

National Report

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INTRODUCTION

Sexual harassment at the workplace is a form of discrimination that includes any unwanted behaviour, comments or conduct regarding sex, gender or sexual orientation. It is estimated that six out of ten women in Europe have endured sexist treatment or suffered sexual violence during their careers (The Parliament Magazine, 2019). Sexual harassment causes serious consequences for organisations such as fear and anxiety or shame between employees which leads to reduced productivity and performance and eventually affects the whole functioning and development of the organisation (Policy Department for Citizen's Rights and Constitutional Affairs, 2018).

Sexual harassment has different impact on affected parties : victims, employers and society.

VICTIMS	EMPLOYERS	SOCIETY
Psychological suffering Including humiliation, reduced motivation, loss of self-esteem ;	Decreased enterprise productivity due to : <ul style="list-style-type: none"> ▪ ilmpaired judgement ; ▪ compromised teamwork ; ▪ de-motivation ; ▪ absenteeism ; 	Long term rehabilitations costs of the reintegration of victims ;
Behavioural change including Isolation, deterioration of Relationships ;	No applicants will fill vacancies at Workplace where ther fear sexual Harassment ;	Unemployment welfare benefits and retraining ;
Stress – related physical and mental illness including drugs and alcohol abuse ;	Progress and innovation within Enterprise are hindered when environment is deficient in trust and team spirit ;	Invalidity costs for those with Impaired working capabilities ;
Victims foregoing career opportunities, leaving employment or committing suicide ;		Legal and criminal justice expenses ;
		Women's undermined access to high status and well paid jobs, traditionally male-dominated ;

The society and the employees are much more sensitive to the general issue of discrimination, including sexual harassment. 921 are the complaints received at the Commission for Protection against Discrimination in 2019. They are almost double the number of complaints in 2017, when

they were only 535 and last year their number reached 600. This is clear from the report of the Commission for Protection against Discrimination (CPD) for 2019.

There is a serious growth in the self-referrals of the commission. In 2017, they were only 2 in number, in 2018 - 286, and last year their number jumped to 601.

The CPD, on the other hand, found discrimination in the workplace in every third complaint - or in 34% of the signals. Two of the cases were for sexual harassment in the workplace, according to the commission's report. However, cases of sexual harassment are the most difficult to prove, they are often committed without witnesses, and the perpetrators are rarely aggressive in front of other people, the commission's experts commented.

Most of the reports last year were for multiple discrimination, in which the complaint is more than one sign. There were a total of 177 cases of multiple discrimination last year, with 87% having substantive decisions.

Bulgarian women rarely file complaints about sexual harassment at workplace. In 2016, 75% of women in top management positions in Europe have experienced sexual harassment at work, statistics showed.

Two strong professional groups in the world have voted against sexual harassment – Hollywood actresses and women in politics. According to psychology experts, their age and financial condition are the basis of their confidence.

Harassment and sexual harassment run counter to the principle of equal treatment between men and women and constitute discrimination based on sex, the CPD says. These forms of discrimination occur not only in the workplace but also in the context of access to employment, vocational training and promotion.

They should therefore be banned and subject to effective and dissuasive sanctions.

RESEARCH METHODOLOGY

The methodology of the research is part of an international project and the methods agreed in advance with the partners: KENTRO MERIMNAS OIKOGENEIAS KAI PAIDIOU (KMOP - Greece), ADECCO FORMAZIONE SRL (ADECCO - Italy), CENTER FOR SUSTAINABLE COMMUNITIES DEVELOPMENT (CSCD – BULGARIA) FUNDACIO DE DONES (SURT Spain), OXFAM ITALIA ONLUS (OIT – Italy).

The overall goal of the TEAMWORK Project (**Team Response to Sexual Harassment at Work**) is to strengthen the fight against sexual harassment at work in Greece, Bulgaria, Spain and Italy by developing research-based guidelines, online tools and programs to build capacity for HR professionals and employers and to enable them to review staffing policies; to take action to prevent and deal with sexual harassment, as well as to introduce measures to protect victims, regardless of their gender or position.

There are mainly two methodological approaches used, which allowed us to cover the phenomenon of "sexual harassment at work" from different points of view and in its various manifestations and aspects.

- **Review and desk search of existing information**

A significant amount of research was carried out - review, content analysis and systematization of available Bulgarian and foreign research, scientific literature and periodicals relating to sexual harassment at work.

- **Qualitative part of the survey**

On the basis of pre-agreed sample questionnaires, 4 in-depth interviews were conducted, including representatives in leading positions from: state administration, nationally representative employers' and trade unions' organizations, non-governmental sector.

- **Quantitative part of the survey**

By virtue of the idea and the methodical approach with a semi-standardized interview, the opinion of two target groups was taken - 1). Employers/managers and 2). Employed persons - workers and employees. The survey was conducted online at random.

Two types of questionnaires have been prepared, for each of the target groups - for managers and for employees.

The total number of respondents is 176.

126 of them are employees (workers /employees) and 50 are employers/managers.

I. REVIEW AND DESK SEARCH OF EXISTING INFORMATION LEGISLATION

International level

United Nations legal instruments in the field of human rights and notably of women's rights, such as :

- ☐ Charter of the United Nations;
- ☐ Universal Declaration of Human Rights;
- ☐ International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights;
- ☐ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Protocol, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

UN instruments on sexual harassment and violence against women, such as :

- ☐ Vienna Declaration and Programme of Action of 25 June 1993 adopted by the World Conference on Human Rights;
- ☐ the Declaration by the United Nations General Assembly on the Elimination of Violence against Women of 20 December 1993;
- ☐ Resolution on crime prevention and criminal justice measures to eliminate violence against women of 21 July 1997;

- ☐ Reports by the UN Special Rapporteurs on violence against women, and General recommendation No 19 by the CEDAW committee.
- ☐ Istanbul Convention on preventing and combating violence against women and domestic violence, in particular Articles 2 and 40 thereof.

European level

Any action taken by the EU is carried out under the treaties. These binding agreements between EU Member States set out the EU's objectives, the rules for the Union's institutions and the relationship between the EU and the Member States.

The Treaties are the starting point for EU law and are known in the Union as "primary law". Legislation based on the principles and objectives of the Treaties is known as "secondary legislation" and includes regulations, directives, decisions, recommendations and opinions.

Primary laws

Primary laws for the topic of Sexual harassment at the workplace.

Articles 2 and 3 of the Treaty on European Union (TEU) Articles 8, 10, 19 and 157 of the Treaty on the Functioning of the European Union (TFEU) Secondary legislation

Secondary legislation for the topic of Sexual harassment at the workplace.

- ☐ Charter of Fundamental Rights of the European Union, which entered into force with the adoption of the Treaty of Lisbon in December 2009¹, and, in particular, Articles 1, 20, 21, 23 and 31.
- ☐ Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation - OJ L 204, 26.7.2006, p. 23.
- ☐ Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, which defines and condemns harassment and sexual harassment - OJ L 373, 21.12.2004, p. 37.

- Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (the Victims' Rights Directive).
- Framework Agreement on Harassment and Violence at Work of 26 April 2007 between ETUC/CES, BUSINESSEUROPE, UEAPME and CEEP.
- Resolutions of 20 September 2001 on harassment at the workplace - OJ C 77 E, 28.3.2002, p. 138.
- Resolutions of 14 March 2017 on equality between women and men in the European Union in 2014-2015, of 10 March 2015 on progress on equality between women and men in the European Union in 2013, and of 24 October 2017 on legitimate measures to protect whistle-blowers acting in the public interest when disclosing the confidential information of companies and public bodies - Texts adopted, P8_TA(2017)0402.
- Resolution of 26 October 2017 on combating sexual harassment and abuse in the EU - Texts adopted, P8_TA(2017)0417.

National Legislation:

Bulgarian legislation does not provide for a legal definition of violence against women (VAW), neither for a definition of gender-based violence (GBV) in general. Definitions on some of the forms of VAW: domestic violence/intimate partner violence, rape, debauchery, sexual assault, sexual harassment and trafficking of human beings are regulated by different laws.

The definition of domestic violence which includes intimate partner violence is given by the

Law on Protection against Domestic Violence /LPADV/ of March 2005 (amended in 2009, 2010, 2015, 2019), which defines domestic violence and provides for measures for protection against it, as well as measures for help and support for the victims.

- Debauchery and rape are defined by the Penal Code of April 1968 (last amended in September 2020). No specific provisions in the Penal Code criminalising marital rape. The Law on Protection against Discrimination of January 2004, as amended in August 2012, defines sexual harassment and explicitly recognises sexual harassment as a form of discrimination.

- Stalking is not regulated by Bulgarian national law. Instead, Bulgarian legislation regulates harassment.
- The Penal Code criminalises human trafficking under offences against the person. The Combating Trafficking in Human Beings Act (CTHBA) introduces measures for the prevention and protection of human trafficking victims.

There are no special legislative measures encouraging private companies to be involved in the prevention, protection and reintegration of victims of VAW outside the workplace.

The Law on Protection Against Discrimination (Art.17) provides for protection measures against sexual harassment in the workplace, and regulates that employers must hold inquiries regarding complaints and take measures to stop the harassment.

The law explicitly recognizes sexual harassment as a form of discrimination and bans it. The EU definition of sexual harassment is fully recognized in the Bulgarian Law on Protection against Discrimination. Sexual harassment in general is not included in the country's criminal code.

II. ANALYSIS OF IN-DEPTH STAKEHOLDER INTERVIEWS

In connection with the implementation of the activities under the TEAMWORK Project, four in-depth interviews were conducted in accordance with the pre-defined target groups of representatives of state administration, nationally representative employers' and trade unions' organizations and the non-governmental sector. The participants in the target groups are persons in leading positions from the following organizations:

- The Commission for Protection against Discrimination (CPD) - a state institution. It was established in April 2005 under the Protection against Discrimination Act, with the main goal of "preventing discrimination, protection against discrimination and ensuring equal opportunities".
- Bulgarian Industrial Association (BIA) - a representative organization of employers at national level. The Chamber is actively involved in the social dialogue system at national and international level and protects the interests of the Bulgarian business in changing regulations and administrative practices.

- The Confederation of Independent Trade Unions in Bulgaria (CITUB) - a nationally recognized trade union organization. Participates at national, European and sectoral levels of collective bargaining.
- Bulgarian Association of CSR Professionals. Established in October 2018 by experts in Corporate Social Responsibility and Sustainability, who work for the development and implementation of CSR policies in companies in Bulgaria.

The aim of the qualitative research is to identify the views, attitudes and assessments of the various stakeholders about the manifestations of sexual harassment in the workplace and the ways to prevent and combat the phenomenon. Undoubtedly, after analysis of the qualitative and quantitative data, this predetermined the possibility to proceed to conclusions, which are supposed to be valid for most organizations operating on the Bulgarian market.

The idea is for the issue of sexual harassment in the workplace to become a research tradition of significant public interest, a priority and a lasting responsibility of the social partners. Another point that is extremely important is that policies to reduce violence and sexual harassment in particular, have a strong influence on the practical implementation of the policies on gender equality in the workplace. The relevance of this study is reinforced by the fact that the ILO Violence and Harassment Convention (No. 190) was adopted in 2019. Without underestimating the public importance of the problem and its legislative regulation, a certain weight is given to the corporate level. The aim is to accelerate employers' interests in solving these problems by pursuing their own company policies as part of their corporate social responsibility. Combining, interpenetrating and complementing public and corporate policies to eliminate all forms of violence, including sexual harassment, is a promising strategy and a real opportunity to achieve synergies in this policy area.

1. Perception and assessment of the seriousness of the problem.

Sexual harassment is one of the most common, albeit unrecognized, forms of violence in the workplace. This phenomenon is an expression of the cultural aspects, socio-economic conditions in society and the deep-rooted stereotypes of behaviour based on folk psychology about the social roles of women and men in society. An element of the national psychology is to blame the victims that they are responsible for what happened; they are victimized. This norm is nurtured by the patriarchal family, which has deep roots in our culture, where relationships are determined by subordination and dependence on the elder or the stronger in the hierarchy.

In the work environment, sexual relationships, even unwanted ones, between superiors and subordinates are "commonplace". In the conditions of financial and socio- economic crisis, most Bulgarians live with the feeling of threat, insecurity and helplessness, so the topic of sexual harassment in the workplace remains in the background.

All interviewees share the view that the phenomenon of sexual harassment in the workplace exists and covers various parts of the economy, where there is a different corporate culture. It is formed on the basis of a number of factors, starting from education, geographical location of the settlement, internal dynamics, externally imposed heritage culture, internal regulations.

It should be noted that the topic is very rarely discussed; it is rather interpreted as part of the human rights in the workplace and, accordingly, there are no specific measures for behavior assessment.

