2015)*. (unpublished)

<sup>70</sup> Evers, B., Amoding, F., and Krishnan, A. (2014); Evers, B., Opondo, M., Barrientos, S., Krishnan, A., Amoding, F., and Ndllovu, L. (2014); Uganda Workers Education Association, (2011) and *Women Working Worldwide*, 2013.



of sexual harassment and a disciplinary procedure, and guarantees freedom of association and workers' rights. Conditions have improved significantly as a result of the CBA and farms have implemented a mixture of management-led and worker/union-led grievance mechanisms.

Another fine example comes from South Africa, where violence and harassment at work has been an important issue for the tripartite National Economic Labour and Development Commission (cited in the full version of Case Study 5). The Commission has also played an important advisory role in establishing legislation on gender-based violence. Also in South Africa, a Safety and Security Sectoral Bargaining Council (SSSBC) Agreement on sexual harassment in the workplace<sup>71</sup>, covering the police and prison-sector unions and employers, was agreed in 2011. This agreement sets out measures for preventing, addressing and eliminating sexual harassment amongst colleagues and third-parties, as well as laying down responsibilities for establishing joint training and awareness-raising in the workplace.

The following examples are from the case studies of CBAs concerned with violence against women and men at work. The majority of these focus on violence against women and, more specifically, sexual harassment.

- **ITF Case Study 4 (Bulgaria)** highlights the FTTUB's campaign to combat violence against women in the transport sector. This has led to measures being adopted to combat violence against women in transport as an integral part of CBAs, underpinned in four municipal level agreements to prevent violence in municipal transport services. A special chapter on 'Protection against violence in the workplace and gender equality' was negotiated in the 2010-2012 sectoral collective agreement, with employers and unions committed to joint actions to prevent violence and the adoption of a zero-tolerance approach.
- **BWI Case Study 2 (Italy)** provides an example of good practice in effective bargaining to address sexual harassment in the woodworking sector. This resulted from union activity to address gender-based violence and was driven by a key women negotiator and an active women's network. The agreement sets out detailed definitions and procedures for preventing and addressing sexual harassment at work. Since the agreement was signed, unions have given priority to implementing territorial and company-level agreements, and to engaging in dialogue with companies. This is particularly important as the economic crisis has led to changes in work organization, which in turn is leading to more violence.
- **BWI Case study 4 (Argentina)**, from the Unión Obrera de la Construcción Argentina (UOCRA), shows that violence in the workplace, and particularly the psychosocial effects of moral and sexual harassment, is a growing phenomenon, particularly affecting women workers. The UOCRA has mobilized to address gender-based violence in the construction sector and has included the issue in collective agreements. Despite a good legal framework on gender-based violence, there is no specific national legislation that focuses on violence in the workplace (although such legislation does exist in the city and province of Buenos Aires). This is an example of how tackling the issue of gender-based violence has been prioritized by a construction union in a male-dominated sector, in which growing numbers of women are now working. This focus has helped to increase women's union membership and the number of women in union decision-making positions.
- **IUF Case study 10 (Papua New Guinea)**. An example from the Papua New Guinea Maritime and Transport Workers Union (PNGTWU) shows how the union identified and acted to deal with high levels of sexual harassment by senior male staff and other men in the workplace. This union has been active in raising awareness, supporting women victims of sexual harassment and negotiating clauses on sexual harassment in labour agreements. It has

<sup>71</sup> [http://nupsaw.co.za/images/Resolutions/sssbc-resolutions/2011/Agreement\\_per\\_cent201\\_per\\_cent20of\\_per\\_cent202011\\_Sexual\\_per\\_cent20Harassment\\_per\\_cent20in\\_per\\_cent20the\\_per\\_cent20Workplace.pdf](http://nupsaw.co.za/images/Resolutions/sssbc-resolutions/2011/Agreement_per_cent201_per_cent20of_per_cent202011_Sexual_per_cent20Harassment_per_cent20in_per_cent20the_per_cent20Workplace.pdf)

worked hard to improve the representation of women in the union and in subsequent negotiations to address sexual harassment. The union has added a sexual harassment clause to agreements designed to protect women members and employers. An example is the CBA with RD Tuna Canneries, which have agreed to a clause on preventing and combating sexual harassment at work.

- **UNI Case Study 5 (South Africa)** concerns the South African Commercial, Catering and Allied Workers Union (SACCAWU), which has concluded CBAs on gender-based violence and health and safety. These agreements include specific provisions relating to gender-based violence in HIV/AIDS policies, health and safety, and the impact of domestic violence at work. SACCAWU has negotiated additional provisions on a flexible case-by-case basis at company level to ensure that the different levels of trauma experienced by workers are taken into account.
- **IUF Case study 4 (Colombia)** documents how the Sintrainagro union has effectively organized banana workers in Colombia, where levels of violence and harassment are high. It demonstrates the significance of social dialogue between Sintrainagro and the main banana-producing company in the region (Augura). A landmark CBA now benefits 25,000 workers (95 per cent of the workforce). Most Colombian workers are not unionized and consequently cannot negotiate better working conditions. One of few agreements ever negotiated in the history of the industry in Colombia, this is a binding document covering the 350 plantations where bananas are produced in the Urabá region.
- **IUF Case study 9 (Korea)** provides an example of how the Korean Women's Trade Union (KWTU) successfully negotiated a CBA on preventing and addressing sexual harassment, following a complaint made by a worker who had been sexually harassed in a university dormitory. For its efforts, the trade union won the 'Woman of The Year' prize at the Daegu-Gyeongbuk Assembly of Women in March 2013. Since then, the union
- has concluded other collective agreements on sexual harassment, protecting education workers, cleaners and other related staff.
- **UNI Case Study 1 (Brazil)** provides an example of a national collective agreement concluded between the São Paulo, Osasco and Region Bank Workers' Union (CONTRAF/ CUT) and employers. It includes clauses to prevent physical, psychological and verbal violence and the bullying of workers by employers, managers, colleagues and customers, and provides for compensation for injury or death of staff in the event of armed robberies. In addition to the national agreement, unions negotiate on specific issues at each local bank. Negotiations also take place through the bipartite Equal Opportunities Committee, the bipartite Health and Working Conditions Committee and the Security Committee. The union is exerting pressure on the banks to extend the collective agreement to include clauses on combatting organizational violence and sexual harassment, and to promote workplace security.
- **UNI Case Study 3 (Spain)** underscores the role played by unions, in this case the CCOO - FSC, in concluding workplace equality plan agreements in companies employing more than 250 workers - agreements which are provided for under current legislation. This has resulted in union/employer negotiation of clauses on violence and harassment at work, including sexual harassment. However, as the legislation only covers large workplaces, agreements have been harder to reach in small companies, where the majority of women work. A model of good practice described in this case study is the workplace policy negotiated with Vodafone, which covers both sexual harassment at work and leave and support for victims of domestic violence.
- **UNI Case Study 4 (Ghana)**, from the Industrial & Commercial Workers' Union (ICU), shows the bipartite and tripartite industrial relations system functioning well. However, there is still a lack of policies and agreements to provide protection against violence in the workplace. The ICU has worked hard to include

clauses on sexual harassment in all collective agreements in which it is involved, but has encountered an unwillingness on the part of many companies to include such clauses. In the case of temporary/casual workers, no protection is possible, as they are not covered by collective agreements.

- ❑ **BWI Case Study 3 (Canada)**, from the United Steelworkers (USW), shows how workplace representatives with responsibility for bargaining have been provided with training, briefings and model language for negotiating agreements on domestic violence at work. To date, three USW collective agreements have been concluded based on these best practices and the union is stepping up its efforts in this direction.
- ❑ **IUF Case Study 1 (Sweden)** provides an example from the Swedish Hotel and

Restaurant Workers Union (HRF), which in recent years has increased its efforts to negotiate local agreements to combat rising levels of third-party sexual harassment at work. Agreements have been signed with employers in the hotel sector and centrally with Visita, the Swedish Association of Hospitality Employers. Local union representatives receive guidance and are trained to negotiate local agreements.

- ❑ **IUF Case study 8 (Philippines)** highlights union successes in bargaining to address sexual harassment and other forms of violence at work. The NUWHRAIN (National Union of Workers in Hotel, Restaurant and Allied Industries), for example, has concluded a sectoral CBA that includes penalties for sexual harassment among peers, even though national law restricts punishment to acts committed by persons in authority. The



agreement also makes companies responsible for holding seminars on harassment. In the fast food sector, however, the Respect FastFood Workers' Alliance (RESPECT), has faced problems and resistance from employers, and no agreement has yet been reached.

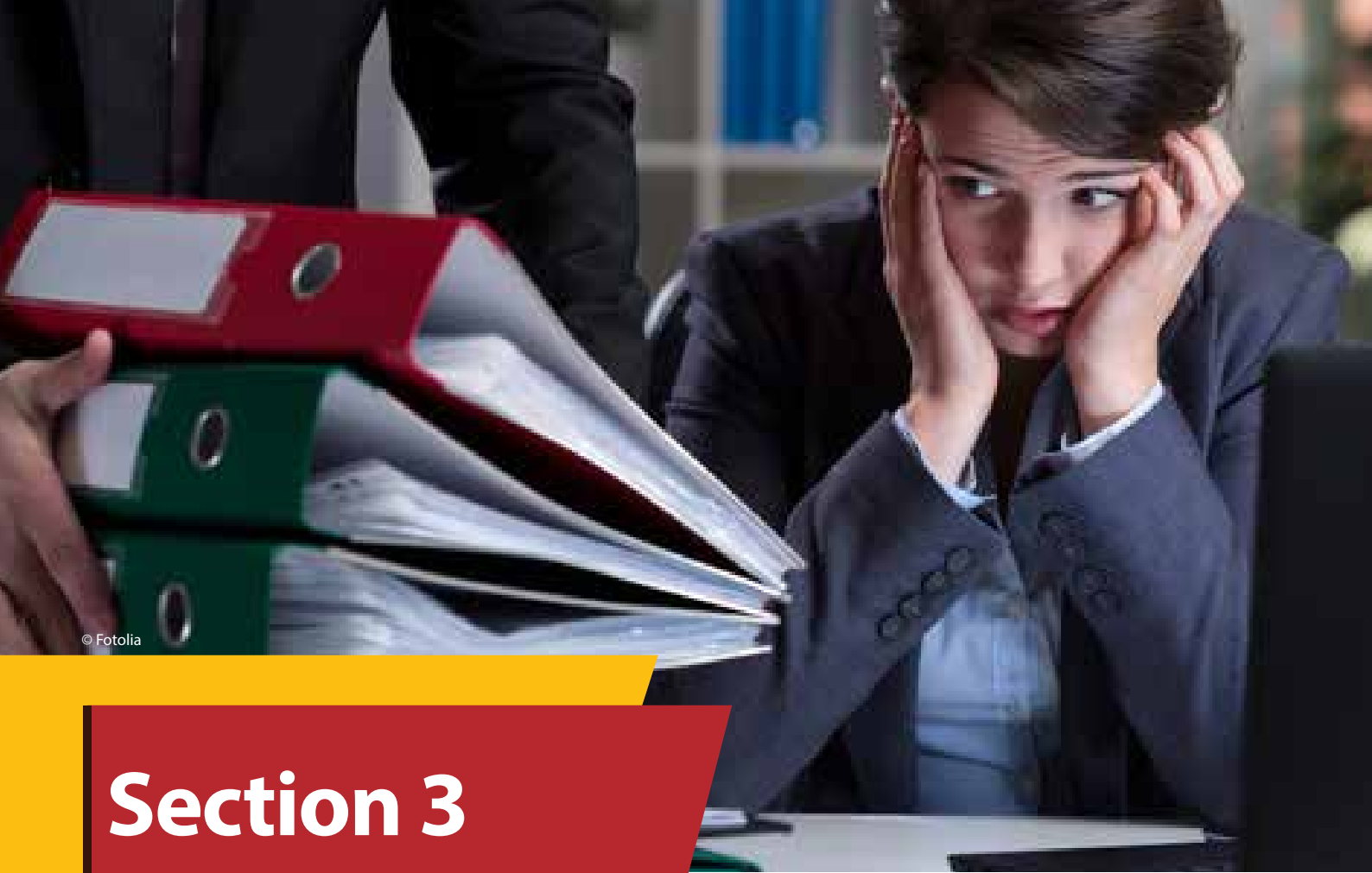
□ **IndustriALL Case Study 1 (Philippines)**

provides examples of two collective agreements signed between unions and employers active in the electronics sector in the Philippines. The first is a CBA concluded between Mitsumi Philippines, a company located in an export processing zone, and the Mitsumi Philippines Workers Union (MPWU). This was a landmark agreement and has led to the establishment of a committee on decorum and investigation (CODI), regular consultations with workers and awareness-raising on sexual harassment across the company. The second CBA on sexual harassment was concluded between the Katolec Philippines Corporation, an electronics company (where the majority

of workers are women) and the Katolec Philippines Labor Union (KAPLU). It has also led to the establishment of a CODI, as provided for in the current legislation.

□ **IndustriALL Case Study 2 (Myanmar)**

highlights some of the challenges faced by the Myanmar Mine Workers' Federation (MWMF) in addressing workplace violence, and how the MWMF has raised awareness of workplace violence as a trade union issue. This has been achieved by initiating social dialogue with employers and proposing the inclusion of a clause in the CBA to prevent violence and harassment at work. To date, fourteen workplace agreements that address work-related violence have been signed. As a result, there has been a reduced number of incidents of work-related violence, which is also partly due to the fact that more workers have been given more secure contractual employment. This has particularly benefited women, young people and migrant workers.



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## Section 3

# Violence and harassment as an occupational safety and health issue

Violence and harassment at work is an occupational safety and health risk, and it is often through safety and health programmes that unions have gained leverage to discuss and prevent these forms of behaviour. In Europe, for example, an increased focus on psychosocial risks at work has made it possible for violence prevention to become a core safety and health issue, the subject of risk assessments and prevention programmes. Workers may be exposed to the risk of harassment in different ways. The Canadian CUPE union argues that harassment needs to be understood as an occupational-health issue threatening workers' physical and psychological safety, and increasing workplace stress. Harassment can also make workers vulnerable to other hazards. The CUPE argues that workers who are affected by 'sexism, misogyny, homophobia, transphobia, racism, colonialism, ableism and other forms of oppression'



may disproportionately experience workplace harassment hazards.<sup>72</sup>

The case studies consistently point to the importance of creating a safe working environment, and for the need to ensure that this includes a gender-sensitive approach that takes account of women's specific experiences of violence and harassment at work, as well as the multiple discriminations faced by workers in the most vulnerable situations. The ITUC notes the importance of a safe working environment for achieving strong and productive industrial relations. Pre-conditions for creating a safe working environment include ensuring that the workplace is free from all forms of discrimination, including harassment, sexual harassment and bullying.

The following case studies illustrate how unions in Argentina, South Africa, the Philippines and Sweden have addressed violence and harassment at work as an occupational safety and health issue in collective agreements, training and awareness-raising, and in particular their efforts to carry this out through a gender-sensitive approach.

❑ **PSI Case Study 3 (Argentina)** provides examples of actions carried out by health care unions to counter the rising levels of violence in the health sector, which particularly affects female front-line workers. For example, the CICOP union has negotiated collective agreements on behalf of its members and is engaged in social dialogue at the state/provincial and national levels. These actions have resulted in the establishment of joint workplace committees on health and security and a commission on violence at the Ministry of Health in Buenos Aires. Legislation also provides for joint committees on health and safety in employment in the public and private sectors. Although there is no national law on violence and harassment at work, provincial legislation on the subject has been enacted in the Province of Buenos Aires (13168/2003).

- ❑ **IUF Case Study 3 (South Africa)** includes an example of an innovative programme run by IUF affiliates, training occupational safety and health representatives to play a role in violence prevention. This was part of a project supported by the IUF and run in cooperation with representatives of the Labour Ministry and some of the more 'open' employers' organizations. The project has contributed to the training of regional safety and health representatives, who have been given access to farms and workplaces. Union representatives work to raise members' awareness of sexual harassment, which is prevalent on many farms. However, their precarious working conditions and lack of job security make it difficult for victims to come forward.
- ❑ **IUF Case Study 11 (US)** is a good example of how the Coalition of Immokalee Workers established the US Fair Food Program and Code of Conduct in order to address sexual harassment on farms, which mainly employ migrant workers. A core principle is to ensure that sexual harassment is addressed as a safety and health issue. The establishment of participatory health and safety committees required under the Code has enabled workers to address sexual harassment as an aspect of health and safety in a collaborative process with their employers. Workers have participated in an education programme which treats protection against sexual harassment as an important set of rights under the Code. All workers receive a 'Know Your Rights and Responsibilities' booklet that focuses specifically on sexual harassment, and a video shown to workers includes a sexual harassment scenario.
- ❑ **BWI Case study 5 (Philippines)**, from the National Union of Building and Construction Workers (NUBCW), describes an effort to address sexual harassment through implementation of the Non-traditional Skills Training Project (2004-2010). The curriculum includes sexual harassment, and HIV and AIDS, as an aspect of occupational safety and health awareness and training. Local NUBCW unions in the formal sector include the issue

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<sup>72</sup> CUPE Equality (2014) Workplace harassment and mental injuries: Examining root causes. Available at: [http://cupe.ca/sites/cupe/files/harassment\\_and\\_mental\\_injuries.pdf](http://cupe.ca/sites/cupe/files/harassment_and_mental_injuries.pdf)

of HIV/AIDS in their CBAs, and the NUBCW has established a legal body to support labour cases. The introduction of the Anti-Sexual Harassment Act of 1995 was a landmark, raising the issue of unwelcome sexual harassment in the workplace, and in educational and sports institutions. Unions point out that it was because of lobbying and awareness-raising by Philippine trade unions that sexual harassment has become an occupational safety and health issue and is now recognized by employers.

- ▣ **PSI Case Study 2 (Philippines)** shows how the Alliance of Filipino Workers (AFW), as part of its participation in PSI's project on gender and health, has highlighted growing levels of violence and harassment at work in the health sector as an occupational safety and health issue. The union has carried out a train-the-trainer programme on eliminating violence and harassment at work, and has included clauses covering sexual harassment in collective agreements. The project has sought to build awareness of violence and

harassment at work as a psychosocial hazard, based on international Framework Guidelines for Addressing Violence at work in the Health Sector, which the PSI participated in drawing up. Trade union leaders have been trained to carry out union training programmes on violence at work in the health sector. This has resulted in the strengthening of the confederation's Occupational Safety and Health (OSH) committee and its ability to negotiate improved safety and health regulations in private hospitals. The case study notes that, because of lobbying and awareness-raising by Philippine trade unions, sexual harassment has become an occupational safety and health issue and is now recognized as such by employers.

- ▣ **IUF Case study 1 (Sweden)** illustrates how the Swedish Hotel and Restaurant Workers Union (HRF) has focused strongly on sexual harassment as a safety and health issue. The union makes a connection between precarious jobs, high staff turnover and poor



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working conditions, on the one hand, and being exposed to various health and safety problems at work, including violence and harassment. The union has trained local and regional safety representatives, providing them with tools for recognizing and dealing with sexual harassment in their workplaces, and has argued that health and safety policies should specify clear rules and guidelines for dealing with sexual harassment. The union states that a health and safety policy should specify

the employer's stand on sexual harassment, include clear rules and guidelines for dealing with problems that arise, and be implemented in the course of daily activities. It should specify where workers can turn to for help and support, and that the policy also applies in the event of a conflict of interests between members. According to the Anti-Discrimination Act, employers and trade unions are together responsible for preventing discrimination on the labour market.



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## Section 4

# The role of legislation on violence in the world of work

Measures to combat and prevent violence against women, including laws, governmental programmes, strategies and national action plans, exist in many countries. Most focus on domestic violence. The UN, the Council of Europe and some Latin American countries, for example, have implemented conventions and other regulatory measures that place obligations on State parties.<sup>73</sup> However, these measures rarely focus on the world of work.

Many of the case studies note the absence of specific legislation to prevent and combat violence and harassment at work and argue that an ILO Convention is essential in order to establish

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<sup>73</sup> For further information about international conventions, norms and standards see: <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/global-norms-and-standards>. The UN study on all forms of violence against women reports that increasing attention is being paid to harassment and violence in the workplace as more women enter the workforce. It refers to surveys which show that between 30 and 50 per cent of women have experienced some form of verbal, physical or sexual harassment.

obligations that governments and employers must comply with. Several case studies highlight the important enabling role of legislation in providing legitimacy and 'opening doors' for unions to negotiate agreements to prevent and combat violence and harassment at work. However, unions stress that the implementation of legislation is only possible if there is a functioning industrial relations system that facilitates union/employer bargaining at sectoral and workplace levels. The ITF goes further in arguing that improving legislation on violence against women transport workers is important but insufficient: a further challenge is under-reporting, as many women transport workers have to cope with a workplace culture in which they may not be believed or retaliation may occur.

According to UN Women, by 2014, 125 countries had passed legislation on sexual harassment in the workplace.<sup>74</sup> In some countries, legislation requires that collective agreements be concluded at sectoral or workplace level to ensure that effective procedures are established. This is the case, for example, with the Belgian Act on Wellbeing at Work of 28 February 2014, which lays down detailed requirements for employers. They are obliged to play a preventive role and develop effective procedures involving joint employer-union Safety and Health Committees and workplace 'persons of confidence', who provide confidential support to victims. In Spain, there is legislation providing for workplace equality plans, which also include provisions on preventing sexual harassment. Unions point to a lack of coverage in small enterprises, where the majority of women work. In Australia and Canada, unions have been actively involved in establishing workplace agreements on domestic violence as a workplace issue. They point to the need for a strong legal framework that protects all workers, as well as strong collective bargaining systems, in order to establish effective workplace policies. Legislation is viewed as being particularly important in laying obligations on governments and employers to prevent and address bonded labour and trafficking for labour and sexual

exploitation, and to protect workers in non-standard forms of employment.

In India, legislation requiring the establishment of workplace Internal Complaints Committees (ICC) to deal with sexual harassment has been passed under the Sexual Harassment of Women at Workplace Act, 2013. A Bangladeshi High Court ruling recommends that factories establish Anti-Harassment Committees (AHC), while the Sexual Harassment at Workplace Prevention Act, 2015, has introduced similar obligations in Nepal. The Indian legislation requires that ICCs include a senior woman manager and a member from an NGO or association "committed to the cause of women or a person familiar with the issues relating to sexual harassment." At least half the members must be female. Unions in India have played an active role in the establishment of ICCs. However, there are still a number of problems: the legislation does not protect women workers in the informal economy and workers in small enterprises; there is a lack of understanding of sexual harassment; and there is resistance on the part of many employers. The legislation does, however, represent a first step in involving trade unions, particularly in non-unionized workplaces, and has led to collective agreements which stipulate, among other things, that sexual harassment is a form of misconduct for which an employee or employer can be punished.<sup>75</sup>

In the Philippines, the Anti-Sexual Harassment Act of 1995 covers unwelcome sexual harassment in the workplace and in educational and sports institutions. It requires that companies establish a 'Committee on Decorum' to investigate and resolve cases of sexual harassment, with management and workers/unions represented. Unions have been very active in working with companies to establish these Committees on Decorum and continue to play a role in raising awareness in the workplace.

In addition to legislation providing a framework for social dialogue and collective bargaining to prevent and address violence and harassment at work, effective partnership between government, employers, unions and civil society is essential. In this regard, PSI argues that adequate funding and

<sup>74</sup> UN Women. (2015). Progress of the World's Women. Transforming Economies, Realizing Rights. Available at: <http://progress.unwomen.org/en/2015/download/index.html#report>

<sup>75</sup> Sankaran & Madhav, 2011



the effective implementation of integrated forms of public policy, including quality public services, is essential to ensure effective measures to prevent violence and harassment, and to protect victims.

The following case studies show how the enabling role of legislation, combined with effective industrial relations systems, is important in tackling violence and harassment at work.

- ❑ **UNI Case Study 6 (Nepal)** describes how unions in Nepal have been involved in campaigns and in implementing initiatives on workplace harassment, following the introduction of the Sexual Harassment at Workplace Prevention Act, 2015. This has opened up new forms of dialogue between employers and union officials, and has given unions access to workplaces.
- ❑ **UNI Case Study 2 (India)** shows how, in the banking sector, the All India Bank of Baroda Employees Federation has actively engaged with management in the establishment of confidential complaints committees as

provided for under the sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

- ❑ **BWI Case study 5 (Philippines)** discusses how BWI affiliates, together with other unions in the Philippines, regard discrimination against women as a form of violence in the workplace. Unions therefore argue that laws relating to gender-equality and violence against women (the Magna Carta for Women, the Reproductive Health Law and the Law on Anti Violence Against Women and their Children) need to take violence in the workplace into account. The NUBCW and the Associated Labour Unions (ALU) have been in the front line in the campaign for the passage of these laws, spearheaded by their women's committees. One of the challenges mentioned by the unions is that, despite legislation to combat sexual harassment at work, Philippine culture tolerates and even encourages sexual harassment, and many women fear that they will be victimized if they report cases.



- **ITUC Case Study 3 (Honduras)**, in the form of a report by the Solidarity Centre, documents cases of sexual harassment in Honduras. The researchers found that the government of Honduras continues to be non-compliant with international norms and national legislation. The Ministry of Labour and Social Security fails to supervise companies established in the country and ensure that they comply with the guarantees and rights granted to workers under the Constitution, notably that women should not be discriminated against through sexual harassment. The report recommends that the State of Honduras, through the Ministry of Labour, the General Labour Inspectorate and the Women's Institute, should inspect and monitor worker-employer relations, and apply relevant legislation to combat sexual harassment at work.
- **BWI Case study 3 (Canada)** shows how the Canadian United Steelworkers (USW) have pushed for an enabling legal environment, including provisions to grant leave of absence for domestic-violence victims and requirements for employers to eliminate sexual and other violence in the workplace. The union argues that legislation contributes to a wider awareness of the problem of violence, gives added strength to unions' demands for employer action, and legitimizes the experiences of victims of violence. Even when there are laws requiring specific employer actions or providing specific worker rights, workers may not enjoy the benefits of those actions or rights if employers are resistant. The USW argues that a functional industrial relations system, i.e. a respectful and productive relationship between unions and employers, is extremely important to ensure the implementation of mandated programmes and rights. In the absence of specific legal protections, a functional system of this kind is essential to ensure workers' rights and safety.



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## Section 5

# Specific themes and issues addressed in the case studies

This section draws out some specific themes and issues referred to in the case studies. They include trafficking for forced labour and sexual exploitation, migrant workers, economic vulnerability, non-standard work, new forms of work, third-party violence with a focus on the health sector, travel to and from work and violence against transport workers, the role of public policy and enforcement, and domestic violence as a workplace issue.

### **5.1 Trafficking for forced labour and sexual exploitation**

Several case studies highlight the extreme forms of exploitation and vulnerability of workers who are trafficked for forced labour and sexual exploitation. Workers who are trafficked and who live in fear

of violence because of bonded labour are some of the most exploited and poorly protected. The IUF, for example, states that women and girls together account for about 80 per cent of trafficking victims in the agricultural sector. Meanwhile, the ITUC provides data showing that women and girls represent 55 per cent of the estimated 20.9 million victims of forced labour worldwide, and 98 per cent of the estimated 4.5 million forced into sexual exploitation. IndustriALL, the global union federation, and national unions and NGOs in India have been critical of the *sumangali* scheme, a form of forced labour common in Tamil Nadu, whereby brokers offer a girl's family an attractive sum of money to be paid after completion of a three-year contract working in a textile factory. Since wages are only paid at the end of the three-year contract, employers hold a lot of power over the women, which makes them vulnerable to sexual abuse and violence.<sup>76</sup>

The following three case studies illustrate the risks of trafficking, and detail union responses, in the agricultural sector in Myanmar and the hotel and fishing industries in the Philippines, and the problems of bonded labour in the agricultural sector in India.

- **IUF Case study 6 (Myanmar)** describes the Agriculture and Farmers Federation Myanmar's actions to prevent the trafficking of workers in the agricultural sector. The union has played an important role in supporting victims, predominantly women, in getting justice. The case study highlights the extreme forms of violence, including trafficking, practiced against women in agriculture and on farms, demonstrating a close link between the risk of violence, precarious employment and economic vulnerability.
- **IUF Case study 8 (Philippines)** documents union action to address sexual harassment and violence and notes that the hotel workers' union, NUWHRAIN, has concluded agreements with a number of hotels to have materials designed to curb child sex tourism displayed on their premises. As early as 1994, SENTRO'S

forerunner, the Alliance of Progressive Labour (APL), regularly passed resolutions on sexual harassment and sexual exploitation, prohibiting members from engaging in such forms of violence against women, either as perpetrators or as buyers. This mission has been taken up by the Samahang United Workers Union of the Citra Mina Group of Companies, which has organized female contractual workers to challenge the strong patriarchal culture of the tuna industry, where women are regularly trafficked and pimped into prostitution.

- **IUF Case study 5 (India)** gives examples from four unions of actions they have taken to combat discrimination and violence against women, demonstrating a link between bonded labour and high levels of gender-based violence. The Gujarat Agriculture Labour Union (GALU), for example, has sought to support victims and tackle extreme forms of violence against economically vulnerable women who are sold as property by their husbands and families. Bonded labour, fear of family stigma, isolation and a lack of protection means that women often have to suffer in silence. Examples are given of unions taking up cases of and representing women in bonded labour who had been repeatedly suffered physical and sexual abuse, including rape, while at work.

## 5.2 Migrant workers

Several GUFs report on the exploitation of and violence against women domestic workers, who experience high risks of harassment and violence. The IUF, for example, refers to the millions of women who are forced to work outside their home country. Women migrant workers are in a more vulnerable situation than their male colleagues, since they are discriminated against not only as migrants but also as women. There is also evidence from several sectors that forced labour and the trafficking of women is on the increase. In many cases, migrant workers face perilous journeys, and experience exploitation and discrimination at work and where they live. Dependence on unethical recruitment practices and bogus recruitment agents leaves

<sup>76</sup> For further information see: Morris and Pillinger, op. cit.





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many workers at risk of trafficking, particularly for sexual exploitation. When migrant workers are undocumented, they often cannot appeal to the authorities for protection. As UN Women states, many domestic workers encounter systematic physical and sexual abuse and violence:

For these and millions of other low-income workers, minimum wages are a crucial step towards their enjoyment of the right to an adequate standard of living. Action to end harassment and violence against women in the workplace is also essential to restoring their dignity.<sup>77</sup>

There are many examples of unions organizing migrant workers. In 1990, for example, migrant workers in the UK, many of whom are domestic workers, formed Kalayaan and joined the Transport and General Workers' Union. The vulnerability of immigrant farmworkers has been extensively

documented by Human Rights Watch,<sup>78</sup> in situations where a culture of violence and harassment continues because seasonal, migrant and unauthorized workers do not want to lose their jobs, and because workers are dependent on employers for housing and transport. The ITUC refers to a case of physical and sexual abuse, including torture, of domestic workers in Hong Kong,<sup>79</sup> as well as campaigns to obtain redress and secure better protection for women migrant domestic workers in the Gulf States.<sup>80</sup>

Some global unions have established union-to-union connections in countries of origin

<sup>77</sup> UN Women. (2015). Progress of the World's Women. Transforming Economies, Realizing Rights, p. 15. Available at: <http://progress.unwomen.org/en/2015/download/index.html#report>

<sup>78</sup> Human Rights Watch. (2012). Cultivating Fear: The Vulnerability of Immigrant Farmworkers in the US to Sexual Violence and Sexual Harassment. Available at: <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and-sexual>

<sup>79</sup> <http://en.hkctu.org.hk/hong-kong/press-release-and-statement-hk/statement-on-the-guilty-verdict-of-erwianas-employer>

<sup>80</sup> For further information see: <http://www.ituc-csi.org/unite?lang=en> and 2014 action: <http://www.ituc-csi.org/gulf-countries-increase-migrant>



and destination. For example, IUF rules enable members of an IUF affiliated union in one country to automatically join an IUF affiliate and receive support from that union in the country to which they have migrated. The IUF argues that this could be done much more widely to protect migrant workers, many of whom are women. PSI's migration programme has similarly sought to establish connections between unions in countries of origin and destination, and the union has actively campaigned to raise awareness of unethical recruitment practices, the rights of migrant workers, particularly women health and social care workers, and the impact of the migration of public service workers on the provision of quality public services.

The following case studies underline the importance of protecting migrant workers, who are particularly at risk of violence and harassment.

- ❑ **BWI Case Study 1 (India)** describes violence faced by vulnerable brick-kiln workers, many of who are female migrants with low levels of education. In this sector, the majority of women, who are informal workers, have no protection under the 2013 law on sexual harassment in the workplace. The sector is characterized by the use of family labour, piece-rate wages, regular violations of workers' rights and deplorable living conditions. Child labour, bonded labour, denial of wages/benefits, lack of facilities for women, poor working conditions, and sexual harassment and physical violence are some of the common problems workers have to face.
- ❑ **ITUC Case Study 1 (Indonesia)** draws attention to the physical and sexual abuse experienced by Indonesian women who have been trafficked as domestic workers to Malaysia, and the inspiring story of one woman in this situation who sought justice. Advocacy and support were provided by Unimig, the migrant workers' union, which is affiliated to Aspek Indonesia, an affiliate of the KSPI confederation. Many Indonesian women migrate to work as domestic workers in Malaysia, and in 2013 180,000 were documented as working there. Many experience high levels of exploitation and violence.

- ❑ **IUF Case study 5 (India)** describes the experience of four unions in combating discrimination and violence against women, and the risks of violence and exploitation faced by young migrant agricultural workers.
- ❑ **IUF Case study 7 (Pakistan)** illustrates the plight of workers supported by the Sindh Massi Union, which has organized 80 bonded domestic workers who are trying to work off their families' debts. In their poverty, they go to residential areas of the town to do domestic work for families and receive zakat (charity) during Ramadan. Many face verbal and physical abuse, working in poor conditions with low wages and long working hours. The Sindh Massi Union aims to strengthen the union by increasing its membership and intends to draw up an action plan.

## 5.3 Economic vulnerability, poverty and low pay

All GUFs and the ITUC highlight the link between violence and women's economic vulnerability, poverty and low pay. The IUF, for example, argues that economic vulnerability makes it impossible for workers, in particular women, to withdraw from violent situations in the family and at work. Poverty and lack of access to decent work means that women do not have the economic independence needed to escape domestic violence. The IUF argues that a living wage would reduce their vulnerability and the associated risks.

Some case studies highlight economic vulnerability and the risk of violence in situations of debt/bonded labour, where the violence women face is connected to their being seen as 'property'. Widows are denied access to land rights and government benefits, while women workers are denied the family benefits received by men, such as housing and wages in kind on plantations. Economic vulnerability and poverty mean that workers are subjected to unethical recruitment practices by illegal recruiters or traffickers.

PSI argues that there are strong links between health, social protection and the achievement of

gender-equality. Ending poverty and achieving the UN Sustainable Development Goals requires the provision of quality public services in areas such as nutrition, health and education, which are essential in reducing economic vulnerability.

Violence against women and girls can be physical, sexual, psychological or economic. It is driven by a deep-rooted belief that a woman is not equal to a man. This shapes the reality of millions of women and girls who have no voice, no freedom, no economic independence and no equal access to education or work. Violence against women and girls happens in private and public places, and in physical as well as virtual online spaces. Violence against women and the threat of it deprive women of their basic human rights. (PSI Congress Resolution)<sup>81</sup>

The ITUC argues that the economic vulnerability and insecurity of informal workers represents a significant challenge to protecting workers' rights.<sup>82</sup> The consequences of insecurity for women are far-reaching, affecting their ability to feed their families and educate and nurture their children. Household poverty – in part fueled by the lack of decent jobs available to women – is the single most important factor keeping children out of school.<sup>83</sup>

The IUF highlights the vulnerability of India's female contract workers, who face rape and violence while hitch-hiking to the remote Ferrero plant. There are also reports of domestic violence in tea plantations in Assam, and of the physical and sexual abuse of pregnant women workers by male supervisors on tea plantations in West Bengal. Women are also vulnerable to commercial sexual exploitation and trafficking because of the extreme poverty and mass starvation brought about by the closure

of tea estates in India, as well as by labour-only contracting in the tuna industry in the Philippines. In many companies, women submit to sexual abuse and rape in order to get jobs and gain promotion. This is extremely difficult to document, even though the IUF is aware that it occurs in many companies, as many women fear that they will lose their jobs if they report the abuse, or that they will become even more vulnerable to sexual harassment. The IUF also argues that economic vulnerability and poverty have added to the risks of domestic violence.

It emerges from many of the case studies from developing countries that a key objective for trade unions is to reduce the economic vulnerability of women, thereby reducing the risk of violence. This has led unions to campaign for equal pay and living wages, and to work for women's empowerment and economic independence, on the basis that patriarchy creates and maintains women's vulnerability in the world of work.

The following two case studies from the agricultural sector show how economic vulnerability and poverty are closely connected with violence and harassment at work.

- **IUF Case study 5 (India)** describes how economically vulnerable women can be sold as property by their families, and how a lack of social protection for agricultural workers and the existence of bonded labour increases their vulnerability to extreme forms of violence. The examples show the impact of isolation and economic vulnerability, forcing women to work on other people's land, which increases the risk of violence.
- **IUF Case study 6 (Myanmar)** documents the role of the Agriculture and Farmers Federation Myanmar in preventing and responding to violence against women in the agricultural sector and on farms, and shows how closely the risk of violence is related to economic vulnerability and precarious employment.

<sup>81</sup> [http://congress.world-psi.org/sites/default/files/upload/event/EN\\_Congress2012\\_WomenCaucus\\_Background\\_Information\\_final\\_web.pdf](http://congress.world-psi.org/sites/default/files/upload/event/EN_Congress2012_WomenCaucus_Background_Information_final_web.pdf)

<sup>82</sup> ITUC (2011) Living with economic insecurity: Women in precarious work. Brussels, ITUC. Available at: <http://www.ituc-csi.org/living-with-economic-insecurity>

<sup>83</sup> United Nations (2012) The Millennium Development Goals Report 2012. New York: United Nations. Available at: [www.un.org/millenniumgoals/pdf/MDG\\_per\\_cent20Report\\_per\\_cent202012.pdf](http://www.un.org/millenniumgoals/pdf/MDG_per_cent20Report_per_cent202012.pdf).



## 5.4 Informal workers, non-standard forms of work and precarious working conditions

Closely related to economic vulnerability and poverty is the significant rise in non-standard forms of employment, i.e. work that falls outside the scope of the standard employment relationship. The ILO defines non-standard forms of employment as including temporary work, part-time work, temporary agency work and other multi-party employment arrangements, disguised employment relationships and dependent self-employment. These have become a feature of contemporary labour markets the world over. According to the ILO's report on non-standard forms of

employment,<sup>84</sup> there is evidence of an increase in non-standard work in both developed and developing countries, which is associated with greater insecurity for workers as compared with standard employment. The report cites evidence of temporary and part-time workers, and workers in insecure jobs, being at greater risk of sexual harassment and occupational violence compared with full-time permanent workers. The ILO argues that:

The growth of NSE [non-standard employment] is the outcome of multiple forces. It reflects changes in the world of work brought about by globalization and social change – such as the increased role of

<sup>84</sup> ILO (2016c) Non-Standard Employment Around the World. Geneva, ILO. Available at: [http://www.ilo.org/global/publications/books/WCMS\\_534326/lang--en/index.htm](http://www.ilo.org/global/publications/books/WCMS_534326/lang--en/index.htm)

women in the world's labour force – but also regulatory changes. At times, laws have encouraged the use of NSE – either purposefully or unwittingly – by creating incentives for its use by enterprises. In other cases, there are gaps or grey areas in the law that have provided fertile ground for the development of non-standard work arrangements. Some of these gaps have resulted from the decline of collective bargaining in countries where collective agreements had previously been the dominant form of regulation. (p.xii)

According to the ILO's World Employment and Social Outlook 2015,<sup>85</sup> based on the available data from different countries, three-quarters of the world's workers are employed under temporary or short-term contracts, in informal jobs often without any contract, under own-account arrangements or in unpaid family jobs. Over 60 per cent of all workers lack any kind of employment contract. In particular, the economic crisis has accelerated the growth in informal employment, an area in which women are over-represented.

→ **Example:** A Gender and Waste project in Brazil highlights the domestic violence faced by informal waste-pickers and has helped to raise awareness of how to address violence against female waste-pickers.<sup>86</sup> As part of a participatory action research programme on Gender and Waste, the women waste-pickers shared their experiences of domestic violence and how this impacts on their lives at home and in the workplace. In the safe spaces created for women waste-pickers, it emerged that issues of sexuality, class and race were linked to gender-based violence, as many waste-pickers are working-class black women. The women shared stories of facing multiple forms of violence at home and how this is linked to their overall empowerment as women within the waste-pickers' movement.

