



The role of social partners in preventing third-party violence and harassment at work

2021 – 2023



EUPAE



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Webinar 5: Protection and compensation for victims and sanctions against perpetrators

4 March 2021

Overview of previous webinar

Findings from the TPV survey

Overview of European and international provisions

Dr. Jane Pillinger

1. Overview of Webinar 4 on Digitalisation

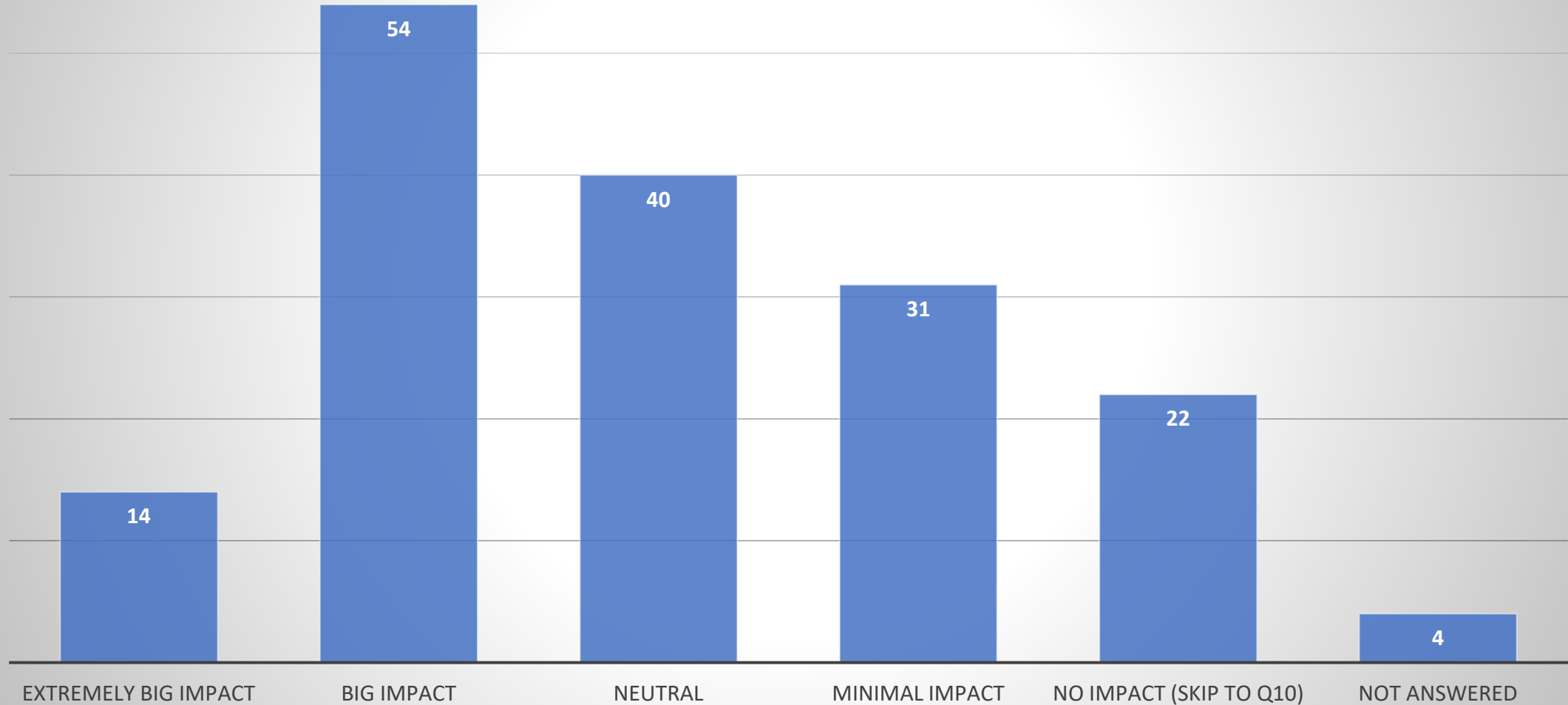
2. Recap on the survey on TPVH

Summary of survey results

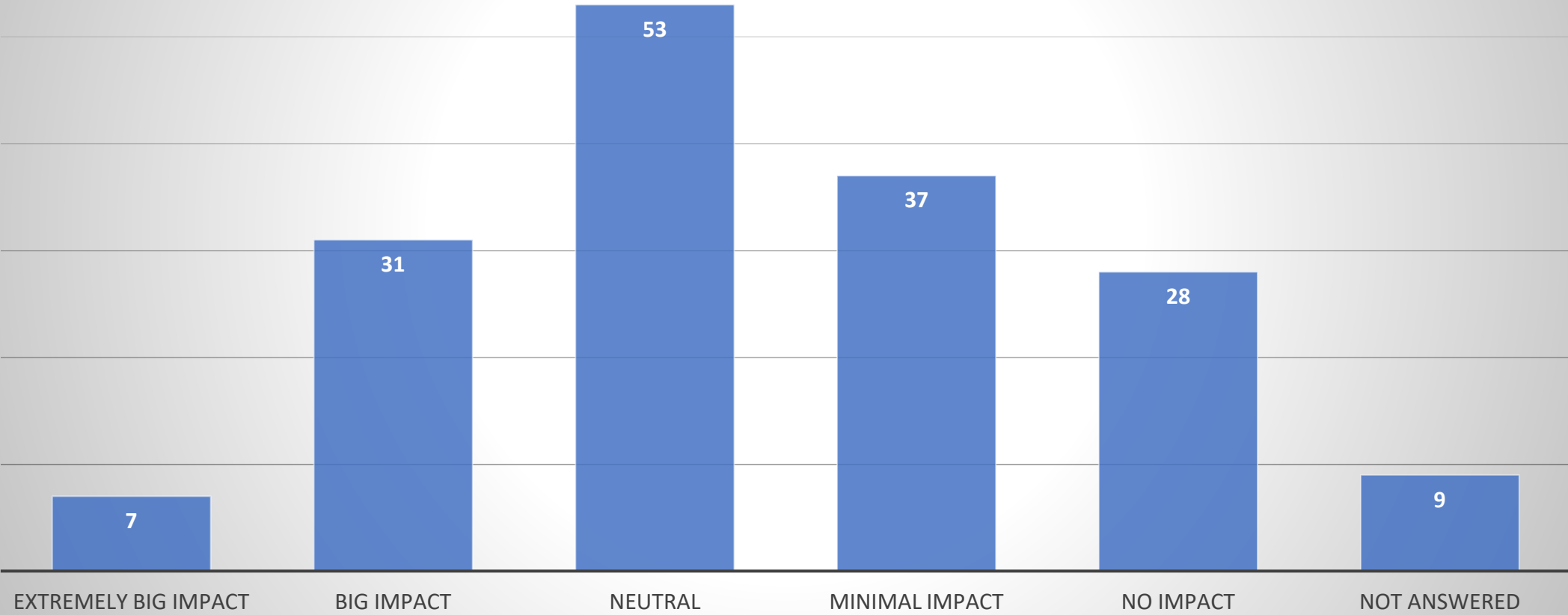
The survey was closed at the end of December:

- 165 full responses from 19 countries and European level
- Highest levels of responses from prisons, followed by hospitals, education and urban transport
- 59 trade union; 87 employer; 19 did not specify
- Verbal harassment, followed by psychological harassment and physical violence/assault are the most common forms of TPHV
- 70% of respondents were not aware of the Multisectoral Guidelines, higher amongst employers than unions
- Where measures had been agreed, nearly half were jointly agreed between unions and employers

