

CAPACITY-BUILDING SEMINAR CURRICULUM

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Authors

Stanimira Hadjimitova, Centre for Sustainable Communities Development, Bulgaria

Alexandra Harkay, KMOP, Greece

Anastasia Alexopoulou, KMOP, Greece

Alba Elvira Guiral, SURT, Spain

Maria Nella Lippi, Oxfam Italia, Italy

Simona Rigoni, Oxfam Italia, Italy

Elena Cantiani, Adecco Formazione, Italy

Editors

Anastasia Alexopoulou, KMOP, Greece

This publication includes the national legal framework of all partner countries.

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Introduction to the Capacity Building Seminar Curriculum

The Capacity-Building Curriculum was developed in 2021 by a team of experts from Bulgaria, Greece, Spain and Italy, working together on the project TEAMWORK (combaT sExuAl harassMent in the WORKplace). The overall aim of the TEAMWORK is to strengthen the prevention work and the fight against sexual harassment in the workplace ("SH").

Rationale

Training has acquired an important role in public and private sector organizations seeking to meet the need for effective agents of their cultural change. Sexual harassment at work is more prevalent than we'd like to admit. But there is good news. More and more companies are recognizing the need for sexual harassment prevention/combatting training. WHY? Because promoting a safe, harassment-free work environment can help attract and retain skilled employees from diverse talent pools.

Purpose

The Curriculum is intended for use by trainers working with HR managers and officers, team leaders, supervisors, senior staff members who coordinate teams from the public or the private sector. While sexual harassment can be perpetrated or experienced by both men and women, women are more often the targets and men the perpetrators. Harassment in the workplace largely reflects power imbalances based on gender and is part of a spectrum of disrespect and inequality that women face in the workplace and everyday life.

Methodology

The Curriculum is based on the findings of the research conducted by the project partners with 499 participants – employers and employees from the four partner countries and a series of studies and analysis that show existing gaps in knowledge and perception of the issue of SH and its underestimation both for the individual who has been a victim of such violence and for the society as a whole.

In the framework of Teamwork project, the partners have co – created Guidelines for Employers and HR professionals, this Capacity-Building Seminar Curriculum and a Rights/ Obligations Awareness Training Curriculum for employees.

How to use the Curriculum?

The Curriculum is organized around 5 training topics and modules, which build upon each other in terms of information and are sequenced in presentation order for an actual training workshop.

The *Topics* suggested to be covered are the following:

- Introduction to the basic principles of Sexual Harassment in the Workplace (SH)
- Rights and Legal Framework
- Development of Anti – Sexual Harassment Staff Policies
- Dealing with Complaints and Providing Support to Survivors
- Trainings and Activities for the Staff

Each topic has the following components:

- A. Learning Objectives
- B. Theoretical framework
- C. Exercises, games, quizzes

At the end of the Curriculum the trainers can find additional chapters:

- Pre and post evaluation questionnaires
- Case studies and dilemmas
- Final evaluation questionnaire
- References/ Additional resources

Training Overview

The total duration of the training is 12 hours, divided in 2 days and the duration of each topic is approximately 2 - 3 hours.

Day 1

Training agenda	Methods used
Introduction to the training: Get to know the participants and the training objectives	
Module 1: Sexual Harassment in the Workplace (SH): Definitions and Basic Principles	
Module 2: Rights and Legal Framework	
Module 3: Development of Anti-Sexual Harassment Staff Policy	
Wrap up & Evaluation	

Day 2

Training agenda	Methods used
Summary of last session and questions	
Module 4. Dealing with Complaints and Providing Support to Survivors	
Module 5: Trainings and Activities for the Staff	
Wrap up & Evaluation	
Training Evaluation	

Module 1: Sexual Harassment in the Workplace (SH): Definitions and Basic Principles

A. Learning outcomes

By the end of this module the participant of the training will be familiar with the basic concepts of SH in the workplace: definitions, forms, examples of SH, factors that lead to the prevalence of SH, who can be a Harasser or a Victim of SH, where can SH occur, what is the impact of SH (consequences for the victim, the colleagues, the company) and why women are mainly victims of SH and at the same time that SH can happen to any worker regardless of gender/ position.

B. Theoretical framework:

1. What is Sexual Harassment in the Workplace

Definition of Sexual Harassment:

Any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment¹.

Sexual Harassment in the workplace (SH) occurs in the place of work or in a work-related environment.

Sexual Harassment is acknowledged as a form of gender-based violence, as it is deeply rooted in gender inequality.

Examples of Sexual Harassment in the Workplace:

- Unwelcome sexual advances.

¹ EIGE, <https://eige.europa.eu/thesaurus/terms/1376>.

- Requests for sexual favours.
- Other verbal or physical conduct of a sexual nature that affects an individual's employment, unreasonably interferes with his or her work performance, or creates an intimidating, hostile or offensive work environment.

People in different European countries have been found to have a different understanding of what constitutes sexual harassment at work. **Key factors** are whether the affected individual considers the act as unwanted and whether they can distance themselves without fear of reprisals.

Complimenting someone may not necessarily amount to sexual harassment. Much depends on the context and nuances of the relationship between those involved. A good rule of thumb is that comments about people's appearance in today's workplace are best to be avoided.

What are the results of SH?

- fear, anxiety, shame, anger; guilt;
- depression, low self-esteem, isolation;
- sleep disturbances, headaches, dermatological reactions, gastrointestinal distress;
- reduced productivity;
- high absenteeism;
- reduced performance;
- high staff turnover

2. Prevalence of Sexual Harassment

Sexual harassment is a form of discrimination and violence. Victims are predominantly women and perpetrators are predominantly men. When FRA surveyed women about experiencing sexual harassment in the employment context, men were perpetrators in

86% of cases. Men can also be targets of sexual harassment and women can also be perpetrators, though this is less common.

About a third of women who faced sexual harassment in the EU experienced it in the workplace².

3. The main forms of SH are:

- Quid pro quo SH (Latin for “this for that” or “something for something”)
- SH by creating a hostile work environment

3.1. Quid Pro Quo

Definition

Quid Pro Quo harassment occurs when a tangible employment action is made based on the employee's submission to or rejection of unwelcome conduct. This kind of harassment is generally committed by a supervisor or someone who can make or recommend formal employment decisions that will affect the victim.

Main characteristics

- A person in authority trades or tries to trade job benefits for sexual favours;
- This type of harassment occurs between an employee and someone with authority, who has the ability to grant or withhold job benefits;
- Tangible employment action(s) against the victim

What is a tangible employment action?

² FRA, Violence against women: an EU-wide survey – Main results, Publications Office of the European Union, Luxembourg, 2014 (https://fra.europa.eu/sites/default/files/fra_uploads/fra2014-vaw-survey-main-results-apr14_en.pdf).

Something that involves a significant change in status, i.e., a change in pay, work status, dismissal, demotion, hire, failure to promote, transfer, undesirable reassignment, and work assignments.

Examples of tangible employment actions:

- Offering or granting better working conditions or opportunities in exchange for a sexual relationship;
- Threatening adverse working conditions or denial of opportunity for refusal;
- Using pressure, threats or physical acts to force a sexual relationship;
- Retaliating for refusing to engage in a sexual relationship

S. receives smaller pay increase based on performance than other employees with similar performance because he/ she refused to go out with his/ her supervisor, M.

3.2. SH by creating a hostile work environment

Definition

A hostile work environment can result from the unwelcome conduct of supervisors, co-workers, customers, contractors, or anyone else with whom the victim interacts on the job, and the unwelcome conduct is so severe or pervasive that it renders the workplace atmosphere intimidating, hostile, or offensive to a reasonable person.

In addition to speech and/or conduct, it covers explicit or suggestive items that are e-mailed, texted, electronically provided or displayed in the workplace that interfere with job performance or that create an abusive or hostile work environment.

In other words, a hostile work environment may be created by words, signs, jokes, pranks, intimidation, physical actions or violence, either of a sexual nature (**sexual harassment in the workplace**) or not of a sexual nature, but directed at an individual because of that individual's sex. i.e., by bullying, yelling, name-calling (**sex-based discrimination**).

Examples of SH by creating a hostile work environment

- Display of sexually graphic pictures, posters, photos or publications in the workplace
- Sexual comments or jokes
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Intrusive questions about a person's private or sex life or a person discussing their own sex life
- Sexual posts or contact on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwelcome touching, hugging, massaging or kissing

M. is leering at and intentionally brushing against S.

M. texts and instant messages his/ her co-workers with sexually explicit jokes and pictures

Examples of sex-based discrimination (discrimination because of the individual's sex):

- Sabotaging an individual's work
- Bullying, yelling, name-calling

4. Victim and Harasser

SH can occur between males and females or between persons of the same sex. Anyone in the workplace can be a victim or a harasser.

Who can commit SH?

- Anyone in the workplace
- Co-workers
- Supervisors
- Third parties
- Non-employees

- Interns
- Customers or vendors
- Security
- Visitors

Who can be a victim of SH?

- All genders can be victims of SH; however, research has shown that women are more frequently victimized than others
- LGBT+ people, people who have a non-normative sexual orientation or gender identity and expression are also more exposed to this kind of behaviour.

Workers can be subject to third party SH while carrying out their work

Third party SH means violence of sexual nature caused by any person who is external to the employer, such as customers, clients, patients, service users, students and members of the public. Third party SH may take the form of physical or verbal abuse with the effect of causing physical or psychological harm to the worker. Significant risks of any kind of violence from third party, including SH, exist in transport workers, such as bus drivers, conductors, stewards and in typical women's professions, such as shop assistants working in bars and restaurants, teachers, nurses and social workers.

5. Where can Workplace Sexual Harassment occur?

- Whenever and wherever employees are fulfilling their work responsibilities (including employer sponsored events, trainings, conferences and office parties)
- Employee interactions during off hours, can have an impact in the workplace

SH and other circumstances in which the worker is not actually working but are related to work.

Whether or not acts committed outside of work are committed 'in the course of employment' will depend on the strength of the connection with work in each particular case. The

circumstances in which the sexual harassment took place are significant in order to identify the relation to work environment.

Example: A worker is harassed by her colleague on two occasions. The first time, during drinks in the pub with colleagues immediately after work. On the second occasion, at a leaving party for another worker, which also takes place in the pub. Although the workers are not working at the time, these social gatherings with work colleagues immediately after work or at an organized leaving party may be closely connected with employment. Therefore, they fall within the definition of 'in the course of employment'.

Example: A worker receives an unexpected visit to her home from a colleague late at night, who subjects her to unwanted sexual advances. The incident is considered too remote from work to be 'in the course of employment'. Although the two colleagues met through work, they are essentially in the same position that they would have been had they merely been social acquaintances.

6.1. Common excuses for Sexual Harassment:

- "It was just a joke."
- "She/he is from a different era."
- "But she/he is so nice!"
- "She/he is from a different culture."
- "It was just a one-off."
- "You're being too sensitive!"
- "She/he was only flirting."

6.2. None of these excuses are valid. Remember that:

- all staff should be aware of what behaviour constitutes sexual harassment and need to be held to account if they breach the legislation, staff regulations and policy;

- inappropriate jokes can constitute sexual harassment;
- one instance of sexual harassment is too much and should be reported;
- there could be other victims;
- nobody has the right to violate another person's dignity.

C. Exercises, games, quizzes

Exercise One

This exercise presents one option for starting the training session: ask the participants to fulfil the following table of three SH examples, individually or all of them together, while you write their answers on the flip charter list.

