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

2021 – 2023

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Webinar 1

Setting the scene: definitions, impact and role of social dialogue

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1. Definitions and legal scope

Definitions

Third party violence is "physical violence, verbal aggression, or the threat of physical violence where the aggressor is not a work colleague, e.g. the person, customer, client or patient receiving the goods or services."

(EU-OSHA)

…"violence and harassment" in the world of work refers to a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aim at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment;

(ILO Convention 190)
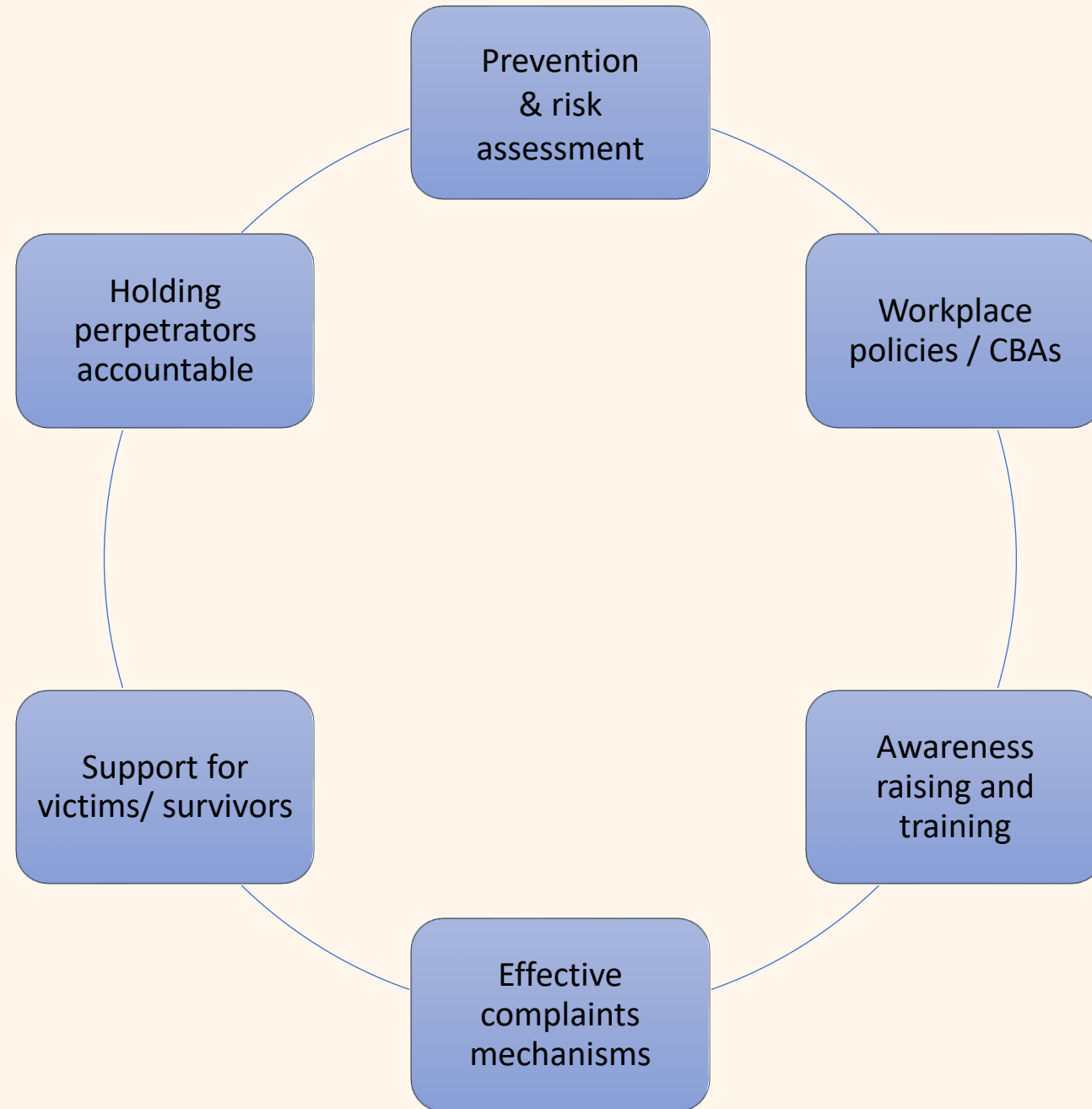
An important workplace issue

Impacts on:

- health and wellbeing of workers

- stress in the working environment

- safety and security of workers

- safety for public/clients/customers

- the capacity of workers to provide quality services

- business case (employer or choice, attracting new workers, retaining existing workers, provision of quality work and services etc.)

