

EXECUTIVE COMMITTEE

ETUC\EC\254\EN\10

Agenda item 10

Safe at work, safe at home, safe online.

**ETUC position on the proposal for a Directive on
combating violence against women and domestic
violence**

(Draft position)

Acting General Secretary in charge *Esther Lynch*
Advisor with responsibility *Aline Brüser*

The Executive Committee is invited to approve this document.

#Gender Equality #Violence against women

Safe at work, safe at home, safe online.

ETUC position on the proposal for a Directive on combating violence against women and domestic violence (Draft position)

Summary

On 8 March 2022, the European Commission presented a proposal for a Directive on combating violence against women and domestic violence. The ETUC considers the draft Directive can bring concrete advancements. However, urgent improvements are needed to provide practical solutions that make workplaces safe for all women workers. The ETUC is seeking amendments in four key areas: 1) To recognise the role of trade unions, 2) to protect victims of certain forms of cyber-violence against discrimination at work, 3) to oblige employers to update and implement policies to prevent violence and harassment and 4) to address domestic violence as a workplace issue.

Introduction

1. The ETUC and its affiliates are committed to preventing and combating violence and harassment against women in the world of work.
2. On 8 March 2022, the European Commission presented a proposal for a Directive on combating violence against women and domestic violence. The proposal seeks to “*effectively combat violence against women and domestic violence throughout the EU. It does so by proposing measures in the following areas: the criminalisation of and sanctions for relevant offences; protection of victims and access to justice; victim support; prevention; coordination and cooperation.*”
3. The ETUC considers the draft Directive can bring concrete advancements to prevent violence against women and domestic violence. However, urgent improvements are needed to recognise and prevent violence against women in the world of work.

ETUC assessment and recommendation for amendment

4. The proposal leaves the world of work – and trade unions - out of sight

The proposal lacks **practical solutions** to make workplaces safe from violence and harassment. It fails to include trade unions, specifically health and safety reps, collective bargaining or social dialogue – despite the fact that collective bargaining is a proven method to make workplaces safer and to support and protect victims and survivors of sexual harassment, domestic violence and third-party violence. Whereas economic violence is correctly identified as a consequence of domestic violence, the proposal fails to establish a connection to the world of work. Third-party violence, a common form of violence against women, remains unaddressed in the proposal.

Recommendation: The proposal must be amended to ensure that the crucial role of social partners in preventing and addressing violence at work as well as domestic violence and third-party violence, is properly recognised. A new provision must be included to support trade unions who seek to negotiate workplace practices on preventing and addressing instances of sexual harassment, cyber violence, third-party violence and domestic violence, including

through awareness-raising and training of employers, trade union representatives and workplace health and safety representatives.

5. The proposal fails to protect victims of cyber-violence against further discrimination by employers

The ETUC welcomes the recognition in the draft Directive of the need to address cyber-violence against women. However, the lack of safeguards against secondary victimisation and economic consequences is particularly striking and a damaging omission. There is, for example, no explicit ban on employers taking action against a worker who has been a victim of the non-consensual sharing of intimate or manipulated images or videos. This is a form of cyber-violence (often referred to as “revenge porn”) is on the increase. Trade unions are reporting cases of workers who are victims of image-based sexual cyber-violence who then suffer additional discrimination, such as from their employer who unfairly dismisses the worker, because of these images or videos, or denying promotion or refusing them a job due to “social media screenings” increasingly undertaken by employers.

Recommendation: The ETUC is calling for the Directive to be amended to ensure that employers are prevented from direct or indirect discrimination against workers on the basis they have been victims of cyber-violence, specifically image-based sexual harassment / abuse. An amendment to give effect to this can be introduced in Article 30.

6. The proposal doesn't oblige employers to update and implement policies to prevent violence and harassment in the world of work

- The proposal fails to require employers to implement and update policies to combat violence and harassment against women in the world of work.
- In 2021, amid the COVID-19 crisis, the ETUC conducted a survey on violence and harassment in the world of work. In light of an explosion of domestic violence and reports of escalating incidences of third-party violence, targeting women frontline workers, the ETUC found that an overwhelming majority of employers had not updated their policies preventing and combating violence and harassment. 77% of survey respondents thought that employers did not do enough to tackle violence and harassment at work, including online. 84% of survey respondents thought their national laws were not strong enough to tackle violence and harassment at work, including online.

Recommendation: Further amend Article 30 of the draft Directive. This provision covers sexual harassment at work. The ETUC assessment is that cyber-violence and third-party violence need to be explicitly referred to in this Article. As it stands now, the provision that calls for specialist support for victims of sexual harassment at work (Article 30) is insufficient as it does not provide that

- Counselling services must be free for workers,
- Workers must be granted paid time off to attend these services.
- Workers shall have the right to receive support and representation from their trade union, and to have access to information on available remedies and access to legal remedies.

7. The proposal fails to identify domestic violence as a workplace issue – and falls short of solutions

- Domestic violence is a workplace issue. The spill-over of domestic violence at work is a main dimension of violence and harassment at work. Domestic violence can involve a wide range of abuses including emotional and financial abuse, such as ‘coercive control’, which can affect a woman’s capacity to get to work and to participate effectively and productively in the workplace.
- Although this is a relatively new collective bargaining issue in some countries, an increasing number of employers and trade unions recognise the role of the workplace in preventing domestic violence. Negotiating workplace supports, such as flexible work, paid leave or changes in work location, can ensure that women can safely retain their jobs and have the financial independence and support at work that can help them to leave violent partners and live independently without fear of further violence.
- Other workplace measures include initial safety planning, providing information about specialist domestic support organisations and protection orders in cases of stalking in the workplace
- It is important to note that with the increasing availability of home-based telework, the site of domestic violence can in fact be the workplace of victim.
- To offer real solutions for victims and survivors of domestic violence, the interconnectedness of domestic violence and the world of work, as currently overlooked in the proposal, needs to be urgently recognised.

Recommendation: Include a new Article to provide an obligation for employers to take appropriate measures to provide a safe working environment and support to victims of domestic violence, and to ensure that consequences of domestic violence on the safety of victims and co-workers, and on productivity and performance at work, are not taken into account in performance evaluations. Workers shall have an explicit right to receive support from a trade union and the workplace health and safety representative. In addition, a provision must be included that guarantees victims of domestic violence an entitlement to paid leave of appropriate duration.

Next steps

8. The ETUC Women’s Committee will pursue these four key demands to work to ensure that the Directive is amended to protect women at work.
9. The ETUC will continue, to support our affiliates to campaign for ratification by all European countries of ILO C190 and for the EU to accede to the Istanbul Convention This remains a priority for the ETUC.
10. The COVID crisis has put the spotlight on the dimension of online violence and harassment. With the rise of telework arrangements, violence and harassment facilitated by digital means add an additional gateway that requires targeted trade union action and knowledge sharing. In this context, the ETUC is committed to explore the prevalence and functioning of potentially privacy invading digital tools by employers, such as surveillance or monitoring tools. The newly launched project

“Tackling violence and harassment against women at work” supports the ETUC and our affiliates to develop concrete trade-union led strategies, including via collective bargaining.

11. The ETUC will report back to the ETUC Executive Committee on developments.