Non-verbal conduct	Verbal conduct	Physical conduct
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When they finish, present the other flip chart list you have prepared in advance and comment if there are differences or missing examples:

Table of Sexual Harassment Examples³

Non-verbal conduct	Verbal conduct	Physical conduct
Display of sexually explicit or suggestive material	Comments on a worker's appearance, age, private life, etc.	Physical violence
Sexually-suggestive gestures	Sexual comments, stories and jokes	Physical contact, e.g. touching, pinching
Whistling	Sexual advances	

³ M. Rubenstein: "Dealing with sexual harassment at work: The experience of industrialized countries", Work Digest : Combating sexual harassment at work, Vol. 11, 1992, p.11

The use of job-related treats	Repeated social invitations	
The use of job-related rewards to solicit sexual favours		

Exercise Two

Below are some examples that the trainer can use to check the level of SH issue understanding by the trainees:

- ❖ Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

Example: A female worker has a brief sexual relationship with her supervisor. The worker tells her supervisor that she thinks it was a mistake and doesn't want the relationship to continue. The next day, the supervisor grabs the worker's bottom, saying 'Come on, stop playing hard to get'. Although the original sexual relationship was consensual, the supervisor's conduct after the relationship ended is unwanted conduct of a sexual nature.

- ❖ In some cases, it will be obvious that conduct is unwanted because it would clearly violate a person's dignity.

Example: A male manager is to interview a female worker for a promotion opportunity. The manager says that she's the favourite for the job because she's the best-looking candidate. The manager's statement is self-evidently unwanted.

Exercise Three

❖ How to Recognize Sexual Harassment

Often, sexual harassment goes unaddressed because we can't recognize it. The first step to fighting sexual harassment is recognizing sexual harassment. There can't be a comprehensive list of types of sexual harassment. So how do you recognize sexual harassment? One method used to determine if behaviour is sexual harassment is called the "reasonable person" standard.

It works like this:

- If a reasonable person in the same or similar circumstances would find what's happening intimidating, hostile, or abusive, then it's probably harassment.
- Keep in mind that this requires you to examine your biases.

Exercise Four

❖ Understanding the differences between sex-based violence (including discrimination) in the workplace and sexual harassment in the workplace.

Example: During a training session attended by both male and female workers, a male trainer directs a number of remarks of a sexist nature to the group as a whole. A female worker finds the comments offensive and humiliating to her as a woman.

How would you characterise the abovementioned behaviour?

The female worker would be able to make a claim for harassment related to sex (sex-based discrimination), even though the remarks were not specifically directed to her.

Module 2: Rights and Legal Framework

A. Learning outcomes:

By the end of this module the participant of the training will be familiar with the national legislation regarding SH prevention and tackling, as well as the competent authorities to receive a report / complaint regarding an incident.

B. Anti SH legislation in Spain (Catalonia), Bulgaria, Italy and Greece.

ANTI SH LEGISLATION IN SPAIN	PROVISIONS OF THE LAW
Definition of Sexual harassment Spanish Constitutional Act 3/2007 of 22 March, for effective equality between women and men (Article 7) Catalan Act 17/2015, of 21 July, on effective equality between women and men	Sexual harassment is defined in the Spanish law 3/2007 as any form of verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, degrading, or offensive environment. In the Catalan law 17/2015 sexual harassment is defined as any <u>verbal, non-verbal or physical</u> sexual behaviour whose purpose or effect is to undermine the dignity of a person, especially if it creates an intimidating, hostile, degrading, humiliating or offensive environment.
Sexual harassment as an act of discrimination Spanish Constitutional Act 3/2007 of 22 March, for effective equality between women and men (Article 7)	Article 7 establishes that sexual harassment and harassment on the grounds of sex will be considered to constitute discrimination under any and all circumstances. The conditioning of a right or expectation of a right to the acceptance of a situation constituting sexual harassment or harassment on the grounds of sex will likewise be regarded to be discrimination on the grounds of sex.

Rights of the SH survivor / Consequences for the Harasser Spanish Workers' Statute Spanish Constitutional Act 3/2007 of 22 March, for effective equality between women and men (Article 7) Catalan Act 5/2008 of 24 April on women's right to eradicate sexist violence	The Spanish Workers' Statute (Spanish Royal Legislative Decree 1/ 1995, of 24 March, which approves the consolidated text of the Workers' Statute Law) states the worker's right not to be discriminated against and establishes the right of every worker to protection of privacy and dignity against sexual harassment and harassment on the grounds of sex (Article 4.2). Furthermore, in Catalonia, Law 5/2008 of 24 April, on the right of women to eradicate gender-based violence, increases the area of protection beyond violence in affective relationships, to protect from all forms of violence against women. It guarantees the rights of female workers to prevention, support, assistance, protection, recovery and reparation, in any situation of harassment. Any employee can raise a harassment claim before the employment courts against their employer and against the individual employee who has harassed them. Sexual harassment that constitutes a criminal offence could be punished with a sentence of imprisonment. In addition to criminal law, Spanish Organic Law 3/2007, of 22 March, for Effective Equality between Men and Women also contains some important provisions with respect to sexual harassment and harassment on the grounds of sex and establishes legal consequences for discriminatory conduct. The employer is entitled to undertake disciplinary measures against the harasser, such as disciplinary dismissal.
Shifting the burden of proof to the harasser Spanish Constitutional Act 3/2007 of 22 March, for effective equality between women and men (Article 13)	According to the Law 3/2007, pursuant to procedural law, in proceedings in which the plaintiff alleges discriminatory conduct on the grounds of sex, it will be incumbent upon the defendant to prove the absence of discrimination in the measures adopted and their proportionality.
Consequences of SH for the labor relationship Spanish Workers' Statute	Any infringement of the workers' rights stipulated in the Spanish Workers' Statute in the context of an employment relationship will have consequences under the laws stipulating sanctions in the area of labour law (Royal Legislative Decree 5/2000, of 4 August, which approves the consolidated text of the Law of Infractions and Sanctions in the Social Order): - Any act or omission constitutes a serious breach of the privacy or dignity of the worker (Article 8.11). - An act of sexual harassment, committed within an employment relationship and under the responsibility of the

	employer, constitutes a very serious offence, regardless of who the perpetrator may be (Article 8.13). - An act of harassment on the grounds of sex, committed within an employment relationship and under the responsibility of the employer, will also constitute a very serious offence, regardless of who the perpetrator may be, provided that the employer is aware that it has occurred and has not acted to stop it (Article 8.13).
SH as a criminal offence Spanish Penal Code (Article 184)	The Spanish Penal Code includes sexual harassment as a criminal offence, among other forms of sexual gender-based violence. According to article 184 of the Penal Code, sexual harassment is defined as any acts of a sexual nature intended to harass or to attack the integrity and dignity of the victim in an employment, educational, or business context. To be considered sexual harassment, such behaviour must cause a situation that is objectively and seriously intimidating, hostile, or humiliating for the victim. Moreover, if the perpetrator is taking advantage of a position of superiority when committing these offences, then the punishment will be greater. When the victim is particularly vulnerable because of their age, position, or their circumstances, the punishment will also be greater.
Support by trade unions Constitutional Act 3/2007 of 22 March, for effective equality between women and men (Article 48) Catalan Act 17/2015, of 21 July, on effective equality between women and men (Article 33)	The Law 3/2007 establishes that workers' representatives must contribute to preventing sexual harassment and harassment on the grounds of sex at the workplace by sensitizing workers to this issue and reporting to company management any conduct or behaviour coming to their attention that might favour harassment.
Competent authorities and organizations to receive a report / complaint of SH	- Support and advice services for women. - Specialised support services for women victims of gender-based. - Catalan Women's Institute: hotline 900 900 120 - Trade Unions / Workers' representative - Labor Inspectorate - Police - Court

Responsibilities of the employer Constitutional Act 3/2007 of 22 March, for effective equality between women and men (Article 48) Catalan Act 17/2015, of 21 July, on effective equality between women and men (Article 33)	Employers must foster working conditions that prevent sexual harassment and harassment on the grounds of sex and institute specific procedures to prevent such conduct and for handling accusations or claims formulated by the persons affected. The measures that may be established for this purpose, which should be negotiated with workers' representatives, include the formulation and circulation of codes of good practice, information campaigns and specific training. Failure to comply with the obligation to prevent sexual harassment could imply that the employer is liable for any harassment committed by its employees. Employers will be held responsible to pay real and effective compensation proportional to the damage.
Responsibilities of the public authorities Catalan Law 17/2015, of 21 July, on effective equality between women and men	- Within two years from the entry into force of the Law 17/2015, the institutions of the Generalitat, the Administration of the Generalitat and public agencies related or reporting to them shall approve a protocol for preventing sexual and sex-based harassment (Article 18 - Catalan Law 17/2015, of 21 July, on effective equality between women and men). - Catalan universities, higher education facilities and research centres and institutions shall provide information and advice to prevent any discrimination, sexual or sex-based harassment or other forms of gender-based violence and implement positive action measures and include mechanisms for cooperation between institutions which help to prevent sexual and sex-based harassment which is the highest expression of inequality between the sexes, ensure such prevention is effective, and enable an appropriate response to any complaints which may be made in this respect by any member of the university community (article 28 - Catalan Law 17/2015, of 21 July, on effective equality between women and men). - The public authorities shall put in place mechanisms drawing on the recommendations of the Equality and Working Time Committee of the Council for Labour Relations for responding to complaints about sexual and sex-based harassment so as to ensure that companies comply with the protocol for preventing and addressing such harassment (article 32 - Catalan Law 17/2015, of 21 July, on effective equality between women and men).

ANTI SH LEGISLATION IN BULGARIA

PROVISIONS OF THE LAW

Definition of Sexual harassment	The EU definition of sexual harassment is fully recognized in the Bulgarian Law on Protection against Discrimination.
Sexual harassment as an act of discrimination https://postedworkers.gli.government.bg/view/34/zakon-za-zashtita-ot-diskriminatsiya	The Law on Protection Against Discrimination: Art.17 explicitly recognizes sexual harassment as a form of discrimination and bans it. Art. 4. (1) (suppl., SG 70/04) Prohibited shall be any practice or indirect discrimination based on sex, race, nationality, ethnic belonging, human genome, citizenship, origin, religion or belief, education, convictions, political affiliation, personal or public status, disability, age, sexual orientation, family status, property status or any other characteristics established by an Act or by an international agreement party to which is the Republic of Bulgaria. (2) Direct discrimination is every less favourable treatment of a person on the grounds of the characteristics under para 1 as compared with another person, treated, having been treated or would be treated in similar circumstances.
Rights of the SH survivor / Consequences for the Harasser	The victim has 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.
Shifting the burden of proof to the harasser	Law on Protection Against Discrimination: Art. 9. (amend. – SG 26/15) In proceedings for protection from discrimination, after the party claiming to be discriminated submits facts, by which an assumption can be made that discrimination is present, the responding party shall have to prove that the principle of equal treatment has not been violated.
Consequences of SH for the labor relationship	The consequences of SH 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. SH 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. SH has a negative impact on the work environment, on business and the economy as a whole.
SH as a criminal offence	Sexual harassment in general is not included in the country's criminal code.
Support by trade unions	Law on Protection Against Discrimination: Art. 18. The employer, in cooperation with the trade unions, shall be obliged to take effective measures for prevention of all forms of discrimination on the working place. Art. 19. For failure to fulfil his obligation under art. 18 the employer shall bear responsibility under this Act for acts of discrimination committed on the working place by his employees. 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.
Competent authorities and organizations to receive a report / complaint of SH https://www.kzd-nondiscrimination.com/layout/	Commission for Protection against Discrimination - 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". Art. 47. The Commission for protection from discrimination shall: 1. establish violations of this or other laws settling equality of treatment, the offender and the affected person; 2. order prevention and termination of the offence and restoration of the initial state; 3. imposed the stipulated sanctions and apply measures of administrative enforcement; 4. give obligatory prescriptions with regard of observing this Act or other laws settling equality of treatment;