<sup>85</sup> [http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_368252/lang-en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_368252/lang-en/index.htm)

<sup>86</sup> For further information see: Sonia Maria Dias and Ana Carolina Ogando (2015) Rethinking gender and waste: exploratory findings from participatory action research in Brazil. In Work organization, labour & globalization. Volume 9, Number 2, Winter 2015. Also: <http://wiego.org/wee/gender-waste-project> which includes information about the project, a toolkit and education pack. Further information about the waste pickers' movement in Brazil: <http://wiego.org/publications/engendering-waste-pickers-cooperatives-brazil>

Experiences of violence and women's proposals to address the problem were then shared through dialogue with men and women leaders of waste-pickers' cooperatives and the national waste-picker movement to raise awareness of the need to work together towards gender equality.

GUFs and the ITUC argue that better legal and workplace protection is needed for workers in non-standard forms of work, and that ending precarious work will reduce the risks of violence and harassment. The IUF notes that a continuing gender-related pay gap of 20 per cent, the increasing precariousness and casualization of employment, and worsening health and safety conditions, particularly affect women workers in agriculture and the hotel/restaurant sectors, where long hours, stress and repetitive strain injuries are commonplace.

The following national case studies give examples of how unions in Sweden, Canada, Uganda, Zambia and Indonesia have addressed the risks of violence associated with non-standard work.

- **IUF Case study 1 (Sweden)**, from the Swedish Hotel and Restaurant Workers Union (HRF), makes a connection between precarious working conditions and high staff turnover, on the one hand, and exposure to various health and safety problems at work, including violence, on the other. The fact that most jobs are temporary and casual means that many workers do not report violations of their rights and instances of violence as they are afraid of losing their jobs.
- **ITF Case study 1 (Canada)** highlights Unifor's concerns about the growth of non-standard employment and job losses as a major problem leading to precarious employment conditions. The union's Women's Advocates Program provides invaluable support in mitigating the impacts of workplace harassment and domestic violence, particularly as women's status in the workplace is so precarious.
- **ITF Case Study 3 (Uganda)**, from the Amalgamated Transport & General Workers Union, shows how union organizing in the transport sector has built women's confidence in combating violence and inequality. The



majority of women work in the lowest-paid, most precarious occupations, as food vendors, clerks, parking attendants and cleaners. The union is also challenging male violence as part of its HIV prevention strategy.

- **IUF Case Study 2 (Zambia)** highlights the problems faced by precarious workers who suffer from poor safety conditions and a lack of security and protection at work, and by workers and trade-union representatives subject to intimidation. The unions point out that precarious forms of employment make victims of violence and harassment reluctant to report cases, lest they lose their jobs.
- **IUF Case study 5 (India)** describes how the Imsofer Manufacturing Employees Union has attempted to organize precarious workers, the majority of whom are women on casual contracts earning poverty wages with no social or health protection or access to safe transport, which are major factors putting women at risk of violence. The union has fought for an end to discrimination and equal access to transportation.
- **ITUC Case Study 1 (Indonesia)** illustrates how precarious work in Indonesia, for example in the Indonesian franchise of Dunkin Donuts, led to problems for workers who were exposed to unsafe workplaces, low wages, long working hours and precarious work, all of which intensified the risks of their being subject to violence and harassment at work and during travel to and from work.

## 5.5 New forms of work organization and work pressure

A consistent theme running through many case studies is that violence and harassment at work is increasingly associated with new forms of work organization, work pressures, unrealistic work targets and stress at work. These include pressures to meet production targets set by multinational companies on factories and farms at the bottom of global supply chains and in export processing

zones, the use of new technology as a form of workplace surveillance and monitoring of workers' performance, and the unrealistic work pressures and staffing shortages in public services that have resulted from austerity measures and privatization.

These issues are raised in several case studies, for example by the UNI affiliated banking union in Brazil (CONTRAF), which finds that workers' chief concerns are bullying at work and management imposition of unfair work targets. A PSI-affiliated union in the health sector (Alliance of Filipino Workers) cites the impact of poor work organization and a poor working environment as factors leading to co-worker conflict and harassment. As PSI and other unions argue, public-sector austerity measures and the growth of privatization and casualization have a disproportionate effect on workers in the most vulnerable situations who have limited employment security. These include women, LGBT and racialized and indigenous workers, and workers with disabilities. Many of these workers see harassment simply as part of the job. PSI argues that lower levels of staffing, changes in work organization and the introduction of new 'public management' systems are further factors that have led to increasing levels of stress and work pressure and to higher levels of harassment, particularly among front-line health and social care workers. A BWI affiliate in the woodworking sector in Italy also refers to sexual harassment in the sector, which the unions argue has increased following changes in work organization and greater pressures at work since the economic crisis.

- **UNI Case Study 7** discusses workplaces of the future and the psychosocial risks of harassment and stress associated with greater use of new technology at work, online working, increasing levels of sub-contracted work in the 'gig' economy, digital-age 'click work' and 'cloud working'. Surveillance and monitoring of work using new technology is a further cause of psychosocial stress and ill-health. Stress at work caused by reduced autonomy and privacy, surveillance and monitoring, as well as intensified workloads, is increasingly being viewed as a form of harassment. Some progress has been made in concluding agreements with large companies on data-protection, protection



against cyber-harassment and switching off from email outside of working hours, but these remain few in number.

## 5.6 Third-party violence in front-line public services

Some workers are exposed to higher levels of violence, particularly third-party violence, because their jobs involve potentially dangerous or unsafe interactions with third parties. This is particularly true for front-line responders, such as police officers, fire-fighters, ambulance staff, teachers and teaching assistants, and health care workers. As PSI evidence shows, front-line nurses are particularly at risk of third-party violence. There is substantial national and global evidence of growing rates of workplace violence against nurses. Many unions across the world have negotiated agreements and/or workplace policies to improve workplace safety rules and prevent violence.

→ **Example:** The Manitoba Nurses Union in Canada has negotiated new workplace prevention policies to reduce the high rates of physical and verbal violence against nurses (the union states that 56 per cent of its members have been physically assaulted and more than 9,000 have been verbally abused). Employers are required to draw up workplace policies and strategies, with procedures for preventing and dealing with cases of violence, providing immediate assistance to victims, and reviewing and identifying such incidents. In addition, employers must prominently display posters stating that violence and abuse will not be tolerated.

Unions have also highlighted the risks run by workers caring for vulnerable adults in residential care settings, including people with mental health difficulties and the elderly.

→ **Example:** The Canadian public service union, CUPE, has drawn attention to the link between violence against residents and violence against workers in long-term residential care settings, which is exacerbated by lack of appropriately



trained staff and poor working conditions. In a study of long-term care facilities for older people carried out by the Canadian CUPE union,<sup>87</sup> understaffing, a lack of properly trained staff and poor working conditions were identified as factors contributing to abuse and neglect, and these factors also gave rise to aggression on the part of residents, whose needs had become more complex. In Canada, 38 per cent of long-term care workers experience physical violence daily.

Here is a further example from the UK regarding British Telecom workers who come into contact with the public:

→ **Example:** British Telecom, in conjunction with unions, has drawn up guidance for staff and line managers on how to ensure safety, particularly when workers are on duty and are in contact with the public. **‘Guidance on Dealing with Violence at Work’** aims to reduce the risk of harm from violence and harassment while on duty, including the risk of violence from members of the public. It states that: “Violence at work includes more than just physical violence. Employees may face verbal and mental abuse, discrimination, threatening behaviour, bullying - even ostracism. During the past few years all the indicators point to a rise in violent and aggressive incidents taking place in the workplace or when working out in the community... The greater the contact with the general public, the greater the risk.” The guidance includes advice on how to help yourself and what to do if a situation threatens to become violent, how to deal with aggression or potential danger, assess possible risks and prevent aggression by effective communication, and what to do in the case of a physical attack. The guidance also covers violence at work and during travel to and from work, and how to get support and aftercare in cases of abuse or attack. As well as defining the role of line managers, the guidance lays down

responsibilities for carrying out risk assessments and conducting investigations.

Three PSI case studies highlight the impact of third-party violence in the workplace, which particularly affects workers who interface with customers in the health sector. These case studies bear witness to an alarming rise in third-party violence, particularly against women. In response to these growing levels of violence, particularly on the part of third parties, in 2000 the International Labour Office (ILO), the International Council of Nurses (ICN), the World Health Organization (WHO) and Public Services International (PSI) launched a joint programme to develop effective policies and practices to eliminate violence in the health sector. This led to national research studies in several countries and the joint publication of guidelines for tackling violence. PSI argues that nurses are more likely to experience violence than other occupational groups working in the sector. In its 2003 Fact Sheet on Workplace violence in the health services<sup>88</sup>, the ILO notes that patients tend to be the main perpetrators of physical violence, while staff are the main perpetrators of psychological violence. The Fact Sheet also notes that psychological violence is more prevalent than physical violence: verbal abuse is very common, followed by bullying and mobbing.

□ **PSI Case Study 1 (Democratic Republic of the Congo)** reveals how a long history of violence, conflict and war has led to an alarming increase in violence against nurses, perpetrated by families, patients and doctors. Research carried out by the SOLSICO health care union shows that, between 2011 and 2016, 723 nurses were molested, 188 killed, 709 raped and 300 kidnapped. These violations were particularly high in North Kivu province. The collapse of the health care system and long waiting times have piled additional pressures on nurses, making them particularly vulnerable to third-party violence. The case study documents the significant efforts made by the union to tackle these high levels of violence and harassment at work.

87 CUPE (2013) Residential Long-Term Care in Canada: Our Vision for Better Seniors' Care. Available at: <http://cupe.ca/sites/cupe/files/CUPE-long-term-care-seniors-care-vision.pdf>

88 ILO Fact Sheet, Workplace violence in the health services

- **PSI Case Study 2 (Philippines)** describes how the Alliance of Filipino Workers (AFW) has addressed growing levels of violence in the health sector. Healthcare workers are at high risk of becoming targets of violence directed at them by patients (physical) and physicians (verbal). Levels of violence are reported to be four times higher in health settings than in all of private industry combined. Most nurses in Philippine hospitals have experienced some form of violence, resulting in fear, decreased morale, absenteeism, a high job turnover rate and loss of productivity. The case study explains how AFW has put in place a range of measures, including training and awareness-raising, collective bargaining and new guidelines for tackling the significant increase in third-party violence.
- **PSI Case Study 3 (Argentina)** details the problem of growing levels of workplace violence in hospitals and the role of the CICOP health union in addressing the issue through campaigns, awareness-raising and reporting on cases of violence. In one hospital, violence-prevention measures were introduced to reduce levels of absenteeism. The union has identified further problems arising from the lack of job security of many health care workers.

## 5.7 Violence travelling to and from work / violence against transport workers

Transport workers, such as bus drivers, ticket collectors, conductors and air stewards, are exposed to significant risks of violence from third-parties. This is also true for workers who rely on public transport to get to and from work, especially women. Rape and sexual assault when travelling to and from work have devastating consequences for women, including death and health consequences such as HIV infection. Several case studies refer to the problems and risks associated with transport to and from work, including in-company transport. In employment involving global supply chains, such as garment-making, flower production and electronics,

pressure to complete orders, long working hours and the need to travel late at night add further risks.<sup>89</sup> In the garment export industry, women account for 80 per cent of the 4.2 million workforce. Young women working in EPZ's are particularly vulnerable to violence and sexual abuse in factories, in company accommodation or when travelling to work.<sup>90</sup>

In the retail sector, unions have highlighted risks associated with long opening hours, often requiring workers to travel to and from work at night.

→ **Example:** In the retail sector in the UK, the Freedom from Fear campaign<sup>91</sup> run by the shop workers' union, USDAW, has focused on improving safety for women shop workers. Reps have worked with employers locally to support women travelling to and from work late at night or very early in the morning. USDAW carried out a survey to provide management with good evidence that there were issues that needed to be jointly addressed. For example, it was agreed that women should be given time to come off the checkouts once the store had closed, so they could move their cars to directly outside the store, as staff car parking was often the farthest away. A loud bell was fitted to the staff entrance, so that when women arrived for their shift in the early hours of the morning they could be heard and let into the store straight away. Previously they might be standing outside for up to 20 minutes as they could not be heard. In one case, reps got a manager to agree to walk to the local train station at night so he could see the route women who were finishing at 10pm had to walk. It was then agreed women could change their shifts if they were concerned about their safety. Other examples include keeping car park lights on until staff have left the premises and agreeing to finish a shift early to enable staff to catch the last bus home.

<sup>89</sup> Morris and Pillingier, op. cit.

<sup>90</sup> International Trade Union Confederation (ITUC) (2009) The Decent Work agenda: a gender perspective. Brussels: ITUC. [http://www.ituc-csi.org/IMG/pdf/women\\_report\\_EN.pdf](http://www.ituc-csi.org/IMG/pdf/women_report_EN.pdf)

<sup>91</sup> Freedom from Fear campaign: <https://www.usdaw.org.uk/freedomfromfear>



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Conductors and drivers (who have to remain with their bus if it breaks down at night during inter-state travel), municipal workers (who are required to report for duty in the early hours of the morning in order to clean the city by daybreak), and those working the late shift, are particularly prone to violence and harassment when travelling to and from work, in addition to violence and harassment in the workplace. Trade unions have pointed out the need to broaden the scope of current policies, for example to provide transport facilities for workers on the night shift, and to meet the needs of workers who are dependent on public transport for getting home at night.

Transport unions have brought up the issue of men's behaviour in order to raise awareness of gender-based violence and HIV/AIDS. The ITF argues that violence against women cannot be challenged without a change in men's behaviour. In Rwanda, for example, male transport workers exposed to HIV increase the risk of transmitting HIV to their wives, partners and children. The Rwanda Truckers Spouses' Association (RTSA), an association with over 2,000 members, was formed in consultation with the ITF affiliate, the Association des Chauffeurs des Poids Lourds au Rwanda (ACPLRWA). The initiative came from the spouses themselves, after they realized the challenges and problems they share. Meanwhile, the Amalgamated Transport and General Workers Union (ATGWU) in Uganda, and other ITF affiliates from

Burundi, the Democratic Republic of Congo, Kenya and Tanzania, are supporting projects targeting long-distance drivers along the Northern Corridor in Central and East Africa. The ATGWU runs a drop-in centre at four border crossings, where truckers are often delayed by border controls for several days – a wait which often involves casual or transactional sex. In these centres, full-time coordinators work with teams of trained HIV/AIDS peer educators and counsellors. They conduct sessions for both drivers and local community members, at which violence against women and sexual violence are challenged.<sup>92</sup>

The following case studies identify the risks of violence in travelling to and from work:

- **UNI Case Study 5 (South Africa)** identifies a key issue in the retail sector where workers are expected to work late hours with no access to transport. This has contributed to numerous incidents of rape, including gang rape, and even the murder of workers. Some companies provide transport when workers work late. However, the South African Commercial, Catering and Allied Workers Union reports that it is currently dealing with several cases of gang

<sup>92</sup> For further information and examples see ITF Action Guide on Violence Against Women. Available at: <http://www.itfglobal.org/en/resources/reports-publications/itf-action-guide-on-violence-against-women/>



rape, murder and assault on members which have occurred due to a lack of transport.

- **IUF Case study 5 (India)** illustrates the extreme forms of violence women face in travelling to and from work. The Imsofer Manufacturing Employees Union has highlighted the connection between precarious employment, physical vulnerability and lack of access to safe transportation, which increases the risk of violence against women. The union has fought for two years for improved safety for women workers, an end to discrimination in wages and equal access to transportation.
- **IUF Case study 8 (Philippines)** provides an example from the Samahang United Workers Union of the Citra Mina Group of Companies, where casual workers are vulnerable to rape at night. It is often difficult for workers to find public transport at night since many leave the workplace at 11pm. When overtime is required to meet targets, workers may not leave the workplace until 4am, sometimes without overtime pay.

Three case studies address third-party violence experienced by transport workers, and the particular risks faced by women in this male-dominated industry. The case studies show how union organizing to address violence has been crucial in increasing the visibility and representation of women in unions.

- **ITF Case Study 2 (India)** documents an innovative project by the transport union MSTKS to address the high levels of sexual harassment, violence and rape faced by women bus conductors in Maharashtra State. The union found that, by raising awareness of the joint risks faced by women workers and women passengers, it was possible to gain wider community support. This led to the formation of an alliance of transport unions, passenger associations and NGOs, and a joint union/community campaign to create safer working conditions and address violence against bus conductors and passengers. At the same time, the high rates of sexual harassment, sexual assault and rape against
- women bus conductors and passengers led the union to organize women and improve their representation in decision-making roles. An increasing number of women are employed in transport in India. However, women bus conductors face various forms of violence, including lack of security, sexual harassment, physical assault and rape. Further risks of violence result from a lack of access to toilets while on duty, a contractual requirement that conductors must spend the night alone in the bus when it breaks down, and poor road and driving conditions causing injuries and miscarriages.
- **ITF Case Study 3 (Uganda)** shows how the Amalgamated Transport & General Workers Union has sought to organize and support informal women transport workers, including women working in and around major transport hubs. The single most important issue identified by the women was violence, harassment and intimidation by men. The ITF-supported project has included seminars with union leaders, cross-border exchange visits, organizing activities and local participatory research and mapping to raise the profile of informal women workers in transport. The project has led to improved representation of female informal transport workers in the union and the establishment of an Informal Sector Women's Committee.
- **ITF Case Study 4 (Bulgaria)** describes the FTTUB transport union's "Someone to share with" campaign and survey, based on an anonymous, self-administered questionnaire left in designated workplaces. Women workers responding to the survey highlighted high levels of physical and psychological violence, mostly from third parties. The survey provided a solid basis of evidence for the FTTUB's subsequent campaigning, advocacy and negotiation of collective agreements on violence in the workplace. The FTTUB's current programme to prevent violence against women, "Agreements into Actions", includes project work, a training programme and follow-up work on the implementation of the four existing municipal agreements. The FTTUB



has linked its efforts on gender inequality and gender segregation in the workforce, including its participation in the ITF “Strong unions need women” campaign, to its work on violence prevention, in recognition of the fact that unequal gender roles and relations are closely connected to violence against women.

## 5.8 Public policy, enforcement and monitoring

A key issue raised by GUFs and the ITUC is the role of public policy in creating safe workplaces, safe and sustainable cities and safe public transport systems, providing services to protect and empower citizens, and enforcing and monitoring legal and other instruments designed to prevent and address violence and harassment at work. PSI, in particular, argues that effective public policies depend on close cooperation between, national, regional and local government, employers and unions, especially public service unions. Moreover, public policy is the cornerstone for effective services in support of victims of violence.

National labour inspectorates have an important role to play in ensuring awareness of and compliance with laws, policies and procedures to address workplace violence. A gender-sensitive approach to labour inspection is recommended by the ILO,<sup>93</sup> and international labour standards provide a framework for this. Although modern labour inspection systems focus primarily on law enforcement, an increasing number also emphasize prevention, protection and improvement, including in areas such as gender equality, health and safety and violence and harassment at work. As the ILO maintains, labour inspectors have an important role to play in identifying workplace inequalities. They therefore need to be equipped with the knowledge, attitudes and tools which will allow them to recognize and address the differing needs, expectations and experiences of women

and men workers. As well as monitoring the implementation of legislation and policies, they can be active in raising awareness of workplace issues, particularly those that go unreported. Examples of good practice can be found in Slovakia and the Netherlands. In Slovakia, the National Labour Inspectorate is conducting a review of how Slovakia’s anti-discrimination legislation on workplace behaviour, including violent behaviour, is being applied in practice. The decision came after the Labour Ministry noted that labour inspectors had not carried out a single full-scale audit of cases of sexual harassment and victimization of women over a period of one year. In the Netherlands, in 2010 the Labour Inspectorate looked into the protection of personnel against aggression and violence in a number of public-sector occupations, as well as informing employers about their obligations. Since then, especially when compared with 2006, a great deal of progress has been achieved, in particular in public transport. The care industry, municipal social services and the Employees Insurance Agency were all found to have made significant progress.

One innovative case study shows how enforcement of sexual harassment policies can be closely monitored in the agricultural sector:

- **IUF Case Study 11:** Worker-driven, timely, responsive and retaliation-free enforcement and accountability systems are core elements of the most effective approaches to combatting violence against women. In the US state of Florida, a 16-year campaign to assert the rights of tomato-pickers has created a workplace environment virtually free of sexual harassment. Women in the Immokolee tomato fields, mostly migrant workers from Central America, had frequently been physically and sexually assaulted, including in transport on the way to the fields. In response, through the Fair Food Program, the Coalition of Immokolee Workers (CIW) introduced concrete and enforceable protections against gender-based violence as an aspect of labour rights and enforcement. The agreement with growers and buyers established a 24-hour call center enabling workers to report violations of their rights. It also provided for immediate

<sup>93</sup> ILO, Labour inspection, gender equality and non-discrimination in the Arab states: guide book. Available at: [http://www.ilo.org/beirut/publications/WCMS\\_249296/lang--en/index.htm](http://www.ilo.org/beirut/publications/WCMS_249296/lang--en/index.htm)

investigation and remediation, and the introduction of worker-to-worker education during company time to enable women and men to talk to other women about naming and ending sexual harassment and verbal abuse. The overall effect is that zero tolerance has been translated into near-zero incidence of gender-based violence in the fields.

## 5.9 Domestic violence as a world-of-work issue

Domestic violence is a relatively new workplace bargaining issue. Clearly, recognizing the interconnection between work and private life has the effect of extending the reach of the employment relationship.<sup>94</sup> Global and national unions recognize that trade unions can play a role in identifying, preventing and assisting workers who are victims of domestic violence. Several unions stress the importance of understanding that a culture of discrimination, exploitation and violence against women at work is closely related to a wider societal culture, where patriarchy and unequal gender relations cannot be separated from intimate partner/domestic violence.

Domestic violence impacts on victims' health and wellbeing, attendance at work, productivity and security. It may also have repercussions for safety at work, for example when a victim of domestic violence is stalked or harassed by the abuser at her workplace, with consequence for her own safety and that of her co-workers. Domestic violence has been shown to cause disrupted work histories, high rates of absenteeism, lower personal incomes, frequent changes in jobs and more employment in casual and part-time work. If a woman can be helped to keep her job, it can prevent her from becoming trapped in a violent relationship for financial reasons. It also keep open a pathway for a women wanting to escape from a violent relationship.

<sup>94</sup> Pillinger, Schmidt & Wintour, op cit.

### The costs of domestic violence for employers

A report on Family Violence and the Australian Retail Industry prepared for the National Retail Association (NRA)<sup>95</sup> found that almost seven per cent of the retail workforce experienced some form of domestic violence during 2014-15, which is estimated to have cost the retail industry more than \$62 billion during that time. The NRA is currently encouraging its members to offer affected workers paid domestic violence leave and will participate in a government-funded DV Work Aware pilot programme.

A report published by the Canadian Federal Justice Department estimated that the total economic impact of domestic violence on employers was \$78 million (€54 million) in 2009.<sup>96</sup> In the USA, an estimated 8 million days a year are taken off work because of domestic violence, at a cost to the economy of \$2.5 billion (€2.3 billion) in lost productivity. In New Zealand recent research shows that domestic violence costs employers \$368 million (€243 million) a year, which could be avoided through workplace protections.

Domestic abuse costs the UK economy £1.9 billion (€2.2 billion) in lost economic output every year and leads to decreased productivity, increased absenteeism and increased employee turnover.

The UNI gives the example women in India, who are reckoned to lose an average of five paid working days for each incident of intimate partner violence, while in Uganda, about nine per cent of violent incidents force women to take time off from paid work, amounting to 11 days a year.

In Morocco, the estimated out-of-pocket expenditure in accessing services incurred by women who suffer violence can be as high as US\$157, when some of them earn as little as US\$7.50 per day in the agricultural sector.

<sup>95</sup> National Retail Association (2016) Family Violence and the Australian Retail Industry: Industry Report. Available at: [http://www.nra.net.au/wp-content/uploads/2015/09/RetailFV\\_Mar2016\\_Final.pdf](http://www.nra.net.au/wp-content/uploads/2015/09/RetailFV_Mar2016_Final.pdf)

<sup>96</sup> Zhang, T., Hoddenbagh, J., McDonald, S., & Scrim, K. (2012) An estimation of the economic impact of spousal violence in Canada, 2009. Ottawa, Department of Justice, Research and Statistics Division.

The workplace can, therefore, play a critically important role in preventing domestic violence. In evidence given to the 2016 Tripartite Experts' Group on Violence Against Women and Men in the World of Work, Vicky Smallman of the Canadian Labour Congress stated that:

Unions are not suggesting that workplaces can take the place of governments and community services, but the workplace is a key part of an integrated approach. Our experience has shown that workplaces can play a vital role in recognizing and responding to domestic violence at work, interrupting the isolation that fuels the abuse, providing support so workers can keep their job, and ensuring a safety plan is in place for the worker and others in the workplace. Where employers and workplaces are unprepared, experience has shown that aggression escalates, even to the point of death, including homicide/suicide at work. Prominent and tragic cases have led to advances in collective bargaining and legislation in different parts of Canada. Prevention, then, comes in the form of early intervention, workplace safety and supports.

Six large-scale national surveys have to date been carried out in Australia, Canada, New Zealand, the Philippines, Turkey and the UK<sup>97</sup>, providing clear evidence of the impact of domestic violence on the workplace. On average, one third of workers reported they had experienced domestic violence at some point in their lives. Around half of victims of domestic violence felt that their job performance was negatively affected and three out of four had a hard time concentrating while at work. The surveys point to the importance of measures to respond, in the workplace, to the needs of victims of domestic violence, in order to mitigate the impact on victims' health, well-being and safety, and attendance at work, performance and productivity.

New national surveys are currently being launched in other countries with the support of GUFs and the Centre for Research and Education on Violence Against Women, based at the University of Western Ontario, Canada. They include a multi-country survey carried out in collaboration with the UNI and

surveys in Mongolia and Taiwan with the ACTU, while the ITF is working towards launching national surveys in Egypt and Tunisia.

→ **Example:** The first national survey carried out in Australia by the Australian Domestic and Family Violence Clearinghouse at the University of New South Wales<sup>98</sup> was completed by over 3,600 union members. The survey findings paved the way for domestic violence workplace agreements, including paid leave, protection and flexible working arrangements. A further survey carried out by the University of Western Ontario and the Canadian Labour Congress,<sup>99</sup> completed by 8,429 respondents, reinforced the importance of workplace domestic violence policies and practices, including collective agreements, in domestic violence prevention. Survey findings indicate that one third of Canadian workers have experienced domestic violence and, for over half of them, violence has followed them to work. Among those exposed to domestic violence, eighty-one per cent reported that it negatively impacted their work performance.

Domestic violence clauses were pioneered in Australia, where the first such clause was successfully negotiated between the Australian Services Union's Victorian Authorities and Services Branch and the Surf Coast Shire Council in 2010 (Surf Coast Shire Council Enterprise Agreement 2010-2013). Among other things, the clause provided for up to twenty days paid domestic leave. By 2015, 944 agreements contained a domestic violence clause. These covered 804,649 employees, predominantly in the private sector, across a broad range of industries (retail, public transport, banking, education, manufacturing, airline and maritime), and included some of the country's largest

<sup>97</sup> For further information about the surveys see: <http://dvatworknet.org/research/national-surveys>

<sup>98</sup> McFerran, L. (2011) Safe at home, safe at work? National domestic violence and the workplace survey (2011). Australian Domestic and Family Violence Clearinghouse.

<sup>99</sup> Wathen, C. N., MacGregor, J. C. D., MacQuarrie, B. J. with the Canadian Labour Congress. (2014). Can Work be Safe, When Home Isn't? Initial Findings of a Pan-Canadian Survey on Domestic Violence and the Workplace. London, ON: Centre for Research & Education on Violence Against Women and Children. Available at: [http://makeitourbusiness.ca/sites/makeitourbusiness.ca/files/DVWork\\_Survey\\_Report\\_2014\\_EN.pdf](http://makeitourbusiness.ca/sites/makeitourbusiness.ca/files/DVWork_Survey_Report_2014_EN.pdf)

employers.<sup>100</sup> Close alliances between unions, experts and the women's movement, the availability of a 'model clause' and the commitment of union representatives were critical factors facilitating successful agreements.<sup>101</sup> In 2015, a landmark case on domestic violence and work [Ms L. Moghimi v. Eliana Construction and Developing Group Pty. Ltd. [2015] FWC 4864, 23/08/2015] led to the Australian Fair Work Commission ordering an employer to pay maximum compensation to a domestic violence victim who was unfairly sacked because her employers claimed they could not protect her from her partner, who worked in the same office, thereby requiring employers to assume an 'added duty of care' for domestic violence victims at work.

In Canada, unions and employers have negotiated a range of agreements at workplace level to prevent and address domestic violence. The issue is also gaining prominence in union campaigns for legislation at federal and provincial levels. In Canada some high profile cases of violence against women, and more recently research on the extent of domestic violence in the workplace, have helped to bring these issues to public attention. The Canadian Labour Congress is actively engaged in union education, lobbying for legislative change and collective bargaining demands to address domestic violence in the workplace. The collective bargaining strategy provides seven principles for negotiators to adopt, along with model language for collective agreements. One of the seven principles is to bargain for a Women's Advocate to support workers who are experiencing domestic violence. The Canadian Labour Congress has pointed to the Unifor Women's Advocate Program (see case study) as an example of best practice for unions across Canada.

The ETUC's forthcoming study 'Safe at Home, Safe at Work' is currently documenting union action to address the impact of domestic violence at work and is showing how unions can actively

support victims and prevent domestic violence. Union actions include the formulation of model clauses on domestic violence for adoption by local government and the health sector in the UK, the drafting of workplace policies for adoption by multinational companies in several countries, the introduction of clauses in workplace equality plans in Spain, and union lobbying for the introduction of legislation providing for three months' domestic violence leave in Italy, which victims of domestic violence can take flexibly. Some unions are actively negotiating with local authorities to include clauses in collective agreements when they come up for renewal, as for example in Italy and Bulgaria.<sup>102</sup>

Unions and employers in the UK are involved in negotiating clauses on domestic violence in collective agreements and through workplace policies, particularly in the public sector, health care and local government. The TUC has produced a guide for unions and employers, and the public sector union UNISON has drawn up a model workplace agreement and guidelines on domestic violence as a trade union issue.<sup>103</sup> Some UK employers have drawn up policies and/or provide guidance on how to give support to victims of domestic violence, an example of which is given below:

➔ **Example:** A domestic violence policy agreed between the Coop (retail chain) and the shop workers union USDAW sets out obligations whereby the company must provide information to line managers and HR regarding victims and perpetrators of domestic abuse; provide support for victims, such as time off to attend meetings or counselling; provide support for perpetrators who seek help voluntarily; provide training to raise awareness of domestic violence and ensure

<sup>100</sup> McFerran, L. (2016) Domestic violence is a workplace issue; Australian developments 2009-2016. Available at: <https://www.wgea.gov.au/sites/default/files/mcferran-domestic-violence-workplace-issue-australian-developments.pdf>

<sup>101</sup> Baird, M., McFerran, L., and Wright, I., (2014) An equality bargaining breakthrough: Paid domestic violence leave. *Journal of Industrial Relations*. April 2014 vol. 56 no. 2 190-207

<sup>102</sup> More detailed results from the ETUC study, presented in the form of eleven country case studies and a synthesis report, due to be finalized in early 2017, will be presented to a European conference to be held in Madrid in November 2016.

<sup>103</sup> TUC (2002) *Domestic Violence: A Guide for the Workplace* (TUC, 2002); Unison (2014) *Domestic violence and abuse: a trade union issue*; UK trade union UNISON's Model Domestic violence and abuse policy, with model definition: <http://www.ituc-csi.org/unison-model-domestic-violence-and>



understanding of the policy and guidance, and the roles of line managers, HR and the Employee Assistance Programme.

Some unions, in conjunction with NGOs and women's organizations, have been active in campaigning for domestic violence leave to be included in legislation, for instance in Italy, Spain, the Philippines, Australia and Canada. In the Philippines, for example, leave is granted to women working in the private sector who are victims of violence, as defined in Republic Act No. 9262, covering leave to attend medical and legal appointments. In addition to other paid leave under existing labour laws, company policy and/or CBA,

the victim is entitled to leave of up to ten days (Philippines General Labour Standards). In Spain, Organic Law 1/2004 (article 21) includes provisions for the support of victims of domestic violence at work through reduced and flexible working hours, paid leave and transfer of work location. In Italy, the 2016 Jobs Act includes a provision for three months' paid leave for victims of domestic violence, which can be taken flexibly over a three-year period. The legislation is based on the same principles as established for maternity leave. Unions in Italy and Spain speak of the importance of the legislation in enabling them to negotiate provisions in workplace policies and, in some cases, extend what is provided for in the legislation.



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## Domestic Violence at Work Network

The Domestic Violence at Work Network (DV@WorkNet),<sup>104</sup> a network of trade unions (including GUFs, the ITUC and national unions), academics, employer organizations and domestic violence experts, was established in 2014 to raise awareness of domestic violence at work and to introduce workplace and legal measures to support women in their workplaces who are experiencing domestic violence. DV@WorkNet argues that:

“Domestic violence is a manifestation of gender inequality and systemic gender-based discrimination. Not all perpetrators are male and all victims female. At the same time, research over more than thirty years from around the world clearly indicates that domestic violence is primarily perpetrated by men against a female partner or ex-partner. Our gender-based analysis recognizes that the socially attributed norms, roles and expectations of masculinity and femininity, which affect intimate relationships and family structures, are integral to the use and experience of violence and abuse, whether perpetrated by men or by women.”<sup>105</sup>

## DV@WorkNet Basis of Unity Principles

### Goal

To mobilize knowledge about domestic violence and its impacts on workplaces and workers

### Value Statements

1. Domestic violence is a manifestation of gender inequality and systemic gender-based discrimination. Not all perpetrators are male and all victims female. At the same time, research over more than thirty years from around the world clearly indicates that domestic violence is primarily perpetrated by men against a female partner or ex-partner. Our gender-based analysis recognizes that the socially attributed norms, roles and expectations of masculinity and femininity, which affect intimate relationships and family structures, are integral to the use and experience of violence and abuse, whether perpetrated by men or by women.<sup>106</sup>
2. Every human being has the right to live free from domestic violence at home and at work.
3. Victims and perpetrators of domestic violence deserve access to supports, services and interventions that will ensure safety and allow them to live free from violence.

### Working Principles

1. Domestic violence can affect attendance, performance and safety at work for workers and their co-workers.
2. Domestic violence negatively impacts the productivity of workplaces.
3. Domestic violence is a workplace issue that requires enforceable and standardized industrial/workplace responses.

### Strategies for addressing domestic violence at work include:

1. Bargaining for domestic violence clauses in collective agreements
2. Including domestic violence protections in employment legislation
3. Including protections from discrimination related to domestic violence in anti-discrimination legislation
4. Including and strengthening protections for workers experiencing domestic violence in occupational health and safety legislation
5. Developing education and training materials and resources.

<sup>104</sup> <http://www.dvatworknet.ca/>. For further information see Domestic Violence at Work Network (2016) Issue Brief. Impact of Domestic Violence on Workers and the Workplace. ILO Experts' Group Meeting on a Convention on Violence against Women and Men at Work.

<sup>105</sup> DV@WorkNet principles and values, adapted from the Chief Executive's Letter (CEL 41) on Gender-Based Violence, NHS Scotland, 2008. Available at: <http://www.dvatworknet.ca/>

<sup>106</sup> Adapted from the Chief Executive's Letter (CEL 41) on Gender-Based Violence, NHS Scotland, 2008

Many unions have organized events to discuss and campaign against violence affecting women, and have taken part in Government and other civil society initiatives to combat such violence. The case studies show that many GUFs, the ITUC and individual unions conduct campaigns and awareness-raising work at the annual International Day for the Elimination of Violence against Women (25 November), and thus highlight the consequences of violence against women on the workplace.

Global unions provide support and resources for affiliates, for example under the IUF Action Program for Equality, which seeks to address the issue of women's safety and health at work with special emphasis on domestic violence and violence in the workplace. Including gender-based violence in the occupational safety and health agenda is a way of getting these issues incorporated into the mainstreaming agenda affecting all workers.

The UNI has drawn up Practical Workplace Support on Domestic Violence (see box below),<sup>107</sup> setting out key principles and a model statement/agreement. It provides for dedicated additional paid leave and flexible working for people experiencing family or domestic violence, confidentiality, workplace safety planning, referral to specialist support services, the provision of appropriate training and dedicated contacts in the workplace, such as union representatives or health and safety representatives.

### UNI Practical Workplace Support on Domestic Violence – Key Principles<sup>108</sup>

[Name of company] commits to give the following support and entitlements to help people break the cycle of domestic violence:

**Dedicated additional paid leave** for people experiencing family or domestic violence

**Confidentiality** of people's details will be assured and respected

**Workplace safety planning** strategies to ensure protection of individuals will be developed and clearly understood by the parties concerned

**Referral** of people to appropriate domestic violence support services

Provision of appropriate **training** and paid time off work for agreed roles for nominated contact persons (including union representatives or health and safety representatives as necessary)

People entitled to domestic violence leave will also be able to access **flexible work arrangements** where appropriate

People will be **protected against adverse action or discrimination** on the basis of their disclosure of, experience of, or perceived experience of domestic violence

GUFs and the ITUC argue that domestic violence as a workplace issue is a critical matter for trade unions, which should play a key role in identifying, preventing and assisting workers who are victims of such abuses.

In summary, many of the case studies show the interconnections between violence in the home, in public places and at work, and point to awareness-raising, campaigns and advocacy that have helped to transform union bargaining, policy and advocacy agendas. Some unions have only recently begun to address the issue, while others have been campaigning and raising awareness about domestic violence for many years. Other unions have gone further, particularly in Australia and Canada, in negotiating workplace agreements and workplace advocacy. This emerging trend not only recognizes that preventing domestic violence is a workplace

<sup>107</sup> UNI Break the Circle Policies for affiliated unions: [http://www.breakingthecircle.org/descargas/en/man/violencepolicies\\_en.pdf](http://www.breakingthecircle.org/descargas/en/man/violencepolicies_en.pdf)

<sup>108</sup> UNI Breaking the Circle Policies for UNI affiliated unions: [http://www.breakingthecircle.org/descargas/en/man/violencepolicies\\_en.pdf](http://www.breakingthecircle.org/descargas/en/man/violencepolicies_en.pdf)

issue and that the workplace is inextricably linked to the family and community, but also that there are wider business benefits for employers in retaining workers who are victims of domestic violence. Some cases studies, however, show that there is resistance from some employers in accepting that domestic violence is a workplace issue. The UNI, for example, mentions this with regards to union efforts to highlight domestic violence as a world-of-work issue in the banking sector in Brazil.

The following case studies give examples of how unions have approached the issue of domestic violence at work in their organizing, campaigns and collective bargaining.

- **ITUC Case Study 4 (Australia)** documents ground-breaking work by the Australian Council of Trade Unions (ACTU) and Australian unions in implementing clauses on domestic violence at work, including paid leave, support and safety planning for victims. These entitlements were incorporated into ACTU Congress Policy in 2012 and all affiliates were urged to include a domestic violence clause in their standard log of claims. By March 2016, there were 1,234 current union agreements with a domestic violence clause covering 1,004,720 workers. Unions recognize the importance of establishing rights for victims of domestic violence in law, as implementation of collective agreements varies and employers in some sectors are still resistant, despite the clear economic benefits. The ACTU is currently lobbying for strong legal provisions and a modern award claim which, if successful, will give all workers an entitlement to paid domestic violence leave.
- **BWI Case study 3, United Steelworkers (USW) (Canada)**, shows how the results of a pan-Canadian survey of workers' experience of domestic violence, conducted by the Canadian Labour Congress, led USW to commence bargaining, workplace advocacy, political action, workplace cultural change and anti-violence training. USW is currently implementing a programme of training for workplace representatives to equip them with the skills to identify domestic violence and respond in sensitive ways.
- **ITF Case study 1 (Canada)** describes a ground-breaking Unifor Women's Advocate Program, a good example of a joint union/management initiative to prevent and address domestic violence in the workplace. Specially trained workplace representatives provide confidential support for women affected by workplace harassment, as well as domestic violence and other forms of violence that take place outside the workplace. This successful programme helps to create healthy, respectful and safe workplaces, and, very importantly, links the workplace with the community/family.
- **UNI Case Study 3 (Spain)** underscores the importance of including workplace measures to prevent and combat domestic violence in legislation on company Equality Plans (required under Organic Law 1/2004). It shows how, in some companies, this has formed the basis for agreements and workplace policies on domestic violence as a workplace issue, including provisions for paid leave and support for victims.
- **UNI Case Study 5 (South Africa)** highlights the need for a good legislative framework on domestic violence, as well as a fully functional industrial relation system. This enables unions, in this case the South African Commercial, Catering and Allied Workers Union, to gain leverage when negotiating collective agreements, including clauses on domestic violence leave and assistance, support and counselling for victims of domestic violence. These provisions can also be integrated into employee assistance programmes and HIV/AIDS policies and programmes.
- **IUF Case Study 7 (Pakistan)** documents union action to address violence against women and how the topic of domestic violence, including honor killings, have been raised during training for women members. This led the Sindh Haryani Union to begin to raise awareness amongst male and female union members with the objective of changing the embedded culture of violence against women.





