

WP2 – D 2.5 Summary/ shadow report



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EXECUTIVE SUMMARY

This summary report was prepared in the frame work of the project Team response to sexual harassment in the workplace (CombaT sExuAl harassMent in the WORKplace (TEAMWORK)¹ funded by the EU Rights, Equality and Citizenship Programme (2014-2020). The project partners include: KMOP – Greece; SURT –Spain (Catalonia); Oxfam – Italy, Adecco – Italy, CSCD – Bulgaria.

The report summarises the four national reports of Greece, Bulgaria, Italy and Spain and examines the country specific and common features related to the nature and prevalence of sexual harassment (SH) in workplaces, awareness of the types of behaviours that constitute sexual harassment, the drivers of harassment, the reaction and consequences of sexual harassment in the workplace and awareness and satisfaction with the company prevention/ protection policies an procedures. The national reports are based on findings of the quantitative survey with employers and employees and qualitative survey involving in-depth interviews with various stakeholders.

First, the international and European legislation related to sexual violence has been reviewed, outlining the main milestones in its development. The focus is on Equality directives (namely Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006) and on several recent European Parliament resolutions that have made a significant contribution to the future development of legislation on sexual harassment at work and policies to eliminate it. As the analysis of the legislation shows, the legislative framework for gender-based violence, including sexual harassment, has developed successfully in the last years and with the adoption of the ILO Violence and Harassment Convention 190 and Recommendation 206 and the Council of Europe Istanbul Convention has become increasingly clear and comprehensive in terms of definitions, policies for the prevention and protection of victims of violence and prosecution of perpetrators of violence.

Significant attention is also paid to the transposition of European and international legislation in the national legislation of the project partner countries. The desk research reveals that their legislative framework follows the basic principles set out in the international documents and European directives. However, there are some differences in the legal and regulatory frames that regulate workplace sexual harassment in the four countries.

The review of national legislation in the project countries reveals gaps in the lack of specific legislation on gender-based violence, including sexual harassment, and especially in the implementation of legislation and the need to develop a specific law as the legislation related to SH is fragmented. There is a shared view that a comprehensive legislation is particularly important for identifying cases that constitute sexual harassment, for defining reporting procedures and the roles of the various actors in the implementation of measures and policies for preventing and addressing sexual harassment in the workplace.

¹ The web-site of the project <https://www.teamworkproject.eu/>

The desk research reveals both gaps in research and in nationally representative statistical and recent empirical data on the real extent of sexual harassment in the workplace. In all project countries there are few and outdated surveys on sexual harassment in the workplace. Only the Italian partners report nationally representative statistical surveys on sexual harassment. In Greece and Spain, national research is conducted by government-related organisations and bodies. There is a lack of national research in Bulgaria, except two sector related surveys on workplace violence in the health care and in the urban transport in Sofia. Thus, SH in the workplace is not high on the research agenda. Researches, as far as available, for the most part, examine workplace SH in the broader context of the violence against women, with a significant part of research focusing on domestic violence.

Special attention is paid on the good practices of the stakeholders, especially of trade unions and NGOs in preventing SH and in enforcing policies addressing it. The desk research found some guides on SH training and awareness raising campaigns, mainly elaborated by the international and European institutions and organisations, and national equality bodies. At the international level, trade unions and employers' federations and government agencies have begun to come together to take action against violence and harassment at work through manuals, policy documents, guidelines, training and campaigns. European and national social partners and trade unions have taken steps to improve their response to violence at workplace through Framework agreements and Guidelines related to violence and also innovative partnership approaches to preventing SH at work, including collective bargaining agreements and workplace policies. There are also examples of good practices of national stakeholders working together to produce guidelines for employers and staff to address the issue.

Main survey findings

- Employees' perceptions and experiences of sexual harassment at work

Respondents in all project countries believe that the most common type of violence in the workplace is psychological violence (71.4%), the second most common is sexual harassment (11.5%) and, in the last place, physical violence. However, there are important country differences.

In the view of respondents in the workplace prevailed such forms of SH (sexually harassing behaviours) as: sexual suggestions or jokes that make them feel offended, discussions about colleague's sex life, sexual comments about someone's appearance, body parts or clothes, unwanted sexual hints/suggestions, and inappropriate touching, hugging or kissing. It is noteworthy that the various behaviours that represent cyber harassment are still not recognised as a form of sexual harassment in the workplace in all four project countries.

The Survey reveals that sexual harassment directly or indirectly affects an important share of employees in the workplace. Over one-third of the respondents (36.5%) claim to have experienced some type of sexual harassment in their working life and just as much (34%) have been witnesses. The vast majority of the respondents (84.4%) found that women are more likely than men to be exposed to sexual harassment, while 9.1% believe that females and males are equally exposed.

The majority of workplace SH was perpetrated by men. Senior employees are reported to be most often perpetrators of sexual harassment (62.8%), followed by colleagues (42.5%), and clients/patients/suppliers (20.8%). Thus, the findings show that sexual harassment is usually perpetrated by a person who, due to his/her official authority or seniority has the power to unilaterally influence aspects of the harassed person's official position, career development or work environment.

The survey found that the factors that because sexual harassment are deeply rooted in a broad social, organisational and cultural context and in people's socio-psychological stereotypes and attitudes. The respondents believe that at least five most common factors create the conditions under which SH is likely to occur: the community cultural stereotypes (behaviour is not "exceptional") (56,7%), the lack of reaction of people around (53,6%), lack of prosecution and measures for perpetrators' punishment (48,7%), the low level of gender equality in the workplace (37,2%) and lack of tailored company's policies and procedures (35,6%).

Most people who experience sexual harassment never report it. They fear the impact that complaining will have on their reputation, career prospects and relationships within their company. The prevailing part of the respondents expected negative consequences for them. Fear of losing their jobs seems to be the most common determining factor in people's reactions after experiencing harassment (70.8%), as well as shame/lack of understanding from their colleagues (55,73%). The reaction of the victim is also impacted by victim-blaming (40.89%), fear of retaliation (44.27%), and lack of effective protection procedures (39.84%) among other issues.

The survey reveals low employees' awareness and satisfaction with policies and measures for prevention and protection in case of workplace sexual harassment. The majority of respondents express distrust in the commitment of the company management to the prevention and response to sexual harassment. Just about 1/3 of the respondents believes that the employer/managers are completely committed. Over 60% of respondents state that their organisation does not have a document that contains clauses that prohibit sexual harassment or do not know if there is such a document. The others point out that there are such clauses in various internal documents.

About one third (27.34%) report that their organisation has no preventive measures for sexual harassment while the most of other respondents were unaware if there are prevention measures (41.9%). It is of concern also that only one-third of respondents know that there are a workplace procedures in place for protecting victims of SH in case of reporting and that the share of those that say they do not know and who think they know them but not exactly sure is higher - at 32% and 37% correspondingly.

However, it remains evident that even when measures for the prevention and tackling of sexual harassment are active and available, they are not widely disseminated in companies/organisations and employees remain unaware and unable to exercise their rights. In most cases, organisations and companies do not have clear and structured guidelines for the prevention and tackling of such incidents, nor do they provide trainings, information or support to employees who have experienced sexual harassment

At the background of the revealed shortcomings in the policy for prevention and protection against workplace SH the employees stress on the need for improvement. Respondents consider that companies should have clear and strong policies (55%) and implement more awareness raising campaigns (47%). In addition, more company training should be implemented (39%), along with participatory workshops (39%) and the establishment of partnerships with the police, social services and the civil sector (27%). More prevention and protection activities should be initiated by trade unions represented in the companies (21%), and the activity of the committees on occupational health and safety needs to be further strengthened (21%), as well as the climate of trust and support needs to be improved through more peer to peer conversations taking place (17%).

- Employers' response to sexual harassment

Employers acknowledge the presence of violence in the workplace, stating that psychological violence prevails (61%), while physical violence (11%) and sexual harassment (10%) are not very common. According to respondents, the pervasiveness of violence must be combated by raising employees' awareness. Initiatives to raise awareness on sexual harassment should be taken by the Government (33%), the companies (31%), the media, NGOs and trade unions. Nonetheless, more than half of the sample (60%) believes that the awareness raising should be a shared responsibility of all of the aforementioned actors.

In more than a third of companies there is no specific policy on sexual harassment and cases of SH are dealt with within the framework of more general policies and documents, including anti-discrimination corporate policy, company's internal rules or rely only on legislation. Some companies have Code of Conduct and Internal procedures against abuse and violence available (30%), however only few respondents indicate that they have special protection clauses in collective agreements (10%).

Similarly, one third of the respondents state that they do not have a specific reporting procedures available in their organisation and about half say that they do not have a specific system in place to track the cases of SH. Only 30% of the respondents believe there is an internal reporting system to this end.

The survey findings reveal a serious gap in sexual harassment training, recognised by both the employers and employees, and by stakeholders that participated in the survey. Based on the identified gaps, the training needs in different areas have been defined. According to the employees, the greatest need for training is in the following areas: raising awareness about sexual harassment at the workplace and its harmful consequences, confidentiality measures, the legislative framework, specific support for survivors. Furthermore, such trainings on the prevention and tackling of sexual harassment should include: protection clauses in the Collective Bargaining Agreement, information on organisations offering support and statistics, analysis of such cases in company while maintaining anonymity, and information on penalties for the perpetrators.

Employers attached greater importance to such training themes as: awareness raising activities on the different aspects of the issue, such as the factors influencing the perpetrator and the impact it has on the victims and the workplace, the legislative framework, the measures that should be taken to ensure the confidentiality of the victims and ways to provide

specific support, rights and obligations of employers and employees, the gender equality issues, etc.

The survey findings register a high level of interest and willingness to participate in training on sexual harassment (61.5%). When asked if they are interested in such training, the majority of employees responded quite positively, even though there is still high percentage of people who are not aware (15%) or interested (23%). The vast majority of the employers/management is also positive about their company being involved in activities for raising awareness of employees towards sexual harassment, including training.

- The stakeholders' views

The stakeholders interviewed share the view that gender-based violence and sexual harassment are pervasive and despite their scope and social and economic impact still remain largely under-reported, overlooked and relatively under researched. Sexual harassment and violence at work are embedded in gender stereotypes and often are neglected in public discourse, as an inevitable 'fact of life' that has existed for generations, SH is 'normalised'

The stakeholders consider the role of social dialogue and social partners' joint activities as very important and essential to successfully tackle the issue, i.e. by including SH in collective bargaining agreements and joint awareness raising training.

It is, according to the interviewees, very important to raise the awareness of the public on the issue and also to inform the survivors on how they can address the problem. In this respect they emphasized the role of the State, which is crucial in raising awareness on the subject, however all stakeholders should be involved and share the responsibility in addressing SH at workplace.

The last part of the report summarizes the conclusions and recommendations made in the national reports.

INTRODUCTION

Violence and harassment against women in the world of work is a serious violation of women's human rights and a major barrier to achieving equality of opportunity and access to decent and dignified work. It has a devastating impact on women workers' health, wellbeing and performance at work. It is also deeply rooted in social norms, values and stereotypes that foster gender inequalities, discrimination against women and unequal power relations between men and women, including intersecting forms of discrimination, for example, based on gender and race, disability or social origin².

Violence and harassment against women exists in every society and in the world of work these phenomena encompass all jobs, occupations and sectors of the economy. Sexual harassment in the workplace takes many different forms and can come from a co-worker, a supervisor, or a customer or client. Identifying the methods to recognise, prevent and address the phenomenon requires combined efforts, shared responsibility and common policies and practices. Policy documents and research by a number of international organisations and academic literature show that gender-based violence and harassment are pervasive and despite their scope and social impact remain largely under-reported, overlooked and relatively under researched.

According to the 2014 representative survey by the European Union Agency for Human Rights (FRA) for which more than 42,000 women across the 28 Member States of the European Union (EU) were interviewed, the scale of physical, sexual and psychological violence against women is still extremely high in Europe and calls for renewed policy attention. Some 8 % of women have experienced physical and/or sexual violence in the last 12 months before the survey interview, and one in three women (33%) has experienced some form of physical and/or sexual assault since the age of 15³.

This summary report was prepared in the frame work of the project Team response to sexual harassment in the workplace (CombaT sExuAl harassMent in the WORKplace (TEAMWORK))⁴ funded by the EU Rights, Equality and Citizenship Programme (2014-2020).

The TEAMWORK project is very timely given that the issue of gender-based violence has recently gained the momentum in the public agenda, considering the latest international instruments related to violence proposed by the ILO and the Council of Europe and the #MeeToo campaign, launched in October 2017, which collected millions of testimonies in

² UN Women ILO (2019) HANDBOOK Addressing violence and harassment against women in the world of work, p. 2-3
https://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-ankara/documents/publication/wcms_731370.pdf

³ FRA (2014) Violence against women: an EU-wide survey – Results at a glance, p. 15
<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey?mdq1=theme&mdq2=3506>

⁴ The web-site of the project <https://www.teamworkproject.eu/>

around 85 countries worldwide and similar movements that have busted a global discussion about sexual harassment and gender inequality. Many victims of violence overcame fear and shame and showed the scale and true face of sexual harassment. The rapid spread of these campaigns and the number of testimonies they have collected call for reflection on how much more needs to be done to bring into light and combat the gender-based violence in the professional world in all its complexity and scope.

TEAMWORK is an European initiative that aims at strengthening the fight against sexual harassment in the workplace in Greece, Bulgaria, Spain and Italy, through developing research-based guidelines, on-line tools and capacity-building programmes for HR professionals, enabling them to revise staff policies and introduce measures to recognise, prevent and address sexual harassment in the workplace and protect the victims of SH, regardless their gender and job level. The project aims also at raising the awareness of the employees about their rights and obligations and developing an appropriate training curriculum. TEAMWORK seeks to build zero tolerance to workplace violence and sexual harassment.

In WP2 an analysis runs on two levels: the first one addresses existing legislation and literature; the second more important is quantitative and qualitative data gathering about the stakeholders', employers' and employees' awareness of the SH issue; the SH impact on individual person's wellbeing and the companies successful work; the existence or lack of company policies and measures for preventing and combating SH.

Quantitative survey

The purpose of the empirical survey is to reveal the current state of play and collect data that will shed light on the issue and highlight gaps that need to be filled, including on awareness towards the issue; patterns of SH, behaviour of victims and managers; company prevention and protection policies.

Method of data collection and analysis

Two separate questionnaires were designed for employees and for employers (management staff, HRs). Survey was conducted online between June and September 2020, the questionnaires were available for completion in English and in national languages of the project partners in an on-line electronic version considering the limitations of COVID19 pandemic measures.

Qualitative survey is based on in-depth interviews with main stakeholders, including representatives of: Ministries / Governmental Bodies; Specialised bodies (Anti-discrimination Commissions, Equality bodies); Employer Organisations; Trade Unions / Employee Organisations.

The survey findings will inform policy/legal recommendations, which will fuel the public discussion. The summary report will be disseminated to relevant stakeholders, media and key actors, while its findings will be discussed during the participatory events.

The present summary/shadow report summarises the four national reports of Greece, Bulgaria, Italy and Spain and examines the country specific and common features related to the nature and prevalence of sexual harassment in workplaces, awareness of the types of

behaviours that constitute sexual harassment, the drivers of harassment and company policies and measures to address and prevent sexual harassment.

Organisation of the report

The first chapter presents the results of the desk research conducted by the project partners on sexual harassment in European Union and national policy and academic discourse. It first provides a brief overview of international and European legislation related to workplace sexual harassment and its transposition in the domestic legal and regulatory frameworks. The review of the international and European framework for gender-based violence and sexual harassment is important both in terms of the development of national legislation and the measures and policies taken to overcome and eliminate it. This part summarises also the existing national, regional and international SH research and existing guidelines, reviewed in the national reports. The research interest is focused on such issues as what constitutes sexual harassment, how common it is, what characteristics of environments make it more likely to sexual harassment to occur and also existing workplace reporting procedures and policies to address it. Special attention is paid on the good practices of stakeholders, namely trade unions and NGOs in preventing sexual harassment and in enforcing policies on combating sexual harassment.

Key findings of the empirical survey are presented in Chapter 2 and Chapter 3. In Chapter 2 employees' views of and experiences with sexual harassment and the prevalence of different forms of sexual harassment in the workplace are examined. Awareness and assessment of company prevention and protection procedures and policies are also considered.

In Chapter 3 the employers'/managers awareness of and responses to sexual harassment are summarised. The focus is on company policies and procedures for reporting and solving the problem and on measures for prevention. In Chapter 4 the training needs are assessed and the target groups and specific training topics are identified. Chapter 5 looks at the stakeholders' opinion on the significance of the problem and assessment of its economic and social consequences. Their specific policies and recommendations are also presented.

Chapter 6 summarizes findings, conclusions, and recommendations of the national reports and outlines main areas of awareness raising, training and company policies improvements.

1. SEXUAL HARASSMENT IN EU AND NATIONAL POLICY AND ACADEMIC DISCOURSE: AN OVERVIEW OF LEGISLATION AND STATE OF PLAY

The review of the international, European and national legislation in the project partner countries outlines the legislative framework against which violence and sexual harassment are manifested, as well as prevention and protection policies are developed. As the analysis of the legislation shows, the legislative framework for gender-based violence, including sexual harassment, has developed successfully in recent decades and has become increasingly clear and comprehensive in terms of definitions, policies for the prevention and protection of victims of violence and prosecution of perpetrators of violence.

European and national legislation are discussed in more detail with a view to developing training curricula on the next stage of the project. European and national legislative and policy documents provide also valuable guidance for policy development to combat sexual violence in companies.

The review of research in the field of violence at European and national level provides an opportunity to support and enrich the data from the empirical research under the project and to outline the existing situation in the individual countries, including the current context in which workplace sexual harassment occurs, what is currently understood as workplace sexual harassment, in terms of: how prevalent it is and the behaviours that constitute sexual harassment. The focus is also on existing workplace policies and guidelines.

1.1. EUROPEAN LEGISLATION ON SEXUAL HARASSMENT AND ITS TRANSPOSITION INTO THE NATIONAL LEGAL FRAMEWORK

The project countries legal framework on workplace sexual harassment must be understood in the context of their broader international obligations to prevent sexual harassment and other forms of gender-based violence and discrimination.

Bulgaria, Greece, Italy and Spain have ratified, and therefore are bound by a number of international treaties that recognise fundamental human rights relevant to workplace sexual harassment. All project countries ratified the *Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)* which was adopted in 1979 by the United Nations General Assembly. According to *General Recommendation 19*⁵ to the Convention, *gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.*⁶ General recommendation No. 19 was

⁵ General recommendation No. 19: Violence against women.

⁶ The General Recommendation 19 defines sexual harassment to include "such unwelcome sexually determined behaviour as physical contact and advances, sexually coloured remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable ground to believe

further updated in General Recommendation N° 35 (2017) which clearly shows that violence is not a private matter but a human rights violation⁷.

The United Nations *Declaration on the Elimination of Violence against Women*, adopted by the General Assembly in 1993, and the 1995 Beijing Declaration and Platform for Action cover all forms of discrimination and violence against women and girls and reaffirm the responsibility of governments to work to eliminate them. In December 2018, the UN General Assembly adopted the first resolution specifically focused on sexual harassment.⁸ It urged States to step up their activities and take measures and policies to prevent and eliminate sexual harassment in the context of ending violence against women and girls.