An important workplace issue

- 41% of EU employees work in direct contact with clients, customers, users, patients or other service recipients. (Eurofound 2020)
  - One-fifth are health workers on the frontline of the COVID-19 pandemic.

- Estimates of third party violence and harassment range from 2% to 23% of all workers; this rises to 42% of those who work in direct contact with the public, many of who are women (EPSU et al, 2013).

- Survey data indicates that third party violence and harassment is a growing problem:
  - More workers are in front-line / customer facing roles
  - Increase in general levels of workplace violence and harassment, including from third parties
  - Added challenges for essential workers during COVID-19 pandemic e.g. health and transport

What can be done to end third party violence and harassment?

- Prevention & risk assessment
- Workplace policies / CBAs
- Awareness raising and training
- Effective complaints mechanisms
- Support for victims/ survivors
- Holding perpetrators accountable

Addressing the problem through law and guidance

- Different definitions in the OSH, labour and equality laws of EU Member States:
  - Some make explicit reference to third parties (e.g. France, Ireland, Netherlands, Germany, Belgium, Ireland, Denmark)
  - Explicit duties on employers in some laws
  - Prevention through OSH / risk assessment
- Social Partner Autonomous Framework Agreement on Harassment and Violence at work (2007)
- Multi-Sectoral Guidelines on Third Party Violence (2010) by European social partners in healthcare, education, local and regional government, commerce and private security sectors

ILO Violence and Harassment Convention No. 190

- The **right** of everyone to a world of work free from violence and harassment

- An **inclusive, integrated and gender-responsive** approach to preventing and eliminating violence and harassment in the world of work

- A definition of **world of work** that goes beyond the traditional workplace

- Covers workers **in all work situations**, including interns, volunteers, job applicants, temporary etc.

- Integration of **third party violence and harassment**

- Includes **domestic violence** when it impacts the workplace

Article 4.2: ILO Violence and Harassment Convention No. 190

Each Member shall adopt, in accordance with national law and circumstances and in consultation with representative employers' and workers' organizations, an inclusive, integrated and gender-responsive approach for the prevention and elimination of violence and harassment in the world of work. **Such an approach should take into account violence and harassment involving third parties**, where applicable…

ILO Violence and Harassment Convention No. 190

- Obligations on governments
- Duties on employers and public authorities,
- Importance of social dialogue and collective bargaining.

- **Most EU Member States are in the process of ratifying C190**
- **EU-level ratification of C190 is currently stalled**

ILO Recommendation 206

Para. 8: workplace risk assessments to take account of factors that increase the likelihood of violence and harassment, including psychosocial hazards and risks. Particular attention should be paid to the hazards and risks that:

(a) arise from working conditions and arrangements, work organization and human resource management, as appropriate;

(b) involve third parties such as clients, customers, service providers, users, patients and members of the public; and

(c) arise from discrimination, abuse of power relations, and gender, cultural and social norms that support violence and harassment.

ILO Recommendation 206

Para. 9:

Members should adopt appropriate measures **for sectors or occupations and work arrangements in which exposure to violence and harassment may be more likely, such as night work, work in isolation, health, hospitality, social services, emergency services, domestic work, transport, education or entertainment.**

2. The role of the Multi-Sectoral Guidelines in preventing third party violence and harassment

Implementation of the guidelines

The guidelines recommend a range of joint national, sectoral and workplace initiatives aimed at:

- Increasing awareness and understanding of the issue among employers, workers and public authorities (e.g. OSH agencies, the police)
- Assessing risks posed by third parties in different sectors, workplaces and job functions
- Training managers and workers to prevent and manage the problem.
- Policies and systems for monitoring, reporting and investigating incidents and providing support to victims