The assessment of the interviewed persons is reduced to ignorance and unawareness of the effects of the phenomenon of sexual harassment in the workplace. The opinion is shared that it is not perceived as an up-to-date problem, not commented on, no awareness is raised for easier recognition of the signs and the relevant bodies for protection and support of the victims.

The significance of the problem in the employers' and trade union circles is reduced to discussion and search for joint national forums for expanding knowledge. Currently, companies are changing their vision for the impact of the problem, considering that this is not a hot topic, in view of the current economic crisis due to COVID 19. Business brings to the fore problems related to staff shortages and dealing with the consequences of the economic crisis. While for the trade union, among others, the topic of violence and in particular sexual harassment in the workplace continues to be the focus of general policies and it declares a continued commitment to the issue of discrimination, harassment and violence in the workplace.

It is noticed that the union directs its activities towards holding events among its members in order to raise awareness to address the problem of violence and in particular sexual harassment. It is important to note that the union views the problem more as an organization to provide for the protection of victims. The disadvantage is that the organization itself does not have elaborated documents that specifically address sexual harassment in the workplace. That is why the union insists on the faster ratification of Convention No. 190 and its reflection in the Bulgarian legislation and corporate policy.

The problems of sexual harassment in the workplace according to various indicators are among the most difficult to identify in everyday life. People are usually reluctant to openly report cases of violence and harassment. Quite often the various aspects of sexual harassment are not realized. This issue is an essential part of the characteristics of the work environment and is still accepted with tolerance and silence. According to the non-governmental sector, the silence of business and the non-interference of institutions, tacitly encourage sexual harassment in the workplace. Business accepts the role of being a passive observer and sometimes a defender rather than an active party in formulating prevention programs.

1.1 Spread of the phenomenon

The lack of information on national statistics on the issue makes it difficult to illustrate the real situation. Cases of sexual harassment are delicate, which is why complaints of this nature to the Commission for Protection against Discrimination (CPD) have been very few over the years. The files opened in the CPD following complaints of sexual harassment for the period from the establishment of the institution in 2005 until July 2020 are barely 35. Most women and girls are afraid to expose the abuser. They feel ashamed or afraid that they will be subjected to additional harassment at work, fearing that they will lose their job or that they will be punished. These cases, among other things, are difficult to prove, very often such acts of harassment are performed without witnesses and the perpetrators are rarely aggressive in front of other people, although this is not excluded. Given that most women and girls do not report such cases, the real dimensions of the problem are actually much larger.

Despite the relatively small number of reported cases of sexual harassment, a number of studies show that this phenomenon is a reality and exists in some Bulgarian companies.

Such a work environment most often causes psychological problems, which are often expressed in stress, anxiety, irritability, problems with concentration and health status. This has a direct negative impact on both the atmosphere at work and the level of productivity of the individual worker, staff turnover and pressure on the health insurance funds.

1.2 Scope of the phenomenon

It is difficult to summarize the scope of the phenomenon because it is not monitored systematically. There is no system for measuring signals and no statistics are kept. Reporting is sporadic, within projects. According to the representative of the employers' organization, it is

necessary to set up a system of indicators to assess the scope of the phenomenon. There are currently no such representative and objective data. According to the employers' circles, there is no impression of strong tendencies for deepening of this problem or mass practice of its spreading. Rather, these are isolated cases and are the result of interpersonal relationships. There is no tracing of the problem to state that there is mass abuse. According to the employers' organization, the phenomenon undoubtedly exists, but there is no feeling that it is a mass problem.

An important factor for expanding the scope of the phenomenon is the work environment. It is the employer / manager who sets the general tone of the behaviour and outlines the environment in which to work and what the relationships should be. It is the employer who has the opportunity to create rules for the violations of which there will be consequences. Even if there are people with deviant behaviour, or striving to achieve their goals through violence, the employer has the opportunity to influence such behaviour. According to the Law on Obligations and Contracts, the employer is obliged together with the trade unions to develop preventive measures that do not allow any forms of discrimination and harassment in the workplace.

1.3 Sectoral differentiation of the manifestations of sexual harassment

Sexual harassment is a typical form of unequal treatment in all economic sectors. Where there are differences in educational attainment, there are differences in the perception of whether this phenomenon is sexual violence or not. Even in a common environment, when people have different educational attainment and cultural background and no work is done on understanding the diversity in the workplace, people have different sensitivity to the problem. According to the trade unions, this phenomenon is more pronounced in the private sector, because employers are considered to allow themselves to treat workers according to their own pattern of behaviour. The behaviour of the employer imposes the behaviour of everyone else. It is the employer who must provide measures to prevent and limit such a behavioural pattern. Given that women are more often subject to sexual harassment in the workplace, expectations are for a stronger manifestation in industries where women are most represented. For instance, in healthcare nurses are hierarchically dependent on doctors, or in the garment industry, where women are lower in the hierarchy there is a higher risk of such abuse. According to CPD representatives, this phenomenon can occur anywhere in the field of employment, due to the workplace hierarchy in most cases. If it is done by a manager to a subordinate, as is most often the case, without excluding abuse between colleagues, an environment is almost always created that undermines the dignity of the victim.

2. Assessment of the economic and social consequences

The interviewees agree on the overall assessment of the negative economic and social consequences of sexual harassment in the workplace. This phenomenon leads to deterioration of the working atmosphere and working conditions. Every worker subjected to stress caused by sexual harassment has impaired condition and work concentration, which affect both the work process and the work environment.

In view of the practice of the CPD, it can be said that people subjected to sexual harassment often fall into depression, come to work with fear, use sick leave, work unfocused and make mistakes. All this is a consequence of the created embarrassing, humiliating or insulting situation. Recovery from such an intervention in the workplace may involve a prolonged period of rehabilitation. All this inevitably affects the company, the victim and the insurance funds. The consequences are both at the micro and macro levels. In addition, violence and sexual harassment in the workplace cannot be hidden, the phenomenon destroys the company's image, and this leads to turnover and labour shortages, lower labour productivity and, consequently, loss of corporate clients and profit.

3. Procedures for counteracting sexual harassment in the workplace

Under Bulgarian law, sexual harassment is defined as unwanted, inappropriate, degrading or offensive sexual behaviour in the workplace with the aim or effect of creating a threatening, hostile and degrading work environment for the harassed person. It is also defined as treating a person in a less favourable way because that person rejects or accepts acts of sexual harassment. All types of actions, verbal and non-verbal, as well as physical can be regarded as sexual harassment. Not only the physical but also the mental integrity of individuals must be protected under these rules. According to the jurisdiction, physical contact against the employee's will or repeated sexual acts, sexual jokes, pressure for sexual services or insulting offers may be considered sexual harassment.

According to the Protection against Discrimination Act (PDA), an employer who has received a complaint from an employee who considers her/himself to be subjected to harassment, including sexual harassment at the workplace, is obliged to immediately inspect the case, take measures to stop harassment, as well as impose disciplinary measures if the harassment was committed by another employee. In case of non-fulfillment of this obligation, the employer shall be liable under the PDA for acts of discrimination committed at the workplace by his/her employee.

The victim has also the right to lodge a complaint with the Commission for Protection against Discrimination - the body responsible for preventing discrimination, protection against discrimination and ensuring equal opportunities. It is a specialized public authority which controls the application and compliance with the Law on Obligations and Contracts or other laws on equality of treatment. The victim can also file a report to the territorial 'Labour Inspection' Directorate accompanied by detailed information on the case.

The Law on Obligations and Contracts gives the right to the trade union organization to initiate proceedings, with a written report, before the Commission for Protection against Discrimination. Also, the trade union organizations and their divisions, as well as non-profit legal entities for carrying out public benefit activities, may file a claim on behalf of the persons whose rights have been violated, at their request. The law gives trade unions the right to make proposals to the Commission for Protection against Discrimination in order to prevent or stop violations of this law or other laws governing equality of treatment, as well as to prevent and eliminate the harmful consequences of them and take compulsory administrative measures.

According to the trade union representative, all employers are aware of the Protection against Discrimination Act and the need to take preventive measures. They are obliged to develop these rules and measures and place them in visible places in the company. These rules are developed together with the trade union organization in the company. Unfortunately, it is not a common practice for these rules to be placed in prominent places or to be set out in separate clauses in the CLA at the enterprise level. These measures are known to the HRM and they should familiarize workers with them.

The ratification of Convention No. 190 is expected to strengthen social dialogue towards measures for prevention of sexual harassment in the workplace. The trade unions and employers share the opinion that work is being done, albeit with varying intensity, on the implementation of the European Framework Agreement on Harassment and Violence at Work from 2007.

The trade union representative believes that CITUB is involved in a long process of preparing and negotiating a national agreement between the social partners for joint action to implement the European Framework Agreement on Workplace Stress (2004) and the European Framework Agreement on Harassment and Violence at Work (2007). However, employers keep refusing to sign the agreement and it is still at the negotiation table.

In line with the two European framework agreements, the draft agreement proposes a number of initiatives to identify violence, harassment and stress, protection of employees and preventive actions. Awareness raising, training and annual information campaigns are also proposed. The project provides for joint organization of annual national campaigns on stress, harassment and violence at work under the slogans "Healthy workplaces. Stress management. No harassment and violence at work" and "Gender equality and protection from workplace violence". The unions expect that employers will eventually be convinced in the importance of the National Agreement and claim that the two European framework agreements have already been signed by employers at European level, with which employers' organizations in Bulgaria are connected.

According to the union, in the last 10 years most sectoral agreements have included clauses for non-discrimination and/or prevention of violence and harassment at work, although few of them define and envisage specific measures to combat sexual harassment at work. As part of the preparatory work for the agreement, CITUB collects and analyzes examples of clauses on violence, harassment and stress at work in company-level CLAs. The three main sectors in which there are good practices for collective agreements, including clauses against violence and harassment in the workplace, are health, education and transport. According to the trade union representative, these are the sectors that have the highest levels of violence in the workplace and, hence, the best comprehension of the problem.

There are no data on specific clauses set out in collective agreements or policies to prevent sexual harassment in the workplace at the company level. There are rather standard texts in the CLA, which say that discrimination, violence, harassment and stress in the workplace should not be allowed when negotiating clauses in the CLA. However, there are no specific provisions from which it should follow that the parties to the agreement, employers or workers, should not allow acts of sexual harassment in the workplace. The phenomenon enters rather as part of the general policy for prevention of discrimination. According to the unions, the policies of some MNCs may have similar provisions included in a code of ethics, which formulates the rules of conduct for employees and customers of the company or are set out in the internal labour regulations aimed at preventing violence and in particular acts of sexual harassment in the workplace.

4. Prevention of sexual harassment

Trade unions in Bulgaria view sexual harassment at work as a matter of protecting the health and safety of employees and as a specific problem of gender equality in the workplace. The unions, together with the employers' organizations, are currently developing a draft national

agreement. At this stage, it has not yet been signed by the nationally representative employers' organizations, but is the result of the efforts and desire of both organizations (CITUB and BIA) to reduce all phenomena of harassment and violence at work. Expectations are to speed up this process, from which mechanisms should be sought to introduce measures into national practice in line with the implementation of the European Framework Agreement on Harassment and Violence at Work.

According to the unions, there are no specific measures for prevention of sexual harassment in the CLAs at national, sectoral and company level and such should be developed and implemented. This is still a new topic that is not touched so deeply in the CLAs. Because the CLA gives certain rights over the statutory ones set out in the Labour Code, while sexual harassment is only one element of a general provision for non-discrimination and harassment in establishing employment relationships. In the process of CLA negotiations, the attention is more focused on pay and working conditions, while this phenomenon remains in the background, no measures are sought and no specific clauses for prevention are agreed.

The opinion of the representative of the employers' organizations is that there are successful practices that are applied in Bulgarian companies, especially if they are MNC divisions, in which along with the general topic of violence and harassment at work, there are specific provisions aimed at sexual harassment. MNC policies create an atmosphere of intolerance against all forms of violence and harassment. These processes are managed by the human resource managers, because business definitely suffers in an environment of tension and conflicts. The employer has an interest in creating policies for prevention of sexual harassment in order to try to manage these processes and minimize this type of relationship.

Examples of good practice

As examples of good practice trade unions point out the activities of some trade union federations at CITUB such as: the Union of Bulgarian Teachers, the Federation of Transport Trade Unions in Bulgaria (FTTUB) and the Federation of Healthcare Trade Unions, which have signed sectoral agreements against violence and harassment at work.

The healthcare sector is the first sector in Bulgaria to systematically deal with violence and harassment at work and includes specific provisions in the sectoral collective agreements and the establishment of committees for safe working conditions and health at work. The sectoral CLA stipulates that the employer, together with the trade unions in the health service, must take

effective measures to prevent any form of discrimination (direct or indirect), physical or psychosocial harassment and must ensure working conditions that protect workers from chronic stress, physical and mental disabilities in the workplace. The sectoral agreements set the framework for the collective agreements of healthcare institutions, thus providing the initial impetus for negotiating more practical provisions at institutional level and imposing mandatory actions to be taken.