	5. appeal administrative acts issued in violation of this or other laws settling equality of treatment, lay claims in court and intervene as an interested party to proceedings instituted pursuant to this Act or other laws settling equality of treatment; 6. extend proposals and recommendations to the state and municipal bodies for termination of discrimination practices and for revoking their acts issued in violation of this or other laws settling equality of treatment; 7. maintain a public register for decisions and obligatory prescriptions issued by it and enacted; 8. give opinion on draft normative acts for their compliance with the legislation for prevention of the discrimination, as well as recommendations for adopting, revoking, amendment and supplement of normative acts; 9. provide an independent help to the victims of discrimination in filing complaints for discrimination; 10. carry out independent studies regarding the discrimination; 11. publish independent reports and make recommendations on all issues related to the discrimination; 12. (new – SG 58/12, in force from 01.08.2012) inform the public via the mass media of the regulations in force concerning the protection against discrimination; 13. (prev. text of item 12 – SG 58/12, in force from 01.08.2012) carry out other competence stipulated by the regulation for its structure and activity. Art. 50. Proceedings before the Commission shall be instituted on: 1. complaint of the affected persons; 2. initiative of the Commission; 3. signals by individuals and corporate bodies, of state and municipal bodies. Art. 51. (1) The complaint or the signal to the commission shall be filed in writing. When written in a foreign language they shall be accompanied by a translation into Bulgarian. (2) The complaint or signal shall contain: 1. the name or denomination of the sender; 2. the address or seat and address of management of the sender; 3. exposition of the circumstances on which the complaint or signal is based; 4. exposition of the requests to the Commission; 5. date and signature of the person filing the complaint, or of his representative.
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	(3) Anonymous complaints and signals shall not be considered by the Commission. Art. 55. (1) The reporter shall start a procedure of enquiry, gathering all written evidence necessary for the full and thorough clarification of the circumstances, using employees and outside experts. (2) All persons, state and local bodies shall render assistance to the Commission in the process of the enquiry, and they shall be obliged to submit the required information and documents and to give the necessary explanations. (3) The presence of commercial, industrial or other secret protected by an Act may not be grounds for refusal of assistance. (4) In the presence of grounds for access to classified information it shall be submitted by the order of the Protection of Classified Information Act. Art. 56. (1) On carrying out its legal capacities the Commission shall have the right: 1. to require documents and other information related to the enquiry; 2. to require explanation by the persons of the enquiry on issues related to the enquiry; 3. to interrogate witnesses. (2) On refusal to submit information requested by the Commission, or a refusal of access to premises, as well as in other cases of refusing assistance to the Commission the guilty persons shall bear responsibility under this Act. The victim can also file a report to the territorial 'Labour Inspection' Directorate accompanied by detailed information on the case.
Responsibilities of the employer	The Law on Protection Against Discrimination: Art. 17. An employer having received a complaint from an employee who considers himself subject to harassment, including sexual harassment, on the working place, shall be obliged to make immediately an enquiry, to take measures for termination of the harassment, as well as for imposing disciplinary liability if the harassment has been carried out by another employee. Art. 20. The employer shall apply equal criteria in imposing disciplinary penalties regardless of the characteristics under art. 4, para 1. Art. 22. The employer shall put in a place in the enterprise, accessible for the employees, the text of the law, as well as all provisions of the internal rules and of the clauses of the team employment contract regarding the protection from discrimination.

	Art. 23. (1) On request, the employer shall submit information to the person claiming that his rights under this section have been violated. (2) The information under para 1 shall contain the grounds for the decision taken by the employer, as well as other data thereto. Art.29(2) The management of an educational institution shall take effective measures for prevention of all forms of discrimination at the educational place in the country on a part of a person from the pedagogical or non-pedagogical personnel or by a student. Art. 30. The head of the educational institution shall put in an accessible place the text of the law, as well as all provisions of the internal rules regarding the protection from discrimination. Art. 31. The head of an educational institution, having received a complaint of a student who considers himself a subject of harassment by a person from the pedagogical or non-pedagogical personnel or by another student, shall be obliged to enquire immediately and take measures for termination of the harassment, as well as for imposing disciplinary liability. Art. 37. (1) (prev. text of Art. 37 – SG 58/12, in force from 01.08.2012) Not admitted shall be a refusal to submit commodities or services, as well as the submitting of commodities and services of a lower quality or under less favourable conditions on the grounds of the characteristics under art. 4, para 1. (2) (new – SG 58/12, in force from 01.08.2012) Discrimination on the grounds of Art. 4, para 1 in the public or the real sector, directly or indirectly related to the conduct of business, including the establishment, equipment or expansion of a business or start-up or expansion of any other form of such activity, shall not be allowed. (3) (new – SG 58/12, in force from 01.08.2012) Rejection of or submission to a person's behaviour that constitutes harassment or sexual harassment in the framework of the activities under para 2, cannot serve as a basis for a taking a decision affecting that person. 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.
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ANTI SH LEGISLATION IN ITALY	PROVISIONS OF THE LAW
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Definition of Sexual harassment	Law No. 198/2006 (Code of Equal Opportunities) defines sexual harassment in the same terms used in the International Convention on the Elimination of Violence and Harassment in the World of Work and envisages civil remedies in case of sexual harassment in the workplace. Harassment is also considered as discrimination. Among SH general definition of the CC refer to: unwanted behaviours, carried out for reasons related to sex, with the purpose or with the effect of violating the dignity of a worker and creating an intimidating, hostile, degrading climate in the workplace. Sexual harassment and violence at the workplace constitute an abuse and violation of human rights and represent a threat to equal opportunities, therefore they are unacceptable and incompatible with a decent work environment and must be eliminated and prevented, never tolerated. This is one of the key principles of the International Labor Organization Convention on the Elimination of Violence and Harassment in the Workplace, adopted in Geneva on 21 June 2019, which Italy ratified with Law 4 of 2021, published in Official Journal the 26th of January. For this reason, Italy has to realize and update its legislations and norms in line with this Convention. At the moment, Italian legislation has to face a revision process of its legislation for the prevention and elimination of the phenomenon and for the protection of the survivors who face many challenges to receive a compensation and recognition for the damages they have suffered. In Italy the law provide the opportunity to ask for a compensation but it does not recognize it as a right. For this reason in many workplaces, survivors and offenders go through a negotiation process. In absence of relevant proofs, there are not many possibilities to proceed.
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Sexual harassment as an act of discrimination	Article 26 of the 2006 Code of Equal Opportunities (Legislative Decree no. 198/2006) establishes "the equivalence between sexual harassment and gender discrimination" (Civil Court of Cassation, Labour Section, Judgment no. 23286 of 15 November 2016).
Rights of the SH survivor / Consequences for the Harasser	The survivor has the right to legally pursue the offender but according to the Civil Code, he/she has to prove the act (art. 2697 Civil Code). In case the court recognizes the occurring of SH: the CC (art. 2043 and 2049) declares that the offender has to compensate for the damage, also the owner/management of the company has to compensate the offense.
Consequences of SH for the labor relationship	Law of 27 December 2017, n. 205 (State budget for financial year 2018 and multi-year budget for the three-year period 2018-2020) has amended Article 26 of the equal opportunities code referred to in Legislative Decree 198/2006 inserting a new paragraph which "provides for specific protection for those who take legal action for being harassed or sexual harassed at the workplace. The worker who prosecutes the employer/co-worker for discrimination, harassment or sexual harassment at workplace cannot be: sanctioned, demoted, fired, transferred or subjected to another organizational measure that have direct or indirect negative effects on working conditions if this measure is the consequence of the complaint itself. If the reporting is found to be false, this clause is not more valid".
SH as a criminal offence	The Italian law does not provide ad hoc case and interpretation with regard to crimes like SH. At the jurisprudential level, sexual harassment at the workplace, depending on the severity and manner of the harassing behaviour, has been defined in various offenses such as private violence, discrimination, stalking etc.

Support by trade unions	A central role is played above all by the trade unions delegates and delegates in the workplace, because - normally - they represent the first link among the worker, the employer and the protection system. Many national employment contracts (even if not all) deal with the subject of sexual harassment, in the chapter reserved for protection of the dignity of the person. In some private companies and in the public sector, there are specific signed protocols from the OO.SS. and by employers' associations that define Code of Conduct and safeguarding standards. In public companies and also in some private companies, Codes of conduct have been adopted with the identification of a specific profile: the Trusted adviser, a specialist called to address the issue of sexual and moral harassment or mobbing at the workplace. The Code and the trusted adviser have been enhanced by the Permanent Advisory Commission at the Ministry of Labour referred to in art.6 of Legislative Decree 81/2008.
Competent authorities and organizations to receive a report / complaint of SH	At the municipality/provincial level there is the figure of the Equality Councilor, who is an institutional figure, which carries out the function of promotion and monitoring the implementation of the principles of equality, equal opportunities and non-discrimination for women and men at work. In the practice of her/his functions, the Equality Councilor is a public officer with the obligation to report to the judicial authority the crimes of which she/he becomes aware. It deals with protection and support to male and female workers who have suffered discrimination at the workplace (including gender discrimination such as SH).

Responsibilities of the employer	Article 2087 of the Civil Code establishes "a general obligation of safety at work, imposing on the entrepreneur to take all necessary measures to protect the physical integrity as well as the psychological well-being of workers". Article 28 of Legislative Decree 81/2008 - Consolidation Act on Health and Safety in the Workplace and subsequent amendments, has specifically identified work-related stress (SLC) as one of the risks subject to mandatory assessment by the Employer and the result of the collaboration of prevention actors: • Competent Doctor, • Head of Prevention and Protection Service, • Workers' safety representative. The new paragraph 3-ter of Article 26 of the Code of Equal Opportunities about the employer's obligation, pursuant to Article 2087 of the Italian Civil Code, to provide working conditions that guarantee the physical and moral integrity and dignity of workers.
Responsibilities of the public authorities	Italy has been the first European country to ratify the Convention on the elimination of violence and harassment in the workplace (ILO). Thanks to this convention, legislations and labour rules have to be revised and updated in order to improve: - protection and prevention measures, - verification of application of the law - Reinforce compensation mechanisms, guidance, training and awareness to prevent and eliminate SH. The Convention is accompanied by the Recommendation on Violence and Harassment (recommendation n.206 ILO).

ANTI SH LEGISLATION IN GREECE

PROVISIONS OF THE LAW

Prohibition of violence and harassment in the workplace, including sexual harassment Law No. 4808/2021, accessible in Greek here	Law No. 4808/2021 ratified the 190 ILO Convention. According to art. 4, "All forms of violence and harassment that occur during or associated with or arising from work, including gender-based violence and sexual harassment, are prohibited".
Definitions Law No. 4808/2021, accessible in Greek here and Law No. 3896/2010 accessible in Greek here.	According to art. 4 of Law No. 4808/2021: "Violence and harassment" in the workplace mean actions, practices or threats thereof which are, are intended to be, or are likely to result in physical, psychological, sexual or financial harm, whether manifested individually or repeatedly. "Harassment" in the workplace means forms of conduct which have as their purpose or effect the violation of a person's dignity and the creation of an intimidating, hostile, degrading, humiliating or aggressive environment, whether or not they constitute a form of discrimination, including gender-based harassment or other reasons of discrimination. "Gender-based harassment" means the behaviors associated with a person's sex, which have as their purpose or result the violation of that person's dignity and the creation of an intimidating, hostile, degrading, humiliating or offensive environment. These forms of behaviour include the sexual harassment of Law 3896/2010, as well as forms of behaviour related to sexual orientation, expression, identity or gender characteristics of the person. According to art. 2d of Law No. 3896/2010: "Sexual harassment" represents any form of unwanted verbal, non-verbal or physical sexual behavior, with the aim or effect of insulting the dignity of a person, in particular by creating an intimidating, hostile, degrading, humiliating or offensive environment.
Who may be a victim Law No. 4808/2021, accessible in Greek here	According to art. 3 of Law No. 4808/2021: Employees in the private sector, irrespective of their contractual status, including contract workers, independent services, as well as persons in training, including interns and apprentices, workers whose employment has been terminated, volunteers, job applicants, and workers in the informal economy.