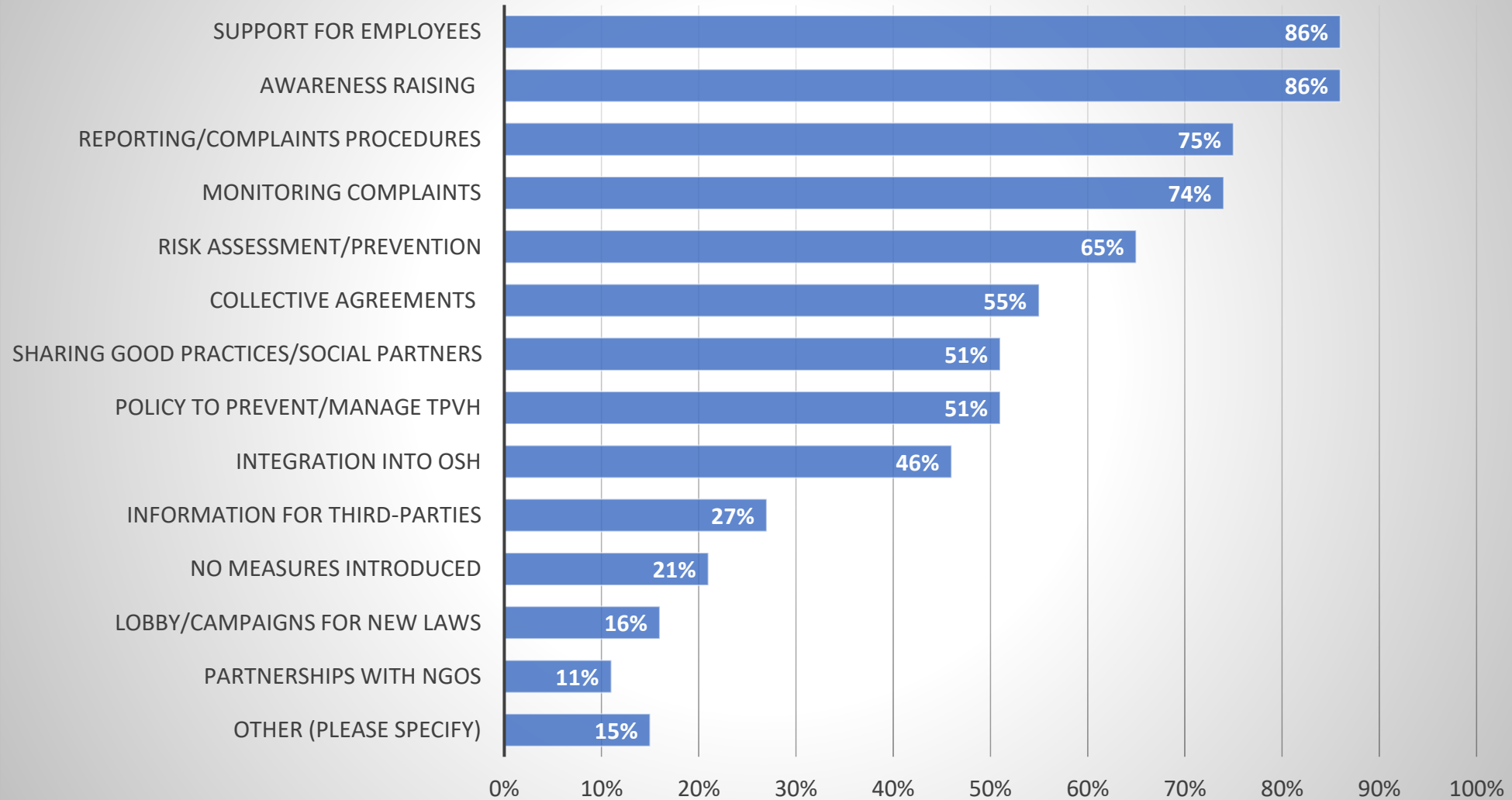
Impact of TPVH on service quality



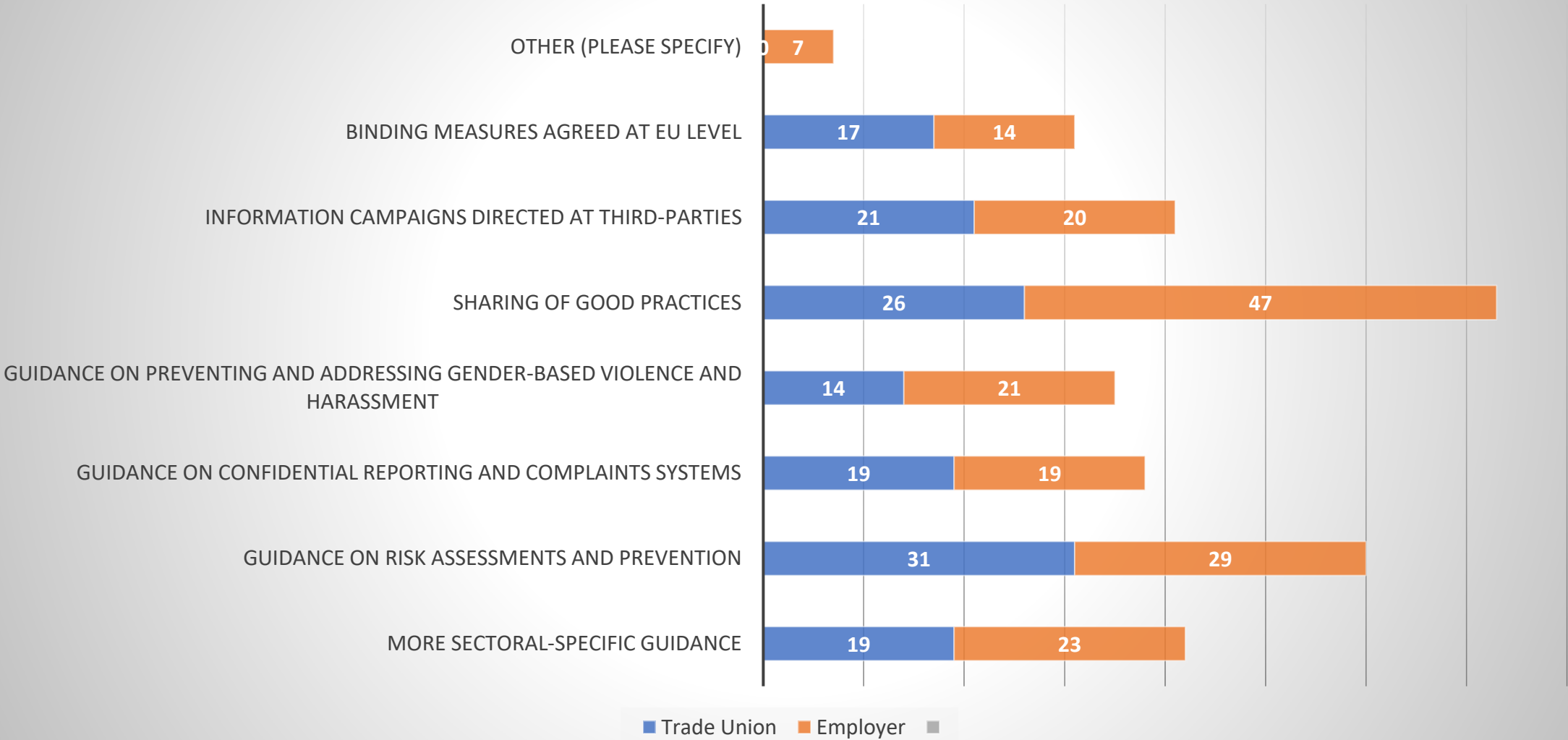