In the transport sector, as a result of a long-term campaign initiated by the FTTUB, specific agreements have been signed with employers on non-violence against women. Since 2012 the CLA in the transport sector includes a special chapter 'Protection against workplace violence and gender equality', which contains provisions for joint actions by employers and trade unions to prevent violence and harassment in the framework of the zero tolerance to violence policy. One of the clauses states that the employer is obliged to pursue a zero tolerance policy to discrimination and violence at work in its various manifestations - physical, mental and sexual.

In addition, the employer shall develop procedures to be followed in cases of harassment or violence, which include (1) immediate and fair internal investigation; (2) reporting on cases of violence; (3) feedback; (4) adequate disciplinary measures against the perpetrators, if they are employees of the same enterprise; (5) support for the victim and, if necessary, psychological assistance in the process of reintegration of the victims of violence.

At the municipal level, non-binding agreements have been concluded for joint actions to prevent harassment and violence against women in the workplace. The joint agreement with Sofia Municipality covers cooperation and joint actions for prevention of harassment and violence against women in public transport companies. The agreement was signed by the mayors of Sofia, Varna, Burgas, Sliven and Gabrovo. The agreements with municipalities have been used as a basis for signing additional collective agreements in municipal companies and enterprises, including public transport. A campaign to increase public vigilance against violence has been launched in the four cities in Bulgaria mentioned above, with whose municipalities the FTTUB has concluded agreements. The campaign covers both public transport and passenger rail transport. One of the successes of the campaign is that stickers that read "Stop gender- based violence in the workplace" are pasted inside buses, trams, trolleys and trains.

Other sectoral agreements on violence and harassment have been signed in the metallurgy, mining, postal services, brewing and energy sectors, including clauses addressing violence and harassment in the workplace.

Good practices at company level

The management of Nova Trade EOOD company has adopted a specific document against harassment and sexual harassment in the workplace. The document describes the definitions of harassment and sexual harassment, as well as examples and forms of sexual harassment. All managers and employees are familiar with it. Thus the company strives to create and maintain a work environment in which people treat each other with dignity, decency and respect. The company does not tolerate discrimination and/or harassment of any kind. By imposing this policy and by training the staff, the company aims to prevent and/or correct behaviour that is in direct violation of this policy. All employees, regardless of their position in the company fall within the scope of this policy and are expected to respect the rights and obligations, as well as to take the necessary measures in case they notice indecent or inappropriate behaviour contrary to this policy. Managers who allow or tolerate discrimination, harassment or repression, including refusal to immediately report incidents related to this policy, are in violation of the policy and may be subject to disciplinary action.

The non-governmental sector favours such company policies. According to them, internal company campaigns against sexual harassment need to be conducted and improved until the employees become advocates of the idea. When employees start talking about the topic, discussing specific cases and seeking rights, then there is success.

5.Training

The representatives of the interested parties agree that awareness-raising training is needed, as well as familiarization with legislation on sexual harassment in the workplace. According to employers' organizations a study of the scale of this problem must first be made: what are the subjective feelings of women or men who have been subjected to such harassment; and from there to define the target groups and the content of such training in order to determine the needs and step on objective necessities.

Regarding the content of trainings, acquaintance with the legislative framework is placed in the first place. In the second place, presentation of the forms and manifestations of sexual harassment in the workplace through the use of role play. The aim is to distinguish the phenomena - which behaviour is not sexual harassment, but only an internal feeling, whether an action corresponds to the international concept of sexual harassment.

According to the non-governmental sector, the content should be different for the specific target groups: senior management, HRM, trade unions. It is important to be aware of the problem, who loses and who wins. The content should definitely include both the legal framework and the protection and prevention procedures, outlining the steps that will be useful for both business and victims.

The representatives of the interested parties share that they conduct periodic trainings on the issues of prevention and non-discrimination. Within these training seminars the CPD presented a lecture on 'Sexual harassment - manifestations and specifics. Protection.'

6.Legislation

On a national scale, the Protection against Discrimination Act (PDA) provides for a set of obligations for the employer related to the creation of a non-discriminatory environment for exercising the right to work. According to the PDA. (Art. 17), an employer who has received a complaint from an employee who considers her/himself to be subjected to harassment, including sexual harassment in the workplace, is obliged to immediately carry out an investigation, take measures to stop the harassment, as well as impose disciplinary liability against the perpetrator. In case of non-fulfillment of this obligation, the employers are liable under the PDA for acts of discrimination committed in the workplace by their employee.

In most cases, victims of sexual harassment are afraid to seek their rights, hoping that the perpetrator of the unwanted behaviour will stop it him/herself, thus giving them the impression of power and impunity. Sexual harassment is not normal and requires prompt psychological and legal intervention. The body responsible for preventing discrimination, protection against discrimination and ensuring equal opportunities is the Commission for Protection against Discrimination. It is a specialized public authority that monitors the implementation and compliance with the PDA or other laws governing equality of treatment. According to the PDA (Art.5), harassment on the grounds of sexual harassment, incitement to discrimination, harassment and racial segregation, as well as the construction and maintenance of an architectural environment that hinders the access of disabled persons to public places, are considered discrimination.

Protection from sexual harassment may also be sought in judicial proceedings.

According to the interested parties, national legislation is good and provides the framework, but how well a person is protected depends on his/her behaviour. It is believed that there is sufficient legislation to protect victims, but the knowledge of the subjects themselves - victims of sexual harassment - should be increased.

The expectations with the adoption of the ILO Convention No.190 will be aimed at bringing more tranquility to the workplace and guarantee legal protection for one of our basic human rights, supported by real measures and commitments both by the state and by employers. According to trade unionists, several more steps are needed to make this happen, but the most important is already a fact - the adoption of the new document after years of work and two years of difficult negotiations between workers', employers' and governments' representatives from the 187 ILO member states.

This has to be followed by fast ratification and implementation in national legislation.

The representatives of the employers' organizations believe that new European and international standards are needed specifically addressed to sexual harassment in the workplace. There is currently a European framework agreement against violence and harassment in the workplace, but it does not specify the phenomenon of sexual harassment. If implementation of these agreements is to be sought, they should be a kind of European framework agreements between the European social partners and must be implemented through bilateral social dialogue in national practice. At European level, there is no directive targeting sexual harassment, so a new European instrument can be sought to regulate the prohibition of sexual harassment in the workplace, as in the ILO Convention No.190.

7. Social dialogue

There is good practice with the social partners on the problems of non-discrimination in the field of labour in Bulgaria. The social partners are working together to sign a national agreement on protection from violence and harassment at work. They have jointly developed procedures for the work of the working groups with a view to including clauses in the CLA, following the European Framework Agreement on Harassment and Violence at Work. A wide range of people are involved in the search for the most accurate approach to implementing the European Framework Agreement in order to achieve sustainability and each country to see its interest, so that it could be applicable and not just a formal reporting of the process.

The social partners consider it necessary to encourage key members to include texts on sexual harassment in the CLA. According to the unions, however, no specific instructions and explanations have been developed to help key members understand that this issue needs to find a place in the CLA. In some sectors, such as transport, healthcare and education, there are texts that are limited to elimination of violence and stress in the workplace, which also address sexual harassment issues.

Further joint steps with its social partners are planned, although progress is slow.

General conclusions:

1. The phenomenon of sexual harassment in the workplace exists and covers different parts of the economy with different corporate culture;
2. The assessment of the interviewees comes down to ignorance and unawareness of the effects of the phenomenon of sexual harassment in the workplace. The opinion is shared that it is not perceived as a topical problem and not commented on; awareness is not raised for easier recognition of the signs and the relevant bodies for protection and support of the victims;
3. According to the non-governmental sector, the silence of business and the non-interference of institutions tacitly encourage sexual harassment in the workplace. Business accepts the role of being a passive observer and sometimes a defender, rather than an active party in formulating prevention programs;
4. The lack of information on existing national statistics on the issue creates a difficulty in illustrating the real situation and the spread of the phenomenon;
5. An important factor for expanding the scope of the phenomenon is the work environment. The employer/manager is the person who sets the general tone of behaviour and outlines the environment in which to work and the type of relationships to follow;
6. Sexual harassment in the workplace has negative economic and social consequences. This phenomenon leads to deterioration of the working conditions and atmosphere. Every worker subjected to stress caused by sexual harassment is in a disturbed condition and poor concentration for work, which affects the work process as well as the work environment;

7. According to the trade union representative all employers are aware of the Protection against Discrimination Act and the need to implement preventive measures for protection against sexual harassment. They are obliged to develop these rules and measures and to place them in visible places in the company. Unfortunately, it is not a mass practice for these rules to be displayed in prominent places or to be set out in separate clauses in the CLA at the enterprise level.

8. There are no specific measures for prevention of sexual harassment in the CLA at national, sectoral and company level. Such measures should be developed and implemented, because the CLA gives some rights over the statutory ones in the Labour Code, while sexual harassment is just one element of a general provision for non-discrimination and harassment in establishing employment relationships;

9. As examples of good practice we can point out the activities of some trade union federations with CITUB such as: the Union of Bulgarian Teachers, the Federation of Transport Trade Unions in Bulgaria (FTTUB) and the Federation of Healthcare Trade Unions, which have signed sectoral agreements against violence and harassment in the workplace;

10. The representatives of the interested parties agree that training and awareness-raising is needed, as well as familiarization with the legislation on sexual harassment in the workplace;

11. According to the interested parties national legislation is good and provides the necessary framework, but how well a person is protected depends on their behaviour. It is considered that there is enough legislation to protect victims, but at the same time the knowledge of the subjects themselves - victims of sexual harassment - should be increased;

12. There are good practices of social partners' collaboration on the problems of non-discrimination in the field of labour in Bulgaria. The social partners are working together to sign a national agreement on protection against violence and harassment in the workplace.

III. RESULTS OF THE NATIONAL SURVEY

A. ASSESSMENTS AND PROPOSALS OF WORKERS AND EMPLOYEES

1. Demographic profile of the respondents

As mentioned above, the total number of the studied target group is 126 employees, of whom: 82.4% are women and 17.6% are men. The stronger predominance of women in the sample is in favor of the study, because it is assumed that women are more likely to become victims of violence and sexual harassment. The sample includes representatives of all age groups, with the persons aged between 31-40 years having the greatest weight.

The respondents come from a wide range of industries and economic activities. The largest share of respondents is from the public sector with 14.4%, followed by transportation and storage with 12.8% each. **The distribution of the respondents is proportional according to the ownership of the company. The representatives of the public sector are 47.2% and of the private sector - 46.4%.**

All these data give reason to believe that the general methodology has been observed, and the proportional way of the sampling helps to cover a wide range of opinions and assessments of the real situation of the phenomenon of sexual harassment in the workplace.

2. Social importance of the phenomenon of sexual harassment at work (SHW)

The importance of the problem of SHW is not perceived as relevant, not commented on and not fully realized by society. Of all the listed forms of violence at work, more than half of the respondents ranked first as the most significant **psychological violence (52%)** – including verbal harassment, insults, abuse, followed by **physical violence (24%)** and barely **12% put sexual harassment first**. This means that the importance of the phenomenon of sexual harassment is largely underestimated and seen in the context of the daily difficulties faced by workers. Hence the conclusion that employees rarely think about the nature of the phenomenon they encounter on a daily basis, believing that it is a normal element of the daily life. The necessary knowledge about the phenomenon SHW and its consequences for the work process is missing. There is a lack of awareness of the employer's obligations to provide SHW prevention and to provide a work environment in which the employee feels safe and secure.

It is worrying that according to the respondents almost all potential forms of sexual harassment are practiced in the working process. For about 2/3 of the surveyed persons, the individual elements of the definition of sexual harassment (with which they were familiarized before filling in the questionnaire), to a greater or lesser extent are reflected in the workplace. The most important forms indicated are: discussion of a colleague's sexual life (30.4%), unwanted sexual innuendos, suggestions (27.2%), sexual comments about someone's appearance, such as body parts, clothes, etc. (26.4%).

It should be noted, however, that this is a very delicate topic and many avoid talking about it openly. For about 1/3 of the respondents, none of the listed forms are practiced in the workplace. In order to determine whether a behaviour is sexual harassment, one must consider the nature of the behaviour, how it is perceived (desirable or undesirable), and what the outcome is. Sexual harassment can occur even when the person who is harassing has no intention of offending and for him/her it is just a joke, a harmless flirtation or a flattery. Ultimately, however, from a legal point of view, unwanted behaviour should cause some harm in order to be classified as sexual harassment, which in the absence of legal regulation does not provide much opportunity for reaction.