Recent international advances with significant relevance for combating violence at work are two instruments of the International Labour Organisation (ILO): the *Violence and Harassment Convention* (Convention 190)⁹ and the *Recommendation 206 on violence and harassment*¹⁰ voted in June 2019 in Geneva. Convention 190 is the first international convention against violence and harassment at work¹¹. It recognises that sexual harassment and harassment at work are forms of gender-based violence, disproportionately affecting women. Considering the changing world of work, ILO Convention 190 encourages States to adopt a broad definition of 'worker' and 'workplace' in order to cover the full range of traditional and non-traditional work arrangements and different workplace settings in which violence and harassment can be experienced and updates the protection in accordance to the present working circumstances (articles 2 and 3 of the Convention).

European and EU legislation

The latest milestone in the development of the European legislative and regulatory framework on violence, including sexual harassment is the *Convention of the Council of Europe for the Prevention and Combating Violence Against Women and Domestic Violence* (Istanbul Convention) which was adopted in 2011. It is the first legal document that precisely defines and criminalizes various forms of violence, including psychological violence and stalking, and sexual harassment. The Istanbul Convention is of particular importance as it makes it clear from the preamble that violence against women is a manifestation of historically unequal power relationships between sexes, and it aspires to create a Europe free from such form of violence¹².

that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment."

⁷ Recommendation N° 35 (CEDAW/C/GC/35)

⁸ UN. Intensification of Efforts to Prevent and Eliminate All Forms of Violence Against Women and Girls: Sexual Harassment, GA/Res 73/148, UN Doc A/RES/73/148 (17 December 2018). <https://digitallibrary.un.org/record/1660337?ln=en>

⁹ ILO Violence and Harassment Convention No. 190, 2019

¹⁰ R206 - Violence and Harassment Recommendation, 2019

¹¹ It builds on the ILO Convention on Discrimination in Employment and Occupation, 111/1958

¹² The Istanbul Convention's aims: (a) to protect women from all forms of violence and to prevent, prosecute and eliminate violence against women and domestic violence; (b) to contribute to the eradication of all forms of discrimination against women and to promote real gender equality, including by strengthening women's autonomy and self-determination; (c) to provide a comprehensive framework as well as protection and assistance policies and measures for all victims of violence against women and domestic violence; (d) to promote international cooperation in order to eradicate violence against women and domestic violence; (e) to support and assist law enforcement organisations and authorities so that they can effectively cooperate to adopt an integrated approach to the elimination of violence against women and domestic violence.

The Convention defines violence against women as a human right violation and aims to eliminate all form of violence against women. In Art. 3 point (a) of the Istanbul Convention, violence against women is defined as *“a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”*¹³

Sexual harassment is among the behaviours prohibited by the Convention and the states must take responsibility for undertaking all necessary legislative or other measures so that sexual harassment is prohibited and to *“ensure that any form of unwanted verbal, non-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, hostile, degrading, humiliating or offensive environment, is subject to criminal or other legal sanction”* (Article 40). Furthermore, it provides possibilities for the implementation of a wide range of policies related to prevention, protection and support to victims, and prosecution and punishment of perpetrators. At an institutional level, campaigns can be used to mobilize the public and the private sector in prevention, for example, by targeting employers' associations or trade unions.

The Istanbul convention was ratified by the Greek government¹⁴, Italian and Spanish governments. As yet the Bulgarian government just signed, but did not ratify the Istanbul Convention due to fierce public debate and strong opposition by some political parties, the church and other organisations.

Any action taken by the EU is carried out under the treaties. These binding agreements between EU Member States set out the EU's objectives, the rules for the Union's institutions and the relationship between the EU and the Member States. The Treaties are the starting point for EU law and are known in the Union as *“primary law”*, while the legislation based on the principles and objectives of the Treaties is known as *“secondary legislation”* and includes regulations, directives, decisions, recommendations and opinions. According to articles 153 (par. 1a) and 157 (par. 3) of the Treaty on the Functioning of the European Union (TFEU), the European Union shall support and complement the activities of the Member States in improving the working environment for the protection of security of workers and equality between men and women with regard to opportunities in the labour market and treatment at work, and the adoption of measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation.

The term “sexual harassment”, especially within the workplace, is a relatively new concept across the European Union. Along the years, the European Union has introduced important legislation and guidelines to support safe and decent working conditions and equal treatment that directly address or are relevant to sexual harassment in the workplace.

¹³ Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 2011. p. 3

¹⁴ Law No. 4531/2018

Historically, the protection against sexual harassment in EU law was based on the fundamental human right of dignity. Human dignity constitutes the basis and the core of all fundamental rights, which is why it is the first to be proclaimed in the EU Charter of Fundamental Rights. Although dignity remains at the core of the relevant concepts and definitions, since 2002 sexual harassment and harassment related to sex have been explicitly acknowledged as forms of gender discrimination and unequal treatment. Thus, according to some legal experts, the EU legal framework has made a slow transition from a clear-cut health and safety and dignity-harm approach to a dual approach (both dignity harm and non-discrimination/gender equality approach)¹⁵.

Key legal instruments regarding gender-based violence and sexual harassment in the EU legal framework are several directives.

Sexual harassment initially fell under the umbrella of unequal treatment as per Council Directive 76/207/EEC¹ which prohibited unequal treatment on the grounds of sex as regards to access to employment.

Council Directive 2000/78/EC of 27 November 2000 established a general framework for equal treatment in employment and occupation¹⁶ and defined harassment as discrimination aimed at violating a person's dignity and creating an intimidating, hostile, degrading and humiliating environment.¹⁷

Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women (*Equal Treatment Directive*) as regards access to employment, vocational training and promotion, and working conditions.¹⁸ It was **the first directive to define both sexual harassment and harassment related to sex at work:**

Harassment: '*where unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.*'

Sexual harassment: '*where 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 environment.*'

It is important to note that the directive prohibits both "quid pro quo" and "hostile work environment" harassment¹⁹.

¹⁵Petroglou, P. (2019) Sexual harassment and harassment related to sex at work: time for a new directive building on the EU gender equality acquis In: EELN. European equality law review, 2019, 2, pp. 16-34

¹⁶<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>.

¹⁷ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>

¹⁸ Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002, repealed

¹⁹ *Quid pro quo harassment* is the most commonly recognized form of sexual harassment. It occurs when job benefits, including employment and promotion, are made contingent on the provision of sexual favours, usually to an employer or supervisor. *Hostile work environment sexual harassment* is more difficult to identify and define. It occurs when an employee is subjected to conduct that has the purpose or effect of interfering with the employee's work performance or creating an intimidating or offensive work environment. Such harassment may include unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct based on the sex of

The Amended *Equal Treatment Directive* 2002/73/EC defined harassment related to sex and sexual harassment as discrimination and placed for the first time an obligation on Member States to specifically **outlaw sexual harassment**. It calls on member states to better protect the rights of victims of sexual harassment and to ensure the integrity, dignity and equality of women and men at work.

With reference to the **prevention of sexual harassment**; Article 2(5) of Directive 2002/ 73/ EC reads: “*Member States shall encourage, in accordance with national law, collective agreements or practice, employers and those responsible for access to vocational training to take measures to prevent all forms of discrimination r access to vocational training to take measures to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment at the workplace.*”

It also makes provisions in relation to the **establishment of procedures** for enforcement purposes; the **compensation** for victims of discrimination and harassment, as well as providing for the putting in place of the necessary arrangements for a **body or bodies for the promotion, analysis, monitoring and support of equal treatment** of all persons without discrimination on the grounds of sex (Article 8). The Amended Equal Treatment Directive 2002/73/EC further provided: *Harassment and sexual harassment within the meaning of this Directive shall be deemed to be discrimination on the grounds of sex and therefore prohibited. A person’s rejection of, or submission to, such conduct may not be used as a basis for a decision affecting that person.*

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (Recast Directive)²⁰. The Directive merged six previous directives on equal treatment and repealed Directive 2002/73/EC. The recast Directive repeated the wording of the definitions of sexual harassment and harassment related to sex included in Directive 2002/73 and explicitly prohibits them. The Recast directive widened the scope of application of the provisions on harassment relating to sex and sexual harassment to *access to employment, vocational training and promotion*.

Section 6 states that: ‘*gender harassment and sexual harassment are contrary to the principle of equal treatment between men and women and constitute discrimination on grounds of sex for the purposes of this directive*’. It also clarified that protection from sexual harassment should not be limited to relations between workers and their superiors, but should also extend to co-workers or other third parties.

Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (Victims’ Rights Directive). Recital 17 of the Victims’ Rights Directive states that “*violence that is directed against a person because of that person’s gender, gender identity or gender expression or*

the employee. This form of harassment is more difficult to identify than quid pro quo harassment because it does not involve a proposed or actual exchange of sexual favours for a condition of employment. http://stopvaw.org/Sexual_Harassment

²⁰Directive 2006/54 EC by the European Parliament and Council of 5 July on the application of the principle of equal opportunities and gender equality between men and women to work and employment issues.

that affects persons of a particular gender disproportionately, is understood as gender-based violence. Gender-based violence is also understood to be a form of discrimination and a violation of the fundamental freedoms of the victim and includes violence in close relationships, sexual violence (including rape, sexual assault and harassment), trafficking in human beings, slavery, and different forms of harmful practices, such as forced marriages, female genital mutilation and so-called 'honour crimes'."²¹

Several recent **European Parliament resolutions** have made a significant contribution to the future development of legislation on sexual harassment at work and policies to eliminate it²².

European Parliament in its *Resolution of 14 March 2017 on equality between women and men in the European Union in 2014-2015*²³ urges the Member States to prevent and respond to all types of violence against women and gender-based violence and to put in place further prevention strategies, to make specialised support and protection services widely available so that all victims can access them, and to focus special attention on gender-specific aspects of victims' rights, including in relation to new forms of violence against women and girls, such as cyber bullying, cyber-harassment, the use of degrading images online and the distribution on social media of private photos and videos without the consent of the people involved, The EP calls on the Commission and the Member States to put in place all legal and juridical measures to fight against the phenomenon of violence against women online including through recognising the new forms of online violence as a criminal offence.

In its *Resolution of 26 October 2017 on combating sexual harassment and abuse in the EU*²⁴ the European Parliament recognises that the cases of sexual harassment and bullying are significantly underreported to the authorities due to a fairly persistent low social awareness of the issue, insufficient channels for victim support and the perception that it is a sensitive issue for society, despite the existence of formal procedures to tackle it in the workplace and in other spheres. With this in mind, the European Parliament urges for zero tolerance and the fight against sexual harassment calls on the Commission and the Member States, together with NGOs, social partners and equality bodies, to step up significant awareness-raising measures as regards the rights of the victims of sexual harassment and gender-based discrimination, to support and encourage women to report incidents immediately

Furthermore, the European Parliament has adopted a *Resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at workplace, in public spaces, and political life in the EU*. The EP is concerned about the widespread sexual harassment against women, including in the parliamentary life. The EP insisted to redraft the definition of sexual harassment as defined in Directive 2002/73/EC in the light of social and technological developments and attitudes, which have all evolved and changed over time, including the use of information and communications technologies to stalk, harass, control, or

²¹ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>

²² See also European Parliament (2009), Resolution on the elimination of violence against women, P7_TA (2009) 0098, Brussels, 26 November 2009

²³ European Parliament resolution of 14 March 2017 on equality between women and men in the European Union in 2014-2015 (2016/2249(INI))

²⁴ European Parliament resolution of 26 October 2017 on combating sexual harassment and abuse in the EU (2017/2897(RSP))

manipulate a person and considering the information about increasing cyber harassment experienced, especially by young women.

The EP reiterates its call on the Commission to submit a proposal for a directive to tackle all forms of violence against women and girls and gender-based violence, which should include common definitions of the different types of VAW, including an updated and comprehensive definition of harassment (be it sexual or otherwise) and mobbing, and common legal standards on criminalising VAW; and to present a comprehensive EU strategy against all forms of gender-based violence, including the sexual harassment and abuse of women and girls, drawing on testimonies in the form of women's stories and first-hand experience.

The EP calls on the **Member States to develop comprehensive national action plans** and legislation on VAW, paying due attention to providing adequate resources, including but not limited to staff training and sufficient funding, for equality bodies. The EP urges Member States to introduce measures to prevent and combat violence and harassment at the workplace through policies which set out prevention measures, effective, transparent and confidential procedures to deal with complaints, strong and dissuasive sanctions for perpetrators, comprehensive information and training courses to ensure that workers understand policies and procedures, and support for companies to draw up action plans to implement all these measures. **Social partners** should ensure that both public and private companies and organisations organise mandatory training on sexual harassment and bullying for all employees and those in management roles. All stakeholders, including employers' organisations and trade unions should understand the barriers individuals face in reporting cases of sexual harassment, and to offer full support and encouragement to persons reporting cases of sexual harassment. It is crucial that the Member States invest in the training of labour inspectors, in collaboration with specialized psychologists, and ensure that companies and organizations provide skilled professional and psychosocial support for victims²⁵.

The reviewed international and European framework provides an opportunity to develop comprehensive national legislation and guidelines for the adoption of adequate and diverse policies and measures to achieve the goal of reducing and overcoming gender-based violence and sexual harassment in the workplace. To what extent this is not only on paper and how it is implemented in the project countries, we consider in the next part of the report.

The European Commission is monitoring the transposition of the EU directives into the national legislation through its European network of legal experts in gender equality and non-discrimination and published annual country reports and comparative reports²⁶.

National legislation in Bulgaria, Greece, Italy and Spain

The importance and role of legislation related to violence and sexual harassment in the workplace is very well summarized in the report of the European Agency for Safety and

²⁵ European Parliament resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at workplace, in public spaces, and political life in the EU [2018/2055(INI)].

²⁶ <https://www.equalitylaw.eu/publications>

Health at Work which pointed out that: The existence of regulation and legislation has many advantages: it makes the problems of violence and harassment at work more visible; increases the awareness and recognition of the problems; and encourages and increases discussion in organisations. Law also increases the workers' feeling of security. Laws are a force that obliges organisations to take action to prevent and handle the violence problems but they give also a justification to different kinds of activities in the workplaces. They also give authorities a tool to oblige organisations to take the first step in the process of taking action against harassment and violence²⁷.

The national legal framework in Bulgaria, Greece, Italy and Spain related to sexual harassment in the workplace implements a number of international and European obligations to which these countries are bound. However, there are some differences in the legal and regulatory frames that regulate workplace sexual harassment in the four countries.

The review of the legislation on sexual harassment presented in the national reports outlines the following picture²⁸:

1. The legislative framework in the project countries follows the basic principles set out in the international documents and European directives.

There are no special laws on violence and harassment, including sexual harassment in the workplace in all of the project countries. These forms of harassment are addressed on the national level through a variety of civil provisions—anti-discrimination law, equality law, labour law, and as well as through penal codes. In some countries laws on health and safety at work place a duty on employers to prevent sexual harassment, as a psychosocial risk to workers' health and safety.

In Spain, the law for effective equality between women and men addresses sexual harassment and reforms the Worker's Charter, providing that "all workers shall enjoy [the right] to respect for his privacy and proper consideration for his dignity, including the protection against verbal or physical offense of a sexual nature." Furthermore, in Catalonia, there are two particularly relevant regional laws on this matter: Law 5/2008 on women's right to eradicate sexist violence, and Law 17/2015 for effective equality between men and women. Law 5/2008 defines the specific form of chauvinist violence in the workplace and sets out that it can involve two types: sexual harassment and sex-based harassment.

In Bulgaria the harassment and sexual harassment are addressed by anti-discrimination legislation, while in the other three countries it is within the scope of equality legislation. This is related to the fact that the Bulgarian Law on equality of women and men was adopted with a long delay only in 2016 and it does not deal with the problems of violence and sexual harassment. The Law on Protection from Discrimination (LPD) in Bulgaria prohibits harassment on a number of grounds and in a number of contexts.

²⁷ European Agency for Safety and Health at Work (2011) Workplace violence and harassment: A European picture. European Risk Observatory Report, p. 41

²⁸ A more detailed summary of the legislation in the project countries is presented in Annex 1

Unlike the other three countries, Greece has already adopted a new law in 2019 that takes into account the Istanbul Convention which aims to promote substantial gender equality, prevention and fight against gender violence. In addition, harassment and sexual harassment are dealt with in the Civil Servants Code and are treated as a disciplinary offence. SH in the workplace also constitutes a crime under the Greek Penal Code (art. 337, par. 4).

The existing laws in the project countries provide the primary framework for understanding and addressing sexual harassment as a form of sex discrimination, and recognise the right to work in an environment free from sexual harassment as a basic human right.

2. All countries covered by this report have explicitly prohibited both harassment and sexual harassment in national legislation.

In compliance with the EU directives of 2002 and 2006 the four countries implemented legislation that outlaws sexual harassment because such behaviour is a form of sex discrimination in violation of the equal treatment principle.

3. Definitions of harassment/sexual harassment follow the directives wording

There is no commonly agreed definition of sexual harassment. The international and European framework translates in few common elements in definitions of sexual harassment in the countries under review. The behaviours that are defined as sexual harassment are characterized as follows:

- a) Occur in the place of work or in a work related environment;
- b) Occur because of the person's sex and/or it is related to sex. Sexual harassment involving conduct of a sexual nature is the subject of all reviewed laws;
- c) Represent unwelcome, unwanted conduct of a sexual nature in relation to the person harassed;
- d) Affect the terms or conditions of employment (quid pro quo sexual harassment) or the work environment itself (hostile work environment sexual harassment).

The EU definitions of harassment and sexual harassment are fully recognized in the legislation of Bulgaria, Greece, Italy and Spain. The relevant legislation essentially uses the same wording as the directives.

4. The scope of prohibition of harassment and sexual harassment in some national laws is wider than in EU legislation.

In EU legislative framework the prohibition of harassment and sexual harassment includes employment, access to employment, vocational training and promotion and in the provision of goods and services. In Italian and Greek law the scope of the domestic prohibitions on harassment and sexual harassment is as a whole the same as that of the directives.

In **Spain** the concept of sexual harassment does not refer only to employment in but to any aspect of life and makes implicit reference to the world of work. **Bulgarian law** goes beyond the regulation of harassment in employment and also explicitly covers protection from harassment in educational institutions (Article 31 of the Law), and harassment in the area of the establishment, equipment and extending of an economic activity (Article 37 paragraph 3).

Harassment in the latter sphere is defined as follows: the refusal or the acceptance by a person of conduct which represents harassment or sexual harassment cannot be a ground for taking a decision which affects this person.

5. Equality bodies have been set up in all countries in accordance with the requirements of the directives

Different equality bodies have been set up in the four countries. In **Bulgaria** the Commission for protection against discrimination is the equality body while in **Italy** this role is performed by the Equal Opportunities National Committee (EONC) set up by the Labour Ministry. In **Greece** the Greek Ombudsman is the responsible authority for safeguarding the implementation of the Law. In **Spain** the equality body is the Institute of Women and for Equal Opportunities. Some autonomous communities also have their own equality bodies.