Impact of Covid



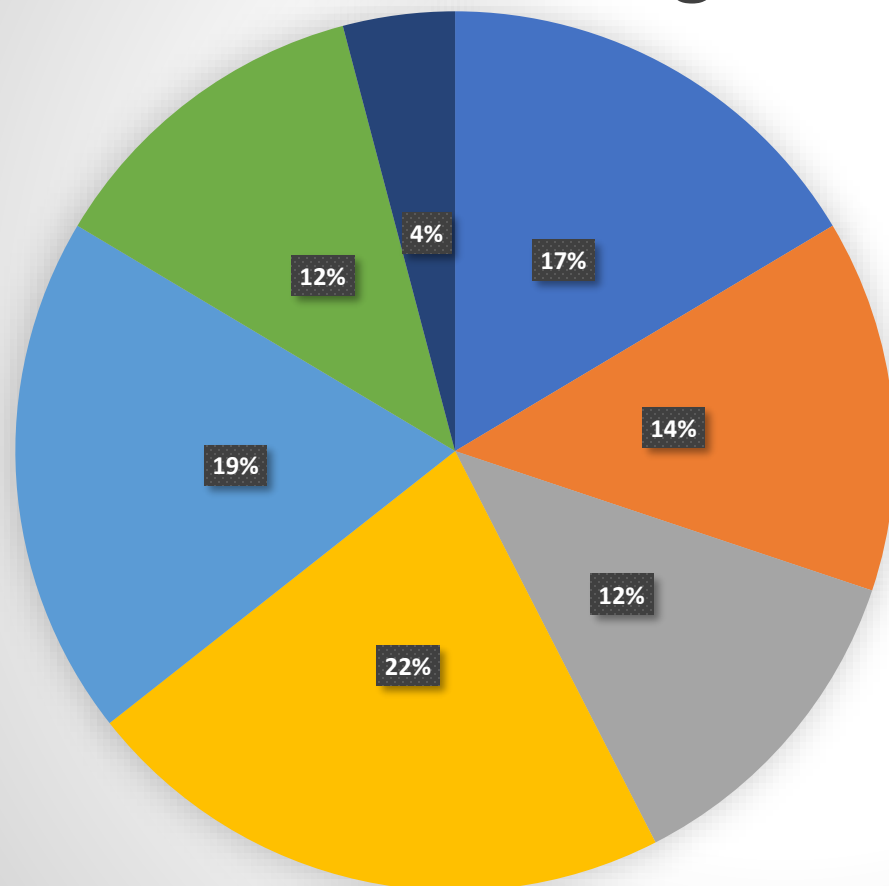
Measures currently provided to prevent and address TPVH