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## Section 6

# National and global union campaigns and advocacy on violence and harassment

### 6.1 National union campaigns and advocacy

The case studies show the important role that unions play in campaigning for greater awareness, improved workplace protections and the right to organize and negotiate agreements on violence and harassment at work. One important aspect of the unions' work in challenging all forms of violence is their partnership with civil society organizations, women's organizations and NGOs. The case studies show that women's, human-rights and civil-society organizations and NGOs play a key role in empowering women and documenting violations of their rights. There are good examples in many of the case studies of how unions have worked in close partnership with these organizations to raise awareness and campaign for an end to violence against women. Many unions see this as crucial, because violence against women in the workplace,



family, community and public places is integrally linked.

Women's sections of global and national unions have a long history of involvement in broad-based campaigns with women's organizations and NGOs. As well as conducting national campaigns, many unions participate in global campaigns as part the International Day for the Elimination of Violence against Women (25 November) and the 16 Days of Activism against Gender-Based Violence. Unions also play a crucial role in raising awareness of violence and harassment at work. Unions all across the world have produced guidelines, advice, booklets and other resources to raise the awareness of members, negotiators, the general public and employers regarding violence and harassment at work, often with the focus on sexual harassment.<sup>109</sup>

The following is a selection of examples of trade union campaigns to address violence and harassment at work:

- ❑ **PSI Case Study 3 (Argentina)** details how the CICOP health union has participated in national campaigns and demonstrations on violence against women. Following an escalation of killings and violent attacks on women and girls, mass demonstrations were held across the country. Trade unionists joined with women's groups and activists in calling for decisive government action to prevent violence against women and children.
- ❑ **ITF Case study 1 (Canada)** shows how the Unifor's Women's Advocate Program (Canada) has forged strong links with women's and other organizations combating domestic violence in the community. The union has been involved in campaigns and advocacy for the inclusion of a right to domestic-violence leave in federal

and provincial legislation, and in the Canadian Labour Code.

- ❑ **ITUC Case Study 2 (Chile)** describes the Central Unitaria de Trabajadores de Chile (CUT)'s highly successful 'Gender Agenda' campaign, which was launched in 2012. The campaign has focused on five issues: violence in the workplace and at home, information about women's rights, child care, the sharing of family responsibilities (C156) and equal pay. Where the eradication of violence against women at work is concerned, the campaign insists especially on the need for effective response mechanisms and sanctions to deal with perpetrators. The campaign has been successful in raising awareness of violence and harassment at work and has encouraged women to report cases of sexual harassment and violence.
- ❑ **ITF Case Study 2 (India)** documents the MSTKS campaign to address violence against women in transport. The project, supported by the ITF, has involved a campaign strategy, research, surveys, training, awareness-raising and communication. It has been particularly successful in raising awareness among women bus conductors. One success factor, highlighted earlier in this report, was that it gained wide support through the formation of an alliance of transport unions, passenger associations and NGOs, and included a joint union/community campaign to end violence against women in transport.
- ❑ **ITF Case Study 4 (Bulgaria)** illustrates the successful and ground-breaking campaign run by the FTTUB transport union to end violence against women in the transport sector. Campaign materials included a brochure entitled "No to violence against women at work!", and stickers stating 'Stop gender-based violence at work', which were displayed in rolling stock and in public areas. In its most recent campaign, the union has called for an ILO Convention on violence and harassment at work, linking FTTUB to the ITUC and ITF campaigns in support of an ILO Convention.

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<sup>109</sup> See for example, CUPE Violence Prevention Kit <http://cupe.ca/violence-workplace>; CUPE guide <http://cupe.ca/stop-harassment-guide-cupe-locals>. Following revelations of pervasive sexual harassment in the public sector in Tanzania, guidelines were issued by the independent Ethics Secretariat that oversees ethics in public leadership. These included a crackdown on "sextortion": when an official exercises power to sexually exploit someone in return for a service from his or her authority. TAMWA, a Dar es Salaam-based women's rights group, recently reported that about up to 89 per cent of women in the public sector have experienced some form of sexual harassment while looking for a job or promotion, or seeking a service.



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- ❑ **UNI Case Study 1 (Brazil)** describes action by CONTRAF and the bank workers' unions to combat violence against women and men in the workplace in the banking/financial sector. They recently launched a campaign against bullying at work, with the specific objective of making workers aware that sexual harassment is a crime, under Law 10.240/2001, and of encouraging bank workers to complain to the union about cases of bullying and sexual harassment.
- ❑ **UNI Case Study 5 (South Africa)** describes the efforts of the South African Commercial, Catering and Allied Workers Union to establish company-based women/gender committees and coordinators to address violence and harassment at work, and how the union engages in wider community campaigns to combat violence against women. The SACCAWU's women's section plays an important role in ensuring that gender-based violence is addressed through campaigns and advocacy, and by representing women who have experienced gender-based violence and trauma. The establishment of company-based women's committees and coordinators in SACCAWU has worked well in ensuring that campaigns are effectively conducted at workplace level.
- ❑ **UNI Case Study 6 (Nepal)** details how the UNI NLC Women Committee has been coordinating awareness-raising campaigns about workplace harassment and ways of combating it. Unions participate in awareness-raising and advocacy to counter violence against women as part of the UNI 'Break the Silence Campaign' in coordination with other organizations, including the National Women Commission.
- ❑ **IUF Case study 1 (Sweden)** described how the Swedish Hotel and Restaurant Workers Union has been campaigning for secure jobs, as well as addressing the problem of sexual harassment as a safety and health issue in the workplace. The HRF is also involved in wider

campaigns to inform the public about sexism and how it can be prevented.

- ❑ **IUF Case study 6 (Myanmar)**, from the Agriculture and Farmers Federation Myanmar, provides a further example of campaigning and raising awareness of violence against women on International Women's Day. Women leaders of the AFFM have received training, which has led to campaigns to ensure the safety and security of women working in the fields.
- ❑ **BWI Case Study 4** describes the advocacy and campaigning undertaken by the Argentinian construction union (UOCRA), to end violence against women. The union has participated in the nationwide "NI UNA MENOS" ("Not even one woman less") protest against the killing of women and gender violence, and has engaged in a variety of programmes and actions against gender-based violence and discrimination. The union also has a multidisciplinary team working on the impact of addiction at work. The union's secretary general has actively campaigned at the international level for effective implementation of the Law on Protection of Women. The union also engages in advocacy under the `Construir Salud – Ospecon` (Build Health) initiative, which provides medical assistance to workers and their families and includes approved protocols for doctors and nurses who detect any form of violence against women, whether in the workplace, at home, in the street or in the community. This is a good example of how gender-based violence has been prioritized by a construction union in a male-dominated sector, where growing numbers of women are working. The union's focus has helped to increase union membership on the part of women and the number of women in decision-making positions.
- ❑ **BWI Case study 5 (Philippines)** documents campaigns dating back to the late 1980's and early 1990's, conducted by the Lakas Manggagawa Labour Center Union (LMLC), for legislation covering sexual harassment at work and gender equality. The union has more recently been involved in a campaign for an

Anti-Discrimination Bill, which would include provisions on harassment and discrimination and the protection of LGBT workers. The ALU and NUBCW have given strong support by campaigning for the bill at all union levels, and by joining national mobilizations and lobbying legislators in conjunction with other interest groups.

## 6.2 Global union campaigns and advocacy

This section documents the advocacy and awareness-raising on violence and harassment at work undertaken by the following global unions federations: ITF, IUF, UNI, PSI, BWI and ITUC.

Global unions have been involved in a wide range of campaigns addressing the issue of violence and harassment at work. The ITUC, for example, has conducted a forced-labour protocol campaign with the ILO, and initiated a campaign to prevent Mauritanian women being kept as slaves, resulting in government action to put an end to forced labour.<sup>110</sup> There has been a special focus on engaging men as champions in fighting gender-based violence. The UNI's 'Break the Silence' campaign, for example, has focused on the role of men as agents of change, with posters and a campaign theme of: "Be Man Enough. Be a Leader Against Gender Violence". The ITF's 2014 Congress zeroed in on gender-based violence, asking men to take a pledge of zero tolerance against such attitudes and behaviour.

Global and national unions are currently participating in the ITUC's 'Stop gender-based violence at work' campaign, and the ITUC has circulated their flyer widely among its affiliates.<sup>111</sup> Global and national unions have also held regional and national events to discuss the campaign and

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<sup>110</sup> See <http://50forfreedom.org/>; <http://www.ituc-csi.org/mauritanian-women-kept-as-slaves> and <http://www.ituc-csi.org/mauritania-ratification-of-forced>

<sup>111</sup> ITUC campaign Flyer: <http://www.ituc-csi.org/flyer-stop-gender-based-violence?lang=en> See also: ITUC (International Trade Union Confederation). 2014. "Stop Gender-based violence at Work! Support an ILO Convention!" ITUC, Brussels.

encourage the lobbying of governments and employers' organizations, and campaign information and materials are being widely disseminated and displayed on union web sites.

Global unions have also engaged unions and NGOs worldwide in campaigns protesting against the intimidation of trade union members and activists. A good example is the IUF's international human-rights campaign "*Urabá, somos todos*" (We are all Urabá), which helped to lift the cloak of silence and impunity in the banana sector in Colombia and put pressure on the government to increase the presence of State authorities in a territory under the control of armed groups. This global campaign, focusing on the supply chain and calling for international solidarity, put pressure on the company to reopen the plantation after a lock-out, and to respect union and workers' rights.

### **International Transport Workers' Federation (ITF)<sup>112</sup>**

The ITF and its affiliated unions have been key players nationally and internationally in campaigning for an end to violence against transport workers, challenging ideas and perceptions, fighting for positive change through collective bargaining, and working with allies for stronger policies, practices and laws.

For example, the ITF has worked to keep long-term truck parks safe and free from violence, has cooperated with the ILO in providing guidance and introducing measures to address the harassment of seafarers, and has developed materials to counter bullying and harassment in the male-dominated ports sector.<sup>113</sup> The ITF Road Transport Workers Section has produced an online training course which includes guidance on how violence and harassment at work can be tackled through collective bargaining, legislation and campaigning.<sup>114</sup> Another ITF resource for combatting bullying and harassment at work is

'Getting practical on bullying and harassment', designed to support dockers' unions in tackling bullying and harassment in the workplace, and encourage the sharing of best practices.<sup>115</sup> The ITF's project in support of informal transport workers has led to a large rise in union membership, the signing of collective agreements, a higher profile for women workers and the formation of new unions.

The ITF takes the issue of gender-based violence very seriously. It is encouraging men to act as change-makers, negotiating agreements and preparing model clauses, highlighting the link between violence and HIV/AIDS, and campaigning and encouraging men to campaign on the issue.<sup>116</sup> A basic assumption is that transport trade unions and employers have a responsibility to ensure that women workers, activists and leaders are provided with the safe space they need to discuss the issues and develop solutions, with support from men as allies. The power and control behind violence against women is, according to the ITF, deeply rooted in our societies and requires the building of strong alliances within and outside of the workplace to develop the most effective trade-union response. Instances of violence against women in transport exemplify the worldwide prevalence and brutality of male violence against women, and it is such instances that have inspired global activism.

The issue of violence, and particularly violence against women, has been prioritized at ITF conferences.

- The 2002 ITF Congress called for greater attention to be paid to gender equality and gender-based violence. In 2005, further sectoral discussions took place on violence and the harassment of women seafarers, and a report was published on violence against women in the railway sector. In 2007, the ITF launched a campaign against airline sexism and harassment.

<sup>112</sup> ITF brings together transport workers from around 700 affiliated unions, representing more than 4.5 million transport workers in 150 countries.

<sup>113</sup> <http://www.itfglobal.org/en/resources/training-education/bullying-and-harassment-training/>

<sup>114</sup> <http://www.itf.org.uk/en/resources/reports-publications/women-bus-workers-driving-to-equality/>

<sup>115</sup> <http://www.itfglobal.org/en/news-events/news/2015/november/getting-practical-on-bullying-and-harassment-new-resource-to-support-dockers-unions/>

<sup>116</sup> See ITF blog: <https://itfviolencefree workplaces4women.wordpress.com/> which is a 'one stop shop' for affiliates to find and share resources to support their work to end violence against women at work.



- Various conferences since then have focused especially on discrimination and gender-based violence in the transport sector, including the 2013 ITF Asia Pacific Women's Conference. Also in 2013, the ITF regional women transport workers' conferences highlighted, among other things, the ITF campaign to stop violence against women. In 2014, the Women Transport Workers' Conference document "Global Crisis to Global Justice - Women Transport Workers Fighting back" led to agreement to extend the ITF stop violence campaign, with the unanimous support of the ITF Executive Board (EB), which urged affiliates to campaign practically against all forms of violence against women.
- In January 2014, more than 270 ITF women from 80 countries met in Delhi, India, to attend the ITF women's conference and to set the agenda for gender issues at the 2014 ITF Congress.
- The 2014 ITF Congress in Sofia, Bulgaria, made violence against women central to its discussions. Affiliates agreed to strengthen campaigns to combat violence against women at the global and regional levels, and build alliances and support. The Congress called for an ILO Convention devoted to the issue of gender-based violence at work.

In 2016, the ITF defined a framework for a **women's advocacy programme** in transport workplaces globally, based on the model developed by Unifor (Canada). This was further elaborated with affiliates at an ITF global forum to discuss violence against women transport workers, held in Bali (Indonesia). In 2015 and 2016, three research workshops were organized in India, Thailand and Sweden to explore the potential of a global programme. The workshops concluded that there is a need for women's advocacy, as well as readiness on the part of women to develop programmes within their unions.<sup>117</sup> This was formally agreed

by the ITF women's committee in 2016.<sup>118</sup> The ITF believes that a women's advocacy programme will assist affiliates in their proactive work to end violence against women transport workers and support women survivors of violence. It is planned that, by 2018, ITF affiliates in Nepal, India, South Africa and Libya will have adopted women's advocacy programmes and implemented them with targeted employers.

The ITF has been campaigning on the issue of violence against transport workers for more than two decades. ITF campaign themes have included breaking the silence on sexual harassment and violence against women; CBAs on gender-based violence and sexual harassment; recognition of the particular impact of gender-based violence on young workers, LGBT workers and workers with HIV/AIDS; and calls for action to build support from male transport workers conveying the message "men of quality are not afraid of equality." ITF campaigns against violence have included the following:

- As a first step in dealing with the issue, in 2007 the ITF initiated a global 'Say No to Violence' campaign. ITF unions from all over the world took up the cause. The campaign has involved staff training courses on sexual harassment and gender-based violence; talks, seminars and education programmes in schools and workplaces; the distribution of campaign materials; and TV and radio interviews. Effective examples include the Bangkok Mass Transit Authority State Enterprise Workers' Union (BMTASEWU)'s film on Bangkok city buses<sup>119</sup> and the Federation of Transport Trade Unions in Bulgaria (FTTUB)'s campaign and agreements to combat violence against women (see Case Study).
- Since 2002, the ITF and affiliated unions have held annual campaigns to mark 25 November, UN International Day for the Elimination of Violence against Women.

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117 The participatory research report can be read in full at: <https://itfviolencefreeworkplaces4women.files.wordpress.com/2016/05/womens-advocate-program-report.pdf>

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118 <https://itfviolencefreeworkplaces4women.files.wordpress.com/2016/05/en-advocacy-factsheet.pdf>

119 <http://www.unwomen.org/en/news/stories/2013/11/bangkok-buses-move-towards-safer-commuting>



- The ITF's Action Programme on violence against women transport workers and its "Strong Unions Need Women" campaign (8 March 2014) have led to a range of activities in all parts of the world at a time of increases in reported incidents of violent attacks on women workers, as a result of which the ITF women's committee and ITF affiliates decided to extend the campaign, both in the community and with other unions.
- Unions in the railways, ports and road-transport sectors mobilized to express anger and demand change to protect women following the brutal rape of 23 year-old Jyoti Singh on a bus in Delhi, India. She died 13 days later from her injuries. In response, transport unions organized protests and rallies.

The ITF has also carried out surveys to provide an evidence base for campaigns and collective bargaining, including two surveys carried out in 2009 and 2011 on sexual harassment and violence affecting women road transport and railway workers. National and international training programmes have also been run for women transport workers.

The ITF has produced a range of resources to raise awareness of violence and harassment at work. The *ITF Action Guide on Violence against Women* (2013) provides practical tools that affiliates can use as they develop their strategies. The guide includes information, contacts and case studies on how unions can act to protect women at work, at home and in the community. It gives concrete examples and good practices to assist ITF affiliates in their efforts to end violence against women in transport through education, collective bargaining and campaigns. According to the IFT Action Guide, transport unions are in a unique position to reach and educate their male membership and their families regarding the linked risks of gender violence and HIV transmission. Examples cited in the guide include:

- The Rwanda Truckers Spouses' Association (RTSA), an association of over 2,000 women married to truck drivers, was formed in consultation with the ITF affiliate, Association des Chauffeurs des Poids Lourds au Rwanda (ACPLRWA). The initiative came from the spouses themselves after they became aware of their common challenges and problems.
- The Amalgamated Transport and General Workers Union (ATGWU) in Uganda, and other ITF affiliates from Burundi, the Democratic Republic of Congo, Kenya and Tanzania, are supporting projects to prevent violence against women involving long-distance drivers trucking along the Northern Corridor in Central and Eastern Africa.
- The Canadian Auto Workers and The Maritime Union of Australia (MUA) have made a major impact by making violence against women an issue for debate among men and challenging macho attitudes in situations where violence against women is the norm. In Australia, the MUA has played an active part in white ribbon campaigns on violence against women.

### **International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)<sup>120</sup>**

The IUF's advocacy and campaigning work to prevent violence has focused specifically on gender-based violence. Gender equality was first discussed in a serious way by the IUF in the 1970s, with a specific focus on organizational changes in the IUF and in its affiliates, and subsequently on gender equality and violence in agreements with transnational companies. In the 1980s, the IUF adopted measures to increase women's representation in the Union's leadership and decision-making bodies. Since then, IUF Congresses have unanimously adopted resolutions reaffirming the principle of equal opportunities for men and women in areas such as decent work, training and professional advancement, equal pay for work of equal value, the right to combine work and family responsibilities, and fair representation of women in decision-making bodies at all levels (local,

**120** The IUF represents workers in agriculture and plantations; the preparation and manufacture of food and beverages; hotels, restaurants and catering services; and all stages of tobacco processing. The IUF has 417 affiliated trade unions in 126 countries representing over 10 million workers.

national, regional, international). The priorities are to increase the participation of women in trade unions, to implement internationally recognized labour standards of special concern for women workers (including domestic workers and workers in the informal economy), and to improve labour legislation. In the late 1980s, the IUF produced a booklet on sexual harassment entitled "When I Say NO, I Mean NO".

In May 2015, the IUF Executive Committee endorsed a recommendation made by the IUF Women's Committee to make gender-based violence a collective-bargaining issue and to work for an ILO Convention which would define the various forms of violence against women, outline provisions to prevent such violence and propose measures to protect and support affected workers. This followed resolutions passed by the 2012 and 2014 Women's Conferences to push for an ILO standard on violence against women, in the form of a binding ILO Convention. The IUF mobilized its affiliates to write to their respective government representatives who sit on the ILO Governing Body, urging them to vote in favor of placing gender-based violence on the agenda for a standard-setting process.

The IUF **Action Program for Equality** includes a commitment to fight for safe and decent workplaces for women; to ensure that a policy on bullying and sexual harassment is agreed upon in every workplace; and to address the issue of women's health & safety at work with a special emphasis on domestic violence and violence in the workplace. Incorporating gender-based violence into the safety and health agenda is a proven way of ensuring that the issue gets included in the mainstreaming agenda affecting all workers. According to the IUF, framework agreements and collective bargaining have been an important factor in setting this agenda. The IUF has also drawn up an action plan for addressing gender-based violence.

IUF affiliates, with support from the IUF, have conducted a range of campaigns to address violence and sexual harassment. For example:

- Unions in South Korea have been fighting the casualization and sexual harassment of caddies since 2001, and subsequently of hotel housekeeping staff.
- In India, in 2006 the West Bengal Cha Mazdoor Sabha Union protested at the loss of 100,000 jobs as a result of tea estate closures and pointed out that traffickers were taking advantage of the desperate situation. The IUF's Equality Officer, Barbro Budin, stated that one of the biggest problems is that young women are prey to labour agents who take them to work in the cities: "They hope to get jobs but they are pushed into prostitution. Men also go away to work and, when they come back, they often bring HIV/AIDS."
- From 3 to 10 December, 2014, hotel housekeepers in more than 25 countries held a Global Week of Action to highlight their situation and to demand a safe, secure working environment from a global industry which relies on their efforts. The campaign highlighted the fact that housekeepers perform exhausting daily tasks for low pay, with little or no employment security. The vast majority are women, often migrants. Their vulnerability exposes them to a multitude of health, safety and security risks: physical injury from repetitive, heavy tasks, sexual abuse, exploitation by unscrupulous employers who often fiercely resist union organizing, outsourcing schemes that shield employers from responsibility and further degrade working conditions, and a lack or total absence of legal and social security. As a direct result of Global Housekeeping Campaign activities in the Philippines, in 2016 the IUF-affiliated NUWHRAIN (National Union of Workers in Hotel Restaurant and Allied Industries) won a government administrative order for inspections to ensure that hotels are compliant with national labour and health and safety regulations.
- In June 2016, IUF affiliates in French-speaking countries in West Africa participated in the 2nd Global Week of Action. They organized a number of workshops to highlight stressful and dangerous working conditions for both hotel housekeepers and valets. Sexual harassment was the main focus of activities organized by IUF-affiliated unions in the sub-region.

The IUF has ensured that sexual harassment is dealt with within the union organization itself. In October 2006, the IUF Asia-Pacific Regional Conference adopted a policy restating that sexual harassment will not be tolerated at IUF meetings and events, and in the course of social interaction. The policy also defined sexual harassment and the procedure for making complaints. In March 2007, the 25th IUF Congress adopted a policy stating that sexual harassment of participants or staff would not be tolerated in any way during any IUF activity.

IUF resources and awareness-raising materials have focused specifically on violence against women workers. The IUF's gender-equality guide for trade unionists<sup>121</sup>, published in 2007, sets out international legal frameworks covering gender equality and the gender-based issues faced by women (lack of decent work, segregation, unequal pay, maternity

protection, health, safety and environmental issues). The guide states that health and safety concerns include the fact that women are:

... more prey to violence, emotional/psychological abuse and sexual harassment in the workplace, the home – and the union. Reports received by the IUF suggest that violence in the workplace is increasing; as employers demand greater productivity in the global marketplace, workers in precarious jobs are in a weaker position to defend themselves.

The guide cites breakthroughs in the fight for gender equality and encourages unions to implement workplace policies and negotiations on sexual harassment, including lobbying for improved legislation where necessary.



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**121** IUF (2007) All for One, One for All: A Gender Equality Guide for Trade Unionists in the Agriculture, Food, Hotel and Catering Sectors. Available at: <http://www.iuf.org/AllforOne.pdf>

The IUF has been supporting the organization of workers in the informal sector, where they face significant risks of violence. In March 2016, for example, the IUF-affiliated Self-Employed Women's Association (SEWA) won a major victory for informal sector workers in the State of Gujarat in the form of government-issued identity cards. The cards are the first held by informal sector workers, identifying them as workers and granting them access to free health insurance, accident insurance for women and children, hospitalization coverage and free access to rural health services covering all medical benefits for workers and their families. Tens of thousands of workers in the various IUF sectors have already received their identity cards, including street food vendors, vegetable sellers, cooks' helpers and food servers, as well as agricultural and rural workers.

IUF Global Sugar has run a series of workshops on four different sugar estates in the Western and Nyanza provinces of **Kenya**, involving women members of the Kenya Union of Sugar Plantation Agricultural Workers (KUSPAW). The workshops discussed relevant issues for women workers in Kenya's sugar sector and made recommendations for a union programme to address the concerns of women members regarding sexual harassment, the need for a gender perspective in occupational safety and health, maternity protection, and reducing stress through the provision of childcare facilities.

## UNI Global Union<sup>122</sup>

The UNI is involved in various actions to address violence and harassment in the world of work. For the UNI, and for the UNI Equal Opportunities Department, addressing violence and harassment are issues that touch the core of the essential values of the organization. The UNI believes that decent work is a basic human right: the right to work in a healthy and safe environment, free from any form of discrimination and violence. The UNI believes that

unions cannot work in isolation; nor should they rely on the good will of governments and employers. According to Veronica Fernandez Mendez, Head of Equal Opportunities at the UNI: "We believe that as unions we must work together in all our sectors, building a healthy exchange with employers, cooperating with them in building evaluation strategies and prevention policies."

Two specific aspects of violence and harassment at work are highlighted by the UNI. The first is the rising incidence of harassment resulting from work surveillance and technology, and an increase in sub-contracted employment in the 'gig' economy. The second aspect is gender-based violence at work, which the UNI argues affects women in the most vulnerable work situations.

The UNI reports on an increase in the unregulated use of technology in many sectors, including health, retail and transportation, and associated new patterns of work, such as sub-contracted work in the 'gig' economy, that are having an impact on workers' well-being and dignity. The UNI's work on new communication and web-based technologies shows that employers are increasingly monitoring work performance, a phenomenon that also extends to professional, managerial and service-related work. Increasing levels of technological surveillance have led to control and harassment, resulting in stress as workers feel they are constantly being monitored and measured by tracking technologies. The UNI also argues that workers in the 'gig economy', such as Uber taxi drivers, have no basic employment rights and are at risk of gender and race discrimination and harassment. Long working hours, the intensification of work, greater pressure to reach targets, cloud working and expectations that workers will be on call to respond to emails 24/7, and available to work anywhere (including at home), are increasingly resulting in a poor work/life balance and psychosocial risks. The UNI reports that some governments and employers have sought to tackle this problem. For example, legislation was passed in France in 2016 giving workers the right to disconnect from receiving emails, and some employers now switch off servers at the end of the working day, for instance at Volkswagen (2012). The UNI argues that the worst effects of this unregulated use of technology could

**122** The UNI Global Union represents more than 20 million workers from over 900 trades employed in cleaning and security, commerce, finance, gaming, graphics and packaging, hair and beauty, IT, communication, technology and services (ICTS), media, entertainment and the arts, postal services and logistics, social insurance, sport, temporary and agency work, and tourism, as well as professional and managerial occupations.



be prevented by training managers to identify and manage the risks associated with the poor use of technology and the psychosocial consequences. Adequate resources should be made available to remedy the causes and consequences of the problem, including legal protections.

The UNI has focused specifically on gender-based violence, in recognition of the fact that women are disproportionately affected by violence and that it is a core issue where discrimination is concerned. In 2008, the UNI Equal Opportunities Department launched a “Break the Circle!” campaign,<sup>123</sup> with the objective of raising awareness of the issue of violence, particularly violence against women. The campaign is re-launched at the start of each year as part of the 16 days of activism, with a different theme each year. In previous years, it has focused on different aspects of gender-based violence and violence linking the home and the workplace, highlighting the impact of harassment and sexual harassment on workers’ mental, emotional and physical integrity.

The UNI recognizes that violence is so deeply embedded culturally that abusers and victims may not recognize violent attitudes or actions, because they have become ‘natural’ to the point of invisibility. For this reason, the UNI has emphasized the need to raise awareness through a process of sensitization and education, in order to make violent attitudes and actions visible, and find ways to address them at an individual and societal level. The “Break the Circle!” campaign has produced videos, documents, toolkits, resources, a blog where affiliates can share their campaign activities, and a campaign website. Each year, the campaign has focused on a different topic, ranging from combating the inequality that generates violence (2009) to the different faces that violence can assume: human trafficking, sexual exploitation, female genital mutilation, forced marriages, even the killing of women (2010). In 2012, the UNI’s campaign concentrated on violence against women and girls, in preparation for the discussions held in New York, in March 2013, at the 57th meeting of the United Nations Commission on the Status of Women (UNCSW). A big breakthrough in the fight against violence in fact occurred

at this meeting: for the first time, unions were given legitimate stakeholder rights in addressing discrimination, exploitation and violence in the workplace. In subsequent years, the campaign has focused on violence as a problem that concerns both men and women. In 2013, the focus was on men as agents of change: ‘Are you man enough?’, and a toolkit was produced for affiliated unions. In 2014, the campaign focused on the economic costs of violence, the aim being to raise the visibility of gender-based violence in economic policy-making and development strategies. The most recent campaign has focused on the impact of violence in the media, with the aim of challenging the gender stereotypes that give rise to violence. A manual has been produced on the subject of media-related violence.

There are also examples of union campaigns and awareness-raising to engage men in ending violence against women. UNI Global Union affiliates in South Africa have made a pledge to address violence against women. Signatories commit to speaking out against violence, seeking clear communication instead of assuming consent, and respecting, listening to and seeking equality with every person they date and every person they know. They promise NOT to look away, NOT to be bystanders and NOT to be silent. A commitment is made to play a personal, professional and leadership role to end all forms of violence against women.

### **Public Services International (PSI)<sup>124</sup>**

At its May 2016 meeting, PSI’s World Women’s Committee (WOC) agreed that a high priority should be given to workplace violence in the health sector, with a special focus on third-party violence. The WOC also agreed that the experiences of affiliates in raising awareness and conducting campaigns and actions to eliminate workplace violence would be taken into account in the discussions and preparations for developing a standard on violence against women and men at work. As PSI’s Equality Office, Verónica Montúfar,

<sup>123</sup> <http://en.breakingthecircle.org/>

<sup>124</sup> PSI represents 20 million women and men working in public services in over 150 countries. At least 65 per cent of PSI’s members are women. Over 50 per cent of PSI’s members work in the health and social care sectors.





argues: “Since the large majority of the health workforce is female, the gender dimension of the problem is evident.”

Collaboration with partners on workplace violence in the health sector commenced in 2002, when PSI partnered with the International Labour Office (ILO), the International Council of Nurses (ICN) and the World Health Organization (WHO) to develop Framework Guidelines for Addressing Workplace Violence in the Health Sector.<sup>125</sup> The Guidelines define workplace violence and provide guidance on general rights and responsibilities, best approaches, violence recognition, violence assessment, workplace interventions, monitoring and evaluation. A training manual and a CD have also been produced to complement the Framework Guidelines. It is designed for use by governments, employers and workers, and has proved to be a useful tool for researchers and other allies working towards the elimination of workplace violence. Data included in the guidelines show that violence and harassment in the health sector accounts for 25 per cent of all cases of violence and harassment at work. More than half of all health workers are subject

to verbal abuse, and violence is widespread in all countries and among all occupations in the sector. In 2003, PSI and some of its affiliates participated in a tripartite panel of experts convened by the ILO to formulate a code of practice on workplace violence in service sectors and measures to combat this phenomenon.<sup>126</sup>

PSI’s affiliates have continued to address the issue of workplace violence in the context of gender-equality work. The focus has been on raising awareness of and mobilizing against discrimination and violence; conducting national campaigns on the elimination of gender-based violence; engaging in social dialogue to develop mechanisms to eliminate sexual harassment and other forms of violence at the workplace; and including measures in collective agreements to protect victims of domestic violence.

On 25 November 2012, the women’s caucus at PSI’s 29<sup>th</sup> World Congress in Durban launched a fresh effort in the struggle to eliminate violence against

<sup>125</sup> <http://apps.who.int/iris/bitstream/10665/42617/1/9221134466.pdf>

<sup>126</sup> [http://www.ilo.org/wcmsp5/groups/public/@ed\\_protect/@protrav/@safework/documents/normativeinstrument/wcms\\_107705.pdf](http://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@safework/documents/normativeinstrument/wcms_107705.pdf)

women and girls.<sup>127</sup> During the 16 Days of Activism against gender-based violence in 2013, PSI raised its voice on the issue, making a strong appeal for it to be a priority for PSI affiliates.

In 2015, PSI's affiliates in Brazil, with support from IMPACT and the Solidarity Center of the AFL-CIO, produced a guide on gender-based violence in the workplace in Brazil. The purpose of the guide is to provide information, build capacity and mobilize trade union activists to identify and report cases of workplace violence. It is also a useful tool in efforts to combat gender-based violence in the workplace.<sup>128</sup> In the same year (2015), PSI's affiliates in Chile, with support from the Friedrich Ebert Stiftung-FES, Arturo Prad University and the National Civil Service Department produced a guide to preventing gender-based labour harassment in the public sector. The guide provides statistical data about violence and harassment at work in the public sector in Chile and is a useful tool for identifying, preventing and reporting cases of workplace violence.

PSI's Equality Office, Verónica Montúfar, argues that public service unions also have a key role to play in promoting and raising awareness of laws and instruments designed to tackle violence and harassment:

...public sector workers are well-positioned to promote, implement and monitor laws and regulations that advance gender equality and protection against violence and harassment. Even where laws are put in place, communities and especially women are often not aware of them. Violence against women creates inequality and gaps in development, affecting the well-being of current and future generations.

PSI cites examples of how its affiliates have answered the global call to action to eliminate violence against women and to fight workplace violence. Through innovative campaigns, in the individual workplace and at the regional and

national levels, affiliates are using their collective strength to raise awareness, break the silence, campaign for national laws and promote a global ILO standard to eliminate gender-based violence at work and in communities. Examples include the 'Healthcare Workers Suffer from Psychological Abuse and Physical Violence' campaign, organized by HKMU (Korea); 'The Impact of Domestic Work against Women doesn't Stop at Home' campaign conducted by PSAC (Canada); the 'Violence against Health Workers is Unacceptable' campaign run by UNISON (UK); and an innovative arts action as part of the NUGFW's 25 November campaign to combat violence against women (in Trinidad and Tobago).

### Building and Woodworkers International (BWI)<sup>129</sup>

Concerns about sexist practices and the inequalities faced by women in the construction sector have led the BWI to take a firm position on violence against women, which includes drawing up guidelines on sexual harassment for its affiliates. One of the key challenges highlighted by the BWI involves women's participation in union membership, which remains at around 20 per cent in the industries it represents.<sup>130</sup>

The issue of gender was first raised in 2005 at a conference organized by the International Federation of Building and Wood Workers (IFBWW), which later became the BWI. The seminar, held in Buenos Aires, highlighted a range of challenges faced by women at work, and a union strategy was formulated in response to these challenges. Key issues were the nature of informal work, lack of social security, disrespect for trade-union and workers' rights in many companies, and women's low level of participation in trade-union activity.<sup>131</sup> Violence in the sector and the trafficking of women and children in Eastern Europe were identified

<sup>127</sup> [http://congress.world-psi.org/sites/default/files/upload/event/EN\\_Congress2012\\_WomenCaucus\\_Background\\_Information\\_final\\_web.pdf](http://congress.world-psi.org/sites/default/files/upload/event/EN_Congress2012_WomenCaucus_Background_Information_final_web.pdf)

<sup>128</sup> <http://world-psi.org/en/available-spanish-and-english-psi-brazils-guide-violence-against-women-workplace>

<sup>129</sup> The BWI is the global union federation of trade unions in the building, building materials, wood, **forestry** and allied industries, with 350 member organizations in 135 countries, representing a combined membership of more than 12 million workers.

<sup>130</sup> BWI (2014) *Building Women Power through Trade Unions, Research Study on Women in the BWI Sectors*. BWI: Geneva.

<sup>131</sup> IFBWW (2005) 'Report of the IFBWW Seminar for Women held on 3<sup>rd</sup> December 2005', Buenos Aires, Argentina.

as major problems. The Buenos Aires conference established a strategic plan for 2006-2009, whereby gender mainstreaming was to be further developed, with implications for the reorganization, improvement, development and evaluation of decision-making processes in all the BWI's policy fields and areas of work.

Drawing on this experience, in 2008 the BWI launched a Policy & Strategy for Gender Equality<sup>132</sup>. The aim was to define an action plan to empower women in trade-union activity and establish a gender-fair union policy based on the principles of gender equality. In 2014, the BWI adopted a policy stipulating that women should be represented at a level of at least 30 per cent in all union activities.

The BWI also recognizes that sexual harassment is an occupational health and safety problem, affecting the physical and emotional health and well-being of women workers. The federation takes its lead from ILO Convention No. 111 on discrimination, since sexual harassment is there framed as a form of discrimination based on sex. In its 'Sexual Harassment Policy and Procedures', the BWI has adopted a zero-tolerance policy towards sexual harassment. While the overarching framework for its work in this area is its Policy for Gender Equality, it has also implemented other campaigns and external negotiations (e.g. through GFAs).

The following is a summary of the BWI's different approaches and strategies:

- The Policy for gender equality is organized around three pillars: Organizing for visibility, Education for empowerment and Campaigning for equality (including sexual harassment, health and safety).
- Sexual harassment Policy: A 'No to sexual harassment' leaflet was produced to raise awareness of sexual harassment and how it affects the dignity of workers. The policy defines sexual harassment as 'any unwanted verbal, physical or gestural sexual advances, explicit derogatory statements, or sexually discriminatory remarks made by someone,

which are offensive to the worker involved, which cause the worker to be humiliated, threatened or patronized, or which interfere with the worker's performance, undermine job security or create a threatening or intimidating work environment'. The leaflet also establishes a mechanism for raising complaints, involving union representation when necessary.

- BWI campaigning: The leaflet sets out guidelines for involving local trade unions in preventing sexual harassment. Unions are invited to take a number of actions: appointing union representatives on work sites with responsibility for equality issues; raising awareness of sexual harassment; training trade union officials to deal with cases; adopting complaints mechanisms and procedures for disciplinary action.
- Gender Audit Toolkit (GAT): the GAT was developed at the regional level to map, examine and identify areas for gender-fair union intervention. The toolkit also sets priorities for making improvements and measuring progress.
- Global Framework Agreements (GFAs): The BWI has a model GFA which includes provisions on non-discrimination. It has been used by BWI affiliates to address violations of workers' and trade-union rights and denial of the right of workers to freedom of association. It has not yet been used as a mechanism for addressing violence in the workplace. The BWI notes that this will be explored when future agreements are negotiated and in relation to the implementation of existing agreements.

### International Trade Union Confederation (ITUC)<sup>133</sup>

According to the ITUC, an ILO Convention addressing gender-based violence would close a crucial gap, as only a few countries currently provide such protection and there is no dedicated international, legally binding standard dealing

132 BWI (2008) *BWI Policy & Strategy for Gender Equality*. BWI: Geneva.

133 The ITUC represents 176 million workers through its 328 affiliated organizations in 162 countries and territories

specifically with the issue of violence in the world of work. An ILO Convention would commit governments to engage with trade unions and employers to reform laws and put in place enforcement mechanisms to prevent violence and gender-based violence at work. This, ITUC argues, would make a significant contribution to the realization of women's rights.