With regard to sexual harassment the equality bodies have to ensure the effective implementation of legislative provisions and policies. A European Network of Equality Bodies (EQUINET) has been set up at European Union level to support the work of equality bodies in the Member States.

National equality bodies have been recognized as central national institutions across the EU for assisting victims of discrimination and sexual harassment. They do so through direct assistance to victims, but also through collecting data on sexual harassment, conducting research and surveys to help identify gaps, setting-up codes of conduct in the private and public sector, building partnerships with civil society and social partners, issuing recommendations to policy-makers, training and campaigning²⁹.

As can be seen, the expectations from the equality bodies are high. However, the project partners share the view that the established in their countries equality bodies have very limited influence on progress in combating sexual harassment, namely at the workplace. Although created with the presumption of autonomy, they depend on their funding from governments. At the same time, during the 2008 crisis and the current COVID 19 crisis, their funding fell sharply and in many cases some of their experts were laid off. Moreover, the equity bodies do not have enough well-trained on the issues of sexual harassment human resources.

Some women's advocates have complained that comprehensive anti-discrimination laws and the monitoring/enforcement agencies they create, do not draw enough attention to the specific problem of sex discrimination in employment (including sexual harassment) and do not provide the most effective mechanisms for monitoring and enforcing the sex discrimination provisions of the law in particular³⁰.

According to the study conducted within the project, the existence of even strong legislation has not led to a reduction in the prevalence of sexual harassment in the workplace. As shared by the Italian partners, the analysis of data collected in Italy show that the phenomenon of

²⁹ See European Network of Equality Bodies (EQUINET)

³⁰ http://www.stopvaw.org/civil_law

sexual harassment is still very widespread despite a national system of protective regulations and decrees (though these are fragmented and not included in a single text). While regulations appear to be in line with European directives, an in-depth study of the phenomenon reveals that their effective and efficient application is still difficult and limited.

Furthermore, the project partners stressed that most of the difficulties relate to the level of compliance and enforcement, low impact on the daily lives of men and women, and the lack of inclusiveness as the existing legislative framework does not take into account changes in the world of work and is therefore not sufficiently inclusive. That is why there are growing calls from both the academia³¹ and the European Parliament that it is time for a new directive building on the EU gender equality acquis and the latest international conventions to tackle all forms of violence against women and girls and gender-based violence, which should include common definitions of the different types of VAW, including an updated and comprehensive definition of harassment (be it sexual or otherwise) and mobbing, and common legal standards on criminalising VAW³². This directive will lead to the adoption of specific national laws that will replace the existing currently fragmented legislative framework in most countries. As the Italian project partner said, many countries, including Italy, still lack specific laws on harassment and violence, although it is essential to consider that the effects of violence, especially the psychological and social effects of gender-based violence in the world of work, are devastating: they deeply affect the victims, bring about consequences even on the closest relational sphere, and deeply undermine the victim's serenity and personal development. Sexual harassment in the workplace also has a serious impact on businesses and society as a whole.

The review of national legislation in the project countries reveals gaps in the lack of specific legislation on gender-based violence, including sexual harassment, and especially in the implementation of legislation and the need to develop a specific law. There is a shared view of the project partners that the comprehensive legislation is particularly important for identifying cases that constitute sexual harassment, for defining reporting procedures and the roles of the various actors in the implementation of measures and policies for addressing sexual harassment in the workplace. The legislation sets the context for combating sexual harassment. **Therefore, legislation must be included in the training curriculum.**

1.2 STATE OF PLAY

This section summarizes the research and reports of national institutions and non-governmental organisations that were found during the desk research by the project partners. Special attention is paid to the existing guidelines and good practices related to the fight against sexual harassment. The aim is to present the state of play and inform the next stages of the project implementation.

³¹ Petroglou, P. (2019) 'Sexual harassment and harassment related to sex at work: time for a new directive building on the EU gender equality acquis', *European Equality Law Review* No. 2/2019, pp. 16-34

³² European Parliament resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at workplace, in public spaces, and political life in the EU [2018/2055(INI)], p. 9

The desk research reveals that in all project countries there are few and outdated surveys on sexual harassment in the workplace. SH in the workplace is not high on the research agenda (namely in Bulgaria). Researches, as far as available, for the most part, examine workplace violence in the broader context of the violence against women, with a significant part of research focusing on domestic violence. The literature review shows that in some countries government or equality bodies are initiators of research on this issue (Greece, Italy, and Spain).

We do not intend to compare the results of research in the four countries, because we believe that it is not correct, as they were conducted under different methodological conditions. Instead, we show the main priorities of the research interest and the outlined trends in the presented research in the individual countries.

European context

The Violence against Women survey (not limited to workplace) by the European Agency for Fundamental Rights (FRA), conducted in 2012, is the only representative survey for the European Union and the Member States. The survey is based on face to face interviews with 42,000 women across the 28 EU Member States³³.

The FRA survey on violence against women shows that sexual harassment remains a pervasive and common experience for many women in the European Union. The FRA survey findings show that up to 55% of women have experienced sexual harassment since the age of 15 in the EU-28, and about a third of the cases (32 %) happened at the workplace. The physical sexual harassment is the most commonly-reported form of sexual harassment, followed by verbal and non-verbal sexual harassment. Overall, 29 per cent of surveyed women in the European Union had experienced “unwelcome touching, hugging or kissing” In 18 % of those cases the perpetrator was in the workplace (a colleague, supervisor or customer) and 86 % of the perpetrators were male.; 24 per cent had been subjected to “sexually-suggestive comments or jokes that offended them”; and 11 per cent to non-verbal forms including cyber harassment, such as “unwanted, offensive sexually-explicit emails or SMS messages, or offensive, inappropriate advances on social networking sites

The FRA survey findings show that the most vulnerable to sexual harassment are: young women between 18 and 29 years (38 %), followed by women aged 30-39 (24 %); women with higher educational qualifications are more frequently sexually harassed than women with lower educational attainment (more than two thirds of all women who have a university degree (69 %) have been subjected to sexual harassment from the age of 15 compared to 46% of women with primary education alone). Moreover, sexual harassment is more commonly experienced in the highest occupational groups: 75 % of women in the top management category have experienced sexual harassment in their lifetime. Women working in male-dominated jobs are also at higher risk than women in gender-balanced or female dominated workplaces. In addition, women with irregular or precarious employment contracts, which are common for many jobs in the services sector, are more susceptible to sexual harassment. The latter is also

³³ European Agency for Fundamental Rights (FRA), (2014) Violence against Women: an EU-wide survey

confirmed by other studies included in the desk research, which show that it cannot be said with certainty that highly educated women and those in high professional positions are most exposed to sexual harassment. Highly educated women might identify and report harassment more frequently and easily than low educated women, but not necessarily experience it more. They are better informed about legal provisions in this regard, and therefore perhaps less likely to tolerate such forms of behaviour from colleagues and supervisors³⁴. Low educated women usually have more unstable and precarious jobs, which also provide scarce protection, and might be more reluctant to report for fear of losing their jobs.

The FRA survey found also that feelings of vulnerability, anxiety and loss of self-confidence are the most common psychological consequences experienced by women as a result of the most serious incident of sexual harassment. 35% of women having experienced a serious incident of sexual harassment did not talk about it to anyone before the interview.

In the survey, the role of employers' organisations and trade unions is emphasized as crucial in promoting awareness and encouraging women to report sexual harassment.

The value of this study is that through an interactive tool it provides an opportunity to see national data on various aspects of sexual harassment.³⁵

National context

Of the countries involved in the project, only the **Italian partners** report nationally representative statistical surveys on sexual harassment. The Italian Statistical Institute (**ISTAT**) **conducts surveys** on the issue usually covering a period of two years, the last one being for 2015-2016³⁶. The study is based on a sample of 60,000 people, qualitative interviews methodology and collection of demographic, personal and sectoral data. The interviewees can report episodes, cases and situations related to their entire working life.

In Greece and Spain, national research is conducted by government-related organizations and bodies, such as Government office against gender –based violence (Macro-survey on Violence Women) in Spain and Department of Home Affairs in Catalonia (Survey on Sexist Violence) or Research Centre for Gender Equality (the only extensive research Sexual Harassment the Workplace conducted in 2004³⁷) in Greece. There is a lack of national research on sexual harassment in the workplace in Bulgaria, except the recent comprehensive survey of the Centre for study of democracy which mainly targeted domestic violence.³⁸

³⁴ European Commission. (1999). Sexual harassment in the workplace in the European Union

³⁵ The interactive online data explorer is available at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/surveydata-explorer-violence-against-women-survey>

³⁶ ISTAT Report 2018: Sexual harassment in the workplace in the period 2015-2016.

³⁷ Research Centre for Gender Equality (KETHI). Sexual Harassment in the Workplace. 2004.

³⁸ The only national survey on violence is on domestic violence under the project JUSTICE FOR WOMEN –Towards a more effective rights protection and access to judicial procedures for victims of crimes. Partners from Romania, Greece, Spain and Italy. Joint publication: Centre for study of democracy (2019). Violence against women key findings and strategies to tackle unreported cases and to enforce the protection order

There are also two sector related surveys on violence in the workplace in the health care and in the urban transport in Sofia³⁹.

The summarized results of these studies outline the following trends:

- **High prevalence** of sexual harassment (sexual harassment or blackmail in Italy) against women in all four countries.
- **Most affected groups** - young women (Greece, Spain, and Bulgaria) and women in active working age (Italy). Moreover, one of the most vulnerable groups was found to be female employees with a migrant background, migrant domestic workers and caregivers (Italy, Spain, and Greece), women in unstable working conditions - women without job contracts (Spain), women with lower level of education (Greece).
- **Emergence of a new trend** in comparison to the previous surveys: the onset of the phenomenon of **sexual harassment among men** (Italy).
- **Emergence of a new forms of harassment** such as showing pornographic photos or images against the will of the person and, for Internet users, obscene or inappropriate proposals or comments, and identity theft on the Internet and social networks in order to write offensive or embarrassing messages about other people (Italy).
- **The perpetrator of harassment** in most cases is a man. In the majority of cases, the perpetrators of harassment have a higher position than the harassed person (Italy, Spain, and Greece). The perpetrators are not only bosses and colleagues, but also clients and staff in third party workplaces (Bulgaria – city transport and health care)
- **Increased role of trade unions**, tools they put in place to react to the phenomenon and protect victims (Italy)⁴⁰.
- **Research-informed adoption of internal protocols or internal codes of conduct** to combat sexual harassment in the workplace within universities (Italy)
- **Blaming the victims** coexists with a high degree of normalisation (Spain)
- **Underreporting** -- female harassment victims' mistrust the employer, policy or judicial bodies (Spain, Greece)
- **Limited knowledge on defining sexual harassment** in the workplace (Greece)
- **Only few companies provide training** on the matter to inform the employees (Greece)

³⁹Tomev, L., N. Daskalova, V. Ivanova (2003) Workplace violence in the health sector: Case study Bulgaria ILO, WHO Joint Programme on Workplace Violence in the Health Sector, Geneva

⁴⁰ Carla Pagano and Fiorenza Derio *Preliminary analysis on harassment and gender-based violence in the world of work in Italy* (ILO, April 2019); Daskalova, N. (2011) Female transport workers exposed to high levels of violence, Eurofound

- **Negative consequences for the victims** - most women that had faced sexual harassment in the workplace stopped working in this environment by resigning or by being dismissed (Greece).
- **Inadequate procedures** and protocols in companies (Spain).

Eliminating violence against women is still a challenge, as we do not yet have reliable and comparable data (statistical and research) to show decision-makers how widespread it really is and where the root causes for its sustainability in social and working life lie. The desk research reveals both gaps in research and in nationally representative statistical and recent empirical data on the real extent of sexual harassment in the workplace (except Italy and to some extent, Spain).

To address sexual harassment all stakeholders in the project countries should jointly develop a national sexual harassment research agenda, including, among other things, a study of the prevalence of gender-based violence, including SH, the impact of workplace sexual harassment on individuals, businesses and society more broadly. This will contribute to an evidence base that can inform policy and practice to address sexual harassment. The research agenda should be part of gender equality strategies developed by governments.

1.3 RESPONSES TO THE PHENOMENON AND GOOD PRACTICES

This section is focused on mapping good practices in terms of prevention and combating the issue of SH in the workplace. The desk research found some guides on SH training and awareness raising campaigns, mainly elaborated by the international and European institutions and organisations, and national equality bodies.

At International level

At the international level, trade unions and employers' federations and government agencies have begun to come together to take action against violence and harassment at work through framework agreements, manuals, policy documents, guidelines, training and campaigns.

UN Women-ILO Handbook Addressing violence and harassment against women in the world of work⁴¹ presents promising practices – policies, strategies, campaigns, initiatives and other actions – that provide helpful insights and practical examples of how to tackle violence and harassment against women in the world of work. Taken together, they show that much progress is being made all around the world – although much more work needs to be done – and that it is both possible and critically important to transform gender relations in the world of work in order to end violence and harassment against women. This handbook aims to bring together the literature, policies and practices, providing promising examples from countries across the globe. The handbook spans the public and private, as well as formal and informal sectors, exploring a broad spectrum of issues and contexts. It articulates relevant international and regional frameworks, provides guidance on the role of state and non-state

⁴¹ UN Women-ILO (2019) Handbook. Addressing violence and harassment against women in the world of work

actors and social dialogue, and includes practical information on how to prevent and respond to violence and harassment in workplaces.

The ILO, the World Health Organization (WHO), Public Services International (PSI) and the International Council of Nurses (ICN), jointly developed the **“Framework guidelines for addressing workplace violence in the health sector”**⁴² and **training Manual** on the Framework Guidelines. The Guidelines provide definitions of workplace violence and guidance on general rights and responsibilities; best approaches; violence recognition; violence assessment; workplace interventions; monitoring and evaluation.

At European level

European Social partners and trade unions have taken steps to improve their response to violence at workplace through Framework agreements and Guidelines related to violence:

European social partners (2007) framework agreement on harassment and violence at work⁴³

The 2007 autonomous ‘Framework Agreement on Harassment and Violence at Work’ signed by the European social partners (BusinessEurope, ETUC, CEEP and UEAPME) in 2007 applies to all workplaces and all workers, irrespective of the form of employment contract or relationship. According to the final joint report by the European Social Partners on the implementation of the agreement, it has led to the introduction of a substantial number of national- and sectoral-level agreements, as well as legislation, to protect workers from violence, including harassment and sexual harassment (BusinessEurope, ETUC, CEEP and UEAPME, 2011).

Multi-sectoral guidelines to tackle third-party violence and harassment at work⁴⁴

The social partners from the commerce, private security, local government, health and education sectors have agreed ‘Multi-sectoral guidelines to tackle third-party violence and harassment at the workplace’. The guidelines were signed on 16 July 2010 by European social partners (EPSU, UNI Europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS, 2013). The guidelines set out the practical steps that can be taken by employers, workers and their representatives/trade unions to prevent and mitigate problems of third-party violence and harassment. The steps reflect best practice developed in the sector while shaping joint approaches to health and safety, and build on the existing obligations on employers and workers in the field of health and safety. In particular, employers also have an obligation to consult workers and/or their representatives on all matters relating to health and safety at work.

⁴² ILO/ICN/WHO/PSI Joint Programme on Workplace Violence in the Health Sector. (2002). Labour Organization. (available in English, Spanish)

⁴³ <https://www.etuc.org/framework-agreement-harassment-and-violence-work>

⁴⁴ <https://hospeem.org/activities/socialdialogue/multi-sectoral-guidelines-to-tackle-third-party-violence-and-harassment-related-to-work/>

The European Trade Union confederation (ETUC) in partnership with national unions in 11 EU member-states (Bulgaria, Italy and Spain are among the project countries) implemented the Project Safe at Home, Safe at Work' and published 11 national and one final report under the title **'Safe at Home, Safe at Work. Trade union strategies to prevent manage and eliminate work-place harassment and violence against women'**⁴⁵. The report shows how trade unions and/or social partners have approached the issue in negotiations, collective bargaining, union awareness-raising, training and campaigns, and partnerships with women's organisations working to end gender-based violence. The report points to good practices in the workplace and shows the added value of trade unions actions, innovations and negotiations to support victims and create workplaces free from violence and harassment. In Annex are presented examples of collective bargaining agreements and workplace policies in all participating countries. The project showed that there is a growing use of partnership approaches to preventing sexual harassment at work; for example, employers, trade unions, NGOs and governments working together to produce guidelines for employers and staff, and collaborations between violence-against-women services and employers to address this issue.

Good practices at national level

The good practices identified in the national reports can be grouped into several groups:

- Guides, counselling manuals elaborated by the equity bodies and institutes (Greece, Spain⁴⁶), Guidelines for addressing violence in the work place (health care, Bulgaria) - for strengthening knowledge and capacity building.
- Campaigns and Training Programmes – (USV React Programme - Panteion University of Athens, Greece, CGIL and CISL, Italy)
- Procedures – anonymous reporting (Greece)
- Social partners' agreements related to SH at national, regional, sector level (Bulgaria- urban transport and municipal level, proposed national social partners agreement on tackling violence and stress at work, Greece, Italy – national agreement implemented in some sectors and companies)
- Collective labour agreements which contain provisions for joint actions by employers and trade unions to prevent violence and harassment in the framework of the zero tolerance to violence (Bulgaria)
- Social partners joint activities - Thematic studies, policy papers, study visits and workshops, projects (Greece)

⁴⁵ Safe at Home, Safe at Work' Trade union strategies to prevent, manage and eliminate work-place harassment and violence against women

⁴⁶ In 2015, the Institute of Women and for Equal Opportunities - **Spain** elaborated a reference manual to support companies with the definition and implementation of specific procedures to prevent and combat sexual harassment and harassment based on sex at the workplace. The Institute also produced an awareness raising leaflet for workers including information on their rights and how to exercise them. KNOW YOUR RIGHTS! Leaflet for employees <https://www.inmujer.es/>

- Help desks within the unions and other entities (Italy)
- Codes of conduct/ethics adopted by humanitarian organizations (Italy)
- Company policies (Nova Trade, Bulgaria).

Of particular interest for the next stages of the project is the **experience of the Catalan social partners**. The Catalan Labour Relations Council, in which trade unions, business associations and the Government of Catalonia work together to promote social dialogue in the world of work created specific guidelines and training resources for the prevention and management of sexual harassment:

- Protocol to prevent and manage sexual and sex-based harassment at enterprises
- Guide for drafting a protocol to prevent and manage sexual and sex-based harassment at enterprises
- 10 Commandments of zero tolerance of sexual and sex-based harassment at the workplace
- Guidelines for the person in charge of protocols
- Training programme for the reference person for protocols⁴⁷

The national reports contain detailed information and links to the Internet addresses of the presented practices.

2. Employee perceptions and experiences of sexual harassment

2.1 AWARENESS, PERCEPTIONS AND SPREAD OF SEXUAL HARASSMENT AT WORK

This part of the report covers the perceptions and experiences of sexual harassment and awareness and assessment of the existing company/organisation policies and procedures from an employee perspective. The conducted empirical research outlines a relatively common model in the project countries (conditionally called Southern European)⁴⁸ in terms of understanding the issue, its manifestations and policies but with specific differences in some of the studied issues, due to the different national contexts.