	Employees in the public sector, irrespective of their status, are protected under the provisions of art. 4 to 8, 13, 14, 15 and 12 (mutatis mutandis).
Where can sexual harassment occur Law No. 4808/2021, accessible in Greek here	According to art. 4 of Law No. 4808/2021: Forms of violence and harassment may take place in particular: (a) in the workplace, including public and private spaces and places where the worker provides work, receives payment, takes a break in particular, for rest or food; in areas of personal hygiene and care, locker rooms or accommodation provided by the employer, (b) during work-related trips, travel, training and work-related events and social activities; and (c) work-related communications, including carried out through information and communication technologies.
Sexual harassment as an act of discrimination Law No. 3896/2010 (article 3 par. 2) accessible in Greek here	Sexual harassment, as well as any less favourable treatment based on a person's rejection of or submission to such conduct constitutes an act of discrimination on sexual grounds and is therefore prohibited.
Rights of the SH survivor / Consequences for the Harasser Law No. 3896/2010 (articles 22, 23, 25) accessible in Greek here . Law No. 4808/2021 (art. 12), accessible in Greek here Greek Civil Code articles 57, 59, 914, 932.	Any person who considers that they have been sexually harassed, even if the relationship in which SH occurred has ended, has the right to judicial protection, as well as the right to appeal before the competent administrative authorities. The survivor has the right to report the incident to the Labour Inspectorate ("Soma Epitheorisis Ergasias" – "S.E.P.E.") and the Greek Ombudsman (" Sinigoros tou Politi "). The survivor has the right to follow the company procedures (if existing). The survivor has the right to leave the workplace for a reasonable period of time, without deprivation of salary or other adverse consequences, if in his/her reasonable belief there is an imminent serious danger to life, health or safety, in particular, when the employer is the perpetrator of such conduct or when he does not take the necessary appropriate measures to restore employment peace, or when such measures are not capable of terminating the behavior of violence and harassment. When an employee violates the prohibition of violence and harassment, the employer is obliged to take the necessary and appropriate measures on a case-by-case basis against the complainant, in order to prevent a recurrence of such an incident

	or behaviour. These measures may include enforcing compliance, change of position, schedule, place or manner of employment or the termination of the employment. In addition, the survivor has the right to claim before the court for full compensation, which will cover every kind of damage suffered, as well as the moral damage.
Consequences of SH for the employment relationship Law No. 4808/2021 (art. 13), accessible in Greek here Law No. 2112/20 (articles 1-7) accessible in Greek here and relevant case law (indicatively see here).	The termination of the employment relationship is prohibited and is invalid, as well as any other adverse treatment of the survivor if it constitutes retaliatory behaviour for an incident of violence and harassment. An employee who has been sexually harassed by the employer has the right to consider that the employer's conduct constitutes an adverse change in their working conditions leading to the direct termination of the employment contract and they are entitled to compensation. On the other hand, the dismissal of an employee because of their refusal to give in to the sexual harassment of the employer is invalid, which means that the dismissed employee maintains their rights from the work relationship.
SH as a criminal offence Greek Penal Code article 337 par. 4 accessible in Greek here.	The SH survivor can file a complaint stating that the crime of violation of sexual dignity has been committed against them. According to the law, "whoever makes sexual gestures or proposes to have sex with a person who is dependent on him for work or who takes advantage of a person's need to work, is punishable by up to three years in prison or a fine. Prosecution requires a complaint".
Shifting the burden of proof to the harasser Law No. 3896/2010 (article 24) accessible in Greek here.	When there is a prima facie case of sexual harassment, the law shifts the "burden of proof" to the presumed offender. Therefore, it shall be for the accused to prove before court or other competent authority that sexual harassment has not occurred.
Support by trade unions Law No. 3896/2010 (article 22 par. 2) accessible in Greek here.	Associations, organizations or other legal entities which have a legitimate interest (such as trade unions) may engage, either on behalf or in support of the complainant, with his/her approval, in the relevant judicial and/or administrative procedures.

Competent authorities and organizations to receive a report / complaint of SH

- Labour Inspectorate (SEPE)
- Greek Ombudsman
- General Secretariat for Family Policy and Gender Equality (hotline 15900)
- Research Centre for Gender Equality ("KE.TH.I.") - counselling centres
- Police / Prosecutor
- Court
- Company (if an internal complaint procedure exists and operates according to the law provisions).

Obligations of the employer to prevent and deal with violence and harassment

Law No. 4808/2021, accessible in Greek [here](#).

According to art. 5 of Law No. 4808/2021:

"Each employer, regardless of the number of employees, as well as the persons who exercise the managerial right or represent the employer are obliged:

- (a) receive, investigate and manage any complaint or report showing zero tolerance for violence and harassment, in confidence and in a manner that respects human dignity, and does not obstruct the receipt, investigation and management of complaints;
- (b) provide assistance and access to any competent public, administrative or judicial authority in the investigation of such incident or conduct, if requested by them;
- (c) provide employees with information on the potential risks of violence and harassment in the workplace and related prevention and protection measures, including the obligations and rights of employees and the employer in the event of such incidents;
- (d) post in the workplace and make accessible information on company-wide procedures for reporting and dealing with such conduct, as well as contact details for the competent administrative and judicial authorities in accordance with the provisions in force".

According to art. 9 of Law No. 4808/2021:

Companies employing more than twenty (20) people are required to adopt a policy to prevent and combat violence and harassment at work within the meaning of Articles 3 and 4, which declares zero tolerance for such behaviour and identifies the rights and obligations of employees and the employer to prevent and deal with such incidents or conduct. This policy may be part of or accompanied by a policy to promote equal opportunities and to combat discrimination and shall include at least: (a) an assessment of the risks of violence and harassment at work; (b) measures to prevent, control, to limit and deal with these risks, as well as to monitor such incidents or forms of behaviour; (c) staff information and awareness-raising activities; (d) information on the rights and obligations of employees and the employer, (e)

	designating a person as a reference person at company level, responsible for guiding and informing employees on the prevention and response to violence and harassment at work, (f) the protection of employment and the support of workers victims of domestic violence, as far as possible, by any appropriate means or reasonable adjustment. According to art. 10 of Law No. 4808/2021: Companies with more than twenty (20) employees are required to adopt a policy for managing internal complaints of violence and harassment within the meaning of Articles 3 and 4, which describes the procedure for receiving and examining such complaints in a way that ensures the protection of the victim and respect for human dignity. This policy may be part of or accompanied by other policies and shall include, as a minimum: a) secure and easily accessible channels of communication for the reception of complaints, as well as the identification of the competent persons within the undertaking for the receipt and examination of complaints and the information of complainants; b) investigating and examining complaints with impartiality and protecting the confidentiality and personal data of victims and complainants; c) the prohibition of retaliation and further victimization of the affected person, d) the description of the consequences on the detection of violations, e) the cooperation and provision of any relevant information to the competent authorities, if requested. According to art. 11 of Law No. 4808/2021: The policies of Articles 9 and 10 are subject to collective bargaining as part of the Collective Bargaining Agreement or the Rules of Procedure or are drawn up by the employer in consultation with the representatives of the most representative trade union organization of the company (...)
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Employer's duty of care for the workers Greek Civil Code articles 651, 657, 658 and 660 (more information are accessible here) Law No. 1568/85 (article 32) accessible in Greek here - Directive 89/391/ EEC	The employer has a general duty to protect the workers' health, safety and welfare. In all private and public sector companies, regardless of the economic activity, the employer has the obligation (indicatively): • To take all necessary measures to ensure that employees and third parties present at the workplace are free from any danger that may threaten their health or physical integrity. • To ensure the preventive and periodic monitoring of the health of the employees in a specialized way, based on the occupational risks to which they are exposed. • To prepare a program of preventive action and improvement of working conditions in the company.
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C. Exercises, games, quizzes.

Exercise:

1. What are the main characteristics of an SH behaviour?
 - a) Any unwanted verbal or physical violence of sexual nature.
 - b) Any unwanted conduct of a sexual nature with the purpose or effect of violating the dignity of a person.
 - c) Any unwanted conduct of a sexual nature that intimidates the worker.
2. Name 3 authorities/ organizations (administrative, judicial or institutions) that the SH survivors can address to claim their rights/ be supported.
3. Are the employers entitled to take measures to prevent / tackle SH in the workplace?
 - a) Yes, but only if the victim asks them to intervene.
 - b) Yes, they are responsible for providing a workplace that is free from any danger that may threaten the employee's health and dignity and to take preventive measures.
 - c) No, this is a personal matter.

Module 3: Development of Anti – Sexual Harassment Staff Policies

A. Learning Outcomes

By the end of this module the participants of the training will be familiar with the ways to promote zero tolerance policy against SH; the importance of creating and maintaining an inclusive and safe workplace culture; the values of responsible leadership and accountability; what an anti SH policy should include; the importance of broad dissemination of the anti SH policy and easy access by managers, employees and customers; ways to avoid discrimination in an anti SH policy.

B. Theoretical framework: how building and promoting an inclusive culture can help your team and company prevent sexual harassment

1. Milestones of Zero Tolerance against SH

- Any harassing behaviour will be investigated and the perpetrator(s) will be told to stop
- Disciplinary action will be taken, which may include termination if serious
- Repeated behaviour is particularly serious and will be dealt with accordingly

2. Milestones of anti - SH policy:

- Workplace assessment
- Devoting sufficient resources to prevention efforts
- Applying a diversity and inclusion promoting strategy
- Openness and engagement to distinguish signs of misconduct in the workplace
- Being accountable

3. Supervisors and managers are held to a high standard of behaviour, because:

- They are placed in a position of authority (and must not abuse this authority)
- Their actions create liability for the employer

- It is required that they report any harassment that they observe or is reported to them
- They are responsible for any harassment or discrimination that they knew or should have known about
- They are expected to model appropriate workplace behaviour

4. Employers, supervisors and HR managers should respect the “protective activities”:

- Reporting suspected SH in the workplace
- Filing a formal complaint about SH in the workplace
- Opposing direct or indirect discrimination
- Assisting the employee(s) complaining of SH in the workplace
- Providing information/ evidence during a workplace investigation of SH, or testifying in connection with a complaint of SH in the workplace filled with a government agency or in court

5. Active engagement in anti SH policy and prevention measures

- It's much easier to fight sexual misconduct in the workplace when everyone is on the same page. When your employees know what is expected of them — and what is expected of management in return —they are more likely to feel comfortable and safe at work. Plus, a happy employee will help your company's overall morale and cohesiveness. It's critical for leadership to be seen — not just heard. By inserting yourself into the everyday work environment, employees will grow to see upper management as accessible and familiar; and they'll also know you're watching. (This will allow you to keep tabs on things you may not be privy to seeing or hearing when your door is closed.)
- Keep the lines of communication with your employees open, while periodically asking them for input, ideas and suggestions.
- All employers will be expected to have in place effective and well communicated inner policies and practices which aim to prevent any harassment and victimization, including SH. The policies should be monitored and their success regularly reviewed.

- The anti-sexual harassment policies should be monitored and their success regularly reviewed.

6. What Anti SH staff policies should include?

- **Specify the anti SH policy**

Employers should not conflate different forms of harassment. For this purpose, they can have different policies to deal with sexual harassment and harassment related to protected characteristics or one policy which clearly distinguishes between the different forms of harassment.

- **Content of the anti SH policy**

A good anti-harassment policy will:

- confirm who the policy covers
- state that sexual harassment, harassment and victimisation will not be tolerated
- state that sexual harassment, harassment and victimisation are unlawful
- state that harassment or victimisation may lead to disciplinary action up to and including dismissal if it is committed:
 - in a work situation
 - during any situation related to work such as at a social event with colleagues
 - against a colleague or other person connected to the employer outside of a work situation, including on social media
 - against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role.
- **Prevention measures in compliance with the anti SH policy**
 - An employer will not be liable for harassment committed by a worker in the course of employment if they can show that they took all reasonable steps to prevent the harassment. In deciding whether a step is reasonable, an employer should consider its likely effect and whether an alternative step could be more effective.

- The requirement is to take preventative steps. The fact that an employer has taken steps such as an investigation and disciplinary action to deal with the harassment after it has occurred, will not be sufficient on its own to avoid liability.
- What steps were reasonable for an employer to take will depend on the circumstances of each individual case. An employer who knows that a worker has previously committed an act of harassment may be required to take specific steps to ensure that they do not do so in future.

Example:

Maria's colleague says he didn't intend to cause any offence and didn't realize that has used a sexually offensive term. Nevertheless, he has committed an act of harassment because the effect of his language was to cause offence. He accepts he shouldn't have used the term and apologies to Maria. Maria tells the employer that she accepts his colleague didn't intend any harm, she is satisfied with the apology and doesn't want it taken any further. The employer, however, reiterates to Maria's colleague that harassment will not be tolerated, ensures that he reads the company "anti-harassment policy" again, and requires him to undertake training on harassment awareness.