2. In your opinion, what are the forms of SH that are most often practiced in your workplace? (more answers applicable)

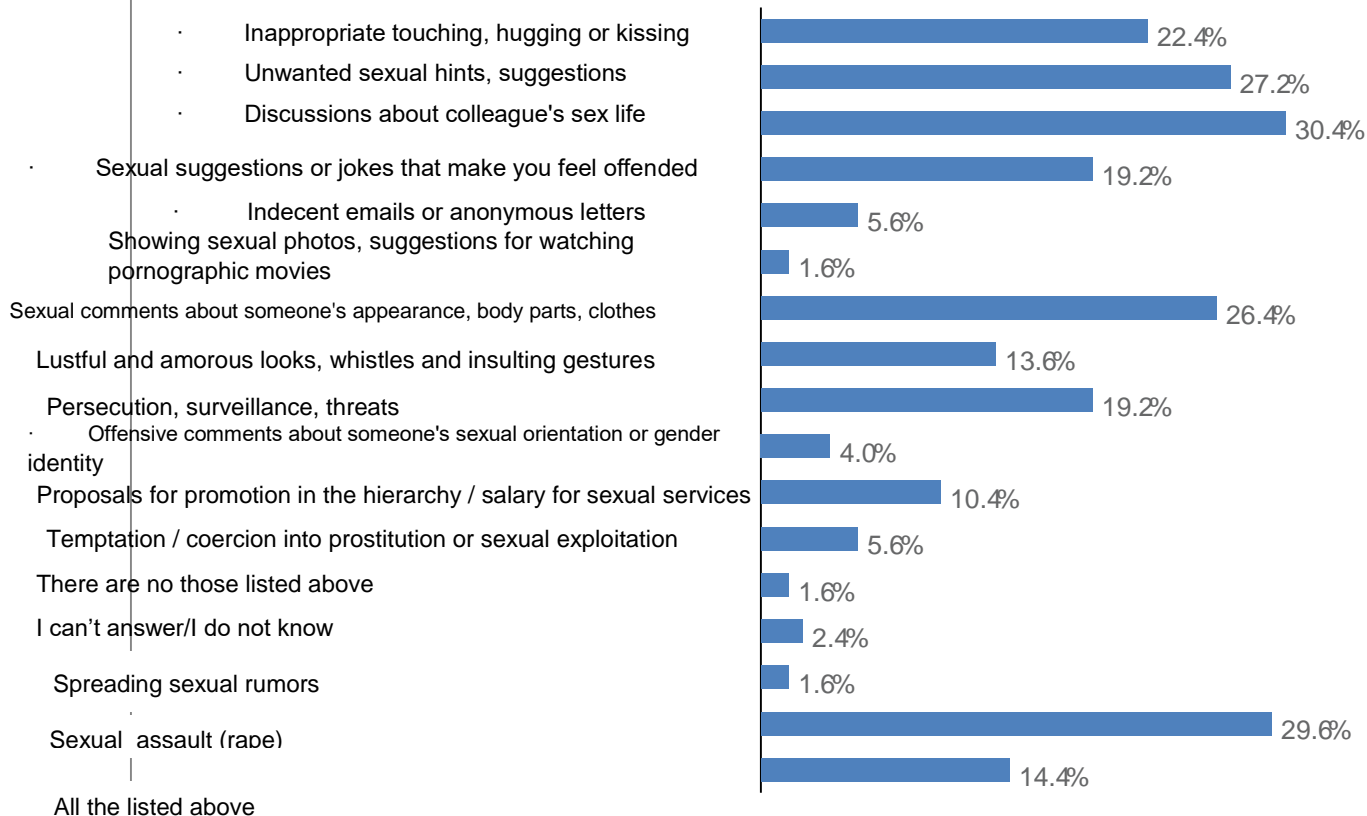
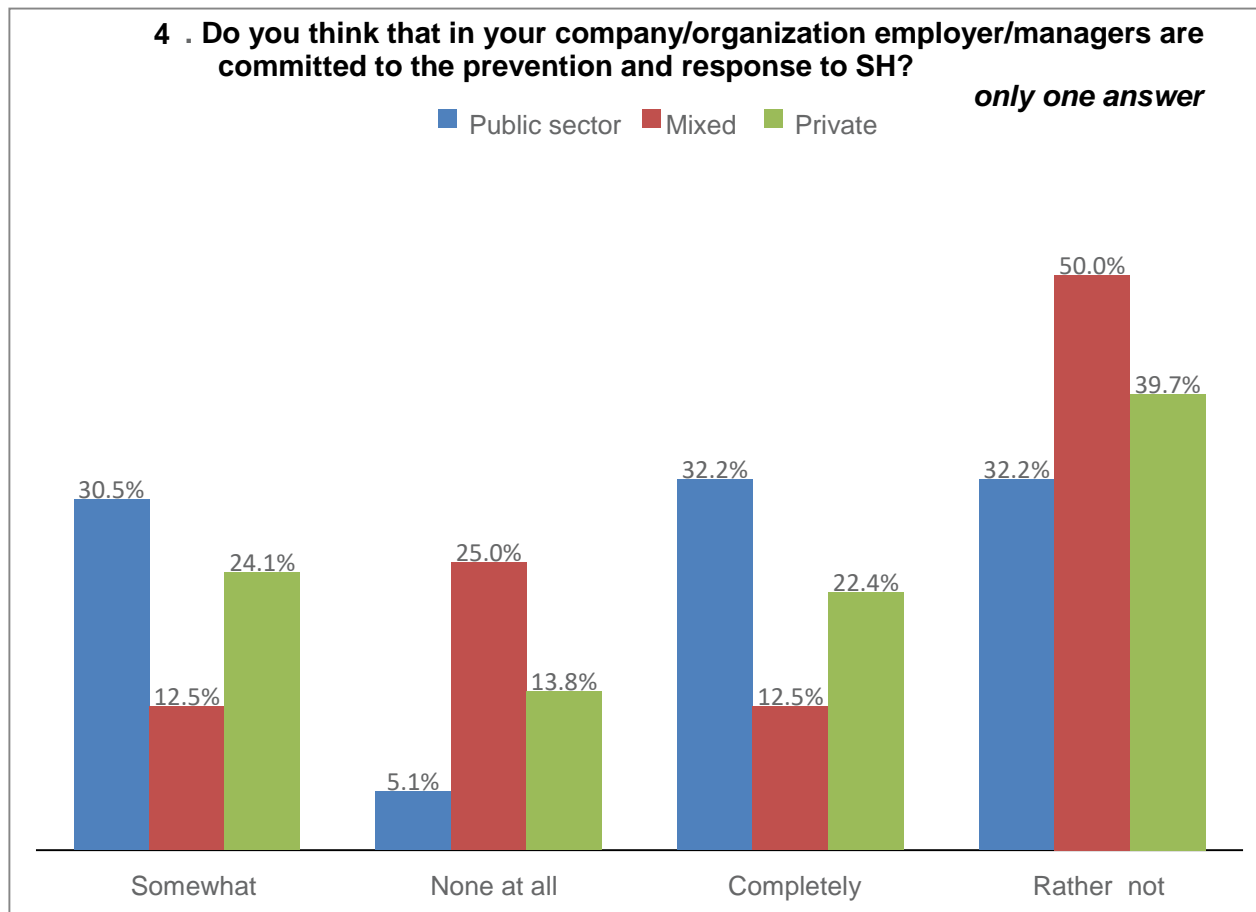


Figure 1

It is worrying that for about half (47.2%) of the surveyed persons the employer or the management team in the enterprise is not engaged in prevention and fight against sexual harassment. This problem is more pronounced in the private sector, where 53.5% of respondents believe that the employer is more or less not involved in the prevention of sexual harassment in the workplace. For the public sector this is true for 37.3% of the respondents.

Figure 2



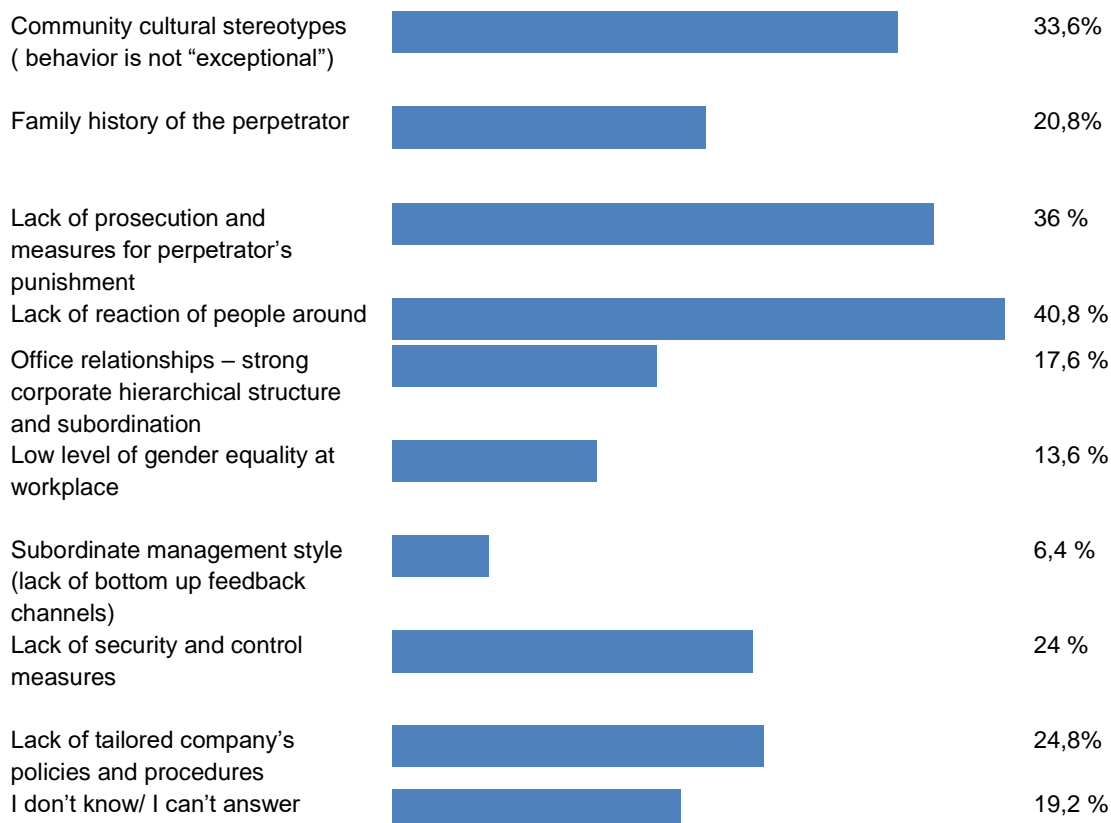
The results of the study show that **the factors** that cause sexual harassment are rooted in a broad social, organizational and cultural context. The factors indicated by the respondents can generally be classified into several groups:

1. Factors related to the personality and behaviour of the colleagues - **personal factors**.
2. Factors related to the socio-psychological atmosphere, management and organizational style, and working conditions - **organizational factors**.

The personal factors turn out to be the most important, as for 40.8% this is the lack of reaction on the part of people and the environment, followed by the organizational factors - the lack of criminal prosecution and measures to punish the perpetrator (36%).

Figure 3

5. What factors influence perpetrators to practice SH? (more answers are applicable)



3. Spread and effects of HSW

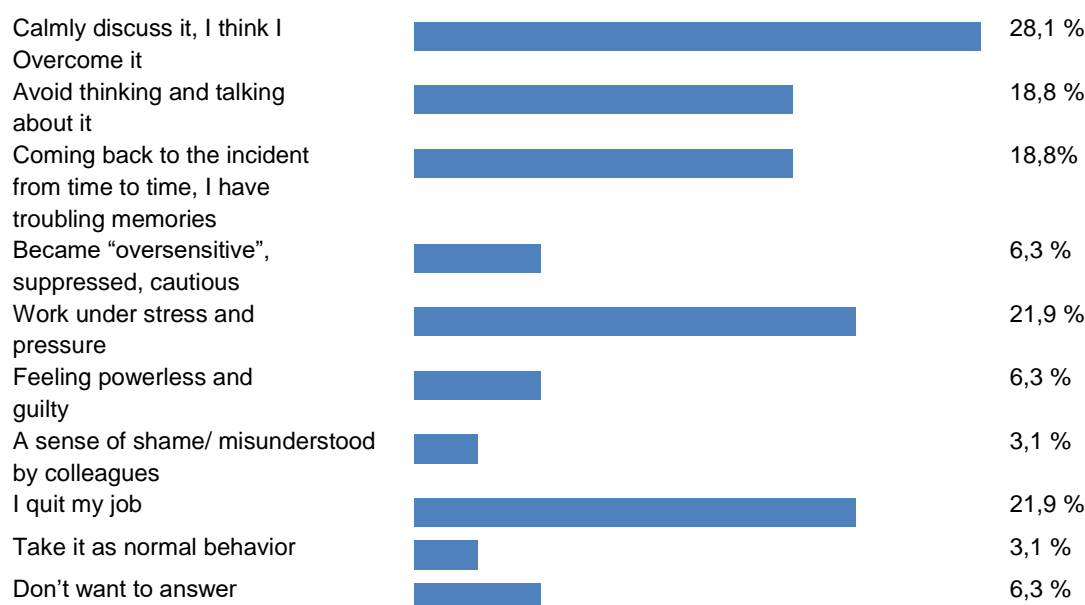
It is difficult to assess the spread of SHW due to the fact that the assessment is subjective and has to reflect the victim's behaviour. The results of the survey show that $\frac{1}{4}$ of the respondents have experienced a situation of sexual harassment in the workplace, and for 81.2% of them the abuser is a man. The share of respondents (28.8%) who state that they have witnessed sexual harassment of a colleague at work increases significantly. These data give us grounds to summarize that the phenomenon 'sexual harassment at work' really exists, but the problem with its perception and assessment of the consequences remains.