Demographic profile of the respondents

⁴⁸ The FRA survey findings show that in the four countries prevalence of SH is lower the average EU level with Northern EU countries on the top. FRA, survey, p.99. According to the classification proposed by the Eurofound (2015) all four project countries fall into 'group B' for which it is typical that violence and harassment is not considered to be a major issue and awareness of it is low or increasing. Eurofound (2015) Violence and harassment in the European workplaces: Extent, impacts and policies, Dublin.

The total number of respondents to the on-line survey in the four project countries in the target group of employees is 384⁴⁹, of whom: 82.5% are women and 16.9% are men. One respondent identifies as a non-binary.

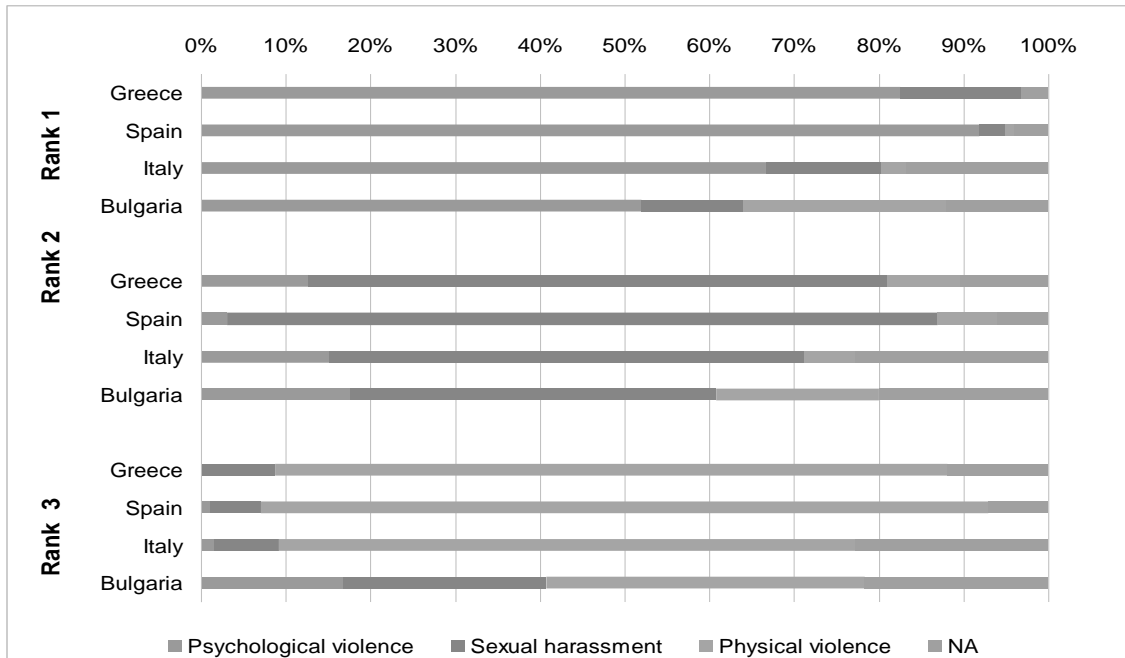
The sample includes representatives of all age groups, with the persons aged between 31-40 years having the greatest weight (35.2) followed by the age group between 21 and 30 years (28.7). Most of the respondents work in the private sector (57.6%) and live in the capital or large city. The respondents come from a wide range of industries and economic activities; the largest share of them is from the education, health care, public administration and other activities.

General assessment and extend of violence at work place

Respondents in all project countries believe that the most common type of violence in the workplace is psychological violence (71.4%), the second most common is sexual harassment (11.5%) and, in the last place, physical violence. However, these averages can obscure substantial and important country differences as shown in Table 1. In Spain and Greece disturbingly high levels of psychological violence have been reported, while in Bulgaria physical violence seems to be a serious problem.

⁴⁹ The project partners expected greater participation in the study due to the previously stated interest during the announcement of the study. But because of COVID 19 crisis other concerns came to the fore. In addition, a significant part of the questionnaires were not completed correctly and were therefore not included in the data processing and analysis.

Figure 1. Q1. In your opinion, which of the following forms of violence in the workplace are evaluated as important? (Employees, %)



The respondents were also asked about the frequency of these types of violence at their company/ organisation. Significant part of all respondents considers that psychological violence occurs rarely (40%) or never (26%), however about quarter of employees consider psychological violence common at their work. Regarding sexual harassment, half of the respondents believe that it never happens at their workplace (51%), and a quarter - that it rarely happens (39%).

The low levels of assessment of the frequency of sexual harassment in the workplace show that this problem is not perceived as relevant commented on or realized by the public. To a large extent, the importance of the phenomenon of sexual harassment is underestimated and associated with the context of the daily difficulties faced by workers. It follows that employees too rarely think about the nature of the phenomenon they constantly encounter, believing that this is a normal element of everyday life.

In the context of the medical, economic and social crisis, a consequence of COVID 19, the topic of the workplace sexual harassment remains in the background. Most importantly, in a state of emergency, the risks of violence, exploitation, abuse or harassment against women are exacerbated. And, despite all this, women still do not openly raise the issue of violence in the workplace.

During the COVID 19 pandemic, women increasingly faced domestic violence. Both globally and in some EU countries, domestic violence is reported to have risen by a third in the week following the state of emergency. Women in abusive relationships stay at home and are

exposed to their abuser for longer periods of time. Domestic violence, often perpetrated by men, is deeply rooted in patriarchal stereotypes that lead to power and control over women. As the crisis and insecurity at the individual and domestic levels unfold, perpetrators may want to regain control and express their frustrations caused by the blockade through increased episodes of violence. UN Women properly calls domestic violence the 'hidden pandemic'⁵⁰.

Prevalence of sexual harassment

The survey covered a **set of sexually harassing behaviours** (presented in Table 1). The findings show that the forms of sexual harassment that are most often practiced in the workplace are sexual suggestions or jokes that make them feel offended, discussions about colleague's sex life, sexual comments about someone's appearance, body parts or clothes, unwanted sexual hints/suggestions, and inappropriate touching, hugging or kissing. It is noteworthy that these forms of violence are mentioned by more respondents from Greece than from other project countries. It is noteworthy that the various behaviours that represent cyber harassment are still not recognised as a form of sexual harassment in the workplace.

Table 1. Q 2. In your opinion, what are the forms of SH that are most often practiced in your workplace? (More answers possible) %

Forms of sexual harassment	Bulgaria	Greece	Spain	Italy	Total
<input type="checkbox"/> Inappropriate touching, hugging or kissing	22,4	39,6	22	25,7	28,3
<input type="checkbox"/> Unwanted sexual hints, suggestions	27,2	65,0	16	37,8	39,8
<input type="checkbox"/> Discussions about colleague's sex life	30,4	59,5	32	42,4	42,4
<input type="checkbox"/> Sexual suggestions or jokes that make you feel offended	19,2	70,6	46	56,0	46,8
<input type="checkbox"/> Indecent emails or anonymous letters	5,6	4,7	4	1,5	4,4
<input type="checkbox"/> Showing sexual photos, suggestions for watching pornographic movies	1,6	5,5	0	1,5	2,6
<input type="checkbox"/> Sexual comments about someone's appearance, body parts, clothes	26,4	59,5	43	48,4	43,7
<input type="checkbox"/> Lustful and amorous looks, whistles and insulting gestures	13,6	34,9	24	10,6	21,8
<input type="checkbox"/> Spreading sexual rumours	19,2	31,7	19	22,7	23,9
<input type="checkbox"/> Persecution, surveillance, threats	4,0	9,5	4	1,5	5,4
<input type="checkbox"/> Offensive comments about someone's sexual orientation or gender identity	10,4	36,5	32	13,6	23,4
<input type="checkbox"/> Proposals for promotion in the hierarchy / salary for sexual services	5,6	15,8	0	4,5	7,8

⁵⁰ <https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>

<input type="checkbox"/> Temptation / coercion into prostitution or sexual exploitation	1,6	2,3	0	0,0	1,3%
<input type="checkbox"/> Sexual assault (rape)	2,4	1,5	0	1,5	1,5
<input type="checkbox"/> All listed above	1,6	3,9	0	0,0	1,8
<input type="checkbox"/> There are no those listed above	29,6	10,3	18	4,5	16,6
<input type="checkbox"/> I can't answer/I do not know	14,4	2,3	15	4,5	8,8

The picture that the survey findings outline shows that violence and sexual harassment are not limited to the kinds of incidents that make headlines. It includes a range of behaviours from verbal abuse, threats, and unwanted sexual advances to physical assault. They are a real fact that is present in every workplace and has many different manifestations that affect human dignity and create intimidating, hostile, degrading, humiliating or offensive work environment.

Personal experiences of SH

More than half of the employees reported they have never experienced sexual harassment during their work career (59.1%) and this share is higher for the respondents from Italy (69.7%) and Bulgaria (68.0%). Similar is the share of respondents (61.5%) that have never **witnessed any form of sexual harassment** against their colleagues in the workplace. However, over one-third of the respondents (36.5%) claim to have experienced some type of harassment during their working life and just as much (34%) have been witnesses. In Greece over half of the respondents have personal experience with sexual harassment. This means that according to these results sexual harassment directly or indirectly affects an important number of employees in the workplace in project countries.

The vast majority of the respondents (84.4%) found that women are more likely to be exposed to sexual harassment, while 9.1% believe that females and males are equally exposed.

Out of the total 140 respondents that reported to have been sexually harassed in their workplace, 92.8% identified the **perpetrator** to be male, 2.8% (two persons) stated that the perpetrator was female and one identified the perpetrator as non-binary. Senior employees were reported to be frequent perpetrators of sexual harassment (62.8%), followed by colleagues (42.5%), and clients/patients/suppliers (20.8%); and senior representatives/representatives of external institutions (12.8%). These findings show that sexual harassment is usually perpetrated by a person who, due to his/her official authority or seniority has the power to unilaterally influence aspects of the harassed person's official position, career development or work environment. Harassment by a person in a position of authority may lead employees to believe that resisting or complaining would be futile or put the employee at risk for retaliation. Information about harassers can help employers identify risks, target training and focus preventive measures.

Factors contributing to SH in workplace

In order to eliminate sexual harassment, it is necessary to know what drives such behaviour. The further understanding of the factors and mechanisms that underpin sexual harassment and victimisation in the workplace is essential to inform the development of effective organisational policies and workplace practices.

The results of the study show that **the factors** that cause sexual harassment are deeply rooted in a broad social, organisational and cultural context and in people's socio-psychological stereotypes and attitudes. It seems that the majority of responses recognise the social and cultural embeddedness of sexual harassment. Cultural and social norms strongly influence the formation of individual behaviours, including the use of violence. Norms can protect against violence, but they can also 'normalise' it and encourage its manifestation.

The factors indicated by the respondents can generally be classified into three groups:

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

The respondents believe that at least five most common factors create the conditions under which sexual harassment is likely to occur: the community cultural stereotypes (behaviour is not "exceptional") (56,7%), the lack of reaction of people around (53,6%), lack of prosecution and measures for perpetrators' punishment (48,7%), the low level of gender equality in the workplace (37,2%) and lack of tailored company's policies and procedures (35,6%).

Table 2. Q 5 What factors influence perpetrators to practice SH? (More answers) %

Factors	Bulgaria	Greece	Spain	Italy	Total
· Community cultural stereotypes (behaviour is not "exceptional")	33,6	61,9	75	74,2	56,7
· Family history of the perpetrator	20,8	39,6	24	30,3	29,1
· Lack of prosecution and measures for perpetrators' punishment	36,0	64,2	51	40,9	48,7
· Lack of reaction of people around	40,8	69,0	65	36,3	53,6
· Office relationships - strong corporate hierarchical structure and subordination	17,6	30,9	57	22,7	29,6
· Low level of gender equality at the workplace	13,6	54,7	54	33,3	37,2
· Subordinate management style (lack of bottom up feedback channels)	6,4	41,2	41	16,6	25,5
· Lack of security and control measures	24,0	41,2	31	22,7	30,7%
· Lack of tailored company's policies and procedures	24,8	49,2	46	19,7	35,6
· I do not know / I cannot answer	19,2	0,0	6	10,6	9,1

The factors outlined are important because they show where actions should focus in policy development, i.e. they should be included in the guidelines and the training curriculum, taking into account the national context of the project countries.

2. 2. REACTION AND CONSEQUENCES OF SEXUAL HARASSMENT IN THE WORKPLACE

The consequences of SH in the workplace is undoubtedly a problem, not only for the victims themselves, but also for the company and the society as a whole, because the negative effects are manifested in different directions and besides immediate, their effect is also long-term. Of all the respondents who have experienced some form of SH, only about 1/3 say that they have overcome the problem and are already calmly discussing it while ¼ of the respondents still have troubling memories going back to the experience and each fifth works under stress and tension. However, others choose an escape/refusal strategy leaving the job (15%).

Sexual harassment in all its forms is associated also with anger and aggression attacks, becoming "over sensitive", or suppressed and cautious. Other avoid thinking and talking about it or hardly concentrate in the work process, and feel powerless and guilty, having a sense of shame/feel misunderstood by colleagues or take it as normal behaviour; some reported to suffer from headaches, insomnia, anxiety, etc.

According to the practice of the representative of the Commission for Protection against Discrimination (Bulgaria), who participated in the qualitative research, people often subjected to sexual harassment fall into depression, come to work with fear, use sick leave, work unfocused, make mistakes. All this is a consequence of the created embarrassing, humiliating or offensive work environment. Recovery from sexual harassment in the workplace may involve a prolonged period of rehabilitation. All this inevitably affects also both individual companies and society as a whole. It is noteworthy that very few respondents in Greece, Italy and Spain who experienced sexual harassment answered the question about the consequences of the experiences SH in the workplace.

Due to the negative consequences outlined above, it is important to have comprehensive prevention/protection policy on sexual harassment in the workplace.

Perceptions of factors influencing the reaction of the victim

Most people who experience sexual harassment never report it. They fear the impact that complaining will have on their reputation, career prospects and relationships within their company. In general, fear of reporting harassment and sexual harassment was perceived as being on the rise, due to more precarious work conditions and more precarious terms of employment (Spain).

Of concern is that most of the respondents expected negative consequences for them. Fear of losing their jobs seems to be the most determining factor in people's **reactions after experiencing harassment** (70.8%), as well as shame/lack of understanding from their workmates (55,73%). The reaction of the victim is also impacted by Victim-blaming (40.89%), Fear of retaliation (44.27%), and Lack of effective protection procedures (39,84%) among other issues.

Table 3. Q12. In your opinion, which factors influence the way of reaction of the victim?
 %

Influencing factors	Bulgaria	Greece	Spain	Italy	Total
Fear for the work position	60,0	76,1	84	68,1	70,8
SH is not considered as a problem	25,6	36,5	51	30,3	34,3
Expectations for salary increasing and other benefits	16,8	19,0	15	15,1	16,9
Sense of shame/ misunderstanding by colleagues	33,6	65,8	79	56,0	55,7
Victim-blaming	21,6	55,5	56	36,3	40,8
Lack of knowledge of protection procedures	28,8	57,1	44	33,3	41,6
Lack of effective protection procedures	28,8	47,6	53	33,3	39,8
Fear of retaliation	21,6	53,1	68	46,9	44,2
I do not know	15,2	2,3	0	7,5	7,0

It is worrying however that sexual harassment is not yet perceived as a serious problem in the workplace by more than a third of employees and employers (Table 3).

As shown on the Table 4, the respondents stated that **in case a victim resisted such behaviour**, he/she would face such consequences as creation of a hostile environment (30.4%), psychological violence/mobbing (24.7%), risk of forthcoming dismissal (19.2%), assignment of more complicated/difficult tasks (11.2%), refusal of career promotion (13.0%) and replacement to other undesired job position (9.3%). Only about 1/3 of respondents believe there wouldn't be negative consequences for the person who resisted sexual harassment.

Table 4. Q13. In your company/organisation/institution, what would be the consequences for the victims of SH if they resist such behaviour? %

Consequences	Bulgaria	Greece	Spain	Italy	Total
Psychological violence/mobbing	32,0	76,1	84	68,1	24,7
Refusal of career promotion	20,0	36,5	51	30,3	13,0
More complicated/difficult tasks will be assigned	16,8	19,0	15	15,1	11,2
Replacement to other undesired job position	12,0	65,8	79	56,0	9,3
Creating a hostile environment	28,8	55,5	56	36,3	30,4
Risk of forthcoming dismissal	23,2	57,1	44	33,3	19,2

I don't believe there will be any consequences	9,6	47,6	53	33,3	28,1
I don't know	34,4	53,1	68	46,9	28,9
Don't want to answer	1,6	2,3	0	7,5	0,7

What is clear from these findings is that resisting to or complaining about sexual harassment is quite dangerous, causing employer retaliation and firing as a common practice. Instead of receiving understanding and support, victims of violence are further humiliated by their colleagues and punished by management. These findings show that the company protection policies need to change. The issues of supporting victims of violence should also be included in the training and company guidelines.

2.3. LOW AWARENESS AND SATISFACTION WITH THE COMPANY PREVENTION/ PROTECTION POLICIES AND PROCEDURES

The survey findings reveal significant gaps in employees' awareness and satisfaction with policies and measures for prevention and protection in case of workplace sexual harassment.

The majority of respondents express **distrust in the commitment of the company management** to the prevention and response to sexual harassment. Just about 1/3 of the respondents believes that the employer/managers are completely committed. The highest is the share is of the respondents from Greece, who think that the management is not at all committed to prevention of SH in the company (37%, namely managers in the public sector – 58%).

Over 60% of respondents state that their organisation does not have a **document that contains clauses that prohibit sexual harassment** or do not know if there is such a document. The others point out that there are such clauses in various internal documents, including ethical code, internal company regulation, collective labour agreement, provisions of the Health and safety committee, etc. The practice of project countries is diverse and is reflected in the national reports. However, it seems that Italy has more comprehensive policy in this regard.

Measures for prevention

The **lack of preventive measures at the company level** is worrying. About one third (27.34%) reported that their organisation has no preventive measures for sexual harassment while the most respondents were unaware of the prevention measures (41.9%). In cases such measures are applicable, they can be found in the company policy, internal regulations, or the Collective Bargaining Agreement (23.7%); through brochures, flyers, posters, that promote sexual harassment or are implemented by a designated person or department policy in raising awareness activities on the mechanisms and procedures.

Table 5. Q19. Do you know any prevention measures against SH in your company/organization/institution? Summary

Prevention measures	Yes, %
YES, company policy and measures are available, described in internal regulations, Collective Bargaining Agreement (CBA), etc.	23,70%
YES, through brochures, flyers, posters, etc. sexual harassment policy is promoting	8,85%
YES, it is assigned to a certain person (department) to raise awareness towards the mechanisms and procedures and to monitor their compliance	10,16%
YES, regular monitoring of current situation is organized via internal surveys	2,86%
Other prevention measures	3,39%
NO prevention measures	27,34%
I don't know	41,93%
Do not want to answer	0,26%

Measures for protection

It is of concern that only one-third of respondents know that there are a workplace **procedures in place for protecting victims of SH** and that the share of those that say they do not know and who think they know them but not exactly sure is higher - at 32% and 37% correspondingly. However, there are significant differences by country. While in Italy 60% of the respondents are aware of the protection measures implemented by their companies / organisations, in Bulgaria, Spain and Greece the share of the respondents that are familiar with the procedures that the victims must follow to seek protection is significantly lower (28%, 16% and 24% respectively).