- **Prevention against SH harassment by third parties (clients, customers or suppliers).**

An employer would have been liable if:

- aware of the harassment
- failed to take 'reasonably practical steps' to prevent harassment happening again

7. An employer should avoid direct and indirect discrimination when drafting an anti SH policy

Direct discrimination is every less favourable treatment of a person as compared with another person, treated, having been treated or would be treated in similar circumstances. An employer may also be liable if treats complaints of harassment by a

worker with a protected characteristic in a less favourable way than it treats complaints by others.

Example: Maria is a trans woman that has been harassed by the same costumer for months. She makes an internal complaint to his employer and wants the case to be investigated. The employer says that the procedure is only available for cisgender women, as trans people cannot suffer sexual harassment.

Indirect discrimination is placing of a person or persons in particularly unfavourable treatment resulting from an ostensibly neutral provision, criterion or practice.

Example: Hannah is doing an internship at a company. One of the employees has asked her on a date several times. She has always declined but he asks her again the next day. The company has a specific sexual harassment policy, but she has never made a formal complaint because she doesn't know that a reporting procedure is available. As she is doing an internship for two months she hasn't been informed on her rights in the company. This is an example of indirect discrimination because even if she could report these incidents, she has fewer opportunities than the employees because she is an intern.

8. Dissemination and accessibility of the anti SH staff policies and prevention measures

Employers will be liable for any kind of harassment or victimization committed by their workers unless they can show that they took all reasonable steps to prevent such behaviour. *(It is an objective test about what it is reasonable for the employer to do in the circumstances. This will vary from employer to employer depending on the size and nature of the employer, the resources available to it and the risk factors which need to be addressed within the particular employer or sector. Therefore, not every step will be reasonable for every employer to take, nor should they be considered exhaustive.)* Employers should consider what steps they have taken to date and what further steps it is practicable for them to take.

- **Awareness and accessibility**
 - Employers should ensure that all workers are aware of their anti-SH policies.

- Employers should consider publishing their policies on an easily accessible part of their external-facing website.
 - This will enable a worker to access a copy of the policy if, for example, they are off work with a stress condition related to their harassment and cannot access the internal system.
 - It will also mean it is available to other workers, such as contract workers, who similarly may not have access to internal systems.
 - Doing so also demonstrates the employer's commitment to transparency and tackling the issue.
- Where policies are not publicized externally, they should nevertheless be as freely available as possible to all workers, including those who do not have access to the internal IT systems. This may mean, for example, providing copies to each worker or publishing them on the intranet.
- Employers can communicate the policies and their contents using, for example:
 - internal newsletters
 - physical or digital noticeboards
 - staff meetings
 - reminders to staff ahead of key events where the risk of harassment increases, such as an office party
 - an annual reminder to staff
- In addition, instead of the inner anti-SH policy development and distribution, employers also can help ensure a workplace free from SH by distributing to employees information on SH awareness, including leaflets or can display a poster somewhere in the workplace (i.e. break room, above the copier, WC).

Important note: It is not appropriate to tell workers that they can get copies from their manager as the worker may be reluctant to ask the manager and alert them to the fact that they have a complaint. Likewise, leaving copies in an area that is accessible to all workers, such as a staffroom, would not be appropriate, as a worker may not wish other workers to see them reading the policy.

- Dissemination should include anti SH policy, prevention measures, reporting procedure, ways to support survivors.

C. Exercises, games, quizzes

EXERCISE

At the end of the session the trainer can provoke the participants to discuss the following examples of existing myths about SH showing them the real picture:

Myths and Realities

Myths	Realities
1.This so-called sexual harassment is just harmless flirting. Women enjoy this kind of attention.	When flirting is unwelcome, it is known to cause anxiety, depression and health problems in women. It often forces them to leave the work-force and in extreme cases, even commit with suicide.
2.The best way to put an end to SH is to ignore it	Silence never helps. It may encourage harassment to continue. It is important to object to the unwelcome conduct, and if necessary, raise an alarm and complain.
3.Most charges of SH are a way to get back at bosses and colleagues	Complaints are in fact under-reported because women feel stigma and possible loss of job for speaking out against SH. It is only an extremely rare instances that complains are unsubstantiated.
4.Women provoke SH by the way they behave and dress. Respectable women do not face SH.	All kinds of women, whether old or young, dressed in sarees or burqas, construction workers or bankers, report having faced harassment. It is not the conduct of a woman those matters. Rather, harassment occur, because women tend to get sexualized in a male-dominated society.

5.It is wrong for the law to restrict sexual expression/flirting among adults.	The law does not restrict consensual sexual expression/flirting between adults at the workplace; it restricts only the conduct which the woman finds unwelcome and hostile. “Flirting” that is coercive, or ignores the women’s discomfort and refusal is wrong.
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Module 4. Dealing with Complaints and Providing Support to SH Survivors

A. Learning outcomes

By the end of this module the participant of the training will understand the reasons why SH often goes unreported, the importance of transparent fair procedures and proper dissemination of them (explicit complaint procedure, contact person, non-retaliation statement, confidentiality, corrective actions), what someone should do if they are sexually harassed or witness a fellow colleague being sexually harassed, how to support victims of SH and help them seek assistance from the available services.

B. Theoretical framework

1. Sexual harassment – a hidden problem

Sexual harassment is under-reported, with one UK survey finding that 79 % of targets of sexual harassment in the workplace did not report it⁴.

The reasons given for not reporting included:

- fear that relationships at work would be negatively affected;
- fear that the report would not be believed or taken seriously;
- embarrassment;
- fear of a negative impact on career

⁴ TUC, Still just a bit of banter? Sexual harassment in the workplace in 2016, TUC, London, 2016 (<https://www.tuc.org.uk/sites/default/es/SexualHarassmentreport2016.pdf>).

The European Foundation for the Improvement of Living and Working Conditions (Eurofound) also found that a lack of public discussion on sexual harassment, as well as high societal tolerance of such violence, lead to under-reporting⁵.

Most of the time women and girls are afraid to denounce violence. They may feel ashamed or are afraid they will be blamed or, as much sexual harassment happens in the workplace, are afraid of losing their job or being penalised⁶.

Common workplace-based responses by those who experience SH are to avoid the harasser, deny or downplay the gravity of the situation, or attempt to ignore, forget, or endure the behaviour.

2. Encouraging reporting of SH

Many incidents of workplace harassment go unreported because employees don't know how to report them or because they fear retaliation. Training is an ideal tool to communicate the importance of reporting incidents of misconduct and explain how—typically, through an anonymous hotline or website, or by contacting HR or a supervisor.

*"Employees need to be trained on their roles as bystanders and the avenues they have available to them for reporting any workplace harassment"*⁷

Reports should be taken seriously and promptly investigated, with effective remedial action when appropriate.

The employers should:

- A) Specify the SH complaint procedure for employees and encourage them to report unwanted and inappropriate behaviours.

⁵ Eurofound, Violence and harassment in European workplaces: extent, impacts and policies, Eurofound, Dublin, 2015, p. 52.

⁶ European Parliament resolution of 26 October 2017 on combating sexual harassment and abuse in the EU (2017/2897(RSP).

⁷ RuÁno, trainer and consultant for Train Me Today in Huntington Beach, California.

B) Once a complaint is filed, it's the responsibility — and liability — of the employer to take swift and appropriate action to stop the harassment. These steps may include:

- Fully informing the complainant of his/her rights
- Fully and effectively investigating the claim
- If harassment is proven, there must be prompt and effective remedial action.

C) If a manager witnesses inappropriate behaviour and does nothing, *"you're basically sending a message to all of the others on your team that you're condoning it."*⁸

Often a complainant may not feel able to resolve an issue directly and may need support from a third party to resolve their complaint. For example, an employer must allow a worker to be accompanied by another person if that would be necessary:

Example: A worker has made a complaint of sexual harassment. She isn't in a trade union and it would be unreasonable to expect her to recount explicit details of the harassment in front of a colleague. She finds it very stressful and upsetting to talk about the matter and requires emotional support in order to do so. It would be reasonable in these circumstances to allow the worker to be accompanied by someone who can offer emotional support, such as a friend.

The main prerequisite for reporting cases of SH is the existence of a written procedure in the business company, which will have a preventive role on the one hand, and on the other - will provide solutions when such a problem arises.

The company complaint procedure should not place the burden on the complainant to resolve an issue personally, but should support her/him with concrete advice and written rules.

⁸ RuÁno, trainer and consultant for Train Me Today in Huntington Beach, California.

3. Elements and phases of an effective anti-sexual harassment complaints procedure.

3.1. Communication and advice

Any person, directly or indirectly involved in the company, has the right to communicate any confirmed or suspected situation of harassment.

In order to do this, the procedure should provide communication channels and advice.

- **Provide a list of contact points within the company or recognized trade unions.**

The procedure should direct the complainant towards someone (preferably a choice of people) who is equipped to help them submit a complaint. All employees should be able to easily identify and choose any of the nominated people to notify them about the situation. The reference person should be specifically sensitized and trained on how to support victims of SH.

- **Clearly define the roles and responsibilities of the reference person during this initial phase.**

The task of the reference person will be to guide, inform, and support the complainant employee. His/her mission could consist of:

- ❖ Informing the employee on her/his rights.
- ❖ Helping to obtain advice on how best to resolve the issue and/or assistance in doing so from other sources either internally or externally.
- ❖ Defining multiple reporting channels for employees who wish to report SH, to ensure that a worker is not required to report an incident to the perpetrator or someone who they may feel will not be objective
- ❖ Setting out a range of approaches for dealing with SH. In the case of alleged criminal offences, the victim can also report the incidents to the police or any other legal authority.
- ❖ Informing employees how to make an internal complaint. This should not be too restrictive.
- ❖ Encouraging the employee to keep a record of the time, date, location and witnesses of any incidents and to keep copies of any emails, texts, online material or social media posts related to the harassment.

- ❖ Informing the employee about any additional resources and services available for victims of sexual harassment to foster recovery and healing from sexual harassment (psychological support, women's organization...).

3.2 Formal procedure

The formal procedure seeks to assess whether harassment has occurred, and if so, take appropriate measures, including disciplinary measures. This may result in an administrative inquiry having to be carried out. Information on administrative follow-up is not available in cases where individuals have sought support from a confidential counsellor and have decided to not lodge a formal complaint.

The formal procedure usually starts when an employee makes an internal complaint. The internal complaint (preferably, in writing) should collect information on:

- Personal data of the complainant (name, gender, department and position...).
- Personal data of the alleged harasser (name, gender, department, position...).
- A description of the reported incidents, including the date(s), location(s) and the presence of witnesses.
- A list of the witnesses (if applicable)

3.3 Investigation

Once the internal complaint is received the phase of investigation starts:

- The reporting procedure should state that all reports (verbal and written) will be investigated.
- Investigations should be completed within a reasonable timeframe.
- All the information and the phases of the investigation are confidential. Only the people nominated to investigate the case should have access to it.
- Any employee may be required to cooperate as needed: employees who participate in this process cannot be retaliated against.
- Employers should ensure independence and objectivity at each stage of the process. For example, wherever possible, people with different roles, including representatives from the company (i.e., human resources staff) and employee representatives should conduct the investigation, formal hearing and appeal

hearing phases. Employers should avoid appointing people to carry out these roles who have been involved in the issue. They should, where possible, appoint people from different parts of their organisations who have no or less knowledge of the people involved and consider appointing an external investigator where necessary to ensure objectivity. They should also take into account the particular sensitivities of the case. For example, a woman who has been sexually assaulted may be more comfortable talking to a female investigator.

- Investigators should clearly identify the facts that they need to establish, the questions they will need to ask and the evidence they will need to obtain. Investigators should avoid inappropriate lines of questioning. For example, it would not be appropriate to ask a person who complains of sexual harassment about their sexual history.