The issue of violence against women was mandated by the ITUC through the passing of a Resolution on violence against women at the 1st World Women's Conference in 2009.<sup>134</sup> A discussion guide concerning violence against women and girls was produced for the conference.<sup>135</sup> The ITUC's 2<sup>nd</sup> Congress agreed to promote the appropriate participation of women as trade-union negotiators and implement a Plan of Action for collective negotiation, social dialogue and gender equality. This Plan was to cover the health and safety of women in the workplace and health policy, including HIV/AIDS; *policies and procedures to eliminate sexual harassment, discrimination and violence in the workplace and in the community in general*; and training for all negotiators and union representatives regarding the incorporation of gender policies in all trade union activities.<sup>136</sup>

The ITUC has been actively involved in advocacy and campaigns to end violence against women in the workplace. Its activities include the following:

- The ITUC global campaign for an ILO Convention on violence and harassment at work, which calls for a specific focus to be given to gender-based violence. As part of the 'Stop gender-based violence at work' campaign, ITUC campaign materials and flyers have been widely circulated amongst affiliates.<sup>137</sup> ITUC affiliates which have progressed the campaign include the AFL-CIO

(USA),<sup>138</sup> the CGT (Argentina),<sup>139</sup> and the CNTS (Senegal).<sup>140</sup>

- Annually on 25 November, the ITUC issues statements in support of the advocacy activities of national centers working to stop/prevent violence and harassment at work.
- The 12 by 12 campaign, for the ratification of C189, labour law reforms and the organizing of (migrant) domestic workers, paid special attention to the violence, abuse and exploitation suffered by migrant domestic workers in the Gulf. It led to significant reforms in some Gulf states which have given greater protection to domestic workers.<sup>141</sup>
- The forced labour protocol campaign, conducted by the ITUC and the ILO, included a campaign to prevent Mauritanian women from being kept as slaves; the ITUC's interventions resulted in government action to stop and prevent forced labour.<sup>142</sup>
- Lobbying for the inclusion of language in the Agreed Conclusions of the UN Commission on the Status of Women (UNCSW), particularly during UNCSW57 (2013), at which violence against women and girls was the main theme.<sup>143</sup>
- On 8 March 2008, in cooperation with the Global Union Federations, the ITUC launched the Decent Work, Decent Life for Women Campaign, which focused, among other things, on violence against women. 25 November, the International Day for the Elimination of Violence against Women, was celebrated as one of the key moments of the campaign.<sup>144</sup>

<sup>134</sup> <http://www.ituc-csi.org/spip.php?article4591>. See also Global Unions Trade Union Statement: Stop Violence Against Women Workers (2007): <http://www.ituc-csi.org/IMG/pdf/women.pdf>

<sup>135</sup> See Part I, Chapter 4.4: [http://www.ituc-csi.org/IMG/pdf/DECENT\\_WORK\\_DECENT\\_LIFE\\_FOR\\_WOMEN.pdf](http://www.ituc-csi.org/IMG/pdf/DECENT_WORK_DECENT_LIFE_FOR_WOMEN.pdf)

<sup>136</sup> See page 27 [http://www.ituc-csi.org/IMG/pdf/CONGRESS\\_Decisions\\_EN.pdf](http://www.ituc-csi.org/IMG/pdf/CONGRESS_Decisions_EN.pdf)

<sup>137</sup> <http://www.equaltimes.org/will-the-ilo-take-a-stand-against#.V7xV5hDQBaR>

<sup>138</sup> [http://www.ituc-csi.org/IMG/pdf/letter\\_on\\_gender-based\\_violence\\_in\\_the\\_workplace.pdf](http://www.ituc-csi.org/IMG/pdf/letter_on_gender-based_violence_in_the_workplace.pdf)

<sup>139</sup> <http://www.ituc-csi.org/cgt-argentina>

<sup>140</sup> <http://www.ituc-csi.org/cnts-stop-a-la-violence-sexiste-au>

<sup>141</sup> For further information see: <http://www.ituc-csi.org/unite?lang=en> and 2014 action: <http://www.ituc-csi.org/gulf-countries-increase-migrant>

<sup>142</sup> See <http://50forfreedom.org/>; <http://www.ituc-csi.org/mauritanian-women-kept-as-slaves> and <http://www.ituc-csi.org/mauritania-ratification-of-forced>

<sup>143</sup> <http://www.ituc-csi.org/stop-violence-against-women-and>

<sup>144</sup> <http://www.ituc-csi.org/spip.php?rubrique198>



- In conjunction with UNIFEM, an event on violence against women and girls was held at the 2<sup>nd</sup> ITUC Congress; a postcard action campaign was launched on this occasion.<sup>145</sup>
- ITUC has initiated a number of international actions to address violence against women in countries where extreme forms of violence has been perpetrated, including a campaign in 2010/2011 to end sex crimes and violence against women in the Congo,<sup>146</sup> and a campaign to raise awareness of anti-union violence in Colombia.<sup>147</sup>
- An ITUC leaflet 'Stopping sexual harassment at work' (2008) contains, inter alia, a checklist for union action and a model procedure for dealing with complaints of sexual harassment both formally and informally.<sup>148</sup>
- The ITUC has recently focused its attention on domestic violence as a workplace issue, for example in an ITUC-AP report on domestic violence in the Philippines.<sup>149</sup>

The ITUC's 'Decisions for Life' project identified violence and harassment as one of the core issues affecting the daily lives of young women workers in the participating countries (Zimbabwe, South Africa, Angola, Mozambique, Zambia, Brazil, Indonesia, India, Belarus, Kazakhstan, Azerbaijan and Ukraine).<sup>150</sup>

The Decisions for Life campaign aimed to empower young women to take up workplace challenges and advocate for women workers' rights. The campaign guide acknowledges that violence and harassment at work is "a structural problem, rooted in wider social, economic, organizational and cultural factors."

In particular, it argues that power imbalances at work and precarious working conditions increase the risk of sexual harassment, abuse, rape, and HIV/AIDS infection. Domestic violence is also a workplace issue, as it affects a woman's ability to do her work and earn a living. Successful outcomes from the campaign included a significant increase in union involvement on the part of young women and the negotiation of CBAs and workplace policies that address their concerns. For example, one union rep from SACCAWU was enabled to negotiate a workplace policy on sexual harassment with her employer and open up discussions with young women workers so as to break the silence surrounding this issue. The campaign guide includes resources for dealing with sexual harassment, including definitions and guidance on negotiating workplace policies and procedures.



145 [http://www.ituc-csi.org/IMG/pdf/Postcard\\_VAW\\_webb\\_2\\_.pdf](http://www.ituc-csi.org/IMG/pdf/Postcard_VAW_webb_2_.pdf)

146 <http://www.ituc-csi.org/congo-democratic-rep-of>

147 <http://www.equaltimes.org/violence-against-women-the-global#.V7xbyxDQBaq>

148 <http://www.ituc-csi.org/spip.php?article4496>

149 <http://www.ituc-csi.org/philippines-domestic-violence-at>

150 [https://www.ituc-csi.org/IMG/pdf/ITUC-Decisions\\_for\\_LifeWEB.pdf](https://www.ituc-csi.org/IMG/pdf/ITUC-Decisions_for_LifeWEB.pdf)



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## Section 7

# Global Framework Agreements

Global Framework Agreements (GFAs), also known as International Framework Agreements, are agreements or joint statements between multinational enterprises and GUFs. They are one way in which unions and multinational companies have sought to build international cooperation and joint action where common employers are present in different countries or regions.

Because most GFAs tend to embody principles set out in international labour standards, GUFs believe that an ILO standard on violence and harassment at work will be a major lever for including the issue of violence and harassment at work in future GFAs.

Up to March 2014 a total of 142 GFAs had been negotiated and signed between multinational

enterprises and global union federations.<sup>151</sup> Most GFAs have established a general framework of industrial relations, with respect for workers' rights, decent work, collective bargaining and freedom of association, and adherence to core labour standards – more recently extending these provisions to the operations of suppliers and contractors. UNI alone has signed GFAs with forty-eight multinational companies, setting out standards and conditions for more than ten million workers around the world. BWI has signed GFAs with twenty-one companies,<sup>152</sup> and although few address specific issues of violence and harassment at work, BWI foresees that this will most likely be an issue to include in future GFAs. The IUF has signed seventeen GFAs, two of which have detailed provisions to prevent and address sexual harassment in the food sector. IndustriALL currently has agreements in place with 45 companies, two of which address sexual harassment in the garment sector. Some GFAs involve signatories from two and sometimes three global unions, as is the case of the GFA (Worldwide Corporate Social Responsibility Agreement) signed by IndustriALL and PSI with the energy company EDF. This is one of four GFAs signed by PSI.

→ **Example:** UNI has drawn up a model equality clause that can be used in GFAs covering anti-discrimination, equal opportunities and equal treatment, and reconciliation of work and family life, among other areas. This model equality clause has already been included

**151** The report analysed the content and formal scope of application of GFAs signed during the time period between 2009 and May 2015. Of the companies involved, 43 were headquartered in Europe and two each in Brazil, Indonesia, Japan and South Africa, while Malaysia, the Russian Federation and the United States are each the headquarters country for one company in the sample. It found that many GFAs incorporate ILO Conventions, the ILO MNE Declaration and other international instruments, such as the OECD Guidelines. The majority makes reference to the eight core ILO Conventions. With regard to trade union participation, about 50 per cent of the GFAs analysed were concluded by IndustriALL and 26 per cent by UNI Global Union. The remainder of the agreements were signed by the Building and Wood Workers' International (BWI) and the International Union of Food Workers (IUF). Some of the agreements were signed by more than one global union federation. See: Hadwiger, F.: *Global framework agreements: Achieving decent work in global supply chains*. Background paper (Geneva, International Labour Office, 2015). Available at: [http://www.ilo.org/wcmsp5/groups/public/---ed\\_dialogue/---actrav/documents/meetingdocument/wcms\\_434248.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/meetingdocument/wcms_434248.pdf)

**152** For a list of BWI agreements, see: <http://www.bwint.org/default.asp?Issue=Multinationals&Language=EN>.

in many GFAs, including those signed with Carrefour, ABN AMRO, ITAU, and Société Générale.

In practice, most agreements refer to adherence to fundamental rights and make reference to ILO core labour standards (freedom of association, collective bargaining, non-discrimination, abolition of forced labour, and elimination of child labour). Some GFAs go beyond the core labour standards to include minimum terms and conditions of employment (working hours, wages, health and safety, equal pay, maternity rights, violence and harassment, and others). GFAs also have provisions in place for joint union/employer roles in reviewing and monitoring their implementation – a role which has been substantially strengthened in GFAs signed recently.

An initial assessment carried out in this project has found that nearly one quarter of current GFAs refer to harassment, sexual harassment and/or dignity at work. Some GFAs make reference to workplace safety and health risks, although psychosocial risks, violence or harassment are not specified. This is the case with the GFA on health and safety at work signed in 2014 between GDF-Suez and BWI, IndustriALL and PSI. A large number refer to the principle of non-discrimination and dignity at work, without specifying any further applicable obligations. Examples of this include: the GFA signed by the banking group ABN AMRO with FNV and UNI (2015); the GFA between GDF-Suez and PSI, ICEM and BWI on fundamental rights, social dialogue and sustainable development; the GFA between the Renault Group, the Renault Group Works Council and IndustriALL (2013) on social, societal and environmental responsibility; and the GFA between Société Générale and UNI on fundamental rights (2015).

Some agreements contain clauses related to harassment and violence, as is the case of the GFA signed in 2008 between Faber-Castell and BWI, which states that "(p)hysical abuse, the threat of physical abuse, unusual penalties or punishments, sexual or other forms of harassment and threats by the employer shall be strictly forbidden". The GFA signed in 2005 between the European Aeronautic Defense and Space Company (EADS) and IndustriALL includes in its health and safety/working conditions provisions that "EADS prohibits



any type or threat of physical and/or psychological abuse in the workplace". In most cases, issues of non-discrimination and dignity at work are statements of principle, although in the case of a GFA signed between GDF and EPSU/IndustriALL Europe in 2014, a specific agreement was reached on improving well-being and quality of life at work, in which the company recognizes the importance of looking after the "physical, mental and social well-being" of all its workers.

Ten GFAs go further in including specific provisions on preventing and addressing violence and harassment at work, particularly sexual harassment. These GFAs are summarized below. As well as addressing core labour standards, the agreements aim to achieve sustainable improvements in working conditions and help secure living wages for workers. These are important issues, since many GUFs argue that poor and insecure working conditions put workers at further risk of harassment and violence.

- GFA between Unilever, IUF and IndustriAll: *Joint commitment to preventing sexual harassment (2016)*.** In 2016 the IUF and IndustriAll global union federations signed a joint commitment with the food and home/consumer products manufacturer Unilever on preventing sexual harassment at the workplace. The joint commitment states that: "Unilever, the IUF and IndustriAll affirm their joint commitment to promoting diversity and inclusion within Unilever's non-management workforce." It emphasizes that "(p)reventing sexual harassment in the workplace is an essential foundation for promoting a culture of inclusion and diversity". The joint statement outlines the standards, principles and practices based on which Unilever, the IUF and IndustriAll commit to working together to ensure that this goal is achieved. It states that "...full protection and support is given to the victims of sexual harassment throughout the process and its outcome." It adds that "Unilever will not tolerate retaliation or victimization against employees who identify and raise issues relating to any form of sexual harassment or who lodge complaints and/or participate in any proceedings relating to

alleged sexual harassment..."The agreement gives a comprehensive definition of sexual harassment, aimed at ensuring that Unilever management at every level and all workers – including workers provided by third-party labour suppliers – are fully aware of what constitutes sexual harassment. It sets out procedures through which workers can raise a potential issue and can feel confident in reporting abuse. It specifies the concrete measures the company must follow in the event of a complaint, and gives detailed guidelines for jointly implementing the commitment at every Unilever workplace and for assessing progress. It builds on work carried out to raise awareness of gender inequalities, as part of Unilever's goal of every factory having gender balance in every job. IndustriAll, IUF and Unilever have established a gender equality working group that spans two continents.

Sexual harassment and other forms of discrimination have no place within Unilever or anywhere else for that matter. Only through their eradication can we create truly diverse and inclusive workplaces. We know that progress is best made through genuine dialogue and trusted and effective ways for workers to raise concerns or complaints. I warmly welcome the support from the IUF, IndustriALL and their members to help us build on our existing work. These issues are not unique to Unilever and therefore to create lasting positive change, we are also engaging with our suppliers, business partners and others in our industry and beyond. We are committed to put all our efforts behind this agreement as we continue to work to respect, uphold and advance human rights. (Paul Polman, CEO of Unilever, speaking about the IndustriALL–IUF–Unilever joint commitment)



□ **GFA between H&M Hennes & Mauritz GBC AB and IndustriALL and Industriefacket Metall (2015).**

This agreement protects the interests of 1.6 million garment workers and marks a new level of commitment to fundamental rights of workers across H&M's supply chain. The agreement is based on a shared conviction that collaboration between the parties in the labour market is crucial for lasting improvements for garment workers and the creation of well-functioning industrial relations. The GFA covers compliance with and implementation of international labour standards by the suppliers of H&M Hennes & Mauritz GBC AB, and confirms this company's commitment to and respect for human and trade union rights in the workplace, including the right to organize and to negotiate collective agreements. The following is an extract from the agreement, covering respect and dignity at work, including sexual harassment and discrimination: "Every employee is treated with respect and dignity at all times. No employee shall be subject to humiliating or corporal punishment or subject to physical, sexual, psychological or verbal harassment or abuse. There is no discrimination in hiring, compensation, access to training, promotion, termination or retirement on the grounds of gender or sexual orientation, race, color, age, pregnancy, marital status, religion, political opinion, nationality, ethnic origin, caste, disease or disability. There is a grievance mechanism in place enabling employees to put forward complaints without risk of retaliation."<sup>153</sup>

□ **GFA between UNI, FNV and ABN AMRO.**

The GFA sets out a joint commitment to human and social rights as embodied in ILO core labour standards, the OECD Guidelines for Multinational Enterprises and the UN Global Compact. These guidelines apply to the ABN AMRO group as well as the entire

supply chain consisting of contractors, subcontractors, suppliers and joint ventures. A specific clause under the heading "There is no discrimination or intimidation in employment" sets out principles of equality of opportunity as provided for in ILO Convention No. 111 and equal remuneration as provided for in ILO Convention No. 100. It refers specifically to intimidation and abuse: "Physical and psychological abuse, the threat thereof, and intimidation by the employer are strictly prohibited." A further clause specifies that "ABN AMRO ensures a respectful working environment on all levels. All levels of management are held to actively guarantee this climate."

□ **GFA between Inditex and IndustriALL on Implementation of international labour standards throughout the supply chain of Inditex (2007, renewed in 2014).**

The global framework agreement between IndustriALL Global Union and the world's largest fashion retailer, Inditex, was the first global framework agreement to be signed in the garment sector. It has helped to: reinstate workers who have been expelled for being union activists; raise salaries; and promote freedom of association in countries where unionization has traditionally been weak. It addresses decent work and observance of international labour standards, covering over one million workers in more than 6,000 supplier factories worldwide. It provides for the payment of a living wage for a standard working week, limitations on working hours, healthy and safe workplaces, regular employment and environmental awareness. The terms of the agreement apply to direct suppliers, contractors and subcontractors, including homeworkers. No subcontracting is allowed without the prior written consent of Inditex. Suppliers that subcontract will be responsible for subcontractor compliance. The GLA puts mechanisms in place to monitor and review compliance, and aims to collaborate on training programmes for management and workers. A Joint Understanding was negotiated within the gender subcommittee of the Review Committee under the Framework Agreement,

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153 Global Framework Agreement between H&M Hennes & Mauritz GBC AB, and IndustriALL Global Union and Industriefacket Metall: [http://www.industrial-union.org/sites/default/files/uploads/documents/GFAs/hm-industrial\\_gfa\\_agreed\\_version\\_09-09-2015.pdf](http://www.industrial-union.org/sites/default/files/uploads/documents/GFAs/hm-industrial_gfa_agreed_version_09-09-2015.pdf).

and agreed to in 2013.<sup>154</sup> This constitutes an annex to the GLA and includes provisions prohibiting “harsh or inhumane treatment”, on the basis that “(m)anufacturers and suppliers shall treat their workers with dignity and respect. Under no circumstances shall physical punishment, sexual or racial harassment, verbal or power abuse or any other form of harassment or intimidation be permitted.”<sup>155</sup> INDITEX’s Code of Conduct for External Manufacturers and Suppliers underpins the revised INDITEX global framework agreement signed in 2014. The Code of Conduct prohibits forced labour, child labour, discrimination and harsh and inhumane treatment throughout the INDITEX supply chain. The code of conduct applies on an equal basis to direct suppliers, contractors and subcontractors, including homeworkers. No subcontracting will be allowed without the prior written consent of INDITEX; suppliers allowed to subcontract will be responsible for subcontractor compliance.<sup>156</sup>

- The **GFA on diversity between IUF and Danone (2007)**<sup>157</sup> makes it clear that harassment is a form of discrimination. The GFA states that the parties are committed “to be actively involved against all forms of discrimination based on actual or supposed belonging or not belonging to an ethnic group, a nation or a race, or relative to gender, religion, age, patronymics, place of residence, sexual preference, political or union involvement, state of health, physical appearance or handicap, family responsibilities or any other consideration which has nothing to do with competencies. It is reminded that: harassment is considered a form of discrimination.

Pregnancy can neither be considered a motive for dismissal, nor be a reason for discrimination.”

- **GFA between IUF/COLSIBA/Chiquita: *Joint Understanding on Sexual Harassment* (2013).** Following a union campaign, the IUF and the Coordinating Body of Latin American Banana and Agro-industrial Unions (COLSIBA) negotiated the protection and development of trade union and labour rights in producer countries, as part of an IUF/COLSIBA/Chiquita Regional Framework Agreement: “Chiquita, IUF and COLSIBA agree to work on developing a joint understanding on sexual harassment, so that this kind of harassment will not be tolerated in the workplace. This joint work includes the creation by mutual agreement of training strategies and sharing examples of good practice aimed at personnel, for the prevention of sexual harassment situations. To that purpose, every workplace must take necessary measures to ensure men and women workers have access to information about their rights in the workplace.” The agreement has been critical in supporting union organizing efforts in Colombia and Honduras. Chiquita is also the first and to date the only company in the sector to sign a Global Framework Agreement with global and regional trade union organizations, in which it is stated that there is no toleration of discrimination or any form of harassment. A *Joint Understanding on Sexual Harassment* states that this is so regardless of whether one is on company premises or engaged in off-hours business-related functions, such as holiday parties or business travel. Harassment may be grounds for immediate dismissal, and may make the perpetrator liable to “severe legal penalties”. The Code of Conduct states that: “(w) e should each help foster a harassment-free work environment by speaking out when a co-worker’s conduct makes us uncomfortable. We strictly prohibit retaliation against employees who report discrimination or harassment.” Focus on the issue has been maintained by the rigorous process of annual SA8000 audits, internal training and education programs, a “zero-tolerance” approach to any violations, a “helpline” and other systems for complaints and

<sup>154</sup> For further information, see (Chiquita): <http://csrblog.chiquita.com/iuf-colsiba-agreement-with-chiquita-benefits-women-on-banana-plantations/> and (IUF): [http://www.iuf.org/cgi-bin/dbman/db.cgi?db=default&www=1&uid=default&ID=111&view\\_records=1&en=1](http://www.iuf.org/cgi-bin/dbman/db.cgi?db=default&www=1&uid=default&ID=111&view_records=1&en=1).

<sup>155</sup> Global Framework Agreement between Inditex and IndustriALL: <http://www.industrial-union.org/inditex>

<sup>156</sup> For further information, see: <http://www.industrial-union.org/inditex>

<sup>157</sup> [http://www.iufdocuments.org/ifa/en/Danone/7 2007 IUF-Danone Agreement on Diversity.pdf](http://www.iufdocuments.org/ifa/en/Danone/7%2007%20IUF-Danone%20Agreement%20on%20Diversity.pdf)

grievances – as well as by work with unions at local and international levels. The agreement references the *ILO Code of Practice on safety and health in agriculture* as a source for wording on prevention of sexual harassment that could be included in collective bargaining agreements (CBAs).

□ **GFA between EPSU, IndustriALL and GDF-Suez: European Agreement on professional equality for men and women (2012).**

The GDF-Suez agreement on gender equality<sup>158</sup> signed with EPSU and IndustriALL Europe provides specific commitments on gender equality, including the importance of adopting strategies to address equal pay and to promote women in decision making. The stated intention of the agreement is to go above and beyond national legislation. It establishes provisions for drawing up action plans at company level, with mechanisms for annual reviews of progress over an initial four-year period. It specifically refers to the importance of drawing up policies to prevent sexual harassment. The agreement establishes a commission, consisting 50 per cent of women, tasked with carrying out an annual review of progress, based on a set of detailed indicators established for each group that has more than 1000 workers and each company with more than 150 workers. The indicators are annexed to the agreement.

□ **GFA between UNI and Carrefour (2015): For the promotion of social dialogue and diversity, and respect for basic employee rights.**

Carrefour is one of the world's largest retail distribution groups. A GFA was signed in 2015 (as an update to the first GFA of 2001), with the objective of promoting social dialogue, diversity and respect for fundamental rights at work. The GFA contains a strong gender equality focus. It references the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Women's Empowerment Principles issued by UN Women. In addition to reinforcing the commitment to fundamental rights under

the UN and ILO, new provisions were added for a safe, healthy and respectful working environment, including the prevention of psychosocial risks, anti-discrimination and the promotion of diversity and equality between men and women. Prior to signing the agreement, a series of information and training sessions on the issue of gender equality was held within the Carrefour European Information and Consultation Committee (CICE) for Equality between Men and Women. While the plan refers specifically to the European countries where Carrefour operates, the main text also commits to promoting the principles globally in reference to Carrefour's international franchises outside of the European Union. In this context, the GFA requests that franchise operators sign the Carrefour Charter for Commitment to Respect Human Rights, based on the ILO's fundamental Conventions, and which refer specifically to "the prohibition of any discrimination, harassment and violence".

□ **GFA between Société Générale and UNI (2015).**

This agreement specifically focuses on respecting human rights and the rights of employees to organize and bargain collectively. It sets out as objectives those of strengthening dialogue on human rights and fundamental labour standards, promoting sustainable and satisfactory working conditions for the employees of Société Générale, and promoting these among subsidiaries and business partners. In regard to trade union rights, the GFA states that "(n) o employee will be subjected to intimidation, harassment or retaliation as a result of their exercising these rights". A committee has been set up to monitor the agreement, composed of representatives of human resources management and a UNI trade union delegation. It met for the first time in Paris in September 2016.

158 <http://www.epsu.org/a/10965>

□ The **GFA between Enel and IndustriAll, PSI, Filctem CGIL, Flaei CISL, and Uiltec UIL (2014)** sets out a range of fundamental rights and labour standards, including health and safety at work, forming an integral part of the Group's policies on human resource management and social and environmental responsibility, and covering all Enel operations and subsidiaries throughout the world. It provides a commitment to social dialogue and good global industrial relations with trade unions, as well as to gender equality, non-discrimination and ending violence and harassment at work. The agreement states specifically in relation to violence and harassment that: "Enel considers harassment, abuse, intimidation and disrespectfulness to be unacceptable and such behaviour will not be

tolerated in the workplace. At all times and at all levels of the company, all employees of the Group are required to carry on relationships based on respect for the dignity of others, equality and mutual cooperation, thereby promoting a respectful and positive working environment." A Global Works Council has been established across the Group, with the aim of monitoring and supervising implementation of the agreement and of taking initiatives to secure and extend social dialogue within the company. Given the importance of the universal principle of equality of opportunity and its role within the company, Enel also states that it will roll out the best initiatives in this area across all Group companies and through the establishment of a Multilateral Committee on Equal Opportunities.







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## Section 8

# Summary of key challenges raised in the case studies and recommendations

Global and national unions highlight challenges, recommendations and future priorities, framed as possible priorities to be considered for a new ILO standard on violence and harassment against women and men in the world of work.

### **8.1 Summary of key themes and challenges raised in the case studies**

The case studies show in detail that violence and harassment at work constitute a growing problem that trade unions are addressing in different ways. In some cases, violence and harassment at work have become integrated into occupational safety and health initiatives covering both physical and psychosocial well-being at work. Many case studies reflect priorities within the trade union movement

in addressing gender discrimination and gender-based violence, and some case studies address violence against other workers in vulnerable situations – such as migrant workers, racialized workers, indigenous people and LGBT workers.

A theme running through the majority of case studies is that workers in the most vulnerable situations – particularly women affected by multiple discrimination – are the most affected by violence and harassment at work. New forms of work organization, new patterns of employment, and the growth of non-standard and precarious work put workers particularly at risk of violence and harassment at work. Economic vulnerability and poverty have enduring effects, not least in leaving workers vulnerable to repeated violence and harassment. Poverty prevents workers – and women in particular – from gaining financial independence. Such independence is necessary if they are to leave violent partners, or to avoid them having no alternative but to succumb to exploitative employers, unethical recruitment agents and traffickers.

What is evident from the case studies is that trade unions can contribute to making real and positive changes in the workplace to protect workers from violence and harassment. Through collective agreements, workplace policies and negotiation, campaigns and awareness raising, trade unions have taken constructive steps to challenge violence and harassment in the world of work. The case studies also show that bargaining can be considerably strengthened when legislation provides an enabling environment and a framework for collective bargaining to tackle violence and harassment at work.

The following summarizes the main challenges raised by national and global unions:

- ❑ The overall framework of collective bargaining is being weakened in many countries; unions foresee that this will reduce their capacity to negotiate at national/sectoral and company levels.
- ❑ The economic crisis has initiated a general trend towards a reduction in the number, coverage and influence of collective agreements. In some countries this is reflected in the decentralization of bargaining and greater difficulties in persuading employers to negotiate on key issues related to decent work. In some sectors, unions have been unable to conclude collective agreements.
- ❑ Where the law addresses violence and harassment, it is often done in a gender-neutral way. There is little understanding or awareness of gender-sensitive approaches, and little gender-based analysis of violence and harassment. One obvious problem is that CEDAW reports, the Istanbul Convention in Europe and the Belém Convention in Latin America, not to mention many national government actions plans to combat violence against women, give very limited focus to the workplace and the wider world of work.
- ❑ New forms of work organization, more isolated workplaces and an increase in non-standard work are major challenges for unions in organizing and protecting workers from violence and harassment. The increase in non-standard work, including informal work, zero-hours contracts, agency work and the use of casual labour in such sectors as technology, catering, trade, retail and services, is particularly affecting women and younger workers. Unions argue that there is strong connection between good quality working conditions and the dignity of workers.
- ❑ Unions report an increase in third-party violence and harassment in front-line services such as health, transport, education, catering, hotels, retail, etc., an issue which is rarely addressed in legislation. Inadequate funding for the provision of quality public services has led to increasing levels of violence and harassment at work.
- ❑ Many workers fear retaliation, such as the loss of their job, and further harassment if they report cases of violence and harassment at work; in particular, there is a low level of trust that cases will be taken seriously.
- ❑ A further problem is that many women do not know that what they are experiencing is in fact sexual harassment and/or that they have rights of recourse in the workplace or through the courts.

- Several unions referred to the low levels of awareness of the gravity of the issue of violence and harassment against workers, especially women.

## 8.2 Recommendations and future priorities

### a) **The need for a robust ILO standard on violence and harassment in the world of work**

The case studies provide an initial set of evidence-based contributions to be made available to the ILO worker constituents.

An ILO standard constitutes an opportunity to provide for the first time an agreed international definition of violence and harassment in the world of work, including sexual harassment.

The overriding recommendation from global and national unions is that an international standard on violence and harassment at work is urgently needed, and that this should provide a framework for government, employer, company and union action to tackle the problem.

The recommendations that follow reflect issues raised by global and national unions in the context of discussions for an ILO standard on violence and harassment against women and men in the world of work, and may be considered by the ILO Workers' Group. Some are specific to the content of an ILO standard, while others are focused on what unions can do to systematically address violence against women and men at work.

### b) **Freedom of association and collective bargaining form an integral part of future national and international standards on preventing and combating violence and harassment in the world of work**

Effective social dialogue, freedom of association and the right to organize and

bargain at sectoral and workplace levels constitute an essential part of well-functioning industrial relations systems in preventing and addressing violence and harassment in the world of work.

An ILO standard on violence against women and men should underline the importance of freedom of association and the right to collective bargaining.

Priority should be given to systematically bringing violence and harassment (including the gendered nature of violence) onto collective bargaining agendas, and to ensuring that this is integrated into training for employers and trade union negotiators on how effective policies and rules to tackle violence and harassment at work can be drawn up.

### c) **An enabling legal environment on violence and harassment at work and the ensuring of well-functioning industrial relations systems**

Alongside a well-functioning industrial relations system, recommendations are made for governments to have an obligation to introduce an enabling legal environment to prevent and tackle violence and harassment in the world of work.

Duties should be assigned to employers to introduce workplace policies, in consultation with unions, setting out: prevention measures; effective, transparent and confidential procedures to deal with complaints; sanctions for perpetrators; information to ensure that workers understand policies and procedures; and support for victims of violence and harassment at work.

Governments and employers, in partnership with workers and their representatives, should be encouraged and supported to engage in awareness raising about violence and harassment at work.

In order to promote the adoption of the global standard, trade unions state that they will use the evidence brought together in this





and other studies to lobby governments and launch national and regional campaigns.

**d) A gender perspective on violence and harassment at work**

One consistent recommendation is that in the proposed ILO standard on violence and harassment against women and men at work, a specific focus has to be given to gender-based violence, since women are disproportionately affected by violence in the world of work. The proposed ILO standard needs to recognize that gender-based violence is a form of gender discrimination, and that in tackling the problem, account needs to be taken of structural gender inequalities and unequal gender roles and relations.

One key objective should be to promote culture change in the workplace, with this having a positive spillover effect in the broader society and community and in the family. This means engaging men as champions –

particularly in male-dominated sectors – and men in union leadership and negotiating positions. It is important that everyone know and understand the root causes of violence and harassment, and why this is a gender equality issue. This means that specific guidance and awareness raising is required on the causes of sexual harassment and its connection in particular to gender inequalities.

Action needs to be taken to link the elimination and prevention of violence and harassment with measures to end discrimination against women and other workers in vulnerable work situations, including women facing multiple discriminations, by addressing deeply embedded gender gaps in pay and employment, occupational segregation and the lack of a living wage.

The root causes of violence need to be addressed through a gender-sensitive approach, in initiatives on well-being at work,

health and safety, workplace relations and the working environment.

Trade unions have a key role to play in monitoring how agreements, policies and procedures on violence, harassment and sexual harassment are implemented in practice. This is particularly important in ensuring that the issue of gender-based violence is systematically included and addressed in safety and health policies and workplace risk assessments.

Priority needs to be given to ensuring that women are in union decision-making and leadership positions, as this can help to ensure that violence and harassment, including gender-based violence, are prioritized and championed by union leaders and brought to the forefront of union strategies.

Workplace measures need to take account of multiple discrimination, including discrimination based on maternity, family status, race, ethnicity, gender identity, sexual orientation, disability and age, and to take into account the needs of migrant workers and indigenous people. In addition to women workers, there are specific risks faced by LGBT workers, racialized and indigenous workers, and disabled workers.

**e) Address the growth of non-standard and precarious forms of employment and its consequences**

Measures to address violence and harassment at work have to recognize the connection between informalization and casualization of the work on the one hand, and rising levels of violence and harassment on the other. This means tackling in parallel the connected factors of non-standard and precarious forms of employment, and growing levels of violence and harassment at work, including unethical recruitment by agencies and debt bondage.

More attention needs to be given to examining and addressing key emerging issues of work organization and working patterns for future workplaces, and the likely impact in terms of rising psychosocial risks leading to violence and harassment (such as increased work pressures

and stress, changes in work organization, surveillance and harassment by employers in the technology and digital sectors, long and unpredictable working hours in the service, manufacturing and agriculture sectors, and privatization and casualization of work in public services).

Unions should also be proactive in increasing their efforts to organize, advocate for and support workers, particularly workers in the most exploited, isolated and precarious working situations, such as workers in non-standard employment, migrant workers, indigenous people, workers affected by bonded labour or those at risk of trafficking.

**f) Build awareness and introduce measures to prioritize violence and harassment at work within union policies and strategies**

Social dialogue between trade unions, employers and government, as well as with civil society and NGOs, can play an important role in building effective policies and strategies to eliminate violence and harassment at work.

Effective measures are needed to provide information and raise awareness about the obligations of employers, companies and public authorities, and the rights of victims of violence and harassment, so that the silence and impunity around violence and harassment at work can be ended.

It is important to improve access to confidential and trusted complaints systems, as well as access to justice systems, by ensuring that law enforcement officers and judges are trained to understand violence and harassment at work and beyond.

**g) Address the causes of violence and harassment at work, including third-party violence in front-line services**

Tackling third-party violence and harassment requires that attention be given to the root causes of violence and harassment. In the health sector this includes resources to ensure access to quality health care services and for adequate staffing levels.

Obligations should be placed on employers and public authorities to ensure that protection is given to workers facing third-party violence and harassment, for example in the transport sector.

Employers, governments and workers can play an active role in designing and implementing initiatives to combat violence and harassment at work. This is an effective way to find joint solutions, with proven and positive outcomes for workers.

#### **h) Address the impact of domestic violence on the world of work**

Domestic violence is an issue in the world of work that can be addressed through workplace negotiations. Recommendations are made for a strong legal framework able to help persuade employers to draw up workplace policies and to ensure that the issue of prevention of domestic violence at work is included in collective bargaining. Other specific recommendations include:

- Build knowledge and negotiating skills for sectoral and workplace policies on domestic violence at work, including agreeing on model clauses that can form the basis for negotiating agreements.
- Train union representatives and shop stewards to sensitively give support to victims of domestic violence, including helping women with initial safety planning and directing women to specialist support services.
- Draw up specific guidelines for trade union shop stewards and health and safety representatives on negotiating practical support with the employer.
- Ensure that prevention of domestic violence at work is included in workplace risk assessments, and on the agendas of safety and health committees.
- Develop indicators to identify the impact of domestic violence as a workplace issue, for example, changing jobs, changing locations, not attending social events,

being isolated in the workplace, or high levels of sick leave.

- Drawing up workplace policies can be important in giving focus to implementing practical initiatives in the workplace – for example, in addressing stalking by ex-partners.

#### **i) Make violence and harassment at work visible (through data, awareness raising and information campaigns)**

Several global and national unions refer to the importance of introducing obligations on governments to collect systematic and comparable data on different types of violence and harassment at work, and to monitor trends over time.

As well as the union good practices identified in this research, several unions highlight the importance of capturing the voice and lived experience of workers who have experienced violence and harassment at work, particularly those in the most vulnerable and isolated employment situations, in a range of sectors and in non-standard employment.

#### **j) Implement awareness-raising campaigns around violence and harassment at work**

More awareness raising, education and training are needed to ensure that employers, managers and workers and their representatives understand violence and harassment at work, the causes and consequences of violence, and ways in which solutions can be jointly agreed and implemented. This is an important part of a culture of workplace democracy, which is needed to tackle violence and harassment at work.

The media have a major influence in society. Joint government–employer–union campaigns could also be carried out at the national level to raise awareness about violence and harassment at work among the general public, workers, employers, law enforcement officers and the judiciary.

**k) Integrate violence and harassment at work into the heart of safety and health initiatives**

Violence and harassment at work – including gender-based violence – constitute a core safety and health issue, and should be addressed through prevention programmes and risk assessments.

There is a key role for employers and unions in negotiating violence prevention into programmes on workplace HIV and AIDS prevention and safety and health at work.

**l) Ensure provision of professional and psychosocial support for victims of violence and harassment at work**

Employers and unions, along with public authorities, can play an important role in instituting skilled professional and psychosocial support for victims of violence and harassment at work. This is closely connected to the need to provide quality and adequately funded public services.

This obligation should be taken seriously by governments, which can play an important role in placing obligations on employers to provide support to victims of violence and harassment.

**m) Role of the state: Addressing violence and harassment at work as a core obligation of labour inspection processes**

The labour inspection process has a key role to play in monitoring and tackling violence and

harassment at work. This should be supported by guidance and training of labour inspectors, as agreed to between unions and employers, on how to identify psychosocial risks, including the prevalence of gender-based violence in the workplace.

**n) Model good practice through shared learning, development of model clauses and dissemination in guidance materials of what works**

Among other areas, model clauses and agreements to tackle violence and harassment at work, including the impact of domestic violence on the world of work, can include: a statement on zero tolerance of violence and harassment; guidance on effective procedures for preventing and resolving cases; support for victims; employer obligations to provide training for management and workers; and information to ensure that workers are informed and understand procedures established at company and workplace levels.

The case studies demonstrate that the exchange of (global, national and cross-national) good practices is very important for sharing and learning about different ways in which violence and harassment can be tackled, what works, and the steps that unions have taken to conclude agreements with employers.







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# Appendix 1

## Summary of national case studies

**ITF case studies**

- ITF Case Study 1:** Unifor Women's Advocate Program (Canada)
- ITF Case Study 2:** MSTKS – Violence against bus conductors in Maharashtra State (India)
- ITF Case Study 3:** ATGWU – Women informal transport workers (Uganda)
- ITF Case Study 4:** FTTUB – Campaign on violence against women in the transport sector (Bulgaria)

**UNI case studies**

- UNI Case Study 1:** Action to combat violence at the workplace in the banking/financial sector (Brazil)
- UNI Case Study 2:** All India Bank of Baroda Employees Federation (India)
- UNI Case Study 3:** FSC-CCOO (Spain)
- UNI Case Study 4:** Industrial and Commercial Workers Union, ICU (Ghana)
- UNI Case Study 5:** South African Commercial, Catering and Allied Workers Union, SACCAWU (South Africa)
- UNI Case Study 6:** Combating violence and harassment at work (Nepal)
- UNI Case Study 7:** Psychosocial risks and new technology

**IUF case studies**

- IUF Case Study 1:** Hotel and Restaurant Workers Union, HRF (Sweden)
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- IUF Case Study 4:** Sintrainagro, banana workers union (Colombia)
- IUF Case Study 5:** Examples from four unions in combating discrimination and violence against women (India)
- IUF Case Study 6:** Agriculture and Farmers Federation of Myanmar, AFFM (Myanmar)
- IUF Case Study 7:** Union action to address violence against women (Pakistan)
- IUF Case Study 8:** Union action to address sexual harassment and violence (Philippines)
- IUF Case Study 9:** Korean Women's Trade Union (KWTU)
- IUF Case Study 10:** Papua New Guinea Maritime and Transport Workers Union, PNGTWU (Papua New Guinea)
- IUF Case Study 11:** Coalition of Immokalee Workers, CIW; US Fair Food Program and Code of Conduct for Addressing Sexual Harassment on Farms

**BWI case studies**

- BWI Case Study 1:** Violence against brick kiln workers (India)
- BWI Case Study 2:** Agreement on sexual harassment in the woodworking sector (Italy)
- BWI Case Study 3:** United Steelworkers, USW (Canada)
- BWI Case Study 4:** *Unión Obrera de la Construcción Argentina*, UOCRA (Argentina)
- BWI Case Study 5:** Union action on sexual harassment (Philippines)

**ITUC case studies**

- ITUC Case Study 1:** Violence against workers (Indonesia)
- ITUC Case Study 2:** CUT "Gender Agenda" campaign (Chile)
- ITUC Case Study 3:** Sexual harassment report by the Solidarity Center (Honduras)
- ITUC Case Study 4:** Negotiating to prevent domestic violence at work, ACTU (Australia)

**PSI case studies**

- PSI Case Study 1:** Alliance of Filipino Workers, AFW (Philippines)
- PSI Case Study 2:** *Solidarité Syndicale des Infirmiers du Congo*, SOLSICO (Congo)
- PSI Case Study 3:** *Asociación Sindical de Profesionales de Salud de la Provincia de Buenos Aires*, CICOP and *Federación Sindical de Profesionales de la Salud*, FESPROSA, (Argentina)

**IndustriALL case studies**

- IndustriALL Case Study 1:** CBAs to prevent sexual harassment in the Philippines
- IndustriALL Case Study 2:** Negotiating on workplace violence in Myanmar
- IndustriALL Case Study 3:** Electrical Workers Union, EIWU (Malaysia)

## **ITF Case study 1: Unifor's Women's Advocate Program (Canada)**

**Unifor's groundbreaking Women's Advocate Program consists in specially trained workplace representatives who provide confidential support to women regarding workplace harassment, as well as on violence and abuse that take place outside the workplace. The programme is an excellent example of a successful joint union-management workplace initiative that helps to create healthy, respectful and safe workplaces – and that importantly links the workplace with the community/family.**

Unifor's<sup>159</sup> Women's Advocate Program was first established in 1993 by the then Canadian Auto Workers union (CAW), following negotiations with Ford, GM, and Chrysler to fund union-sponsored Women's Advocates in assembly plants. By the summer of 2009 the union had negotiated Women's Advocates at 137 workplaces. In 2016, 335 Women's Advocates were providing this service in Unifor workplaces in Canada.

Unifor provides local unions with help and resources in negotiating for Women's Advocate positions, including model collective bargaining language for inclusion in bargaining demands. Advocates receive 40 hours of training paid for by the employer, and are paid by the employer to perform their roles during working time. Employers are encouraged to designate a management support person. If a local union has no advocate, assistance can be given by another local union advocate. Advocates also support non-union members in the community on a voluntary basis, and local unions often support local community organizations working to prevent violence against women. For example, advocates work closely with women's shelters in safety planning for victims of domestic violence.