The consequences of SHW in the workplace are undoubtedly a problem, not only for the victims themselves, but also for society as a whole, because the negative effects are manifested in

different directions and besides immediate, their effect is also long-lasting. Of all the respondents who have suffered some form of SHW, only about 1/3 say that they have overcome the problem and are already calmly discussing it. For ¼ of the respondents, this harassment lead to leaving work, others work under stress and tension (21.8%), and still others have anxious memories going back to the experience (18.7%). Sexual harassment in all its forms is associated with humiliation, threats and self-isolation. For anyone, including those who are not directly affected by such violence, it undermines the trust and mutual respect that are at the core of free and open exchange of ideas. Such behaviour also leads to adverse effects on the quality of work and creates a hostile, threatening or aggressive atmosphere.

Figure 4

**7. How do you feel after such an incident? (*more answers are appropriate*) %
(of 32 respondents)**



The answers exceed 100% because there is more than one

Sexual behaviour that violates someone's dignity is a behaviour that puts the victim in a position incompatible with his/her perception of his/her own significance as a person of a particular gender. When sexual harassment takes place in a business context, the situation is defined by the job function and the work hierarchy.

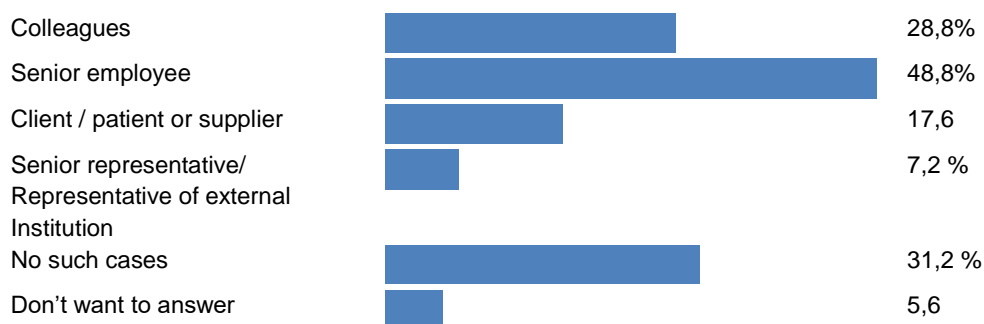
According to the survey data, SHW is most frequently exercised by employees with a higher position in the hierarchy (48.8%), followed by colleagues (28.8%). These data show that sexual harassment is usually perpetrated by a person who, due to his/her official authority or seniority and has the opportunity to unilaterally influence aspects of the harassed person's official position, career development or work environment. But he or she may simply be another employee in work contact with the victim.

The assessment of the Commission for Protection against Discrimination (CPD) shows that often those subjected to sexual harassment fall into depression, come to work with fear, use sick leave, work unfocused and make mistakes. All this is a consequence of the created embarrassing, humiliating or insulting situation. Recovery from such an intervention in the workplace may involve a prolonged period of rehabilitation. All this is reflected both in micro- and macro terms.

Regardless of the fact who caused the SHW, a boss, a colleague or a person from an external institution, the effect of it directly or indirectly affects everyone in the team and affects the work process.

Figure 5

10. Who is the frequent perpetrator of SH in general ? (more answers are applicable)



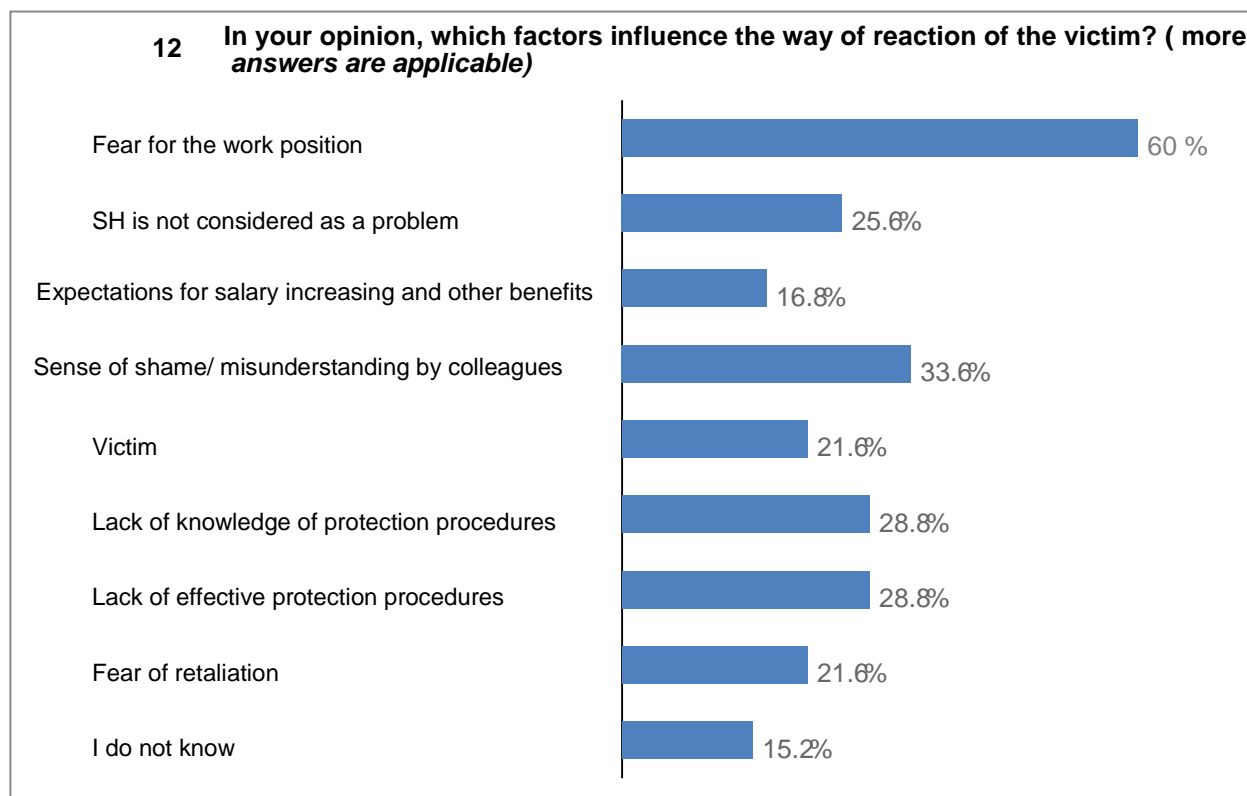
The answers exceed 100% because there are more than one

The reaction of the victims is a consequence of social, organizational and personal factors. Most women and girls are afraid to report violence because they fear they will lose their jobs or be punished and/or subjected to further harassment. These cases, among other things, are difficult to prove, very often such interventions are carried out without witnesses and the perpetrators are rarely aggressive in front of other people, although this is not excluded.

The results of the survey show that the fear of losing a job has the highest weight (60%), followed by feelings of shame and misunderstanding by colleagues (33.6%). A high share is also assigned to organizational factors, such as lack of effective protection procedures (28.8%) and lack of knowledge of protection procedures.

It is also worrying that for 1/4 of the respondents, sexual harassment at work is not perceived as a problem. This is a consequence of the lack of information and knowledge about the problem and protection procedures. In such cases, the victims are demotivated and hence they usually start wanting to leave their jobs, which leads to additional company costs for hiring new employees.

Figure 6



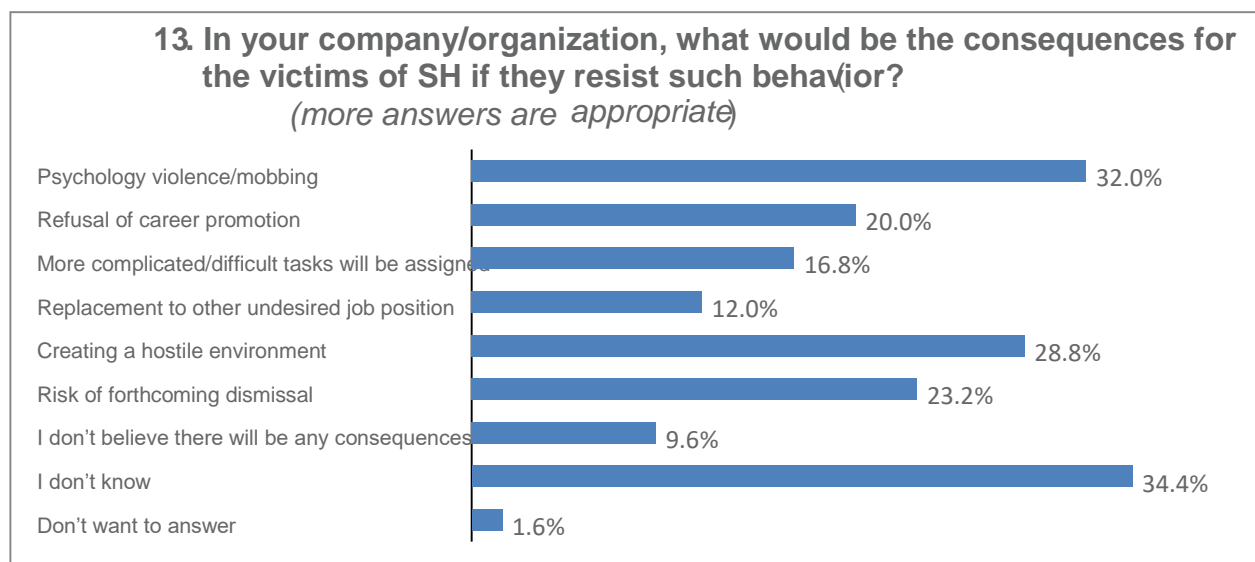
The answers exceed 100% because there are more than one

Gender-based sexual harassment. In Bulgarian law, gender is one of the signs, on which discrimination can be based, including in the workplace. Formally, there is no specific legal

framework aimed at protection from violence and harassment of persons of a certain gender. Nevertheless, the data from the study give grounds to assume that SHW, although theoretically not gender-based, is in practice more often aimed at women. According to 2/3 of the respondents, women are at a higher risk of sexual harassment, while only 15.3% believe that both sexes are equally exposed to this risk.

Consequences for the victim in reporting of sexual harassment. According to the respondents, if a victim reacts against SHW, the consequences follow in the form of psychological violence (32%), creation of a hostile environment (28.2%), as well as risk of impending dismissal (23.2%) and deprivation of career opportunities (20%). The strong negative effect of the subsequent consequences of the victim's reaction, combined with the lack of mechanisms for institutional support, leads to the spread and impunity of the perpetrator. However, these are dangerous reactions because they do not eliminate the prerequisites for the manifestation of SHW. They just disturb the inner mental and emotional comfort of victims and do not allow them to show their abilities at work to the maximum, from which the company as a whole suffers. The main reasons for poor reporting are the lack of awareness about the characteristics of sexual harassment, the lack of appropriate tools/methods for assessing and overcoming the problem, poor prioritization of the problem, both at the state and company level.