3.4 Resolution

The procedure should set out a range of appropriate consequences and sanctions (corrective actions) if SH or victimization is proved:

Corrective actions

- a. Anyone who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination
- b. Make clear applies not only to unlawful but also to inappropriate conduct, even if not unlawful in and of itself
- c. Include reference to penalty, up to and including termination of the employment or other relationship
- d. Penalty should be prompt and proportionate to the severity of the infraction.
- e. Penalty should be consistent
- f. Supervisors and Managers should be held accountable for preventing and/or responding to workplace harassment.

3.5 Action against victimization or retaliation

The procedure should explicitly state that victimization or retaliation against a complainant will not be tolerated.

What is retaliation and which are the activities protected against it

- Any action taken to alter an employee's terms and conditions of employment because that individual engaged in any of the protected activities.
- Any negative action taken by the employer against the employee, that could have the effect of discouraging a reasonable worker from making a complaint about harassment or discrimination.
- Negative action need not be job-related or occur in the workplace, and may occur after the end of employment (unwarranted negative reference).

Any employee who has engaged in "protected activity" has to be protected from being retaliated against.

Protected activities:

- Making a complaint to a supervisor, manager or another person designated by your employer to receive complaints about harassment
- Reporting suspected harassment, even if you are not the recipient
- Filing a formal complaint about harassment
- Opposing any discrimination
- Assisting another employee who is complaining of harassment
- Providing information during a workplace investigation of harassment, or testifying in connection with a complaint of harassment filled with a government agency or in court

What is not Retaliation

- Employees continue to be subject to all job requirements and disciplinary rules after having engaged in such activity.
- If a negative employment action occurs after the employee engages in protected activity, the employer must be able to show that the adverse action was not motivated by the protected activity.

Role of the Victimization for the Reporting

- Victimization is one of the biggest barriers to people reporting SH at work. It is important that employers recognize the role that fear of victimization plays in relation to how they approach and deal with harassment and sexual harassment at work. This will be a key factor in their ability to fulfil their duty to prevent and protect employees from SH.
- Victimization means treating a worker badly (subjecting them to a detriment) because they have done a protected act – for example, making a complaint of SH, or are going to do a protected act.

Example: A bar owner hears a rumour that one of his workers may make a grievance about SH by a colleague. As the worker has only been in his employment for a few weeks, the owner dismisses the worker to avoid dealing with the grievance. The worker, in fact, had no intention of raising a grievance. Nevertheless, the bar owner has subjected her to a detriment because he believed that she would, and as such her dismissal is an act of retaliation.

Example: Laura has been sexually harassed by one of her colleagues for months. She finally made a formal complaint to her supervisor. Since then, she has been feeling left out at work. Her colleagues turned their backs on her and are no longer nice to her. This is victimization.

3.7 Confidentiality

Confidentiality is fundamental to creating the psychological safety in workplaces, which will help to prevent sexual harassment in a systemic way. During the complaint and the investigation, the employer should ensure that all the information is kept confidential and only those who need to know about the issue in order to help resolve it, and prevent further incidents, know the details. This will protect the complainant from any further disadvantage, such as gossip among colleagues about the harassment.

4. Ways to support victims / help them seek assistance

When an employee discloses sexual harassment or abuse, the support received from employers and colleagues is crucial to enable a recovery process and to avoid victimisation.

If there is supportive environment, the victim will probably feel more encouraged to report the incident and feel in a safe environment. The following suggestions/information can help you be a supportive employer or colleague⁹:

Listen and support

- Support and understanding are essential. It takes a lot of courage for a victim to share their experience;
- Try to provide a safe/non-judgmental environment, emotional comfort, and support for the victim to express feelings;
- Let them know that they can talk with you. Listen. Don't rush to provide solutions.

Believe

The most common reason people choose not to tell anyone about sexual harassment abuse is the fear that the listener won't believe them. People rarely lie or exaggerate about abuse; if someone tells you, it's because they trust you and needs someone to talk to.

- People rarely make up stories of abuse. It is not necessary for you to decide if they were "really hurt." If the victim says they were hurt, that should be enough;
- Believe what the person tells you. It may have been difficult for them to talk to you and trust you.

Reassure

- Sexual harassment is NEVER the victim's fault. No one asks to be sexually harassed by what they wear, say or do. Let the victim know that only the perpetrator is to blame;
- The victim needs to hear that fears, anxieties, guilt, and anger are normal, understandable and acceptable emotions;
- Remember, no one ever deserves to be abused or harassed.

Be Patient

⁹ Adapted from: Sexual harassment & Rape prevention program, University of New Hampshire. Retrieved 09/04/21 from <https://www.unh.edu/sharpp/helping-friend>

- Don't press for details – let your colleague or employee decide how much they want to share. Ask them how you can help;
- Victims have to struggle with complex decisions and feelings of powerlessness, trying to make decisions for them may only increase that sense of powerlessness.
- You can be supportive by helping them to identify all the available options and then help by supporting their decision-making process.
- The victim can't just "forget it" or just move on. Recovery is a long-term process and each individual moves at their own pace.

Encourage

Encourage the victim to seek psychological support, report the harassment, and or contact any specialized organization or mutual support group. Remember, the victim must ultimately make the decision as to what to do. They are the expert in their own lives. Don't push.

Respect Privacy

- Don't tell others what the victim tells you. Let the individual decide who they will tell. It is important not to share information with others who are not involved;
- If you do need to share information for their safety, get permission by letting them know what you will share and with whom it will be shared.

Establish Safety

- An important part of helping the victim is to identify ways in which the victim can re-establish their sense of physical and emotional safety. You are a step in the process. Ask your employee or colleague what would make them feel safe and how you can help them accomplish this.
- If the harassment is ongoing, help your employee or colleague to develop a plan of what to do if a new incident happens. Having a specific plan and preparing in advance can be important if the violence escalates.

Things you can say

It is hard to know what to say to someone when they confide in you. Refrain from asking a lot of questions, instead, support your employee or colleague with these phrases:

- It's not your fault
- I'm sorry this happened
- I believe you
- How can I help you?
- I am glad you told me
- I'll support your choices
- You're not alone

5. What do you do if you witness or are subjected to harassment?

5.1 An employee who witnesses or believes that he or she has been made the target of harassment should report the harassment, as soon as possible, to a managing official.

5.2 An employee may initiate the administrative inquiry process by contacting a supervisor who will conduct an investigation intended to gather information to determine what action, if any, should be taken. This information is not intended for legal or criminal prosecution.

5.3 Employees should also maintain a record of relevant events and communications between all parties involved, in the event another incident arises and further action is needed.

C. Exercises, games, quizzes

Quiz

Case 1: Miss Pirelli works for ABC Co. Her Boss Mr. Catani often uses abusive names while reprimanding his subordinates, irrespective of their gender. Miss Pirelli took offence against such abusive language and files a complaint for SH.

Question 1: Is such claim sustainable?

Answer 1: No, as the abuse was of a non-sexual manner. While Mr. Catani conduct may be professionally unacceptable and require corrective actions.

Case 2: Ivette applied for a job at a new restaurant. During the interview the supervisor tells her that she doesn't fit the requirements because they are looking for a more "feminine" waitress. He adds that if she wants the job she should dress more femininely, wear make-up and have her hair styled.

Question 2: Does such claim qualify as SH?

Answer 2: No, the claim is not sustainable as the treat was not of a sexual nature. Nevertheless, this behaviour constitutes sex-based/gender-based harassment, which can be also reported.

Case 3: Anna works in Law firm, where a senior partner of the firm usually makes remarks at her appearance and dresses, specifically demanding her to wear certain attire that makes her more attractive. Aggrieved by the act, she files a complaint for SH

Question 3: Is this claim sustainable under SH Act?

Answer 3: Yes, any kind of sexual remarks, whether direct or indirect constitute SH.

Case 4: Mr. Martin often watches pornographic videos in the office in a deliberate effort to make it visible to the female colleagues who are uncomfortable by this fact. One of them sitting next to his desk filed a complaint for SH.

Question 4: Is the claim sustainable under SH Act?

Answer 4: Yes, in such case a valid claim can be made

Case 5: Mrs. Petrova works for a multinational company. In a stray incident, her manager promises preferential treatment at work, if she consents to his sexual favour.

Question 5: Can she file a complaint in respect of SH?

Answer 5: Yes, asking for sexual favours for preferential treatment constitutes SH, whether the harassment occurred at a stray accident or repeatedly.

Module 5: Trainings and Activities for the Staff

A. Learning outcomes

By the end of this module the participants of the training will be familiar with the concept and the theoretical and legal framework of SH, and will be moreover familiar with the training methodologies and the do's and don'ts of anti SH training and workshops, by using different types of methodologies, tools, sources of information.

B. Theoretical framework

1. How to organize effective anti SH trainings

a. General methodology of a ToT

The training and workshops methodology has been agreed upon the professional profile of the learners, that are professionals working in companies and CSOs, specifically those involved in HR management who will then be able to train their staff in their own organizations. In fact, the course wants to enhance the experience of the learner as the centre of the learning process, an active creator and constructor of his/her own knowledge.

Since active learning methods give trainees significant autonomy and control over the learning process, the trainer assumes the role of the facilitator or guide of the learning process, and not that of the ex-cathedra expert. It is important for the learners to have control over the learning process: on one hand this gives and requires more responsibility and initiative of them, on the other hand, it allows them to select, manage, and evaluate their own learning activities. Learners are involved in setting goals and making decisions over the acquired skills and competences related to: SH prevention and response, Safeguarding and Workplace harassment policies and procedures, Code of Conduct.

For these reasons, the first part of the workshop is usually dedicated to dynamics of group facilitation and sharing of professional experience and know how in the relevant field. The objective of this part of the training is to facilitate the active participation, discussion, exploration and reflection of the learners and to give value to their pre-existing conceptions, knowledge and experience. Learning may involve conceptual changes and learners may need to develop a new way of thinking or perceiving, in order to be able to learn.

It is highly relevant for the success of the training that teachers act as facilitators, helping trainees to construct knowledge rather than to reproduce a series of facts and notions. To this end, problem-solving, group works and case studies learning activities are extensively used. In addition, the trainer will provide the trainees with relevant materials, scenarios, existing online training and tools that shall be used autonomously and adapted by the trainees to organize short training on SH prevention and response at their workplace.

It is important that trainees are strongly and internally motivated for learning. Learning should respond to their needs, interests and real-life problems, in other words be meaningful and relevant in relation to their work context and the situations (opportunities and challenges) they face. Relevance of learning is the key-factor to motivating the learner: for this reason, it is essential for the trainers to raise awareness on the topic and to give value to the previous experiences of the learners related to this issue.

Starting from the sharing of the previous experiences, assumptions and expectations of the professionals involved, the coaching role of the trainer is about providing assistance with assimilation of new and old knowledge, assessing the proper level and time for the provision of scaffolding and raising awareness on the issues focused in the training. At the end, of the process, trainees should be competent in organizing short sessions of awareness raising and sensitization on SH prevention and response in the workplace.

b. The target groups

It's very important to engage Managers, Supervisors etc. in anti - SH training: Leaders set the right example. So, managers should endorse a culture of respect by their actions, including how they approach to the training and how they behave in daily life.

In addition, managers and supervisors who may deal with misconduct/ discrimination/ harassment complaints, should be specifically sensitized and trained on how to appropriately handle complaints and avoid retaliatory behaviour.

Separate training: Training sessions for supervisors and managers should be held separately from non-supervisor sessions, or at least, managers also need specific sessions.

Recurrence: Training on Workplace Harassment and SH should be delivered periodically, in order to inform first managers and supervisors about SH and explain how to handle complaints, and then to create an important space of refreshment, dialogue and exchange of experiences.

c. Tools and tips

Training should be held in person and/ or online: Practice show that in-person training has usually better results in terms of learner's experience.

If that's not feasible, there is still the opportunity to use the online training. In today's era, the terms 'Online Learning' and 'Distance Learning' have become prevalent. While both offer a great deal of flexibility to its learner, there are differences between the two: 'Distance Learning' is a term used to refer to courses that are studied without the need to be physically present, while 'Online Learning' courses are 100% online, providing the highest level of flexibility.