Procedures in case of reporting

Table 7. Q16. Do you think there are procedures in case of SH reporting in your company/organization/institution? Summary %

Procedures	Yes	No	I don't know
There is an internal safeguarding procedure (including investigation and an impartial hearing)	27,34%	24,74%	47,92%
There is a designated person (department) who takes the responsibility of running the procedure	22,92%	32,55%	44,53%
The company offers transfers to other working locations/departments at the request of the worker	12,24%	24,74%	63,02%
The company offers temporary leave at the request of the worker	12,76%	22,14%	65,10%
Worker is directing to specialized services (Psychological support)	14,32%	28,91%	56,77%

Financial support is provided	1,30%	40,36%	58,33%
Partnership with external bodies - police, social services, NGOs is established	12,50%	26,04%	61,46%
Confidentiality for the person who signalled is ensured	28,39%	17,19%	54,43%
Training actions are provided to the staff on how to counteract sexual harassment	15,63%	46,09%	38,28%
Worker receives information about the existing state support measures	15,10%	36,20%	48,70%

The survey found that respondents believe very few companies have procedures for protecting the reporting victims. As Table 7 shows, there is by and large a low level of awareness of the procedures to follow in case of reporting. Between 38% and 65% of respondents do not know whether the listed procedures are available in their company, and a significant part of them state that there are no such procedures. According to the respondents, the procedures that are most common in their companies are: ensuring confidentiality; safeguarding procedure (including investigation and an impartial hearing); a designated person (department) who takes the responsibility of running the procedure; training is provided to the staff on how to counteract sexual harassment; information about the existing state support measures.

The survey findings show that such procedures as transfers to other departments; temporary leave, and directing the victim to specialised services are much less common. Most companies do not provide also financial support and mailboxes for anonymous alerts are not an active practice for more than 70% of respondents' organisations.

In case of sexual harassment, respondents would turn or advice the victim to seek help at first place from their manager (37.8%), the Human Resources department (36.7%), a lawyer (33.1%), the police (32.3%), and the Labour Inspectorate (20.3%). Far fewer respondents would turn or suggest victim of sexual harassment to seek help or advice from a doctor, colleagues, a friend or relative.

It is important to note the relatively low level of trust in company trade unions, which by their very nature and role must protect workers' rights and can be an important reporting channel. Only one-fifth of workers would turn to unions for help and advice. It is also worrying that even fewer would turn to an NGO (7%). This is probably due to the fact that a large number of trade unions do not consider the prevention of workplace sexual harassment as their priority; it is not also an issue of social dialogue and collective bargaining, as our study showed.

These shortcomings of the sexual harassment prevention/protection policy, its apparently ineffective implementation in companies, are confirmed by the fact that workers seek information on sexual harassment mainly on-line (48%) and from the media (40%) or rely on their own knowledge (32%). This scarcity of prevention measures is also revealed by the fact

that the majority of respondents receive information on sexual harassment via the internet (53%) and media (46%). Only 6% receive this information at the company, from managers or the human resources department.

As expected, information online and the media are the most popular sources of information on the existence and addressing SH at work. This means that the way in which the media present such information (either in an objective and informative-neutral way, without discriminatory or misleading elements in the messages, or with elements of neglect of people in one way or another), is an important factor for gradually overcoming certain types of violence and sexual harassment, or vice versa – for reinforcing stereotypes and discriminatory practices. This raises the question of the social responsibility of the media.

It is important for the next stages of the TEAMWORK project that the respondents still rely also on information from the trade unions and workers representatives (12%), as well as from various forms of training and awareness raising, such as training on protection / safeguarding (21%); workshops on gender equality (26%); from brochures, leaflets, other informational materials (24%) and on-line training (16%).

The survey findings give grounds to draw two important conclusions for the next stages of the project (development of guidelines). First, the fact that online information and the media are the most popular source of information about the existence and ways to respond to sexual harassment in the workplace strengthens the media's responsibility for their involvement and the engagement in the way they refer to cases of sexual harassment. Secondly, it is important to note that workers, although insufficiently, rely on trade unions to obtain information. This requires more active engagement of trade unions and workers' representatives in workplace SH issues and a change in their strategies for providing information and raising employees' awareness, as well as organising various activities, including training, providing online information and printed materials, such as brochures, leaflets, etc.

Needs of improvement of employees protection against sexual harassment

In order to assess the needs of improvement of the employees' protection from sexual harassment, the respondents were asked what should be done in this regard. As can be seen from the answers in Table 8, the outlined needs concern those policies and measures, that most of the respondents stated they did not know or that might be not present or adequately promoted within the company/ organisation they work in.

The survey findings show that only a few employees stated that their company has documents that include clauses prohibiting sexual harassment or procedures for reporting/seeking help. However, it remains evident that even when measures for the prevention and tackling of sexual harassment are active and available, they are not widely disseminated in companies/organisations and employees remain unaware and unable to exercise their rights. In most cases, organisations and companies do not have clear and structured guidelines for the prevention and tackling of such incidents, nor do they provide trainings, information or support to employees who have experienced sexual harassment.

These findings reveal that companies and organisation are not enough prepared for preventing and combating sexual harassment in the workplace. The presented 'tolerance' and passivity, the sense of impunity can be perceived as a factor leading to the perpetuation of the phenomenon, affecting not only the working environment, but also everyday life. Organisations/companies and all stakeholders should be more prepared to contribute to the prevention and tackling of the phenomenon, with more concrete guidelines, procedures, involvement of stakeholders, creation of partnerships and synergies and enhancement of individuals' personal and collective responsibility.

The identified shortcomings in the policy for prevention and protection against workplace sexual harassment clearly show the need for improvement. Respondents found that companies should have clear and strong policies (55%) and implement more awareness raising campaigns (47%). In addition, more company training should be implemented (39%), along with participatory workshops (39%) and the establishment of partnerships with the police, social services and the civil sector (27%). More prevention and protection activities should be initiated by trade unions represented in the companies (21%), and the activity of the committees on occupational health and safety needs to be further strengthened (21%), as well as the climate of trust and support needs to be improved through more peer to peer conversations taking place (17%).

Table 8. Q24. What should be improved in protection of employees from SH in your company/organization/institution? Summary (%)

Needs of improvement	Yes
More sensitizing awareness raising campaigns	47,40%
Clear and strong company policy	54,69%
More company trainings	39,32%
Peer to peer conversations	16,93%
Participatory workshops	39,32%
More active committees on occupational health	21,09%
More prevention and protection activities initiated by trade unions represented in the company	20,83%
Partnership with police, social services providers, civil sector	27,08%
I don't know	12,76%

The analysis of existing policies and procedures related to reporting, victims support, and prevention/protection policies reveals gaps in awareness and satisfaction with the policies and procedures taken at their own company or organisation and identifies needs for future actions to be included in company policy guidelines and training.

3. Employers' response to sexual harassment

Sexual harassment is a persisting and pervasive national issue in both the society and many workplaces. Recent social movements (e.g. MeToo) have raised the visibility of sexual harassment, strongly suggesting that workplace sexual harassment has not been effectively addressed or perhaps even taken seriously by many employers.

In this section the employers/managers awareness of sexual harassment and reaction towards it are explored. The focus is on company policies and procedures for reporting and solving the problem and on measures for prevention.

Demographic profile of the respondents

The total number of respondents to the on-line survey in the four project countries in the target group of employers is 115, of whom: 62.6% are women and 35.7% are men. One respondent identifies as a non-binary.

Most of the respondents work in the private sector (76.5%) and come from a wide range of industries and economic activities, the largest share of them is from other activities. Half of the respondents work in micro- and small companies, 1/3 – in middle-sized companies and 1/5 – in big companies, About half of the respondents are intermediate level managers and 1/3 is higher level managers.

3.1 AWARENESS, PERCEPTIONS AND SPREAD OF SEXUAL HARASSMENT AT WORK

General assessment and extend of violence at work place

Employers acknowledge the presence of violence in the workplace, stating that psychological violence prevails (61%), while physical violence (11%) and sexual harassment (10%) are not very common. According to respondents, the pervasiveness of violence must be combated by raising employees' awareness. Initiatives to raise awareness on sexual harassment should be taken by the Government (33%), the companies (31%), the media, NGOs and trade unions. Nonetheless, more than half of the sample (60%) believes that the awareness raising should be a shared responsibility of all of the aforementioned actors.

Although the vast majority of respondents consider sexual harassment to be a very serious problem in general, they do not consider it to be a common problem for their company, with 40% stating that there has never been sexual harassment in their company and another 32% saying that it is not very common problem. More than half of the respondents (55.6%) also stated that their company management has never received reports from witnesses or survivors of sexual harassment, only about 17% reported that the management has received relevant reports.

Employers have a duty to prevent and punish sexual harassment if it occurred in the workplace. They should adopt all necessary measures to guarantee a safe working environment, in which everyone's dignity is respected, and interpersonal relationships are promoted. In this context, the way in which the employer approaches employees who report sexual harassment becomes crucial.

The majority of the respondents stated that, in case an employee reports sexual harassment, it is a management task as a part of safety and health requirements to take appropriate measures (86%) and that the problem must be addressed by following the appropriate internal procedure (83%). In accordance with the legislation, an employer receiving a complaint of sexual harassment by an employee should carry out a prompt and accurate investigation. Some found that it is a task for governmental institutions (i.e. police, court) (56%), for trade union (26%) or a problem of NGO (16%). While only few respondents (3%) find the problem to be insignificant, not deserving special attention, each fourth perceive it to be a personal issue that needs to be solved between the two parties.

3.2 COMPANY PREVENTION/ PROTECTION POLICIES AND PROCEDURES

Most respondents believe that the company has taken completely sufficient measures to prevent and respond to sexual harassment (37%) or perceived these measures somewhat sufficient 39%. However, each fifth considers the measures taken as insufficient.

Table 9. Q9. Does your company/organization/institution have any available predefined prevention/combating corporate policy against SH?

Policies	%
Yes, anti-discrimination corporate policy is available, with gender equality approach included	32,17%
Yes, specifically developed measures in Company's Internal Rules are available	30,43%
Yes, Code of Conduct and Internal procedures against abuse and violence are available	37,39%
Yes, Collective Bargaining Agreement with special protection clauses is available	10,43%
No specifically developed policies are available; in case of need, referring to national legislation	33,91%
I don't know	7,83%

Employers are expected to be proactive in preventing sexual harassment from happening at all, by implementing clear predefined prevention/combating corporate policy against SH. However, as the data from the employers' survey show, this is not the case for many of the companies in which the respondents work. In more than a third of companies there is no specific policy on sexual harassment and cases of SH are dealt with within the framework of more general policies and documents, including anti-discrimination corporate policy, Company's Internal Rules or rely only on legislation. Some companies have Code of Conduct and Internal procedures against abuse and violence available (30%) and few respondents indicate that they have special protection clauses in collective agreements (10%).

Similarly, one third of the respondents state that they do not have a specific reporting procedures available in their organisation and about half say that they do not have a specific system in place in the company/organization to track the cases of SH. Only 30% of the respondents believe there is an internal information system to this end.

Table 10. Q10. Is there a reporting procedure in place in your company/organization/institution, in case of SH? Summary

Answer	Yes %
There are no specific reporting procedures	31,30%
Reporting is within the general procedure for reporting violations of internal labour rights and the discipline, not a specific on SH one	31,30%
Complaints are addressed to Human Resources Department	20,00%
Signal to the supervisor is given	23,48%
There is a specific protocol to prevent and act against sexual harassment	17,39%
A mail box is installed and opened regularly - anonymous reporting system	15,65%
I don't know	12,17%
I don't want to answer	0,00%

Usually the victims of SH addressed their complaints to HRM or to supervisor. Very few companies have a special protocol or box for anonymous reporting. The lack of special procedures partly explains the low level of reporting of cases of SH.

Almost half of the sample reported that no prevention measures are in place in their company. Among the most popular measures are training and awareness raising.

Survey findings show that companies do very little both to prevent violence and to help victims of violence overcome its consequences. Moreover, not only employees but also managers are not familiar with the existing measures and procedures.

As displayed in Table 11q internal safeguarding procedure, including investigation and an impartial hearing, ensuring confidentiality for the person who signalled, provision of information about the existing state support measures, directing the employee to specialized services (psychological support) are the most commonly used procedures to support victims of violence in companies. Most companies do not offer transfers to other working locations/ departments or financial support. More than half of the employers do not provide also training on ways to counteract sexual harassment.

Some companies do not establish partnerships with trade unions and external bodies like the police, social services and NGOs for greater effectiveness in combating SH.

Table 11. Q12. Are there any procedures for problem solving in case of SH in your company/organisation?

Answer	Yes	No	Don't know
There is an internal safeguarding procedure (including investigation and an impartial hearing)	48,70%	31,30%	20,00%
There is a designated person (department) who takes the responsibility of running the procedure	37,39%	46,09%	16,52%
The company offers transfers to other working locations/departments at the request of the victim of SH	26,09%	34,78%	39,13%
The company offers temporary leave at the request of the victim of SH	29,57%	29,57%	40,87%
Worker is directing to specialized services (Psychological support)	36,52%	27,83%	35,65%
Financial support is provided	6,96%	58,26%	34,78%
Partnership with external bodies - police, social services, NGOs is established	26,09%	40,00%	33,91%
Confidentiality for the person who signalled is ensured	71,30%	4,35%	24,35%
Training actions are provided to the staff on how to counteract sexual harassment	29,57%	54,78%	15,65%
Worker receives information about the existing state support measures	39,13%	33,04%	27,83%

4. Training needs assessment at company level

The awareness rising campaigns and training are commonly recognised as a priority in the fight against sexual harassment as they can change social perceptions and stereotypes and create intolerance of violence in the work place.

This section addresses issues related to training based on the identified gaps and needs assessment, and suggestions are made to inform the next stages of the project. The survey provides information on the state of sexual harassment training in companies / organisations, the of employees and employers attitudes to participating in training, the target groups to be included and its intended content.

The survey findings reveal a serious gap in sexual harassment training, recognised by employers and employees, and by stakeholders that participated in our survey. The findings also reveal gaps in awareness both of the phenomenon of sexual harassment and the sexually harassing behaviours and of the company prevention/protection policies. Based on the identified gaps, the training needs in different areas have been determined.

State of play

As already mentioned one of the most worrying findings of the survey is the widespread lack of employee awareness and training on the company prevention/protection policies. This is largely due to the underestimation of the company/organisation training on sexual harassment as a key prevention tool.

Table 12. Q21. Is there any training provided in your company/organization/institution for prevention/combating of SH? (Employees)

Answers (employees)	Bulgaria	Greece	Italy	Spain	Total
Don't know	18%	7%	9%	25%	14,32%
No	76%	83%	33%	51%	66,41%
Yes	6%	10%	58%	24%	19,27%

Although there is extensive agreement on the need and interest in training and awareness raising, both among management and among employees, only a minority of the companies surveyed provide specific training on a regular basis to their staff. As Table 12 shows, there are very few companies in the partner countries that provide awareness raising training on SH (with the exception of Italy and to some extent Spain). Of concern is that about 1/3 of employer/management respondents stated that such trainings are not provided by their organisation, as it is not necessary. (As displayed in Table 13).

Table 13. Q16. Does your company/organisation/institution provide raise awareness trainings for the prevention and combating SH?

Answers employers	Total (all countries)
I don't know	21,74%
I don't want to answer	3,48%
No, it's not necessary	29,57%
Yes, annually	13,91%
Yes, more than once per year	4,35%
Yes, rarely (not annually)	26,96%

Expressed willingness to participate in training

The survey findings register a high level of interest and willingness to participate in training on sexual harassment (61.5%). When asked if they are interested in such training, the majority of employees responded quite positively, even though there is still high percentage of people who are not aware (15%) or interested (23%). The most interested in participating

in training are the Catalan workers, as 75% of the respondents indicate that they would join the training organised by the company/ organisation.

The great importance attached to training is also confirmed by the fact that the need for more awareness raising training organised by companies is seen as an important element of measures to improve the protection of workers in the enterprise. Stakeholder representatives who participated in the qualitative study also emphasized the importance of training and saw it as an essential factor to make advances in eradicating sexual harassment at the workplace and achieving zero tolerance for violence in the workplace. However they reveal that there is a lack of awareness and training at all levels and in all types of enterprises and in the administration.

The vast majority of the employers/management is positive about their company being involved in activities for raising awareness of employees towards sexual harassment, including training. There are, however, differences between countries. While more than 90% of respondents in Italy and Spain are willing to participate, in Bulgaria and Greece this share is significantly lower – 52% and 70% respectively.

Content and target groups

The serious gaps identified in the study in awareness of sexual harassment and company policies at place can be overcome by developing training programmes, whose content and target groups are determined on the basis of needs assessment. Their content must be flexible enough to meet specific needs of the target groups and the specific context in the individual companies / industries. The programmes also need to be appropriate for use in businesses of all sizes, including in small businesses, which represents the major part of the economy of the countries involved in the project.

According to representative of the Bulgarian employers' organisation interviewed during the qualitative survey, a company/organisation study of the scale of this problem must first be made as a base for defining the target groups and the content of such training. The content should definitely include both the legal framework and the prevention and protection procedures, outlining the steps to be taken by both the victim and the management.

The main target groups for training should be both workers and managers. For about half of the respondents the main professional group which has also to go through this type of training is the Human Resources Department staff.

Table 14 Q17. Who should attend that training? Summary

Answers (employers)	Yes, %
Managers	70,43%
Employees / staff	83,48%
Employee representatives	48,70%
HR department	59,13%
I don't know	9,57%

The need of involvement of employees' representatives in training seems to be underestimated. Trade union representatives, employees' representatives and health and safety representatives due to their role at the workplace and the possibility of being an alternative reporting channel should be considered as a specific target group in training. The training curriculum must consider the perspectives of different stakeholders who will be involved or benefit from the training.

The training must focus on cultivating positive behaviours that create a zero tolerance to sexual harassment. After the training the employees and managers should be able to recognize sexual harassment and sexually harassing behaviours and should be prepared to take action if they encounter or witness sexual harassment.

In addition, managers should receive appropriate training in respect of the complaints procedure and preventative measures. It is not sufficient only to have a prevention/protection policy in place. It is important for managers responsible for its implementation to understand its content and importance of adherence to it.

Respondents were also given the opportunity to determine on which topics they need training. The tables below summarise the topics chosen by employees and employers. When developing training programs, it is important to consider the different ranging of topics by the respondents in the four countries.

Training needs identified by the employees (all countries)	Yes
Raising awareness towards the issue of violence and sexual harassment in the workplace and its adverse effects	86,02%
Legislation framework	72,03%
Confidentiality measures	76,69%
Specific support to the survivors (legal, medical advice, other)	69,49%
Penalties for the perpetrators	58,90%
Protection clauses in Collective bargaining agreement	55,51%
Statistics and analyses of such cases in the company (without personal data!)	37,29%
Information for NGOs offering support and protection	50,42%

According to the employees, the greatest need for training is in the following areas: raising awareness about sexual harassment at the workplace and its harmful consequences, confidentiality measures, the legislative framework, specific support for survivors. Furthermore, such trainings on the prevention and tackling of sexual harassment should include: protection clauses in the Collective Bargaining Agreement, information on organisations offering support and statistics, analysis of such cases in company while maintaining anonymity, and information on penalties for the perpetrators.