Individual women speak positively about the support received from Women's Advocates in giving options for dealing with violence and enabling them to keep their jobs. Research shows that as

well as providing assistance to enable women's employment to be maintained, the programme has promoted workplace equity and has contributed to Women's Advocates' understanding of structural inequalities faced by women. This has been important in providing leadership and advocacy for campaigns, one example of which was the amendment to the Ontario Occupational Health and Safety Act in 2010, which put a responsibility on employers to prevent and respond to harassment, sexual harassment and violence, including domestic violence. Unifor's campaigns and advocacy have also focused on inclusion in provincial legislation and the Canadian Labour Code of the right to domestic violence leave.<sup>160</sup>

There has been some resistance from employers and union members. Stories from women and their male colleagues about the powerful effect of the Women's Advocate Program and its awareness raising have helped to change the views of managers and union representatives. Union negotiators have shown employers the economic and social benefits of retaining women at work and of promoting a safe and healthy working environment (including reduced costs and staff turnover and enhancing the company's reputation). Union negotiators set out these benefits and declare that the programme's inclusion in the contract is non-negotiable. The success of the programme is put down to the endorsement and support for it from the leadership of the union, and its declaration against gender-based violence.<sup>161</sup> Unifor staff passionately promote the programme, and union-wide educational activities reinforce its importance.

Despite the success of the programme, there is still a long way to go before each of Unifor's 750 local unions have a Women's Advocate. Unifor argues that the growth of non-standard employment, along with job losses, have meant that women face increasingly precarious employment conditions.

<sup>159</sup> Unifor is Canada's largest private sector union, with more than 310,000 members. It was established in 2013 following a merger of the Canadian Auto Workers union (CAW) and the Communications, Energy and Paperworkers Union of Canada (CEP).

<sup>160</sup> Canadian Labour Congress Resource Centre for unions on domestic violence at work: <http://canadianlabour.ca/issues-research/domestic-violence-work>.

<sup>161</sup> Unifor: *What If we had a Women's Advocate in all Unifor workplaces?:* [http://unifortoyota.ca/wp-content/uploads/2014/02/unifor-wa-broch-eng\\_final-proof.pdf](http://unifortoyota.ca/wp-content/uploads/2014/02/unifor-wa-broch-eng_final-proof.pdf)



Significant work is still needed before there is a Women's Advocate in every workplace.

The success of the Unifor programme has led to the ITF to develop a global Women's Advocate program with its affiliates. Women's Advocates provide invaluable support in mitigating the impacts of workplace harassment and domestic violence, particularly in the light of women's precarious status in the workplace.

### **ITF Case Study 2: MSTKS - Violence against bus conductors in Maharashtra State (India)**

**An innovative project by the Maharashtra State Transport Kamgar Sanghatana Union (MSTKS) to address sexual harassment, violence and rape against women bus conductors and passengers shows how unions can improve women's representation and decision-making roles through campaigns on violence against women, and how they can use legislation to address violence against women bus conductors and passengers. The project, supported by the ITF, involves a campaign strategy, research, surveys, training, awareness raising and communication.**

An increasing number of women are employed in transport in India. However women bus conductors face a lack of security, sexual harassment, assault, rape and violence. Further risks of violence result from a lack of access to toilets on duty, a contractual requirement to spend the night alone in the bus when it breaks down, and the risk that women frequently face of miscarriage and injury because of the poor road and driving conditions. A key goal of the MSTKS is to implement the Indian Sexual Harassment Act, requiring employers to set up "Internal Complaints Committees", and to do so in transparent ways at all levels, including at every bus depot. Project activities have achieved the following:

- Increased union participation and activism by women,<sup>162</sup> which has helped to change awareness about embedded cultural attitudes around women's roles, and to enhance visibility around violence and harassment at work;
- Training and awareness raising, including 18 training courses involving 1,616 women workers, 641 of whom work in tribal areas where women are subjected to extreme levels of violence and rape at work;
- Resources and an online course, from the ITF's Road Transport Workers Section, entitled "Women bus workers driving to equality", have raised awareness about sexual harassment and other forms of violence at work, and how they can be addressed through collective bargaining, legislation and campaigning.

A state-wide union action plan has been drawn up by women representatives from the union's six regions, with priorities for light duties for pregnant workers, the availability of facilities, functioning sexual harassment committees, violence-free workplaces and reserved seats for women. A union charter with demands for safe public transport has been drawn up as a tool for local campaigning and bargaining.

An alliance was launched on November 25, 2015, between transport unions, passenger unions and NGOs, along with a joint union/community campaign to end violence against women in transport. Posters are displayed in buses, bus stations, women's toilets and elsewhere, and a communications strategy has increased media coverage. Regular meetings were held with the managers and the head of the Maharashtra State Road Transport Corporation. A survey was carried out by passenger unions and union activists, which aims to show how the safety of passengers and conductors can improve if women are employed as drivers and line checkers (inspectors). One innovative initiative is the development of a

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**162** In 2014, a woman was elected to the union's executive committee. In 2015, the executive committee agreed to reserve two seats for women at every level of the organization. By 2015, there were 25 women activists at regional level. 725 are active participants in a union women's WhatsApp group where information is exchanged on a daily basis.

Women's Advocacy programme throughout all MSTKS transport workplaces, based on the Canadian Women's Advocate Program (see ITF Case Study 1).

Meetings with the Maharashtra State Road Transport Corporation have led to around 200 out of 300 workplaces having changing rooms and toilet facilities for women. A joint union/ employer strategy has been agreed on to reduce occupational gender segregation. To address resistance from male trade unionists, the awareness-raising activities about violence against women include male workers, and the union's General Secretary has shown strong and consistent support. Women's leadership and activism in the union has included active involvement in industrial action against privatization, which led the state Transport Minister to agree that the Maharashtra State Road Transport Corporation will be exempt from any such legislation that may be passed.

A strategy to maintain good industrial relations between management and the union has addressed resistance from management by building alliances to advocate for the safety of all women passengers and workers, and to expose management and police corruption and/or inaction. Increasing numbers of the senior male leaders are also taking female-specific issues to management as union issues, and the union is preparing legal cases on the lack of implementation of sexual harassment committees and the high level of miscarriage faced by women working as conductors. The number of women members reporting sexual harassment and violence is beginning to rise. Management is beginning to respond to union complaints, and there is a dialogue between the union and management about investigations and the role of complaints committees.



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### **ITF Case Study 3: Women informal transport workers (Uganda)**

**The Amalgamated Transport and General Workers Union (ATGWU) is supporting organization by informal women transport workers and the building of their confidence to combat violence and inequality.<sup>163</sup> ATGWU's organizing of informal workers has led to an increase in union membership, through the affiliation of associations of informal transport workers representing "taxi" (minibus) workers, "boda-boda" (motorcycle taxi) riders, informal-sector truck drivers, cargo handlers and others. This provides work for a micro-economy of drivers, conductors, "call boys/girls", mechanics, tire-fitters, cleaners, ticketing clerks, painters, guards and others. The ATGWU is also organizing women working in and around major transport hubs, including GALIMA (an all-woman association of survivors of HIV and AIDS in transport), and traders and home-based workers organized through the Tukolere Wamu Craft Development Association, among others.**

"ATGWU has to challenge male violence – it is a major reason for rising levels of HIV infection. We have increased the focus on sexual gender-based violence in our HIV prevention strategy because a growing number of cases of sexually-related violence are being reported by our peer educators and recorded at Ugandan police stations." (ATGWU HIV/AIDS coordinator)

Project activities include seminars for union leaders, cross-border exchange visits to develop practical organizing skills for activists, organizing activities and local mapping to build the visibility of women in informal transport. Groups of women union members carried out research to map informal transport hubs, and peer interviews were held with women workers. The research found that the majority of women worked in the lowest-paid, most precarious occupations, such as those of food vendors, clerks, parking attendants and cleaners.

The women face similar issues to many male and female informal sector workers around the world, concerning low pay, long hours, dangerous and unhealthy working conditions and the lack of social protection. However the single most important issue identified by the women was that of violence, harassment and intimidation by men. According to the members of the ATGWU Informal Workers Women's Committee, the taxi conductors and "call girls" are subject to frequent sexual advances by male drivers, and some women are forced to have sex with the drivers or conductors in an attempt to secure their jobs. Many of the women want to get driving licences, which would enable them to drive legally on the central routes, but their low pay prevents them from raising the necessary fee. Women often face abuse and rape at night at the end of a shift, and women airport taxi (cab) drivers face problems with male passengers, constantly fearing rape, particularly on long-distance journeys. Discriminatory treatment includes being prevented from working from an early stage of pregnancy, and women boda-boda riders are not allowed to work during their menstrual periods, being stigmatized and harassed by the men.

The establishment of the ATGWU Informal Sector Women's Committee and local women's committees has helped to raise women's awareness of their rights, and to increase reporting of abuse and support for survivors of violence. Educational workshops – and informal education work on the streets, in the major transport hubs and within the union – have helped to change men's attitudes and give women more confidence to report abuse.

On March 29, 2016 the Informal Women's Committee, along with ATGWU associations working in the taxi industry, organized a convoy of twelve taxis on a round trip along one of the major taxi routes to Entebbe, to give visibility to women's work in the taxi industry and demand equal rights with men. The event created considerable media attention, and well-known media personalities and TV crews accompanied the women's taxis on the Entebbe trip. Women watching the news were immediately inspired to phone the union, wanting to join.

The General Secretary of the Kampala Metropolitan Boda-Boda Association (KAMBA) is now a woman,

**163** The project is supported by the ITF's project for *Organising Informal Transport Workers*, 2013-16, co-financed by FNV Mondiaal. See: [www.informalworkersblog.org](http://www.informalworkersblog.org).



and every one of KAMBA's five offices is run by a woman. There are increasing numbers of women working as conductors, and women leaders are important role models for women. The Informal Women's Committee has ambitious plans for the future, including organizing internationally in order to learn from women in the informal transport industry in other countries. They plan to extend the employment opportunities for women in transport, and to establish their own women's savings and credit cooperative. Most importantly, they want to stop the violence, achieve equality with men in transport, and struggle for human rights for women.

### **ITF Case Study 4: FTTUB – Campaign on violence against women in the transport sector (Bulgaria)**

**The transport union FTTUB has led a groundbreaking campaign and collective bargaining in the transport sector. Violence against women has been at the centre of the FTTUB's strategy and negotiations. Through this work a strong connection is made between national, European and international trade union strategies on gender-based violence. Pioneered by the President of FTTUB, this campaign is an example of how a gender equality champion has successfully shifted trade union understanding, perspectives and strategies to bring the combating of violence as an issue to the centre of union policy and activity.**

Clauses in CBAs include a special chapter in the 2010–2012 sectoral collective agreement on "Protection against violence at the workplace and gender equality", with joint actions by employers and unions to prevent violence and a zero tolerance approach. The FTTUB has negotiated the same clauses in eight company-level agreements (in freight, public transport and elsewhere). Municipal-level agreements include a framework agreement with the Municipality of Sofia, signed by the Mayor of Sofia on November 25, 2009, covering cooperation and joint action on the prevention of harassment and violence against women in the city's urban transport companies. The agreement

supported plans for research, campaigning and practical workplace measures.

Following the signing of the agreement with the Sofia Municipality, a campaign and survey were carried out under the title "Someone to share with". This was based on anonymous self-administered questionnaires left at workplaces, with special posting boxes in designated places in the workplace. The boxes were labelled with stickers saying "There is somebody to share with", which were designed to draw attention to the initiative. The 177 women workers responding to the survey highlighted high levels of risk of physical and psychological violence, the majority of which was third-party violence. The survey provided an important evidence base to inform FTTUB's subsequent campaigning, advocacy and negotiation of collective agreements on violence in the workplace. A brochure was produced entitled "No to violence against women at work!", with a list of recommendations to prevent and eliminate such violence. This was presented to a meeting on November 25, 2010 with the Mayor of Sofia and senior transport managers. Two training exercises were organized, as part of the FTTUB's campaign on violence against women in transport. Inspired by the agreement for joint action and the activities, the Mayor of Sofia initiated a physical and psychological self-defence course in May 2010 for women working in urban transport, which was attended by over 40 participants. In 2014 the CEO of the electrical transport company organized a course for all trolley and bus drivers on "de-escalation tactics" to prevent violence.

The agreement with the Municipality of Sofia paved the way for agreements in the Municipalities of Varna, Burgas and Sliven in 2013 and Gabrovo Municipality in 2015. A public campaign to raise awareness in urban transport was launched on November 25, 2015 in the four cities throughout Bulgaria where the FTTUB has an agreement in place, and in the national railway company BDZ. Stickers stating 'Stop gender-based violence at work' were displayed on the rolling stock and in public areas. The union called for support for an ILO Convention on violence at work, linking to the ITUC and ITF campaigns for an ILO Convention. The Confederation of Independent Trade Unions of



Bulgaria (CITUB) women's committee members are supporting the effort for an ILO Convention, and plan to systematically lobby the government and employers.

The FTTUB's current programme on violence against women, "Agreements into actions", includes project work, a programme of training on preventing violence against women, and follow-up work on implementation of the municipal agreements. This includes a "Smile for mum and dad" project on violence against women in urban transport in Burgas, and a Sofia Electrotransport project entitled "Cabin secured", to secure the driver's cabin doors on trolleybuses and trams. The FTTUB has linked gender inequalities and gender segregation in the workforce – including in its participation in the ITF campaign entitled "Strong unions need women" – to their work on violence prevention. This recognizes that unequal gender roles and relations are closely connected to violence against women. FTTUB's website has a range of resources, information and campaign materials on gender inequality.<sup>164</sup>

The President of FTTUB (who is also Vice-President of the ETUC Women's Committee and Vice-President of the European Transport Workers' Federation (ETF) and the ITF) has played a key role at the European and international levels in challenging violence against women in the transport sector. When FTTUB hosted the ITF Congress in 2014, violence against women was a central theme of the event. Through its participation in the ETUC's "Safe at home, Safe at work" project, the FTTUB is examining how the union can negotiate clauses on domestic violence at work into existing agreements, and to work with the Municipality of Sofia, the Ministry of Internal Affairs and women's organizations to train workplace representatives to prevent and address domestic violence as a workplace issue.

### **UNI Case Study 1: Action to combat violence at the workplace in the banking/financial sector (Brazil)**

**Unions in the finance sector in Brazil have actively worked to include clauses in collective agreements to prevent physical, psychological and verbal violence and bullying at the workplace. They cover around 500,000 bank workers around the country, where 48 per cent of bank workers are women. Unions are currently working on a Protocol for the Prevention of Workplace Disputes, within the national collective agreement. In a survey carried out in 2015, 12 per cent of bank workers said that fighting sexual harassment was a priority for the annual national round of collective bargaining. Many banks refuse to institute programmes to prevent sexual harassment or to eradicate domestic violence, despite the introduction of the "Maria da Penha" Law 11.340/06, which condemns and criminalizes sexual harassment and domestic violence.**

The national collective agreement between the São Paulo, Osasco and Region Bank Workers Union (CONTRAF/ CUT) and employers includes clauses on the rights of workers regarding health, working conditions and gender equality. Clauses also aim to prevent physical, psychological and verbal violence against workers by employers, managers, colleagues and customers, and to provide compensation for injury or death of staff in the event of armed robberies. The union monitors compliance with the collective agreement, takes direct action when appropriate, conducts research and organizes campaigns directed at both members and the general public. In addition to the national agreement, unions negotiate locally at each bank on specific issues, with negotiations taking place through bipartite committees on Equal Opportunities and Health and Working Conditions, and a Security Committee.

Article 48 of the national agreement mandates the establishment of a bipartite Equal Opportunities Committee, which proposes measures to combat gender inequalities and violence, including domestic violence. This involves developing guidelines for workers, managers and employers

<sup>164</sup> <http://fttub.org/march-8-break-the-glass-walls-en/>

on how to prevent discriminatory acts or attitudes at the workplace and in society. Unions want the Committee to discuss the inclusion of a clause on sexual harassment that would guarantee the job security of victims during an investigation, and to protect the security of victims after an aggressor has been punished. However the banks refuse to discuss these issues. Clause 56 of the national agreement contains a voluntary protocol for the prevention of undesirable workplace disputes, aimed at creating a healthy work environment. This clause ensures that banks deal with complaints about bullying, sexual harassment, violence and poor working conditions. Other union actions include the following.

CONTRAF and bank workers' unions recently launched a campaign against bullying, to raise awareness among workers that sexual harassment is a crime under Law 10.240/2001, and to encourage bank workers to raise cases with the union. The 2016 National Bank Workers Conference approved a list of demands for the 2016 round of collective bargaining, aimed at tackling violence against women. A motion was passed to combat gender-based violence. The motion referred to data on the incidence of violence against women, which in 2015 showed that 50.3 per cent of violent deaths were committed by family members and 33.2 per cent by partners or ex-partners. Between 1980 and 2013, 106,093 women were killed in Brazil. A woman is raped every eleven minutes. An estimated 10 per cent of cases of violence are reported to the authorities.

At a meeting between the Federation of Banks (FENABAN) and CONTRAF in May 2016, the combating of bullying and management imposition of unfair work targets were among the issues most commonly raised. Workers can make complaints of abuse and violence to the union, through the Internet.<sup>165</sup> The union investigates, and if the complaint is well founded, the case is presented to and discussed with management for resolution of the dispute. Bullying accounted for 76 per cent of complaints. Many bank workers have used this mechanism, and the union has satisfactorily resolved many cases. The union also conducts awareness-raising campaigns to fight and prevent

sexual harassment. It produces and distributes leaflets, holds workplace meetings, and organizes protests in the event of confirmed cases.

The major challenge is that banks refuse to take steps to tackle violence in line with that which is set out in the collective agreement, and refuse to discuss programmes to prevent sexual harassment and implement clauses and organizing campaigns to protect women workers from domestic violence. On some occasions, at the request of the union's negotiating committee, employers have publicized the federal government's domestic violence complaints hotline (telephone number 180). The union is mobilizing pressure on the banks to extend the collective agreement to include clauses on combating organizational violence and sexual harassment, and for workplace security.

### **UNI Case Study 2: All India Bank of Baroda Employees Federation (India)**

**The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, has opened up possibilities for unions to contribute to preventing sexual harassment of women at the workplace and to establishing internal complaints committees in workplaces with more than ten employees. This statute replaced the Vishakha Guidelines for prevention of sexual harassment introduced by the Supreme Court of India. The All India Bank of Baroda Employees Federation (AIBOBEF) has established a complaints committee in order to discuss the issue and take action regarding complaints. The lack of information and awareness – as well as social and cultural stereotypes – make it hard for victims to come forward. Likewise, companies lack awareness on how to handle these issues and address complaints.**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act defines sexual harassment to include any one or more of the following: unwelcome acts of behaviour (physical contact and advances); a demand or request for sexual favours; making sexually coloured remarks; and any other unwelcome physical, verbal

<sup>165</sup> <http://www.spbancarios.com.br/Servicos/denuncia.aspx>.

or non-verbal conduct of a sexual nature. The Act requires the establishment of an Internal Complaints Committee, which the union perceives to be very important for implementation of the law and the creation of a well-functioning industrial relations system.

The legislation requires that Internal Complaints Committees include a senior woman manager, and a member from an NGO or association “committed to the cause of women or a person familiar with the issues relating to sexual harassment”. At least half the members must be female. The establishment of a committee may also be a first step for trade unions to play a role in the workplace.

The All India Bank of Baroda Employees Federation participates as a committee member in a recently established Internal Complaint Committee in one of India’s seven zones. The zone is split into four regions and the committee includes participation by a female liaison officer for each region, plus a

female liaison officer covering the whole zone, who has responsibility for monitoring complaints. The committee discusses complaints and forwards them to the senior level of the organization for action in resolving them. However, a lack of awareness and visibility for the issue in the workplace means that women do not always report sexual harassment.

To counter this, the union, including through the sub-regional Women’s Committee, carries out education, empowerment and awareness-raising programmes for women. Networking is seen as an important way to exchange information and share best practice among trade unions.

The union would like to see more awareness-raising programmes in the workplace on employers’ obligations to establish complaints committees, on how sexual harassment can be addressed as misconduct under the rules of service, and on how complaints about misconduct can be made.



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### **UNI Case Study 3: FSC-CCOO (Spain)**

**In Spain, companies with more than 250 workers are required by law to implement an Equality Plan, in cooperation with trade unions. These plans can include clauses against sexual harassment. The Public Service Federation (*Federacion de Servicios a la Ciudadania – FSC-CCOO*) has signed more than 200 Equality Plans that include measures against sexual harassment. Many collective agreements allow for disciplinary provisions in such cases, and the legislation permits legal proceedings regardless of the settlement the perpetrator reaches with the company. One of the biggest difficulties is to convince victims to come forward and make complaints. Another is that the law only covers large companies. The FSC argues that there is a need for comprehensive legislation covering all companies regardless of their size.**

Basic Law 3/2007, on gender equality in the workplace, covers protection against violent acts in the workplace and includes measures to prevent and tackle sexual and gender-based harassment (Article 46). This law requires businesses to promote working conditions that prevent sexual or gender-based harassment, as well as obliging them to implement procedures in practice to deal with reports and complaints from victims (Article 48). In addition, Basic Law 3/2007 requires businesses to provide representation for staff members in the event of harassment proceedings. It stipulates that they are to negotiate with workers' representatives. Furthermore, workers' representatives are required to contribute to the prevention of sexual and gender-based harassment in the workplace, through awareness raising among staff members and management (Article 48).

Basic Law 1/2004, on protection against domestic violence, contains measures aimed at preventing, sanctioning and eradicating domestic violence, including workplace measures that aim to adapt the working situation for victims of domestic violence, in areas such as working hours, transfers, and suspension or termination of employment relationships (Article 21).

More than 200 Equality Plans have been signed in the FSC-CCOO's jurisdiction, with measures against sexual harassment and to prevent domestic violence at work. A "good practice" workplace agreement with Vodafone was brought about when CCOO shop stewards in the company denounced sexual harassment suffered by colleagues. This led to conclusion of an agreement for the inclusion of a Protocol on Sexual Harassment and Harassment for Sexual Reasons within the company's Equality Plan. The Vodafone Equality Plan contains a range of measures to encourage the reconciliation of work and family life, the prevention of any form of discrimination and/or harassment, expansion and enhancement of the participation of women at work, promotion of the effective implementation of the principle of equality between men and women, and ensuring of equal opportunities. The separate protocol on sexual harassment sets out the additional instruments that the Company will implement to detect evidence of harassment and/or discrimination among its staff, including a fact-finding phase and disciplinary measures or dismissal for a harasser.<sup>166</sup> Since Spanish legislation permits legal proceedings regardless of the settlement within the enterprise, the harassed woman worker can also lodge a complaint in court. A woman is awaiting a ruling in one case, supported by the FSC. In addition, the plan contains measures to improve the situation of victims of domestic violence in the workplace.

The biggest difficulties are to convince the victim of the need to complain, to not feel guilty and to know that the union will support her throughout the whole investigation process, as well as to ensure that the enterprise addresses complaints seriously.

Because the legislation is applicable only to enterprises with more than 250 workers, smaller enterprises are not required to draw up Equality Plans. Many of these workplaces do not have a shop steward for a harassment victim to turn to. Enterprises with fewer than 30 workers often have only one trade union representative. It is much more difficult for that one person to demand that

<sup>166</sup> [http://www2.ccoo.es/comunes/recursos/1/doc231128\\_II\\_Plan\\_de\\_Igualdad\\_de\\_Vodafone\\_Espana\\_SAU.pdf](http://www2.ccoo.es/comunes/recursos/1/doc231128_II_Plan_de_Igualdad_de_Vodafone_Espana_SAU.pdf); [http://www.fsc.ccoo.es/comunes/recursos/99922/1951371-Fotografiate\\_contra\\_la\\_violencia\\_de\\_genero\\_\(descargate\\_algunas\\_ideas\).pdf](http://www.fsc.ccoo.es/comunes/recursos/99922/1951371-Fotografiate_contra_la_violencia_de_genero_(descargate_algunas_ideas).pdf)



such situations be investigated or to compel an enterprise to take action – which is why in those cases the victims often end up by leaving their jobs, rather than taking the issue further.

#### **UNI Case Study 4: Industrial and Commercial Workers' Union, ICU (Ghana)**

**In Ghana there is a functioning industrial relations system, a tripartite system and a series of government-funded units on Domestic Violence and Victim Support. However there is still a lack of policies to provide protection against violence at the workplace. The Industrial and Commercial Workers' Union of Ghana<sup>167</sup> has worked to include clauses on sexual harassment in all those collective agreements where the union is present, and provides advocacy and education on this issue. Unfortunately, in many cases there is unwillingness on the part of companies to include these clauses in agreements. In the case of temporary/casual workers such protection is non-existent, since they are not covered by collective agreements.**

The ICU has included sexual harassment clauses in many collective agreements signed with employers. The union undertakes awareness raising and advocacy on sexual harassment and gender-based violence, by disseminating posters and leaflets and through briefings for members. Training courses on sexual harassment and gender-based violence are carried out at enterprise level.

One of the key challenges faced by the union is that affected individuals are often unwilling to come forward openly to name their perpetrators, even though they have been encouraged to do so.

There is an enabling environment and a well-functioning industrial relations and tripartite system in Ghana.

<sup>167</sup> The union organizes in the following sectors: banking and insurance institutions, hotels and restaurants, catering and tourism, retail and commercial undertakings, paper and printing, public boards and corporations, general industries, textiles/garments and leather, metal and automobile, agriculture, and oil and gas.

On the national level, there is a unit – the Domestic Violence and Victims Support Unit (DOWVSU) within the Ghana Police Service – that deals with issues of sexual harassment and gender-based violence. Despite some progress being made, the union believes that there is still work to be done to ensure that there is a good legal framework to tackle violence against women at the workplace, particularly in workplaces that are predominately female and where women work in informal, casual and temporary jobs.

Currently not all collective agreements in the sectors that the ICU organizes contain clauses on violence against women at work. Some employers have been unwilling to negotiate clauses on sexual harassment and gender-based violence in collective agreements. Many women work in jobs with non-standard contracts, as temporary and casual workers, and many of these women are not covered by collective agreements, which makes it difficult to address violence amongst these groups of women workers.

#### **UNI Case Study 5: South African Commercial, Catering and Allied Workers Union, SACCAWU (South Africa)**

**South Africa has a good legal framework on gender inequality, domestic violence and violence at work. Unions have been very active in influencing the legislation and in carrying out awareness-raising campaigns on violence. SACCAWU has been campaigning and carrying out advocacy work to establish company-based women's/gender committees and coordinators to address violence and harassment at work. SACCAWU argues that a legal enabling environment is important, but there also has to be a good industrial relations system.**

Despite a good legal framework on gender equality and gender-based violence, levels of violence against women workers in South Africa are among the highest in the world. Through the Congress of South African Trade Unions (COSATU), UNI affiliates participate in the development of legislation in the tripartite National Economic Development and Labour Council (NEDLAC). Efforts have been

made to ensure that women are represented on NEDLAC and that women's issues are discussed. Unions have successfully contributed to legislation, for example in: the Domestic Violence Act of 1998, which includes serving an interdict (protection order) at the place of work of the perpetrator; the Employment Equity Act of 1998, which includes a Code of Good Practice on the Handling of Sexual Harassment Cases, based on a COSATU Code; the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007, which has been amended twice on the basis of trade union submissions; and the Harassment Act of 2011, which criminalizes sexual harassment. SACCAWU won a landmark victory against a perpetrator (a manager) who was found guilty after the company transferred the perpetrator to another store where he continued to sexually abuse young women workers.

CBA's contain specific clauses to address domestic violence, through Employee Assistance/Well-being Programmes and HIV and AIDS policies and procedures, to assist workers who have experienced domestic violence, rape and sexual harassment. Provisions can include counselling, time off to attend counselling, and sick leave. SACCAWU has negotiated at company level for additional provisions on a case-by-case basis, to ensure that individualized and flexible responses take account of the trauma experienced by victims. On HIV and AIDS, the union has ensured that when a worker experiences rape, the company assists the victim to receive post-exposure prophylaxis (PEP).

Unions face difficulties, as legislation does not compel employers to implement measures to prevent sexual harassment and violence, and patriarchal attitudes prevail in the workplace, where violence is seen as a private matter. Counselling for traumatized workers tends to be limited, with the union intervening by referring victims to NGOs or government institutions with which the union networks. The union ensures that companies keep a list of specialist service providers for referrals. The union has: drawn up domestic violence booklets; carried out regular awareness-raising events during 16 days of action; and provided training to ensure that workers know their rights and that a core group of shop stewards assist workers with applying for an interdict in domestic violence cases. SACCAWU's

women's structure plays an important role in ensuring that gender-based violence is addressed, through campaigns, advocacy and in representing women who have experienced gender-based violence and trauma. The establishment of company-based women's committees and coordinators within SACCAWU has ensured that campaigns are extended down to the workplaces.

A good practice example from the largest non-food retailer in South Africa, Edcon, has an ombudsperson workers can report or discuss cases with. The union takes part in Edcon's Gender Subcommittee of the Employment Equity Committee to ensure that the company addresses gender issues. Edcon also launched the UN Orange Day Campaign on November 25 to break the silence on violence, as part of its corporate social responsibility programme. The company and the union carry out joint training of managers on gender-based violence and how to assist victims, and the company has also appointed dedicated champions at the workplace, at both trade union and management level, resulting in a substantial decline in cases of sexual harassment.

The union wants to see much greater attention given within legislation and collective agreements to issues of confidentiality and sensitivity in handling cases of gender-based violence, in order to build trust and encourage workers to report violence. It also wants companies to take greater responsibility for contributing to the costs of the consequences of gender-based violence, through counselling, assistance with referrals on legal issues, and paid time off for victims to heal and to attend court. In particular, better protection at sectoral/national/workplace level is needed for women in precarious work, particularly those in service sectors, where workers would rather suffer in silence than report incidents. Changing working hours in retail, where workers are expected to work late hours with no access to transport, has contributed to numerous incidents of rape, gang rape and murder of workers. Some companies provide transport when workers work late hours, but the union is currently dealing with two cases of gang rape of two young women members, two murder cases and one assault, due to lack of transport.

## **UNI Case Study 6: Combating violence and harassment at work (Nepal)**

**Unions are involved in campaigns to address workplace harassment, following the introduction of the Sexual Harassment at Workplace Prevention Act of 2015. The Women's Committee of the UNI Nepal Liaison Council (NLC) has been coordinating a range of initiatives on violence against women, including: awareness raising about workplace harassment and how to combat it; implementation of the provisions of the Anti-Harassment Act; and dialogue with unions. Unions participate in awareness raising and advocacy against violence against women, as part of the UNI "Break the Silence" Campaign, in coordination with other organizations, including the National Women Commission. According to the UN, nearly half of Nepali women experience violence sometime in their lives.**

The Sexual Harassment at Workplace Prevention Act of 2015 protects the right of every individual to work in a safe environment. It covers all workers – including contract workers – as well as customers who visit a workplace. The Act imposes duties and responsibilities on employers, including prevention, information to workers, and enabling workers to make confidential complaints. Internal workplace and external complaint mechanisms are set out. Measures are also introduced to protect victims of sexual harassment and create an environment where workers are encouraged to file complaints. However, the existing Labour Act does not contain clear provisions to address violence and harassment at work or misconduct.

The Telecom Employee Association of Nepal (TEAN) has been active in raising awareness with union members about the legislation and in forming Committees Against Sexual Harassment (CASH). The issue is included in workshops and in trade union education programmes, and has been welcomed by trade union members. Despite the introduction of legislation, employers still give insufficient attention to the issue, and violence and harassment at work constitute an important and misunderstood subject. The union argues that workers are reluctant to make complaints. "All the employees know that there

are cases of violence occurring in the organization, but nobody dares to report it." Since Telecom is a partially state-owned public service provider, there are no clear legal guidelines for the employer on how to tackle sexual harassment, provide compensation for victims and punish perpetrators. The union would like to see these issues included in collective bargaining. A good example is a workplace harassment campaign that has been carried out by TEAN and Nepal Telecom (Nepal Doorsanchar Company Ltd.).

The commerce union, UNICOME, has been campaigning to minimize violence against women through a campaign on workplace harassment. Union leaders and officials have been engaged in the formation of Committees Against Sexual Harassment in order to encourage members to report cases of violence. The union identifies the existence of gaps in the legislation, since it does not cover informal workers nor small enterprises (where 70 per cent of all workers work), and there is a lack of guidelines for employers in the sector.

The Nepal Electricity Authority Employees Union has run awareness-raising programmes and lobbied for a safe working environment, and has included harassment as a topic in training, workshops and interaction programmes, as well as through their participation in events and campaigns. Due to the lack of a legal framework for the Nepal Electricity Authority as a state-owned public service provider, the unions and management cannot decide on the legal provisions to address violence and harassment at work.

The Local Government Employees Union of Nepal Kathmandu Metropolitan City is pushing for a CBA to prioritize violence and harassment at work. Awareness raising and training on the issue have been carried out with union members. Kathmandu City is a government entity, and local self-governance guidelines do not contain provisions for cases of violence and harassment at work. The only provisions that exist concern disciplinary and performance-related punishments. As a government body, it is not possible for it to develop its own rules; new legal provisions are needed.

In the finance sector, the Prime Commercial Bank Employees Union reports growing levels of

sexual harassment in various sectors. Unions face challenges, particularly when it comes to respect and recognition from management, and national/sectoral frameworks agreements are absent in all sectors. The Financial Institute Employees Union of Nepal argues that violence at work is neglected, companies do not address the issue, and trade unions do not prioritize it. Victims are unaware of what harassment is and the mechanisms available to them. In the banking sector, front desk workers are regularly victimized by customers, and gender-based discrimination is widespread. The union (NETU) is very concerned about the health and safety of its members, and has been actively addressing violence and harassment at work by pressurizing management to take action, protesting, and creating environments for dialogue between offender and victim. The most difficult issue is the silence of the victim and the lack of knowledge of laws and rights. The union argues that with a proper set of laws and regulations, it would be easier to speak up and take action against the offender, as well as to provide the victim with appropriate compensation.

### **UNI Case Study 7: Psychosocial risks and new technology<sup>168</sup>**

**This case study discusses the potential psychosocial risks of harassment and stress from new technology, including surveillance and monitoring of work. This particularly affects women and men in technology-intensive professional and non-professional roles. Psychosocial stress and ill health result from reduced autonomy and privacy, the surveillance and monitoring of work, as well as intensified workloads. This is leading to employers having unprecedented possibilities to hold and track information about workers, which raises important questions for privacy and data protection.**

UNI Global Union is addressing the rights of workers and the potential risks of harassment in the context of greater use of new technology and online work.

This is affecting many sectors, including health, retail and transport, with the associated new patterns of work such as subcontracted work in the “gig” economy that are impacting on well-being and dignity at work. UNI’s work on new communication and web-based technologies shows that employers are increasingly monitoring work performance, a phenomenon that has been extended to professional, managerial and service-related work. UNI argues that workers in the gig economy – such as Uber drivers – have no basic employment rights, and are at risk of gender and race discrimination and harassment. Long working hours, the intensification of work, greater pressure to reach targets, “cloud working” and expectations that workers are “on call” to respond to emails 24/7 and available to work anywhere (including at home), are resulting in growing levels of poor work/life balance and increased psychosocial risks.

Of particular concern are the new and increasingly common forms of new technology-based workplace surveillance, which have the potential to lead to harassment and stress of workers. New intimate forms of the technology are being introduced in warehouse work environments. For example, a warehouse worker spoke to researchers about a new wearable device introduced in her workplace, which tracks errors, productivity, time spent working and on breaks, and – according to workers – informs management decisions on dismissals. No consultation was held with the relevant trade unions or with workers before the technology was introduced.<sup>169</sup> In professional settings, sensory tracking devices are often provided under wellness initiatives, but have similar implications, enabling management to track performance and activity.

In many countries there is currently little or no reference in collective bargaining to the issue of protecting privacy or technology-related well-being at the workplace. One example of policies agreed with unions is the Renault Group’s charter on the

<sup>168</sup> Many thanks to Dr. Phoebe Moore, Department of Law and Politics, Middlesex University, who prepared information for this case study.

<sup>169</sup> P. Akhtar and P. Moore: “The psycho-social impacts of technological change in contemporary workplaces and trade union responses”, in *International Journal of Labour Research*, (forthcoming; accepted September 2016); P. Moore and L. Piwek: “Regulating wellbeing in the brave new quantified workplace”, in *Employee Relations* (forthcoming; accepted August 2016).



“correct use of data technology, electronic and digital resources”. Similarly, Volkswagen shuts down email servers after working hours, and Daimler has a rule that allows employees to delete emails they receive while on holiday. Due to trade union pressure, the French “Khomri” law was passed in May 2016, requiring employers to set up formal procedures that explicitly allow employees to have personal time without email interference. Company-level bargaining, mainly in large companies, has also focused on access to corporate information and communication resources for union officials and members, as well as bargaining to protect workers’ privacy and integrity in relation to personal matters. Court rulings in Germany have come down in favour of the trade union position that any “secret” monitoring lacking a worker’s consent constitutes an intrusion into that worker’s private life. The IG-Metall union in Germany is looking at the implications of the digital age on employment, in “click work” and “cloud work” environments and related flexible working patterns.

UNI argues that prevention initiatives should include better training for managers to identify and manage risks around poor use of technology and its psychosocial consequences, as well as access to adequate resources to remedy the causes and consequences of the problem, including legal protections. UNI has drawn up a Code of Practice on online rights at work,<sup>170</sup> designed to “establish an internationally recognized yardstick of what constitutes good practice”, and including measures to prevent cyber-harassment at work. It states that “...employee rights to use enterprises’ electronic facilities should be subject to a number of conditions, including that communication must be lawful and not include defamatory or libellous statements; enterprises’ electronic facilities shall not be used as a means of sexually harassing other members of staff or spreading offensive comments or intolerance; and the employer can require a disclaimer when employees are communicating internally and externally, making clear that the views expressed are those of the author alone and not those of the enterprise.”

<sup>170</sup> Available at: [http://www.uniglobalunion.org/sites/default/files/attachments/pdf/OnlineRightsAtWork\\_EN-print.pdf](http://www.uniglobalunion.org/sites/default/files/attachments/pdf/OnlineRightsAtWork_EN-print.pdf)

## **IUF Case study 1: Hotel and Restaurant Workers Union, HRF (Sweden)**

**The HRF represents workers in the hotel and restaurant sector. It reports that sexual allusions, unwelcome physical contact and sexist jargon occur frequently in the sector. Survey evidence shows the great extent of sexual harassment in the sector.<sup>171</sup> Many workers mention a variety of verbal and physical assaults and a brutal culture, where “the guest is always right” and few employers tell guests to stop or ask them to leave.**

When the HRF began championing this issue, the union initially encountered resistance from employers, and for many years the largest employers’ organization took no responsibility for introducing preventive measures. The union was told that by highlighting this problem it was “smearing the sector”. In the service industry the message is that “the guest is right”, which risks causing health and safety problems, stress and an acceptance of sexual harassment. However the union argues that employers have everything to gain in tackling sexual harassment from guests. It enhances the company’s reputation among genuine guests and shows that “we need to draw a more distinct line for what is acceptable; this is a task for all of us in the trade union movement, and for employers and individual guests.” The HRF states that the problem is exacerbated by excessive use of temporary work in the sector. Alongside addressing the problem of sexual harassment, the union is campaigning for secure jobs. It sees a connection

<sup>171</sup> LO’s Equal Opportunities Barometer found that 11 per cent of workers in the sector responded that they have been exposed in the last 12 months to sexual harassment from their bosses, colleagues or others. Many state that they have been harassed repeatedly. More than half of the victims have been subjected to harassment three to four times in the past year, and as many as 15 per cent experienced harassment five or more times in the same period. Temporary workers are more exposed than permanent workers. A survey by a Swedish newspaper, *Svenska Dagbladet*, found that nearly seven out of ten women had been sexually harassed by their co-workers, bosses and guests, including in the form of intimate questions about their private life, unwelcome requests for sex, or sexual innuendo. Staff who are in more direct contact with guests often get harassed, especially in connection with serving alcohol. The harassment can consist of unwelcome physical contact, or sexist questions such as whether the waitress is “included in the bill”. One in five members of the Swedish Trade Union Confederation (LO) says that sexual harassment in the workplace is accepted. This figure is as high as 33 per cent for temporary workers.

between precarious jobs, high staff turnover, poor working conditions, and being exposed to various health and safety problems at work, including violence and harassment. This means that many workers do not report violence and violations of their rights, as they are afraid of losing their jobs.

The union began to work on the issue in earnest in 2014. Until then there had been a strong focus on physical health and safety at work, which often ignored the work environment and harassment. According to the equal opportunities barometer of the Swedish Trade Union Confederation (LO), only 4 per cent state that they have received information from their union on what to do if they are sexually harassed. As the union says, “there is enormous potential for improvement – we could see that from the start. We also want to strengthen our CBAs with regard to the workplace climate.”

The HRF has approached the issue at three levels: locally through safety representatives and shop stewards; centrally with the employer organization Visita (Swedish Association of Hospitality Employers); and by sharing the issue externally in various

ways. The union has trained local and regional safety representatives, giving them more tools for recognizing and dealing with sexual harassment in their workplaces. Many safety representatives have also inquired into whether the employer has active measures available to prevent sexual harassment. In the HRF’s biggest branch, the union demanded numerous local negotiations with employers aimed at either producing preventive policies against sexual harassment, or ensuring that the existing policies were complemented with an action plan or proposals for measures.