Types of support that would be useful in the future (%)



Specific recommendations about the revision of the guidelines



- More detailed/specific guidance
- Additional practical guidance
- Stronger on gender-based violence
- Legally binding measures
- Better follow-up
- Integration of internal and external violence and harassment

3. Examples of European and international instruments covering protection and remedies

Provisions for support, protection and compensation in European Directives covering harassment and sexual harassment

- Directive 2000/43/EC against discrimination on grounds of race and ethnic origin.
- Directive 2000/78/EC against discrimination at work on grounds of religion or belief, disability, age or sexual orientation.
- Directive 2006/54/EC equal treatment for men and women in matters of employment and occupation.
- Directive 2004/113/EC equal treatment for men and women in the access to and supply of goods and services.
- Directive 2012/29/EU minimum standards on the rights, support and protection of victims of crime

Victims' rights directive

Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

- Minimum standards on the rights, support and protection of victims of crime and that persons who have fallen victim to crime are recognised and treated with respect, and must receive proper protection, support and access to justice.
- Article 8: Right to access victim support services, including “targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling.”
- Article 9: Victim support services to include as a minimum:
 - (a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in criminal proceedings including preparation for attendance at the trial;
 - (b) information about or direct referral to any relevant specialist support services in place;
 - (c) emotional and, where available, psychological support;
 - (d) advice relating to financial and practical issues arising from the crime;
 - (e) unless otherwise provided by other public or private services, advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation.

Proposed directive on GBV

- Will cover violence against women, domestic violence and female genital mutilation as a basis for future legislative criminal-law instruments against gender-based violence including a framework to fight violence against women (policy, prevention, protection, prosecution, provision and partnership)
- Council of Europe Convention on preventing and combating violence against women and domestic violence adopted on 7 April 2011
 - Protection is one of the four pillars of the Convention.
 - Article 1: the design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence;
 - Chapter IV – Protection and support: laws to provide for protection and support, coordination between all relevant agencies; right to claim compensation; protection measures against all forms of violence and harassment, including stalking and sexual violence; sexual harassment subject to criminal and other legal sanctions; prosecution and sanctions;

ILO Violence & harassment Convention No.190

TPVH is recognised as a form of workplace violence.

- **Chapter IV: Protection and prevention**

- Each Member shall take appropriate measures to prevent violence and harassment in the world of work (Article 8)

- **Chapter V: Enforcement and remedies**

- Covers legal, social, medical and administrative support for victims; protection against victimisation; sanctions against perpetrators; specific supports for victims of GBVH.

- **Recommendation 206**

- Detailed guidance on provision of supports; right to compensation in the event of damages and psychosocial, physical or any other injury or illness which results in incapacity to work.
- Specific workplace supports for victims of domestic violence.
- Perpetrators should be held accountable and provided counselling or other measures, in order to prevent the reoccurrence of violence and harassment.

Examples of remedies, protection and compensation initiatives

- In some countries insurance companies' compensation systems result in reduced premiums if workplace policy, prevention or other workplace measures are in place (e.g. Slovenia, Italy).
- Some agreements/workplace policies contain protection and compensation measures:
 - compensation for damages / harm suffered as a result of a legal claim against and employer
 - support for victims/survivors, including paid leave, counselling etc.
 - sanctions
- Domestic violence supports:
 - paid leave, for example, agreements in the public sector in France provide for between 3 and 5 days paid leave; agreements in Italy e.g. in health and education provide for up to 30 days paid leave; some agreements in Spain provide unlimited leave
 - job relocation, change in work tasks/ responsibilities, financial assistance, support through counselling, referral to legal advice and specialist services
- Some agreements/policies refer directly to sanctions / holding perpetrators accountable, although for TPV these are usually addressed through criminal law measures.