Employers attached greater importance to such training themes as: awareness raising activities on the different aspects of the issue, such as the factors influencing the perpetrator and the impact it has on the victims and the workplace, the legislative framework, the measures that can be taken to ensure the confidentiality of the victims and ways to provide specific support, rights and obligations of employers and employees, the gender equality issues, etc.

Training needs identified by employers (all countries)	Yes %
Raising awareness towards the issue of violence and SH in the workplace and its adverse effects	93,04%
Legislation framework	91,30%
Rights and obligations of the employer	92,17%
Rights and obligations of the employee	92,17%
Company signal and complaint reporting procedures	88,70%
Reporting files, internal and external investigations	60,00%
Specialized support to the survivors (legal, medical, other)	81,74%
Periodical internal surveys to determine if lack of signals really means no harassment	70,43%
Keeping archive and statistics, regular reports and graphics	52,17%
Organising and conducting awareness raising and no tolerance to violence/SH campaigns as part of corporate culture	81,74%
Social partnership (between employer and employees) against violence and SH in context of gender equality policies at workplace	73,91%
Preparation of Action plans	80,00%
Gender equality, diversity and inclusion; Management of power relations	84,35%

When developing training programmes in individual project countries, it should be taken into account that the study showed a different ranking of topics by importance according to the national context and policy and legislative development.

Differences in the development of training programmes are determined by whether a case in a given country is considered a violation of the dignity of the individual and therefore whether that case will be classified as a manifestation of violence and harassment. Victims, for example, are not always aware that an action taken against them constitutes sexual harassment or another form of violence, and will therefore not report it. In addition, many victims do not take action due to lack of information about their rights and chances of success.

In the view of the stakeholders interviewed special attention in training should be paid on the rights of victims of harassment, as well as the resources and procedures in place that they can activate. They point out that it is advisable to do this from an empowerment perspective that

helps women feel stronger when dealing with these situations. Similarly, training is required so that men learn to identify risky and abusive behaviours and to involve them in the fight against harassment and sexist violence in general. Training must also contribute to increasing the visibility of harassment, in order to help increase the number of claims and reports.

In stakeholders view the issue of SH could also be addressed by reinforcing education and knowledge of the rights of the workers, even from school age, but also later with seminars and documentation.

Presenting concrete examples and experiences of sexual harassment can help raise awareness of the phenomenon and the need to detect and eradicate these behaviours. They consider that trainings on the matter should also entail experiential approach in terms of open discussion and role play.

With regard to contents, the stakeholder interviewed emphasise the need for basic gender training, as well as on sexist violence and, later, consider the specific dynamics of sexual harassment in the workplace. Knowing the structural causes of harassment is essential for knowing how to detect and respond to it. The need is clarified also of strengthening the awareness training of employees and management on gender inequalities, gender-based violence and sexual harassment, in particular, as well as the reporting/notification channels and protocols to handle them. The importance of publicising the rights and obligations of the employer/manager and the staff, respectively, is also detected, as well as providing information about the services and support available specifically for victims.

5. STAKEHOLDERS: SHARED RESPONSIBILITY IN COMBATING SEXUAL HARASSMENT

In the framework of the qualitative survey a total of 26 in-depth interviews were conducted with stakeholders' representatives, including national trade unions, national employers' organisations, equality bodies, local and regional institutions, employers/ managers and national and international NGOs. This section summarises the different stakeholders' perspectives and proposals on sexual harassment in the workplace.

The stakeholders share the view that gender-based violence and sexual harassment are pervasive and despite their scope and social and economic impact still remain largely under-reported, overlooked and relatively under researched. Sexual harassment and violence at work are embedded in gender stereotypes and often are neglected in public discourse, as an inevitable 'fact of life' that has existed for generations, it is 'normalised'. Further more sexual harassment continues to be treated as an individual problem instead of attributing it an origin with collective and structured consequences. Like what happens with other types of sexist violence, it is considered a private matter and, therefore, sexual harassment often remains in the shadows. According to the non-governmental sector, the silence of business and the non-interference of institutions tacitly encourage sexual harassment in the workplace.

The stakeholders argue that SH is an issue that can affect every workplace both in private and public sector, and every worker, regardless of gender or sector of employment. However, it is difficult to assess its real extent as there is lack of reliable statistical data and recent research in all project countries. The real picture of the scale of sexual harassment in the workplace is

also blurred by the fact that many cases are not reported. Most of the survivors do not report it because they fear the “social stigma”, losing their job or potential acts of retaliation from the offender. Further more, the court procedure are exhausting and traumatizing. It is stressed also that very few women turn to unions or the Labour Inspectorate, compared to the estimated number of cases.

The positions of the stakeholders from Italy and Bulgaria regarding the assessment of the significance of the problem of sexual harassment deserve attention, as they show the importance of the national context. The assessment of the interviewees (employers' organisations) is reduced to ignorance and unawareness of the effects of sexual harassment in the workplace. The Bulgarian interviewees shared the opinion that it is not perceived as a current problem, no comments are made, no awareness is raised for easier recognition of the signs of sexually harassing behaviours, and no relevant bodies for protection and support of victims are established. According to the employers' organisation, the phenomenon undoubtedly exists, but there is no feeling that it is a mass problem. Rather, these are isolated cases and are the result of interpersonal relationships. They stated that currently it is not a ‘hot topic’ for the businesses considering the COVID 19 pandemic. For their part, trade unions, insofar as they address the problem of violence, take action within the framework of their general policy of discrimination and not as a problem that deserves independent attention. Representatives of the business involved in the interview (employers/executive managers) argued that harassment is "someone else's" problem: they do not perceive it as a phenomenon taking place within their own workplace and do not perceive their staff and themselves being threatened by it. The representatives of non-governmental organizations declared that the risk of harassment and abuse is potentially higher abroad (in Global South countries) than in Italy, but that in those contexts the measures adopted to prevent and combat abuse are stricter.

The interviewees from all four project countries were unanimous that there are not surveys or statistical data on the consequences of SH but there is a common understanding that violence has a serious economic, social and psychological effect on the victim as well as on businesses and society as a whole.

All interviewed stakeholders agree that in general, their national legislation properly transposed the European legislation on SH. However, they consider national legislation somewhat fragmented. National law entails legal instruments supporting survivors in order to report SH, enables trade unions to support and represent workers in the procedure and designates the bodies responsible for dealing with cases of violence. The common concern however are deficiencies in its implementation, especially in small companies that prevail in all four countries. Some of the interviewed stakeholders consider that there is a need of European legislation on SH that could help by establishing a single approach to the matter for all EU member-states. At the same time, according to all stakeholders, the adoption of ILO Convention 190 raises expectations for more comprehensive and inclusive anti-harassment legislation and better company practices. Therefore, in all countries, trade unions, employers' organisations and non-governmental organisations have joined forces and are pushing for ratification of the ILO Convention 190 by national governments.

The stakeholders are critical to policies and procedures at company level and consider that there is no organised procedure to handle SH, especially in small companies. In their view, mechanisms should be organised by the Ministry of Labour. One of the first barriers mentioned by the stakeholders in handling harassment at workplace is the lack of recognition and detection of SH and its forms by companies. Sexual harassment is a topic they don't talk about and there is often resistance in accepting it, even among the staff itself. In some companies the policy related to SH is simply adjusting to strict compliance with the law to avoid fines. The stakeholders consider the role of social dialogue and social partners' joint activities as very important. Collaboration between employers' organisations and trade unions (i.e. by including SH in collective bargaining agreements) is essential to successfully tackle the issue. Some trade unions have experience in this respect. SH was included in the 2004 - 2005 Greek national Collective Bargaining Agreement, trade unions and employers in Bulgaria organisations are negotiating to conclude a national framework agreement on violence and stress in the workplace, and transport unions have concluded agreements to combat violence with several municipalities and are conducting surveys and awareness-raising campaigns. Trade unions in Bulgaria view sexual harassment at work as a matter of protecting the health and safety of employees and as a specific problem of gender equality in the workplace. Bulgarian social partners view sexual harassment at work as a matter of protecting the health and safety of employees and as a specific problem of gender equality in the workplace.

Social partners in all countries have good practices in conducting join campaign against discrimination, including SH. In some Greek companies there is successful practice of a company SOS line for employees for reporting SH. In Spain, Labour Relations Council in which unions, business associations and the Government of Catalonia all participate jointly developed a set of tools related to SH, including: Protocol to prevent and manage sexual and gender harassment at enterprises; Guide for drafting a protocol to prevent and manage sexual and gender harassment at enterprises; 10 Commandments of zero tolerance of sexual and gender harassment at the workplace; Guidelines for the person in charge of protocols; Training programme for the reference person for protocols. In Italy trade unions have reporting channels and helpdesks; non-governmental organizations have codes of conduct signed by all employees and reporting channels with safeguarding procedures. According to trade union interviewees, in large workplaces with well-structured trade union representation, there is more awareness and knowledge of procedures and safeguards against harassment and abuse.

It is according to the interviewees very important to raise the awareness of the public on the issue and also to inform the survivors on how they can address the problem. In this respect they emphasized the role of the State, which is crucial in raising awareness on the subject, but all stakeholders should be involved.

Recommendations for common policies of stakeholders and prevention/protection measures at company level

1. The phenomenon of sexual harassment in the workplace exists and covers different parts of the economy with different corporate cultures.
2. Violence against women, including sexual harassment, is unacceptable and its

elimination is a public responsibility. There is a need of common actions and shared responsibility of all stakeholders in this respect. To prevent workplace sexual harassment, primary prevention initiatives must not only address the drivers of sexual harassment in a workplace context but also in society more broadly.

3. The State should take an active role in displaying the extent of the problem.
4. A structured, multidisciplinary network for the systematic protection of male and female workers would be required in which trade unions, civil society, institutions and NGOs work together
5. Social dialogue should focus on exercising pressure on the State and companies to successfully address the problem in cooperation with NGOs.
6. Research should be conducted in order to be aware of the extent and consequences of the problem.
7. Meetings of stakeholders should be organised in order to facilitate the dialogue, i.e. working groups where authorities, unions and organizations could share information, knowledge and experiences in preventing and handling SH.
8. Campaigns should be held with participation of all stakeholders, as well as trainings in companies organized by NGOs. The media should also be a part of the stakeholders' dialogue.
9. To hold an assembly once a year on the subject of combating harassment and reporting procedures. The contents should be: procedures to be followed in cases of violence; information on workers' rights; promotion of territorial initiatives with trade unions and institutions; enhancement of local good practices; strengthening of existing networks. This could make it easier for victims to report abuses because they perceive and know the protection networks around them.
10. The commitment of the company or organisation is decisive in detecting and eradicating sexual harassment. Companies should publish and apply a zero-tolerance policy of these types of conducts. Giving a clear and forceful message to the entire staff prevents these behaviours both from occurring and from repeating.
11. Prevention is the area where the most effort must be made. Prevention measures would have to be aimed at modifying the conditions and structures that make harassment behaviours possible. Here is where both internal and external communication is essential. Besides a statement of zero tolerance, there is a need to develop and disseminate informational materials and conducting campaigns, raising awareness and training on sexual harassment, in addition to informing both new and old employees of the protocols, it is also important to make them accessible to all people linked to the organisation or company, such as users and subcontracted companies.
12. Greater attention must be placed on early detection of sexual harassment. An assessment of psychosocial risks in the framework of workplace risk prevention with a gender perspective can be a fundamental tool to prevent and identify new cases or situations of risk. And when harassment is detected, the organisation or company itself

can initiate an investigation process on its own initiative.

13. The process of writing the protocol can be a means in and of itself of raising awareness and generating debate in the heart of the organisation. It is also a good opportunity to plan short- and long-term prevention actions. It is extremely important for the protocol to be specifically adapted to the operations and structure of each company or organisation, instead of limiting it to reproducing generalist instructions. The fact that protocols against sexual harassment are deemed to be a subject for collective bargaining is assessed as positive.
14. Support for victims of harassment is crucial. Indeed, the resolution process must be cross-cutting, as well as the design of measures to ensure the women's compensation and recovery. Emotional and psychological support must be included, but advice must also be provided in legal and regulatory terms for dealing with the resolution process.
15. The reference person or persons that could work independently from the human resources department should be in charge of collecting the claims and reports from the harassed person or a third-party witness, as well as notifying and providing support to the victim throughout the procedure, among other functions.

6. CONCLUSIONS AND RECOMMENDATIONS

The desk research and the analysis of the results of the online survey give grounds for the following conclusions:

1. Sexual harassment is a persisting and pervasive national issue in both the society and many workplaces. According to the Fundamental Rights Agency (2014), sexual harassment (SH) is the most prevalent form of violence against women in Europe yet the area of prevention is under-developed. Recent social movements (MeToo) have raised the visibility of sexual harassment, strongly suggesting that workplace sexual harassment has not been effectively addressed—or perhaps even taken seriously—by many employers. Sexual harassment is not a women issue, it is a serious problem also for the workplace and the society as a whole.

2. Bulgaria, Greece, Italy and Spain have ratified, and therefore are bound by a number of international treaties that recognise fundamental human rights relevant to workplace sexual harassment. The legislative framework in the project countries follows the basic principles set out in the international documents and European directives. Sexual harassment is treated under the equality and/or antidiscrimination legislation. Some of the partners found it somewhat fragmented. Furthermore, the project partners stressed that most of the difficulties relate to the level of compliance and enforcement, low impact on the daily lives of men and women, and the lack of inclusiveness as the existing legislative framework does not take into account changes in the world of work. The review of national legislation in the project countries reveals gaps in the lack of specific legislation on gender-based violence, including sexual harassment, and especially in the implementation of legislation and the need to develop a specific law.

3. The desk research reveals both gaps in research and in nationally representative statistical and recent empirical data on the real extent of sexual harassment in

the workplace (except Italy and to some extent, Spain). In all project countries there are few and outdated researches on sexual harassment in the workplace. SH in the workplace is not high on the research agenda.

4. Sexual harassment in the work place is pervasive, harmful, and costly. Survey reveals that the widest spread form of violence in the work place in the project countries is psychological violence. It remains also evident that sexual harassment is prevalent in the workplace and is often practiced in the form of sexual suggestions, jokes, hints, comments about someone's appearance and discussions about colleagues' sex life, etc. The types of sexual harassment that seem to be most common are the subtlest and verbal, which are also the cases that go unnoticed more and are often minimised, or down-played. The normalisation of sexual harassment appears as one of the main obstacles for its early detection and handling.

5. It is worrying however that sexual violence is not yet perceived as a serious problem in the workplace by more than a third of employees and employers.

6. Despite its scale, sexual harassment in the workplace remains under-reported because of fear of disbelief, blame, or social or professional retaliation. Victims are often afraid of losing their jobs, are not unaware of rights and how to protect them, they cannot recognize sexual harassment due to a lack of clear and consistent legal regulations, or they consider sexual harassment to be a "normal" part of the work. However, the lack of reporting reveals that the existing reporting systems are not adequate.

7. The survey found that the factors that because sexual harassment are deeply rooted in a broad social, organisational and cultural context and in people's socio-psychological stereotypes prejudices and attitudes. It seems that the majority of respondents to the on-line survey recognise the social and cultural embeddedness of sexual harassment. Cultural and social norms strongly influence the formation of individual behaviours, including the use of violence. Norms can protect against violence, but they can also 'normalise' it and encourage its manifestation.

8. Resisting to or complaining about sexual harassment is quite dangerous, causing employer retaliation and firing as a common practice. Instead of receiving understanding and support, victims of violence are further humiliated by their colleagues and punished by management. These findings show that the company protection policies need to change. The issues of supporting victims of violence should also be included in the awareness training and company guidelines.

9. There are significant gaps in employees' awareness and satisfaction with policies and measures for prevention and protection in case of workplace sexual harassment. Only a few employees stated that their company has documents that include clauses prohibiting sexual harassment or procedures for reporting/seeking help. However, it remains evident that even when measures for the prevention and tackling of sexual harassment are active and available, they are not widely disseminated in companies/organisations and employees remain unaware and unable to exercise their rights. Moreover, not only employees but also managers are not familiar with the existing measures and procedures. In most cases, organisations and companies do not have clear and structured guidelines for the prevention

and tackling of such incidents, nor do they provide trainings, information or support to employees who have relevant experiences.

10. The survey findings register lack of systematic training and a very high level of interest and willingness to participate in training on sexual harassment.

RECOMMENDATIONS: FUTURE ACTIONS AT NATIONAL AND ORGANISATIONAL LEVEL

From the desk and field research conducted, the following recommendations/future actions seem appropriate:

1. It is necessary to raise public awareness about violence and to foster zero tolerance and non-acceptance of violence both in society and in workplace. With the active participation of trade unions and NGOs it is necessary to attract public attention and create understanding and recognition of the existence of the SH as an workplace issue.

2. The governments in all partners' countries should ratify the 190 Convention of the ILO in order to update the legislative protection to the temporary working conditions and new forms of work. Following the ratification of the Convention, efforts should focus on the adoption of comprehensive legislation specifically addressing gender-based violence, including sexual harassment at work place with a clear and detailed definition at least in countries where the legislation is considered insufficiently comprehensive.

3. Conducting research should be encouraged in order to know the actual extent of the problem. Eliminating violence against women is still a challenge, as we do not yet have reliable and comparable data (statistical and research) to show decision-makers how widespread it really is and where the root causes for its sustainability in social and working life lie. To address sexual harassment all stakeholders in the project countries should jointly develop a national sexual harassment research agenda, including, among other things, a study of the prevalence of gender-based violence, including SH, the impact of workplace sexual harassment on individuals, businesses and society more broadly. This will contribute to an evidence base that can inform policy and practice to address sexual harassment. The research agenda should be part of gender equality strategies developed by governments.

4. Collection and refinement of statistics to identify economic activities, in which violence and SH in the workplace cases are registered is urgent. This statistic is extremely important, as the most effective strategies for overcoming the problem are focused on the factors leading to violence and incidents of SH. Identifying the dimensions of sexual harassment leads to policies and strategies that provide the most effective solutions to the problem.

5. Training modules on SH should be Included in the education system to promote gender equality and condemn all forms of violence and harassment in the workplace, change the cultural and value stereotypes regarding violence, the relationship between women and men, hierarchy and equality.

6. Both in the results of the survey and the interviews, the insufficient centrality placed on the measures for victims' recovery and reparation is shown. To counteract this shortcoming, applying a feminist perspective to resolving cases is recommended, promoting the individual and collective empowerment of victims and the social responsibility of companies and organisations for the damages caused at an individual and group level.

7. It is important to publicise the rights and duties of companies and staff, respectively, as well as to provide information about the services and support available specifically for victims.

8. Considering that the most common way employees stated to receive information is the internet, awareness raising campaigns should be developed and disseminated through the internet. The media that could be used would be social media, promoted advertisements in blogs, search engines, YouTube and online newspapers, as well as direct emails to managers and HR departments. Simple and direct messages should be included, in order to enhance personal responsibility and collective efficacy, including ways one could contribute to the assistance of victims and ways to report such incidents.