Both are very useful tools and if the Online Learning can easily be replaced by F2F training, Distance learning can be a valid support to be added to both, since it requires a different approach to the learning process, allowing participants to choose where they learn, when they learn, how they learn, what they deepen.

Use inclusive language. Don't necessarily label the training initiatives as "sexual harassment" prevention. Instead, you may reframe it so the focus is on a respectful workplace that appeals to a diverse audience with scenarios that include same-sex harasser and victim, as well as female managers as the harassers.

Participants should be aware that the vast majority of harassers are men and the victims are women. Otherwise, they won't be able to understand the causes and impact of harassment and how to deal with it effectively.

Nevertheless, we need to include gender and sexual diversity in the training and avoid talking only about cisgender and heterosexual people.

Include positive examples: Focus on behaviours you want to encourage, such as discussing what a respectful and inclusive environment means to the participants, instead of just behaviours they should avoid.

Support diversity and inclusion. Creating a positive work environment includes training employees and managers on the benefits of diversity, inclusive actions and working effectively with people of different backgrounds, cultures, races, religions and ideas.

Address unconscious biases (hidden attitudes based on stereotypes). In the workplace, if unconscious biases aren't recognized and managed, it can lead to discriminatory behaviour and decisions, such as not promoting a high-performing employee or not offering a candidate a job because of their gender

Encourage participation and active learning: Using examples and illustrations as part of the SH training will allow trainees to focus, better understand and participate. In addition, open discussion will help the participants feel comfortable when addressing a “sensitive” topic.

Adjust the training to the workplace circumstances: Create easy options. For instance, you can design culturally-appropriate, training that fits with the respective company culture.

Include updated information: Make it easy to update the training content regularly and keep it up to date and compliant with the state legislation and the country’s best practices.

Include information on bystander intervention. Educating both managers and employees on how to speak up when they witness sexual harassment may help increase a sense of accountability for maintaining a safe work environment. Any witness of SH should know the available procedures to safely report any SH incident.

Guarantee the effectiveness of an anti SH training. Training is most effective when tailored to the specific workforce and workplace, and to different cohorts of employees. Finally, when trained correctly, middle-managers and first-line supervisors in particular can be an employer’s most valuable resource in preventing and stopping harassment.

- Devote sufficient resources to training generally, and in particular to middle management and front-line supervisors.
- Training must cover how to respond effectively to harassment observed, harassment reported, or to which they have knowledge.

Possible types of training:

- Periodic Training for Employees
- Periodic Training specifically for Supervisors
- Periodic Training by departments – to be included in Monthly/Quarterly Meetings
- Interactive workshops to help understand what is Sexual Harassment
- Focus groups to share experiences and common reflections
- Internal comms: Tailor to your environment – bulletin boards, emails, etc.

- One on One, Classroom or Online Training. If online or recorded then a Facilitator present to answer questions
- Distance learning on Workplace and Sexual harassment

2. Workshop flow: with activities and tools

There are many tools and activities to be used during a workshop on workplace and sexual harassment, in order to make training an experience that is built on one's context and background, and thus truly meaningful and impactful.

Here you will find an example of a training flow, that can be segmented in different modules and adapted to various needs and contexts.

Possible target: Our target is be a group of employees, dealing with external stakeholders, such as partners, clients etc.

Modules: Our workshop is 5 activities- modules one, to be possibly held in presence but that could be adapted in an online reduced version (by using advanced working platforms like Zoom or Teams that allow the creation of sub-groups, questionnaires, quizzes, use of whiteboards etc.). Each module can be extrapolated and used as an autonomous tool for in-depth analysis for a specific aspect or a specific audience.

Workplace and sexual Harassment workshop: sample of activities and tools

Activity 1: Setting Objectives, Expectations & Fears:

Read through the training objectives to make sure each participant can understand them. Use a Flipchart and post-its of 2 different colours (yellow for Fears, green for Expectations). Each participant is asked to share through post-its fears and expectations. The overall chart will be illustrated by the facilitator and will be hang on the wall, and reviewed at the end of each module, to check whether it's still valid.

Activity 2: Definitions

The activity is aimed at clearly and deeply understanding the meaning of the terms we are using, without taking anything for granted, but on the opposite, by creating an unexpected situation of mild discomfort, that will allow to break into the topics.

What do we mean by workplace harassment? What do we mean by sexual harassment?
What do we mean by sexual abuse and exploitation?

Divide the group in 4. Each sub-group will have a flipchart corresponding to one of the three above mentioned categories, and will have to list in 10 minutes time all the concrete examples of harassment or abuse that fall into the category of their flipchart. After 10 minutes the groups switch: group 1 moves to flipchart 2, group 2 moves to flipchart 3, group 3 moves to flipchart 1. The new group reads the list of the colleagues and tries to enrich it with more examples. After 10 more minutes the group switch again for the last time (Methodology: Word café)

The results are shared in plenary, Q&A or comments/reflections are welcome

Activity 3: Risk analysis and matrix

The activity is aimed at animating a common reflection about the need of having or not a reporting system.

Stimulate a reflection about what could potentially happen in our organization, and how we, as an organization, would respond if a case of SH happens in a certain context/sector/area.

Use a simple tool as the Risk Analysis Assessment tool, and divide the participants into groups of 5-6 people. Each group will identify all the possible risks referred to a specific sector or activity, the likelihood of it happening, the impact, possible measures for mitigating.

action	Risk description	Internal / External	Likelihood Rare - Unlikely - Possible - Likely - Almost certain	Impact Not significant - Minor - Moderate - Major - Severe	Likelihood / Impact	Measures for mitigation risk	Responsible for monitoring of risk	Follow up
A1								
A2								

The result of the analysis will allow to classify each risk as low/medium/medium high/high/very high in terms of impact and likelihood, and to show therefore on the Risk Matrix the significance of each one of these risks, in order to identify urgencies and priorities of intervention.

Example of a Risk Matrix:

		Impact →				
		Negligible	Minor	Moderate	Significant	Severe
Likelihood ↑	Very Likely	Low Med	Medium	Med Hi	High	High
	Likely	Low	Low Med	Medium	Med Hi	High
	Possible	Low	Low Med	Medium	Med Hi	Med Hi
	Unlikely	Low	Low Med	Low Med	Medium	Med Hi
	Very Unlikely	Low	Low	Low Med	Medium	Medium

Activity 4: Dilemmas

The activity is aimed at creating a discussion on values, principles and behaviours, by using real life cases that are willing to happen in workplace environments.

Chose some 'dilemmas', that are short description (half a page) of real-life cases of misconduct (samples of dilemmas are shared in Annex 2). Possibly, choose cases that can be slightly controversial, that don't present an obvious approach or solution.

Divide the participants into groups of 6 to 8 people and ask each of the groups to carefully read and discuss the case, find a common solution to the case and then analyse the group's choice through the following grid:

- Does this choice go with my standards, values and motives?
- Does this choice model my organization's values? If yes, how?
- Is this choice coherent with my organization's principles? If yes, how?
- Does this reflection deepen/improve our Chart of Trust? How?

Both discussions will be surprising!

Activity 5: Simulation

This activity is aimed at experiencing and practicing a hard conversation with a complainant.

After analysing the dos and the don'ts in receiving a complaint (especially for focal points and managers, but not only, since each of us can potentially be a receiver) ask the participants to volunteer for a simulation. You will need 2 or 3 couples. Decide who will be the complainant and who will be the receiver, and give the complainant a case to read carefully, to be reported as a survivor. The simulation should be held in front of the other participants; it can be emotionally very impacting and some might back away. Do not force them, do not insist, look for someone else to volunteer.

At the end of the simulation the whole group will analyse in a constructive way (no judgment) the strengths and areas of improvement of the receiver.

The exercise is very challenging and usually requires a good level of trust among the participants. This needs to be taken into strong consideration before proposing it.

Activity 6: The puzzle

This activity is usually proposed at the end of a long training on Safeguarding procedures and is a nice and fun way to check the level of learning acquired and an useful tool to review without pressure.

The facilitator needs to have the detailed description of an entire case, from the reporting to the close of the case, passing possibly through an investigation process.

Write each different step on a card, then mix the deck of cards (make copies corresponding to the number of working groups)

Divide the participants in groups and give each group a deck of cards, asking them to recompose the flow, by identifying the right position of each card, one after the other.

After all the groups have finished their exercise, check it in plenary, ask each group to count the mistakes...and celebrate the winner!

Activity 7: Evaluation

The activity is aimed at recollecting all the steps of the training, celebrating the successes and dealing with the failures in a constructive manner.

First, use the Fears & expectations flipchart. Together with the participants, detach from the sheet all the dispelled fears and fulfilled expectations. See what is still on the flipchart, and discuss with the group about it.

Then, propose a simple picture, showing three images:

A bin, a washing machine and a suitcase

Ask each participant to share what they would put in the bin (what they did not appreciate, about the training, the behaviours etc), what they need to put in the washing machine (because it's still something they need to further reflect about), what they bring with them in the suitcase, what has enriched them.



Materials to be used:

Using examples, case studies, questionnaires and illustrations as a part of the training will allow trainees to focus on the content (see an example of visual toolkit in Annex 2).

Samples of Distance Learning products;

Distance Learning can be considered as a useful mean to deepen and fix the learnings of a F2F training.

There are a high number of online products on safeguarding, for different levels of competencies, different length and different level of required commitment.

An interesting example of an online course is the one proposed by the UK Government for the International Aid Sector: <https://www.futurelearn.com/courses/introduction-to-safeguarding-in-the-international-aid-sector>

ANNEXES:

1. Knowledge/ Perception Evaluation Questionnaires

Module 1

Pre-evaluation questions

1. *How would you define sexual harassment in the workplace (SH)?*
2. *By whom can SH occur?*
3. *Do you think that SH is common in your country?*
4. *Do you think that SH is linked to gender?*

Post-evaluation questions

1. *What are the main forms of SH? Can you provide 1 example for each form?*
2. *What is the impact of SH for the survivors?*
3. *Can a joke of sexual nature be considered as SH?*

Module 2

Pre-evaluation questions

1. *Is SH prohibited in your country?*
2. *What rights does the SH survivor have?*
3. *Which do you think the competent authorities are to receive a SH report/ complaint?*

Post-evaluation questions

See exercise provided in the main core of the Curriculum, Module 2.

Module 3

Pre-evaluation questions

1. *Do you think that the employer should allocate resources for the prevention of SH?*

2. Should the company have developed a formal procedure to assist SH complaints?

Post-evaluation questions

3. What are the channels that the employer can use for communicating company's anti-SH policy?

4. Name 3 elements that the internal anti SH company policy should contain

Module 4

Pre-evaluation questions

1. *Is sexual harassment in the workplace commonly reported?*
 - a) Yes, most of the cases are reported.
 - b) Yes, indeed sexual harassment is over-reported. People are too sensitive to this topic.
 - c) No, most of the cases remain unreported.
 - d) I don't know.
2. According to your opinion, what are the steps that should be followed in a complaint procedure? (Please write a short description).

Post-evaluation questions

1. Please, choose 3 key works that should be taken into account when providing support to a victim of sexual harassment in the workplace?

Module 5

Pre- evaluation questions

1. How clear is for you the difference between workplace harassment, sexual harassment, sexual abuse? (on a scale from 1 to five, where 1 is very confused and 5 is very clear)
2. How do you assess the level of risk of sexual harassment in your organization/enterprise/institution? (on a scale from 1 to 5, where 1 is very low and 5 is very high)

Post-evaluation questions

3. At the end of the course, is your perception about the level of risk of sexual harassment in your organization/enterprise/institution changed? How do you assess now the level of risk? (on a scale from 1 to 5, where 1 is very low and 5 is very high)
4. Based on the simulations, please list 3-4 behaviours that you should take when receiving a report/allegation (preferred answers: active listening, reassuring, respecting, being patient etc)
5. And 3-4 behaviours you should avoid when receiving a report/allegation (preferred answers: judging, diminishing, doubting, interrupting, changing topic etc.)