The union is clear in stating that the health and safety policy should specify the employer’s stand on sexual harassment, include clear rules and guidelines on dealing with problems that arise, and be implemented in daily activities. It should specify where workers can turn to get help and support, and that the policy applies in the event of a clash of interests between members. According to the Anti-Discrimination Act, employers and trade unions are jointly responsible for preventing discrimination in the labour market.



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The HRF cooperates with Visita in producing health and safety training on problems related to the workplace climate. This project is funded by Prevent (Scandinavia's leading provider of knowledge and training in the field of health and safety). It contributes towards improving knowledge and skills in this field. According to the Anti-Discrimination Act, the primary responsibility for representing members who claim to have been sexually harassed falls on the trade unions. The HRF is also campaigning externally by informing the public about sexism and how it can be prevented. The union raises awareness and highlights discrimination issues in order to build trust – so that members will have the courage to come forward and testify about what they have been exposed to.

### **IUF Case Study 2: Workplaces free from sexual harassment (Zambia)**

**The IUF affiliates in Zambia (Hotel Catering Workers Union of Zambia, HCWUZ, National Commercial and Industrial Workers, NUCIW, and National Union of Plantation, Agricultural and Allied Workers of Zambia, NUPAAW) are participating in an IUF regional women's project to promote workplaces free from sexual harassment. A national coordinating committee on gender equality was established in 2007. One of its principal mottos is "Workplaces free from sexual harassment". Sexual harassment has been highlighted in International Women's Day demonstrations over the years, and in many other trade union activities and actions. IUF affiliates in Zambia have also been lobbying their government for an ILO instrument to tackle gender-based violence.**

Through training and awareness-raising activities, unions have encouraged the victims of sexual harassment and other forms of violence to "come out" and report cases. This has been a long struggle. The unions have found that it is only through the cases that have gone on to court that other victims – often victims of the same perpetrators – have finally had the courage to testify about their experiences.

Two sexual harassment cases brought by women illustrate the difficulties faced in doing so. However, they show the importance of such cases in raising awareness among other women workers and breaking the silence around sexual harassment at work.

A 25-year-old woman worker was repeatedly sexually harassed by the manager of the workplace (a food outlet). The manager would ask her inappropriate questions and regularly told her that he "wanted to have sex with her". When confronted, he started to punish her by giving her heavy and difficult tasks to carry out at work. The union shop steward did not immediately take any action, as the manager was regarded as a "god" and everybody feared offending him. Furthermore, the person in charge of HR was friends with the perpetrator and was unwilling to take up the case. The victim suffered a lot of stress after she was denied support, and in addition did not receive the pay that she had earned. As her employment was casual, she lost her job as a consequence of having exposed him. Following this she took her case to court, but the court case led to acquittal. In the meantime, however, other women workers started to report that they had also been harassed by the same manager, and in the end he was dismissed.

Another food store worker was constantly sexually harassed by the manager. When she refused his advances, he threatened her in various ways. She resisted the threats and made a complaint, which led to a court case. The manager sent the company HR representative to her house to try to make a monetary deal for the complaint to be withdrawn. The victim refused and the manager was taken to court, but the complainant lost. Both she and the manager lost their jobs. In the meantime, other female workers started to report on incidents that they had faced, and it was discovered that sexual harassment was widespread within the company, and used as a route to promotion if the female worker accepted having sex with the manager.

From the above cases it is clear that no well-functioning industrial relations systems were in place –management intimidated both workers and shop stewards. This was possible to a large extent due to the precarious forms of employment prevailing in the companies, which made all workers (including the union representatives) vulnerable



and fearful of losing their jobs. However the victims who lost their jobs contributed to highlighting widespread sexual harassment and other forms of intimidation (non-compliance with maternity protection legislation and rights for workers with family responsibilities) and abusive management methods. The cases show that employers lacked knowledge about their obligations, workers knew little about their rights to be protected against violence at work, and there were no grievance procedures that could be trusted by the workers.

Unions highlight the fact that despite a good legal framework prohibiting sexual harassment, laws and regulations are not well known by workers and employers. Court procedures are lengthy, and unions lack the funds to hire legal representation. Other problems have to do with a lack of training, understanding and sensitivity in the courts in dealing with cases of gender-based violence. As the union says, it takes a lot of courage for a victim to denounce what she has experienced, as it can have a huge negative impact on both family and work relations, sometimes leading to exclusion even when the victim has been restored and obtained redress by the internal procedures or by the justice system.

### **IUF Case Study 3: Union action to prevent and address sexual harassment at work (South Africa)**

**IUF affiliates have been addressing sexual harassment for over two decades. This case study gives examples from IUF affiliates of how sexual harassment has been included in training on occupational safety and health, in union training and education programmes, and in agreements on workplace policies.**

Agricultural workers in South Africa are still suffering from many of the practices experienced during apartheid. The union organization rate is low, as private property laws make access for trade unions very difficult. However, IUF affiliates representing workers in the agricultural sector in South Africa – among them the **Food and Allied Workers Union (FAWU)** and the **National Union of Food, Beverage, Wine, Spirits and Allied Workers (NUFBWSAW)** – have been participating in an

IUF occupational safety and health project run in cooperation with representatives of the Labour Ministry and representatives of some of the more “open” employers’ organisations. The project has provided specific training for regional safety and health representatives, who with the agreement of employers are given access to farms and workplaces. This is a good example of how violence at work can be addressed by specially trained occupational safety and health representatives. The project has contributed to the training of regional safety and health representatives, who have been given access to the farms. Union representatives raise awareness with members on gender-based violence and sexual harassment, which are prevalent on many farms. However the workers’ precarious working conditions and lack of job security make it difficult for victims to come forward.

The **South African Commercial, Catering and Allied Workers Union (SACCAWU)** has a long-standing policy on addressing gender-based violence, including sexual harassment, and this is part and parcel of the union’s training and education programme for union representatives at all levels. Through these efforts, the union has managed to achieve some successful outcomes, in spite of obstacles raised by employers who do not apply or implement negotiated policies. The union has also produced posters and leaflets explaining that sexual harassment is unlawful, and encouraging victims to break the silence and speak out. This work commenced in 1997 when SACCAWU drew up a model proposal for a sexual harassment policy at the workplace. This has been actively used by local SACCAWU unions and is reflected in various company agreements. There is now a good national legal framework in place with regard to sexual harassment. The amended Code of Good Practice on the Handling of Sexual Harassment Cases in the Workplace, issued by the Minister of Labour in 2005, under the Employment Equity Act of 1998: “encourages and promotes the development and implementation of policies and procedures that will lead to the creation of workplaces that are free of sexual harassment, where employers and employees respect one another’s integrity and dignity, their privacy, and their right to equity in the workplace.” The objective of this Code is to eliminate sexual harassment in the workplace. It



provides appropriate procedures to deal with sexual harassment and prevent its recurrence.

SACCAWU has identified three cases that reflect different forms of violence, which clearly show the difference that a union can make in defending the rights of workers exposed to sexual harassment.

- ❑ A woman worker at a butchery department was sexually harassed; the manager made it clear that it was a condition for continued employment that she have sex with him. The woman, who was dependent on this job, reported the harassment to the bogus union at the company, which reached a settlement based on local traditional rules for “damages for having sex before marriage or despoiling a girl”. The condition was that she would never mention the harassment and she was not allowed to raise any further complaints against the perpetrator, who continued to victimize her. The victim heard about and joined SACCAWU, and raised the issue with the union. SACCAWU informed the director of the company, who initiated a formal investigation and grievance procedure. A second worker also reported harassment from the same manager. The company made it clear that this behaviour was not acceptable and the manager was dismissed.
- ❑ A woman worker in the North West – Vaal region was brutally assaulted by a male manager. SACCAWU noted with concern that when the case was reported to the South African Police Service, the police declared they could not arrest the manager since it would mean that the workplace would have to be closed. The union informed a superior policeman, who intervened and the manager was finally arrested and eventually dismissed. Even though the victim herself did not want to pursue a criminal case against the manager, the union continued its public action in this matter.
- ❑ A white man kidnapped an 11-year-old black child from a child care facility in a casino and took her to a place where he raped her. When the man dropped the girl off near the casino, a full-time shop steward and a supervisor at the casino noticed the behaviour of the child and

took care of her. They managed to trace the perpetrator, who was arrested and sentenced for rape, sexual assault and kidnapping. The company has since implemented more stringent security measures. If it had not been for the intervention of a conscious union representative, the man would not have been arrested and the child might not have received any help.

The following examples from IUF affiliates are from the agricultural sector:

- ❑ A union member was sexually harassed by a line manager. The shop stewards filed a grievance on behalf of the member; the shop steward who was driving this grievance was later victimized and dismissed. Thereafter the case faded away. The member remained aggrieved and has since approached the newly elected shop steward about this case. The union has written a letter to management and it hopes that the case might be revived.
- ❑ On a farm that had agreed to participate in the Regional Safety Representatives (RSR) scheme, a foreman violently attempted to have sex with a farm worker. She resisted the attack by fighting back. The perpetrator reported to the office that the victim had been violent and tried to kill him, and she was dismissed. The union challenged her dismissal at the level of the Commission for Conciliation, Mediation and Arbitration (CCMA). The union’s challenge was successful, and the woman was reinstated. The union went on to call for the dismissal of the foreman for sexual harassment and attempted rape, and he was subsequently dismissed on the basis of having committed sexual harassment.
- ❑ In Worcester in the Western Cape, a shop steward filed a grievance against a team leader who sexually harassed a union member who is a lesbian. The outcome of the grievance was that the perpetrator got a 12-month final warning, rather than dismissal as provided for under the company policy. The shop steward and the member are very unhappy, as they believe that if it were an ordinary worker who had been found to have committed a similar

offence, he would have been dismissed, and that the victim's sexual orientation was the reason for the company only giving a warning. Noting that an unfavourable outcome on a grievance does not constitute an unfair labour practice as provided for in the Labour Relations Act, the shop stewards have asked the union to develop ways of ensuring the union carry the case forward.

These examples show the importance of both an enabling legal environment and well-functioning industrial relations systems, where (genuine) trade unions are recognized as the representative of the workers. It illustrates the reactionary forces still prevailing in the agricultural sector, with some of the remaining obstacles being linked to private property legislation, in spite of the fact that farms constitute workplaces.

Despite the difficulties encountered in the agricultural sector, there is a noticeable reduction in gender-based violence seen over the last three years in workplaces that are unionized and where at least one shop steward or safety representative is a woman. The unions have aimed at including as many women as possible in occupational safety and health training courses and in all other activities. This has resulted in a relatively well-balanced gender representation among elected union representatives. This is crucial, as it is a well-established fact that women who are victims of gender-based violence have great difficulty in talking to a male representative about it. The attitude taken by the local police in one of the examples above also points to the need for much more training and awareness raising among the police, and certainly also among other local and national authorities that might end up dealing with complaints and cases of gender-based violence at work.

Significant challenges exist with regard to the failure to respect freedom of association and union access to workplaces. There is a lot of awareness raising still to be carried out on gender-based violence at the workplace level, and in ensuring that relevant and reliable grievance structures are in place and known by all workers and management. One recurrent issue is that victims do not dare to report, and lack confidence in the grievance mechanism. The union

also notes the importance of making sure that there is no retaliation against victims.

#### **IUF Case study 4: Sintrainagro, banana workers union (Colombia)**

**The banana sector in Colombia has long been marked by instances of extreme violence. This example shows the significance of social dialogue between the union (Sintrainagro) and the main banana producer in the region (Augura) in advancing positive labour relations, which has been crucial in creating social peace and anti-violence measures.**

In 1928, when organized workers at the transnational United Fruit Company went on strike, the country's armed forces opened fire on and murdered the workers protesting against the company, which had been exploiting them for three decades with long working hours and low pay. During the 1970s the company relocated the banana plantations to the Urabá region, which was considered one of the most dangerous regions in Colombia. Since the 1980s, relations between employers and workers have been the object of violent actions and violence from armed groups.

In 1988 the Colombian rural workers' union Sintrainagro (*Sindicato Nacional de Trabajadores de la Industria Agropecuaria*) was created, following the merger of two existing trade union organizations. During the 1980s and 1990s, approximately 700 activist workers and union leaders from banana plantations were murdered. Sintrainagro carried out actions to build a strong union that would be a central protagonist on social issues in the region. Likewise, the corporate sector also understood that it was time to pursue an open and democratic dialogue with the workers' union. In 1995, the IUF carried out an international human rights campaign known as *Urabá, somos todos* (Urabá is all of us). This helped to lift the cloak of silence and impunity in the region, and put pressure on the government aimed at increasing the presence of State authorities in a territory under the control of armed groups. Following the retreat of these groups and a decline in the level of violence, Sintrainagro has been effective in organizing members, increasing its membership by over 47 per cent. It has been

the most important organization representing Colombian rural workers, as well as the largest union of banana workers worldwide.

During times when massacres, murders and the massive displacement of hundreds of families were part of the everyday scenario of violence, it was women who suffered the largest share of grief, devastation and abandonment. It was at the times when the banana plantations were lacking male workers that women were recruited to work in the fields. Poor working conditions and a lack of decent work, poverty wages, discrimination and harassment are typical. Today 1,558 women work on the plantations in Urabá, 71 per cent of whom are heads of household.

During the latest collective bargaining between the union (Sintrainagro) and the main banana producer in the region (Augura), it was agreed that each plantation would include at least one female worker, with the purpose of increasing women's participation in banana-related activities. To that end, a training plan for women was defined, implemented through the National Training Service (*Servicio Nacional de Aprendizaje* – SENA). The agreement also includes a provision whereby the uniforms provided to workers on the plantations are to be supplied by dressmakers from the surrounding area, who will also be trained by SENA.

Social dialogue is the means by which the union and the employer have solved the problems and challenges posed for this sector, which is the largest employment generator in Urabá. The CBA between Sintrainagro and Augura benefits 25,000 workers, covering 95 per cent of total workers. Most Colombian workers are not union members, and consequently cannot negotiate better working conditions. In such a scenario, Sintrainagro and Augura have managed to bring about one of the few agreements in the industry ever achieved in the labour history of Colombia. The CBA is a binding document for the 350 plantations where bananas are produced in Urabá. For each production unit, there are oversight committees, known as "workers committees", responsible for promoting compliance with the provisions in the agreements, in addition to handling the everyday problems that come up in the workplace.

Colombia is a country where trade unionism continues to be the object of a variety of aggressions, and the general rule applied in corporate sectors is to not abide by the Constitution or labour laws. Thus, the building of "social peace" in the banana production fields, specifically in the Urabá area, constitutes an experience that should be generalized, as it brings about a new paradigm for relations between workers and employers, while it also calls into question the stigma attached to strong unions by the companies.

### **IUF Case study 5: Examples from four unions in combating discrimination and violence against women (India)**

#### **Imsofer Manufacturing Employees Union (India)**

The Ferrero Kinder Joy and Tic Tac factory in Baramati in India exploits over 1,400 precarious workers on minimum wages. Only 378 workers are directly employed on permanent contracts, while 1,400 are hired through private recruitment companies as casual workers on minimum wages, with no social or health protection. Over 900 (65 per cent) of the precarious workers on poverty wages are women. Precarious employment conditions are related to physical vulnerability – in this case, access to safe transportation – which increases the risk of violence against women. Many workers must travel long distances to and from the factory. The company only provides transport for permanent workers, and casual workers are forced to stand by the side of the road for hours to hitch rides from passing vehicles. This extremely dangerous practice exposes women workers to sexual harassment and sexual violence. The union has fought for improved safety for women workers, an end to discrimination in wages, and equal access to transport. When the union submitted its collective bargaining demands in 2012, management refused to negotiate, with no progress being made after 32 meetings. When management threatened reductions in the workforce, the union launched a series of mass meetings and protests starting on March 25, 2014. The protests continued, despite harassment and intimidation by management. In 2015, an IUF meeting on precarious women

workers was attended by 190 women, as well as by the permanent workers' union committee. There has been progress, with small gains having been achieved, such as transport and a canteen for precarious workers.

### **Progressive Tea Workers' Union (PTWU)**

In 2009, a woman worker who was eight months pregnant collapsed in the plantation on a tea estate in West Bengal after she was denied maternity leave. She was forced back to work by the plantation doctor and management. This was not the first time that women's health rights were denied. The incident brought into focus the systematic and regular violence against women workers by denying them access to maternity rights and health rights in the plantation. In tea plantations in general, women workers – who make up 80 per cent of the workforce in that sector – are more vulnerable to violence both at the workplace and at home. Lack of separate sanitation facilities makes them vulnerable to sexual violence, and the absence of female doctors in the plantation hospital subjects them to potential mistreatment at the hand of male doctors. Furthermore, the common practice of partial payment of wages in non-cash (for example being paid with staple foods for their families), makes women more dependent on the employer and hence more vulnerable to violence.

The workers organized themselves and formed an independent union on the plantation to fight for maternity rights, which is crucial in order to access other rights such as those for health and food. The management did everything to weaken the workers' movement, and declared a lockout. Lockout on plantations means no work for everyone in the family, with no other source of income, food or health care. The workers continued to fight for their rights despite the difficult situation, and in 2011 won the right to freedom of association and collective bargaining. The struggle started at the local level, where workers from the plantation organized demonstrations. Then the IUF started a global campaign for rights of women workers, which gained solidarity from IUF members around the world. The global campaign focused on the supply chain and international solidarity, and put pressure on the company to reopen the plantation after the lockout and respect the union and

workers' rights. A collective bargaining settlement secured maternity rights for all workers, including three months' paid maternity leave and breaks to feed the infants, as well as wages for the lockout period in 2011. This was a historic victory in the plantation sector, where for the first time all workers on the plantation (which employs 70 per cent women workers) won maternity rights, leading to the formation of an independent union. With the continued focus and education on workers' rights, the women workers on the plantation formed a women's committee, which is now fighting for their right to accessible potable drinking water and to sanitation on the plantation where they live and work.

### **Progressive Plantation Workers' Union**

A pregnant woman worker in a tea estate in Assam died due to a doctor's negligence and denial of paid sick leave and proper health care. Five months later there was a second case of denied healthcare rights that led to the death of another woman worker. In 2011, a 55-year-old woman worker was denied proper health care and sick leave after her repeated requests. She was being treated in the company-owned hospital, and was asked to return to work before she could recover completely. She repeatedly asked the doctor and the manager at the plantation to give her paid sick leave. She was threatened and forced to resume work during her illness. She vomited blood and collapsed on the day she resumed work. She died before the doctor attended to her. All her medical reports were seized by the management. The cause of her illness and her death is still unknown, highlighting the poor quality of health care on the tea estate. Workers protested after her death in front of the manager's bungalow. The police and black commandos were called in and started firing blanks and using baton charges on workers, including women workers and children who were returning from school. Management terminated the employment of permanent workers who had fought for their rights on the tea estate, and then declared a lockout, pressed criminal charges against 16 permanent workers, issued a charge sheet and asked them to quit their jobs. The workers had to go underground. One fired woman worker said that "I was the only permanent worker in my family, and after my termination no one in my





family was given permanent work. It is impossible to run the house when work is not given to temporary workers. We are under constant debt." Fifteen fired workers have still not been rehired, are constantly being harassed by the management with threats to force them to vacate the housing quarters, and are under strict surveillance. A health and safety committee has not yet been set up to monitor violations on a day-to-day basis.

### **Gujarat Agriculture Labour Union (GALU)**

The following cases are examples of: how women who are vulnerable economically are sold as property by their families; the lack of social protection for agricultural workers and bonded labour; and increases in their vulnerability to extreme forms of violence.

A 25-year-old tribal woman migrated with her family to do agricultural work in the Saurashtra region. She got married and lived on the farm with her husband. Many times her employer tried to touch her, and when her husband was given money to build a house in the village, she was told she had to

stay and work for her employer. She discovered that her husband would not return – she had been sold to her employer and was unable to leave. She was unaware of any legal protection in her situation.

A 16-year-old woman in Sabarkantha District was told by her family to end her studies, and was taken to another district on the pretext that she was migrating to work for her family. However she was sold by her father to a broker. The broker sexually abused her for a week and later sold her off to a builder, who used her to pay for various bills and contracts by providing sexual favours to officials. She managed to escape and returned to her home, where her father tried to sell her again. She met active members of Shabri Sangathan, the women's committee of GALU, and asked them to help her. Members of Shabri Sangathan came to her home and unequivocally told her father that if he tried to sell her, legal action would be taken against him. Due to these tough words by members of Shabri Sangathan, the father was intimidated and dropped his plan to sell her. She got relief from her father's bad intentions and started doing agricultural

labouring work in her native village, and also helped her mother in domestic work.

In the last few years there have been a number of cases brought to the union's attention in which tribal girls were sold to the Patidar community (a caste). The Patidar community has a very low sex ratio, with insufficient girls in their community to get married to their boys. They buy girls from tribal communities. The conditions for the girls who get married is very bad, as they do all the domestic as well as agricultural work as slaves. The denial of government benefits and land to widows increases their vulnerability. An example is given of a widow with five young daughters, who is an agricultural worker in her village earning a poverty wage. Many days she doesn't get regular work, and has to do casual work. Because of her meagre income, her eldest daughter is forced to work. There are many instances in which they do not have money to buy food. She has to protect herself as well as her daughters from sexual advances from men, an experience that has been very traumatic.

The isolation and economic vulnerability that have forced women to work on other people's land have increased their vulnerability to the risk of violence. Several examples are given of women being repeatedly raped by their employer and threatened to remain silent and subsequently being taken up by the union (GALU). One example is of a woman who was raped by her landlord. She ran away and told her husband about the rape, but her husband asked her not to reveal it because he was frightened the landlord would threaten or kill them. GALU took up their case at the labour department; with the support of the union they hope they will obtain justice.

In a case of bonded labour, the impact of isolation and economic vulnerability forces women to migrate for work and increases their vulnerability to violence. One example is of a woman from a tribal family who worked as a bonded agricultural labourer for five years. The woman was viciously raped in the field, and the perpetrator threatened to kill her if she told anyone about the incident. Out of fear she did not file a police complaint, but lodged a complaint with GALU, which lodged a case in court and hired a lawyer to represent her. During the legal proceedings the complainant was

given a bribe and was threatened so as to call off the case. With support from GALU and the court's legal procedures, the accused was arrested. GALU has filed an application to the Gujarat Human Rights Commission for proceedings under the Bonded Labour Act.

### **IUF Case study 6: Agriculture and Farmers Federation of Myanmar, AFFM (Myanmar)**

**This case study shows the role of the agricultural union, AFFM, in preventing and responding to violence against women in agriculture, and shows how closely the risk of violence is related to economic vulnerability and the precariousness of jobs. There are also incidents of trafficking of women in agriculture that the union has responded to.**

Trade unions are very new in Myanmar. In 2013 the AFFM union began organizing women in the agricultural sector. The AFFM has provided education and training for the workers. On International Women's Day and during the training, women leaders of AFFM have launched activities and campaigns on how to make women who work in the fields safe and secure. The AFFM has a policy in all union training programmes of developing women workers' consciousness against violence. These programmes have a specific focus on sexual harassment and discrimination issues. On average, at the local level (village/township) women represent 30 per cent of the leadership in the union. Having women in leadership roles has been crucial for organizing new women members, and they have worked closely with active women members to protect them from violence.

One of the most common issues faced by women workers in the agriculture sector in Myanmar is equal pay for work of equal value. Women normally get less pay than male workers, although the type of work they do is the same. Almost everywhere in Myanmar, women who work in the agricultural sector are normally paid two-thirds of men's wage. Furthermore, women are rarely hired as permanent workers on the farm. There are a lot of women who cannot get jobs on the farm, and have to work as day labourers in mining projects and are paid less

than men's wages. In Laputta Township, Ayerwaddy Division, 500 women (AFFM members) work in 80 seafood operations, including a soft-shell crab processing factory, as well as in fisheries, while agricultural workers have no fixed job assignments. They have to work all hours of the day and night, on "ad hoc duty". The AFFM has provided education and launched a poster and brochure campaign on equal pay for work of equal value.

This situation has increased the risk of violence against women workers. Sometimes women workers are scolded by their colleagues – the male workers – if there is any delay or lower productivity. Because of a lack of jobs in some regions, such as in Ayerwaddy and Magway Divisions, some women migrate to other places, where their physical or mental safety will not be that found in their own regions or with their families. In the seafood plants, women who refuse to work on ad hoc assignments are harassed verbally or physically and have their jobs terminated.

With regards to the trafficking of women in the agricultural sector, the AFFM has sent letters of complaint to the government and negotiated with officials about trafficking cases. There were six cases in 2015 (four cases have been resolved while the other two cases are still pending). In 2016 the AFFM dealt with fourteen trafficking cases. All of the victims of the trafficking cases in 2015 and 2016 were women. In 2015, a young woman agricultural worker in Moe Mauck Township, Kachin State, was persuaded by her friend and her friend's mother to work in Yan Kyan, China. Later, her family found out that she also had to serve as a "wife" to her Chinese employer. Although her family informed the local authority, no action was taken and her family lost all contact with her. Another example is of a case of five women from a village on the Myanmar–Thailand border, in Karin State, who were persuaded by three labour brokers to work in Thailand. Since they left for Thailand on July 15, 2013, no more contact or information has been received from them. The five trafficked women were not trade union members, but someone informed the AFFM union about them and the AFFM contacted government officials.

## **IUF Case study 7: Union action to address violence against women (Pakistan)**

**This case study of union action to address violence against women gives examples of how unions have responded to cases of sexual harassment at work and of domestic violence, and the rights of domestic workers in Pakistan. It shows the role that unions can play in supporting in cases of violence against women and in shifting company practices and policies on violence at work.**

### **Coca-Cola Union**

In 2015 a female apprentice complained to the human resources management of the Coca-Cola Lahore plant that she had been receiving text messages and calls for two months about dates and friendship, and forwarded messages from a male worker who worked as a water treatment helper. The union President joined the inquiry committee to investigate this harassment complaint. A female officer from human resources carried out an investigation, which found that eighteen more women workers had been subjected to similar harassment by the same man (text messages from the same phone number), but had not make a complaint about it. The union gave its full support to the victimized apprentice. Such cases, when proven, provide a potential penalty of transfer. But the union refused to compromise, and the perpetrator had his job terminated.

A woman working in 2015 as a visual operator (bottle inspector) in the same Coca-Cola plant was walking from one machine to another, when a male foreman worker copied her and walked like her, and then the foreman made offensive gestures behind her. She was not aware what he had done. After the break she was informed by other co-workers about what he was doing when she walked between the machines. She complained to the union and filed a formal complaint to human resources for sexual harassment. The union president gave her full support and demanded that the perpetrator's job be terminated. The management tried to save his job, as he had full support from the Technical Operation Manager and Production Lead, saying that a warning was sufficient because he was senior



management staff. However the union did not succumb to pressure and demanded that his job be terminated. The offender was sacked.

### **Sindh Haryani Union**

Although domestic violence was not part of the agenda for training for Sindh Haryani Union members, the topic ended up being discussed, because there was a woman worker who could not attend the training due to domestic violence. Her husband had broken her arm and she went to the hospital. The discussion started about how women cope with domestic violence. Every participant was worried about domestic violence, and knew women close to them who had experienced it. When the women workers were asked what they do when they heard that a sister in their neighbourhood is being beaten, they said they do nothing. It was also noted that in most cases the assaulted women were accused by other women of being at fault in the assault. At the training session they decided that when a sister is beaten up, other sisters will immediately enter her home and stop the person beating her, and give the sister moral support. Sindh Haryani Union plans to deal with the issue in a sensitive way, because when a wife/sister/daughter faces domestic violence, they think that the husband/brother/father has a right to perpetrate these acts. This way of thinking has developed because from childhood women see other women facing this issue. There are more situations of greater vulnerability that women face during tribal war: "honour" killings and having acid thrown in their faces. In the very initial stage, the union aims to develop awareness that violence against women is an issue and that it should be resolved. The next step is to involve the husband, brother, or father to stop engaging in violence against their daughters, sisters and wives.

### **Massi Union Sindh**

Massi Union Sindh is a union of 80 domestic workers who are in bonded labour trying to work off family debt. Due to poverty, they go to residential areas in the town to do domestic work for families so as to receive *zakat* (charity) during Ramadan. Domestic workers face not only verbal but physical abuse as well. They are not allowed weekly days off nor national holidays. Some members are bound

since their childhood to work with very low wages and long working hours. They need support from the households, consisting in food and charity, or money for their daughter's marriage or for medical expenses. Sindh Massi Union is still trying to increase its membership in order to strengthen the union, and will develop a plan at an upcoming formal meeting.

### **IUF Case study 8: Union action to address sexual harassment and violence (Philippines)**

**This case study gives examples of how IUF-affiliated unions in the Philippines have addressed violence and harassment at work through awareness raising and collective bargaining. Unions regard violence as a key gender equality issue and have put a strong focus on sexual harassment at work.**

#### **SENTRO**

SENTRO (the Center of United and Progressive Workers) brings together the IUF affiliates NUWHRAIN (National Union of Workers in Hotel, Restaurant and Allied Industries), RESPECT (fast food workers), UWCMGCU (Samahang United Workers of Citra Mina Group of Companies Union), FCCU (Federation and Cooperation of Cola, Beverage and Allied Industry Unions) and the Workers' Solidarity Network. It is the biggest labour centre in the Philippines, with over 100,000 members. SENTRO has carried out education and awareness raising on gender inequalities. The SENTRO 2014 National Education Conference agreed that violence against women can be proactively and comprehensively addressed if women, gender and patriarchy are understood and taken up. As early as 1994, SENTRO'S forerunner, the Alliance of Progressive Labour (APL), regularly passed resolutions on sexual harassment and prostitution, prohibiting members from engaging in both forms of violence against women as perpetrators or buyers. SENTRO'S internal seminars and training conducted with the women's committees of unions include understanding the mechanisms for reporting sexual harassment incidents, and having the unions ensure that their leadership has gender sensitivity training, particularly in establishing company-based



“Committees on Decorum” as mandated by the 1995 Philippine Law on Sexual Harassment. The union reports that today you will not hear sexist jokes in SENTRO meetings.

### **NUWHRAIN**

The union has put priority on improving the representation of women, and since the 1980s has included in its constitution a provision for reserved seats for women on its Board. Since the 1990s NUWHRAIN has a Women Workers’ Concern Committee, and women’s committees have been established in unions at the Manila Peninsula, Sofitel, Pavilion and Century Park hotels. All local unions are expected to report on having similar structures with at least three members. NUWHRAIN reports that pregnant women, casual workers and on-the-job trainees are vulnerable to bullying and sexual harassment. Chambermaids are prohibited from cleaning the rooms with the door open, making them very vulnerable to sexual abuse. Specific examples of gender-sensitive policies at hotels like Century Park include provisions for transferring pregnant women to less strenuous tasks without a change in pay. In relation to commercial sexual exploitation of children, NUWHRAIN worked on agreements with a number of hotels to have materials displayed in hotels to curb child sex tourism. The sectoral CBA includes penalties against sexual harassment among peers, even though the national law limits punishable acts to those committed by persons with authority over the victim. The agreement also includes company responsibility to hold seminars on harassment.

### **Respect FastFood Workers’ Alliance (RESPECT)**

The union reports that cashiers in the fast food chain Jollibee are often women on the front line. Many receive verbal abuse from customers and managers and are pressured to look “attractive”. It is mandatory for them to wear make-up, and hiring criteria include having a “pleasing personality”. McDonald’s only hires those aged 20 to 24 years of age. While Jollibee hires older women, they are designated for limited jobs such as cleaning, opening the door or assisting counter workers. They are only paid 60 pesos an hour. Fast food chains such as Jollibee and McDonald’s have high staff turnover, due to the fire-and-hire scheme that makes it

very difficult to organize workers. This policy may restrain women workers from reporting sexual harassment by managers or supervisors. In Jollibee, where most of the women workers who are hired come from poorer families, many are breadwinners. Contract workers have no health insurance. In the kitchen the women are prone to health risks, given the absence of protective equipment. Fast food workers face additional vulnerabilities in going home late at night, making them prone to sexual abuse. The Charity Work policy, which requires all workers to devote additional time to charity work, contributes to this because instead of going home at midnight, the workers leave work at 1:30 in the morning. Those scheduled at closing time, and those who open the stores early at dawn, are also prone to harassment. Since these major fast food companies do not recognize the union, there is no CBA for them to negotiate conditions, rendering these women workers vulnerable to gender-based violence.

Unions have stated that unionization in the fast food industry is a priority, and that there is a need to ensure that women’s protection and safety are on the agenda and that the government monitors workers’ safety and their protection from violence against women. One challenge is that unions deal with multiple issues regarding wages, contract work and occupational health and safety. Unions recognize that women face particular risks of violence in the workplace, and that this is a health and safety issue. They identify the need for greater resources for education so as to ensure zero tolerance to violence against women. Resources should also ensure a sustained gender programme in local unions, with gender officers dedicated to this work who are skilled to respond to cases, support victims, ensure perpetrators are brought to justice, and carry out prevention.

### **FCCU**

Most of the workers at Coca-Cola in Ilagan in Isabela Province are unionized, and most of the members are men. The majority of women work in clerical work and “quality assurance”. The union highlights the importance of having a gender officer in the future with whom women would be comfortable to talk whenever they needed help. The union reports on the following vulnerabilities and cases

in Ilagan and Pamanga. In Ilagan women often have to work late shifts or night shifts, and have to travel to company-provided dormitories close to the workplace. Women do not always feel safe in the dormitories, experiencing “lewd looks” and “stares” from male co-workers (on contract) once they are outside of their workplace, as they walk to their nearby dormitories. Regular workers also sexually harass them with unwanted stares and snide remarks inside the workplace, and with text messages. Some women are called “loose women”. One woman was traumatized when she was attacked at night, but there has been no psychosocial assistance for her in helping her to deal with her trauma. In Pampanga, wooden tables in the office have offensive sexist things written on them pertaining to women’s genitalia, and a woman’s name is also written on the table. The women say that they experience unwanted looks from contract worker loaders. One woman was recently found to be pregnant. People keep talking about her and speculated that the father of her child could be the supervisor or the coordinator, since both reside near her dormitory. They do not know if she is a victim of abuse, since she does not talk much. One woman spoke of her feeling at risk and insecure going home late at night.

### **UWCMGCU**

Almost 90 per cent of the workers work on labour-only contracts, with no pay if they have no work. In Celebes 90 per cent of the workers are women. Among regular workers in Citra Mina, 20 per cent are women. Among contract workers, 60 per cent are women. Women change their names to be able to work again in labour-only contracting. There is a strong patriarchal culture in the tuna industry. Pregnant women are not accepted in tuna companies. There is a high level of occurrence of domestic violence. Women are not able to make decisions in the household. Men patronize the sex industry as buyers. In Calumpang, for example, 90 per cent of clients are fishers. Many contract workers are compelled to engage in prostitution when their contracts are finished. Wives of fishers are also pimped into prostitution and become victims of drugs. There is a high prevalence of HIV/AIDS in General Santos City. There is vulnerability to rape at night, since it is difficult to find transportation

when workers leave the workplace at 11 p.m. When they work overtime, women may leave work at 4 a.m., often without overtime pay. The union has integrated gender discussions into its study circles. The SENTRO policy on sexual harassment has been discussed among members, while the policy on prostitution has been discussed only among the leaders. The main challenge right now is that the union is on strike, and the company has not recognized it.

### **WSN**

The union at Universal Robina Corporation in Cavite stated that the company has 200 regular workers, 50 per cent of whom are women. There are about 1,500 contract workers, of whom around 800 are women. The women are vulnerable to harassment going to and from work, as the third shift ends at 11 p.m. They have received reports of harassment occurring on the road. The incident in 2011 happened on the woman’s way home from work. In 2012, a supervisor sexually harassed a union member. In 2014, a regular worker harassed a contract worker, and in 2015 a regular worker harassed another regular worker. A case of domestic violence was also brought to the union’s attention in 2016. A “Committee on Decorum” has been set up by the union with the company. The supervisor who was the offender in one of the cases was punished, and the regular workers were removed. The Department of Labor and Employment (DOLE) has conducted gender training for management and workers, and union leaders and members attend legal training by NGOs on gender-related laws. The SENTRO policy on sexual harassment has been disseminated among members, while the prostitution policy was shared among leaders. Contract workers are more vulnerable to sexual harassment. Legal support is provided to victims if requested. The union identifies the need for education among women workers, to be able to identify sexual harassment and gather the courage to complain.

## **IUF Case study 9: Korean Women's Trade Union (KWTU)**

**The most common forms of violence women workers face at work are verbal abuse, physical assault, and sexual harassment. In this case study, KWTU gives two examples of recent cases in Korea where the union has supported a victim in pursuing a case under the Act on Equal Employment, a law prohibiting sexual harassment in the workplace. In practice, it is very difficult for an individual to take forward a case of sexual harassment, and workers end up resolving cases with the support of trade unions through collective bargaining.**

**Case 1:** After the Cleaning Department of Inha University was outsourced, a claim was filed of sexual harassment committed by the head of the cleaning department. Via bargaining, workers demanded the firing of the head, and he was dismissed.

**Case 2:** A woman was sexually harassed by a faculty member at the Dormitory Department of Gyeongbuk National University. There was a demand through bargaining to reprimand or transfer him, and the case received media coverage. Cooperating with feminist groups, the trade union held several rallies, which resulted in the university pursuing disciplinary proceedings against the manager and the Head of Dormitory Department, who were transferred to other positions. In March, 2013 the trade union won the "Woman of the Year" prize at the Daegu–Gyeongbuk Assembly of Women. In the same year, the trade union incorporated this success into its CBA, including articles on gender equality (Article 6) and the prevention of sexual assault, violent language and physical attack at the workplace, along with proper countermeasures (Article 29). This included a definition of sexual harassment at work and the measures to be taken by the university to prevent

sexual assault, violent words and physical attacks at the workplace by an employer, supervisor or another worker. Prevention measures include creating a safe working environment, the holding of training courses once a year to prevent sexual assault, violent words and physical attacks, the establishment of a Sexual Assault Counselling Centre to provide mental/psychological treatment and counselling to the victims of sexual assault/violent words/physical attacks, and implementation of grievance procedures against an assaulter whenever the trade union raised an issue.

Other CBAs have stipulated prevention measures against sexual harassment, as well as education on sexual harassment for both employers and union members, as an effective way to raise awareness and protect women. Examples include:

- A CBA in 2013 with Jellabuk-do Provincial Office of Education (Irregular Workers in School), which includes a clause on Prevention and Prohibition of Sexual Assault, Abusive Words and Physical Attacks at the Workplace (Article 84);
- A CBA with Ulsan Office of Education in 2015, which contains provisions for the Prohibition of Sexual Assault, Abusive Words and Physical Attacks at the Workplace (Article 72);
  - The CBA of the Department of Indirectly-employed Cleaners of Incheon Branch provides for education on sexual harassment. Article 6 states that "The management shall provide an annual education on industrial safety and a yearly education to prevent sexual harassment, and shall provide a seven-digit financial support respectively." The union believes that education on sexual harassment for employers and unions is an effective way to raise awareness and protect women.

### **IUF Case study 10: Papua New Guinea Maritime and Transport Workers Union, PNGTWU (Papua New Guinea)**

**The Papua New Guinea Maritime and Transport Workers Union (PNGTWU) represents workers in shipping, as shipping agents, shipping office workers, land transport drivers and fisheries workers. Most women among its workers are in the fisheries sector, where they work at fish factories in three provinces of Papua New Guinea.<sup>172</sup> The most serious form of violence faced by women workers in fish factories is sexual harassment by senior male staff or other men in the workplace. Unions are active in raising awareness, supporting women victims of sexual harassment, and negotiating clauses on sexual harassment in agreements.**

A letter from a woman working with South Sea Tuna Corporation described the problems faced by women, stating that in most cases sexual harassment was not reported to the authorities, to

the management/company or to law enforcement officers. In most cases women are threatened by senior male workers, including threats to their employment, which stops them from reporting cases of sexual harassment.

In recent years women have joined the PNGTWU, and the union branch office is raising awareness of and assisting workers on this issue. The union argues that “now women workers can have equal participation in the industry and be respected”. A major issue that was reported to the union branch office, and to the police under the Criminal Code for further investigation, was of a senior male officer who committed sexual harassment of his junior female officer. Although the police did not arrest or charge him, the majority of women workers are happy they can now have equal participation in the industry, with the help and support of the union branch office.

The union has added 33 sexual harassment clauses in its awards and agreements, to protect women



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<sup>172</sup> Wewak, East Sepik Province, the base of South Seas Tuna Corporation; Madang, Madang Province, the base of RD Tuna Canneries; and Lae, Morobe Province, the base of International Food Corporation, Frabelle (PNG) Ltd., Majestic Sea Food Ltd and Nambawan Sea Food.



members and employers. For example, the CBA with RD Tuna Canneries contains a clause on sexual harassment at work that states that:

Sexual harassment in the workplace is unacceptable and it shall be the mutual responsibility of the employer and the employees to maintain a good and safe working environment free from unwelcome behaviour and to provide fair investigation and avoid reprisal against the complainant.