Examples of measures introduced

- CBAs (e.g. local government Denmark; health sector Netherlands; urban transport Bulgaria)
- Seminars and training in various sectors (e.g. Germany, France, the Czech Republic, the Netherlands, Latvia and UK)
- Specific focus on risks of GBVH and LGBTI (e.g. Bulgaria, Denmark, Ireland)
- Hospital and care sector joint initiatives and awareness raising (e.g. France, Netherlands, Bulgaria and Finland)
- European schools' project on ending violence and harassment (ETUCE/EFEE) and current development of online risk assessment tool for secondary schools (ETUCE/EFEE)
- Recent ETUCE initiatives on digitalisation, gender-based violence and inclusive school education

Urban public transport

Joint ETF-UITP Recommendations (2003) "Combating violence and insecurity on urban public transport"

- updated at the Urban Public Transport Sectoral Social Dialogue meeting, 29 January 2020
- covers: third party/internal and external violence and harassment
- reference to implementation of UITP/ITF joint statement (2015), the (2007) social partner autonomous agreement on violence and harassment and ILO Convention 190 (2019)

- Ending gender-based violence and harassment is an important part of the ETF campaign to make the transport sector "fit for women to work in".

Discussion

Do you have any questions or comments?

What workplace, national or European level sectoral initiatives are you involved in?

What challenges exist in preventing third party violence and harassment, including in the context of COVID-19?

3. Who is most affected by third party violence and harassment?

Risk factors that increase the likelihood of third party violence and harassment

Examples of risk-related work situations:

- in contact with the public

- with people in distress

- with objects of value

- places where criminal justice or policing is caried out or where money, prescription drugs are handled

- in situations that are not or not properly covered or protected by labour law and social protection

- in resource-constrained settings (inadequately equipped facilities or insufficient staffing can lead to long waits and frustration)

- unsocial working hours (e.g. evening and night work)

- alone, in relative isolation, in remote locations or in mobile locations

- in intimate spaces and private homes

- in public spaces

ILO (2016)
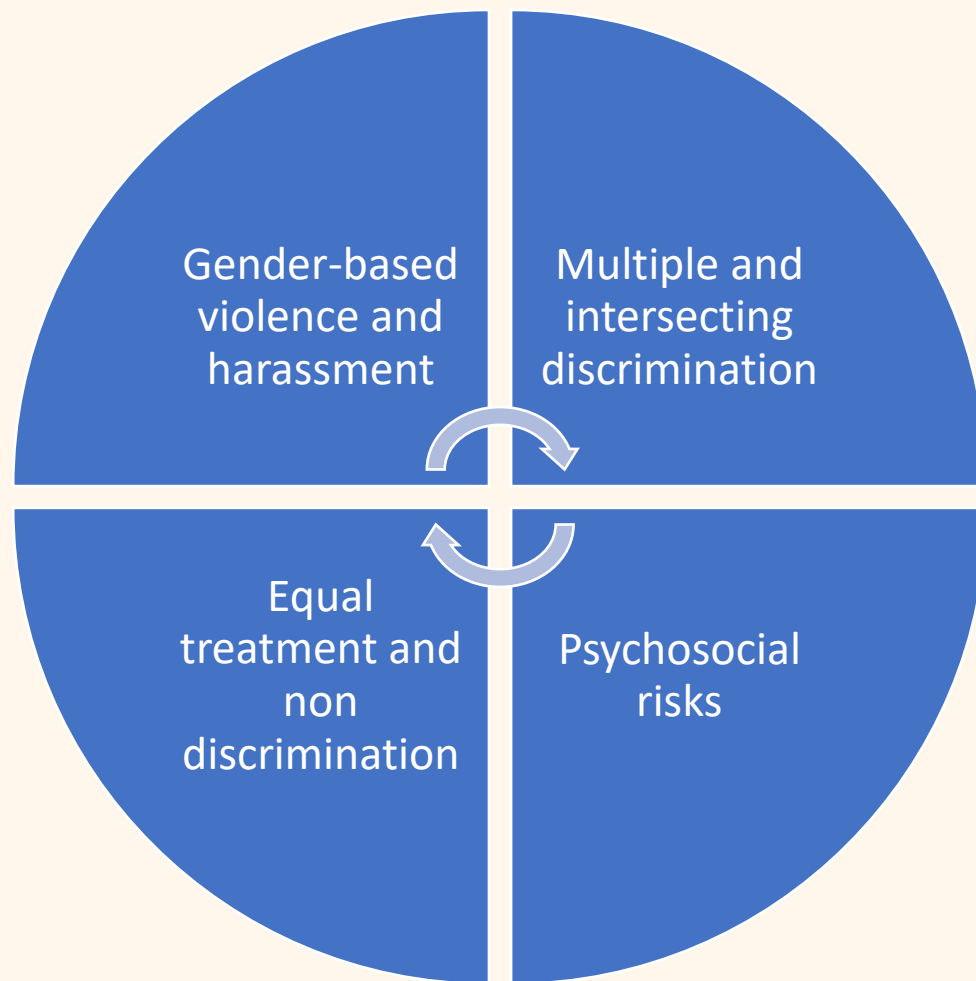
Gender-based violence and harassment