Figure 7



4. Awareness of the procedures for prevention and protection from sexual

1. Harassment in the workplace - knowledge, application, training

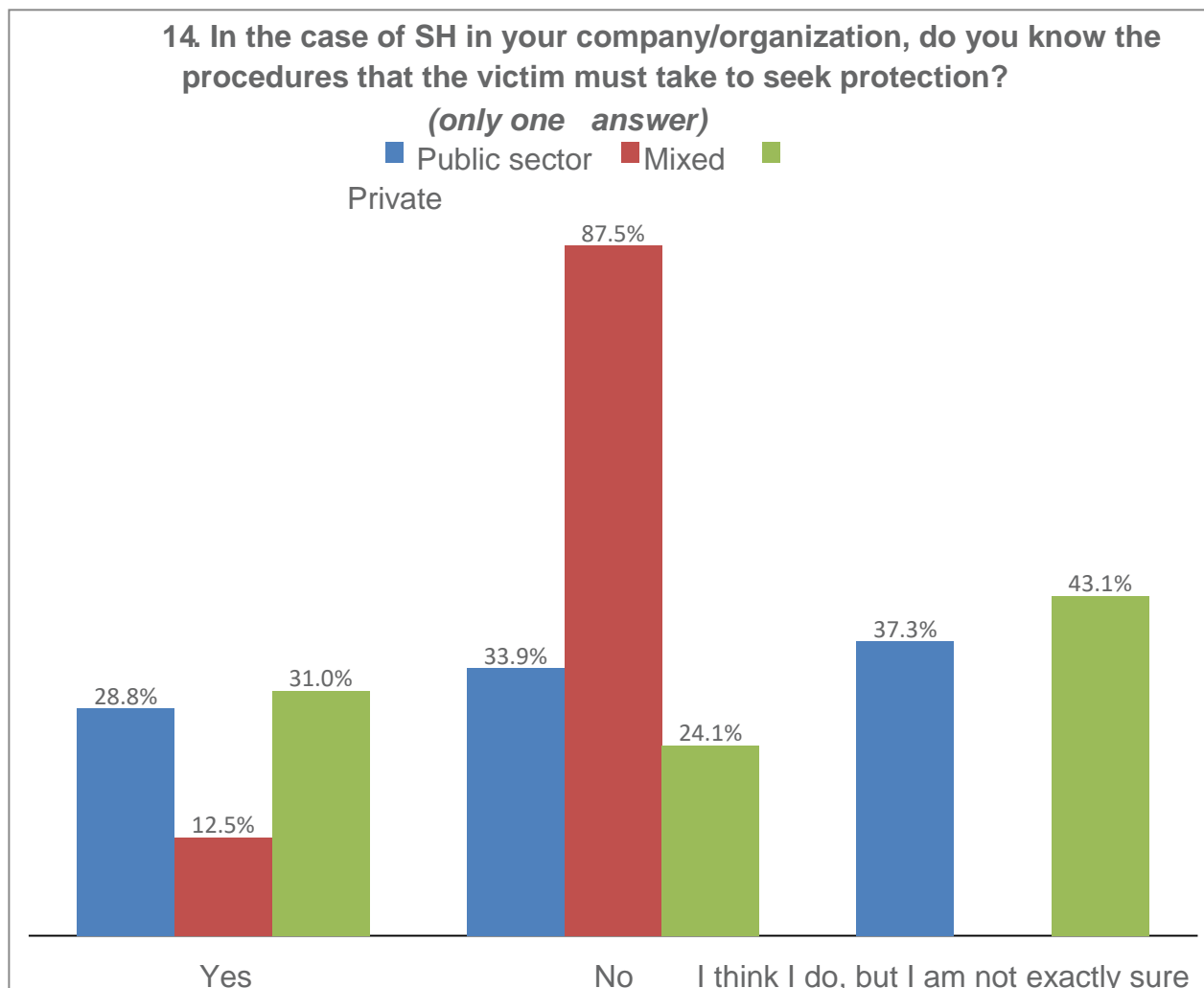
In the Bulgarian legislation the topic of protection from harassment and violence is set in various legislative acts. It currently lacks legislation aimed at neutralizing violence and harassment, including on the basis of gender, in particular in the field of employment.

At the same time, the terms violence, harassment and sexual violence are used in the legislation in a specific context related to other social relations. The Protection against Discrimination Act (PDA) defines sexual harassment and gives norms aimed at regulating these relations in cases of violence or sexual harassment. If an employer has received a complaint from an employee who is considered to have been sexually harassed at work, he or she is obliged to carry out an immediate investigation, take measures to stop the harassment, and impose disciplinary action if the harassment is performed by another employee. According to the PDA, employers are liable for acts of violence and harassment committed at the workplace by their employee. According to a trade union representative, employers are aware of the Protection against Discrimination Act and the need to take preventive measures. They are obliged to develop these rules and measures and place them in visible places in the company. These rules are developed together with the trade union organization in the company.

Unfortunately, it is not common practice for these rules to be prominently displayed or be set out in separate clauses in the CLA at the enterprise level. These measures are known to the HR managers, but they are hardly brought to the notice of workers.

This is the reason why 2/3 of the respondents are not acquainted with **the protection procedures** in case they become victims of sexual harassment, with an almost equal polarization between the public and private sectors.

Figure 8



Besides, a small proportion of the respondents know about the existence of a company document which explicitly prohibits SHW. Such prohibitions are detailed in the Internal Rules of Procedure and Discipline (14.4%), in the Code of Ethics for Conduct (22.4%), in the CLA (6.4%). 42.4% of the respondents do not know that there is a document in the company, which explicitly forbids SHW and another 24% are categorical that there is no such document. This means that in the mainstream practice this problem is not given the necessary importance at company level, the phenomenon and procedures for protection are not known, and they are not written out in a company document.

The answers about **lack of procedures to be performed in cases of SHW reporting** at company level or ignorance about such procedures, dominate. Only 11% of the respondents say that an impartial hearing is held in case of reporting and 15% of the respondents share that the confidentiality of the reporting person is ensured. For 26.4% of the respondents there is no specific person (unit/department) in the company responsible for conducting of procedures in case of reported SHW and another 67.2% do not know that there is a person (unit/department) responsible for conducting of the relevant procedures.

Nearly 56% of the respondents are categorical that in their company/organization, **there is no** box for anonymous signals in cases of violence, and about 23.2% do not know if there is one. Respondents say that in case of SHW they would turn to or suggest to victims to seek support and advice from management (32%), HRM (20%), a lawyer (36%) and the police (35.2%). According to 11.2% of the respondents, victims are afraid to report such cases. These data give us grounds to claim that the victims of SHW are more inclined to seek help from an external institution rather than within the company. At the heart of this are the economic and social consequences that would follow from the abuser's reverse reaction.

The non-reporting of cases of violence is related not only to **the lack of organizational and institutional support** for the victims and awareness of possible reporting procedures to encourage them to use such, but also to the Bulgarian people's psychology and social tolerance to violence. The victim's feelings and experiences are usually ignored. Few people are aware of the nature of sexual harassment. This has to be changed by speaking out, changing public attitudes and raising awareness. The message to victims of violence is that they are responsible for what happened to them, that they have provoked the respective attitude with their behaviour. Therefore, a norm has been established in our culture to remain silent about the violence experienced, especially sexual violence, as something shameful and disgraceful.

Prevention. The **lack of preventive measures at the company level** is worrying. More than half of the surveyed persons (56.8%) do not know that there are such measures at company/organizational level, while 1/4 are completely categorical that **there are none**. Only 16.8% know about the existence of such preventive measures, written out in the internal regulations, in the collective agreements, etc.

As expected, **the media** are the most popular source of information about the existence and management of SHW situations (48.8%). This means that the way in which the media present such information (either in an objective and informative-neutral way, without discriminatory or misleading elements in the messages, **or** with elements of neglect of people in one way or

another), is an important factor for gradually overcoming certain types of violence and sexual harassment, or vice versa – for reinforcing stereotypes and discriminatory practices.

One of the first steps for prevention is to **train management and staff** how to recognize the forms of SHW, the symptoms of violent behaviour and how to manage aggressive conduct. Every second of the respondents would like to take part in training on this subject. The focus of the content should include topics related to raising awareness about the phenomenon of SHW and its harmful consequences (70%), the current national legislative framework (61.7%), company procedures and mechanisms for signals and complaints (61.7%).

In order to improve the protection against SHW, every second respondent relies on a strong and clear company policy on the subject. More than 1/3 expect more information campaigns for prevention to increase sensitivity to the problem, and according to 1/4 more training of employees is needed, as well as more trade union initiative for protection and prevention (16.8%) and more initiative on the part of Working Conditions Committees (19.2 %).

5. CONCLUSIONS:

The assessment and opinion of the employees supports the statement that sexual harassment has a strong reflection in the workplace. The non-reporting of cases of SHW is largely due to the **lack of awareness of the phenomenon** and of the fact that such actions constitute a violation of their human and labour rights. It is not realized that SHW is a priority problem, the solution of which can solve other problems in society and in the workplace. In addition, many victims of violence and harassment do not take legal action because of their poor chances of success or because of their fear of repression.

In Bulgarian law there are various protective norms aimed at preventing harassment and violence, including in case of performing work. However, there is no systematized legal framework that is aimed solely at preventing various forms of violence and sexual harassment in the field of work. In the current Protection against Discrimination Act (PDA) the envisaged sanctions are aimed at the employer, i.e. the individual perpetrator can only suffer disciplinary measures, but not criminal liability. In legal proceedings, the burden of proof is reversed - the defendant has to prove that he/she did not commit sexual harassment. Due to ignorance, the long and cumbersome court proceedings and the significant financial costs involved, victims of violence and sexual harassment refrain from resorting to them.

To prevent SHW, there must be an understanding of the problem and the situations in which workers find themselves. Poor human resource management, poor work organization, including lack of clear rules and responsibilities, inadequate assignment of tasks, unrealistic production targets, poor communication and poor employment and discriminatory practices are also factors that could increase the risk of violence and sexual harassment.

Therefore, the adoption and promotion of management styles that do not tolerate violent behavior in all its forms will contribute significantly to the eradication of sexual harassment in the workplace.

B. ASSESSMENTS AND PROPOSALS FOR EMPLOYERS/ HEADS OF DEPARTMENTS / HUMAN RESOURCE MANAGERS

1. Demographic profile of the respondents

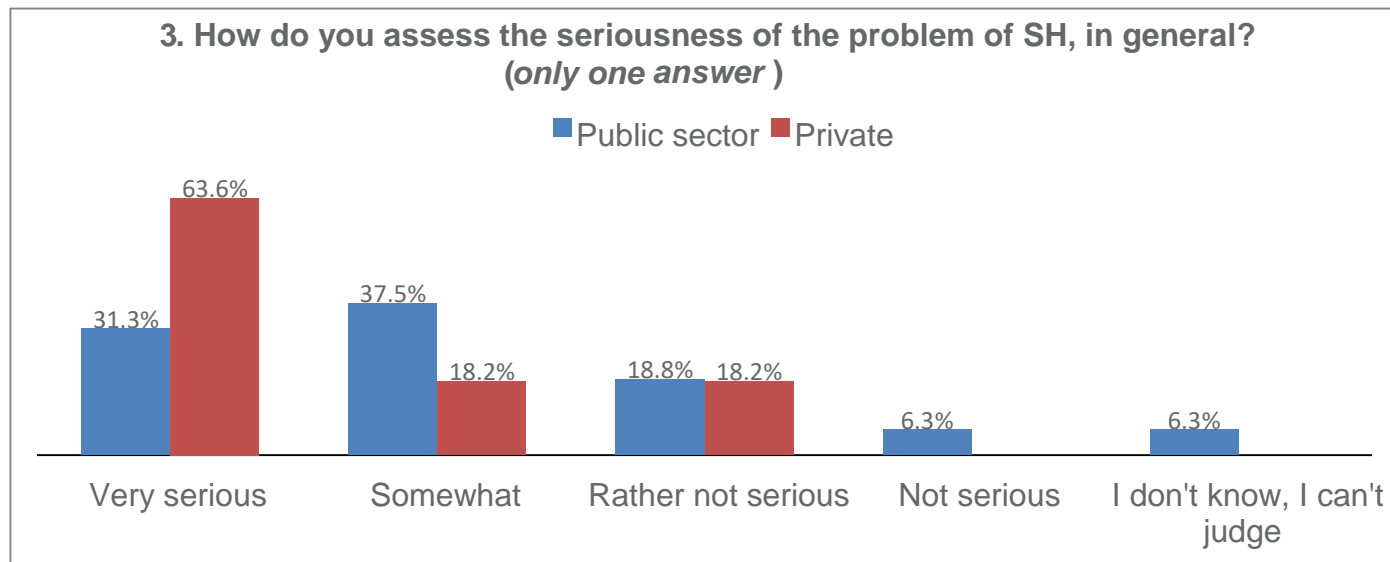
From the total population of the studied target group, 50 are managers, 62% are women and 36% are men. The respondents occupy: a high level leading position (22%), medium level (50%) and low level (28%). According to the type of ownership of the company/organization, 32% are representatives of the public sector, 66% of the private sector, and 2% are representatives of companies with mixed ownership. According to the number of employees, the surveyed persons are managers in micro and small enterprises up to 50 employees (31%), in medium -22%, and in large over 250 persons - 16%.