2. Case studies and dilemmas

Module 1

Case study 1: Mark is the head of the department that Dina is working the past 6 months. He is kind and helpful with all the employees. One day Marks suggests to Dina that they go for dinner after work so that they get to know each other better and discuss work related issues. Dina kindly denies, as she is not comfortable with this. After this incident, Mark's behaviour changes: he starts complaining to Dina about her work and after a while, Dina is called by the company's management to explain her low performance at work as reported by Mark.

Would you consider this a SH incident? Why?

Case study 2: Norman and Penelope are working together in a small business. Norman is constantly picking at Penelope making jokes about her tight clothes and how it suits her. Penelope never replies to these jokes and ignores him. One day Penelope complains to their employer, Daniel, that Norman is sexually harassing her referring to her appearance and clothes and asks him to support her. Daniel replies that he would have intervened, however Norman is just joking and Penelope should not feel offended by his remarks.

Would you consider this a SH incident? Why? Is Daniel right?

Case study 3: In the company that Layla works, a fellow colleague working in higher position has just resigned and Layla along with other colleagues is hoping to receive promotion to this position. Layla's boss tells her privately that he thinks that she is not qualified for it, however he has not made his final decision yet and he suggests that if they spend more time together by going on a trip in the weekend, he will consider it again and maybe give her the position.

Would you consider this a SH incident? Why?

Module 3

Niya is a 23 years old woman. She started working in a dispatching company and fell in love with a colleague. It doesn't take long for them to become partners in life and to start living

together. After a while, however, Niya decides that she wants to end their relationship and leaves the dormitory. Peter tries to get her back, but without success. That's how it all starts. At work, they continue to be together every day, and soon insults and attacks begin. Niya's ex-boyfriend Peter and her superior, who is a friend of Peter, start harassing her verbally in front of the other colleagues. They comment on Niya's sexual behaviour, humiliate her, and make up stories about her previous partners. All this happens in the absence of the company's managers. After a while, her other colleagues stopped communicating with her.

- *How would you characterise this behaviour? Who are the individuals responsible for it?*
- *Please suggest possible solutions to this case - what do you think the end of the story might be?*
- *How could an effective anti SH policy contribute in the prevention/ tackling of such behaviours?*

Module 4

Case study 1: Joana is a waitress. She has been sexually harassed by a customer but she is not sure whether she should report the incident because her boss is not very empathetic. She explains the incident to her colleague Adam because she feels upset and undecided. When she starts explaining the incidents to Adam, he constantly interrupts her with invasive questions and he doesn't let her speak. He argues that that customer is an idiot and that she shouldn't wear tight clothes at work to avoid this kind of incidents. He adds that she should have already told their boss.

Question: Has Adam been supportive to Joana?

Answer: Even though he seems to believe Joana's story, he was not an active listener. He made too many questions and asked for unnecessary details. Furthermore, questioning her clothing choices is an example of victim-blaming, as he implicitly suggested that her clothes provoked the incidents. Tight clothing does not excuse sexual harassment. Furthermore, he doesn't seem to understand her feelings and insecurity. He shouldn't tell her what to do, but rather encourage her to make her own choices.

Case study 2: Every morning Maria finds a note on her desk with sexual messages. She suspects of her colleague Joe. She has reported this to her superior and the company is going to conduct a formal investigation. The next day when she arrives at the office, several

colleagues approach her and ask her if she is ok. They are now all aware of the sexual notes and are making jokes about it.

The next day she has been called to meet the special committee that is going to conduct the investigation. She arrives at the manager's office on time and she is shocked when she finds that Joe is also there. She is asked to sit next to him in order to start the interview. The committee that is going to do the interview is composed of her superior and the HR manager. They ask her to explain what happened and to prove Joe's responsibility. She feels extremely awkward over the whole interview. She is sure that the investigation is not going to end up with any sanction against Joe. The HR manager is a close friend of him.

Question: Has the company correctly followed the formal procedure?

Answer: The company has not run the formal procedure properly, ensuring the rights and needs of the victim. They have breached confidentiality by explaining the situation to all the employees. Ensuring confidentiality is key to encouraging victims to report and ensuring a fair and impartial resolution process.

The complainant and the alleged harasser should not meet during the course of the investigation. The committee should carry out the interviews with the complainant and the alleged harasser separately. In cases of sexual harassment, as a form of gender-based violence, the burden of proof does not lie on the complainant. The victim only needs to present facts suggesting the existence of harassment. The committee should ensure objectivity and fairness in the investigation. So, their members must not have a personal relationship with any of the involved parties.

Module 5

Case study 1: Sol has recently begun working on a project with his colleague Lili. Lili is very friendly and is often seen joking with both male and female colleagues. Sol finds Lili's behaviour flirtatious and he has found it hard to keep his thoughts focused on work. During an over-night work trip Sol and Lili eat their evening meal together, laughing and joking, and then get the lift back up to their rooms. Once in the lift Sol decides the time is right to take their relationship to the next level and kisses her. Lili is shocked and tries to push him away, but Sol thinks that's just how women are supposed to behave, and so he pushes her against the wall and presses his body against hers so she cannot move away from him. He continues trying to kiss her and touch her body. Lili is panicking and kicks him hard, and when the lift doors opens, she runs to

her room and slams the door. Sol is angry that she has led him on and starts knocking on her door asking her to explain herself. Lili is frightened and upset and does not open the door.

OPTIONS: What would you do if you are Lili's line manager and she reports this to you?

- a. Listen to her, document the information she tells you, provide access to support, advise that she can contact the police if she wishes, and report the case through internal mechanisms
- b. File a report about the case and wait for further instructions.
- c. Have a meeting with Sol and tell him that he must never approach a girl if she does not give her consent. Speak to Lili about her flirtatious behaviour and advise that it is in her own best interest that she stops.

Reflection:

- What are the facts? Lili did not give her consent and actively tried to stop Sol's unwanted and uninvited sexual advances -at which point Sol used physical force to continue.
- What are the perceptions? Lili feels harmed because she had been sexually abused. Sol feels he just reacted to the advances Lili initiated.
- What are the potential risks?
- Sol could harm Lili or other female colleagues in the future with this behaviour.
- Lili will feel unsafe and could leave the organization.
- The organization could suffer a reputational risk internally and externally

Suggestions for moving forward:

Next steps include:

- Immediate protection or security assistance, for example, Lili moved away from Sol/ brought home from the trip immediately etc.
- Support Lili:
- Listen and empathize
- Provide support where needed/requested. This could include (but is not limited to): psychosocial care or counselling, medical assistance
- Advise Lili that she can also report this incident to the police.
- Request key information:
- Ask who, when, where, and what but not why
- Repeat/ check the understanding of the situation and document: name of person making report; name of alleged perpetrator(s) and description of incident including dates, times and locations.

- Maintain confidentiality beyond the formal reporting procedures.

Case study 2: Paulo has recently joined X as a graduate from university. He is line managed by Angela who is in her 40s and has been with X for some time. Angela regularly asks Paulo to work late and often they are alone in the office. One evening Angela seems sad and Paulo asks her if she is ok. She explains that her husband is leaving her. She cries and asks Paulo if she can have a hug. Paulo feels awkward but agrees as he can see she is upset. The next evening Angela again asks him to work late. This time she seems happier and apologises for crying. She asks Paulo if he has a girlfriend. He says no and she replies saying she is surprised that a handsome man like him is single. When they lock up the office, she gives him a hug goodbye. In the coming weeks Paulo notices that Angela is asking him to stay late more frequently. She is also regularly giving him hugs and patting him on the arm and once on his leg.

OPTIONS: What should Paulo do?

- Let Angela continue her behaviour so long as it does not escalate further.
- Talk to Angela, tell her how he feels and ask her to stop?
- Talk to someone else so that they will ask Angela to stop?

Reflection:

- Could a manager ask you to work overtime? Yes, if it is strictly related to work, and you have the right to refuse.
- Could a manager share and ask you personal information? This depends, the flow of personal conversation is normal between colleagues but how, when and the setting could make a difference.
- What are the facts? Angela's actions are persistent. She repeatedly touches Paulo and repeatedly asks him to stay late in the office. She has called him 'handsome' in reference to his

single status and has touched his leg. These behaviours could be considered sexual harassment and abuse of power. Angela is Paulo's senior in age and in level.

- What are the perceptions? Paulo: Angela is forcing him to an unwanted situation that makes him feel uncomfortable and even harmed. Angela: probably she is flirting with Paulo and may perceive he is open to her behaviour (unconscious misuse of power). Or she may be consciously using her power for personal interest.
- The responsibility lies with Angela as a line manager to behave appropriately.
- (Depending on how the discussion goes, it might be interesting to ask participants whether they would change their answer if Angela were a man and Paulo a woman.)

Suggestions for moving forward:

- Paolo could address the situation directly with Angela if he feels comfortable doing so.
- Paolo's choices are to go to Angela's manager (difficult probably as he is new and doesn't know many people yet, neither do they know him), go to HR, a focal point/counsellor for sexual harassment or report through the confidential hotline.
- If you are Paolo's friend and he talks to you, encourage him to report this situation and offer to support him throughout the process. If he accepts, you could report on his behalf.
- Once an official complaint is raised then the organization is responsible for rolling out the response mechanism that in this case could likely include an official investigation.
- If it is found that Paolo's allegations are correct, Angela will face disciplinary proceedings.

Case study 3: Lucy is a Public Health Promoter. She spends a lot of time working in the community. One day a beneficiary asks to speak in private. She tells Lucy that another X employee is putting pressure on women to go out for a meal or tea with him if they want to remain on the beneficiary list. Lucy knows what her colleague is doing is not right and he needs to stop it. However, she is worried that if she reports him, he could lose his job and this seems

too serious a punishment for what he has done. In addition, it would cause a lot of gossip that could damage the Organization's reputation.

OPTIONS: What would you do if you were in Lucy's position?

- a. Decide not to report but to talk to him directly.
- b. Report to your line manager on what you have heard from a beneficiary.
- c. Report it through one of the Confidential Whistleblowing hotlines.

Reflection:

- It will have taken a lot of courage for the beneficiary to report to Lucy. If the beneficiary hears that Lucy has not acted on her complaint, this would lead to a breach of trust. Going forward it is likely that she will tell other beneficiaries not to bother making any complaints as they will not be acted on, which will make it very difficult for the organization to know when other inappropriate action takes place.

- What are the risks involved in this allegation?

- The beneficiary's personal security is at risk and maybe of other beneficiaries that have not yet spoken out.

- The reputation: this situation is already public and could spread further.

- The reputation of my colleague: what if this is false allegation?

Suggestions for moving forward:

- Due to the risks involved, Lucy should file an official complaint using the channel she feels more comfortable with, e.g., confidential hotline, speaking to management or HR. Also, she should strongly advise and, if needed, support the beneficiary to file a complaint.

- Goods or services are not to be exchanged for anything. People in need have a right to assistance for FREE! Asking women to go out for a meal or tea in order to be on a beneficiary list is exploitative and the employee is abusing his power.
- The response mechanism to address this allegation of misconduct should start as soon as possible: protect the beneficiary, start an investigation and apply a suitable reporting mechanism. A right balance between confidentiality and transparency will apply.
- Lucy should not talk to the accused colleague instead of reporting the allegation because this action could result in harm to the beneficiary. The level of uncertainty and the potential risks are so high and only an expert should further investigate. Lucy has a responsibility to report this serious allegation.

3. Final evaluation questionnaire

1. What is SH by Quid Pro Quo? Please, provide an example.
2. What is SH by creating a hostile work environment? Please, provide an example.
3. What are the law provisions in case of SH a) for the survivor, b) for the harasser, c) for the employer?
4. What are the milestones of a company anti SH policy? How can we guarantee effectiveness?
5. What would you do if you are subject to or witness SH? Please name individuals or authorities that are competent to receive a complaint for SH.
6. Suggest the proper approach and support to a colleague that tells you that they have been subject to SH.
7. Is an employee who reports SH against him/ her or a colleague protected from acts of retaliation/ victimisation?

References/ Additional resources

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www.teamworkproject.eu/

info@teamworkprojec.eu



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