An employee who believes they are experiencing sexual harassment should report the circumstances to the employee's immediate supervisor/manager or other management representatives immediately after the event or within seven working days of the first occurrence. It shall be the responsibility of the management to investigate a complaint and settle the matter promptly.

All reported sexual harassment cases shall be dealt with by the employer without fear or favour.

The union will continue to improve their awards and agreements so as to protect women members from any form of gender-based violence. The PNGTWU is also proposing to raise greater awareness on violence against women at the workplace.

### **IUF Case Study 11: Coalition of Immokalee Workers, CIW; US Fair Food Program and Code of Conduct for Addressing Sexual Harassment on Farms**

**This case study shows how worker-driven, responsive and retaliation-free enforcement and accountability systems are part of a highly effective approach to combating violence against women. In Florida in the US, a 16-year campaign for the rights of tomato pickers achieved a workplace environment virtually free of sexual harassment. Zero tolerance has translated into near-zero incidence of violence in the fields.**

The agricultural industry has seen downward pressure on farmworker wages, as retailers aim to leverage their volume purchasing power to demand lower prices. Agriculture is a high-risk sector for trafficking, exploitation and violence. Women

in the Immokalee tomato fields, mostly migrant workers from Central America, had frequently been physically and sexually assaulted, including while using transport to get to the fields.<sup>173</sup> In response, the Coalition of Immokalee Workers (CIW) developed concrete and enforceable protections against sexual harassment as an integral part of the Fair Food Program.

Through the Fair Food Program, established by the CIW,<sup>174</sup> a Code of Conduct ensures compliance with international labour standards, with enforceable zero tolerance policies on forced labour, child labour, violence and sexual assault. It includes prohibitions against sexual harassment, the right to report abuses, fair wages and safe working conditions. The Fair Food Standards Council monitors compliance, through regular independent monitoring, with penalties for suppliers who fail to comply, checked through extensive annual audits and worker-triggered complaints resolution systems, which may result in the suspension of a farm's "participating grower" status. Physical forms of sexual harassment have market consequences for the employer, in the form of the curtailment of purchases from participating buyers for at least a three-month period, unless the harasser is fired and other necessary corrective action is taken immediately once the incident is confirmed. When one participating grower failed to respond appropriately to a complaint of sexual harassment, it was removed from the Program. Determined to continue its participation in the Program, and thereby regain its lost sales, the grower chose to engage in corrective action, including firing the crew leader, formulating a sexual harassment policy, and carrying out training.

<sup>173</sup> Human Rights Watch: *Cultivating fear: The vulnerability of immigrant farmworkers in the US to sexual violence and sexual harassment*. (2012) Available at: <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and-sexual>.

<sup>174</sup> The US Fair Food Program is a form of human rights protection known as "worker-driven social responsibility" whereby workers play a leading role in monitoring and protection of their rights. It was established by the Coalition of Immokalee Workers (CIW), a worker-based human rights organization in USA, which has established a partnership between farmworkers, producers, retailers and consumers. There are currently 14 businesses and 17 growers participating in the program.

The participatory health and safety committees required under the Code enable workers to address sexual harassment as part of health and safety in a collaborative process with their employers. A 24-hour call centre for workers to report violations of their rights has been established, with immediate investigation and remediation of cases. Growers agree to participate in a worker education program conducted by the CIW, on company premises and company time. It is based on worker-to-worker education on company time so that “women and men are talking to other women about their right to name and demand an end to sexual harassment and verbal abuse”. The training directly addresses protection against sexual harassment as an important set of rights under the Code. All workers receive a “Know Your Rights and Responsibilities” booklet that focuses specifically on sexual harassment, and a video shown to workers includes a sexual harassment scenario.<sup>175</sup>

The Program and Code provide models for changing the norm for sexual harassment in other parts of the agricultural industry, as well as other industries where women face similarly widespread harassment and violence. A nationwide study of sexual harassment in the workplace by the federal Equal Employment Opportunity Commission (EEOC) Select Task Force<sup>176</sup> (2016) identified the US Fair Food Program (FFP) model as being uniquely effective in remedying and preventing long-standing human rights abuses, including high levels of violence and sexual harassment against immigrant farmworkers. In 2014, the Chair of the United Nations Working Group on Business and Human Rights hailed the Fair Food Program as “a groundbreaking accountability arrangement”. In 2015, the White House awarded the CIW a Presidential Medal in recognition of the Fair Food Program’s “extraordinary efforts to combat human trafficking”.

### **BWI Case Study 1: Violence against brick kiln workers (India)**

**Women comprise 27 per cent of the Indian workforce, with the large majority working in the informal sector. Despite the enactment of legislation on sexual harassment at work, many workplaces fail to offer protection for women workers. BWI affiliates in India have implemented strategies to address the high levels of violence and harassment faced by women working in the informal sector, including brick kiln workers. The union organizes women brick kiln workers, raises awareness about violence, and provides support to victims of violence through the taking up of legal cases.**

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 seeks to protect women from sexual harassment at the place of work. The Act superseded the Vishakha Guidelines for prevention of sexual harassment that were introduced in the year 2007 by the Supreme Court of India. However implementation of the legislation has been very slow, particularly in the informal sector, including in the brick kilns.

Employment in construction, building materials, wood and forestry is largely informal and unorganized. This makes it very challenging for BWI’s affiliated unions. In one sector, the brick kiln sector trade unions have had an active presence. There are an estimated 40,000 brick kilns in India, employing over seven million workers. Work is seasonal in nature, coming to a stop during the rainy season. Each brick kiln employs between 100 and 200 workers, including 30 to 40 per cent migrant workers. The sector is characterized by the use of family labour, piece-rate wages, regular violations of workers’ rights, and deplorable living conditions. Child labour, bonded labour, denial of wages/benefits, inappropriate working conditions and sexual harassment against women workers are some of the problems commonly faced by workers. The situation of women is further affected by a lack of facilities for women, such as separate toilets, changing/nursing rooms or childcare facilities, despite provisions in the law.

<sup>175</sup> Fair food program changes the norm: Confronting sexual violence and harassment in the fields. Available at: [http://ciw-online.org/blog/2012/03/ffp\\_sexual\\_harassment\\_brief/](http://ciw-online.org/blog/2012/03/ffp_sexual_harassment_brief/)

<sup>176</sup> EEOC: Select task force on the study of harassment in the workplace. (2016) Available at: [https://www.eeoc.gov/eeoc/task\\_force/harassment/](https://www.eeoc.gov/eeoc/task_force/harassment/)

The BWI affiliates in India working in the brick kiln sector, specifically in states such as Punjab, Bihar and Uttar Pradesh, come across a large number of problems faced by workers, including cases of harassment and violence against women workers. The unions use a combination of strategies to prevent and address these problems, including awareness raising with women workers about their rights, organizing women and bringing them into self-help groups for mutual aid, and addressing problems through legal assistance and union intervention. Affiliates have reported a number of cases of exploitation faced by women workers at brick kilns committed by brick kiln owners and middlemen. The unions also make use of the media to publicize the cases and spread awareness.

An example of violence at one brick kiln in Saharsa District, Bihar State concerned migrant workers (women, men and children) from Assam and Jharkhand State. In 2014, the Hind Khet Mazdoor Panchayat (HKMP) union received a written complaint from one of the workers, citing exploitative conditions and harassment faced by women workers at the kiln. Union organizers visited the brick kiln and were initially denied entry. The union found out that 44 workers, including 12 women, were working and living in inhuman conditions, with a lack of toilet facilities, inadequate living conditions and (verbal and sexual) harassment that made it extremely difficult for the women to continue working. The HKMP filed complaints to the local labour department, district administration and police, and after five days of continuous follow-up the union was able to free the 44 migrant workers. Legal action was also initiated against the brick kiln owner. This case was also widely highlighted in the local media.

Another recent case of violence in Amritsar District, Punjab State, concerned the death of a brick kiln worker in 2016. His 18-year-old son who was working with him at the time also lost both his legs in this incident. The brick kiln owner did not allow a post-mortem to be carried out, and harassed the widow of the worker. She was forced to continue working at the kiln and received threats against filing a legal case against the owner. The woman worker contacted the union organizer, whom she had met in one of the awareness-raising campaigns

conducted earlier, and shared her case. The union, Bhatta Mazdoor Sabha (BMS), visited the kiln and filed a complaint with the Deputy Commissioner. The woman worker was freed from working at the kiln and the union helped in filing a legal case under the Workmen's Compensation Act, claiming compensation for the death of her husband.

The above are among several cases that the unions come across in their day-to-day work in this sector. The unions often resort to demonstrations, legal actions and involving the local administration, along with the media, to address such severe cases of exploitation and denial of rights. Effective implementation of a legal framework is a major concern. The minimal reach of the law, coupled with cultural assumptions about women's roles, especially in rural and semi-urban areas, leads to harassment of women workers. At several locations the unions have engaged in dialogue with brick kiln owners for the provision of decent wages and proper living and working conditions for the workers.

### **BWI Case Study 2: Agreement on sexual harassment in the woodworking sector (Italy)**

**There have been some success stories in this male-dominated sector, and a long history of union activity to address gender-based violence. This activity has been partly driven through the unions, because a woman heads up the bargaining team and there is an active women's network in the sector. Women represent 30 per cent of workers in the woodworking sector, whereas in the building sector women are 10 per cent of workers.**

One of the most innovative and detailed agreements in Italy on sexual harassment and mobbing is found in the woodworking sector. The agreement, signed in 2015, is evidence of the importance of having key women in negotiating positions, who have driven the issue as a key priority, both within the union and with employers. The agreement includes a detailed Code of Conduct on sexual harassment and mobbing. Following the success of this agreement, the union is currently working towards agreements in the building sector.

The union includes the same code and language in every bargaining proposal, with a view to them being accepted in all areas of the building sector. As the head of bargaining, Mercedes Landolfi, says: “We decided to have a hands-on approach in the bargaining process. Our work started many years ago and we have had recommendations and clauses included in most agreements. It has been simpler to have this code accepted in a sector like woodworking, as this is a sector where there are many women. We collected data showing cases of harassment, violence and discrimination against women – the conditions they work under are challenging. It is a unique agreement: in Italy these codes are usually used at second-level bargaining, but this is a national agreement. We are the first sector in Italy to do this.”<sup>177</sup>

It is interesting to note that the process put in place to reach an agreement started with research to see if there were any other examples at national/European level. It was agreed that a simple but comprehensive Code of Conduct was needed that also spelt out the definitions and solutions that could be implemented and that employers would find acceptable – the unions realized that a complex code would not be accepted by employers.

The Code of Conduct as an annex to the four-year agreement establishes a committee of union and employer representatives that is tasked with raising awareness amongst employers and workers. A key issue for the union is to convince women to make complaints. The agreement requests companies to commit to signing the Code within one year following establishment of the committee. The Code of Conduct in the Woodworking Sector signed by the three sector unions (Feneal-UIL, Filca-CISL and Fillea-CGIL) and the employer federation (FederlegnoArredo) states that “any sexual harassment or mobbing behaviour, as defined below, is unacceptable. Men and women workers are entitled to being treated with dignity and their personal freedom must be respected. Men and women workers are entitled to report any threatening behaviour or retaliation against them in the workplace and resulting from hostile or

offensive behaviour. All men and women workers are entitled to a safe and reassuring workplace that fosters interpersonal relations, on an equal, fair and respectful basis. Furthermore, men and women workers and companies must both contribute to maintaining a work environment where everybody's dignity is respected and interpersonal relations are encouraged, on the basis of the principles of equality and mutual respect.” The parties to the agreement agree to widely disseminate the code of conduct within the manufacturing sites.

The Code gives a detailed definition of sexual harassment and mobbing, and gives examples of the different forms that it takes. It sets out the roles of the Provincial Counsellor for Equal Opportunities and the Company HR Manager or other designated person. The agreement contains provisions for an informal procedure and arbitration by mutual consent, and formal procedures to be implemented in cases of sexual harassment and mobbing. Prevention and awareness-raising activities are also specified relating to training of managers, dissemination of information to workers about procedures, and joint employer/union monitoring of the code.

The union is now prioritizing work to implement territorial and company-level agreements, and to engage in dialogue with companies. This is particularly important as the economic crisis has led to changes in work organization, leading to more violence. The union is working with companies to raise awareness about their corporate social responsibility obligations, on the basis that it is good for the image and reputation of companies, especially when they are listed on the stock exchange. However this is much more difficult to do in small companies.

<sup>177</sup> Interview with Mercedes Landolfi, Gender Officer, FILLEA CGIL (Building and Woodworking)



### **BWI Case study 3: United Steelworkers, USW (Canada)**

**The USW represents more than 225,000 members in Canada, in a wide range of industrial sectors. In 2014, the USW joined with other affiliates of the Canadian Labour Congress (CLC) to undertake the first pan-Canadian survey of workers' experience with domestic violence.<sup>178</sup> The results showed that domestic violence can have a significant negative impact on work performance, job security and workplace safety. Motivated by the survey results, the USW is part of an ongoing, multi-union initiative led by the CLC, and has begun moving on bargaining, workplace advocacy, political action, workplace cultural change and anti-violence training, supported by policies adopted at the USW 2016 National Policy Conference.<sup>179</sup>**

Workplace representatives with responsibility for bargaining have been briefed about the survey results, and have sample language to include in agreements.<sup>180</sup> To date this language has been added to three USW collective agreements.

In July 2016, two USW women representatives attended a CLC-sponsored train-the-trainer workshop, and are now qualified to deliver workshops for domestic violence “first responders” in the workplace. First responders are trained to be knowledgeable about the warning signs of domestic violence, to hold respectful conversations with members who display warning signs, and to establish a connection and offer support, including referrals to qualified service providers in the community. The USW intends to send other participants to future train-the-trainer events, and

in 2017 to offer first responder workshops to create peer support resources within local unions.

The USW recognizes the importance of better laws and social programmes to address violence. Canada does not yet have a national action plan on violence against women (NAPVAW). The USW has helped fund the Canadian Network of Women's Shelters and Transition Houses to develop a “blueprint” for the creation of a comprehensive NAPVAW. Since the blueprint's launch in mid-2015, the USW has engaged its members in lobbying their elected politicians, asking them to follow the blueprint and create a NAPVAW. USW representatives also propose anti-violence measures under provincial, territorial or federal laws. The USW has called for the addition of domestic violence leave of absence language in the review of labour standards legislation in the Province of Ontario. The USW also participates in discussions about amendments to federal employment insurance regulations. USW has actively supported the call – led by the Native Women's Association of Canada and other Indigenous organizations – for a national inquiry into the catastrophic rates of missing and murdered Indigenous women (MMIW) in Canada. It is an example of the racialized and gendered nature of violence, which is not confined only to the workplace.

Led by the USW National Women's Committee, presentations to local and regional meetings are planned, to encourage individual behavioural change to eliminate gender-based violence, along with attendance at community events marking the National Day to Commemorate Missing and Murdered Aboriginal Women, and the National Day of Remembrance and Action on Violence Against Women. Other plans include training members on human rights and anti-bullying/violence, and becoming domestic violence first responders, as well as lobbying for better laws, policies, and funding for women's shelters.

The USW provides workplace-based training to counter harassment, violence, and sexual violence in the workplace, sessions of which were attended by over 3,500 workers between 2013 and 2015. Employers arrange with the union to provide the training – often as the result of agreement-renewal bargaining or the settlement of a particular

**178** Canadian Labour Congress: *Can work be safe, when home isn't? Initial findings of a pan-Canadian survey on domestic violence and the workplace* (2014). Available at: [http://canadianlabour.ca/sites/default/files/media/dvwork\\_survey\\_report\\_2014\\_enr.pdf](http://canadianlabour.ca/sites/default/files/media/dvwork_survey_report_2014_enr.pdf).

**179** For further information, see: <http://www.usw.ca/act/activism/women-of-steel>

**180** Model clause language: “leave of absence to attend to the legal/financial/medical impacts of domestic violence; protection from discipline if attendance or work performance suffers as a result of domestic violence; accommodations to schedules and other work rules; safety planning; and confidentiality and other workplace policies.”

grievance – and participants attend during paid work time. In some jurisdictions, this training is part of the employer’s legal obligation to provide a safe workplace. The USW strongly believes in peer-based education. Whenever possible, members themselves are equipped with the skills and confidence to facilitate courses, make presentations, and lobby politicians. In addition, the union sees a growing awareness in society and popular culture of the need to address the root causes of violence, as well as a growing willingness to speak out against violence in all its forms. Through engagement with the CLC-led initiative on domestic violence and the workplace, the USW has also developed greater appreciation for the existence of a healthy, effective network of women’s shelters and related support services.

#### **BWI Case Study 4: *Unión Obrera de la Construcción Argentina, UOCRA (Argentina)***

**In Argentina violence in the workplace – principally concerning psychosocial risks of bullying and sexual harassment – is a growing phenomenon that is affecting women workers in particular. The construction union UOCRA has mobilized to address gender-based violence in the construction sector. Despite a good legal framework on gender-based violence, there is no specific legislation that focuses on violence in the workplace. This example shows how gender-based violence has been prioritized by a construction union in a male-dominated sector, where growing numbers of women are working. This focus has helped to increase women’s union membership and the number of women in union decision-making positions.**

According to the UOCRA, these risks of violence arise principally from problems concerning the organization of work and working relations, an asymmetry in power relations, lack of freedom of association and violation of decent working conditions. According to the Advisory Office on Workplace Violence (OAVL), complaints of physical violence, mobbing and sexual harassment have grown significantly. In 2015, the OAVL received

more than 9,000 inquiries regarding mobbing and harassment, of which nearly 70 per cent of the victims were women.

By decision of the national leadership of UOCRA, gender parity and equality is a policy priority, and gender issues are cross-cutting throughout all union policies. The greater inclusion of women workers in the labour market in the construction industry has led the union to develop the UOCRA Women programme, which promotes gender equality in the workplace. Through the programme, gender-based violence is addressed with the use of workshops and talks for women workers in the UOCRA social network and through continuing education, vocational training workshops, and specialized trade union training for young people. The programme has a positive impact on women’s roles as members of the Executive Committee and as delegates and affiliates. The training has raised awareness about gender equality at work and women’s participation in trade union activities at all levels, and has strengthened women’s roles in negotiating collective bargaining agreements in areas such as gender-based violence, health and safety, balancing family and working life, and awareness of eco-sustainable activities.

In the area of gender-based violence, the union has participated in the well-known national call for “*Ni una menos*” (“Not even one woman less”), mobilizing nationwide against femicide and gender violence. It has engaged in a variety of programmes and actions against gender-based violence and discrimination, and has a multidisciplinary team working on the impact of addiction at work. The union also engages in actions within the institution “*Construir salud – OSPeCon*” (Building health), which provides medical assistance to workers and their families and includes approved protocols for doctors and nurses to detect all forms of violence against women, whether in the workplace or at home, on the street, in the neighbourhood or elsewhere. The union’s General Secretary has actively campaigned at the international level for effective implementation of the Law on Protection of Women.



### **BWI Case Study 5: Union action on sexual harassment (Philippines)**

**In the late 1980s and early 1990s, the trade union Lakas Manggagawa Labor Center (LMLC) recognized the issue of sexual harassment in the workplace, through its Women's Committee and its affiliate federations. It carried out awareness raising, collected cases of sexual harassment, and campaigned and lobbied for legislation on the issue, including the presentation of a draft bill in cooperation with SALIGAN, an alternative labour law office. The Anti-Sexual Harassment Act of 1995 was landmark legislation and gave recognition to unwelcome sexual harassment in the workplace, and in educational and sports institutions. It is important to note that because of lobbying and awareness raising by Philippine trade unions, sexual harassment has become an occupational safety and health issue in the workplace and is now recognized by employers.**

After the law was passed, most trade unions in the Philippines, in both the public and private sectors, agreed on a "Committee on Decorum" inside their companies to investigate and resolve cases of sexual harassment, as stipulated in the Law. The Department of Labor and Employment (DOLE) issued Administrative Order 68 as a model for this Committee for private sector workers, and the Civil Service Commission (CSC) did the same in the public sector. Importantly, the law specifies that the "Committee on Decorum" shall consist of representatives of management and workers/unions, and contains details of the investigation process and that for resolution of cases.

Unions have been involved in significant awareness raising for members on the Anti-Sexual Harassment Law, which has led to several cases being filed and resolved inside companies. The main trade union federations (ALU, FFW, KAMAO and NFL) have carried out campaigns and awareness raising on sexual harassment. They have provided support to victims in resolving sexual harassment cases through the establishment of the Federations'



Women's Committee. However, in the courts most sexual harassment cases are dismissed because of a lack of witnesses, and in many cases women victims do not report cases for fear of retaliation from an immediate superior, or of ridicule/mockery.

The National Union of Building and Construction Workers (NUBCW) has addressed sexual harassment through implementation of the Non-traditional Skills Training Project (2004–2010), which includes issues of sexual harassment and HIV and AIDS in the curriculum as part of occupational safety and health. One day of the training covers gender awareness raising. The issue is also included in the NUBCW's youth orientation and gatherings. NUBCW local unions in the formal sector include the issue of HIV/AIDS in their CBAs, and NUBCW has established a legal body to support labour cases, although to date no sexual harassment cases have been filed.

BWI affiliates, along with other unions in the Philippines, consider discrimination against women to be a form of violence against women in the workplace. As a result, laws related to gender equality and violence against women need to take violence in the workplace into account (for example the Magna Carta of Women, the Reproductive Health Law and the Anti-Violence Against Women and their Children Act). The NUBCW and the Associated Labour Unions (ALU) were on the front line in the campaign for passage of these laws, spearheaded by their women's committees. Almost all of the BWI affiliates have institutionalized a support mechanism for women victims of violence, whether within the union or through networking with other concerned groups (women's groups, legal and counselling bodies, government agencies). One of the challenges raised by unions is that Philippine culture has long tolerated and even encouraged sexual harassment: many women are afraid to lose their jobs or that they will be victimized if they report cases – for example by falsely failing a subject in school/college.

The Anti-Discrimination Bill for the protection of the LGBT sectors was filed in the Senate in 2016. The bill has been repeatedly filed in Congress since the 1990s. There has been strong opposition from the religious sector, particularly the Catholic Church leadership. The bill is considered under the principle of "harassment against discriminated/

protected groups: any conduct towards somebody based on their age, disability, HIV status, domestic circumstances, sex, sexual orientation, gender reassignment, ethnic background, colour, language, religion, political opinion, trade union affiliation or other opinion or belief, national or social origin, association with a minority, property, birth or other status that is unreciprocated or unwanted and which affects the dignity of women and men at work." During the filing of the previous bills, ALU and NUBCW showed strong support by campaigning for them across all levels of the unions, joining national mobilizations and lobbying legislators along with other interest groups.

### **ITUC Case Study 1: Violence against workers (Indonesia)**

**In Indonesia women are particularly at risk of violence in female-dominated sectors. This case study gives two examples from the trade union confederation *Konfederasi Serikat Pekerja Indonesia (KSPI)*, of union busting of *Dunkin' Donuts* union leader, and of the abuse of Indonesian domestic workers in Malaysia. Government has given attention to reducing gender-based violence and combating human trafficking. A national coordination mechanism for addressing gender-based violence exists within the Ministry of Women's Empowerment and Child Protection (MOWECP) and the National Commission for the Elimination of Violence against Women (Komnas Perempuan).**

At their 2012 congress, the KSPI set for the first time the goal of combating violence and discrimination against women, as well as that of raising awareness and building women's leadership. The fight against discrimination concerned: women needing to get permission from husbands and families in order to work and get access to productive employment; the appropriateness of work; the burdens on working women with responsibility for children and domestic duties; discrimination in job requirements; lack of skills or education; costs, including informal fees in order to obtain a job; vulnerabilities faced by home-based workers; and sexual harassment against women in the workplace. Women face daily risks of violence and harassment in women-



dominated sectors such as textile/garments and food and beverages. Their jobs are low paid and labour intensive, and in these sectors workers have not benefitted from government-mandated minimum wage increases.

### **Union busting at Dunkin' Donuts**

Through its Indonesian franchise, the US company Dunkin' Donuts has opened more than 200 restaurants throughout Indonesia. The management of the company does not allow workers to join a union, and has engaged in union-busting activities. Despite high levels of customer satisfaction, workers have struggled to achieve decent working conditions. Unsafe workplaces, low wages, long working hours without payment, precarious work, bullying and harassment are common experiences for the predominantly women workers. One woman's struggle starting in 2011 to address injustices faced by workers in the Jakarta restaurant led her to organize 700 workers. Workers who joined the union were labelled as bad workers and faced harassment, bullying and termination of their jobs, and ultimately this led to the closing of the Jakarta outlet. Union advocacy and campaigning continues through her union, Aspek Indonesia, as well as the KSPI. Despite the fact that Indonesia has ratified ILO Conventions No. 87 and No. 98, and has passed legislation on freedom of association, implementation is very weak. This example shows that workers can be organized even where there is resistance from management. It also shows the importance of building sound industrial relations and government supervision to ensure the fundamental and basic right to organize.

### **Abuse of migrant women domestic workers in Malaysia**

Many Indonesian women migrate to work as domestic workers in Malaysia. In June 2013 the Malaysian Ministry of Human Resources reported that there were 180,000 documented migrant domestic workers in Malaysia.<sup>181</sup> As an example, a woman migrated to Malaysia at the age of 19 to seek work as a domestic worker in the house of a Malaysian couple. She suffered at the hands of her

employers, to the point where she brought them to court. She had been brutally beaten, severely burned with an iron, had boiling water thrown on her, and mistreated in a multitude of other ways over five months. She brought them to court in 2004 over the abuse that they inflicted, and fought tirelessly for four years to bring them to justice. She was forced to stay in Malaysia in order to continue proceedings, sheltered by the Indonesian embassy, and frequently faced difficulties and hardships, such as humiliating court proceedings. As was noted in the US Trafficking in Persons (TIP) Report of 2008, she has become an inspiration for other victims of trafficking in the pursuit of justice. The court allowed compensation of expenses incurred for accommodation, food and drinks, and loss of income, and sentenced her employer to 20 years in prison, later shortened to 12 years. Advocacy was carried out by Unimig, the union of migrant workers, which is affiliated to Aspek Indonesia, an affiliate of the KSPI confederation. In 2008 she was given a Trafficking in Persons Report Hero Award, in recognition of her efforts to fight back against people who enslave others. She filed a civil suit in 2010, and won that case in November of 2014. This example shows the importance of strong industrial relations, mutual agreement for the protection of domestic workers between the sending and receiving country, the importance of legal measures to address illegal and unethical recruitment practices, an international standard to protect workers from violence, and ratification of ILO Convention No. 189.

### **ITUC Case Study 2: CUT "Gender Agenda" campaign (Chile)**

**In 2012 the *Central Unitaria de Trabajadores de Chile* (CUT) launched a highly successful "Gender Agenda" campaign. The campaign has focused on five principles: violence at the workplace and home; information about women's rights; child care; sharing of family responsibilities (C156); and equal pay. In relation to the eradication of violence against women at work, the campaign sees as especially urgent the need for response mechanisms and effective sanctions against perpetrators. The campaign has been**

<sup>181</sup> For further information, see: [http://www.ilo.org/jakarta/info/public/pr/WCMS\\_421136/lang--en/index.htm](http://www.ilo.org/jakarta/info/public/pr/WCMS_421136/lang--en/index.htm)

**successful in raising awareness of violence at work, and has encouraged women to report cases of sexual harassment and violence.**

In preparation of the campaign, the union held a series of consultations and workshops to gather information about violence at the workplace, and analysed national legislation and international standards. A report was published summarizing the main reflections and proposals, along with a Workshop on Equality held in 2013.<sup>182</sup> This called for improved legislation to criminalize and punish sexual harassment and mobbing, and to eradicate these practices in public and private employment. For example, in the public sector this should include adjustments in the procedure for investigation, administrative proceedings for making complaints, and/or regulation of special procedures. The report cites the importance of international norms, including ILO Convention No. 111, CEDAW and the Convention of Belém do Pará, which obliges governments to adjust their policies and regulations to combat sexual harassment.

A key element of the campaign strategy has been to build a broad alliance with feminist and women's rights groups and with students, with a specific focus on violence. The campaign aims to inform and engage the government, the President of Chile, relevant ministries (labour, health and women) and employers. It is reaching out to all women, including women in paid employment and women without a paid job, and is gathering information from women on how violence impacts their lives. Boxes have been left in public spaces where women can post their responses to a questionnaire, describing their experiences. Another campaign activity is to give information and raise awareness among the public about how violence affects women –through the media and at events and meetings with various stakeholders.

In the public sector, a campaign manual was drawn up entitled *Guidelines for prevention of harassment directed at public sector workers from a gender*

*perspective*,<sup>183</sup> which focuses on how violence affects women at the workplace, the types of violence experienced by women, and information on how to identify these forms of violence.

The campaign has had a significant impact, with more women filing complaints about sexual harassment and violence. The campaign has been effective in encouraging women to report cases (as a result of an increase in public awareness and the greater willingness of politicians to act). This has led to an awareness that violence at work is unacceptable, while before it was considered “normal” or part of the working culture and the prevailing social norms. There has also been a high level involvement of women in unions under the current labour law reform process.<sup>184</sup>

Despite these successes, there have been inevitable challenges. Because of Chilean culture and social norms, women were not aware and did not consider certain behaviour of male colleagues and superiors at work to be sexual harassment – for instance touching a woman every time when talking to her about work, standing very close to her, or making remarks about her appearance. However this national trade union campaign has helped to raise awareness among women about what types of violence exist at the workplace and what actions they can take. It was a prominent campaign, run and fully supported by the leadership of CUT Chile. What helped in particular was that the General Secretary of CUT is a woman, and the women's committee/structures used this as an opportunity to get the full endorsement of the leadership to launch such a prominent campaign. Despite Chile having good legislation, CUT is clear that a broad-based information and awareness campaign was necessary in order to inform women about the different aspects of violence and encourage them to file complaints.

<sup>182</sup> Central Unitaria de Trabajadores de Chile: *Agenda de género de la Central Unitaria de Trabajadores* (2014). Available at: <http://www.comunidadmujer.cl/wp-content/uploads/2014/03/Agenda-CUT-2014.pdf>

<sup>183</sup> <http://www.serviciocivil.gob.cl/content/lanzan-gu-para-la-prevenci-n-del-acoso-laboral-en-el-sector-p-blico-elaborada-con-apoyo-del->

<sup>184</sup> <http://www.cut.cl/pdf/Analisis-Proyecto-de-Ley-de-Reformas-Laborales.pdf>

### ITUC Case Study 3: Sexual harassment report by the Solidarity Center (Honduras)

*Note: This case study will be updated when more information is provided by the unions in Honduras.*

**In July 2014 the UN Special Rapporteur on Violence Against Women noted that violent deaths of women in Honduras had increased 263.4 per cent between 2005 and 2013. The Special Rapporteur raised numerous concerns regarding the high levels of domestic violence, femicide and sexual violence. In some sectors, women workers are also vulnerable to rights abuses such as the denial of maternity leave, forced pregnancy tests, and sexual harassment or violence at work.**

A report by the Solidarity Center<sup>185</sup> (AFL-CIO) found disturbing levels of sexual harassment against women in Honduras. In the *maquila* sector, where 80 per cent of workers are women, a group of workers reported that their co-workers had been subjected to sexual harassment by a manager: “We realized two months ago that the new production engineer has sexually harassed two co-workers, one of them is 24 years old and the other one 26, and both girls are very shy and scared, both girls have been touched up and have been offered promotions if they have sex with him. They still haven’t made a complaint against the engineer; the last we knew, they were thinking about telling the president of the union so that she would help them, but they are very afraid of losing their jobs. In our company it is the first time this type of sexual harassment occurs.”

Another group of workers from the agricultural sector also reported cases of sexual harassment in the workplace, the most recent of which was two years ago. They stated that: “the manager of the farm took a temporary worker into the bathroom and was touching her, when one of the members of the union realized and told the owner of the farm and asked that he be fired. The owner didn’t want to fire the manager, but since the union members kept insisting, the owner did fire him.” A second group of

workers from the agricultural sector stated that “on the farm where we work there was a case of sexual harassment seven years ago. The harasser was the foreman of the farm. He made inappropriate proposals to our co-worker, and because she rejected him, the foreman got it in for her. The foreman always complained about the work that she did – he always said that it was bad, that it didn’t work, that she had to do it again because it was bad. She complained and complained, and our boss did nothing. In the end, the only thing they did was transfer the foreman. He wasn’t fired, and that was all the company did.”

The report found that the government of Honduras continues to be non-compliant with international norms,<sup>186</sup> and that the Ministry of Labour and Social Security does not supervise the companies operating in the country, or ensure that they comply with the guarantees and rights that are granted to workers under the Constitution,<sup>187</sup> that no woman should be discriminated against through sexual harassment and that she have the right to dignified treatment and not be sexually harassed – above all not by her employer or his representatives.<sup>188</sup>

The report recommended that the State of Honduras, through the Ministry of Labour, the General Labour Inspectorate and the Woman’s Institute, conduct monitoring and inspection of worker–employer relations,<sup>189</sup> that dates be set for work inspections of all the companies operating in the country, and that they be conducted with the objective of interviewing a randomly-selected majority of women working in said companies, to verify and ensure that women aren’t being subjected to sexual harassment. Should sexual harassment be found, whether it be by the employer or his representatives, and/or by workers, they should be required immediately to comply with Article 30 and 76 of the Rules and Regulations

<sup>185</sup> Solidarity Center: *Maternity and equality: A report based on fieldwork in Honduras*. (September 15, 2015)

<sup>186</sup> Article 138 of the Honduras Constitution and Article 24 of the CEDAW.

<sup>187</sup> Article 60 of the Honduras Constitution

<sup>188</sup> Articles 20(12) and 30 of the Rules and Regulations of the EOWA and Article 1 of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, the “Belém do Para Convention”.

<sup>189</sup> Article 591(4) and (5) of the Honduras Labour Code.

of the Equal Opportunity for Women in the Workplace Agency.

### **ITUC Case Study 4: Negotiating to prevent domestic violence at work, ACTU (Australia)**

**This case study documents the impact of domestic violence on the workplace and the role taken by unions during the period from 2009 to 2016. Preventing and addressing domestic violence at work has become a standard right at work, based on the concept of a model clause developed in response to growing recognition that workplace support was critical for survivors of domestic violence, and that employer-led, voluntary, policy-based responses had not produced widespread or sustainable results.<sup>190</sup> The National Plan to Reduce Violence against Women and their Children, 2010–2022 recognizes the workplace as a critical setting to promote community involvement, implement primary prevention strategies, and advance gender equality.**

A model clause was formulated in 2009 by the Australian Domestic and Family Violence Clearinghouse and the NSW Public Service Association, providing dedicated paid leave, confidentiality of worker details, workplace safety planning, processes for referral to domestic violence support services, provision of training to key personnel, protection from discrimination or adverse action, and the right to flexible work arrangements. Dedicated paid leave was included, to enable workers to attend court and legal appointments, along with accommodation and other aspects that were not covered by other leave entitlements. Legal protection for the individual, their family and their workplace was considered essential because of the evidence that the risk factors are accelerating dangerously when abuse in the home becomes stalking in the workplace. In addition, requesting domestic violence leave should trigger a conversation at work about any safety measures or plans required.

<sup>190</sup> S.E. Murray and A. Powell: *Working it out: Domestic violence issues and the workplace*. ADFVC Issues Paper 16 (2008).

These entitlements were incorporated into ACTU Congress Policy in 2012 and all affiliates were urged to include a domestic violence clause in their standard list of claims. By March 2016 there were 1,234 current union agreements with a domestic violence clause, covering 1,004,720 workers,<sup>191</sup> and all but one state-level Australian government has extended paid leave and other provisions to their public servants. Agreements cover a broad range of industries, including retail, public transport, banking, education, manufacturing, airlines and maritime transport, and include some of the country's largest employers. For example, National Australia Bank offers unlimited paid domestic violence leave if needed to its 43,000 workers (June 2013, incorporating this into their enterprise agreement in July 2014).<sup>192</sup>

At the 2015 ACTU Congress, Australian unions established the goal of 20 days dedicated paid leave through collective bargaining for workers experiencing domestic violence. This has been achieved in 61 federally registered agreements. The inclusion of domestic violence provisions in collective bargaining is growing at a rapid pace. For example, the Victorian branch of the Construction, Forestry, Mining and Energy Union has included ten days leave at the minimum award rate in approximately 500 collective agreements, and expects to increase that to around 4000 agreements in its next round of negotiations. However, the inclusion of domestic violence leave in bargaining does not protect all workers,<sup>193</sup> owing to the high degree of variability with respect to its actual outcomes. Australian unions are seeking to address these issues by establishing a legal entitlement to ten days paid domestic violence leave per annum, and two days unpaid leave for all workers (including casuals), through the modern award system. If successful, the ACTU's claim will provide a national minimum standard directly benefiting more than six million workers.

<sup>191</sup> Commonwealth Department of Employment, Workplace Agreement Database (WAD).

<sup>192</sup> <http://www.smh.com.au/national/nab-to-offer-violence-leave-20130601-2niyh.html>

<sup>193</sup> Australian Law Reform Commission: *Family violence and Commonwealth laws: Improving legal frameworks*. ALRC Report 117, p. 421 (2012)



The ACTU and affiliated unions have campaigned publicly, and made submissions to various state and Commonwealth inquiries, to ensure that workplace measures are integrated into the broader policy and legislative response to domestic violence.<sup>194</sup> In reaction to concerns raised by unions, the right to request flexible work arrangements under the Fair Work Act was extended by the then Labor Government to workers experiencing domestic violence. The Australian Labor Party (currently in opposition) has also committed to including domestic violence leave in the Fair Work Act. Further, the 2016 Victorian Royal Commission into Family Violence has recommended the inclusion of paid family violence leave in the National Employment Standards (NES). A range of organizations have contributed to improving workplace knowledge and responses (the Workplace Gender Equality Agency, the Australian Law Reform Commission Inquiry into Domestic Violence and Employment, the submission to the Attorney General's Department of the Australian Human Rights Commission on domestic violence discrimination in the workplace, the stand on paid leave by CEOs in Male Champions of Change, and the international Domestic Violence at Work Network, of which Australia is a founding member).

Australian unions face significant challenges when bargaining with employers for entitlements related to domestic violence, and there is resistance from employers to negotiating entitlements in collective agreements. However there is good evidence of the impacts of domestic violence in the workplace and their associated cost, and the National Domestic Violence and the Workplace Survey provides compelling evidence that domestic violence affects attendance, performance and safety at work. Australian research shows that employment is critical to prevent a woman becoming economically trapped in a violent relationship, and represents a key pathway to leaving a violent relationship.<sup>195</sup> Assisting workers in managing the impact of domestic violence has significant organizational

benefits, including reduced absenteeism and increased productivity: the cost of lost productivity to the Australian economy due to violence against women has been estimated at 2.1 billion Australian dollars in 2014–2015.<sup>196</sup> By contrast, the costs associated with implementing domestic violence provisions have been minimal. A 2015 survey of 102 employers with a domestic violence clause in their enterprise agreement found that the average paid domestic violence leave actually taken in the past 12 months was 43 hours, and most workers took three days or less off work per incident. Employers surveyed also reported positive effects in the workplace and very few challenges implementing domestic violence protections.<sup>197</sup>

Australia has a clear legal framework and a relatively well-functioning industrial relations system that enables unions to negotiate best practice arrangements with leading organizations and pursue minimum workplace protection for all workers experiencing domestic violence. Cooperative relationships between unions and employers in both the public and private sector have led to joint initiatives to promote domestic violence provisions.<sup>198</sup> They have also helped generate acceptance in the wider community that employers have a role to play in supporting victims of domestic violence, reducing the impacts of domestic violence in the community and driving cultural change in relation to gender inequality. The outcomes achieved in collective bargaining and the experiences of employers/workers that have adopted domestic violence provisions have helped establish an evidentiary base to support implementation of national workplace reforms that benefit all workers. However, unwarranted legislative restrictions on trade union rights to organize and collectively bargain (such as the provisions of the Fair Work Act that restrict bargaining to the enterprise level) operate as a significant barrier to

**194** A summary of recent Australian inquiries and government reports concerning domestic violence is contained in Chapter 8 of the [ACTU's submission](#) to the Fair Work Commission.

**195** S. Patton: Pathways: How women leave violent men. (Government of Tasmania, Hobart, 2003), p. 71.

**196** Price Waterhouse Coopers: *A high price to pay: The economic case for preventing violence against women* (Australia, 2015), p.12

**197** Gendered Violence Research Network: [Implementation of domestic violence clauses – An employers' perspective](#). (Sydney, ACTU/UNSW, 2015)

**198** For example, the ACTU and Telstra participated in a side event hosted by the Canadian Government and Canadian Labour Congress at CSW60 in March 2016, entitled "Partnerships to Address Domestic Violence in the Workplace".

union efforts to secure comprehensive workplace entitlements for workers affected by domestic violence.