2. Awareness and perception of SHW

A number of studies and international standards report that the most common forms of violence in the field of work are: mental violence (verbal harassment, insults, abuse), sexual harassment and physical violence. According to the management team of all the listed forms of violence, mental harassment in the workplace is the most common (62%), physical violence is ranked second (18%), and sexual harassment is third (2%).

When asked **how the seriousness of the SHW problem is assessed**, more than $\frac{3}{4}$ the management team considers it to be very or to some extent serious. This gives grounds to assume that the respondents **assess the importance of the problem at a high degree**. The managers from the private sector have predominance in the assessment of the seriousness of the problem (63.6%), while in the public sector it is almost twice lower (31.3%).

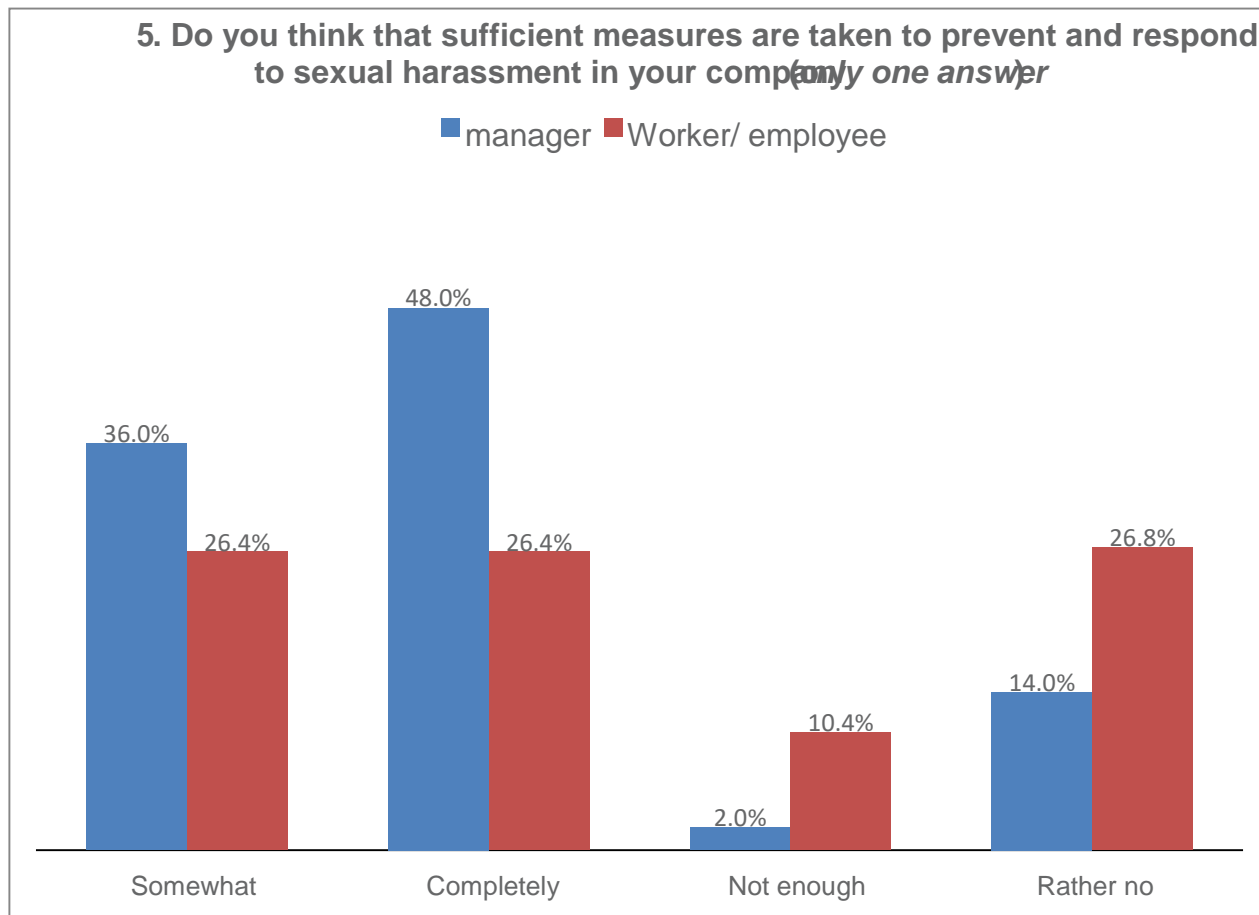
Figure 9



There is a strong discrepancy between the opinion of employees and managers regarding the assessment of the measures taken by the company/organization. According to managers, 48% are adamant that the company has taken sufficient measures to prevent and respond to SHW and for 36% the measures are to some extent sufficient.

A positive assessment dominates the management team, while for employees this assessment is on the opposite pole. For about 36.8% of the employees, the management team rather is not committed to measures to prevent and combat sexual harassment.

Figure 10



3. Spread and evaluation of the phenomenon

An important factor in expanding the scope of the phenomenon is the work environment. It is the employer/manager who sets the general tone of behaviour and outlines the environment in which to work and what the relationships should be. The behaviour of the employer/manager imposes the behavior of **everyone else**. **42% of the management team share the opinion that the style of management** can provoke manifestations of discrimination and SHW. It should be noted that for 14% of the managers this is not possible.

Employers/managers **have a key role** in seeking and taking measures and actions to protect, **prevent and eliminate** violence and harassment in the workplace. The employer/manager is the person who has the power to establish rules and punish the perpetrators in the event of their

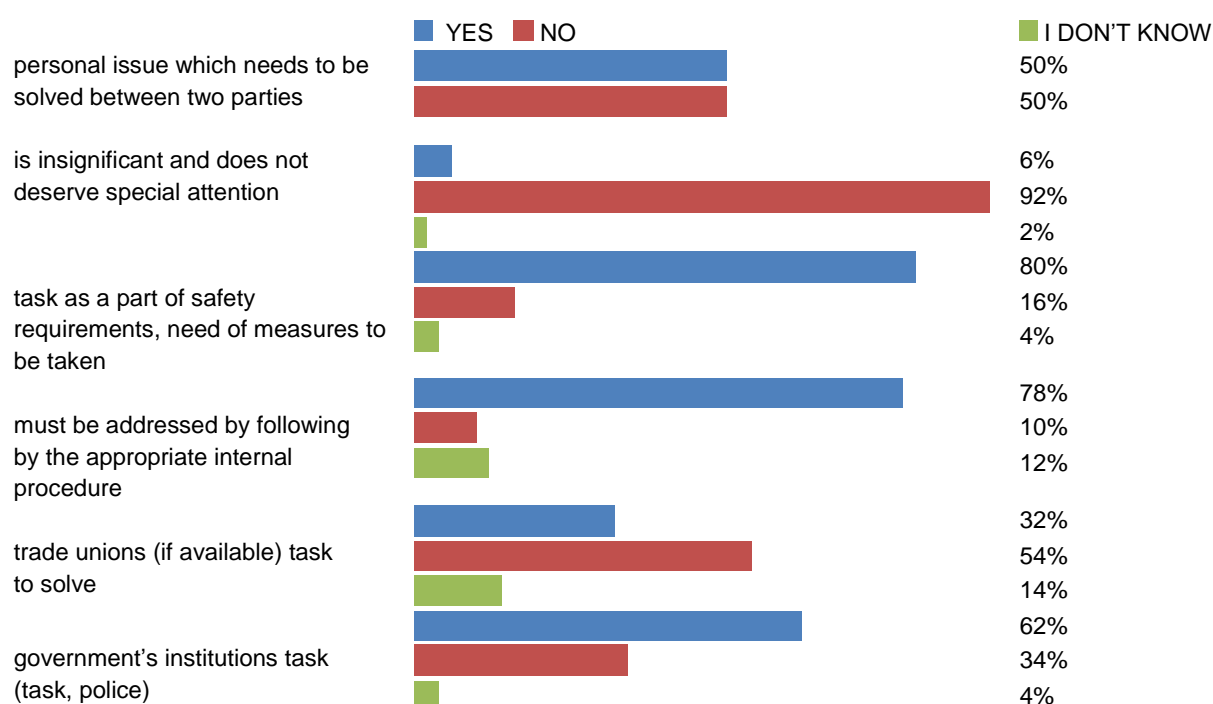
infringement. Even if there are people with deviant behavior and striving to achieve their goals through violence, the employer is able to influence such behavior. According to the PDA the employer is obliged, together with the trade unions, to develop measures that are preventive and do not allow any forms of discrimination and harassment in the workplace.

What is important is the extent to which they are sensitive to the problem and prioritize it in their agenda.

The survey show that 50% of the managers accept SHW as a personal problem that must be resolved between the two parties. For 92% of the managers the problem with SHW is important and deserves special attention and for 80% measures to address the problem should be sought in the OHS program or by following appropriate internal procedures (78%). This means that managers are aware that the responsibility for the decision on reported SHW cases **has to be assumed by the employer and follow the internal rules written out by the management.**

Figure 11

7. In case an employee reports SH, what will be your reaction? (Please, answer per each line)



The answers exceed 100% because there is more than one

The data from the study show a **low level of reporting from victims or witnesses of sexual harassment in the workplace**. Only 2% of the management team say that the management of the company has received such a signal, but another 20% do not know about such signals, given the confidentiality of the problem. For $\frac{3}{4}$ of the managers no such signal has been received, which gives us ground to assume that victims are afraid to report because an action taken against them is not always recognized as sexual harassment or other form of harassment. In addition, many victims of violence and harassment do not take legal action because of their poor chances of success or because they are afraid of repression.

4. Procedures for counteracting sexual harassment at work

As already mentioned in the opinion and assessment of the employees, the problem of violence and sexual harassment at work is not on the agenda of society. Bulgarian law obliges the employer to develop procedures to be followed in cases of harassment or violence, which must include:

- ✓ Immediate internal investigation and impartial hearing;
- ✓ Keeping statistics;
- ✓ Seeking feedback;
- ✓ Taking adequate disciplinary measures against perpetrators if they are employees of the same enterprise;
- ✓ Support of the victim(s) and, if necessary, provision of psychological assistance for their reintegration. The obligation of the employer to pay financial assistance to the victim of violence and harassment in order to provide the necessary treatment is agreed according to a pre-approved procedure.

Taking into account the provisions in the Bulgarian legislation, the data from the survey of managers show that for 44% **there are no specifically developed company policies against SHW** in the enterprises/organizations. According to them, specific measures are set out in the company's anti-discrimination policy, incl. by gender (26%), also in the Rules of Internal Order

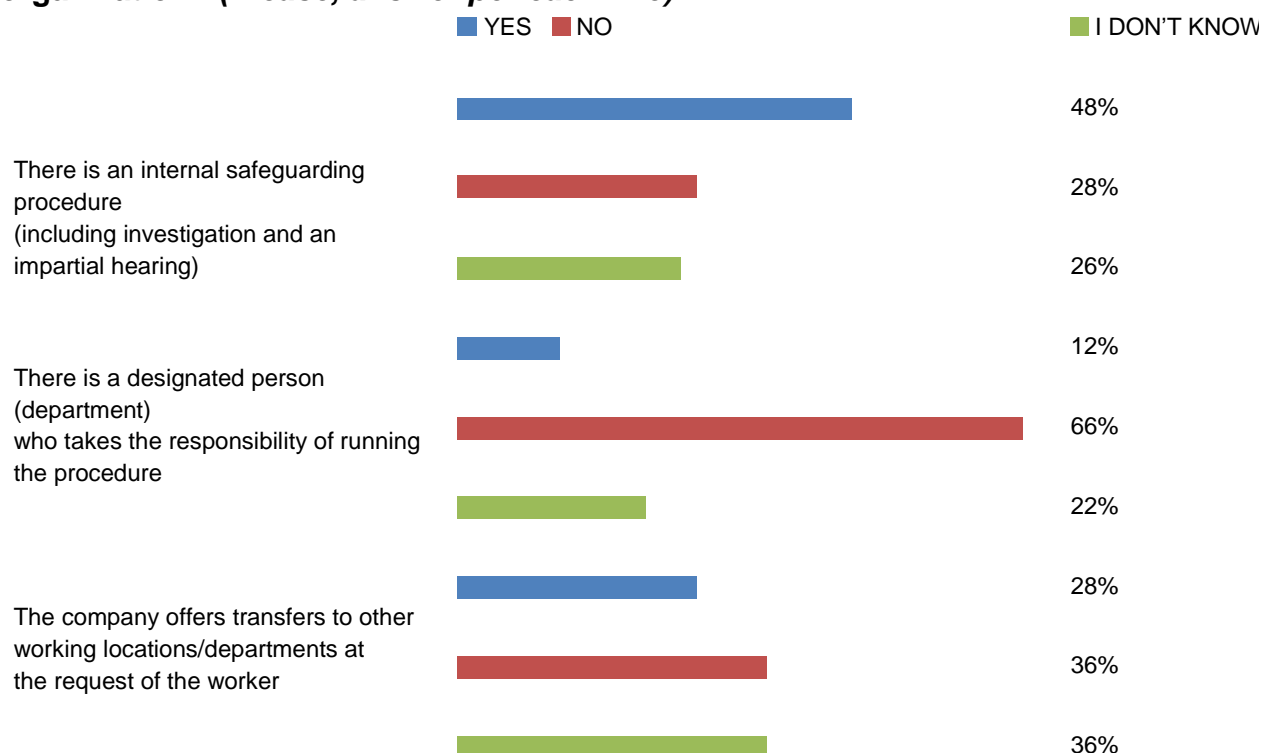
and Discipline (28%), and in the Code of Ethics and Internal Procedures against Abuse and Violence (26%).