9. The role of social partners in fight against sexual harassment should increase. Clauses on SH prevention and handling of reported cases should be involved in Collective Bargaining Agreements, as well as in company contracts in order to provide the employees with structured and effective protection.

10. Simplified guidelines and procedures should be developed and established in all companies and organisations, explaining the steps one should follow to report and respond to such phenomena. Such measures should be properly disseminated (i.e. with trainings and info-days). Information regarding help lines and other available services, outside the company, should also be disseminated, so that victims can turn to other organizations, in case they fear or are unwilling to report relevant incidents in the context of their workplace.

11. The approach to eliminating violence in the workplace needs to change from the current reactive, complaints-based approach, to one which requires positive actions from employers and a focus on prevention. In other words, a widespread prevention strategy is required that has an impact on the causes of harassment. Furthermore, involvement and dedication, in terms of personnel and resources, are essential items for effective prevention and fair and satisfactory handling for both for victims and the organisation as a whole.

12. There is a need of common actions and shared responsibility of all stakeholders. To prevent workplace sexual harassment, primary prevention initiatives must not only address the drivers of sexual harassment in a workplace context but also in society more broadly. System-wide changes to the culture and climate in workplace are needed to prevent and address this issue.

13. Clear cooperation the authorities, trade and employers' unions, social services and NGOs working on this matter should be established, in order to encourage social

dialogue. Organisations/companies and other public and private bodies, as well as the society, should be more prepared to contribute to the prevention and tackling of the phenomenon, with more concrete guidelines, procedures, involvement of stakeholders, creation of partnerships and synergies and enhancement of individuals' personal and collective responsibility.

14. Development of strategies of trade unions and professional organisations and building NGO networks for prevention of SH at workplace.

15. Trainings should be organised with the participation of the State, trade unions, employers' associations and NGOs, targeting all parts involved (employees, employers and HR professionals, social partners and the State) including information on the legal procedures, as well as open discussions and role play to better understand the circumstances and the proper approach of such incidents. The content of the training should follow the training needs identified in the study in the project countries.

References

Burri, S., Van Eijken, H. (2015) Gender Equality Law in 33 European Countries. Update 2014, European Commission, <http://www.equalitylaw.eu/downloads/2789-general-report-gender-2014>

Burri, S., L. Senden and Al. Timmer (2020) A comparative analysis of the implementation of EU gender equality law in 2019 in the EU Member States, Albania, North Macedonia, Iceland, Liechtenstein, Montenegro, Norway, Serbia and Turkey
<https://www.equalitylaw.eu/publications/comparative-analyses>

BusinessEurope, ETUC, CEEP and UEAPME (2007) 'Framework Agreement on Harassment and Violence at Work' signed by the European social partners <https://www.etuc.org/framework-agreement-harassment-and-violence-work>

Council of Europe Convention on preventing and combating violence against women and domestic violence, Istanbul, 2011. <https://rm.coe.int/168008482e>

Crotti, I. (2019) EPSU briefing Protecting workers from gender-based violence and harassment in Europe A comparative analysis of ILO Convention 190, Istanbul Convention, Social Partners Framework Autonomous Agreement

https://www.epsu.org/sites/default/files/article/files/EPSU%20Briefing%20Report%20ILO%20190_FINAL_0.PDF

CSD - Centre for study of democracy - Bulgaria (2019). Violence against women key findings and strategies to tackle unreported cases and to enforce the protection order
<https://csd.bg/publications/publication/violence-against-women-key-findings-and-strategies-to-tackle-unreported-cases-and-to-enforce-the-pro/>

CSD (2016) Policy Brief: National Study on Domestic and Gender Based Violence (DGBV) and Elaboration of Victims Support Model (VSM) <http://www.csd.bg/artShow.php?id=17883>

and in Bulgarian <https://csd.bg/publications/publication/policy-brief-national-study-on-domestic-and-gender-based-violence-dgbv-and-elaboration-of-victims/>

CSD (2016) Domestic and Gender-Based Violence: Victims Support Model. (Practical advice for victims and guidelines for work of professionals in the area of domestic and gender-based violence), 2016, available in English at: <http://www.csd.bg/artShow.php?id=17885>

And in Bulgarian <https://csd.bg/publications/publication/domestic-and-gender-based-violence-victims-support-model/>

https://csd.bg/fileadmin/user_upload/publications_library/files/23115.pdf

Daskalova, N. (2011) Female transport workers exposed to high levels of violence, Eurofound <https://www.eurofound.europa.eu/publications/article/2011/female-transport-workers-exposed-to-high-levels-of-violence>

Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>.

Directive 2006/54 EC by the European Parliament and Council of 5 July on the application of the principle of equal opportunities and gender equality between men and women to work and employment issues. <https://eur-lex.europa.eu/legalcontent/>

[ES/TXT/?uri=uriserv:OJ.L_.2006.204.01.0023.01.SPA&toc=OJ:L:2006:204:TOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2006.204.01.0023.01.SPA&toc=OJ:L:2006:204:TOC)

Directive 2012/29/EU of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime (Victims' Rights Directive <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32012L0029>

Directive 2000/78/EC of 27 November 2000 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32000L0078>

EPSU, UNI Europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS, (2013) Multi-sectoral guidelines to tackle third-party violence and harassment at the workplace'. (The guidelines were signed on 16 July 2010 by European social partners) <https://hospeem.org/activities/socialdialogue/multi-sectoral-guidelines-to-tackle-third-party-violence-and-harrasment-related-to-work/>

ETUC (2017) Safe at Home, Safe at Work'. Trade union strategies to prevent, manage and eliminate work-place harassment and violence against women, (author Pillinger J.) <https://www.etuc.org/en/document/safe-home-safe-work-final-report-national-country-studies>

ETUC (2017) Safe at Home, Safe at Work'. Trade union strategies to prevent, manage and eliminate work-place harassment and violence against women – national reports

<https://www.etuc.org/en/document/safe-home-safe-work-final-report-national-country-studies>

European Agency for Fundamental Rights (FRA), (2014) Violence against Women: an EU-wide survey, available at: <https://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>

<https://fra.europa.eu/en/media/press-packs/vaw-survey>

European Agency for Safety and Health at Work (2011) Workplace violence and harassment: A European picture. European Risk Observatory Report <https://osha.europa.eu/en/publications/workplace-violence-and-harassment-european-picture/view>

Eurofound (2015) Violence and harassment in European workplaces: Causes, impacts and policies. Dublin, Eurofound. <https://www.eurofound.europa.eu/publications/report/2015/violence-and-harassment-in-european-workplaces-extent-impacts-and-policies>

European network of legal experts in gender equality and non-discrimination [European network of legal experts in gender equality and non-discrimination <https://www.equalitylaw.eu/publications>](https://www.equalitylaw.eu/publications)

All gender equality country reports are available on the EELN - European network of legal experts in gender equality and non-discrimination <http://www.equalitylaw.eu/country>

EU legislation on harassment website: <https://eur-lex.europa.eu/search.html?qid=1602578356974&text=sexual%20harassment%20%20in%20the%20workplace&scope=EURLEX&type=quick&lang=en&page=7>

European Network of Equality Bodies (EQUINET) at: <https://equineteurope.org/what-are-equality-bodies/>

European Parliament (2009), Resolution on the elimination of violence against women, P7_TA (2009) 0098, Brussels, 26 November 2009

<https://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2009-0098&language=EN>

European Parliament resolution of 14 March 2017 on equality between women and men in the European Union in 2014-2015 (2016/2249(INI)) https://www.europarl.europa.eu/doceo/document/TA-8-2017-0073_EN.html

European Parliament resolution of 26 October 2017 on combating sexual harassment and abuse in the EU (2017/2897(RSP)) https://www.europarl.europa.eu/doceo/document/TA-8-2017-0417_EN.pdf

European Parliament resolution of 11 September 2018 on measures to prevent and combat mobbing and sexual harassment at workplace, in public spaces, and political life in the EU [2018/2055(INI)]. Retrieved 07.2020 from: https://www.europarl.europa.eu/doceo/document/TA-8-2018-0331_EN.html

European Parliament (2018) 'Bullying and sexual harassment at the workplace, in public spaces, and in political life in the EU', European Parliament, Directorate-General for Internal Policies, Policy Department for Citizens' Rights and Constitutional Affairs, March

[http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL_STU\(2018\)604949_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2018/604949/IPOL_STU(2018)604949_EN.pdf)

European Parliament (2020) Tackling violence against women and domestic violence in Europe The added value of the Istanbul Convention and remaining challenges European Parliament Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee. [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU\(2020\)658648_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/658648/IPOL_STU(2020)658648_EN.pdf)

Study by the Inter-Parliamentary Union 'Sexism, harassment and violence against women parliamentarians', published in 2016

<https://www.ipu.org/resources/publications/reports/2016-10/sexism-harassment-and-violence-against-women-parliamentarians>

Inter-Parliamentary Union (2016) 'Sexism, harassment and violence against women parliamentarians' <https://www.ipu.org/resources/publications/reports/2016-10/sexism-harassment-and-violence-against-women-parliamentarians>

ILO Violence and Harassment Convention No. 190, 2019.

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

ILO Recommendation 206 - Violence and Harassment Recommendation, 2019
https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R206

ILO 2017 Report V (1) Ending violence and harassment against women and men in the world of work
https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_553577.pdf

ILO December 2010 Guide on Prevention of Sexual Harassment in the Workplace
https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-beijing/documents/publication/wcms_157626.pdf

ILO Declaration on Fundamental Principles and Rights at Work: Sexual Harassment at Work, Fact sheet
https://www.ilo.org/declaration/info/factsheets/WCMS_DECL_FS_96_EN/lang--en/index.htm

ILO/ICN/WHO/PSI Joint Programme on Workplace Violence in the Health Sector. (2002). Framework guidelines for addressing workplace violence in the health sector / Joint Programme on Workplace Violence in the Health Sector. Geneva : International Labour Organization. (available in English, Spanish) <https://apps.who.int/iris/handle/10665/42617> (in Bulgarian at: <http://knsb-bg.org/pdf/case--bulg-f-za%20pechat.pdf>)

ISTAT Report 2018: Sexual harassment in the workplace in the period 2015-2016., Italy

Law on Protection from Discrimination – LPFD, *Закон за защита от дискриминация*, S.G. 86/2003, in force since 1 January 2004, Bulgarian version available at: <http://lex.bg/laws/ldoc/2135472223>.

“Me Too EP”, Testimonies of Survivors of Sexual Violence.
<https://metooep.com/>

Numhauser-Henning, A., Laulom, S. Harassment related to Sex and Sexual Harassment Law in 33 European Countries. Discrimination versus Dignity, European Commission, 2011, <https://publications.europa.eu/en/publication-detail/-/publication/e06dcc86-b7bf-459e-8241-47502ef379c4/language-en/format-PDF/source-86560771>

Pagano. C. and F. Derio (2019) Preliminary analysis on harassment and gender-based violence in the world of work in Italy , ILO, April 2019

Petroglou, P. (2019) ‘Sexual harassment and harassment related to sex at work: time for a new directive building on the EU gender equality acquis’, *European Equality Law Review* No. 2/2019, pp. 16-34, <https://www.equalitylaw.eu/downloads/5005-european-equality-law-review-2-2019-pdf-3-201-kb>

Report by Ifop for Fondation Jean Jaurès and FEPS (Foundation for European Progressive Studies) “European Observatory on sexism and sexual harassment at work”, October 2019.
https://www.feps-europe.eu/attachments/publications/116268_rapport_feps-fjj_uk.pdf

Research Centre for Gender Equality (KETHI). Sexual Harassment in the Workplace. 2004.
<https://www.kethi.gr/ereunes-meletes/i-sexoyaliki-parenohlisi-kata-ton-gynaikon-stoys-horoys-ergasias>

Timmer, A., Senden L., A comparative analysis of gender equality law in Europe 2017, European Commission 2017, available at: <https://www.equalitylaw.eu/downloads/4553-a-comparative-analysis-of-gender-equalitylaw-in-europe-2017-pdf-847-kb>

Tomev, L., N. Daskalova, V, Ivanova (2003) Workplace violence in the health sector: Case study Bulgaria ILO, WHO Joint Programme on Workplace Violence in the Health Sector, Geneva
https://www.who.int/violence_injury_prevention/violence/interpersonal/en/WVcountrystudybulgaria.pdf

in Bulgarian at: <http://knsb-bg.org/pdf/case--bulg-f-za%20pechat.pdf>)

UN 1978 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) General recommendation No. 19: Violence against women. <https://www.globalhealthrights.org/wp-content/uploads/2013/09/CEDAW-General-Recommendation-No.-19-Violence-against-Women.pdf>

UN (2018) Intensification of Efforts to Prevent and Eliminate All Forms of Violence Against Women and Girls: Sexual Harassment, GA/Res 73/148, UN Doc A/RES/73/148 (17 December 2018).
<https://digitallibrary.un.org/record/1660337?ln=en>

TRAINING GUIDES AND OTHER MATERIALS

How to Identify, Address and Prevent sexual harassment FACILITATOR GUIDE

https://buildtogether.ca/wp-content/uploads/sites/2/2016/06/sexual_harassment_combined_pdf_revised_final.pdf

A Practical Guide to Preventing Sexual Harassment in the Workplace

<https://everfi.com/blog/workplace-training/a-practical-guide-to-preventing-workplace-sexual-harassment/>

Workplace Harassment Training Resources

<https://www.shrm.org/resourcesandtools/hr-topics/employee-relations/pages/workplace-harassment-training.aspx>

Workplace Harassment Training Presentations

<https://www.skillcast.com/workplace-harassment-training-presentation>

<https://www.atlantictraining.com/blog/workplace-harassment-training>

Sexual Harassment in the Workplace

<https://breadforthecity.org/wp-content/uploads/2018/01/Sexual-Harassment-Training-2018.pdf>

A Learning Guide to Recognizing Sexual Harassment in the Workplace

https://ss-usa.s3.amazonaws.com/c/308473191/media/21345d25a52b1a92538506033542434/A%20Learning%20Guide%20to%20Recognizing%20Sexual%20Harassment%20in%20the%20Workplace_US.pdf

The 2020 Guide to Workplace Sexual Harassment INFOGRAPHIC

... and 9 actionable tips to stop it now

<https://i-sight.com/resources/guide-to-workplace-sexual-harassment-infographic/>

Sexual Harassment in the Workplace - A Short Guide to the Sexual Harassment Code of practice

<https://humanrights.gov.au/our-work/sexual-harassment-workplace-short-guide-sexual-harassment-code-practice>

EMPLOYER'S GUIDE TO TACKLING SEXUAL HARASSMENT AT WORK

<https://www.thelegalpartners.com/employers-guide-to-tackling-sexual-harassment-at-work/>

Effectively preventing and responding to sexual harassment: A Quick Guide

https://humanrights.gov.au/sites/default/files/content/sexualharassment/quickguide/QuickGuide_2008_web.pdf
https://humanrights.gov.au/sites/default/files/content/sexualharassment/quickguide/QuickGuide_2008_web.pdf

TRAINING MODULE FOR TWO DAY WORKSHOP ON SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013 https://wcd.nic.in/sites/default/files/ISTM_Training%20Module%20To%20be%20uploaded.pdf

Stopping sexual harassment at work – A trade union guide

https://www.ituc-csi.org/IMG/pdf/Harcelement_ENG_12pgs_BR.pdf

Part III.0.I: Workplace violence and workplace harassment

<https://www.ontario.ca/document/guide-occupational-health-and-safety-act/part-iii-0i-workplace-violence-and-workplace-harassment>

UN Women-ILO (2019) Handbook. Addressing violence and harassment against women in the world of work

<https://www.unwomen.org/en/digital-library/publications/2019/03/handbook-addressing-violence-and-harassment-against-women-in-the-world-of-work>

In 2015, the Institute of Women and for Equal Opportunities - **Spain** elaborated a **reference manual to support companies** with the definition and implementation of specific procedures to prevent and combat sexual harassment and harassment based on sex at the workplace. The Institute also produced an awareness raising leaflet for workers including information on their rights and how to exercise them. KNOW YOUR RIGHTS! Leaflet for employees <https://www.inmujer.es/>

Preventing SH Pocket guide https://www.atkinsglobal.com/~media/Files/A/Atkins-Corporate/north-america/new-employees/fg_sexual_harassment_training_booklet.pdf

Training module on prevention of sexual harassment of women at workplace

<https://vvgnli.gov.in/sites/default/files/TRANING%20MODULE%20ON%20SEXUAL%20HARASSMENT%20OF%20WOMEN%20AT%20WORKPLACE.pdf>

European Public Service Union (EPSU) 2013 Multi-sectoral guidelines to tackle third party violence and harassment related to work (2010).

<https://www.epsu.org/article/multi-sectoral-guidelines-tackle-third-party-violence-and-harassment-related-work>

Trades Union Congress, TUC (2016) Tackling sexual harassment in the Workplace

<https://www.tuc.org.uk/sites/default/files/sexualharassmentrepsguide.pdf>

Definitions and legislation on sexual harassment across EU countries

<http://eige.europa.eu/gender-based-violence/regulatory-and-legal-framework/legaldefinitions>

EU-OSHA (2016) Sexual harassment and violence in the workplace – explained in infographics.