Analysis of registered agreements shows that less than a third of agreements provide an enforceable right to paid domestic violence leave,<sup>199</sup> and that often *unpaid* leave or entitlements are subject to managerial discretion. If the ACTU's modern award claim is successful, virtually all workers in Australia will be entitled to paid domestic violence leave. However the claim does not include any obligation on employers to: accommodate alternative working arrangements for workers experiencing domestic violence; provide training for managers in relation to domestic violence issues; or take reasonable steps to provide a safe working environment in response to a disclosure of domestic violence.<sup>200</sup> Further reforms will be required in order to fill these gaps and ensure that workplace entitlements are implemented properly. A national training programme and resources are urgently needed, to assist in workplace support for workers experiencing domestic violence.

### **PSI Case Study 1: Alliance of Filipino Workers, AFW (Philippines)**

**The AFW<sup>201</sup> is a confederation of 13 health-care unions in private health-care institutions, with over 6,000 members. AFW has participated in PSI's gender and health project in Southeast Asia focusing on workplace violence in the health sector. Important aspects of work with this union include a train-the-trainer programme on eliminating workplace violence, and the inclusion in collective agreements of clauses covering sexual harassment and workplace violence. The**

<sup>199</sup> L. McFerran: *Expert report prepared for the ACTU's application for family and domestic violence leave*. Available at: <https://www.fwc.gov.au/documents/sites/awardsmodernfourty/common/exportreport-mcferran.pdf>

<sup>200</sup> These matters were removed from the ACTU's claim, in response to jurisdictional objections raised by the employer parties. These objections relate to legislative limitations on the content of modern awards. The ACTU also considers that the revised claims will enable the Commission and interested parties to deal with the matter in a more expeditious and efficient manner.

<sup>201</sup> <http://afw.ph/>

### **confederation has an elected Vice-President responsible for women's affairs.**

Data from the Centre for Women's Resources (CWR) show a dramatic increase in violence against women, with reported rape cases rising by 92 per cent between 2010 and 2014. Violations of the Anti-Violence against Women and Their Children Act rose by 200 per cent from 2010 to 2014. Despite more than 37 laws and administrative orders to protect women and children, victims of violence are getting younger and the abusers are becoming harsher.

Health-care workers are at high risk of being targets of workplace violence from patients (physical) and physicians (verbal). Violence is reported to be four times higher in health settings than in all of private industry overall, and most nurses in Philippine hospitals have experienced some form of violence, leading to fear, decreased morale, absenteeism, turnover and loss of productivity.<sup>202</sup> The study indicated that a range of interventions was needed to tackle workplace violence, such as workplace violence prevention training, a workplace violence audit, development of new guidelines, and improved institutional governance. A serious issue in the Philippines health sector, especially in hospitals, is that of chronic understaffing – for every 20 patients there are only two nurses on duty. This results in long working hours, which contributes to illness, sleep deprivation, stress and ill health. It also contributes to the risk of violence because of longer patient wait times.

During the period from 2006 to 2012, the AFW participated in the PSI Southeast Asia project on Gender and Health. The project sought to build and increase awareness of workplace violence as a psychosocial hazard, based on the Framework Guidelines for Addressing Workplace Violence in the Health Sector. Trade union leaders were trained to carry out training programmes on workplace violence in the health sector. This resulted in the strengthening of the Confederation's Occupational Safety and Health Committee and its ability to

<sup>202</sup> Faustino Jerome Babate and Danny Alfaras: Paper presented at the Third International Conference on Violence in the Health Sector in October 2012.

negotiate improved safety and health regulations in the private hospitals.

In addition, the AFW has negotiated a number of collective agreements with hospitals in the country, and has worked with employers to include clauses to combat inequality, discrimination and workplace violence. Nurses have also used the Philippine law against sexual harassment to bring cases against male workers in the health sector. Through union advocacy with the Department of Labor and Employment and employers, a voluntary code of good practice has been agreed to for the hospital sector, covering social dialogue advancing the role of women, occupational health and safety and working conditions. AFW has also worked in partnership with human rights groups and NGOs in campaigning to end violence against women and for equality and a safe working environment. As a result, almost all of the CBAs of the AFW's local affiliates have provisions that protect women and men from workplace violence.

AFW affiliates have reported situations of poor work organization and work environment that lead to and foster conflict between co-workers. A lack of clarity in roles, low job control, poor support by supervisors, poor communications, ineffective leadership and supervision, strained and competitive work environments, and major impending changes in the workplace, have all been associated with higher levels of staff conflict.

Unions have promoted the establishment of procedures to help solve problems before situations further deteriorate, particularly those between workers and supervisors or managers. These may consist in informal meetings between the complainant and an appropriate line manager. The AFW has also promoted the involvement of the union at these initial stages, so as to prevent further violent incidents. While there has been some progress through training, a key challenge is the unwillingness of some staff to report the various acts of violence. Young women health-care workers fear for their jobs. Many are the sole earners in the family, or are single parents. Even with the various pieces of legislation available, the cost of bringing cases and seeking prosecution constitutes a prohibitive factor.

## **PSI Case Study 2: *Solidarité Syndicale des Infirmiers du Congo, SOLSICO (Congo)***

**The DRC is a conflict zone. In the midst of the conflict, the nurses' union SOLSICO has grown and now has over 17,000 members, in 12 of the country's 26 provinces. Sixty per cent of the members are women, and of these, 20 per cent are young women. Since 2011, nurses and other health-care workers have faced increased violence as a result of the military conflict and because of suspicion and traditional views, in the form of rape and molestation, as well as attacks and murder during vaccination campaigns. Poor working conditions in hospitals result in illnesses and death due to infections, including Ebola.**

The Democratic Republic of the Congo has a long history of violence and war. Rape and physical violence continue to be used as weapons of war to intimidate local communities and punish civilians for their collaboration – real or perceived – with armed groups or the Congolese national army. Rape is also committed as a crime of opportunity, along with murder, physical aggression, abductions and looting, especially in the eastern region of the DRC. The number of refugees and displaced persons has grown significantly since the start of the conflict. Although these acts are punishable by law, and despite the priority given to the fight against impunity for sexual violence, such impunity continues to prevail. Victims do not report cases, for fear of reprisals by the alleged perpetrators and fear of stigmatization and rejection by their families and communities.

There are high rates of violence against nurses in the health sector committed by families, patients and doctors. SOLSICO research on violence against women between 2011 and 2016 resulted in 723 nurses being molested, 188 killed, 709 raped and 300 kidnapped.<sup>203</sup> These violations were particularly high in North Kivu province. A key problem is that the main legal provisions on sexual violence under the penal code are not respected, and no

**203** [http://www.world-psi.org/sites/default/files/documents/research/en\\_case\\_study\\_democratic\\_republic\\_of\\_congo.pdf](http://www.world-psi.org/sites/default/files/documents/research/en_case_study_democratic_republic_of_congo.pdf)

legal provisions exist for managing violence in the workplace.

A significant increase in acts of violence in the workplace has led the SOLSICO to gather information on the extent of the problem and to carry out an education and awareness-raising campaign among its members. In the absence of collective agreement provisions, the SOLSICO's actions to tackle violence at work include gaining commitments on the part of hospital administrations in the form of negotiated memoranda of understanding. This has resulted from the goodwill developed between the health structures and the unions, which allows for the two parties to handle cases of violence in the workplace and to determine responsibilities. SOLSICO has established a process that when a member has experienced violence at work, she informs the shop steward, who then takes the matter to the management of the institution and the union

secretariat. This process provides opportunities to argue the member's case, seek redress through bargaining during meetings with management and, if necessary, the taking of various forms of industrial action.

The union has achieved a number of successes. A ban on armed forces and police visiting public places with weapons was agreed on, following several cases of physical violence committed by military personnel in the General Hospital. In another case, following the death of a patient from rabies at Kinshasa General Hospital a nurse was arrested, sent to the police and mistreated. SOLSICO investigated the case and held talks with management, demanding the nurse's release. The hospital workers joined in solidarity and observed a work stoppage, and protested at the police station where the nurse was being kept. These actions secured the worker's release. In another case, a military officer spat in the face of a nurse who gave



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a prescription for the officer's sick relative. SOLSICO brought charges against the officer. He was arrested and was sentenced in court.

However, the union faces a range of challenges, including a lack of legislation, guidelines, or internal protocols to address violence at work, which continues to grow. In some hospitals, there are poor working relations and a lack of social dialogue, and when cases of violence are reported, few employers investigate them. There is a lack of support for workers who have experienced violence. In an attempt to turn this situation around, SOLSICO has developed a comprehensive plan to enhance its ability to influence government policy on health and safety issues, especially the issue of workplace violence in the sector. Quite similar to the Ebola Response Strategy, SOLSICO is building a large network of civil society organizations that support the union's demands for a strong health-care sector where health workers can provide a quality service in good working conditions.

### **PSI Case Study 3: Asociación Sindical de Profesionales de Salud de la Provincia de Buenos Aires, CICOP and Federación Sindical de Profesionales de la Salud, FESPROSA (Argentina)**

**CICOP<sup>204</sup> is an affiliate of the Federación Sindical de Profesionales de la Salud (FESPROSA), Argentina. It represents more than 12,000 professionals in the public health sector of the Province of Buenos Aires. The majority of the members are women. CICOP has negotiated collective agreements on behalf of its members and is engaged in social dialogue at the provincial and national levels. These actions have resulted in the establishment of joint workplace committees on health and safety and a commission on violence within the Ministry of Health in Buenos Aires. Legislation also provides for joint committees on workplace health and safety in the public and private sectors. There is no national law on workplace violence; however provincial**

### **legislation on workplace violence exists in the Province of Buenos Aires (Law 13.168/2003).**

Growing levels of workplace violence in health-care facilities has led the CICOP to prioritize actions to raise awareness and negotiate with employers on the issue. It conducts training sessions on gender equality, including training on violence against women, and undertakes training on workplace violence and gender in Buenos Aires province. The union participated in actions on March 8 and on November 25 with the Central Federation of Argentine Workers (CTA) to campaign for legal abortion, which is an issue of violence against women. This movement was built and has been sustained since 1985 by women, trade unions and political forces.

In addition, the union has actively participated in national campaigns and demonstrations about violence against women. Mass demonstrations were held across the country following an escalation of femicide and violent attacks against women and girls in the country. Trade unionists joined with women's groups and activists to call for decisive action to prevent violence against women and children. Unions have welcomed Argentina's National Plan of Action for the Prevention, Care and Eradication of Violence against Women, which was published on July 26, 2016, covering 200 measures and actions to prevent and address violence against women.

In 2012, the Commission on Violence was created within the Ministry of Health of the Province of Buenos Aires, with CICOP as a central actor. CICOP works on protocols to combat violence in the workplace, and since 2014 has recorded cases of violence in the hospitals. There have been difficulties in implementing protocols to prevent workplace violence, although some progress is noted. In one case, a hospital director was dismissed for workplace violence and abuse. Male first-year residents who are guilty of violence and harassment are now not promoted.

Since 2011, CICOP members have participated in joint health and safety committees in each workplace. The university health-care professionals union SIPRUS-FESPROSA in the Province of Santa Fé is actively involved in the joint health and

204 <http://cicop.org.ar/>

safety committees in the province. For example, it applied Convention No. 155 in the case of workplace harassment against a pharmacist. In 2010, the unions of health-care professionals started to work on the issue of workplace violence in Garrahan Hospital. It observed between 18 per cent and 25 per cent absenteeism as a result of increases in abuse at the workplace. There is wage discrimination affecting more than half of workers. Out of 4,500 workers, 500 are on contracts, with no job security. In 2013 a subcommittee on the prevention of mistreatment was formed, with workers providing their service three times a week. It currently works with the victims and with focus/discussion groups in the workplace. They are the four unions in the hospital, representing workers in occupational health, the human resources department, nursing, health and the environment, maintenance, hygiene and safety. The President of the union was a victim of abuse and harassment at work. She returned as a part-time nurse.

CICOP argues that although laws are important, in practice collective union action is necessary to reverse and change the incidence and prevalence of violence in the workplace. It is of great concern to the union that violence in health facilities has become the norm, and as one activist commented, “this is the way it is; there is no way to change it”. Attempts to silence workers have led to a sense of helplessness among them: “We are not listened to. We are not taken into account, when in fact we are the ones who can contribute the most.” The key challenges are: work organization and work pressures that lead to co-worker violence; discrimination between different occupational groups in health care; and class- and gender-based discrimination – all of which contribute to a culture of workplace violence. The union argues that it is important to have a participatory approach to tackle this violence.

### **IndustriALL Case Study 1: CBAs to prevent sexual harassment in the Philippines**

**In recent years Philippine unions have been active in preventing sexual harassment at work. They were instrumental in lobbying for**

**the Anti-Sexual Harassment Law of 1995, and in recent years they have sought to implement the law and establish workplace Committees on Decorum and Investigation (CODI). This case study gives three examples from IndustriALL-affiliated unions in the Philippines.**

#### **a) The Associated Labor Unions’ (ALU) Anti-sexual harassment project**

The ALU is the largest federation of trade unions in the Philippines, consisting of 14 sectoral federations. ALU has participated in a national project on gender-related violence entitled “Delivery of Justice to Disadvantaged Women (DAW)”, in cooperation with the American Center for International Labor Solidarity and the Trade Union Congress of the Philippines (TUCP). The project was initiated because of growing evidence of violence at work related to four main areas: (1) sexual harassment; (2) job discrimination; (3) domestic violence and (4) abuse of migrant female labour.

The project had 13 national/regional coalition partners, including trade unions, women’s organizations, non-government organizations, the informal economy, migrant labour groups, government agencies/units, and professional groups such as midwives, nurses and lawyers. ALU focused on the sexual harassment component. Building on its work in pushing for the passage of the Anti-Sexual Harassment Law of 1995, ALU focused on implementation of the law, through information dissemination and awareness raising, capacity building, advocacy and lobbying, networking and coalition building, and media awareness. At the workplace level, the campaign focused on achievement of the three requirements of the law: (1) formulation of an anti-sexual-harassment policy; (2) establishment of a Committee On Decorum and Investigation (CODI); and (3) information dissemination for the policy and the CODI. At the executive level the focus was for the inclusion of CODI in the Inspection Checklist of the Department of Labor and Employment (DOLE).

The anti-sexual-harassment project component achieved some very positive outcomes:

- Almost a thousand anti-sexual-harassment capability building activities and meetings conducted, with 29,120 participants, 75 per cent of whom were women.
- Six company policies, 89 implementing rules and regulations and eight CBAs with anti-sexual-harassment provisions, benefiting over 5,075 workers, 87 per cent of whom were women.
- More than 259 Committees On Decorum and Investigation established, 184 of which in the private sector and 75 in the public sector, benefiting 81,398 workers, 58,444 of whom were women.
- Inclusion of sexual harassment in DOLE company inspections, with an inventory of government monitoring mechanisms, company policies and practices, and programme to identify gaps in implementation.

The ALU argues that a functional industrial relations system, including workplace social dialogue, is critical to the success of any measure to combat sexual harassment. However many workplaces are unorganized, and where they *are* organized, women's trade union participation remains low. According to the ALU, "women continue to be the usual victims in gender-related violence. Their cases usually go undocumented, and thus, unresolved." A further problem is that many workers lack knowledge of the existing laws, programmes and services available for them, and even less have access these laws, programmes and services. Information gathered during the campaign showed the need to amend the existing anti-sexual-harassment law to address its limitations in relation to sexual harassment between peers and sexual harassment in public places.

A 2015 baseline study by IndustriALL South East Asia found a low level of union representation among its affiliates in the Philippines. The study showed that of the

workplaces covered, only 49 per cent provide opportunities for women; 67 per cent have policy to address sexual harassment/violence against women; and 71 per cent have women-friendly or gender programmes and services. The top five recommendations to achieve equality at work from 1,053 IndustriALL women respondents to the survey are: (1) improved maternity benefits; (2) a policy to prevent sexual harassment at the workplace; (3) gender awareness/sensitivity seminars; (4) women-friendly policies at the workplace; (5) and equal opportunities for men and women in terms of pay, promotion and training.

**b) CBA signed between Mitsumi Philippines and Mitsumi Philippines Workers Union (MPWU)**

Mitsumi Philippines, Inc., an electronics company located in the export processing zone in Bataan, is an affiliate of Associated Labor Unions (ALU). The company employs an estimated 2860 workers, the majority of whom are women (2580 workers). A case of workplace violence perpetrated by a company technician against a female operator on a non-standard contract reached the attention of the union. The MPWU persisted in seeking recourse, with this leading to the technician being give a one-month suspension, instead of termination, since he asked forgiveness from the victim for his deeds. This led MPWU to commence awareness raising, particularly for male workers, about the law against harassment of women, subsequently resulting in 2005 in an agreement in the form of a CBA and a policy on sexual harassment. The CBA is consistent with the existing laws stating that sexual harassment is unlawful in the workplace and in training facilities, and sets out the objective of establishing a Committee On Decorum and Investigation (CODI). The CBA also includes provision for the union to establish a women's group to identify women's concerns and monitor implementation of the Magna Carta of Women. In addition to ongoing dialogue with the management, the union and its committees conduct regular meetings

to discuss the issues and concerns of workers, particularly those related to sexual and other forms of harassment.

Since the signing of the CBA and the development of the company policy on sexual harassment, workers have become more aware of the issue. The policy is part of orientation for newly hired workers, which is carried out by union representatives and management, and a handbook has been produced for all new workers. All workers sign a written commitment stating that they have read it, have received orientation on issues of sexual harassment and that each of them should support co-workers. Newly hired workers undergo orientation on management policies and workers' rights and benefits, conducted by representatives both of management and of the union. Since implementation of the policy, no harassment or discrimination has been reported at the workplace. The CODI has been very active in implementing the law on sexual harassment and in carrying out awareness raising.

The support of the national union was very important, particularly on legal matters and in supporting the complainant to bring a case. In addition, annual national union training programmes on workers' rights have helped to raise awareness about sexual harassment and how it can be combated. The incident and the union's action are known throughout the export processing zone in Mariveles, Bataan. However there are still companies in the area that are not aware of the law, and some companies do not encourage the formation of CODIs because it entails additional expense.

### c) **Philippine Metalworkers Alliance (PMA)**

The PMA is a national federation of metal and metal-related workers, including workers in the automotive, electrical and electronics, iron and steel, and shipbuilding subsectors. The PMA has 25 affiliated unions. It has been very active in preventing violence at work, including through the establishment of CODIs at every workplace, to prevent and respond to sexual harassment, and by encouraging unions to

include salient points of the Magna Carta of Women in their CBAs. The federation carries out education and awareness-raising activities for union officers on gender sensitivity and industry-focused issues and concerns. The union recently adopted a minimum percentage representation of women on its national council.

One example of the PMA's work is the development of a CBA on sexual harassment agreed to between the Katolec Philippines Corporation, an electronics plant (where the majority of workers are women) and the Katolec Philippines Labor Union (KAPLU). The CBA led to the formation of a CODI. Other laws related to gender equality are integrated into company policies, with this being achieved as a result of continuous education by the national union of its local members. Despite these provisions, the union is aware that cases of harassment – including forced overtime – go unreported because workers fear that their jobs will be terminated. However in some cases workers contacted the national federation to support their cases, which the union argues has led to a reduction in harassment at work.

## **IndustriALL Case Study 2: Negotiating on workplace violence in Myanmar**

**In this case study, the Mine Workers Federation of Myanmar (MWFM) identifies the challenges for unions in addressing workplace violence. The MWFM has a membership of 3,785 (30 per cent of whom are women) from nine mining companies. Although trade union organizing is not new in Myanmar, trade unions have only been allowed in the country since 2012, when the country started to take initial steps to move from a military regime towards democracy.<sup>205</sup> In recent years the MWFM has raised awareness about workplace violence as a trade union issue, and has successfully negotiated CBAs on the issue.**

<sup>205</sup> <http://www.industriall-union.org/myanmar-building-a-level-playing-field-for-labour>



According to the MWFM, the mining industry in Myanmar employs men and women in similar types of work without considering the effects of occupation hazards on women's reproductive and maternal health in particular. Workplace violence takes place in unionized and non-unionized companies, where victims are both men and women. Unions have struggled to address workplace violence, in light of the absence of national and workplace policies, significant levels of discrimination against workers, and a loss of labour rights. Unionization is relatively new in Myanmar, and there is limited understanding or awareness of violence at work, including sexual harassment. MWFM's pro-women policy, which includes provisions against sexual harassment and on social security, has led to more women becoming aware of sexual harassment and the need for policies to be negotiated at company level. However the union argues that one of the major challenges faced by women in Myanmar is its conservative culture, which silences women in relation to violence at work and at home. In addition, the majority of workers in the mining industry are young and have limited educational attainment. The national union was part of the study conducted by the IndustriALL South East Asia project on gender equality and maternity protection in October 2015.

Some unions have documented cases of harassment and labour rights abuses, examples of which include harassment of pregnant workers, non-payment of appropriate wages, and forced labour, as identified by the Myanmar Yangtse Copper Mine Basic Labour Organization. The Myanmar Wanbao Copper Mine Basic Labour Organization has documented the sexual harassment of a woman logistics worker by her supervisor (displaying sex movies, sexual violence and obscene language). Other examples include: a woman worker being reassigned to non-regular or inappropriate work jobs or work tasks; job mismatching; and being forced to sign a new employment contract. Unions argue that violence at work affects the productivity/employment of men and women, and many of the victims of violence look for other jobs in the hope that they can receive

better pay and will not experience discrimination. Employers lose many of their skilled workers and have to train new workers.

Actions taken by the national and local unions include awareness training on workers' rights, occupational safety and health, capacity building and collective bargaining. Local unions hold regular monthly meetings to raise and discuss issues and concerns for mine workers, and the national union has provided support to the local union through social dialogue with the government and management in resolving violence at work and unfair labour practices.

The unions have undertaken to negotiate/resolve work-related violence in a number of ways. These include: initiating social dialogue with employers; proposing the inclusion of a clause in the CBA to prevent violence at work; a proposal for a union officer/president to be a member of the company's Remuneration Committee; and continuous negotiation/dialogue with the arbitration council and management on dispute settlement and workplace policies. Some of the successes documented by unions include: re-admission of dismissed and penalized workers; casual workers provided with contractual employment; due process on accidents in the workplace; non-discrimination against non-union members; due process on accidents that have occurred in the workplace; provision of benefits to workers as provided by the law; and provision of an annual wage increase as indicated in the CBA. A total of fourteen workplace agreements have been signed that address work-related violence. Results show that there has been a reduced number of incidents of work-related violence. Examples include the promotion of a woman worker who is a union member into a regular job, and a pregnant woman who can work without worrying she might lose her job and benefits, including promotion and increment, as well as assigning her to lighter work. A total of 170 out of 400 casual labourers have been given contractual employment, which has had a major effect on decreasing a range of workplace abuses. Some 28 workers (13 men and 15 women) have benefited from the unions' activities to address workplace and related violence. Workers mentioned that despite efforts made by national and local

unions, there are still large numbers of workers who experience discrimination and work-related violence, especially women, young people and migrant workers.

### **IndustriALL Case Study 3: Electrical Workers Union, EIWU (Malaysia)**

**This case study is based on an interview conducted with the occupational safety and health officer of the Electrical Industry Workers Union (EIWU) in Penang, Malaysia, an affiliate of IndustriALL and of the Malaysia Trade Union Confederation (MTUC). The EIWU was established in the early 1970s. There is currently no project or programme concerning workplace violence.**

In 1995 a joint declaration was signed by a group of textile companies and the union representative of the Penang and province textile workers' union to respond to issues of sexual harassment at the workplace. This was done after several incidents of workplace harassment were reported, the majority of which were of sexual harassment of women. The Employment Act of 1995 provided a law on sexual harassment. In 1999 the Ministry of Human Resources launched the Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace,<sup>206</sup> which contains specific reference to the role of employers, workers and their unions, and to implementation of policies and CBAs to prevent and address sexual harassment. Some unions have started to integrate an anti-sexual-harassment policy into their CBAs.

One of the main problems is that workers do not understand the concept of workplace violence, particularly in relation to psychosocial risks associated with violence, and it is often a low priority for employers. Workplace violence is closely connected to working conditions and work pressures, affecting workers' home and family life. Workers who are not allowed to form unions, especially in the export processing zones, are particularly at risk of workplace violence. One

concern highlighted by the union is that workers do not report sexual harassment because they believe they will be put at risk in the workplace. In most cases, women consider sexual harassment to be a normal part of their life.

Some specific working conditions that can be identified (and tackled) as workplace violence within the sector include making workers stand and work for long hours, an example of which is on cell lines, where assembly line workers in the electronics industry stand for 12 to 16 hours a day, depending on how much overtime work they do. In the electronics industry, 90 per cent of the workers are women. In one company the national union staged a 46-day strike.

The union also identifies racial discrimination and racialized forms of violence, which particularly affect workers who migrate to work in Malaysian cities. In this context the union believes that low wages and other related psychosocial effects on workers should be considered workplace violence. In particular, discrimination against women in the workplace needs to be tackled. Although NGOs and women's groups carry out studies on domestic violence, they have not addressed workplace violence because they are not allowed to enter workplaces, which employers argue constitute private property. A key objective for the future is for unions to increase awareness of sexual harassment, particularly in the private sector. In contrast, in the public sector sexual harassment policies have been implemented, with a focus on creating a safe working environment.

<sup>206</sup> [http://www.ilo.org/dyn/travail/docs/1627/CODE\\_OF\\_PRACTICE\\_ON\\_THE\\_PREVENTION\\_AND\\_ERADICATION\\_OF\\_SEXUAL\\_HARASSMENT\\_IN\\_THE\\_WORKPLACE.pdf](http://www.ilo.org/dyn/travail/docs/1627/CODE_OF_PRACTICE_ON_THE_PREVENTION_AND_ERADICATION_OF_SEXUAL_HARASSMENT_IN_THE_WORKPLACE.pdf)





## Appendix 2

# CBA addressing violence and harassment at work



The agreements listed below are representative of those that have addressed violence at work.

COUNTRY	AGREEMENT AND RELEVANT CLAUSES
<b>EUROPE</b>	
<b>Bulgaria</b>	<p>Sectoral agreements have been concluded in several sectors, addressing different aspects of gender equality, including violence. In the transport sector, agreements have been concluded on harassment and violence in the workplace. Four municipal level agreements have been reached between the FTTUB and municipal authorities, and a special chapter on “Protection against violence at the workplace and gender equality” was negotiated in the 2010–2012 sectoral collective agreement, with joint actions by employers and unions to prevent violence, and a zero-tolerance approach.</p>
<b>France</b>	<p>Agreement on Harassment and Violence at Work between BNP Paribas and the banking union SNB/CFE-CGC (July 1, 2014). The agreement covers definitions, prevention, the roles of different parties, awareness raising and training, procedures for identifying situations of harassment and for making complaints, the establishment of a national confidential committee, and measures to protect victims and witnesses.</p>
<b>Greece</b>	<p>The National General Collective Agreement, 2004–2005 (and implemented in subsequent years) included a commitment to address mobbing and sexual harassment at the workplace.</p>
<b>Italy</b>	<p>The CISL has negotiated a number of successful agreements, promoted under its “Libra” initiative. The union confederation cites good practices in agreements concluded with Enel, Nestle/San Pellegrino and Bitron.</p> <p>An agreement with the energy company Enel under the umbrella of the corporate welfare agreement entitled “People Care in Enel” covers well-being and health, and addresses sexual harassment and violence at work.</p> <p>A sectoral agreement in the woodworking sector was signed by the three unions in the building sector and their employers, on addressing and preventing sexual harassment at work. Unions are using the agreement to implement territorial and company-level agreements.</p>
<b>Spain</b>	<p>An affirmative action clause is included in the sectoral CBA on the cleaning of buildings covering non-discrimination and equal treatment for all workers, with particular emphasis on: women’s progression into senior positions; maternity leave and continuity of bonuses and wage increases; an equality module in the company’s annual training programme; and prevention of sexual harassment to be included in Equality Plans.</p> <p>An agreement for Employment and Collective Bargaining (<i>Acuerdo para el Empleo y la Negociación Colectiva</i>), 2012–2014 (II AENC), signed by the CEOE, CEPYME, CCOO and UGT, lacks regulatory powers but includes criteria and guidelines for negotiation of CBAs – including gender equality and sexual harassment – that are compulsory for negotiators.</p> <p>An agreement for a workplace Equality Plan between Vodafone and unions in Spain sets out measures to address violence at work, and includes provisions to provide leave and support for victims of domestic violence.</p> <p>The Spanish metal, building and allied workers sectoral union MCA-UGT has used the 2007 legislation to negotiate equality plans in all enterprises, regardless of their size. Equality plans have systematically addressed gender-based violence and sexual harassment.</p>
<b>Sweden</b>	<p>The Swedish Hotel and Restaurant Workers Union (HRF) has concluded agreements on violence and sexual harassment at work with employers in the hotel sector, and centrally with the employer organization Visita (Swedish Association of Hospitality Employers). Local union representatives receive guidance and are trained to negotiate local agreements.</p>
<b>Switzerland</b>	<p>A collective labour agreement in the Swiss watch and micro-engineering industry signed by the Watch Industry Employers’ Federation and the union UNIA on January 1, 2012, introduced provisions on moral harassment (mobbing) and sexual harassment at work, including the introduction of support persons (“<i>personnes de confiance</i>”) in companies of more than 50 persons.</p>

## COUNTRY AGREEMENT AND RELEVANT CLAUSES

<b>Turkey</b>	In the textile sector agreements have covered wages and social benefits, including working hours, casual work, education and training. In March 2013 the municipal union signed an agreement with general provisions on harassment and abuse in the workplace, and provisions benefiting women workers, such as social support and payments (family, children and food aid).
<b>UK</b>	<p>The TUC has drawn up a model equality clause that sets out that the objectives of the unions will include: a) the promotion of equality for all, including through collective bargaining and the unions' own employment practices; and b) actively opposing all forms of harassment. It aims to ensure that equality is mainstreamed throughout all union activities, including collective bargaining. By 2014, three-quarters of unions affiliated to the TUC had adopted the clause.</p> <p>Unions and employers have negotiated clauses on domestic violence in collective agreements and through workplace policies. The public sector union UNISON has drawn up a model workplace agreement and guidelines entitled <i>Domestic violence and abuse: A trade union issue</i>.</p>
<b>Europe as a whole</b>	2007 European "Framework agreement to prevent, manage and eliminate violence at work" (ETUC and European employer groups BusinessEurope, UEAPME and CEEP). Across Europe, national social partners have reached new agreements or inserted new elements into existing collective agreements at sectoral or company level, as well as drawing up jointly agreed guidance, declarations or statements.
<b>Europe as a whole</b>	in July 2010, social partners from the commerce, private security, local government, health and education sectors (EPSU, UNI Europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce and COESS) agreed on guidelines to tackle third-party violence and harassment at work, originating for example from customers, clients, patients and members of the public.

## LATIN AMERICA

<b>Argentina</b>	<p>The 2006 General Collective Labour Agreement for the National Civil Service sets out a range of proactive gender equality clauses, including the establishment of an Equal Opportunities Commission, which has the role of providing detailed guidelines and policies to prevent and combat violence in the workplace. The agreement covers: (1) The principle of equality of opportunity and treatment on multiple grounds (political, trade union membership, sex, sexual orientation or preference, gender, marital status, age, nationality, race, ethnicity, religion, disability, physical characteristics, or acquired immunodeficiency syndrome), and any other act, omission, segregation or expulsion that impairs or nullifies the principle of non-discrimination and equality of opportunity and of treatment, both in access to employment and during an employment relationship. (Article 121); (2) the promotion of female workers, based on the principles of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) as approved by Laws Nos. 23.179 and 24.632 and Decree No. 254/98, and the active promotion of gender equality (Article 121). Clause IX provides for the creation of a Committee of Equality of Opportunity and Treatment (made up of the state employer and trade unions) to promote compliance with the agreement and the principles of non-discrimination and equality of opportunity and treatment, and actions designed to prevent and eradicate workplace violence.</p> <p>Collective bargaining agreement for teachers in the Province of Chubut. Leave for victims of gender-based violence: This leave shall be granted to teachers who are victims of any kind of act that results in direct damages, in either the public or the private sphere, and that affects their lives or personal safety leading to a requirement for leave from their job on these grounds. This leave, be it total or partial, will be subject to the appropriate certificate issued by the services providing care and attention to victims of such abuse. Such services will evaluate the conditions and periods of the leave. In the implementation of their protection or right to be given comprehensive assistance, victims shall also have the option of considering reduced working hours, or changes to their working hours or place of work." Leave can be granted, with a guaranteed return to work.</p> <p>The <i>Unión Obrera de la Construcción Argentina</i> (UOCRA) has prioritized the inclusion of sexual harassment clauses in agreements in the construction sector.</p>
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**COUNTRY AGREEMENT AND RELEVANT CLAUSES**

**Brazil** A collective agreement in the banking sector signed in 2011 between the São Paulo, Osasco and Region Bank Workers' Union (CONTRAF/CUT) and respective employers includes clauses to prevent physical, psychological and verbal violence and bullying of workers by employers, managers, colleagues and customers, and covers compensation for injury or death of staff in the event of armed robberies. Unions also negotiate at workplace level, and negotiations also take place through the bipartite Equal Opportunities Committee, the bipartite Health and Working Conditions Committee and the Security Committee.

**Colombia** National Agreement in the Public Sector (May 2015): Covers discrimination and the promotion of equality, including the creation of a Gender Subcommittee within the Standing Negotiations Committee. The union claims include: the reconciling of work and family responsibilities; flexible working time and reduction in working hours; improvements in maternity and paternity leave; and extension of the time limits for breastfeeding breaks; agreement that 50 per cent of training opportunities and grants be reserved for women; the regulation corresponding to Law 1496/11 on equal pay between men and women and the eradication of gender-based discrimination; ratification of ILO Convention No. 156 on workers with family responsibilities; the establishment of monitoring mechanisms for the National Equality Plan implementing ILO Convention No. 100 to reduce the pay gap; a new national law on sexual harassment at the workplace; and the establishment of a Subcommittee on Gender within the National Commission on Wage and Labour Policies.

A landmark collective agreement achieved by the union (Sintrainagro) and the main banana producer in the region (Augura) is a binding document for the 350 plantations where bananas are produced in the Urabá region, and aims to implement social dialogue and good workplace relations in a region typified by high levels of violence.

**Dominican Republic** A collective agreement signed in the Vista Sol Punta Cana enterprise (2014–2017) contains a specific clause on prevention of and sanctions for sexual harassment. It gives priority to dealing with sexual harassment as a safety and health problem, and gives a high priority to preventing sexual harassment. It guarantees complaint mechanisms, and that the person making the complaint will not face reprisals. The clause states that “sexual harassment is an attack on the dignity of the person on whom it is inflicted, and an obstacle to enterprise productivity, which degrades working conditions and the prospects for employment and promotion of the victim; since it affects occupational safety and health, and given that sexual harassment constitutes a form of violence generally exercised against female workers, undertake to adopt all necessary measures to generate an environment that prevents and combats sexual harassment in an effective way, including the immediate dismissal and bringing to trial of any person who has been proven to have sexually harassed any employee of the enterprise.”

A further agreement in the Dominican Republic between the SITRAHANES union and HanesBrands Inc. addresses the prevention of sexual harassment, including disciplinary action and awareness-raising campaigns.

**Paraguay** An Equality Committee has been established to raise awareness about sexual harassment, under the Collective Agreement on Working Conditions signed between the trade unions SETEIBI, SICONAP/S, SITARIBI and SICHP and the Itaipu Binational company.

**Uruguay** A CBA for 2013–2015 covering more than 120,000 domestic workers includes agreement to establish a Tripartite Occupational Health Committee.

**AFRICA**

**Kenya** A two-year agreement was signed on July 1, 2014 between the Kenya Union of Domestic, Hotels, Educational Institutions, Hospital and Allied Workers (KUDHEIHA) and the Kenya Association of Hotelkeepers and Caterers, covering large numbers of women workers working in hotels and domestic work. It introduced a minimum wage, a general wage increase for all workers of 9 per cent, and a 9 per cent increase in housing allowances. Female workers have an entitlement to three months of maternity leave on full pay, and an additional 26 working days of annual leave during the year of maternity leave. Male workers are entitled to 14 days paternity leave in respect of childbirth for legally married partners.

## COUNTRY AGREEMENT AND RELEVANT CLAUSES

<b>South Africa</b>	<p>The National Professional Teachers' Organisation of South Africa (NAPTOSA) is a party to the collective agreement negotiated by the Public Service Coordinating Bargaining Council and the Education Labour Relations Council, which since 2010 includes: maternity leave without pay (15 months); maternity leave with pay (4 consecutive months leave on full pay); pre-natal leave (8 eight working days on full pay per pregnancy, for pregnancy pregnancy-related medical examinations and tests on full pay); adoption leave (45 working days on full pay when a child younger than 2 two years old is adopted); family responsibility leave (five working days on full pay per annum); and urgent private affairs leave (12 working days per annum with full pay).</p>
	<p>A Safety and Security Sectoral Bargaining Council (SSSBC) Agreement on sexual harassment in the workplace was signed in 2011. The agreement covers the police and prison sector unions and employers, sets out measures to implement policies to prevent, address, and eliminate sexual harassment amongst colleagues and by third parties, and sets out responsibilities for the establishment of joint training and awareness raising in the workplace.</p>
	<p>The South African Commercial, Catering and Allied Workers Union (SACCAWU) has concluded several CBAs on gender-based violence and health and safety and HIV/AIDS policies, as well as clauses in workplace agreements and policies on domestic violence at work.</p>
	<p>A sexual harassment policy agreed to in 2008 between the FirstRand Bank and the finance union SASBO provides procedures to be followed by the Bank and complainants in dealing with sexual harassment in the workplace. It covers detailed definitions, sexual harassment as a form of misconduct, taking appropriate disciplinary action, prevention measures, advice and assistance for complainants, informal and formal procedures, dispute resolution, confidentiality, trauma counselling and sick leave, information and education.</p>
	<p>COSATU's Policy and Procedure for the Handling, Prevention and Elimination of Sexual Harassment was adopted at the COSATU Congress in November 2015. It sets out: the responsibility for handling cases of sexual harassment through decisive action and clear procedures; measures to prevent sexual harassment; and a commitment to work towards the elimination of sexual harassment in COSATU, in its affiliates and workplaces, and in society. It sets out: clear definitions; a policy statement; guiding principles and procedures for handling cases; disciplinary procedures; the role of COSATU Sexual Harassment Prevention Commissions (SHPCs), whose members are trained as sexual harassment officers; Sexual Harassment Disciplinary Committees; and the duties of COSATU office bearers and heads of department.</p>
<b>Tanzania</b>	<p>An agreement signed in 2015 by the CHODAWU (Conservation, Hotel, Domestic and Allied Workers Union) includes a clause on sexual harassment.</p>
<b>Uganda</b>	<p>A CBA (2010) was negotiated between the Uganda Flower Exporters Association (UFEA) and the Uganda Horticultural and Allied Workers Union (UHAWU). The CBA covers all workers, including non-union members. The Ministry of Gender, Labour and Social Development was also involved in the negotiations. The agreement stipulates that a sector-wide sexual harassment policy be put in place in all enterprises that employ more than 25 workers. The CBA includes a definition of the types of sexual harassment and a disciplinary procedure. Workers on permanent contracts are entitled to paid annual leave of 21 days, maternity leave of 60 days, paternity leave of four days, and sick leave as approved by the farm clinic.</p>

## ASIA

<b>Australia</b>	<p>A model domestic violence clause for collective bargaining led to the introduction of clauses providing paid leave and other entitlements to victims of domestic violence, which were included in union-negotiated enterprise agreements registered with the Australian Fair Work Commission. Also at sectoral level, the National Tertiary Education Union for example has drawn up claims to be negotiated in collective agreements in the education sector.</p>
<b>Korea</b>	<p>The Korean Women's Trade Union (KWTU) has negotiated several CBAs to address and prevent sexual harassment, protecting education workers, cleaners and other related staff.</p>



## COUNTRY AGREEMENT AND RELEVANT CLAUSES

<b>Papua New Guinea</b>	<p>The Papua New Guinea Maritime and Transport Workers Union (PNGTWU) has included a sexual harassment clause in awards or agreements to protect female members. An example is the CBA with RD Tuna Canneries, which agreed to a clause on preventing and combating sexual harassment at work.</p>
<b>Philippines</b>	<p>The NUWHRAIN (National Union of Workers in Hotel, Restaurant and Allied Industries) has concluded a sectoral CBA that includes penalties against sexual harassment between peers. The agreement includes company responsibility to hold seminars on harassment.</p> <p>The CBA signed between Mitsumi Philippines and Mitsumi Philippines Workers Union (MPWU) was a landmark agreement signed by a company located in an export processing zone. The CBA implements the existing law stating that sexual harassment is unlawful in the workplace and in training facilities, and has led to the setting up of a Committee On Decorum and Investigation (CODI) and awareness raising on sexual harassment throughout the company. The CBA also includes provision for the union to establish a women's group to identify women's concerns and monitor implementation of the Magna Carta of Women. In addition to ongoing dialogue with the management, the union and its committees also hold regular meetings to discuss the issues and concerns of workers, particularly as related to sexual and other forms of harassment.</p> <p>The CBA on sexual harassment agreed between the Katolec Philippines Corporation, an electronics company (where the majority of workers are women) and the Katolec Philippines Labor Union (KAPLU), led to the formation of a CODI in the company, as set out in the legislation.</p>

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