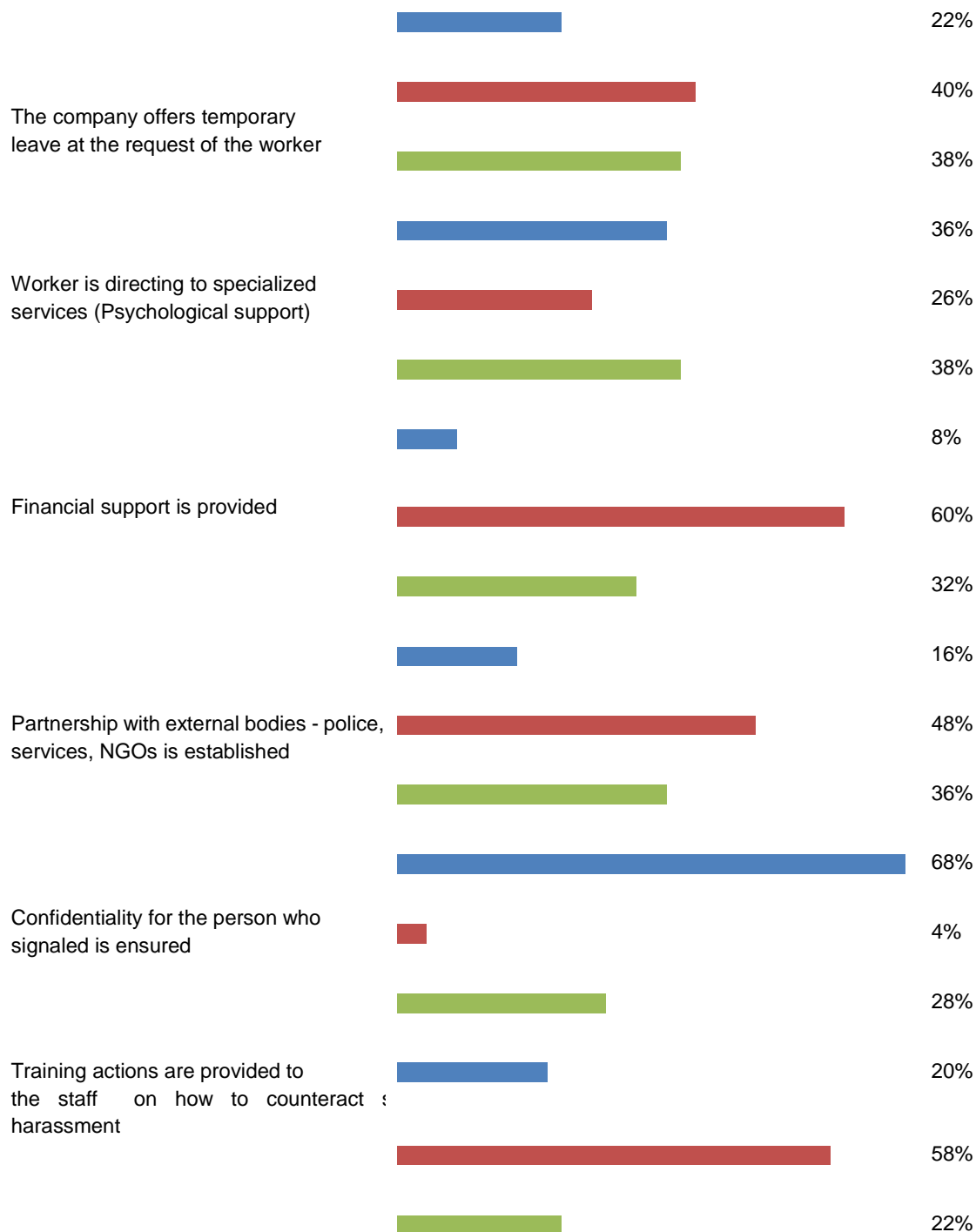
42% are adamant that there are no special reporting procedures. For about 40%, the development of a SHW reporting system is part of the general procedure for reporting breaches of internal order and discipline. Only 10% say that there is a box for anonymous signals, opened at certain periods of time. For more than half of the management team there is no reporting of SHW cases (56%) and only for 22% there is an internal reporting system.

In respect to procedures for action in case of SHW reporting, the confidentiality of the reporting person has the highest weight (68%); conducting an internal investigation and impartial hearing has 46%. The victim is referred to specialized services - psychological help (36%).

Figure 12

12. Are there any procedures for problem solving in case of SH in your company / organization? (Please, answer per each line)





5. SHW prevention procedures

Similar to the opinion shared by the employees, for more than half of the respondents from the company management team no preventive measures against SHW have been introduced. 30% claim the availability of preventive measures limited to the provision of brochures, flyers and others, to promote anti-SHW policy.

According to Article 50 of the PDA the trade union organization has the right to initiate proceedings before the Commission for Protection against Discrimination with a written signal. The law gives trade unions the right to make proposals to the CPD in order to prevent or stop violations of this law or other laws governing equality of treatment, as well as to prevent and eliminate their harmful consequences by taking coercive administrative measures.

Based on these provisions, 1/3 of the managers share that they work together with trade unions and seek their support and assistance through negotiating protection clauses in the CLA (14%). In addition, they rely on trade unions to report on acts of SHW (20%).

6. Training

It is worrying that managers do not see sense in training at company level as a form of raising awareness, prevention and protection from SHW (40%). For about ¼ such trainings are held, but rarely, not every year. Only 10% say that such trainings are held every year.

The target groups for training should be both workers and managers. For about half of the respondents the main professional group which has to go through this type of training is the Human Resources Department. Regarding the content of the training modules, both workers and employers put at the highest level topics related to raising awareness about SHW and its harmful consequences (90%), the current national legislative framework (96%), rights and obligations of the manager and the employee (92% and 90% respectively), company procedures and mechanisms for signals and complaints (82%). More than half of the managers state that under these conditions they want to be involved in activities to raise the awareness of the employees in the fight against SHW (52%).

7. CONCLUSIONS

1. Employers/managers have a key role in seeking and taking measures and actions to protect, prevent and eliminate violence and harassment in the workplace. What is important is to what extent they are sensitive to the problem and put it in their programs as a priority.
2. The assessment of the real scale of the phenomenon of sexual harassment at work is hampered by the lack of statistics and a system for reporting of SHW cases. The phenomenon is not sufficiently well documented and company records are not kept.
3. Management style can provoke discrimination and SHW. Therefore, the adoption and encouragement of management styles that do not contain such behaviour will contribute significantly to the eradication of harassment in the workplace.

IV. General conclusions from the opinions and assessments of managers, employees and interested parties

The problem of SHW is relatively new not only for the corporate but also for the national practice. Without substituting or limiting public responsibilities and government commitments, efforts are focused on company policies to complement or build on public efforts and public policies. Based on the views, opinions and assessments of the three interested sides (employers, trade unions, managers, workers and employees), several major problems stand out, the overcoming of which largely depends on the effective implementation of policies specifically aimed at SHW at the company level:

1. The study shows that the phenomenon of SHW in Bulgaria is a fact, but it is not recognized as a form of violence in the workplace. The evaluation of the interested parties shows ignorance and unawareness of the effects of the phenomenon. Although there are problems with SHW, there are no lasting solutions that have become company policies. It is not perceived as a topical problem, it is not commented on, and awareness is not raised for easier recognition of the signs and the relevant bodies for protection and support of the victims. There is still no common environment of intolerance to the SHW phenomenon and denial of all such forms of behavior.
2. The consequences of SHW are undoubtedly a problem, not only for the victims themselves, but also for society as a whole, because the negative effects are manifested in different directions and their impact is not only immediate but also long-lasting. SHW can lead to

reduction of labour productivity, deteriorated relations and taking leave or sick leave in order for the victims to protect themselves from the impact of this phenomenon. SHW has a negative impact on the work environment, on business and the economy as a whole.

3. There are various protection norms in the Bulgarian legislation aimed at preventing harassment and violence, including during work performance. However, there is no systematized legal framework that is aimed solely at preventing various forms of violence and sexual harassment in the field of work.

4. We have no information on statistics and reporting on the issue of sexual harassment. Cases of sexual harassment are delicate, which is why there are not many complaints to the Commission for Protection against Discrimination over the years. Over a period of 15 years there are only 35 files in the CPD on complaints of sexual harassment.

5. The non-reporting of SHW cases is largely due to the lack of awareness of the phenomenon and of the fact that such actions constitute a violation of the person's/victim's human and labour rights. There is no awareness that SHW is a priority problem, the solution of which can solve other problems in society and in the workplace. In addition, many victims of violence and harassment do not take legal action because of their poor chances of success or because of the danger of repression.

6. Sexual harassment is usually perpetrated by a person who, due to his or her official authority or seniority, has the possibility to unilaterally influence aspects of the harassed person's employment, career advancement or working environment, but he/she may also be another employee in service contact with the victim. Given the practice of the CPD, it can be argued that those subjected to sexual harassment often fall into depression, come to work with fear, use sick leave, work unfocused and make mistakes. All this is a consequence of the created embarrassing, humiliating or insulting situation. Recovery from such an intervention in the workplace may involve a prolonged period of rehabilitation. All this is inevitably reflected both in micro- and macro terms.

7. Factors that contribute to sexual harassment at the workplace are generally classified as personal and organizational.

- The personal factors are related to education, geographical location of the settlement, externally imposed hereditary culture, professional status and economic sector.

- The organizational factors are related to the management style and awareness of the need for preventive measures against sexual harassment. From the survey data, as well as from the opinion of the interested parties, we have to assume that it is not a mass corporate practice to introduce procedures that are performed in cases of reporting. There are also no prevention measures. The respondents consider that training is necessary in order to raise awareness and to get acquainted with the legislation on the problem of SHW.

RECOMMENDATIONS

In the search for adequate and up-to-date solutions to the problem, actions should be taken in different directions and at different levels, the systematization of which will contribute to the reduction and overcoming of SHW:

- ☐ Public awareness and concern about the issue of SHW, zero tolerance and non- acceptance of violence in society and in particular at work. With the active participation of trade unions, professional organizations it is necessary to attract public attention and create understanding and recognition of the existence of the SHW problem, as well as its public awareness as a phenomenon that should no longer be underestimated and tolerated as part of the work;
- ☐ Include training modules in the education system to promote gender equality and condemn all forms of violence and harassment in the workplace of future citizens of a democratic society. Change of the cultural and value stereotypes regarding violence, the relationship between women and men, hierarchy and equality;
- ☐ Systematized legal framework, which is aimed solely at preventing various forms of violence and sexual harassment in the field of work.
- ☐ Collection and refinement of statistics to identify economic activities, in which violence and SHW cases are registered. This statistic is extremely important, as the most effective strategies for overcoming the problem are focused on the factors leading to violence and situations of SHW. Identifying the dimensions of sexual harassment leads to policies and strategies that provide the most effective solutions to the problem.
- ☐ Systematic state control and accountability to end impunity, ensuring that perpetrators are prosecuted and women and girls who have experienced violence receive appropriate support

and recognition from the judiciary system, in order to break the vicious circle of silence and loneliness for women and girls who have been victims of violence.

- ☐ Development of strategies of trade unions and professional organizations and building NGO networks for prevention of SHW;
- ☐ Signing of a national agreement on protection against violence and harassment at work between the social partners, following the European framework agreement on combating violence and harassment at work.
- ☐ Inclusion of texts for prevention of sexual harassment in the CLAs at the sectoral and company level, similar to those in the sectors of transport, health care, education, where there are texts tackling elimination of violence and stress in the workplace, including the problems related to sexual harassment.
- ☐ Promoting initiatives, including awareness-raising campaigns for employers, employees and their organizations, as well as relevant bodies, with a view to providing resources, training or other tools for combating violence and harassment in the workplace, in particular with regard to violence and gender-based harassment.

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