<https://osha.europa.eu/en/highlights/sexual-harassment-and-violence-workplace-explained-infographics>

ILO/ICN/WHO/PSI Joint Programme on Workplace Violence in the Health Sector. (2002). **Framework guidelines for addressing workplace violence in the health sector** / Joint Programme on Workplace Violence in the Health Sector. Geneva : International Labour Organization. (available in English, Spanish) <https://apps.who.int/iris/handle/10665/42617>

(in Bulgarian at: <http://knsb-bg.org/pdf/case--bulg-f-za%20pechat.pdf>)

PSI (2016) **VIOLENCE AGAINST WOMEN IN THE WORKPLACE: REPORT IT, COMBAT IT, STOP IT! Guide**. Available in Spanish and English. PSI Brazil's guide on violence against women in the workplace <http://world-psi.org/en/available-spanish-and-english-psi-brazils-guide-violence-against-women-workplace>

ANNEX 1

COMPARATIVE TABLE – NATIONAL LEGISLATION ON SEXUAL HARASSMENT IN THE PROJECT COUNTRIES⁵¹

Definition and explicit prohibition of harassment/ sexual harassment (law)	
CEDAW General Recommendation No. 19 on violence against women (1992)	According to this recommendation, sexual harassment includes such unwelcome sexually determined behaviours such as physical contact and advances, sexually coloured remarks, showing pornography and sexual demand, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment. Under the recommendation, equality in employment can be seriously impaired when women are subjected to gender-specific violence, such as sexual harassment in the workplace
EU	<p>Harassment and sexual harassment are recognised as a form of discrimination on the grounds of sex and thus are contrary to the principle of equal treatment between men and women. “Harassment” is defined as “where an unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of a person, and of creating an intimidating, hostile, degrading, humiliating or offensive environment.” ‘</p> <p>“Sexual harassment” is defined as “where 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 environment.”</p> <p>EU legislation prohibits harassment and sexual harassment in the context of employment, including access to employment, vocational training and promotion. Similar obligations and definitions apply to the access to and supply of goods and services</p> <p>Directive 2002 Equality Directive; Recast Directive 2006/54/EC</p>
ILO Convention 190	Defines violence and harassment as “a range of unacceptable behaviours and practices” that “aim at, result in, or are likely to result in physical, psychological, sexual or economic harm”. This potentially covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things. The Convention also takes account of the fact that nowadays work does not always take place at a physical workplace; so, for example, it covers work-related communications, including those enabled by ICT
Istanbul Convention	State Parties to “take the necessary legislative or other measures to ensure that any form of unwanted verbal, non-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, hostile, degrading, humiliating or offensive environment, is subject to

⁵¹ The Table follows the framework of the country reports and comparative reports of the European Network of Legal Experts in gender equality and non-discrimination at the European Commission, Directorate-General for Justice and Consumers

	<p>criminal or other legal sanction” (Council of Europe, 2011, Article 40).</p> <p>In Art. 3 point (a) of the Istanbul Convention, violence against women is defined as “<i>a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.</i>”</p>
Bulgaria	<p>Bulgarian legislation does not provide for a legal definition of violence against women (VAW), neither for a definition of gender-based violence (GBV) in general. Definitions on some of the forms of VAW: domestic violence/intimate partner violence, rape, debauchery, sexual assault, sexual harassment and trafficking of human beings are regulated by different laws (e.g. Law on Protection against Domestic Violence, 2005, Criminal code, last amended 2020). Stalking is not regulated by Bulgarian national law. Instead, Bulgarian legislation regulates harassment. Sexual harassment in general is not included in the country’s criminal code.</p> <p>The Law on Protection against Discrimination (2004), last amended in August 2012, defines sexual harassment and explicitly prohibited sexual harassment as a form of discrimination.</p> <p>Harassment is any unwanted conduct based on the grounds defined in Article 4 paragraph 1, expressed physically, verbally or in any other way, which has as its purpose or effect the violation of the dignity of the person and the creation of a hostile, degrading, humiliating, offensive and intimidating environment. (Paragraph 1 p. 1 of the Additional provisions)</p> <p>The definition complies with the EU requirements</p> <p>According to Paragraph 1 p. 2 of the Additional provisions, sexual harassment is any unwanted conduct of a sexual nature, expressed physically, verbally or in any other way, which violates the dignity and honour of the person and creates a hostile, degrading, humiliating, offensive and intimidating environment.</p> <p>Namely sexual harassment occurs when a person refuses to accept such behaviour or the compulsion to accept it which might influence the taking of decisions affecting this person. The definition corresponds to the EU standards</p> <p>The EU definition of sexual harassment is fully recognized in the Bulgarian Law on Protection against Discrimination.</p> <p>Bulgaria had adopted the Gender Equality Act in April 2016 and had set up the National Council on Equality between Women and Men in the Council of Ministers as a coordinating and advisory body that supported the implementation of the national gender equality policy.</p> <p>The 2018 amendments to the Ombudsman Act had expanded the competence of the institution, including considering complaints for rights violations by private citizens, make recommendations and proposals to restore rights and freedoms, and act as an intermediary on behalf of the affected person.</p>
Greece	<p>Law No. 3896/2010 “Application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation“ -replaced Law</p>

	<p>No. 3488/ 2006, which was the first Greek law on sexual harassment</p> <p>Sexual harassment is defined as “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 environment”. Furthermore, 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 (article 3 par. 2). Sexual harassment may take place in the workplace by the employer or a fellow employee against another employee. The violation of the Law provides to the victim the right to claim for full compensation, which will cover every kind of damage suffered, as well as the moral damage, while the employer is also subject to a fine for violation of labour law (art. 23, par. 1 and 2).</p> <p>Law No. 4604/2019 was introduced which aims to promote substantial gender equality, prevention and fight against gender violence. The new Law mainly adopts the definitions of violence as in the Convention of Istanbul, and acknowledges violence at work as “any aggressive behaviour, physical, psychological or verbal violence due to gender, sexual orientation and gender identity, in the workplace, during and on the occasion of work” and defines the central, regional and local mechanisms and bodies for the realization of substantial gender equality. In the central level in Greece, the mechanisms entail the General Secretariat for Family Policy and Gender Equality, the Research Centre for Gender Equality, the competent services of ministries on equality matters and the Greek Ombudsman</p> <p>Furthermore, by virtue of Article 23(3) of Act 3896/2010 transposing Directive 2006/54/EC, a paragraph was added to Article 107 of the Civil Servants Code (CSC) that makes the violation of the principle of equal treatment and equal opportunities of men and women in matters of employment and occupation, (hence also harassment and sexual harassment) and the use of language introducing gendered discrimination’ a disciplinary offence. ‘<i>Gendered discrimination</i>’ is defined as physical, psychological or verbal conduct, through which persons are degraded on the grounds of sex, sexual orientation and gender identity.’ Moreover, Article 2(8) Act 4604/2019 gives for the first time the definition of ‘<i>violence at work</i>’ as ‘aggressive behaviour, physical, psychological or verbal violence on the grounds of sex, sexual orientation and gender identity at the workplace during work or on the occasion of work.’</p> <p>The scope of the relevant criminal, disciplinary and civil provisions is broader than the scope of the Directives.</p> <p>‘Sexual harassment’ (together with harassment) is explicitly prohibited in national legislation</p>
Italy	<p>The Italian civil law (Code of Equal Opportunities between men and women, amended in 2010) describes sexual harassment as "discrimination consisting of undesired behaviours with a sexual connotation, expressed in physical, verbal or non-verbal form with the purpose, or effect, of violating the dignity of a female or male worker and of creating an intimidating, hostile, degrading, humiliating or offensive environment"</p> <p>‘Sexual harassment, that is any form of unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a worker, in particular when creating an intimidating, hostile, degrading, humiliating or offensive</p>

	<p>environment' is also regarded as discrimination on the ground of gender'</p> <p>The definition of sexual abuse and violence in the workplace also covers more serious offences that undermine a person's psychological and physical integrity, such as attempted and committed rape</p> <p>In Italian civil law, 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, which implements the aforesaid obligation, includes "among the work-related risks that each employer is required to assess, those involving groups of workers who are exposed to particular risks, including (...) the risks connected with gender differences".</p> <p>Italian criminal law does not envisage a specific crime of sexual harassment.</p> <p>The crime of sexual violence (Articles 609-bis et seq. of the Penal Code) does not apply to cases of undesired physical contact of a sexual nature affecting parts of the victim's body other than the genitals or erogenous zones. The crime of coercion (Article 610 of the Penal Code) occurs if violence or threats are applied. The crime of mistreatment (Article 572 of the Penal Code) is applied by courts to punish sexual harassment only within the limited scope of family relationships</p> <p>In Italy, the legislation regulating sexual harassment and gender-based violence in the workplace is rather fragmented and refers to civil law (including health and safety at work), criminal law on sexual violence and persecution, and anti-discrimination law</p>
Spain	<p>(at state level) Organic Law 3/2007 for Effective equality between women and men (LOIEDH)</p> <p>Sexual and gender harassment are prohibited expressly.</p> <p>The law defines sexual harassment as: '(...) any verbal or physical behaviour of a sexual nature made with the aim or effect of violating a person's dignity, especially if an intimidating, degrading, humiliating or offensive environment is created for the person (...)'</p> <p>In its definition of sexual harassment, article 7 of the LOIEDH eliminates the reference to the behaviour being 'undesired' that was included in Directive 2006/54/EC of 5 July 2006. In other words, it now focuses on the intent and effect of the behaviour, instead of putting the onus on the victim rejecting it.</p> <p>The LOIEDH reforms some of the articles of the Workers' Statute. Concretely, it adds that workers' basic rights include protection from sexual and gender harassment and includes harassment among the possible causes for disciplinary dismissal</p> <p>In Catalonia, there are two particularly relevant laws on this matter: Law 5/2008 on women's right to eradicate sexist violence, and Law 17/2015 for effective equality between men and women. Law 5/2008 defines the specific form of chauvinist violence in the workplace and sets out that it can involve two types: sexual harassment and sex-based harassment.</p> <p>Article 5. Scopes of sexist violence:</p> <p>Workplace violence: consists of physical, sexual or psychological violence that can occur at the workplace during the workday, or outside the workplace or working hours if</p>

	related to work, and can be of two different types: a) Sex-based harassment and b) Sexual harassment.
Scope of the prohibition of harassment/ sexual harassment	
Bulgaria	<p>EU legislation prohibits harassment and sexual harassment in the context of employment, including access to employment, vocational training and promotion. Similar obligations and definitions apply to the access to and supply of goods and services.</p> <p>The definition of harassment in Bulgaria covers a broader scope than employment.</p> <p>Bulgarian law goes beyond the regulation of harassment at the workplace and also explicitly covers protection from harassment in educational institutions (Article 31 of the Law), and harassment in the area of the establishment, equipment and extending of an economic activity (Article 37 paragraph 3). Harassment in the latter sphere is explicitly defined as follows: the refusal or the acceptance by a person of conduct which represents harassment or sexual harassment cannot be a ground for taking a decision which affects this person</p>
Greece	The prohibition of sexual harassment covers employment, occupation, self-employment and access to goods and services.
Italy	The scope of the prohibitions is basically the same as that of the directive
Spain	The concept of sexual harassment does not refer only to employment in Spain but to any aspect of life and makes implicit reference to the world of work. (Broader scope than the EU legislation).
Understanding of harassment/ sexual harassment as discrimination	
Bulgaria	<p>The LPD explicitly recognizes sexual harassment as a form of discrimination and bans it</p> <p>It is also mentioned explicitly in the prohibition of harassment and sexual harassment in the sphere of establishing an economic activity. This cannot form an obstacle to practical implementation in all spheres, due to the very comprehensive nature of the LPD.</p>
Greece	SH constitutes an act of discrimination on sexual grounds and is therefore prohibited
Italy	SH is regarded as discrimination on the ground of gender
Spain	In line with European legislation, the LOIEDH considers harassment as a problem of discrimination, as set out in its article 7.3: 'sexual harassment and gender harassment are always considered discriminatory'.
Victims rights	
Bulgaria	In most cases, victims of sexual harassment are afraid to seek their rights, hoping that the perpetrator of the unwanted behaviour will stop it him/herself, thus giving them the impression of power and impunity. Sexual harassment is not normal and requires prompt psychological and legal intervention. The body responsible for preventing discrimination, protection against discrimination and ensuring equal opportunities is the Commission for Protection against Discrimination. It is a specialized public authority that monitors the implementation and compliance with the PDA or other laws governing equality of treatment.

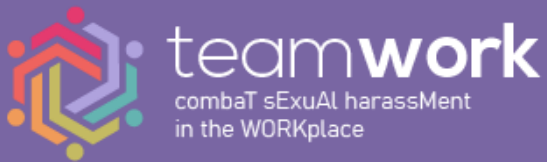
Greece	<p>An employee who has been sexually harassed by the employer has the right to consider that the employer's conduct constitutes an adverse change in their working conditions leading to the direct termination of the employment contract (with all the legal consequences deriving from the above termination). They are also 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</p> <p>The victim of sexual harassment in the workplace may report the incident to the labour inspectorate or the Greek Ombudsman, as well as the police, given that the crime of violation of sexual dignity is committed. In addition, the victim can report the incident to his/ her trade union or seek advice and support from the help line 15900 of the General Secretariat of for Family Policy and Gender Equality (former General Secretariat for Equality) or the Research Centre for Gender Equality, as well as to numerous NGOs who offer support on the matter. The victim can in any case appeal to the court and claim compensation for the moral or any other damage he/she suffered (article 57, 59, 914 and 932 of the Greek Civil Code)</p> <p>Regarding criminal procedures, the victim of sexual harassment in the workplace can file a complaint stating that the crime of violation of sexual dignity has been committed against them (article 337 of the Greek Penal Code). According to paragraph 4 of the abovementioned article, a more severe punishment is applied when the crime is committed against a person who depends on the offender for work or by taking advantage of a person's need to work.</p>
Equality body	
Bulgaria	<p>The body responsible for preventing discrimination, protection against discrimination and ensuring equal opportunities is the Commission for Protection against Discrimination. It is a specialized public authority that monitors the implementation and compliance with the PDA or other laws governing equality of treatment.</p>
Greece	<p>In Greece, the main equality body that seeks to implement the requirements of EU gender equality law is the Ombudsman, an independent authority whose independence is guaranteed by the Constitution. The Consumers' Ombudsman , also an independent authority, is an equality body in the private sector</p> <p>The General Secretariat for Gender Equality (GSGE), which was renamed as General Secretariat for Family Policy and Equality in 2019 is a governmental body which was designated as the co-ordinating body for monitoring the application of the Istanbul Convention and Law N. 4604/2019. Moreover, the Observatory operating within the GSGE is competent for data collection</p>
Italy	<p>The Equal Opportunities National Committee (EONC) set up by the Labour Ministry Central Offices which is in charge of preparing each year a programme to fix the targets for positive action measures and of monitoring their implementation as well as the enforcement of equality principles. It can also propose solutions to collective disputes and, among other things, is entrusted with the task of stimulating social dialogue and dialogue with non-governmental organisations on equality issues and of exchanging information with the EU bodies that operate in the field of equal treatment.</p> <p>The National Equality Adviser is a member of the EONC and coordinates the Conference of Equality Advisers, which gathers all local equality advisers and has been established to</p>

	support their activities through the spreading of information and good practice.
Spain	The Spanish body which seeks to implement the requirement of European Union gender equality law is the Institute of Women and for Equal Opportunities. Some autonomous communities also have their own equality bodies: in Catalonia there is the Catalan Women's Institute. The Law on Effective Equality establishes that the Institute has the following competences: a) providing independent assistance to victims of discrimination in pursuing their complaints; b) conducting studies into discrimination; c) publishing reports and making recommendations regarding any issue relating to discrimination.
Social partners collective agreements, trade unions	
Bulgaria	<p>The social partners are not provided with a special role concerning this issue of gender equality by legislation. Besides the mentioning of the organisations of the workers and employees as part of the National Council of Gender Equality and as part of the regional and local mechanisms for gender equality policy, no other specific role is played by them in the field</p> <p>Trade unions may engage, either on behalf or in support of the complainant, with his/her approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under the Law</p>
Greece	Trade unions may engage, either on behalf or in support of the complainant, with his/her approval, in any judicial and/or administrative procedure provided for the enforcement of obligations under the Law Nr. 3896/2010 (art. 22 par. 2).
Italy	<p>Article 26 of Directive 2006/54/EC has been transposed in Article 50<i>bis</i> of the Equal Opportunities Code, which states: 'Collective agreements can provide for specific measures, such as codes of conduct, guidelines and good practices, in order to prevent all forms of discrimination on grounds of sex, in particular harassment and sexual harassment in the workplace, in access to employment, vocational training and promotion.' In the national implementation, the emphasis in the rule has been moved from the employers' responsibility, as provided by the directive, to that of collective bargaining. Furthermore, in Italy the employer does not take measures to prevent harassment on their own, as such actions are always left to collective bargaining.</p> <p>Under Article 44 of the Equal Opportunities Code (Decree No. 198/2006), the social partners can access funding for voluntary positive action plans and priority in admission to the reimbursement of costs is provided for positive action plans adopted on the basis of collective agreements reached between employers and trade unions. The social partners also participate in the Equal Opportunities National Committee (EONC) with their representatives.</p> <p>As regards legal redress, under Article 38 of the Equal Opportunities Code, trade union can bring discrimination cases to court on the worker's behalf using an urgent procedure.</p>
Spain	<p>Workers' Statute states that social partners have the obligation to include in collective agreements provisions to promote the equality of opportunities between women and men. However, collective agreements usually simply include very general statements about gender equality, without taking any concrete measures.</p> <p>The role of collective agreements in the development of equality issues was not really relevant before the Law on Effective Equality entered into force. Since then, there is a general obligation for the social partners to negotiate, in collective agreements, measures</p>

	<p>promoting equal treatment and opportunities for women and men.198 Royal Decree 6/2019 has introduced important changes to the regulation of equality plans. It has established that companies with more than 50 workers are obliged to carry out equality plans. Until the reform, only companies with more than 250 workers had this obligation Article 146 of the Act Regulating Social Jurisdiction states that the Labour Inspectorate has the competence to bring a judicial claim against an employer who, according to the evidence of the Labour Inspectorate, could be discriminatory against women.</p>
Employer obligations and liability	
Bulgaria	<p>The Law on Protection Against Discrimination (Art.17) provides for protection measures against sexual harassment in the workplace, and regulates that employers must hold inquiries regarding complaints and take measures to stop the harassment</p> <p>Protection against Discrimination Act (PDA) provides for a set of obligations for the employer related to the creation of a non-discriminatory environment for exercising the right to work. According to the PDA. (Art. 17), an employer who has received a complaint from an employee who considers her/himself to be subjected to harassment, including sexual harassment in the workplace, is obliged to immediately carry out an investigation, take measures to stop the harassment, as well as impose disciplinary liability against the perpetrator. In case of non-fulfilment of this obligation, the employers are liable under the PDA for acts of discrimination committed in the workplace by their employee</p>
Greece	<p>According to Law Nr. 1568/85, Directive 89/391/ EEC, the employer is responsible e for the safety and health of employees in his company. In all private and public c sector companies, regardless of the economic activity sector, the employer has the obligation (indicatively):</p> <ul style="list-style-type: none"> • 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.
Italy	<p>The new paragraph 3-ter of Article 26 of the Code of Equal Opportunities specifies 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, included by agreeing with the trade unions on the most appropriate information and training initiatives to prevent the phenomenon of sexual harassment in the workplace. It also states that companies, trade unions, employers, and female and male workers are committed to ensuring the preservation of a working environment where individual dignity is respected and interpersonal relations are fostered based on the principles of equality and mutual fairness.</p>
Spain	<p>The non fulfilment of these obligations by companies, by action or omission, can entail penalties and compensations, as companies must guarantee that their employees can fully exercise their basic rights in their labour relations. If specific procedures are not established to prevent sexual harassment, they can be doubly-fined, with a labour</p>

	<p>violation and a violation of workplace health and safety, even when a case of harassment has not occurred.</p> <p>Specifically, article 48 of the LOIEDH on ‘Specific measures to prevent sexual harassment and gender harassment at work’ states that companies must:</p> <ul style="list-style-type: none"> a) ‘promote working conditions that prevent sexual harassment; b) mediate specific procedures for its prevention and have a channel for complaints and reports; c) establish measures that must be negotiated with workers’ union representatives, such as writing and dissemination of codes of good practices, conducting informational campaigns and training actions’. <p>This means that corporate responsibility includes the preventive angle, but also the reactive angle, which is specified by the effective resolving of the complaints and reports received. Companies’ responsibility is strengthened by the fact that sexual harassment is also recognised as a workplace risk of a psychosocial nature. Further, the LOIEDH also establishes the prevention of sexual and gender harassment as one of the contents of equality plans.</p> <p>The Catalan Law on women’s right to eradicate sexist violence establishes that the Catalan government must drive companies to create concrete measures and procedures to prevent, repair and penalise cases of sexual and/or sex-based harassment.</p>

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