Women are disproportionately affected by violence and harassment:

- Women are the majority of workers in client/customer-facing services
- Face added risks and vulnerabilities e.g. precarious work
- OSH programmes do not always address gender-related risks
- Persistence of social and cultural norms / power inequalities

EIGE definition of intersectionality:

An analytical tool for studying, understanding and responding to the ways in which sex and gender intersect with other personal characteristics/identities, and how these intersections contribute to unique experiences of discrimination.
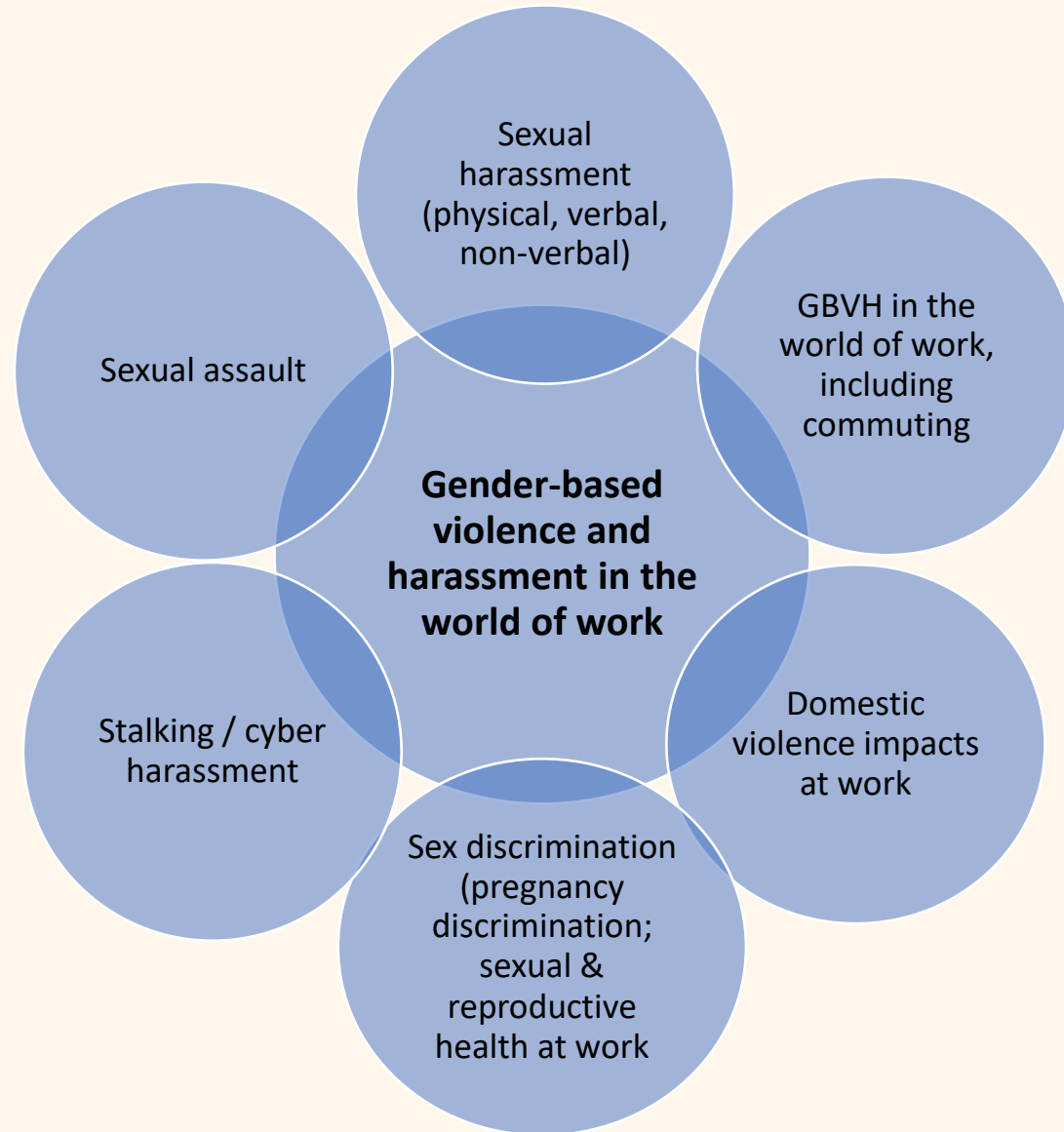
Equal treatment and non discrimination

EU Directives also put obligations on employers, including through collective bargaining, to address discriminaiton, harassment and sexual harassment.

- Directive 2006/54/EC on equal treatment in employment and occupation

- Racial Equality Directive 2000/43/EC

- Directive 2000/78/EC 'Employment Framework Directive' (religion or belief, disability, age or sexual orientation)
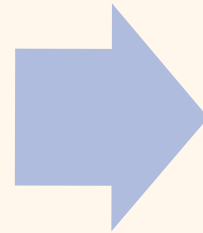
Multiple and intersecting forms of discrimination

Multiple and intersecting discrimination impact on risks and vulnerabilities to violence and harassment in the world of work:

- Race, sex/gender, sexual orientation, gender identity, religion, political opinion, national or social origin, pregnancy/family responsibilities, age, disability, migration
- Black and ethnic minority women's over-representation in high-risk and insecure occupations – e.g. health, education, social care, transport – also puts them at greater risk of violence and harassment, and particularly racialised/sexist violence and harassment
- Surveys show an increase in violence and harassment against lesbian, gay, bisexual, transgender and intersex (LGBTI) workers and racist abuse at work

Intersectional approach can be helpful in:

- understanding risks and vulnerabilities to violence and harassment
- recognising that discrimination (for example, in relation to gender, race and ethnicity, age, disability, LGBT, poverty and migration) is closely connected to unequal power relations

Preamble to C190:

Acknowledging that gender-based violence and harassment disproportionately affects women and girls, and recognizing that an inclusive, integrated and gender-responsive approach, which tackles underlying causes and risk factors, including gender stereotypes, multiple and intersecting forms of discrimination, and unequal gender-based power relations, is essential to ending violence and harassment in the world of work, and...

Psycho-social context and risks at work

- Focus on occupational safety and health
- Link into a gender-responsive approach to risk assessment
- Risks that rise from working conditions, work arrangements and work organization

Can result in:

- negative psychological, physical and social outcomes
- work-related stress, burnout, depression, violence and harassment

Psycho-social risks of third party violence and harassment?

- Excessive workloads
- Inadequate staffing levels, e.g. leading to more lone working
- Poor work design
- Conflicting demands and lack of role clarity
- Lack of involvement in making decisions/ influence over the way the job is done
- Poorly managed organisational change
- Inadequate systems for reporting, learning from and preventing re-occurrence
- Ineffective communication, lack of support from management or colleagues

4. Overview of the research

Key research questions

- Use and effectiveness of the guidelines?

- Relevance of the guidelines in the current challenges in the world of work?

- How is the relationship between external and internal violence and harassment addressed in different sectors or countries?

- What are the main and current risk factors?

- How are gender-related risk factors, including multiple discrimination, addressed?

- What provisions exist for the protection and support for victims/survivors?

- What sector-specific and/or general recommendations can be made to improve the Guidelines?

Countries and sectors

Countries:
- Bulgaria
- Czech Republic
- Denmark
- France
- Ireland
- Italy
- Latvia
- Netherlands
- Poland
- Spain

Sectors:
- secondary schools
- hospitals
- prisons
- employment service
- urban public transport
- front desk administrative functions in local and regional government
- telecoms

Research methods

Thank you!

Do you have any questions or comments?

Do you have good practices to share with us?

GET INVOLVED

SEND US YOUR CASE STUDIES ON PREVENTING TPV IN YOUR SECTOR

PARTICIPATE IN THE ONLINE SURVEY

The survey will be launched in a few weeks time in 10 languages (BG, CS, DA, ENG, ES, FR, IT, LV, PL, NL)

Here is the English survey.

Online European survey on third-party violence and harassment:
https://www.research.net/r/TPV-EN

QR Code for the survey:

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